

DISCUSSION WAS HELD ON GARBAGE CAN DISTRIBUTION FOR ALL SOLID WASTE CUSTOMERS ON MAY 16-17, 2017. NO ACTION WAS TAKEN

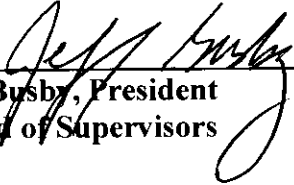
ORDER: ACCEPT ADOPTION OF SOLID WASTE ORDINANCE

Motion was made by Chad McLarty, duly seconded by Kevin Frye, to accept the adoption of Solid Waste Ordinance.

The vote on the motion was as follows:

Supervisor Kevin Frye, voted yes
Supervisor Jeff Busby, voted yes
Supervisor David Rikard, voted yes
Supervisor Chad McLarty, voted yes
Supervisor Mike Roberts, voted yes

After the vote, President Busby, declared the motion carried, this the 15th day of May, 2017



Jeff Busby, President
Board of Supervisors



Sherry Wall, Chancery Clerk

ORDINANCE FOR SOLID WASTE COLLECTION

Lafayette County, Mississippi

An Ordinance to Provide for the Safe Disposal of Household and Commercial Solid Waste

The Board of Supervisors for Lafayette County, Mississippi, having further considered the needs of the households of the County for the obligation of the county to provide a safe and legal means of disposing of household and commercial solid waste, does hereby make the following findings and adopts the following ordinance for the collection and disposal of household and commercial solid waste.

FINDINGS: The Board of Supervisors Finds:

- A. Unless placed in an approved and permitted landfill, household and commercial solid waste is a threat to public health and safety and is a public nuisance.
- B. Sections 17-17-1/60, Section 17-17-62/63, Section 17-17-201, et seq., Section 19-3-40, and Section 19-5-17/23, Miss Code 1972, grant authority to and mandate that county governments provide for the safe and legal collection and disposal of household solid waste.
- C. Direct pickup of household solid waste is the only feasible alternative.

D. In response to federal and state laws and regulations governing landfills, the county has entered into a Solid Waste Disposal Agreement with the Three Rivers Solid Waste Management Authority, obligating the county to a prorate share of long term bonded debt for the construction and operation of a regional landfill.

E. Lafayette County has a substantial investment in personnel, equipment, and facilities necessary for the collection of household and commercial solid waste.

F. The financing of the expenses assumed in subparagraphs D and E above is necessary based upon the existing and projected households in the average volume of solid waste generated by each. It is not feasible to weigh or otherwise attempt to quantify waste generated by individual households for the purpose of billing.

G. Disposal of household solid waste is a utility service comparable to the provision of water, electricity, and gas and should be paid for by the user or owner of the property.

H. It is necessary that an ordinance be adopted to regulate the collection and disposal of household and commercial solid waste.

NOW, THEREFORE, BE IT ORDERED by the Board of Supervisors of Lafayette County, Mississippi, as follows:

Section 1. APPLICATION. This ordinance shall apply to all parts of Lafayette County with the exception of the City of Oxford incorporated area.

Section 2. DEFINITIONS. For the purpose of this ordinance the following words and terms shall have the meaning shown. (Shall is always mandatory and not merely directory):

(A) **Garbage.** Every accumulation of waste (animal, vegetable and/or other matter) that results from the handling, packing, preparation, processing, consumption, dealing in, canning, storage, transportation, decay, or decomposition of meats, fish, fowl, birds, fruits, grains, or other animal or vegetable matter (including but not by way of limitation, used tin cans and other food containers, including all putrescible waste matter which is likely to attract flies or rodents) except (in all cases) any matter included in the definition of Bulky Waste, Dead Animals, Hazardous Waste, Rubbish or Stable Matter.

(B) **Household Garbage.** Every waste accumulation and animal and vegetable matter which attends the preparation, use, cooking, processing, handling or storage of meats, fish, fowl, fruits, vegetables, or other matter which is subject to decomposition, decay, putrefaction and the generation of offensive and noxious gases or odors or which during or after decay may serve as breeding or feeding material for flies, insects or animals, generated by the operation of a home.

