

Chapter 11

GARBAGE, TRASH AND WEEDS*

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Article I. In General

Sec. 11-1. Disposal of wastes in any creek prohibited.

A. It shall be unlawful for any person to throw, deposit, empty, drain or run, or to allow another person to throw, deposit, empty, drain or run into any creek, or upon its margins, slopes, or banks, or into any storm water drainage system within the corporate limits of the city, any garbage, rubbish, sediment, refuse, hair, ashes, cinders, fruit, vegetable, paper, rags, any dead animal, sewerage, excrement, urine, liquid or semi-liquid waste or any noxious substance or liquid, including but not limited to any detergent, chemical or petroleum product.(Ord. 2863, sec. 1, 12-21-04).

B. Any person convicted or found guilty of violating any provision of this chapter shall be fined in a sum not exceeding five hundred dollars (\$500.00), or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment; and each day's violation shall constitute a separate offense. (Ord. 1001, sec. 2, 9-28-44)

Cross reference--Building restrictions pertaining to creeks, sec. 22-4.

Sec. 11-2. Grass and weeds---Required to be removed from lots; penalty.

A. It shall be unlawful for any owner of any lot in the city to permit the grass or weeds upon the same to go without cutting, or to remain in such condition as to be unsanitary or unsightly, or when set on fire to be dangerous to adjoining property.

B. The method of compliance and penalty shall be in accordance with Section 21-19-11, and any other provisions of the Mississippi Code of 1972, Annotated as Amended, which may apply. The Building Official or the Building Official's designee(s) shall be responsible for the enforcement of this chapter. (Ord. 2254, sec. 2, 12-9-86; Ord. 562, sec. 1-2, 9-13-17)

**Cross reference--Provision prohibiting railroad companies from maintaining right-of-way infested with weeds, trash or rubbish of any kind, sec. 20-3.*

Sec. 11-3. Same---Removal from sidewalks required; penalty.

The owners and occupants of lots and other real estate, are hereby required to cut down and remove from the sidewalks in front of their premises all grass, weeds and other accumulations of trash; provided that certain portions of the sidewalks, outside of the regular footway, or paved portion, may have planted or cultivated thereon grass, or flowers for ornamental purposes. (Ord. 294, sec. 2, 8-27-07)

Cross references--Duty of persons either owners or occupants of premises to keep sidewalks in business districts free of debris, sec. 23-7; provision of Code requiring tree branches overhanging sidewalks be removed, sec. 23-4.

Sec. 11-4. Unsanitary deposits of debris, etc., unlawful.

It shall be unlawful for any person to allow filth to accumulate or to deposit any decaying vegetable, or animal matter of any kind in any warehouse, stable, alley, yards, private ways, outhouses, meat and fish markets, or any indecent or malodorous substance in the city. (Ord. 121, secs. 1--2, 6-7-1898)

Secs. 11-5 --- 11-8. Reserved.

Article II. Refuse Collection; Carts/Containers*

Sec. 11-9. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings herein:

Bulky refuse shall mean discarded appliances, such as stoves, water tanks, refrigerators, washing machines, and discarded furniture or similar bulky materials having a weight greater than seventy-five (75) pounds and/or volume greater than thirty-five (35) gallons.(Ord. 2831, sec.1, 9-16-03; Ord. 2500, sec.1, 8-16-97)

Cart shall mean the wheeled, plastic container, used in the mechanical pickup of garbage and/or refuse with a capacity not in excess of one hundred twenty (120) gallons.(Ord. 2831, sec.1, 9-16-03; Ord, 2718, sec 1, 3/7/00; Ord. 2500, sec. 1,8/16/94; Ord. 2459, sec. 1, 09/13/93)

City shall mean the City of Hattiesburg, Mississippi.(Ord. 2831, sec.1, 9-16-03; Ord. 2500, sec. 1, 8/16/97)

Amendment note--Ord. 2500, enacted 8-16-94, repealed 2459, Ord. 2459, Art. II, of Chapter 11, enacted 09-13-93, repealed Ord. 2360, enacted 11-6-90; Ord. 1265, enacted 9-15-55, Ord. 1326, enacted 10-30-57, Ord. 2063, enacted 9-21-81, Ord. 2067, enacted 11-3-81 and Ord. 2320, enacted 10-3-89, and codified as secs. 11-9 --- 11-14, regulated garbage.

Commercial Unit shall mean any commercial, governmental, industrial or institutional establishment and all other buildings or premises other than Residential Units located within the City.(Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00)

Commercial Waste shall mean any and all Solid Waste generated by a Commercial Unit, and specifically excludes Hazardous and Residential Waste.(Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00)

Commercial Waste Hauler shall mean any person, partnership, or corporation, other than the City, which is approved by the City and is in the business of contracting with Commercial Units for the collection, removal, and disposal of Commercial Waste within the corporate limits of the City.(Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00)

Container shall mean a receptacle with a capacity not in excess of Thirty-five (35) gallons made of substantial material. (Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00; Ord. 2500, sec. 1, 8-16-94)

Contract Waste Hauler shall mean the person, partnership, or corporation who agrees to perform the work or services on behalf of the City required by this chapter for collection, removal and disposal of solid waste from Commercial Units pursuant to the terms and conditions of a contract between such Contract Waste Hauler and the City for collection, removal and disposal of Commercial Waste within the corporate limits of the City. Such Contract Waste Hauler shall be a Commercial Waste Hauler.(Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00)

Director shall mean the director of the Public Services Department. (Ord. 2831, sec.1, 9-16-03; Ord. 2500, sec. 1, 8-16-94)

Dumpster shall mean a metal receptacle used in the mechanical pickup of Commercial Waste having a capacity of two (2) to sixty (60) cubic yards. (Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00; Ord. 2500, sec. 1, 8-16-94;Ord. 2459, sec. 1, 09/13/93)

Ferrous shall mean materials such as heavy metals, relating to or containing iron.(Ord. 2831, sec.1, 9-16-03; Ord. 2500, sec. 1, 8-16-94)

Garbage shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, including wastes from markets, storage facilities, handling and sale of produce and other food products, and excepting such materials that may be serviced by garbage grinders and handled as household sewage.(Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec 1, 3/7/00; Ord. 2500, sec. 1, 8-16-94)

Hazardous waste means any waste or combination of waste of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration or physical, chemical or infectious characteristics, may (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of; or otherwise managed which are listed by the Environmental Protection Agency as hazardous wastes which exceed the threshold limits set forth in the Environmental Protection Agency regulations for classifying hazardous waste. Such wastes include, but are not limited to, those wastes which are toxic, corrosive, flammable, irritants, strong sensitizer, or which generate pressure through decomposition, heat or other means. Such wastes do not include those radioactive materials regulated pursuant to the Mississippi Radiation Protection Law of 1976, appearing in Section 45-14-1 et seq. (Ord. 2831, sec.1, 9-16-03; Ord 2718, sec. 1, 3/7/00; Ord. 2500, sec. 1, 8-16-94)

