

**ORDER ADOPTING PROPOSED SOLID WASTE FEE AND AMENDING SOLID
WASTE ORDINANCE TO REFLECT SAME**

CAME ON FOR CONSIDERATION the presentation of the comments received in regard to the proposed fee increase and amendment of the solid waste ordinance to reflect same.

After discussion and upon consideration of the comments received, Motion was made by Honorable Kevin Wilcher and seconded by Honorable Keith Lillis to amend the Solid Waste Ordinance of Neshoba County by setting the monthly solid waste disposal fee at \$16.50 per month, per generator, effective January 1, 2021. Notice of same is to be prepared by the Board Attorney and published by the Clerk of the Board.

Motion passed on the following vote:

Keith Lillis, Supervisor, District I	Aye
Kevin Cumberland, Supervisor, District II	Aye
Kinsey Smith, Supervisor, District III	Aye
Kevin Wilcher, Supervisor, District IV	Aye
Obbie Riley, Supervisor, District V	Aye

ORDERED AND ADJUDGED this the 15th day of June, 2020.



KEVIN CUMBERLAND, President
Neshoba County Board of Supervisors
Neshoba County, Mississippi

**ORDER REGULATING THE SOLID WASTE COLLECTION AND SOLID WASTE
COLLECTION FEES AND EXEMPTIONS**

The Neshoba County Board of Supervisors sets forth the following regulations, laws and ordinances controlling solid waste collection within unincorporated areas of Neshoba County, Mississippi.

The Neshoba County Board of Supervisors originally set forth its ordinance on solid waste collection by that certain Order on November 1, 1993 and has since amended said order. On December 29, 2011, the Neshoba County Board of Supervisors again amended said Solid Waste Ordinance such that it reads and regulates in its entirety as follows, to-wit:

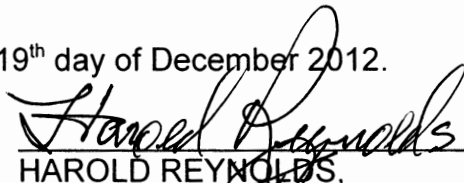
1. Pursuant to Miss. Code Ann. §19-5-17 Neshoba County has full and complete authority to establish and maintain a system of collecting and disposing of solid waste generated within the unincorporated areas of Neshoba County, Mississippi;
2. Pursuant to Miss. Code Ann. §19-5-17 Neshoba County has full and complete authority to establish the rates, fees and charges for collecting and disposing of such solid waste.
3. Pursuant to Miss. Code Ann. § 19-5-21(3) Neshoba County may change the rate, fee and charge for solid waste collection.
4. Pursuant to Miss. Code Ann. § 19-5-17 and this ordinance, all persons in the unincorporated areas of Neshoba County shall utilize the solid waste collection system implemented by Neshoba County. However, upon a resident or commercial business providing proof on an annual basis of a valid contract with a commercial solid waste disposal company authorized to perform such solid waste collection and disposal, said resident or commercial business shall be exempt from utilizing Neshoba County's solid waste collection system and exempt from paying the solid waste collection fee during the term of the valid contract with said commercial solid waste disposal company. It is the burden of the resident or commercial solid waste generator to provide annual proof of such an existing contract. Only one (1) resident and one (1) commercial business per valid contract so provided shall be exempt from paying the solid waste collection fee and from utilizing the solid waste collection system of Neshoba County.
5. Each dwelling or manufactured/mobile home, regardless of who occupies such structure, shall be assessed a monthly fee of \$12.50 for collection and disposal of solid waste in the unincorporated areas of Neshoba County. The solid waste collection fee shall be billed to each dwelling or manufactured home quarterly. Failure to pay the \$12.50 solid waste collection fee within thirty (30) days of the date of the invoice will make that account delinquent. Neshoba County may employ any means within the law to collect said delinquent solid waste collection

fee.