(C) **Multiple Family Residence.** All places of dwelling, other than single family residences and duplexes, having three (3) or more living units.

(D) Single Family Residence. The term single family residence is defined as any single-family dwelling and is interchangeable with the word household. Where both a single family residence and occupied guesthouse inhabit the same premises, each of them would constitute a separate living unit. In the case of a duplex, each unit shall be regarded as a single-family dwelling.

(E) Occupied Household. Means any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used.

(F) Seasonal Dwellings. Any building, structure, manufactured home or mobile home or part thereof, used and unoccupied for three or more consecutive months during any one year period.

(G) Bags. Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by top: total weight of a bag and its contents not to exceed 35 pounds.

(H) Carts. Industrial standard 95/96 gallon "roll out" carts capable of being dumped by equipment used by the Lafayette County Solid Waste Department.

(I) Bulky Waste. Stoves, water heaters, washing machines, furniture and other waste materials other than Dead Animals, Hazardous Waste, and Stable Matter with weights or volume greater than those allowed for bags.

(J) Dead Animals. Animals or portions thereof equal to or greater than 10 pounds in weight that have expired from any cause, except those slaughtered or killed for human use or consumption.

(K) Stable Matter. All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and resulting from the keeping of animal, poultry or livestock.

(L) Rubbish. All waste wood, wood products, dead trees or branches thereof, equal to or less than, 10 feet in length and less than 500 pounds each. Dead plants, weeds, leaves, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, floor sweepings, mineral or metallic substances, and any and all other waste materials not included in the definition of Bulky Waste, Dead Animals, Garbage, Hazardous Waste and Stable Matter.

(M) Bulk Vegetation: Small trees, tree limbs, hedge clippings, shrubbery, or any other vegetation that is not bagged and is less than 10 feet in length and weighs less than 500 pounds each.

(N) Misc. Yard Waste - Outdoor furniture, wire, plastics, bicycles, toys, grills, or any other outdoor item that is not classified as rubbish or bulk vegetation.

(O) Household Construction Debris: Material discarded from do-it-yourself projects that by size or weight cannot be bagged or containerized and less than 4 cubic yards by volume.

(P) Commercial Waste - Shall mean any and all accumulations of non-hazardous refuse, and waste products generated by the operation of industries, stores building contractors, offices, churches, public facilities, multifamily dwellings and other business establishments that are collected in industry standard front load containers.

(Q) Light Commercial Waste - Shall mean any and all accumulations of non-hazardous refuse, debris, and waste products generated by the operation of industries, stores building contractors, offices, churches, public facilities, multifamily dwellings and other business establishments that are collected by industry standard type carts as described herein.

(R) Hazardous Waste. Waste in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriated State agency by or pursuant to Federal or State law, or waste, in any amount, which is regulated under Federal or State law. For purposes of this ordinance, the term Hazardous Waste shall also include motor oil, gasoline, paint, and appliances containing freon.

(S) Public Road. Any road or roadway that is maintained by a City, County, State or Federal government using public funds.

(T) Private Drive/Road. Any drive/driveway or road/roadway that is not maintained by a City, County, State or Federal government using public funds.

Section 3. HOUSEHOLDER OBLIGATIONS. It is the intention of Lafayette County to provide all residents with an efficient and cost-effective collection service. In order for collection crews to be productive and efficient it is essential that there be concise collection regulations. These regulations should give clear instructions that take out the guesswork and burden of interpretation from both the residents and solid waste department employees.

1. With the exception of the City of Oxford, Lafayette County shall furnish all residents, within the political boundaries of Lafayette County, industrial model roll out carts for weekly garbage collection. The cart shall remain the property of Lafayette County. Loss, theft or misuse shall be the responsibility of the current resident. Under special circumstances and upon the completion of a police report verifying the Cart was stolen or damaged beyond the control of the resident, Lafayette County may replace one (1) cart per household per 10 year period. All other replacement or repair cost shall be the responsibility of the resident. An additional Cart may be requested and furnished by the County for an added \$6.00 per month.