Industrial waste means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of RCRA. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation;

fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste or rubbish.(Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00; Ord. 2500, sec. 1, 8-16-94)

Non-ferrous shall mean materials not containing, including or related to iron. (Ord. 2831, sec.1, 9-16-03; Ord. 2500, sec.1, 8-16-94)

Non-putrescible shall mean not being putrid, rotten or odorous, such as limbs, leaves, pine straw, etc. (Ord. 2831, sec.1, 9-16-03; Ord. 2500, sec. 1, 8-16-94)

Owner shall mean any individual, partnership or corporation who is the actual owner of the Commercial Unit or who has possession or custody of the refuse container or the Commercial Waste Hauler who actually collects the garbage from the refuse container.(Ord. 2831, sec.1, 9-16-03)

Person shall mean every natural person, firm, partnership, association or corporation.(Ord. 2831, sec.1, 9-16-03; Ord. 2500, sec. 1, 8-16-94)

Public place shall mean all government-owned properties and easements. (Ord. 2831, sec.1, 9-16-03; Ord. 2500, sec. 1 8-16-94; Ord. 2459, sec. 1, 09/13/93)

Putrescible wastes mean solid wastes, which are capable of being decomposed by microorganisms with sufficient rapidity to cause nuisances from odors or gases.(Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec 1. 3/7/00; Ord. 2500, sec. 1, 8-16-94)

Recyclables means materials removed from a processing or composting facility which cannot be processed or composted further and such materials are intended to be sold or delivered to the open market for further processing into a marketable product.(Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00)

Refuse is a comprehensive term meaning something rejected or discarded as worthless or useless, but not limited to, garbage, rubbish, trash, industrial and hazardous waste.(Ord. 2831, sec.1, 9-16-03; Ord. 2500, sec. 1, 8-16-94; Ord. 2459, sec. 1, 09/13/93)

Refuse Container shall mean any residential, commercial or industrial garbage receptacle equal to or in excess of ninety (90) gallons in use for the purpose of collection of garbage and the immediate area adjacent to said garbage receptacle.(Ord. 2831, sec.1, 9-16-03)

Residential Unit means either (a) a conventional single family detached dwelling or mobile home, or (b) a multi-family residential complex (townhouses, condominiums, or apartments) with four (4) or fewer units. (Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00)

Residential Waste means solid waste generated at a residential unit. (Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00)

Rubbish wastes. means non-putrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics, and yard waste and similar material. Noncombustible rubbish includes glass, crockery; metal cans, metal furniture and like material, which will not burn at ordinary incinerator temperatures (not less than 1600 degrees F.). (Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00; Ord. 2500, sec. 1, 8-16-94; Ord. 2360, sec. 1, 11-6-90)

Solid Waste shall mean any and all garbage, industrial waste, rubbish, and yard waste, excluding hazardous waste and recyclables.(Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00)

Unsanitary Condition shall mean any condition which constitutes a hazard to the general health of the municipality pursuant to Section 21-19-1, Mississippi Code of 1972, Annotated as Amended, which may include excessive odors or the presence of insects and pests. (Ord. 2831, sec.1, 9-16-03)

Yard Waste means the leaves, grass cuttings, weeds, garden waste, tree limbs, and other vegetative wastes. (Ord. 2831, sec.1, 9-16-03; Ord. 2718, sec. 1, 3/7/00)

Sec. 11-10. General information terminology.

For the purpose of this article, the following general information shall have the meanings herein:

Exclusive Collection - It shall be unlawful for any person other than the City to engage in the business of collecting, removing, and disposing of garbage and rubbish in the City, except those Commercial Waste Haulers authorized in writing to do so by the Public Services Director, and having obtained the appropriate licenses and permits from the City as described herein. The City of Hattiesburg shall have exclusive charge of collection, removal and disposition of all garbage, refuse, and rubbish/trash placed on the streets, avenues or alleys of the City of Hattiesburg for collection, and no persons other than those under the direction of the City shall haul or remove any garbage, refuse or rubbish set out on said streets, avenues, or alleys for collection, except by the written consent or permission of the Director of Public Services.(Ord. 2831, sec.2, 9-16-03; Ord. 2718, sec. 2, 3/7/00; Ord. 2500, sec. 2, 8-16-94; Ord. 2459, sec. 2, 09/13/93)

Commercial Waste Haulers - From and after July 1, 2000, it shall be unlawful for any person to enter into or renew any agreement for solid waste collection, disposal or removal services from a Commercial Unit unless such person first obtains a permit from the City as described herein. Such

permits shall be granted on a non-exclusive basis and the City may grant similar permits to any other person that the City may deem proper upon the terms and conditions as herein set forth.(Ord. 2831, sec.2, 9-16-03; Ord. 2723, sec. 1, 6/6/00; Ord. 2718, sec. 2, 3/7/00)

Jurisdiction of the Director - The removal and final disposition of all refuse from the premises in the City shall be under the jurisdiction of the Public Services Director.(Ord. 2831, sec.2, 9-16-03)

Rules and Regulation to Implement Changes - The Public Services Director, may make such rules and regulations as are not inconsistent with the provisions of this article as may be necessary or desirable to aid in the administration of and obtaining compliance with the provisions of this article. (Ord. 2831, sec.2, 9-16-03; Ord. 2500, sec. 2, 8-16-94; Ord. 2459, sec. 2, 09/13/93)

Cross reference--see section 16-36 -- 16-41.1. Abandoned appliances and equipment.

Sec. 11.10.1 Commercial Waste Haulers - Permit Application Required

A permit will be granted when the Commercial Waste Hauler applicant has complied with the following conditions and any others conditions lawfully imposed in the future:

- A. Application.** Any person desiring to secure a permit shall make application to the Department of Public Services on a standard application supplied by the city.
- B. Additional Application Requirements.** All applications must be accompanied by the following additional documentation:
 - (1) A listing and description of each piece of equipment related to the applicant's operation in the City;
 - (2) The applicant will be required by the City to provide sufficient insurance, including, but not limited to general liability coverage for acts or omissions in the minimum amount of \$1,000,000 (employers liability); \$1,000,000 each occurrence, \$3,000,000 aggregate (bodily injury liability, except auto); \$1,000,000 each person, \$3,000,000 each occurrence (automobile bodily injury liability); \$500,000 each occurrence, \$500,000 aggregate (property damage liability, except auto); and, \$5,000,000 (excess umbrella liability), \$5,000,000 each occurrence;
 - (3) The applicant must provide and maintain worker's compensation insurance for all of its employees in accordance with the laws of the State of Mississippi, and provide proof thereof to the City;
 - (4) In all insurance policies, the City shall be named as an additional insured, at no cost to the City. The insurance will also contain cancellation provisions requiring that a minimum of thirty- (30) day's prior written notice be given to the City before any cancellation;

- (5) The applicant will be required to agree to indemnify and hold harmless the City, in a form acceptable to the City, against any and all claims, damages, losses, liabilities, fees, fines, penalties, and other losses and expenses arising out of or related to applicant's conduct or operations;
- (6) An agreement in form acceptable to the City providing that the City or its designees may, during reasonable business hours, on a quarterly basis or more often if required, examine all books, records, customer contracts and service agreements and equipment of the applicant related to its operation in the City.
- (7) A payment bond in the amounts required by the application issued by a corporate surety licensed to do business in Mississippi and acceptable to the City;
- (8) Such additional information as the City may require;
- (9) Any misrepresentation as to such information required to be submitted for the application or the additional application requirements shall be grounds for denial or revocation of the permit to operate as a Commercial Waste Hauler by the Public Services Department.