6. Those dwellings or manufactured/mobile homes which are exempt from paying the monthly solid waste collection fee set forth in Paragraph 5 are as follows:
 - a. The dwellings or manufactured/mobile homes whose occupant has provided annual proof to the Neshoba County Tax Collector/Assessor that a valid contract with a commercial solid waste disposal company exists for that particular dwelling or manufactured/mobile home;
 - b. The dwellings or manufactured/mobile homes whose occupant has provided annual proof to the Neshoba County Tax Collector/Assessor that he/she owns a commercial business which has a valid contract with a commercial solid waste disposal company;
 - c. Prior to 5:00 p.m. on December 29, 2011, an occupant of the dwelling or manufactured/mobile home was above the age of Sixty-Five (65) years and made proper application with the Neshoba County Tax Collector/Assessor's Office to be exempt from paying the monthly solid waste collection fee;
 - d. Prior to 5:00 p.m. on December 29, 2011, an occupant of the dwelling or manufactured/mobile home was declared "disabled" by the United States Social Security Administration and made proper application with the Neshoba County Tax Collector/Assessor's Office to be exempt from paying the monthly solid waste collection fee; or
 - e. A household that does not generate solid waste as shown by the standard set forth in Miss. Code Ann. § 17-17-227.
7. In the event an occupant shall move from one dwelling or manufactured/mobile home to another dwelling or manufactured/mobile home while benefitting from an exemption set forth in sub-paragraphs c and d of paragraph 6 above, said exemption shall follow said occupant to the new dwelling or manufactured/mobile home.
8. Pursuant to Miss. Code Ann. §19-5-22, landlords and occupants of dwellings and manufactured/mobile homes are jointly and severally responsible for the solid waste collection fee. Only if the occupant can provide proof in a written rental or lease agreement which reveals that the solid waste collection fee was paid to the landlord as part of the rent or lease payment will the occupant not be liable for payment of the solid waste collection fee.
9. Any person residing at the same address for which there are delinquent solid waste collection fees shall not receive a car tag until such time as the solid waste collection fee is paid in full.

10. Any person owning or residing on real property upon which there is generator of solid waste and said solid waste collection fee is delinquent, said person shall not receive a car tag until such time as the solid waste collection fee is paid in full.
11. Solid waste collection shall occur once a week and shall be placed at the road side in front of the generating dwelling or manufactured/mobile home in a receptacle that will prevent any portion of the solid waste from becoming wind blown or destroyed or scattered by animals.
12. Solid waste collection shall not be placed at the road side more than thirty (36) hours prior to garbage collection route for that household is to run.
13. Anyone who places solid waste out for collection and while being delinquent on paying the solid waste collection fee is illegally dumping solid waste and therefore will be criminally charged with illegally dumping and littering.
14. Failure of the generator of solid waste, regardless of the fact the generator of the garbage is the owner of the real property, may result in Neshoba County placing a lien on the real property from which the solid waste was generated by any means necessary to ensure payment of the solid waste collection fee owing.
15. This ordinance and all requirements and obligations imposed therein shall be effective January 1, 2012 at 12:00 a.m.

Ordered and Adjudged, this the 19th day of December 2012.



HAROLD REYNOLDS,
President of the Board of Supervisors
Neshoba County, Mississippi

ORDER LEVYING SOLID WASTE MANAGEMENT
SURCHARGE ON THE TAXABLE REAL PROPERTY, PERSONAL PROPERTY
AND MOTOR VEHICLES WITHIN NESHOPA COUNTY, MISSISSIPPI

The Board of Supervisors of Neshoba County, Mississippi finds that the Legislature, by Section 19-5-17 of the Mississippi Code of 1972, Amended, has required the Boards of Supervisors of all counties to provide for the collection and disposal of garbage and the disposal of rubbish, and for that purpose has required such Boards of Supervisors to establish, operate and maintain a garbage and/or rubbish disposal system or systems. Neshoba County is presently collecting solid waste or garbage from each household in the County except those located within the municipal limits of the City of Philadelphia and the City of Union. Section 19-5-21 (2) of said Code empowers the Boards of Supervisors to levy a solid waste management surcharge on the amount of ad valorem taxes owed on the taxable real property, personal property, and motor vehicles located within Neshoba County, Mississippi.

The Board finds that a solid waste surcharge levy of \$7.00 per month per household should be and is hereby established as set forth herein and that the same should be levied as a surcharge on the amount of ad valorem taxes owed on the real property, personal property and motor vehicles of Neshoba County, Mississippi.

On motion made by Supervisor Cecil Stewart, District 2, and seconded by Supervisor Kenneth Thompson, District 1, and the affirmative vote of Supervisor James Young, District 5, Supervisor Mike Tingle, District 4, and Supervisor Harold Reynolds, District 3,

IT IS, THEREFORE, ORDERED AND ADJUDGED by the Board of Supervisors of Neshoba County, Mississippi, as follows:

1. Effective January 1, 1994, as authorized by Section 19-5-21 (2), Mississippi Code of 1972, Annotated, the Board of Supervisors does hereby levy a solid waste management surcharge of \$7.00 per month on the amount of ad valorem taxes owed on the

real property, personal property and motor vehicles within Neshoba County, Mississippi, excluding those within the municipal limits of the City of Philadelphia and the City of Union.

