

**PANOLA COUNTY MISSISSIPPI DERELICT PROPERTY AND LITTER CONTROL ORDINANCE. TO CONTROL LITTER AND UNCLEANLINESS OF PUBLIC AND PRIVATE PROPERTIES THAT ARE A MENACE TO PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE COMMUNITY. ESTABLISHING PENALTIES FOR VIOLATION OF SAID ORDINANCE.**

**I. Title.**

This Ordinance shall be known as the Panola County Derelict Property and Litter Control Ordinance.

**II. Intent.**

It is the intent of the Board of Supervisors and of this Ordinance to promote a clean, healthy, safe and attractive environment in which to live.

Whereas the Panola County Board of Supervisors has become aware of increased littering of public and private property in Panola County, Mississippi and;

Whereas said littering of public and private property degrades the environment and community and causes health and safety hazards, and;

Whereas the cost incurred by Panola County to clean up public and private property creates an undue burden upon the taxpayers of Panola County.

**III. Applicability.**

This Ordinance shall apply to and be enforced within the unincorporated boundaries of Panola County, Mississippi.

**IV. Definitions.**

The following words, phrases or terms, as used in this Ordinance, unless context indicates otherwise, shall have the following meanings:

- a. **Abandon residence/house:** A dwelling that has been vacated by humans, it is uninhabitable due to unsanitary conditions and/or structural conditions that are in violation of county building codes.
- b. **Burnt residence/house:** A dwelling that has been destroyed more than 50% of fair market value by fire.
- c. **Derelict property:** Any items such as wrecked or junked property, which have been left abandoned or unprotected from the elements, including but not limited to, litter, wrecked or disabled motor vehicles, recreational vehicles (RVs), trailers, boats, lawn mowers, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and other articles.
- d. **Disabled Vehicles:** A motor vehicle without a current license plate or not in normal operating condition.
- e. **Illegal dumping:** When solid wastes, are discarded or caused to be dumped or placed on any property, either public or private, without proper authorization or permit.

- f. **Litter:** All trash, including that which is unsightly and/or excessive in accumulation, including but not limited to paper, bottles, cans, glass, plastic, rubber, waste building materials and disposable packages and containers, water heaters, small automobile parts, tires, furniture, non-compostable trash, or any other matter which tends to create a hazard to public health, safety and welfare.
- g. **Litter Control Enforcement Officer:** Any certified law enforcement officer appointed by the Panola County Board of Supervisors to enforce the provisions of this ordinance. The Litter Control Officer shall have the authority to adopt policies and procedures in order to clarify the application of its provisions. Such policies, or procedures shall be in conformance with the intent and purpose of this ordinance.
- h. **Municipal solid waste:** Also called trash or garbage is defined as wastes consisting of everyday items such as, product packaging, grass clippings, furniture clothing, cans and bottles, food scraps, newspapers, appliances, electronics and batteries.
- i. **Person:** Any person, owner or lessee, firm, business, partnership, sole proprietorship, association, cooperation, company or organization of any kind.
- j. **Private Property:** Any dwelling, house, building or other structure designed or used for private, commercial or residential purposes and shall include any yard, grounds, acreage, vacant lots, walkways, driveway, porch, steps, parking areas, vestibule, or mailbox belonging to such dwelling, house, building, or other structure.
- k. **Public Property:** Any and all streets, public rights of way.
- l. **Recreational Vehicles (RVs)** A Recreational Vehicle, often abbreviated as RV, is a motor vehicle or trailer which includes living quarters designed for accommodation. Types of RVs include motorhomes, campervans, caravans (also known as travel trailers and camper trailers), fifth-wheel trailers, popup campers and truck campers.

**V. Control of litter:**

Littering Prohibited; It is unlawful for any person to throw, discard, or deposit garbage, tires, trash or derelict property in any manner or amount in or upon any public or private property, highway, street, right-of-way, body of water or park in the county, except in public receptacles, or in authorized private receptacles, or in accordance with regulations and requirements set forth by Panola County. The Panola County Transfer Station located at 245 McNeely Road Courtland, Mississippi is a designated area where construction material, demolition materials and municipal solid waste can be disposed. The Panola County Transfer Station hours are Monday-Friday from 7:30am to 3:30pm also the 1<sup>st</sup> and 3<sup>rd</sup> Saturday in each month from 8:00am to 11:00am.

- 1. Any Driver or other person in direct control of any vehicle from which any materials or object have fallen, blown, leaked, shifted, dumped, or otherwise escaped shall immediately cause said materials or object to be cleaned up at their own expense or be cited and fined in accordance with this ordinance and laws of the State of Mississippi.

**VI. Control of Exterior Storage, Abandoned Property, and Vehicles.**

- a. No person who owns or is in possession of, in charge of, or in control of any lot or parcel of land, shall store, deposit, scatter, or keep on the premises any of the following:
  - 1. Derelict property as defined herein.

