

# CHAPTER 22

## SOLID WASTE\*

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### ARTICLE I. IN GENERAL

#### Section 22-1. Definitions.

For the purpose of this Chapter, the following definitions shall apply, unless otherwise provided:

*Containers*: Locally-approved metal, heavy-duty paper or plastic receptacles used for the disposal and storage of solid waste. Permanent, affixed containers, such as lattice-made boxes or wired containers or boarded framework that is not removed after garbage pickup, are not locally-approved containers.

*Garbage*: All putrescible wastes, vegetables, bottles, cans, paper and cardboard and dead animals weighing fifty (50) pounds or less; but excluding industrial by-products and any materials specifically included by definition as rubbish.

*Litter*: Any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage or junk.

*Municipal Solid Waste*: Any non-hazardous solid waste resulting from the operation of residential, commercial, governmental, industrial or institutional establishments, except oil field exploration and production waste and sewage sludge.

*Person*: This means any person or entity defined in Section 17-17-319 of the Mississippi Code of 1972, as amended.

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\* **Cross References** --- Animals and fowl, Ch. 5; buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 9; food and food establishments, Ch. 10; housing and property maintenance, Ch. 11; motor vehicles and traffic, Ch. 14; parks and recreation, Ch. 17; sewers, Ch. 20; streets and sidewalks, Ch. 23; responsibilities of street commissioner, § 2-23; junk dealers, § 12-86 *et seq.*; waste disposal in mobile home parks, § 13-18; removal of rubbish from oil drill sites, etc., § 17-29.

**State Law References** --- Power of City to compel and regulate the removal of garbage, Miss. Code 1972, §21-19-1; solid waste disposal, Miss. Code 1972, §17-17-1 *et seq.*

*Private property:* Includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entrance ways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

*Public property:* Includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal (County) housing project grounds, municipal (County) vacant lots, parks, beaches, playgrounds, other publicly-owned recreation facilities and municipal (County) waterways and bodies of water.

*Refuse:* Any mixture of garbage and rubbish.

*Rubbish:* Limbs, lumber, leaves, rags, stumps and similar combustible items; waste building materials, such as brick and concrete; but excluding any materials specifically included by definition as garbage.

*Trash:* Includes solid waste consisting of combustible and non-combustible materials, with the exception of material that rots or smells or is otherwise not allowed by Ordinances and laws governing the disposition of solid wastes. Trash includes yard clippings, leaves, wood, metal and similar items normally accumulated in the care and maintenance of residential or commercial property.

Source: Code 1969, § 17-1; Ordinance No. 607-1972, § 1, 2-2-72; Ordinance No. 848-1979, § 1, 5-15-79; Ordinance No. 1423-2002, 11-19-02; Ordinance No. 1414-2002, § 22-1, 8-6-02; Ordinance No. 1421-2002, 9-11-02; Ordinance No. 1530-2008, 12-16-08; Ordinance No. 1538-2009, §22-1, 4-1-09.

## **Sections 22-2 --- 22-4. Reserved.**

### **Section 22-5. Sweeping Refuse onto Sidewalks, Streets, Etc.**

It shall be unlawful for any owner, occupant of any residence or of any business house or other house or any other person whatsoever, anywhere in the corporate limits of the City, to sweep, or cause or permit to be swept, on any sidewalk, or in any street, alley or gutter, or on any public grounds, or any public waiting room, or public place, or on any vacant or occupied lot, where the same may be carried into the gutters, any sweepings, paper, cloth, peanut hulls, leaves, straw, shavings, tin cans, tin buckets or other tin vessels, bottles, broken dishes and other household wares, or any cuttings or trimmings of shrubbery or grass from the yards, or any household or kitchen refuse or filth, or other refuse of any character whatsoever. All such necessary accumulation shall be disposed of to prevent their obstructing the streets and gutters, rendering the streets, sidewalks and alleys unclean and unsightly and otherwise becoming or creating nuisances on the sidewalks or in the streets and alleys and gutters, or on the premises where

same may accumulate.

*Source: Code 1969, § 17-4*

**Cross Reference** --- Streets and sidewalks, Ch. 23

### **Section 22-6. Loading and Unloading Operations.**

- (a) Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers there for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof.
- (b) It shall be the duty of the owner or occupant to remove at the end of each working day any litter that has not been containerized at these locations. The general household public shall remove all types of container receptacles at the end of the day after each general pick up day.

