State of Mississippi
County of Montgomery
City of Winona

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WINONA, MISSISSIPPI, ADOPTING RULES AND REGULATIONS PERTAINING TO COLLECTION AND DISPOSAL OF GARBAGE AND TRASH, ESTABLISHING MINIMUM PROPERTY MAINTENANCE AND APPEARANCE STANDARDS AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF

ARTICLE I. DEFINITIONS

Sec.1. Definitions.

For the purposes of this chapter. the following words and phrases shall have the meanings respectively ascribed to them:

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

Litter: Garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to be detrimental to public health, safety and welfare.

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

Private Premises: 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: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse: All putrescrible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

Rubbish: Nonputrescible 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: Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, including devises used exclusively upon stationary rails or tracks.

Wheeled container: Shall mean an eighty (80) gallon plastic, covered container permanently attached to wheels designed for use by residential units for storage or garbage, miscellaneous refuse and yard trash.

Secs. 2-20. Reserved.

ARTICLE II. COLLECTION REGULATION

Sec. 21. Authority of city.

The Mayor and Board of Aldermen or contractor may provide for the collection and disposal of garbage, trash, and refuse, regulate the manner and time of such collection and disposal, establish the rates to be charged therefore, and otherwise make such rules and regulations pertaining to garbage, trash and refuse as may be desirable to assure the public health and welfare.

Sec. 22. Disposal generally.

All garbage accumulating in private houses or on private premises, in hotels, restaurants, boarding houses, fruit stands, stores, markets or elsewhere in the city shall be carried to a place designated and approved by the Mayor and Board of Aldermen. Such garbage as melon rinds, fruit parings, vegetables, leavings and liquid waste used as food or drink or fowl or animals may be kept on the premises temporarily, from one hauling period to the next, in a manner not to cause a nuisance or become a fly-attracting agent.

Sec. 23. Accumulation prohibited.

It shall be unlawful for any owner, occupant or lessee of any building, yard or lot of ground within the city to allow garbage, trash or refuse of any kind to accumulate or remain in such building, or upon such yard or lot, except where such garbage, trash or refuse is placed in a container as required by this article.

Sec. 24. City to lend containers; placement of containers for pick-up.

(a) The city or contractor will lend to the head of each residential unit, except in certain areas of multiple dwelling type situations where the garbage, refuse, etc., is presently or may hereafter be handled by use of larger containers, a wheeled container, as described under section 15-1 above. The borrower shall be responsible for its proper care and protection. All the garbage, related trash and yard trimmings, etc., which will readily fit in the containers, will only be disposed of by the city through the use of the containers.

All other trash such as tree limbs, etc., too large to be containerized will be placed on the utility strip or other location authorized by the Superintendent of Streets. Tree trimmings, tree limbs or tree cuttings shall not be picked up by the city if they weigh over thirty-five (35) pounds per piece. An occupant of the dwelling shall push to the edge of the street, but not into same, the wheeled container, on the day designated by the Superintendent for pickups in the particular area involved. Where the slope of the yard prohibits this, the wheeled container shall be placed at a point designated by the Superintendent of Streets, or his agent, not later than 7:00 a.m.on the pickup day, and must be removed therefrom not later than 7:00 p.m. on the pickup day, if the sanitation truck has picked up the contents. It shall be unlawful for any person to allow or permit his residential garbage container to be or remain on city property or city rights-of-way on days other than the regularly scheduled garbage and trash collection days established for that residence.

(b) All large items that will not fit in containers, furniture, appliances, etc., will be placed beside the container. All wood shall be placed beside the container. Places of business shall make arrangements with the contractor for special collections or refuse that cannot be placed in the containers.

Sec. 25. Maintenance of containers; return to city upon vacating premises.

The borrower of a wheeled container who damages the container, excepting reasonable wear and tear, will be billed for the damage following the discovery of the damage, and will replace said container if it is destroyed or damaged beyond repair. If the head of any residential unit shall vacate the occupied premises while in possession of the borrowed wheeled container he or she shall, before departure from the premises, notify City Hall or the Superintendent of Streets. The Superintendent or his agent will promptly pick up the container.

Sec. 26. Disturbing containers.

No person shall disturb the contents of any wheeled container or the container itself or adjacent containerized trash which has been set out for collection and removal by the city.

Sec. 27. Exceptions for disabled persons; proof of disability required.

If no member of the household to which a container is assigned is capable of moving the wheeled container as required, he or she shall notify the Superintendent of Streets, or his duly authorized agent, in writing, of the existence of such disability. In this event, the disabled person shall furnish a physician's certificate confirming the disability and upon failure of the alleged disabled person to furnish the certificate within ten (10) days after required, the alleged disabled person shall be deemed physically able to comply with all provisions of this chapter.

Sec. 28. Drainage of refuse.

All refuse capable of holding water must be drained before being deposited in containers.

Sec. 29. Maintenance of containers.

Every garbage and trash container required by this article shall be maintained by the user in as sanitary condition as possible in view of the use to which it is put, and shall be thoroughly cleansed as needed, by washing, sterilizing, or otherwise.

Sec. 30. Building materials.

All building materials and trash from buildings where improvements have been made or remodeling has been done shall not be removed by the city or contractor, but the removal thereof shall be the responsibility of the owner or person making the repair.