C. Issuance of the Permit. The Department of Public Services shall approve the issuance of a permit to an applicant within thirty (30) days after receiving an application unless one (1) or more of the following is found to be true:

- 1. Applicant shall not have provided all of the documents or information required by this ordinance or applicant shall have falsely answered a question or request for information;
- (2) Applicant is overdue in his payment to the city for taxes, fines, permit fees or penalties assessed against him or imposed upon him in relation to his operations as a Commercial Waste Hauler;
- (3) Applicant shall be found to be in violation of this ordinance or to have violated any other local, state or federal law or regulation related to operations as a Commercial Waste Hauler hereunder;
- (4) The permit fee required by this ordinance has not been paid; or
- (5) The equipment to be used by the Commercial Waste Hauler shall fail to meet reasonable standards set by the Department of Public Services or their designees.

D. Term of Permit. All permits issued under this ordinance shall be annual permits, which shall expire one (1) year from the date of issuance. From and after the effective date of this ordinance, it shall be unlawful for any person to enter into or renew any agreement for solid waste collection, disposal or removal services that does not provide for automatic termination of such agreement upon the termination or other revocation of the Commercial Waste Hauler's permit.

E. Permit Fee. Each Commercial Waste Hauler shall pay a permit fee to be collected monthly and computed as provided herein. This fee is declared to be a regulatory fee collected for the purpose of examination and periodic inspection of the regulated business by the City, to help defray the cost of collection and disposal of solid waste which may be released in the streets and other public areas of the city as a result of the operations of commercial waste haulers, as well as other costs, direct and indirect, related to the operations of commercial waste haulers and to solid waste collection, and otherwise to provide for the health and safety of residents. Upon filing an application for a permit, an applicant who did not have a permit to provide solid waste collection services in the city during the immediate preceding month shall pay an amount equal to one-twelfth (1/12) of five percent (5%) of the annual gross receipts the applicant expects to collect from its solid waste collection, disposal and removal services during the next year, but not less than \$500.00. Every Commercial Waste Hauler, after receiving a permit, shall pay a monthly fee in the amount of five percent (5%) of its gross receipts for the preceding month, but not less than \$500.00, with such payment to be paid on or before the **20th of the month in which it is due.**

F. Grounds for Permit Suspension or Revocation. In addition to any of the penalties provided in this chapter and the forfeiture of all fees paid pursuant to paragraph “E” above, a permit may be suspended or revoked when it shall appear:

- (1) That any conditions or requirement of this chapter, including, but not limited to, the payment of fees required to be paid hereunder, allowing the City or its designees to examine the Commercial Waste Hauler's books, records and equipment related to the operations in the City, disposal of solid waste collected at the designated permitted municipal solid waste management facility, or any contract entered into with business, commercial, or industrial establishments has been violated by the Commercial Waste Hauler.
- (2) The Commercial Waste Hauler is overdue in his payment to the City for taxes, fines, permit fees or penalties assessed against him or imposed upon him in relation to his operations as a Commercial Waste Hauler;
- (3) The Commercial Waste Hauler shall be found to be in violation of this ordinance or to have violated any other local, state or federal law or regulation related to operations as a Commercial Waste Hauler hereunder;
- (4) That any representation or information furnished by the Commercial Waste Hauler under this chapter prove false in any material respect; or
- (5) The equipment to be used by the Commercial Waste Hauler shall fail to meet reasonable standards set by the Department of Public Services or their designees.

- (6) An aggrieved party shall have the right to appeal an adverse decision to the City Council and shall file a Notice of Appeal with the Clerk of the Council within 10 days of the date of said decision and shall file a copy of the Notice of said appeal with the Public Service Director.

G. Charges, Etc. The cost, fees, or charges for the collection, removal, and disposal of commercial waste shall be negotiated between the Commercial Waste Hauler and the business, commercial, or industrial establishment involved.

The maximum cost, fees, or charges for the collection, removal, and disposal of all Commercial Waste by the Contract Waste Hauler shall be pursuant to the terms and conditions of a contract between such Contract Waste Hauler and the City for collection, removal and disposal of Commercial Waste within the corporate limits of the city.

H. Disposal of Solid Waste. Commercial Waste Haulers shall dispose of all Commercial Waste in accordance with local, state and federal regulations. The Contract Waste Hauler shall dispose of all Garbage and Industrial Waste generated by Commercial Units at the permitted municipal solid waste management facility designated by the City. (Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 3, 3/7/00)

Sec. 11.10.2 Collection and Disposal of Industrial Waste, Pathogenic and Radioactive Waste and Salvageable Materials:

- A. INDUSTRIAL AND HAZARDOUS WASTE:** All industrial and hazardous waste shall be disposed of by the industry, manufacturer or processing plant generating such waste under such methods and conditions as set forth by Federal, State and Local regulations.
- B. PATHOGENIC AND RADIOACTIVE WASTE:** All pathogenic and radioactive waste shall be disposed of by the hospital or institution generating such waste under such conditions as set forth by Federal, State, and Local regulations.
- C. SALVAGEABLE MATERIALS FOR RECLAMATION:** Persons engaged in collecting or purchasing for resale paper, cardboard, rags, glass, plastic, aluminum, tin cans, ferrous or non-ferrous materials and scrap metals, for reclamation purposes, shall be exempted from the provision of this article except insofar as regulations of the Health Department, Mississippi Department of Environmental Quality (DEQ) and the Public Services Department apply to maintaining standards of health and cleanliness, preventing nuisances, preventing interference with refuse carts and/or containers and preventing littering. Such persons shall be subject to regulations set forth by the Director of Public Services or his representative. (Ord. 2831, sec.3, 9-16-03; Ord. 2360, sec. 2, 11-6-90; Ord. 2459, sec. 2, 09/13/93; Ord. 2500 sec. 2, 8-16-94)

Sec. 11-11. City in charge of collection.

The City of Hattiesburg shall have exclusive charge of collection, removal and disposition of all garbage, refuse, and rubbish/trash placed on the streets, avenues or alleys of the City of Hattiesburg for collection, and no persons other than those under the direction of the City shall haul or remove any garbage, refuse or rubbish set out on said streets, avenues or alleys for collection, except by the written consent or permission of the Director of Public Services (Ord. 2971, 10-2-07; Ord. 2500, sec 3, 08-16-94; Ord. 2459, sec. 3, 09-13-93 Ord. 2360, sec. 3, 11-6-90)

Sec. 11-12. Charges established.