2. On scheduled collection days the following regulations apply:

(A) By 7:00 A.M. on scheduled collection day each household shall place its waste in a cart provided by Lafayette County at the nearest public road within five (5) feet (where practical) so as not to impede postal delivery. The cart shall be placed so that there is easy access by collection personnel and equipment by putting the container, at a safe distance of (5) feet or more, away from mailboxes, parked vehicles, trees, shrubbery, or other objects. Lafayette County may require the cart to be placed on the opposite side of the road to insure a safe and efficient operation.

Exceptions to placing the waste at the nearest public roadway are as follows:

(1) The resident is physically impaired.

(2) A private roadway has multiple family residences and the solid waste manager has determined the road is economically feasible to service, suitable for heavy truck traffic, and has an appropriate "turnaround". However, all listed rules for placing garbage near the public roadway shall apply to a private drive.

Note: In both 1 and 2 above the property owner(s) must sign either the Agreement for Door-to-Door Pickup of Household Solid Waste Physically Impaired and/or the Agreement for Door-to-Door Pickup of Household Solid Waste Private Roads that is attached as Exhibit A and B respectively to this ordinance. In addition, any property that by actions and practices has been entered/serviced in the past by collection employees/vehicles shall be interpreted as permissible by the owner and be subject to the terms and conditions set forth in this ordinance.

(B) Garbage should be bagged before placing in the cart and the accumulated weight of all material in the cart should not exceed 100 pounds. Loose garbage will not be picked up. It is not only is a disease and injury risk to our employees but also impedes productivity and creates litter during the dumping process, that can easily become airborne.

(C) Materials that should not be put in the cart are as follows:

- (1) Bricks, asphalt or concrete
- (2) Boards over 2 feet in length
- (3) Heavy metal objects
- (4) Household hazardous waste including (paints, paint thinner, household chemicals, pesticides, herbicides, etc.)
- (5) Grease or any other liquids.
- (6) Automobile, tractor, lawnmower, or other large batteries.
- (7) Shingles, sheet rock, toilets, sinks, large rugs, bulky waste, or rubbish that can cause damage to the cart and/or cause harm to a Lafayette County employee by either excessive weight or sharp protrusions.

(8) Stable matter, dead animals, cat litter, animal or human excrements, needles, body fluids, or any other material that may harbor infectious diseases.

(9) Scattered litter created by dogs or other animals

(D) Bulky Waste, yard waste, bulk vegetation and household construction debris and described herein shall be collected on a call-in basis by the resident and picked up within five (5) working days. Excessive amounts of bulky waste, yard waste, bulk vegetation, or any combination thereof, greater than 20 cubic yards (one truck load), shall result in a charge of \$100 per additional trip.

(E) Other large metal items such as lawn mowers, metal fences, large swing sets, garage doors, etc. shall not be removed by collection employees. However, these items may delivered by the owner to the Oxford rubbish site at no charge.

(F) Leaves, grass trimmings, pine straw, dead plants, weeds, and small hedge trimmings shall not be picked up unless placed in a bag.

(G) Contractor's construction debris and commercial landscaper debris shall not be picked-up.

(H) No household solid waste shall be removed where there are uncontrolled animals that pose a threat to collection employees.

Other: Within 30 days after the delivery of the County owned Cart, garbage bins, 55 gallon drums, or other type fixed receptacles, cannot be used and must be removed either by the current resident, or upon request, removed by the Lafayette County Solid Waste Department.

Lafayette County will only dump carts that are owned by the County.

Section 4. UNACCEPTABLE WASTE

(A) All bottles, jars, cans, etc., shall be emptied where no more than (3) percent residual waste remains. This shall include paint cans, pesticide containers, cleaning fluids, fertilizers, powdered/liquid yard chemicals, or any other waste that may pose a hazard to collection employees or to the environment.

(B) Tires shall not be removed by collection employees. However, tires may be brought by the owner to the Oxford Rubbish Site and will be accepted without charge.

(C) No medical waste shall be accepted. This includes sharps (needles), infectious fluids, or any object that has come in contact with infectious waste that has the potential to cause disease.

(D) No dead animals, as defined herein, shall be accepted, either whole or in part.

(E) All other items such as acutely hazardous, toxic or radioactive waste, which pose a risk to collection employees and/or the environment, shall not be accepted.

