

TITLE V: PUBLIC WORKS

Chapter

**50. COLLECTION, TRANSPORTATION, AND DISPOSAL
OF SOLID WASTE**

Rose Hill Acres - Public Works

STATE OF MISSISSIPPI

COMMISSION ON THE STATE OF MISSISSIPPI
OFFICE OF THE ATTORNEY GENERAL

CHAPTER 50: COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE

Section

- 50.01 Definitions
- 50.02 General regulations
- 50.03 Construction and demolition debris
- 50.04 Commercial and multi-family recycling
- 50.05 Exclusive services
- 50.06 Disposal
- 50.07 Construction and demolition debris disposal providers
- 50.08 Commercial and multi-family recycling providers
- 50.09 Garbage and recyclable material receptacles required; location
- 50.10 Receptacles to be of same type, capacity
- 50.11 Frequency of collection
- 50.12 Disposal of brush, shrub, lawn trimmings, trees, logs, and boards
- 50.13 Commercial and roll-off service
- 50.14 Bulk material
- 50.15 Heavy accumulations removal
- 50.16 Collection charges for garbage, refuse, and residential recycling

- 50.99 Penalty

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CODE ENFORCEMENT OFFICER. The **CODE ENFORCEMENT OFFICER** of the town, or the Officer's agent or designee.

CONSTRUCTION AND DEMOLITION DEBRIS (C&D). All non-hazardous solid waste resulting from construction and demolition activities.

DRY REFUSE or DRY RUBBISH. Tin cans, papers, dry trash, pieces of wood, boxes, crates, tree limbs, and excelsior or other packing material, and other like materials and substances.

GARBAGE. Rubbish, trash, kitchen and household waste including meat, vegetable, and fruit refuse, hedge trimmings, lawn trimmings, merchandise containers whether of paper, wood, or other materials.

RECEPTACLES. Any waterproof, disposable, securely tied containers which may be discarded, such as plastic bags of not less than two-mil thickness; these being equal in strength and quality to the disposable bags specified or provided by the town.

WASTE COLLECTION PROVIDER. The business the town has signed an agreement with, which is renewable every two or three years as per the contract.
(Ord. 2018, passed - -2018)

§ 50.02 GENERAL REGULATIONS.

All persons, companies, corporations, businesses, residential, industrial, and commercial establishments within the town shall be required to use the solid waste, construction and demolition debris, and recycling disposal services provided by the town, or by one or more contractors or private haulers operating under a franchise or permit granted by the town, as provided herein. Except as otherwise provided in this chapter, it shall be unlawful for any person, business, company, or corporation to use the public streets, alleys, or public thoroughfares within the corporate limits for the purpose of engaging in the business of collection, transport, or disposal of solid waste, recycling materials, and construction and demolition debris without first having obtained a franchise or permit from the town.

(Ord. 2018, passed - -2018)

§ 50.03 CONSTRUCTION AND DEMOLITION DEBRIS.

Construction and demolition debris in the town shall be collected by one or more contractors which shall operate under a franchise or permit granted by the town as provided herein. Such contractors shall contract directly with the customer, and bill and invoice such customers for the services.

(Ord. 2018, passed - -2018)

§ 50.04 COMMERCIAL AND MULTI-FAMILY RECYCLING.

Commercial and multi-family recycling materials shall be collected in the city by one or more contractors which shall operate under a franchise or permit granted by the city as provided herein. Such contractors shall contract directly with the customer, and bill and invoice such customers for the services. In multi-family complexes the owner, apartment manager, or other responsible party shall contract directly with a town contractor.

(Ord. 2018, passed - -2018)

§ 50.05 EXCLUSIVE SERVICES.

(A) The town shall be the exclusive provider of the following services:

- (1) Solid waste collection for residential customers;
- (2) Solid waste collection for commercial customers;
- (3) Solid waste collection for multiple-family customers;
- (4) Collection for bulky items;
- (5) Commercial roll-off services; and
- (6) Residential recycling collection services.

(B) Customers of such services shall pay such charges as are established by the Town Board from time to time.

(Ord. 2018, passed - -2018)

§ 50.06 DISPOSAL.