Charges shall be established for collection, removal and disposal of all garbage, refuse, yard waste and rubbish placed on the streets, avenues and alleys in the City of Hattiesburg as follows:

A. Residents will be charged a fixed rate per household as set by the rates in Section 5 (E-1). (Ord. 3010, sec, 1, 9-2-08; Ord. 2970, sec.1, 9-18-07; Ord. 2831, sec.3, 9-16-03; Ord. 2500, sec. 4, 8-16-94)

B. Multiple housing, such as apartments, will be charged according to the dumpster rate schedule set by the City's Contract Waste Hauler or as privately negotiated with an approved Commercial Waste Hauler or per unit as described in Section 5 (E- 4). (Ord. 3010, sec, 1, 9-2-08; Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 6, 3/7/00; Ord. 2500, sec. 4, 8-16-94)

C. Each Commercial Unit shall be responsible for the collection and disposal of their Commercial Waste by contracting with or otherwise agreeing with a Contract Waste Hauler or with an approved Commercial Waste Hauler. Charges will be according to the dumpster rate schedule set by the City's Contract Waste Hauler or as privately negotiated with an approved Commercial Waste Hauler. (Ord. 3010, sec, 1, 9-2-08; Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 6, 3/7/00; Ord. 2500, sec. 4, 8-16-94)

D. Special Commercial Customers are those commercial customers that do not require a dumpster. (Ord. 3010, sec.1, 9-2-08)

E. Trailer parks shall be charged according to the number of trailer spaces in all city approved trail parks containing two or more designated trailer spaces in accordance with Section 5 (E-3). (Ord. 3010, sec, 1, 9-2-08; Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 6, 3/7/00; Ord. 2500, sec. 4, 8-16-94; Ord. 2459, sec. 4, 09-13-93)

F. MONTHLY RATES:

1. Residential: Seventeen Dollars (\$17.00) per household (Ord. 3010, sec.1, 9-2-08; Ord.1, sec. 1, 10-2-07; Ord. 2970, sec. 1, 9-18-07; Ord. 2831, sec.3, 9-16-03; Ord. 2500, sec. 4, 8-16-94; Ord. 2459, sec. 4, 09-13-93)

2. Dumpsters:

Dumpsters shall be of two (2) to sixty (60) cubic yard capacity designed to receive the

volume of Commercial Waste produced per location. Charges shall be determined by the rate set by the City's Contract Waste Hauler or as privately negotiated with an approved Commercial Waste Hauler. (Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 6, 3/7/00; Ord. 2500, sec. 4, 8-16-94; Ord. 2459, sec. 4, 09-13-93)

3. Mobile Homes in a manufactured (mobile) home park shall be charged Seventeen Dollars (\$17.00) per space in all city approved manufactured (mobile) home spaces or when pick-up for two or more manufactured (mobile) home is at one location; otherwise the charge will be the same per manufactured (mobile) home space as for residential. Single mobile homes located on a single lot will be charged at the Residential Rate of Seventeen Dollars (\$17.00) per household. Dumpsters may be required by the Director of Public Services, at charges set by the City's Contract Waste Hauler or as privately negotiated with an approved Commercial Waste Hauler. The City Council may require the use of dumpsters at a manufactured (mobile) home park where it is determined that the pickup of containers is unsafe due to limited access and vehicle clearance along the streets within the manufactured (mobile) home park. The Director of Public Services will advise the City Council of these conditions and make appropriate recommendations on the use and location of dumpster for the manufactured (mobile) home park after advising the owner of said manufactured (mobile) home park of conditions. (Ord. 3010, sec.1, 9-2-08; Ord. 2971, sec. 1, 10-2-07; Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 6, 3/7/00; Ord. 2500, sec. 4, 8-16-94; Ord. 2459, sec. 4, 09-13-93)

4. Apartments:

- a. Duplex B Seventeen Dollars (\$17.00) per unit (Ord. 3010, sec.1, 9-2-08; Ord. 2971, sec 1, 10-2-07)
 - b. Triplex B Seventeen Dollars (\$17.00) per unit (Ord. 3010, sec.1, 9-2-08; Ord. 2971, sec 1, 10-2-07)
 - c. Fourplex Seventeen Dollars (\$17.00) per unit (Ord. 3010, sec.1, 9-2-08; Ord. 2971, sec 1, 10-2-07)
 - d. The above apartment rates are for stand-alone apartments on separate lot where pickup for two or more apartments is at one location of one approved container (not to exceed thirty-five gallon capacity) per apartment as approved by the Director of Public Services.
 - e. Dumpster usage may be required at apartments with more than four (4) units or as deemed necessary by the Director of Public Services. (Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 6, 3/7/00; Ord. 2500, sec. 4, 8-16-94; Ord. 2394, sec. 1, 12-19-91; Ord. 2459, sec. 4, 09-13-93)
5. The Special Commercial customer rate is twenty-five dollars (\$25.00) (Ord. 3010, sec.1, 9-2-08)
6. Tires shall be charged by individual number of tires at the prevailing cost of disposal. (Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 6, 3/7/00; Ord. 2500, sec. 4, 8-16-9; Ord. 2459, sec.4, 09-13-93)

7. Trees/large debris pickups will be made on an as needed basis, and an additional charge of one hundred seventy-five dollars (\$175.00) for the first pickup and one hundred fifty dollars (\$150.00) per dump truck load will be made, and the customer shall be informed of such charge in advance of service and said charges will be added to the customer's water bill. (Ord. 3010, sec.1, 9-2-08; Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 6, 3/7/00; Ord. 2500, sec. 4, 8-16-94; Ord. 2459, sec. 4, 09-13-93; Ord. 2360, sec. 4, 11-6-90.)

8. Large volume business/industrial uses will be charged at a negotiated rate per dump truck. Charges are to be negotiated by the business/industry and the Director of Public Services, and said agreement to be kept on file in the Department of Public Services. (Ord. 3010, sec.1, 9-2-08; Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 6, 3/7/00; Ord. 2500, sec. 4, 8-16-94; Ord. 2459, sec. 4, 09-13-93)

9. The City Council shall have the authority to change the rates charged herein as proposed by City of Hattiesburg, through the office of the Mayor, as the same may become necessary. (Ord. 3010, sec.1, 9-2-08; Ord. 2831, sec.3, 9-16-03)

Sec. 11-13. Containerization required.

All Commercial Units shall containerize all commercial waste in dumpsters, carts or containers. All Residential Units shall containerize all residential waste in containers except as provided in Section 13. (Ord. 2831, sec.3, 9-16-03; Ord. 2500, sec. 5, 8-16-94; Ord. 2360, sec. 5, 11-6-90)

Sec. 11-14. Sufficient number of carts; security thereof; responsibility for cost of replacement.