Sec. 31. Enforcement of chapter.

The Superintendent of Streets or his designated representative are hereby assigned the responsibility for enforcement of waste and trash collection and removal.

Sec. 32--39. Reserved.

ARTICLE III. LITTER

Sec. 40. Litter in public places.

It shall be unlawful for any person to throw or deposit litter in or upon any street, sidewalk or other public place within the city, except in public receptacles, in authorized private receptacles or locations for collection, or in official dumps.

Sec. 41. Placement in receptacles to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a 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.

Sec. 42. Sweeping into gutters.

Persons desiring the city or contractor to pick up and dispose of any litter shall not deposit same in any gutter or street, but shall place such litter in containers designated for this purpose.

Sec. 43. Merchants are to keep sidewalks free of litter.

Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

Sec. 44. Litter thrown from vehicles.

It shall be unlawful for any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the city, or upon private property.

Sec. 45. Truck loads causing litter.

It shall be unlawful for any person to 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.

Sec. 46. Litter in parks.

It shall be unlawful for any person to throw or deposit litter in any park within the city, except in public receptacles and in such a manner as to prevent the litter 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 persons responsible for its presence and properly disposed of elsewhere.

Sec. 47. 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 receptacles or locations for collection.

Sec. 48. Litter on vacant lots.

It shall be unlawful for any person to throw or deposit litter on any open or vacant property within the city whether owned by such person or not.

Sec. 49. Duty of business owners, occupants.

(a) Generally. The owner or occupant of any store or other place of business situated within the city shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials thrown or left on the premises by its customers, and to take reasonable measures to prevent the same from drifting or blowing to adjoining premises.

(b) Receptacles. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above referred to articles of waste may be disposed of.

Sec. 50. Duty of customer.

It shall be unlawful for any customer going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.

Sec. 51-59. Reserved.

ARTICLE IV.

MINIMUM PROPERTY MAINTENANCE AND COMMUNITY APPEARANCE STANDARDS

Sec. 60. Junk vehicles.

Junk vehicles are prohibited from being located within the city except within completely enclosed buildings or garages or at vehicle salvage yards, vehicle repair shops and wrecker services complying with the terms of this ordinance. Within a residential zoning district no more that one (1) junk vehicle may be stored behind opaque fencing or landscaping. This required screening shall completely block the view of the vehicle from all surrounding property.

Junk vehicle is defined as any motor vehicle which does not have a current Mississippi inspection sticker and motor vehicle registration plate or is in such a condition as to be considered inoperable. For the purpose of this Ordinance, a trailer, camper, or boat without a current registration plate shall be considered a junk vehicle.

Sec. 61. Junk.

It shall be unlawful for the owner or occupant of any property within the City to utilize said property for the storage and accumulation of used, discarded or worn out materials or manufactured products, whether reusable or not, including but not limited to appliances, building materials, building rubbish, trash, garbage, waste products, metal products, and similar items.

Sec. 62. Open storage.

Open or outside storage of materials and products shall be prohibited if within view from the street or if not screened from the view of neighbors by opaque fencing or landscaping.

Sec. 63. Screening of junkyards.

Within one (1) year from the effective date of the ordinance, all existing junkyards, vehicle salvage yards, vehicle repair shops and wrecker services where junk or wrecked vehicles are stored shall be screened from view from adjacent properties by opaque fencing and landscaping. All new junkyards, vehicle salvage yards, vehicle repair shops and wrecker services shall be provided with such screening prior to obtaining a certificate of occupancy.

ARTICLE V.

Sec. 64. Penalties for violation of ordinance.

Any violation of this ordinance shall be a misdemeanor; and any person upon conviction there of shall be fined not less than $100.00 and not more than $500.00 or imprisonment in the county jail for not more than thirty (30) days, or both. Each day of violation of the provisions of this ordinance shall constitute a separate offense.

ARTICLE VI.

Sec. 65. Other ordinances null and void.

This ordinance shall supersede and replace all prior ordinances of the City of Winona pertaining to garbage and trash. All prior garbage and trash ordinances are hereby rescinded and are hereby declared to be null and void and of no legal force and effect.

Sec. 66. Publication of ordinance - effective date.

The Clerk of this Board is hereby ordered to cause this ordinance to be published in the time and manner required by law in the Winona Times, a newspaper published in and having general circulation in the City of Winona, Mississippi. This ordinance shall be in full force and effect thirty (30) days from the date of its publication as aforesaid.

The foregoing ordinance having been first reduced to writing, was read section by section and then as a whole and on motion of Alderman Watson to adopt the foregoing ordinance, duly seconded by Alderman Shelton, the vote resulted as follows:

Alderman Milton Whatley voted "Aye";
Alderman Jerry Flowers voted "Aye";
Alderman Charles Shelton voted "Aye";
Alderman Bennie Watson voted "Aye"; and
Alderman James Butts voted "Aye".

The motion having received the aforesaid vote, the Mayor declared the motion passed and the ordinance approved and adopted on this the 2nd day of November, 1993.

H.W. Sonny Simmons

H.W. "Sonny" Simmons, III
Mayor, City of Winona

ATTEST:

Jean Kintzel

Jean Kintzel, City Clerk