*Source: Ordinance No. 848-1979, § 4, 5-15-79; Ordinance No. 1538-2009, § 22-6.(b), 4-21-09.*

### **Sections 22-7 --- 22-20. Reserved.**

## **ARTICLE II. GARBAGE CONTAINERS**

### **Section 22-21. Reserved.**

### **Section 22-22. Commercial Containerization and Removal.**

All establishments and institutions which generate solid waste for collection by the City or approved contractors shall abide by the following container requirements prescribed by the Department of Sanitation:

- (1) Containers shall be kept covered at all times.
- (2) Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the (department in charge of solid waste management). Failure to do so within five (5) days of such notification shall constitute a violation of this Section.
- (3) It shall be unlawful for any owner, manager or employee of a commercial establishment or institution to deposit solid waste from that establishment or institution in any receptacle maintained on a

sidewalk or at any other location for disposal of litter by pedestrians.

*Source: Ordinance No. 848-1979, § 6, 5-15-79*

**Section 22-23. New Buildings.**

Before building permits shall be issued for construction of commercial buildings and multiple-dwelling units, plans for the adequacy, location and accessibility of solid waste containerization and storage facilities must be approved by the Inspection Department.

*Source: Ordinance No. 848-1979, § 7, 5-15-79*

**Sections 22-24 --- 22-35. Reserved.**

**ARTICLE III. REMOVAL AND DISPOSAL**

**Section 22-36. Person Responsible for Removal of Refuse.**

If any refuse is found on premises and it is not known who placed it there, the owner, occupant or person in charge shall be notified. If the said owner, occupant or person in charge shall fail or refuse to remove the same, then he shall be deemed to be the offending party.

*Source: Code 1969, § 17-5*

**Section 22-37. Garbage to be Removed by City.**

All decayed or stale meat, fruit or vegetable matter or unsound, tainted offal or unsound fish, vegetables or game or unsound articles of food or putrid animal or vegetable matter, garbage and offal of any kind, accumulating in private houses or premises, in hotels, restaurants, boarding houses, fruit stands, stores, markets or elsewhere in the City, shall be removed by the City.

*Source: Code 1969, § 17-3*

**Section 22-38. Deposit of Refuse for Removal.**

All rubbish and garbage mentioned in this article accumulating on premises in the City shall be placed in suitable containers as required in this Chapter on their premises by the owners, occupants or persons in charge, for removal by the Department of Sanitation and/or such contractor as may be authorized by the City Council. Suitable containers may be exposed to public view on the sidewalks or in the alleys, where they will not obstruct the same. However, it shall be unlawful for any person to place such container in the gutters.

*Source: Code 1969, § 17-7*

### **Section 22-39. Residential and Business Districts.**

- (a) The Department of Sanitation shall remove all trash, garbage and other refuse from residential property in the residential districts of the City in accordance with the provisions of this article at the expense of the City. All trash, garbage and other refuse is limited to one (1) dump trailer load (22 yard) per residential property every 90 days.
  
- (b) The Department of Sanitation, or such sanitary scavenger contractor as may be authorized by the City Council, shall have the right to haul trash, garbage and other refuse from commercial establishments and a reasonable charge may be made to such establishment for the removal thereof under agreement between the owner or operator of such establishment and the Department of Sanitation or the authorized sanitary scavenger contractor.

*Source: Code 1969, § 17-29; Ordinance No. 1642-2016, 9-20-16*

- (a) Any multi-family dwelling or any commercial water customer shall be exempt from garbage fees as long as that customer shows proof that they have garbage pickup from a vendor approved by the city for such purpose. This exemption is good for twelve (12) months, or the length of the agreement, whichever is less. It is the responsibility of the account owner to keep the billing department informed of any changes in their agreement with their vendor. This exemption does not apply to single family residential customers.

*Source: Ordinance No. 1512-2008, 5-20-08*

### **Section 22-40. Landfills---Generally.**

- (a) All trash gathered in the City shall be carried to the landfills and there disposed of.
  
- (b) The City Landfills shall be kept and operated in proper condition by the City and/or by special contract with some other person.
  