All contractors, private haulers, or other persons or entities providing solid waste collection and transportation services, and construction and demolition debris collection and disposal services, within the town pursuant to a franchise or permit, shall deliver and dispose of the solid waste and construction and demolition debris collected within the town at such facilities owned, operated, or designated by the Lumberton Municipal Utility District (MUD). Construction and demolition debris materials shall be delivered to the Lumberton Municipal Utility District Regional Disposal Facility or other facility designated by the Lumberton Municipal Utility Water District. It shall be unlawful for any person, contractor, or private hauler to deliver and dispose of any solid waste or construction and demolition debris at any facility other than the Lumberton Municipal Utility Water District facilities.

(Ord. 2018, passed - -2018)

§ 50.07 CONSTRUCTION AND DEMOLITION DEBRIS DISPOSAL PROVIDERS.

(A) *Permit.* It shall be unlawful for any person, company, or corporation to engage in the business of the collection, transport, and disposal of construction and demolition debris within the town, without first having obtained a permit from the town. The permit shall be non-transferable.

(B) *Application.* A person, company, or corporation that desires to engage in the business of the collection, transport, and disposal of construction and demolition debris within the town must submit an application on a form prescribed by the town addressed to the Town Secretary or Mayor or his or her appointed designee, the Public Services Director, accompanied by a non-refundable permit application fee established by resolution of the Town Board from time to time. The permit application shall include the following:

Rose Hill Acres - Public Works

(1) Applicant's name, address, phone number, email address, facsimile number, and form of business;

(2) Trade name under which the applicant will conduct business; and

(3) Certificate of insurance and copies of insurance policy endorsements for the types and amounts of insurance and endorsements as may be required by the Risk Manager.

(C) *Permit expiration.* The permit expires December 1 of each year and may be renewed by making application as provided in this section accompanied by a permit renewal fee established by resolution of the Town Board from time to time.

(D) *Permit fee.* The permit holder shall pay an annual permit fee in an amount equal to 5% of the gross receipts on all revenue and income collected by or for the permit holder from any source derived from the operation of the business of the collection, transport, and disposal of construction and demolition debris within the town. The permit holder shall remit the annual fee on a calendar quarter basis to the Town Finance Department within 30 days after the end of each calendar quarter based on the revenues and income collected from the business for the collection, transport, and disposal of construction and demolition debris within the town during the immediately preceding calendar quarter. Each quarterly payment shall be accompanied by an income statement verified and acknowledged by a management official of the permit holder which shows the revenue and income collected by or for the permit holder from any source derived from the operation of the business of the collection, transport, and disposal of construction and demolition debris within the town. The permit holder shall be required to submit such other records and information as the acting Director of Public Services may reasonably request to verify the permit holder's gross receipts from the business operation of the disposal of, and the collection of, construction and demolition debris within the town.

(E) *Permit issuance.* The Mayor, or the designated representative acting as Director of Public Services shall issue a permit within 15 days after receipt of a completed application accompanied by the insurance certificates and policy endorsements as may be required by the Ordinance Control Officer acting as the Risk Manager. The Director of Public Services may deny an application and request additional information to complete the application.

(F) *Permit revocation.*

(1) The Mayor, or the designated representative acting as Director of Public Services may revoke a permit for any one or more of the following reasons after five days prior written notice to the permit holder:

(a) Failure to maintain the required insurance or to provide sufficient proof thereof upon request of the town;

(b) Violation of this code;

- (c) Violation of any of the terms and conditions set forth in the permit;
- (d) Transporting materials to an unauthorized facility; and
- (e) Failure to timely pay the annual permit fee.

(2) The permit holder may appeal the revocation to the Board of Aldermen, or the designated representative thereof, within five days after the date of revocation. The Mayor or the designated representative shall have the authority to reverse or uphold the revocation. The decision of the Mayor shall be final.

(Ord. 2018, passed - -2018)

§ 50.08 COMMERCIAL AND MULTI-FAMILY RECYCLING PROVIDERS.

(A) *Permit.* It shall be unlawful for any person, company, or corporation to engage in the business of the collection, transport, and disposal of commercial and/or multi-family recycling services in the town without first having obtained a permit from the town. The permit shall be non-transferable.

(B) *Application.* A person, company, or corporation that desires to engage in the business of the collection, transport, and disposal of commercial and/or multi-family recycling materials within the town must submit an application on a form prescribed by the town to the Director of Public Services accompanied by a non-refundable permit application fee established by resolution of the Board from time to time. The permit application shall include the following:

- (1) Applicant's name, address, phone number, email address, facsimile number, and form of business;
- (2) Trade name under which the applicant will conduct business; and
- (3) Certificate of insurance and copies of insurance policy endorsements for the types and amounts of insurance and endorsements required by the Risk Manager.