It shall be the duty of every tenant/owner in possession, charge or control of any Residential Unit or Commercial Unit where garbage, refuse or rubbish is created or accumulated at all times to keep or cause to be kept a sufficient number of dumpsters, carts and/or containers for the deposit of Residential and Commercial Waste generated on the premises. (Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 8, 3/7/00; Ord. 2500, sec. 6, 8-16-94; Ord. 2459, sec. 6, 09-13-93)

Sec. 11-15. Container condition.

All lids or covers of such dumpsters, carts and/or containers shall be tightly closed at all times, other than when refuse is being deposited therein or removed therefrom. Carts and/or containers used for the deposit of refuse for collection by the City shall be in good condition so that collection thereof shall not injure the person collecting the contents.

Carts and/or containers having ragged or sharp edges or other defects must be promptly repaired or replaced, as provided for in Section 7. (Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 9, 3/7/00; Ord. 2500, sec.7, 8-16-94; Ord. 2360, sec. 7, 11-6-90)

Sec. 11-16. Container specifications

Residential waste or yard waste containers shall be made of substantial material with tight-fitting covers, plastic bags, moisture-resistant paper bags, or boxes made of a substantial material so as to prevent easy breakage when handled. The container shall be kept secure at all times, after filling. Garbage containers shall have not more than thirty-five (35) gallons capacity each, and a sufficient number of such containers to hold the quantity of garbage or yard waste accumulated shall be provided. Garbage, refuse, rubbish or yard waste shall be thoroughly drained before being placed in such containers. Containers will be placed at an appropriate place on the City right-of-way so as not to interfere with postal service and shall not be placed in the street, but located as described in section 11-17.2, so as to be easily accessible for collection. Any container that does not comply with these requirements may be collected along with the trash, rubbish, yard waste or garbage or may be confiscated by the City if used again after the householder, resident or tenant of the place or location at which such noncompliance container was collected or used has been given five (5) days written notice not to use such noncomplying container. The container will be tagged upon noncompliance so as to alert the owner of noncompliance. (Ord. 2831, sec.3, 9-16-03; Ord. 2718, sec. 13, 3/7/00; Ord. 2500, sec. 8, 8-16-94; Ord. 2459, sec. 8, 09-13-93)

Sec. 11-17.1. Containers prohibited.

All drums, containers and carts above thirty-five (35) gallons are prohibited from use as containers for residential waste. (Ord. 2831, sec8, 9-16-03;Ord. 2718, sec. 11, 3/7/00; Ord. 2500, sec. 9, 8-16-94,Ord. 2360, sec. 11, 11-6-90, (Ord. 2459, sec. 9, 09-13-93)

Sec. 11-17.2 Location or placement of containers; variances.

The locations of carts and/or containers and variances from said locations shall be as follows:

- A. Any person desiring to place garbage for collection shall place the carts and/or containers behind the curb line, or paved street line in front of his/her residence or place of business, or on the rear curb line if the property extends to both streets, or in an open public alleyway adjacent to such buildings, if these alleys are straight, continuous from one street to another, and suitable to the collector's trucks or said garbage shall be placed in such an area and on the days designated by the Director of Public Services or his 141.1 representative for the collection of garbage or trash.(Ord. 2831, sec. 9, 9-16-09;Ord. 2500, sec. 10, 8-16-94)

- B. Where front yards are fenced, carts and/or containers must be placed outside area that is fenced, **BUT NOT IN THE STREETS**. Sanitation personnel will not enter fenced areas for collection of refuse.(Ord. 2831, 9-16-03;Ord. 2500, sec. 10, 8-16-94)
- C. Refuse shall not be placed in close proximity to other personal effects which are not desired to be collected, but shall be reasonably separated in order that the collectors can clearly distinguish between what is to be collected and what is not.(Ord. 2831, 9-16-03;Ord. 2500, sec. 10, 8-16-94)
- D. Applications for waivers or variances from Section 11-17.2, sub-sections A - C, shall be approved by the Director of the Public Services Department and filed with the City Clerk. (Ord. 2831, 9-16-03;Ord. 2500, sec.10, 8-16-94; Ord. 2360, sec. 12, 11-6-90)
- E. Garbage in proper containers will be placed at curbside after 6:00 P.M. on the day preceding day of pickup and container will be removed from curbside before midnight on day of collection. At no time will container be placed at curbside to remain over weekends. (Ord. 2831, 9-16-03;Ord. 2500, sec. 10, 8-16-94; Ord. 2459, sec. 10, 09-13-93)
- F. No garbage or refuse shall be collected by any hauler between the hours of 6:00 p.m. to 6:00 a.m. unless previously approved by the Public Service Director. (Ord. 2831, sec.9, 9-16-03)

Sec. 11-17.3. Regulations for leaves, grass, pine straw, trimmings, trees, trash and paper.

- A. All accumulations of leaves, grass cuttings, pine straw and garden trimmings, weeds and roots from which all dirt has been removed, generated by a residential unit shall be deposited in containers and placed at the rear of the curb or behind the paved street line. Containers for such rubbish shall have tops, ties or other means of preventing spillage, scattering or blowing away of the rubbish, be moisture-proof or kept dry, and be of sufficient strength to contain the refuse without spillage during handling. Containers shall not exceed in size the approximate capacity of a thirty-five (35) gallon regulation garbage container, which is considered the maximum size for manual lifting by a collector. **AT NO TIME SHALL GARBAGE AND TRASH BE MIXED TOGETHER.** (Ord. 2718, sec. 13, 3/7/00; Ord. 2500, sec. 11, 8-16-94; Ord. 2459, sec. 11, 09-13-93)
- B. Large accumulations of magazines and newspapers generated by a residential unit shall be bundled and securely tied and placed adjacent to the curb for collection.(Ord. 2718, sec. 13, 3/7/00; Ord. 2500, sec. 11, 8-16-94)
- C. Bulky refuse and tree trimmings generated by a residential unit shall be separated from other refuse and neatly placed adjacent to the front property line immediately behind the curb (**BUT NOT IN THE STREETS**). Tree trimmings shall not exceed twelve (12) inches in diameter. Large accumulations of trees, branches and stumps of a quantity larger than deemed easily collected during

ordinary pick-up or unbundled trash at any residential unit shall be collected by "special pickup." The customer shall call the City of Hattiesburg's Sanitation Division to arrange for said "special pickup." (Ord. 2718, sec. 13, 3/7/00; Ord. 2500, sec. 11, 8-16-94; Ord. 2459, sec. 11, 09-13-93)

D. All leaves, grass, pine straw, trimmings, trees, trash and paper generated by a residential unit shall be drained of liquids before being placed in the container.(Ord. 2718, sec. 13, 3/7/00; Ord. 2500, sec. 11, 8-16-94)

D. Gasoline, solvents, hot ashes, dirt, bricks, concrete, or chemicals are strictly prohibited from being placed in containers generated by a residential unit. (Ord. 2718, sec. 13, 3/7/00; Ord. 2500, sec. 11, 8-16-94; Ord. 2360, sec. 13, 11-6-90)

E.