** Note: Any resident, who knowingly places needles, infectious, acutely hazardous or toxic material in the solid waste for removal by collection employees, shall be subject to a civil penalty of up to \$250.00 per violation.*

Section 5. FEES AND COLLECTION. Lafayette County has determined the fairest method to recover the cost of solid waste collection and disposal is by a users fee assessed to each household. There shall be no exemptions provided to any occupied household in the Lafayette County service area.

(A) The monthly "users fee", by order of the Lafayette County Board of Supervisors, may be adjusted up or down as necessary according to the actual cost of collection and disposal of household solid waste.

(B) Fees or other charges, defined herein for rental property, shall be billed to the property owner.

(C) The following shall apply in the handling of delinquent solid waste user fee accounts:

(1) Payment made more than ten (10) days after the due date shall include a ten (10) percent late non-compounded charge.

(2) Once solid waste user fee account becomes 90 days delinquent, a lien shall be placed on the property at the address shown on the billing card. In addition, a list of all households whose account is shown to be

delinquent as described shall be submitted to the Lafayette County Tax Collectors Office and the owner shall be denied the right to purchase a motor vehicle license tag until the delinquent account is paid in full. Lafayette County has established and shall follow a due process hearing procedure that is detailed on each months billing card.

- (3) Lafayette County may enforce collection of delinquent solid waste user fee accounts by filing a civil suit against the owner or occupant of a household which is shown to be 90 days delinquent in payment of said account.

Section 6. COMMERCIAL AND LIGHT COMMERCIAL FEES. Lafayette County shall provide Commercial Front Load service and Light Commercial service based on a rate schedule approved by the Board of Supervisors. Rates will be assessed according to volume and frequency of service, and may be modified from time to time to reflect increase/decrease in cost of living (Consumer Price Index) fuel, landfill rates, or any other factor that may cause an increase/decrease in cost to Lafayette County.

Lafayette County reserves the right to refuse service, limit service, or increase price on individual commercial accounts based on increased operational cost that may result from distance traveled, service day or other factors that contribute to additional cost. Construction material as well as other material that is may damage containers or the collection equipment will not be picked up and must be removed or be subject to a violation as described in Section 10 of this Ordinance.

In addition, the business must sign and agree to the terms and conditions set forth in the Lafayette County Commercial Agreement. The Business shall pay the County for its services in accordance to the Schedule of Charges shown on the face of the Agreement. Payment shall be made by the Business within ten days after receipt of an invoice. In the event that any payment is not made when due, the County may terminate the Agreement on notice to the Business, recover any equipment on the premises of the Business and recover any liquidated damages.

Section 7. INCORPORATED HOME OWNERS ASSOCIATIONS. Solid waste collection for Incorporated Home Owner Associations may be either by house-to-house pickup or by container service. With both types of service, the appropriate officer of said Association shall sign an "Agreement for Door-to-Door Pickup of Household Solid Waste Private Roads (attached as Exhibit A to this ordinance) in addition to providing the following information:

- (A) Name and mailing address of all owners of residential units within the boundaries of the Association.
- (B) Name and address of all owners that are full-time residents within the boundaries of the Incorporated Home Owners Association.
- (C) Timely updates which shall reflect any changes in home ownership or addition of new residential units.

Section 8. OTHER SOLID WASTE COLLECTIONS. Private operators offering to collect and dispose of solid waste in Lafayette County, upon request from the Board of Supervisors, shall be required to provide:

- (A) Written proof of access to an approved landfill.
- (B) Evidence of liability insurance.
- (C) A complete list of all equipment necessary to provide said services.
- (D) A complete list of employees operating said equipment and evidence of a drug screening program for those operating trucks with a GVW rating of over 26,001 pounds.

Note: Failure to provide proof of compliance, as noted above, shall result in liabilities to the County for civil penalties up to \$250.00 per day.

Section 9. HOLIDAYS. The Lafayette County Solid Waste Department will not collect solid waste on the following holidays: New Years Day, July 4th, Thanksgiving Day and Christmas Day. When collection service for a route is omitted because it falls on one of these listed holidays; all accumulated household solid waste will be rescheduled for collection on another day of that same week.