- (c) Residents and non-residents of the City of Laurel and commercial users shall be charged the following fees:
  - (1) \$10.00 per pick-up or other automobile load of residential or commercial trash to be deposited in the City Landfill;
  
  - (2) \$25.00 per pick-up or other automobile load with trailer or trailer

load;

(3) \$50.00 per dump truck tandem load (16 yard);

(4) \$100.00 per dump trailer load (24 yard);

(5) \$200.00 per flat-bed trailer load; and

(6) \$300.00 per flat-bed box trailer load.

*Source: Ordinance No. 1133-1988, 9-20-88; Ordinance No. 1418-2002, 9-17-02*

**State Law Reference** --- Landfills, Miss. Code 1972, § 17-17-7

### **Section 22-41. Trash Trailer Rental Fee.**

The trash trailer rental fee is \$250.00.

*Source: Ordinance No. 1511-2008, 4-22-08; Ordinance No. 1642-2016, 9-20-16*

### **Sections 22-42. --- 22-44. Reserved.**

## **ARTICLE IV. GARBAGE COLLECTION FEE**

### **Section 22-45. Garbage Collection Fee.**

The City of Laurel does hereby establish each household or dwelling unit in the City of Laurel, Mississippi, a garbage collection fee per month of Eighteen Dollars and fifty cents (\$19.10).

The garbage collection base fee for nonresidential customers is Thirty-two Dollars (\$32.60) per month

*Source: Ordinance No. 1368-2000, 1), 5-2-00; Ordinance No. 1394-2001, 1), 10-16-01; Ordinance No. 1436-2004, 4-6-04; Ordinance No. 1526-2008, 11-26-08; Ordinance No. 1548-2009, 11-17-09§22-45, Ordinance 1585-2011, 10-18-2011; Ordinance No. 1596-2012, 10-4-2012; Ordinance No. 1605-2013; Ordinance No. 1642-2016, 9-20-16*

### **Section 22-46. Household and Unit Dwelling Defined.**

A household, dwelling unit or commercial businesses shall be construed as any dwelling or residence which has up to four (4) forty (40) gallon containers of garbage per pick up day.

*Source: Ordinance No. 1111-1988, § II, 1-19-88; Ordinance No. 1538-2009, § 22-46, 4-21-09.*

### **Section 22-47. Procedure for Collection Fee.**

The person, firm or corporation furnishing water to each residential

dwelling unit as defined above shall bill, along with the said water and sewage charges, a monthly fee for garbage collection to be set by resolution of the Council.

*Source: Ordinance No. 1111-1988, § III, 1-19-88*

**Section 22-48. Reserved.**

**Section 22-49. Penalty for Non-Payment.**

In the event that the garbage fee is not paid along with water and sewer bill, persons in violation shall be subject to penalty pursuant to Article I, Section 25-1 of the Laurel Code, as though they had not paid said water and sewage bill.

*Source: Ordinance No. 1111-1988, § V, 1-19-88*

**Sections 22-50---22-55. Reserved.**

**ARTICLE V. REGULATING TRASH AND DEFINING LITTERING**

**Section 22-56. Reserved.**

*Source: Ordinance No. 1423-2002, 11-19-02*

**Section 22-57. Responsibility of Property Owners.**

(1) Property owner or occupant's responsibility for preparation, storage and placement of trash for collection:

- (a) Paper, glass, metal and other small or flexible objects shall be placed in approved containers, not thirty (30) gallons. Approved containers shall include cardboard boxes, paper or plastic bags manufactured for refuse disposal or other suitable containers which are readily capable of being mechanically loaded into the collection vehicle. Leaves, yard clippings and pine straw shall be piled neatly at the collection point.
- (b) Discarded tree branches, shrubbery, brush, lumber, (excluding debris from new construction or major remodeling) cardboard boxes and other organic items, shall be placed in an orderly fashion at the curb site.
- (c) Discarded furniture, appliances (with door(s) removed), water heaters, mattresses, bed-springs and other large objects which cannot be placed in containers shall be stored in a location not visible from the street until arrangements

for special unscheduled collection by the City or other means of disposal has been made by the property owner, at which time they shall be stacked neatly at street, alley or curbside.