(C) *Permit expiration.* The permit expires October 1 of each year and may be renewed by making application prior to the second Tuesday of the month of December as provided in this section, accompanied by a permit renewal permit fee established by resolution of the Town Board from time to time.

(D) *Permit fee.* The permit holder for commercial and/or multi-family recycling services shall pay an annual fee for such permit in an amount equal to 3% of the gross receipts on all revenue and income collected by or for such permit holder from any source derived from the operation of the business of the collection, transport, and disposal of commercial or multi-family recycling materials, as the case may be, in the town not covered by the town disposal agreement with the contracted waste collection

provider. The permit holder shall remit the annual fee on a calendar quarter basis to the Town Finance Department within 30 days after the end of each calendar quarter based on the revenues and income collected during the immediately preceding calendar quarter. Each quarterly payment shall be accompanied by an income statement verified and acknowledged by a management official of the permit holder which shows the revenue and income collected by or for the permit holder from any source derived from the business operation of the collection, transport, and disposal of commercial or multi-family recycling materials, as the case may be, in the town. The permit holder shall be required to submit such other records and information as the Director of Public Services may reasonably request to verify the permit holder's gross receipts from the operation of such services in the town.

(E) *Permit issuance.* The Director of Public Services shall issue a permit within ten days after receipt of a completed application accompanied by the insurance certificates and insurance policy endorsements as required by the Town Secretary as acting Risk Manager. The Director of Public Services may deny an application and request additional information to complete the application.

(F) *Permit revocation.*

(1) The Director of Public Services may revoke a permit for any one or more of the following reasons, after ten days prior written notice to the permit holder:

- (a) Failure to maintain the required insurance or to provide sufficient proof thereof upon request of the town;
- (b) Violation of this code;
- (c) Violation of any of the terms and conditions set forth in the permit;
- (d) Transporting materials to an unauthorized facility; and
- (e) Failure to timely pay the annual permit fee.

(2) The permit holder may appeal the revocation to the Mayor, or the designated representative thereof, within five days after the date of revocation. The Mayor or the designated representative shall have the authority to reverse or uphold the revocation. The decision of the Mayor or the designated representative shall be final.

(Ord. 2018, passed - -2018)

§ 50.09 GARBAGE AND RECYCLABLE MATERIAL RECEPTACLES REQUIRED; LOCATION.

(A) No person shall place or throw any garbage, trash, recyclable materials, or common household waste of any kind or character upon any street, sidewalk, alley, public way, parking lot, or open space

in the town except in a receptacle as hereinafter described. Such receptacle is to be placed on the rear of the premises adjoining the alley, at a point accessible to the garbage and recyclable materials collectors. Where a residence is not served by an alley, public utility easement, or other public way in the rear or alongside thereof, all receptacles shall be placed upon the front edge of the front sidewalk or road or public right-of-way so as to be accessible to the garbage and recyclable materials collectors. Garbage and recycling receptacles may be placed at other locations as may be designated by the Mayor or his or her appointed designee, the Director of Public Services, from time to time. It shall be unlawful for any person, occupant, or person in control of any residence to permit receptacles serving residential property to remain on the public right-of-way, whether front, side, or rear, on days other than those designated by the Solid Waste Superintendent for garbage and trash collection.

(B) It shall be unlawful for the owner, occupant, or person in control of any residence, business, or commercial establishment to allow garbage, recyclable trash, waste, or recyclable materials to be piled, placed, or to accumulate on any sidewalk or street within the town. All such garbage, trash, waste, and recyclable materials shall be placed in approved containers as provided for in this chapter.

(C) Trash such as leaves may be placed in plastic bags or approved containers; limbs may be bundled and placed according to the recommendations provided by the approved trash and debris provider.

(D) Debris from a storm or other catastrophic event may be stored in an approved location for a period of 30 days if the materials meet the standards provided by the approved trash service. Additional extensions of time may be approved upon notice to the Mayor or his or her appointed designee, the Director of Public Services, and his or her approval thereof.

(Ord. 2018, passed - -2018)

§ 50.10 RECEPTACLES TO BE OF SAME TYPE, CAPACITY.

(A) All occupants of residences or dwelling houses in the town shall use trash containers provided by the service provider or private purchased containers to supplement or replace provider container subject to municipal agreement with trash pickup service provider.