Sec. 11-17.4. Additional pickups; charges for same.

The Director of the Public Services Department may provide for the collection and removal of refuse at times in addition to those when regular collection service is provided.

When nonrecurring or infrequent special services shall be provided, the Director shall have the authority to charge a fee, based upon volume, in accordance with Sec. 11-12 (E-6), and the customer shall be informed of such charges in advance of service, and said charges shall be added to the customer's water bill. (Ord. 2718, sec. 14, 3/7/00; Ord. 2500, sec. 12, 8-16-94; Ord. 2360, sec. 14, 11-6-90)

The Director of Public Services may waive the requirement of containerization of trash or yard waste during the Spring or Fall months or after severe weather if excessive accumulation of trash or yard waste so warrants. (Ord. 2500, sec. 12, 8-16-94; Ord. 2459, sec. 12, 09-13-93)

Sec. 11-17.5. Nurserymen or independent contractors responsible for removal of all refuse from premises serviced by same.

A. Every nurseryman or other person who cuts trees or trims shrubs or grass as an independent contractor and not as a regular employee of the occupant, or the owner of the premises shall, from the premises serviced by him, remove or cause to be removed, and/or containerized in accordance with Sec. 11-13 and all other requirements of article II, all refuse trash, trees, limbs, grass clippings, leaves, and any and all other kinds of debris arising from their operations. Furthermore, no person shall sweep into, deposit in, or utilize any type "blower" or other device that distributes or moves grass clippings, leaves, and any and all other kinds of debris into any gutter, street or other public place within the city, including litter from any activity, building, lot or from any public or private sidewalk or driveway. Nor shall it be stored in such a manner it may be carried by the elements and deposited into any gutter, street or other public place within the city. (Ord. 3033, sec 1, 3-5-09;Ord. 3029, sec. 1, 1/20/09; Ord. 2831, 9/16/03; Ord. 2718, sec. 15, 3/7/00; Ord. 2500, sec. 13, 8-16-94; Ord. 2360, sec. 15, 11-6-90)

- B. In the event that said nurserymen or other contractor fails to remove said cuttings, the owner, occupant or person in charge or control of the premises shall cause said refuse to be privately removed. In cases where the owner, occupant or person in charge or control of the premises fails to remove or cause to be removed said refuse, the City shall initiate the necessary action to have the refuse removed, and the customer shall be charged in accordance with Sec. 11-12(E-6) and will be informed of such charges in advance or removal by the City, and said charges shall be added to the customer's water bill. (Ord 3029, sec. 1, 1/20/09)
- C. In the event that said nurserymen or other contractor shall violate any provision of this section by depositing, or allowing the deposit of, any refuse or debris in any gutter, street or other public place within the city or the accumulation of litter from any such activity or from any public or private sidewalk or driveway, they shall be subject to penalties established in Section 11-17.11 of this article.(Ord. 3029, sec. 1, 1/20/09)

Sec. 11-17.6. Removal of building debris and restrictions for waste at construction sites.

The responsibility for removal of building debris and restrictions for waste at construction sites shall be as follows:

- A. It shall be the responsibility of the contractor, whether the contractor is the property owner or not, to declare his or her intent, in writing, prior to receiving a City Building Permit, as to the removal and disposal of debris. If the contractor elects to have the City remove said debris, it shall be the responsibility of the Land Use Code Administrator or his designee to contact Director of Public Services to determine charges and responsible person before issuance of Building Permit, whether the contractor is the property owner or not. (Ord. 2831, sec 11, 9-16-03;Ord. 2500, sec. 14, 8-16-94; Ord. 2459, sec. 14, 09-13-93)
- B. It shall be the responsibility of the contractor at a building, remodeling or construction site to remove and dispose of debris, including, but not limited to, scrap lumber, plaster, carpet, roofing, concrete brickbats, paper and other types of construction debris generated as a result of construction, repair, remodeling or demolition of any building on private property, at an approved dump site.(Ord. 2831, 9-16-03;Ord. 2500, sec. 14, 8-16-94)
- C. Dirt, mud, construction material or other debris deposited upon any public right-of-way or street as a result of construction or demolition shall be removed by the contractor (whether owner or not) by the end of each day. (Ord. 2831, 9-16-09;Ord. 2500, sec. 14, 8-16-94)
- D. Dirt, mud, construction materials or other debris deposited upon any private property (aside from dirt used as fill material) as a result of construction or demolition shall be confined to the site and removed by contractor (whether owner or not) upon completion of the job. (Ord. 2831, 9-16-09;Ord. 2500, sec. 14, 8-16-94; Ord. 2459, sec. 14, 09-13-93)

E All refuse or other such material generated at loading dock sites or other commercial sites on private property must be collected in an enclosed container or in an enclosed area. The number and size of such containers must be adequate for such collection. If the container has lids or doors it should be closed and tightly secured, except when such material is being loaded or unloaded, so that littering or scattering of such debris outside the confines of such site is prevented. (Ord. 2831, 9-16-09;Ord. 2500, sec. 14, 8-16-94; Ord. 2360, sec. 16, 11-6-90)

Sec. 11-17.7. Disposal of refuse or other waste materials.

It shall be unlawful for any person to dispose of or cause to be disposed any refuse or other waste materials upon any property other than a City approved disposal site. (Ord. 2831, sec. 13, 9-16-09;Ord. 2500, sec. 15, 8-16-94; Ord. 2360, sec. 17, 11-6-90)

Sec. 11-17.8. Regulations of Mississippi Health Department applied.

The handling, collection and disposition of all garbage, refuse, rubbish, and waste shall be subject to the regulations of the Mississippi Health Department and Mississippi Department of Environmental Quality (DEQ). (Ord. 2831, sec 14, 9-16-09;Ord. 2500, sec. 16, 8-16-94; Ord. 2360, sec. 18, 11-6-90, Ord. 2459, sec. 16, 09-13-93)

Sec. 11-17.9. Sites for disposal and prohibited manner of disposal of large appliance and other dangerous and of bulky refuse items.

It shall be unlawful for any person to dispose of or cause to be disposed any refuse or other waste material upon any property other than a City approved disposal site.

It shall be unlawful for any person, organization, firm or corporation to abandon or place out-of-doors on any lot, tract, parcel of ground, right-of-way, or area where children may be playing or may have access in the City limits, refrigerators, deep freezers or other similar containers from which, upon closing, air is prevented from reaching the interior; however, such appliances may be disposed of in any solid waste disposal site meeting all city, county, state and federal regulations. Such containers may be placed out for special pickup, if meeting all state, federal and local laws pertaining to these items, by calling the City of Hattiesburg Sanitation Division. (Ord. 2831, sec 13, 9-16-03;Ord. 2500, sec. 17, 8-16-94; Ord. 2360, sec. 19, 11-6-90)

Cross reference--See Title: Abandoned appliances and equipment, Sec. 16-36.

Sec. 11-17.10. Enforcement responsibility.