*Source: Ordinance No. 1368-2000, 2), 22-57(1)(c), 5-2-00*

(2) Collection service shall only be provided from street, alley edge or curb. Trash containers, piles of leaves, lawn clippings, pine straw or items described in Section 22-57(b), when no developed alley exists at the rear or side of the property shall be placed in front of the property, adjacent to the street or curb line but shall not, under any circumstances, be placed beyond the curb line into the traveled portion of the street. In those areas of the City with alleys and accessible to the collection vehicles, containers and trash shall be placed at the edge of the alley. Placement shall be in a manner which does not create an obstruction to pedestrian or vehicular traffic.

(3) Property owners and occupants are responsible for maintaining in a neat and orderly manner, trash containers and trash prepared and stored in accordance with the provisions of this Section until collection is made. Light material subject to being scattered by wind shall be covered, closed or otherwise suitably prepared to prevent scattering by normal winds.

(4) Trash to be picked up shall not be behind a fence or other enclosure or obstruction so that it is not accessible by pick-up crews.

*Source: Ordinance No. 1194-1992, § II, 7-7-92*

### **Section 22-58. Collection Service by City.**

(1) Regular trash collection service shall be provided for:

Leaves, yard clippings, paper, straw, tree branches, brush and other shrubbery cuttings when prepared as required by Section 22-57(1)(a) and (b) of this Ordinance.

(2) Unscheduled collection service shall be provided on request for:

Discarded furniture, appliances (with door(s) removed), water heaters, mattresses, bed-springs and large objects which cannot be placed in approved containers.

*Source: Ordinance No. 1368-2000, 3), 22-58(2)(a), 5-2-00*

(3) Collection service shall not be provided for certain types of material. The following material, and any other material not enumerated that is not permitted for disposal in a landfill local,



State or Federal law, must be disposed of by and at the expense of the person responsible for its production:

- (a) Materials used in construction or repair of buildings or resulting from the demolition of buildings, including roof gutters. (See City of Laurel Ordinance 1082-1986)
- (b) Logs and limbs resulting from commercial contracted tree-trimming operations.
- (c) Explosive or inflammable liquid or materials or other materials not permitted by State law or other local Ordinances. (See Mississippi Code, 17-17-1, "Solid Waste Disposal Law of 1974")
- (d) Rubble such as concrete or asphalt chunks, bricks, masonry, sand, soil, vehicle tires and bodies.
- (e) Trucks or other vehicles engaged in hauling solid waste shall be covered, or sealed so that there will be no loss during haulage to cause littering of streets, highways and private property or cause a nuisance or hazard to the public health.

*Source: Ordinance No. 1194-1992, § III, 7-7-92*

### **Section 22-59. General Statements Regarding Littering and Trash Handling.**

(1) Where trash or debris in any contained or non-contained condition has been placed in the public right-of-way, the owners and occupants of abutting private property shall be responsible for its removal and storage as provided by this Ordinance.

(2) It shall be unlawful for any person to dump or place or cause to be or placed any trash of any kind whatsoever upon any public or private property of another located within the City without prior consent of the owner thereof. This includes papers, advertisements, hand bills, cans, bottles plastic or any other small object that may be tossed from an automobile by a pedestrian.

(3) It shall be unlawful for any persons to scavenge, pilfer, take from, or in any way molest or disturb the trash placed for pick-up, or the container in which the same is placed anywhere in the City other than the persons hauling trash for the City.

(4) Where there is a question as to compliance with this Ordinance, the Street/Sanitation Department should be contacted for clarification.

Source: Ordinance No. 1194-1992, § IV, 7-7-92

### **Section 22-60. Fees and Penalties.**

(1) If trash is not prepared for pick-up as required by this Ordinance in Section 22-57, there shall be an automatic charge assessed to the owner, which shall be placed on the owner's public utilities bill to cover the increased cost to the City of such pick-up.

(2) Fees for pick-up of items falling under the category requiring special, unscheduled collections, including, but not limited to trash not prepared for pick-up as required by this Ordinance, will be established by Order of the City Council and may be revised at the will of the City Council.

