

STATE OF MISSISSIPPI

COUNTY OF WAYNE

CITY OF WAYNESBORO

**ORDINANCE PROHIBITING LITTER ON PUBLIC AND PRIVATE PROPERTY
WITHIN THE MUNICIPAL LIMITS OF WAYNESBORO, MISSISSIPPI,
ESTABLISHING REGULATIONS RELATED TO CONSTRUCTION SITES,
JUNKED MOTOR VEHICLES, LOADING DOCKS, PARKING LOTS, AND
WHITE GOODS; REPEALING PRIOR ORDINANCES; PROVIDING FOR
PENALTIES FOR VIOLATION THEREOF; AND FOR RELATED PURPOSES**

ORDINANCE NO. L-74-95

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WAYNESBORO, MISSISSIPPI, AS FOLLOWS:

Section 1. Definitions. For the purpose of this ordinance the following definitions shall be applicable:

A. "Authorized private receptacle" is a locally approved container made of metal, plastic, wood, or paper capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods. Fifty-five (55) gallon metal drums are not approved containers.

B. "Construction sites" means any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.

C. "Handbill" is any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, booklet, or any other printed matter of literature which is not delivered by United States mail.

D. "Junked motor vehicle" means any motor vehicle which is partially dismantled or wrecked and which cannot safely or legally be operated, or which is not properly tagged and titled.

E. "Litter" is any quantity of uncontainerized paper, metal, wood, plastic, glass, food, or other miscellaneous solid waste which may be classified as garbage, refuse, junk, and rubbish. Litter shall also include junked and used furniture, televisions, and other appliances which are not white goods as defined hereinbelow.

F. "Loading and unloading dock" means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, commodities, and persons.

G. "Motor vehicle" means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, tractors, and other off road vehicles.

H. "Person" includes any individual, firm, partnership or corporation.

I. "Private property" means all property including vacant lands, buildings or other structures designed or used for residential, commercial, business, industrial, institutional or religious purposes, not owned either by city, state, county, or federal government.

J. "Public place" means any and all streets, avenues, sidewalks, alleys or other public rights of way, public parks, playgrounds, parking lots, housing projects, squares, grounds, and buildings located within the municipality and owned either by the city, county, state, or federal government.

K. "Public receptacles" means any receptacles provided by or authorized by the city.

L. "White goods" means stoves, refrigerators, freezers, washers, dryers, water heaters, iron bathtubs, metal culverts, air conditioners, uncontaminated drums, and other similar uncontaminated metal items which are capable of being recycled.

Section 2. Littering prohibited. No person shall deposit any litter within the city except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

Section 3. Prevention of scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner as to prevent litter from being carried or deposited by the elements upon any public place or private property.

Section 4. Upsetting or tampering with receptacles. No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private property.

Section 5. Owner to maintain private premises.

A. The owner or person in control of any private property shall at all times maintain the premises free of litter.

B. The owner or person in control of private property shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private property.

C. Persons owning, occupying or in control of private property shall keep the sidewalks and alleys adjacent thereto free of litter.

Section 6. Littering from vehicles.

A. No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private property.

B. No person shall drive or move any loaded or partly loaded truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private property. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any public place or private property, excessive mud, dirt, sticky substances, litter or foreign matter of any kind.

Section 7. Litter in parks. No person shall deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private property. Where public receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

Section 8. Handbills/Newspapers.

A. Public places. No person shall deposit or attach any handbill to or upon any public place provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept same.

B. Private property. No person shall deposit or unlawfully distribute any handbill/newspaper in or upon private premises, except by handing or transmitting same directly to the occupant of such private premises. Provided, however, that in case of private premises which are not posted against the receiving of handbills/newspapers or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill/newspaper in such a manner as to prevent same from being deposited by the elements upon any public place or other private property. Mailboxes may not be so used when prohibited by federal postal law or regulations.

1. Exemption for subscribed newspapers. The provisions of this section shall not apply to the distribution upon private property of subscribed newspapers; however, such newspapers shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private property.

2. Exemption for unsubscribed newspapers. The provisions of this section shall not apply to the distribution upon private property of unsubscribed newspapers unless the owner or lawful tenant of said property has notified such newspaper's publisher, carrier, or other representative that the owner/tenant does not wish to receive such newspapers. Notice shall include the owner/tenant's name and the physical address of the property upon which such newspapers are not to be placed or distributed. Such notice may be given orally in person or by telephone, or in writing by facsimile or U. S. Mail. The publisher or other representative of such newspaper shall acknowledge receipt of such notice in writing. Such notice may be given by certified mail, return receipt requested, and the return receipt shall be evidence of notice. Delivery of such newspaper at any time after the expiration of ten (10) days from the date notice to cease delivery was received shall constitute a violation of this ordinance.

C. Cleanup. It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution. It shall further be the responsibility of the publisher of any unsubscribed newspaper to clean up and/or remove any accumulation of such newspapers from vacant or unoccupied property upon request by the owner/tenant thereof or the City of Waynesboro.