(B) Any disposable container may be used; however, disposable containers which are blue in color are designated for recyclable materials. Garbage, trash, or waste of any kind placed in blue disposable containers will not be collected if not classified as recyclable with approved markings. Other disposable container colors may be used for residential trash and garbage. No person shall use a disposable container of lesser strength or quality than that specified by the trash provider agreement. All disposable containers shall be securely fastened, and the trash provider service shall not collect disposable containers which weigh more than the agreed contract weight limits in pounds set by contract with the waste collection provider. The town may change disposable container specifications at any time to best meet the needs of the trash and recyclable materials collection systems.

(Ord. 2018, passed - -2018)

§ 50.11 FREQUENCY OF COLLECTION.

(A) All garbage, trash, and waste shall be collected and removed from every residence in the town at least two times per week unless otherwise ordered by the Director of Public Services and in full adherence to all EPA and/or TCEQ rules and regulations.

(B) All garbage, trash, and waste shall be collected and removed from every other type of occupancy on a schedule as determined by the Solid Waste Superintendent and approved by the Director of Public Services and in full adherence to all EPA and/or TCEQ rules and regulations.

(C) If available to the town through the designated trash provider, all recyclable materials shall be collected and removed from every residence in the town at least once per week unless otherwise ordered by the Director of Public Services and in full adherence to all EPA and/or TCEQ rules and regulations.

(D) Tree trimmings, old appliances, unwanted furniture, brush measuring greater than a cubic yard, and other bulky items, collectively referred to in this division as bulky items, shall be collected and removed from every residence following a customer request for such collection service on days designated by the Solid Waste Superintendent and approved by the Director of Public Services. Bulky items may not be set out for collection prior to requesting collection service. Collection service must be requested before the designated collection day. Bulky items scheduled for pick up must be set out at the front curb of the residence no later than 7:00 a.m. on the designated collection day.
(Ord. 2018, passed - -2018)

§ 50.12 DISPOSAL OF BRUSH, SHRUB, LAWN TRIMMINGS, TREES, LOGS, AND BOARDS.

Whenever brush or shrub trimmings, trees, logs, lawn cuttings, or boards are placed in any designated location for collection and disposal by any person owning, occupying, or controlling a residence or dwelling unit in the town, the following methods of placement of such material shall be utilized by such person.

(A) Tree limbs, boards, and other rubbish not over three feet in length may be tied in a bundle, or large limbs two inches or greater stacked in an orderly manner for collection. Each bundle must not weigh over specified pounds.

(B) Brush, shrub, and tree trimmings, as well as lawn clippings, shall be placed in a receptacle. Brush, shrub, and tree trimmings shall not include branches or logs when said branches or logs are more than three inches in diameter or more than three feet in length. In no case shall brush, shrub, and tree trimmings or lawn clippings be placed in a container exceeding 50 pounds in weight.
(Ord. 2018, passed - -2018)

§ 50.13 COMMERCIAL AND ROLL-OFF SERVICE.

(A) The town's trash collection provider shall be the sole provider of solid waste collection at all times, excepting those during a declared emergency, exclusive of construction containers containing brick, concrete, shingles/roofing material, dirt, gravel, tile, or other waste deemed uncollectible by the Solid Waste Superintendent.

(B) Front-loading containers shall be provided by the town approved contractor. In local retail, commercial, apartment, industrial, technical, scientific, planned development, and office areas, all front-loading trash receptacles shall meet the following criteria.

(1) A concrete pad, 14 feet by 20 feet, of six-inch concrete, 3,000 pounds per square inch (psi), with number three rebar, and 24 inches on center, shall be provided for each container unit.

(2) All front-loading containers shall be screened from view by an enclosure compatible in material and color with the main structure, not less than six feet in height.

(3) All front-loading containers oriented perpendicular to the principal means of access to such receptacle shall be located in such a manner as to provide a minimum turning radius of 52 feet for the collection vehicle.

(4) Any front-loading container not perpendicular to the principal means of access to said receptacle shall be oriented at a 30° angle from the fire lane, alley, or other means of access.

(5) Alternative design standards to the above specifications must be approved by the Director of Public Services.

(C) All roll-off receptacle locations shall meet the following criteria.

(1) A concrete pad, 14 feet by 30 feet, for 28-yard compaction units and smaller.

(2) A concrete pad, 14 feet by 35 feet, for compaction units between 28 and 43 yards.

(3) Concrete pads shall be six inches thick with number three rebar, 24 inches on center, with a comprehensive strength of 3,000 psi.