Section 10. ENFORCEMENT. Disposition of household solid waste other than as provided herein is violation of this ordinance, and may subject the violator to a civil penalty of up to \$250.00 per violation.

EXHIBIT A

AGREEMENT FOR DOOR-TO-DOOR PICKUP OF HOUSEHOLD SOLID WASTE

WHEREAS, Lafayette County, Mississippi, has determined it is in the best interest of the county for household solid waste collection at or near the households throughout the county, and

WHEREAS, there are a few areas where such pickups will need to be made over private roads and an agreement is needed for the mutual protection of the parties, now therefore,

IT IS AGREED between Lafayette County, Mississippi, (County), and the undersigned owners of property (Owners), as follows:

1. County is granted permission to enter upon Owner's private road for the purpose of picking up household solid waste at such time or times as County may schedule.
2. Owner has been advised of the type equipment that will be used by County and assumes responsibility for any damage to the private road that may result from County's equipment traveling over the road. County shall not be liable for any damage to the road or have any obligation to repair or maintain the road.
3. Owner agrees to comply with any ordinance that may be adopted by County for the regulation of the collection and disposition of household solid waste including but not limited to prohibition on disposal of hazardous waste.
4. The grant of easement by Owner and acceptance and use of the easement by County shall not alter the private nature of the road or create any rights in the public.
5. Either party may cancel on giving thirty (30) days written notice to the other provided reasonable alternative methods of collection and disposal have been arranged.

I, _____ agree to the terms and conditions as set forth above.

Name _____ Date _____

Service Address _____

Mailing Address _____

EXHIBIT B

AGREEMENT FOR DOOR-TO-DOOR PICKUP OF HOUSEHOLD SOLID WASTE
PHYSICALLY IMPAIRED

WHEREAS, there are residents that are physically impaired who may elect to grant a county employee access to personal property, which may be private road or pathway, for the purpose of solid waste collection and an agreement is needed for the mutual protection of the parties, now therefore

IT IS AGREED between Lafayette County, Mississippi, (County), and the undersigned owners of property (Owners), as follows:

1. County is granted permission to enter upon Owners property for the purpose of picking up household solid waste at such time or times as County may schedule.
2. Owner has been advised of the type of equipment that may be used by County and assumes responsibility for any damage to the private road that may result from County's equipment traveling over the road. County shall not be liable for any damage to the road or have any obligation to repair or maintain the road.
3. Owner has been advised as to pathway or access needed to collect household solid waste and agrees that the County shall not be liable for any damages associated with such service.
4. Owner agrees to comply with any ordinance that may be adopted by County for the regulation of the collection and disposition of household solid waste, including, but not limited to, prohibition on disposal of hazardous/medical waste.
5. The grant of easement by Owner and acceptance and use of the easement by County shall not alter the private nature of the road, or create any rights in the public.
6. Either party may cancel on giving thirty (30) days written notice to the other provided reasonable alternative methods of collection and disposal have been arranged.

I, _____ agree to the terms and conditions as set forth above.

Name _____ Date _____

Service Address _____

Mailing Address _____

Note: Attach disabled parking permit to this form if available. If no disable parking permit is available ask applicant if they would like a copy of the application form.

Commercial and Industrial Waste:

Lafayette County shall provide commercial and industrial solid waste front load services at the following monthly rates:

Container Size	Frequency (per week)					Extra dump charge	
	1x	2x	3x	4x	5x		
4 yd	\$53	\$95	\$143				\$26
6 yd	\$76	\$130	\$183	\$244	\$305	n/a	\$30
8 yd	\$87	\$149	\$223	\$298	\$372	n/a	\$34

Lafayette County shall provide light commercial cart weekly services at the following rates per month:

Number of Carts	Frequency (1x)
1	\$15.00
2	\$26.00
3	\$38.00

Rules for Cart (Light Commercial) and Front Load Container Service: All commercial garbage must be placed inside the Cart or Front Load Container and positioned in an area that is easily accessible. A

contractual agreement must be executed, between Lafayette County and the business, describing service level, charges, liability for damages and other pertinent information.

DRAFT