(3) Littering as defined by Section 22-59(2), shall be a misdemeanor punishable by a fine of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) per occurrence at the discretion of the Municipal Judge. A second offender may be required to work off the fine, at minimum wage, by picking up trash and litter along public streets and City parks. The presence of unsolicited newspaper, advertisements or hand bills, shall be prima facie evidence of littering by the owner of the business so causing delivery.

Source: Ordinance No. 1194-1992, § VI, 7-7-92

### **Section 22-61. Newspapers, Handbills and Advertising Materials--- Misdemeanor Offense.**

(1) Newspapers Handbills and Advertising Materials -

Stop Delivery Notice. Notwithstanding the provisions of Section 22-59 of this Ordinance, it shall not be unlawful for the publisher of any newspaper, handbill or advertisement to place same on private property except under the following circumstances and conditions:

- (a) The owner or lawful tenant of the property shall first notify the publisher that the owner/tenant does not wish to receive the publisher's material, said notice to include the owner or tenant's name and the physical location of the property in sufficient detail to identify the property.
- (b) The notice may be given verbally and will be deemed to have been received by the publisher if the publisher confirms its receipt to the owner or tenant in writing; otherwise, the notice shall be sent to the publisher by Certified United States Mail, Return Receipt Requested and the return receipt shall be evidence of receipt of the notice by the publisher.

- (c) In the event the publisher shall make any deliveries to the property described in the notice at any time after the passage of five (5) working days after receipt of such notice by the publisher, such deliveries shall constitute littering in violation of this Ordinance.
- (d) In any prosecution for a violation of this Ordinance under the conditions set forth herein the publisher may show as an affirmative defense to the charge of littering that a new carrier had been assigned to the delivery route within five (5) working days prior to the delivery serving as the basis for the charge of littering.

(2) Accumulation of Newspapers, Handbills and Advertising Materials on Unoccupied Premises.

In the event it shall be brought to the attention of the Police Department that as many as three (3) separate issues or publications of any newspaper, advertisement or handbill published by the same publisher shall have accumulated on the premises of any vacant or unoccupied property, the Police Department shall notify the publisher thereof in writing to remove same within five (5) working days after the date of the notice. Failure of the publisher to remove the items within such time shall constitute a violation of this Ordinance.

(3) Exclusions. This Ordinance shall not apply to the following:

- (a) Any materials delivered by the United States Postal Service to the premises of the addressee.
- (b) Any summons, subpoena or any other written materials or notices delivered to any premises by an agent, servant or employee of any governmental unit or any other person acting on behalf of a governmental unit or pursuant to any rule of Court.
- (c) Any material specifically requested or authorized to be delivered by the owner or lawful tenant of the premises

*Source: Ordinance No. 1196-1992, § 1, 10-20-92*

**Sections 22-62 --- 22-69. Reserved.**

*Source: Ordinance No. 1414-2002, 8-6-02; Ordinance No.1421-2002, 9-11-02*

**ARTICLE VI. MANDATORY DISPOSAL**

### **Section 22-70. Mandatory Disposal Site for Garbage.**

All municipal solid waste generated within the geographic boundaries of the City of Laurel, that is placed in the waste stream shall be transported to, stored and managed at the Pine Belt Regional Solid Waste Management Authority's landfill in Perry County, Mississippi, or at a transfer station owned by the Pine Belt Regional Solid Waste Management Authority.

*Source: Ordinance No. 1414-2002, 8-6-02; Ordinance No. 1421-2002, 9-11-02; Ordinance No. 1530-2008.*

### **Section 22-71. Penalty.**

It should be unlawful for any person to violate any provision of this ordinance. Such violation shall be a misdemeanor and shall be punishable by a fine of not more than one-thousand dollars (\$1,000.00), or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment at the direction of the municipal judge. If a violation is continuing, each day's a violation shall be deemed a separate offense.

*Source: Ordinance No. 1414-2002, 8-6-02; Ordinance No. 1421-2002, 9-11-02; Ordinance No. 1530-2008*

### **Section 22-72. Effective Date.**

The sections in this Article shall become effective thirty days after passage of approval of its adoption and will supercede and replace any and all ordinances presently in effect regarding mandatory flow of municipal solid waste to the extent they may conflict with this ordinance.

*Source: Ordinance No. 1421-2002, 9-11-02; Ordinance No.1530-2008*

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