2. Scrap metal, lumber, construction materials, machinery components, equipment, appliances, furniture and any similar objects which is not clearly intended for outdoor use on the premises such as lawn furniture, bicycles, or which object are not solely intended for use within thirty (30) days in construction or renovation on the premises.
3. **Disabled motor vehicles.**
  - a. A motor vehicle without a current license plate or not in normal operating condition. No more than seven disabled vehicles may be stored on any parcel unless in a completely enclosed building. Of these seven, no more than three may be viewed from the public right of way and must be undergoing active repair. Remaining vehicles shall be stored in rear yards and obscured from public view by landscaping or fencing.
4. **Recreational Vehicles (RVs)** unless permitted by Panola County Land Commission for temporary use less than 156 days per year. Permitted recreational vehicles shall conform to following standards, to-wit;
  - a. Applicant shall be the property owner.
  - b. Established on minimum lot size, Article IV(D;(1)(3) Land Development Standards and Regulations.
  - c. RV shall have an approved individual On-Site Wastewater Disposal System by Panola County/Health Department.
  - d. RV shall not be used for rental property.
  - e. RV shall not be used for accessory storage purposed.
5. The provision shall not apply to any of the above described objects if they are located in an enclosed building. The provision shall apply to any of the above described objects readily visible from any public or private place, street or road view, or any other nearby or adjoining public or private property.
6. Any abandoned residence/house or a burnt house that has been vacated must be repaired or removed at the owner's expense.
  - a. If the owner elects to repair the abandon residence/house or burnt house a building permit must be applied for within 60 days of written notice or citation and construction started within 60 days.
  - b. If the owner of the abandon residence/house or burnt house elects to remove building this must be completed within 90 days of written notice or citation.
  - c. No action shall be taken on an abandoned or burnt residence/house until all procedures commenced to settle the matter of the abandoned or burnt residence/house have been finally resolved. Such procedures shall include, but not be limited to, insurance claims, Lawsuits, tax disputes, or other property settlement procedures.
  - d. This provision shall not apply to any object or equipment on the premises of a county approved business when the keeping or maintaining of such objects or equipment is necessary to the operation of such business, nor shall the provisions apply to any such object or equipment in an appropriate storage place.

**VII. Enforcement:**

1. **Enforcement Procedures.**

- a. The Panola County Litter Control Enforcement Officer is hereby empowered to issue corrective written notices or citations to persons in violation of any of the provisions of this ordinance. Further, any citizen of Panola County may file a sworn affidavit in Justice Court to be taken against any party in violation of this ordinance.
- b. Prosecution for a violation of this ordinance shall be initiated by the Panola County Litter Control Enforcement Officer.
- c. Corrective written notices may be issued to violators of this ordinance to correct an offense, in lieu of citation or arrest. The notice shall state the date and time issued, nature of the offense committed, corrective measures to be taken and the date and time such corrections shall be made. All such notices issued shall be maintained by the issuing authority for public inspections during normal office hours. Notices mailed by Certified Mail, return receipt requested, mailed to the violator's last known place or residence, shall be deemed personal service upon the person for the purpose of this ordinance.

**VIII. RIGHT OF ENTRY:**

Where it is necessary to make an inspection to enforce the provisions of this ordinance, or where the Litter Control Enforcement Officer has reasonable cause to believe that there exist upon a premise a condition contrary to or in violation of this ordinance. The Litter Control Officer is authorized to enter the property or premises at any time to inspect or to perform the duties imposed by this ordinance.

**IX. Failure to Comply with a Notice:**

Any person who has been served such notice in accordance with the provisions of this ordinance, and who shall neglect, refuse or fail to fully comply with the corrective notices so ordered and/or within the time frame so ordered therein, shall be in violation of this ordinance.

**X. Penalties**

Any person found to be in violation of any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine.

**First Offence** not less than one hundred (\$100.00) dollars, nor more than two hundred fifty (\$250.00) dollars.

**Second Offence** within three years of the conviction of first offense shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) or imprisonment in the county jail not to exceed thirty (30) days or both such fine and imprisonment.

**Third Offence** within three years of the conviction of a first offense shall be punished by a fine not less than two hundred fifty (\$250.00) dollars nor more than seven hundred fifty (\$750.00) dollars, and community service of not less than five (5) days but not more than thirty (30) days or imprisonment in the county jail not to exceed ninety (90) days or both such fine and imprisonment. In addition to the foregoing fines and penalties, any cost incurred by Panola County for cleaning Litter, Garbage, or Derelict Property will be assessed to person, landowner or operator of the vehicle found to be in violation of this ordinance. Each violation shall be deemed a separate offence.

**XI. Cleaning of Private Property**

Upon the failure, neglect, or refusal of any person so notified to properly dispose of garbage, trash and derelict property from their property within 30 days after issuance of proper corrective notice, the county may affect the removal of the said garbage, trash and derelict property and charge the owner of such property for the actual cost of removal pursuant to §19-5-105 Mississippi Code Annotated as amended.

**XII. Conflict.**

Any other ordinances of Panola County, Mississippi, which are conflicting or inconsistent with this ordinance, the most restrictive shall govern.

**XIII. Severability:**

Severability is intended throughout and within the provisions of this Ordinance. If any provision, including any exception, part, phrase or term or the application thereof to any person or circumstance is held invalid by a Court of appropriate jurisdiction, the application to other persons or circumstances shall not be affected thereby, and the validity of the Derelict Property and Litter Control Ordinance in any and all other respects shall not be affected thereby. The Board of Supervisors of Panola County do not intend a result that is absurd, impossible to execute or unreasonable. It is intended that the Derelict Property and Litter Control Ordinance be held inapplicable in such cases, if any where its application would be unconstitutional as Constitutionally permitted construction is intended and shall be given. The Board of Supervisors of Panola County do not intend to violate any provisions of the Constitution of the United States of America or the Constitution of the State of Mississippi.