The enforcement of this article shall be in accordance with the Municipal Offense Ticket Ordinance as stated in Section 16, Article V, of the Code of Ordinances.(Ord. 2718, sec. 20, 3.7/00; Ord. 2500, sec. 18, 8-16-94; Ord. 2459, sec. 18, 09-13-93; Ord. 2360, sec. 20, 11-6-90)

Sec. 11-17.11. Penalty for violation of article.

It shall be unlawful for any person to violate any provision of this article. 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 discretion of the municipal judge. If a violation is continuing, each day's violation shall be deemed a separate offense. (Ord. 2500, sec. 19, 8-16-94; Ord. 2459, sec. 19, 9-13-93; Ord. 2360, sec. 21, 11-6-90)

Sec. 11-17.12. Severability of article.

It is hereby declared to be the intention of the governing bodies of the City of Hattiesburg, Mississippi, that the phrases, clauses, sentences, paragraphs and sections of this article are severable, and if the implementation of any phrase, clause, sentence, paragraph or section of this article shall be postponed, such postponement shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article. (Ord. 2718, sec. 22, 3/7/00; Ord. 2500, sec. 20, 8-16-94; Ord. 2360, sec. 22, 11-6-90)

Sec. 11.17.14 Public Service Director's authority to grant Variances.

The Director of the Public Services Department may provide for the collection and removal of refuse at times in addition to those when regular collection service is provided.

When nonrecurring or infrequent special services shall be provided, the Director shall have the authority to charge a fee, based upon volume, in accordance with this chapter, and the customer shall be informed of such charges in advance of service, and said charges shall be added to the customers water bill.

The Director may waive the requirement of containerization of trash or yard waste during the Spring or Fall months or after severe weather if excessive accumulation of trash or yard waste so warrants. (Ord. 2831, sec 10, 9-16-03)

Reserved. 11.17.15—11.17.17

Article III. Deodorizing, Insect and Pest Treatment of Refuse Containers

Sec. 11-18. Definitions.

For the purposes of this article, the following words shall have the meanings herein ascribed to them:

Refuse container: Any residential, commercial or industrial garbage receptacle equal to or in excess of ninety (90) gallons in use for the purpose of collection of garbage and the immediate area adjacent to said garbage receptacle.(Ord. 2718, sec. 23, 3/7/00)

Owner: Any individual, partnership or corporation who is the actual owner of the Commercial Unit or who has possession or custody of the refuse container or the Commercial Waste Hauler who actually collects the garbage from the refuse container. (Ord. 2718, sec. 23, 3/7/00)

Unsanitary condition: Any condition which constitutes a hazard to the general health of the municipality pursuant to Section 21-19-1, Mississippi Code of 1972, Annotated as Amended, which may include excessive odors or the presence of insects and pests. (Ord. 2295, sec. 1, a-c, 7-19-88)

Sec. 11-19. Refuse containers--unsanitary.

It shall be unlawful to have, keep, maintain, use or permit a refuse container within the City of Hattiesburg in an unsanitary condition. (Ord. 2718, sec. 23, 3/7/00; Ord. 2295, sec. 2, 7-19-88)

Sec. 11-20. Treatment--required.

- A. It is hereby provided and required that all refuse containers and the area surrounding the refuse containers in the City shall be deodorized and treated for insects and pests as often as necessary to prevent unsanitary conditions.(Ord. 2718, sec. 25, 3/7/00)
- B. The owner is required to maintain written documentation of compliance with the deodorization and treatment for insects and pests on an individual refuse container basis. (Ord. 2295, secs. 3--4, 7-19-88)

Sec. 11-21. same--violation.

- A. The existence of unsanitary condition within a refuse container or on or about the immediate area adjacent thereto, and failure to eliminate such unsanitary condition within three (3) days after notice by the City to owner shall constitute a violation of this article.
- B. Should the owner responsible for any unsanitary condition within a refuse container on or about the immediate area adjacent thereto fail or refuse within three (3) days after notice by the City of Hattiesburg to take necessary measure to eliminate such condition, the City is authorized to do so, and all necessary costs incurred shall be charged to said owner.
- C. Any person who shall violate any provision of this article shall on conviction be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than thirty (30) days or both, in the discretion of the Court. For the purposes of this article, each day after the expiration of the proper notice that such person fails to comply with this article shall be deemed guilty of a separate violation of this article and subject to separate penalties for each conviction. (Ord. 2295, secs. 5--7, 7-19-88)

Sec. 11-22. Severability of article.

That it is hereby declared to be the intention of the governing authorities of the City of Hattiesburg, Mississippi, that the phrases, clauses, sentences, paragraphs and sections of this article are severable, and if the implementation of any phrase, clause, sentence, paragraph or section of this article shall be postponed, such postponement shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article. (Ord. 2718, sec. 27, 3/7/00)

Sec. 11-23. Effective date.

This article shall take effect and be in force, from and after September 1, 2000. (Ord. 2723, sec. 1, 6/6/00; Ord. 2718, sec. 29, 3/7/00)

Sec. 11-24 --- 11-25. Reserved.

Article IV. Littering

Sec. 11-26. Short title.

This article shall be known and may be cited as the "Hattiesburg Anti-Litter Ordinance." (Ord. 1600, sec. 1, 3-8-67)

Sec. 11-27. Definitions.

For the purposes of this article the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Aircraft is any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

Authorized private receptacle is a litter storage and collection receptacle as required and authorized in article 2 of this chapter.

City is the City of Hattiesburg, Mississippi.

Commercial handbill is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

A. Which advertises for sale any merchandise, product commodity, or thing; or

B. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

C. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance exhibition, or event of any kind, without a license where such license is or may be required by any law of this State, or under any ordinance of this city; or

D. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Garbage is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter is "garbage", "refuse" and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

Newspaper is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal Statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Noncommercial handbill is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper

Park is a park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

Person is any person, firm, partnership, association, corporation, company or organization of any kind

Private premises is any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place is any and all, paved or unpaved street, sidewalk, boulevard, alley, creek, drainage ditch, drainage space or other public ways and any and all public parks, squares, spaces, grounds and buildings. (Ord. 2359, sec. 1, 11-6-90)

Refuse is all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish is non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle is every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Ord. 1600, sec. 2, 3-8-67)

Cross reference--Construction of general terms, sec. 1-2.

Sec. 11-28. Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, authorized private receptacles for collection, or in official city dumps. (Ord. 1600, sec. 3, 3-8-67)

Sec. 11-29. Placement of litter in receptacles so as to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. 1600, sec. 4, 3-8-67)

Sec. 11-30. Removal of rubbish, other materials from building, similar operations; sweeping litter into gutter, street, other public place.