Section 9. Posting notices regulated. No person shall post or attach any sign, notice, poster, political placard, or other paper, calculated to attract the attention of the public upon any public property, without first affixing the name of the person posting or attaching same to said public property in such manner as to identify said person. Such person shall remove said poster, sign, notice, political placard, or paper immediately upon the expiration of the event publicized or expiration of the use for which same was intended. No person except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

Section 10. Junked motor vehicles.

A. Prohibited storage. It shall be unlawful for any person owning or having custody of any junked motor vehicle or parts

thereof to store or permit any such vehicle or parts thereof to remain on any private property within the city for a period of more than thirty days after the receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property in the city to store or to permit to remain any such junked vehicles or parts thereof on his/her property for more than a like period. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this ordinance.

It shall be unlawful for any person, after notification to remove any junked motor vehicle or parts thereof from any private property has been given, to move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.

B. Permitted storage. This section shall not apply to any motor vehicle or parts thereof stored within an enclosed building or on the property of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as motorcycles, motor scooters and nonmotorized campers. Such business enterprises shall include auto junk yards, auto repair and auto body shops but shall not include automobile service stations or tire, battery, and accessory sales stores. Junked motor vehicles, as defined herein, shall be kept or stored within or behind an enclosed fence a minimum of six (6) feet in height, constructed of wood, metal, or plastic in such manner as to conceal said vehicles from public view.

C. Investigation of property. The Chief of Police or any member of the police department on routine inspection or upon receipt of a complaint may investigate a suspected junked motor vehicle or parts thereof and record the make, model, style and identification numbers and its situation and location.

D. Notice of removal. Whenever the Chief of Police or any member of the police department finds or is notified that any junked motor vehicle or parts thereof have been stored or permitted to remain on any private property within the city, the Chief of Police shall send by certified mail or hand deliver a notice to the owner of record of such motor vehicle, if such owner can be ascertained by the exercise of reasonable diligence, and also to the owner of the private property as shown on the tax assessment records of the city on which the same is located to remove the junked motor vehicle or parts thereof within thirty days. Such notice shall also contain the following additional information:

- i. Nature of complaint;
- ii. Description and location of the motor vehicle and/or motor vehicle parts thereof;
- iii. Statement that the motor vehicle or parts thereof must be removed from the property no later than thirty days from date of notification;
- iv. Statement that removal from the location specified in the notification to another location upon which storage is not permitted is prohibited and shall subject the person to additional penalties;
- v. Statement that if removal is made within the time limits specified no further action will be taken;
- vi. Statement of the penalties provided for noncompliance with such notice.

Section 11. Construction sites.

A. Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private property.

B. Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private property, shall be removed by the contractor.

Section 12. Loading and unloading docks. The person owning, operating or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private property.

Section 13. White Goods. Items classified as white goods shall not be placed or deposited on public property. White goods shall further not be left or placed on private property outside a closed building in a manner so as to be visible to the public for a period of more than ten days. All white goods shall be deposited along the street curb for pick-up by the city sanitation department on those days designated for white goods pick-up by the city under separate ordinance.

Section 14. Superintendent of public works and/or Chief of Police may adopt rules. The superintendent of public works and/or Chief of Police are hereby authorized and empowered to prepare written guide lines on how to comply with this ordinance. In doing so applicable federal, state and local standards regarding fire prevention, pollution control, public safety, nuisance, and health shall be given due consideration.

Section 15. Clearing of litter from private property by city. The procedure for the removal of litter from private property and the charging of expense thereof as a lien upon such property to be collected shall be in accordance with the state statutes.

Section 16. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than fifty dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 17. Repealer. Ordinance No. S-7-69, adopted May 6, 1969, styled "An Ordinance to Prohibit Dumping of Trash or Littering the Streets of the City of Waynesboro", and Ordinance No. A-23-73, adopted October 9, 1973, styled "Ordinance on used Appliances and Furniture, Vehicles, and Related Matters" are hereby repealed. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

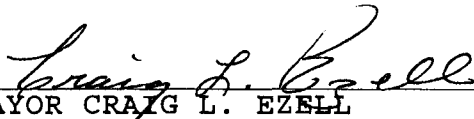
Section 18. Enforceability. If any portion of this Ordinance shall be declared invalid or unenforceable for any reason whatsoever by a Court of competent jurisdiction, such decision shall not affect the remaining sections of this Ordinance, and to this end the provisions of this Ordinance are hereby declared to be independent and severable. Enforcement of this ordinance shall not be prospective and all conditions existing on the effective date of this ordinance which constitute a violation hereof shall be subject to the penalties set forth hereinabove.

Section 19. This Ordinance shall be in full force and effect from and after its passage and publication according to law.


The foregoing Ordinance having first been reduced to writing was considered section by section and then as a whole, thereafter on motion of Alderman Johnny Gray, and seconded by Alderman Joe Grimley, the vote was as follows:

Alderman Joe Barnett	<u>Aye</u>
Alderman Johnny Gray	<u>Aye</u>
Alderman Joe Grimley	<u>Aye</u>
Alderman Robert Hicks	<u>Aye</u>
Alderman Rhonda McGill	<u>Aye</u>

Adopted and approved by the Board of Aldermen of the City of Waynesboro, Mississippi, this the 2nd day of May, 1995.


MAYOR CRAIG L. EZELL

ATTEST:


ALLENE RIGNEY, CITY CLERK