2. The said surcharge levy is hereby set at an annual fee of Eighty-Four Dollars (\$84.00) per household which is the equivalent of \$7.00 per month and may be paid quarterly.

3. The said surcharge levy is payable when the ad valorem taxes set forth herein are paid, or anytime in advance for up to one year. If paid quarterly, the first installment of Twenty-One Dollars (\$21.00) will be due on or before April 1, 1994, and a like installment due on or before each June 1, October 1, and January 1, 1995, thereafter. This paragraph allows each head of household to pay in installments, complying with the portion of Section 19-5-21 which allows such payment for the surcharge heretofore levied in Paragraph 1.

4. The term "head of household", as used in this Order, is defined as any person who occupies, owns, rents, or is otherwise related to a location that has a residential structure located upon it, who shall be responsible for payment of the surcharge levy set herein.

5. The Board of Supervisors, pursuant to the authority of Section 17-17-61, hereby establishes the surcharge assessment as a lien against the real property, personal property and motor vehicles of Neshoba County and may, upon a determination of delinquency, be enrolled in the office of the Circuit Clerk as other judgments are enrolled. Such surcharge shall become an assessment and lien upon the real property where the garbage was collected regardless of whether the person who incurred the surcharge was the owner of the real property, a tenant, or some other party.

6. Liens created by the surcharge may be discharged as follows:

- (a) By filing with the circuit clerk a receipt or acknowledgement, signed

by the County, that the lien has been paid or discharged;

- (b) By depositing with the Clerk money equal to the amount of the claim, which money shall be held for the benefit of the County; or
- (c) By an entry in the lien docket that the action on the part of the County to enforce the lien has been dismissed.

7. The Tax Collector of Neshoba County, Mississippi, shall add the amount of delinquent surcharge levy to the amount the property owner owes for ad valorem taxes on the taxable real and/or personal property of said property owner. The Tax Collector shall settle all surcharge levies collected to the County Solid Waste Disposal Fund.

8. If the County Tax Collector determines that any person who has a lien filed for failure to pay any solid waste surcharge does not have taxable real property assessed or located in the County, such lien shall attach to any motor vehicle owned by such person within the County. Once such a lien is filed, a motor vehicle road and bridge privilege license shall not be issued or renewed until all delinquent solid waste surcharges are paid and the lien satisfied.

9. Laws enacted by the Mississippi Legislature provide for two (2) exemptions from the surcharge levy imposed herein.

Those exemptions are as follows:

- (1) A household that does not generate solid waste (Code Section 17-17-227 (4));
- (2) An industrial, commercial or multi-family residential generator that has contracted for collection of solid waste that is ultimately disposed of at a permitted or authorized facility (Code Section 17-17-227(4)); or

Any person who desires to claim exemption from the solid waste surcharge levy imposed herein shall make application to the County Administrator of Neshoba County, Mississippi, on the proper furnished form. The application must be completed in full and all required documentation must be furnished with the original application, or the application and the claimed exemption will be rejected. Any person aggrieved by the action of the County Administrator in rejecting such application may appeal within 10 days to the Board of Supervisors of Neshoba County, Mississippi. Any person who fails to make application for the exemption, or who fails to appeal the rejection of his application may not later claim exemption for any past due amounts of the surcharge levy.

10. The payment of the surcharge levy set herein will entitle the payor to the weekly pickup and disposal of the solid waste generated by the household, subject to the following:

- (1) Only household solid waste, not rubbish, leaves, limbs, wood, nor metal, will be picked up.
- (2) Only that household solid waste placed in plastic garbage bags will be picked up, no loose boxes or other items outside of the garbage bags will be picked up.
- (3) The garbage bags must be placed on the right side of the road in the direction of travel of the garbage truck.
- (4) The fact that the household solid waste is not picked up will be no defense to the failure to pay the surcharge levied herein.

11. A certified copy of this order shall be published on November 10, 1993; November 17, 1993; November 24, 1993; and December 1, 1993, in the legal section of The Neshoba Democrat, a newspaper of general circulation within Neshoba County, Mississippi, and qualifying for legal publications under Section

13-3-31 of the Mississippi Code of 1972 as amended.

SO ORDERED AND ADJUDGED by the Board of Supervisors of Neshoba County, Mississippi, in open and regular session on this the 1st day of November, A. D., 1993.

HAROLD REYNOLDS, PRESIDENT
BOARD OF SUPERVISORS
NESHOPA COUNTY, MISSISSIPPI