A. Property owners, tenants, lessees and contractors for hire engaged in the construction, repair, reconstruction, removal, and demolition of structures, improvements and property or part thereof, shall, at their own expense, remove trash, trees, limbs, roofing, lumber and any and all other kinds of rubbish, garbage, litter and refuse arising from their operations; and no person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any such activity or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

B. If any part of a structure is not completely demolished, the owner of said property will be responsible for its condition. Should the City of Hattiesburg find it necessary to clear any lot or lots or a part of a structure left standing, it shall be done in accordance with Section 21-19-11, and any other provisions of the Mississippi Code of 1972, Annotated as amended, which may apply. The Building Official or the Building Official's designee(s) shall be responsible for the enforcement of this article.

C. No person or persons shall engage in the removal or demolition of any structure, improvement or part thereof in the City of Hattiesburg without first obtaining a written permit therefor from the building official of said city who shall require the posting of a cash bond of not less than one hundred dollars (\$100.00), but which amount shall be determined by the Building Official on the basis of the estimated amount of debris remaining from such removal or demolition, which said bond shall be conditioned upon the clearing and removal of any and all such debris left on the site from which said structure is removed or demolished.

D. Said bond is for the insurance of the clearing of debris only, and not for the removal of any structure, or part thereof. If any amount or kind of debris is left on any premises the total amount of any bond will be forfeited to the city and used to have said premises cleared of any remaining debris. Such bond will be refunded within thirty (30) days after final inspection of such premises provided all such debris from said operations has been removed by the party posting said bond. Said final inspection will be made within ten (10) days of written request from the party posting said bond or the expiration date of permit issued for the hereinabove described removal or demolition, whichever is the earlier.

- E. Any permit issued shall become invalid unless the work authorized by it shall have been commenced and completed within sixty (60) days after its issuance; provided, that, for cause, one extension of time, for a period not exceeding thirty (30) days, may be allowed in writing by the Building Official. (Ord. 2252, sec. 2, 12-9-86; Ord. 1701, sec. 1, 3-3-71; 1673, sec. 1, 2-25-70; Ord. 1600, sec. 5, 3-8-67)

Cross reference--Removal of grass, weeds and trash from sidewalks required, sec. 11-3.

Sec. 11-31. Merchants' duty to keep sidewalks free of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter. (Ord. 1600, sec. 6, 3-8-67)

Sec. 11-32. Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property. (Ord. No. 1600, sec. 7, 3-8-67)

Sec. 11-33. Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. 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 street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (Ord. 1600, sec. 8, 3-8-67)

Cross reference--Vehicles used in transporting garbage, sec. 11-14.

Sec. 11-34. Litter in parks.

No person shall throw or 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 street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Ord. 1600, sec. 9, 3-8-67)

Sec. 11-35. Litter in lakes and fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or other body of water in a park or elsewhere within the city. (Ord. 1600, sec. 10, 3-8-67)

Sec. 11-36. Commercial or noncommercial handbills---Throwing or Distributing.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, or other public place within the city. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof handbill to any person willing to accept it. (Ord. 1600, sec. 11, 3-8-67)

Sec. 11-37. Same---Placing on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it. (Ord. 1600, sec. 12, 3-8-67)

Sec. 11-38. Same---Depositing on uninhabited or vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (Ord. 1600, sec. 13, 3-8-67)

Sec. 11-39. Same---Prohibiting distribution where properly posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No trespassing", "No Peddlers or Agents", "No Advertisement" or any similar notice, indicating in any matter that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. 1600, sec. 14, 3-8-67)

Sec. 11-40. Same---Distributing at inhabited private premises.

- A. **Manner of distribution.** No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbills directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.
- B. **Exemption for mail and newspapers.** The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. 1600, sec. 15, 3-8-67)

Sec. 11-41. Dropping litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object. (Ord. 1600, sec. 16, 3-8-67)

Sec. 11-42. Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law. (Ord. 1600, sec. 17, 3-8-67)

Sec. 11-43. Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may 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 street, sidewalk or other public place or upon any private property. (Ord. 1600, sec. 18, 3-8-67)

Sec. 11-44. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (Ord. 1600, sec. 19, 3-8-67)

Cross reference--Containers or receptacles regulated, sec. 11-12 and 11-17.5.

Sec. 11-45. Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not. (Ord. 1600, sec. 20, 3-8-67)

Sec. 11-46. Clearing of litter from open private property by city.

- A. The Building Official or the Building Official's designee(s) is hereby authorized and empowered to notify any owner of any open or vacant private property within the City or agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by Certified Mail, addressed to said owner at his last known address.

- B. The method of compliance and penalty shall be in accordance with Section 21-19-11, and any other provisions of the Mississippi Code of 1972, Annotated as amended, which may apply. The Building Official or the Building Official's designee(s) shall be responsible for the enforcement of this section. (Ord. 2253, sec. 2, 12-9-86; Ord. 1600, sec. 21, 3-8-67)

**Cross reference--See Municipal Offense Tickets-Section 16-71*

Sec. 11-47. Enforcement responsibility.

The enforcement of this article shall be the responsibility of the Director of Public Services or his representative. (Ord. 2359, sec. 2, 11-6-90)

Sec. 11-48. Penalty for violation of article.

It shall be unlawful for any person to violate any provision of this article. 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 in the discretion of the municipal judge. If a violation is continuing, each day's violation shall be deemed a separate offense. (Ord. 2359, sec. 3, 11-6-90)

Sec. 11-49 --- 11-51. Reserved.

**Article V. Mandatory Flow of Municipal Solid Waste
Establishing Effective Date & Penalties**

Sec. 11-52. General.

- A. The City of Hattiesburg, Mississippi has received a certified copy of a resolution adopted by the Pine Belt Regional Solid Waste Management Authority (The Authority) dated September 11, 2002, directing each member of the Authority to adopt a resolution or ordinance to require the mandatory flow of municipal solid waste to the Authority Solid Waste Landfill in Perry County, Mississippi.(Ord. 2802, sec. 1, 11-7-02; Ord. 2794, 7-16-02)
- B The City of Hattiesburg, Mississippi is a member of The Authority and is required to adopt such an ordinance pursuant to the terms and provisions of Sec. 17-17-319 (Supp.2002) of the Mississippi Code of 1972.(Ord. 2802, sec. 1, 11-7-02; Ord. 2794, 7-16-02)

Sec. 11-53. Definitions.

- A. **Municipal Solid Waste** shall mean 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.

- B. **Person** shall mean a person as defined in Sec. 17-17-3 of the Mississippi Code of 1972.(Ord. 2802, sec. 2, 11-7-02)

Sec. 11-54. Municipal Solid Waste Generated and Effective Date.

All municipal solid waste generated within the geographic boundaries of the City of Hattiesburg, Mississippi, 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.(Ord. 2802, sec.3, 11-7-02)

Effective date shall be in force on January 1, 2003.(Ord. 2802, sec.6, 11-7-02)

Sec. 11-55. Penalties.

It shall be unlawful for any person to violate any provision of this article. Such violation shall be a misdemeanor and shall be punishable by a fine or not more than one thousand dollars (\$1,000), 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 violation shall be deemed a separate offense (Ord. 2802, sec. 4, 11-7-02; Ord. 2794, 7-16-02)

Sec. 11-56---11-58. Reserved.

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