(4) All trash receptacles shall be screened from view by an enclosure compatible in material and color with the main structure, not less than six feet in height.

(5) Alternative design standards to the above must be approved by the Director of Public Services.

(D) In local retail, commercial, industrial, technical, scientific, apartment, and office areas generating 80 cubic yards of non-compacted solid waste per week, the town shall provide and maintain roll-off compactors for solid waste disposal service by a town refuse collection machine. Customers that desire to utilize their own roll-off compactors must meet town specifications for such units, and they will be responsible for maintenance of such units.

(E) Any commercial or roll-off receptacle locations not in conformance with the provisions of this section and lawfully in existence on the date of passage of this provision shall be made to conform to the requirements of this section upon the granting of a building permit to repair, remodel, enlarge, alter, renovate, and/or demolish or replace a main building, structure, or a commercial/roll-off receptacle location or pad when, in the opinion of the town, the commercial or roll-off receptacle locations are in a state of disrepair and constitute a hazard.

(F) Where a commercial container service is provided under this section, the following provision shall be applicable: it shall be unlawful for any person other than the owner, lessee, or his authorized representative to deposit, cause, or allow to be deposited, any type of waste or other substance in a commercial container posted with a notice prohibiting such action.

(G) It shall be unlawful for any person to obstruct a commercial-type container by parking in front of, or within five feet of, either side of a commercial-type container, or obstruct a commercial-type container in any manner, where such obstruction would interfere with the servicing of such container. (Ord. 2018, passed - -2018)

§ 50.14 BULK MATERIAL.

(A) All commercial nurserymen and firms regularly engaged in lawn and garden service shall comply with the state and local requirements for disposal or provide for the collection and removal of all waste generated by their activities to a sanitary landfill.

(B) No person shall permit any garbage, refuse, junk, rubbish, recyclable materials, or any other substance capable of impeding the flow of water into any gutter or drainage ditch.

(C) No person shall sweep garbage, trash, refuse, paper, litter, debris, or recyclable materials into any public street, alley, ditch, or utility easement.

(D) No person shall permit any garbage, refuse, junk, rubbish, recyclable materials, or any other substance capable of holding water, containing toxic or hazardous materials, on private or public property, that constitutes a private or public health hazard. It shall be the responsibility of the property owner for cleanup and removal to the appropriate waste sites. (Ord. 2018, passed - -2018)

§ 50.15 HEAVY ACCUMULATIONS REMOVAL.

Heavy accumulations, such as brick, broken concrete, lumber, construction materials, cinders, dirt, plaster, sand or gravel, automobile frames, dead trees, and other bulky, heavy material, including debris from vacant lots, shall be removed from any premises within the town at the expense of the owner, occupant, or person controlling the same. Such materials shall not be stored or placed in any alley or other public right-of-way, or on any private property except the premises on which accumulation originated. The town reserves the right to pick up all material or waste placed in the alley and shall not be held liable for the disposal of such material regardless of its nature.

(Ord. 2018, passed - -2018)

§ 50.16 COLLECTION CHARGES FOR GARBAGE, REFUSE, AND RESIDENTIAL RECYCLING.

The Town Board shall, by resolution, establish all fees and charges commensurate with the removal of garbage, refuse, and residential recycling within the town from time to time as it may determine. The fees and charges established thereby shall be on file with the Town Secretary.

(Ord. 2018, passed - -2018)

§ 50.99 PENALTY.

Any person, firm, or corporation violating any of the provisions or terms of this chapter shall be subject to the same penalty as provided for in § 10.99, and upon conviction shall be punished by a fine not to exceed the sum of \$2,000 for each offense, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

(Ord. 2018, passed - -2018)

Rose Hill Acres - Public Works

The first section of the report discusses the current status of the Rose Hill Acres project. It details the progress made since the last meeting, including the completion of the site plan and the initiation of the environmental impact study. The report also mentions the ongoing negotiations with the local government regarding the zoning and the public works department's involvement in the project.

The second section of the report provides a detailed overview of the project's financial aspects. It includes a breakdown of the estimated costs for the various phases of the project, from land acquisition to the construction of the public works infrastructure. The report also discusses the potential revenue sources and the overall budget for the project.

The third section of the report addresses the public works department's role in the project. It outlines the specific tasks and responsibilities assigned to the department, such as the design and construction of the water supply system, the sewerage treatment plant, and the road network. The report also highlights the department's commitment to ensuring the project's long-term sustainability and the well-being of the community.