

ORDINANCE NUMBER 912

OF THE

CITY OF PICAYUNE, MISSISSIPPI

**AN ORDINANCE TO ADOPT A COMPREHENSIVE REGIME
REGARDING THE PREVENTION AND PROSECUTION OF LITTERING**

WHEREAS, the Mayor and City Council in and for the City of Picayune find that it is desirable and necessary to adopt a comprehensive ordinance addressing the problems associated with littering within the limits of the City of Picayune.

WHEREAS, the Mayor and Council find that litter has been and continues to be an ongoing problem inside the limits of the City of Picayune.

WHEREAS, the Mayor and Council find the City's current anti-littering ordinances should be replaced with a more comprehensive ordinance, which will allow for a more vigorous prosecution of littering that occurs inside the limits of Picayune.

NOW THEREFORE, BE IT Ordained by the Mayor and City Council of the City of Picayune, that the a comprehensive regime regarding the prevention and prosecution of littering be adopted and that any relevant Ordinances be amended as follows, to-wit:

SECTION ONE - SHORT TITLE

This article shall be known and may be cited as the "Picayune Anti-Litter Ordinance"

SECTION TWO - 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 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.

1. **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.
2. **Authorized private receptacle** is litter storage and collection receptacle as required and authorized in article 2 of this chapter.
3. **City** is the City of **Picayune** Mississippi.
4. **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 wither 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, 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 pre dominantly 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.
5. **Garbage** is putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
 6. **Litter** is “garbage”, “refuse” and “rubbish” (**including cigarette butts**) 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, **or creates an unsightly condition or appearance on or about any property, public or private.**
 7. **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 the 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.
 8. **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.
 9. **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.
 10. **Person** is any person, firm, partnership, association, corporation, company or organization of any kind.
 11. **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.
 12. **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.
 13. **Refuse** is non-putrescible and non-putrescible solid wastes (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

14. **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.
15. **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.

SECTION THREE - 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.

SECTION FOUR - PLACEMENT OF LITTER IN RECEPTACLES

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.

SECTION FIVE - REMOVAL OF RUBBISH, ETC FROM BUILDING OPERATIONS

- 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 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 **Picayune** 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; any other provisions of the Mississippi Code of 1972, Annotated as amended; and/or other provisions of this Ordinance or any other Ordinance which may apply. The Building Official or 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 **Picayune** without first obtaining a written permit therefor from the building official.
- D. Any permit issued shall become invalid unless the work authorized by it shall have been commenced and completed within six (6) months 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.

SECTION SIX - MERCHANTS' DUTY AS TO LITTER CONTROL

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place or private 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 all surrounding areas of the buildings, including parking lots, green spaces, sidewalks, flower beds or any other exterior spaces, free of litter up to any adjoining property, including empty lots and public or private streets.

SECTION SEVEN - 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.

SECTION EIGHT - 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.

SECTION NINE - 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.

SECTION TEN - 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.

SECTION ELEVEN - THROWING OR DISTRIBUTING HANDBILLS

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.

SECTION TWELVE - PLACING HANDBILLS ON VEHICLES

No person shall throw or deposit any commercial or noncommercial hand bill in or upon any vehicle.

SECTION THIRTEEN - HANDBILLS

No person shall throw, place or deposit any commercial or noncommercial handbill in or upon any private premises, non commercial premises, whether temporarily or continuously uninhabited/vacant or inhabited/not vacant.

SECTION FOURTEEN - HANDBILLS - POSTED PROPERTY

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, 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.

SECTION FIFTEEN - HANDBILLS - INHABITED PRIVATE PREMISES

A. Manner of distribution. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises.

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 street, sidewalk, or other public place or private property.

SECTION SIXTEEN - 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.

SECTION SEVENTEEN - 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.

SECTION EIGHTEEN - 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.

SECTION NINETEEN - 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.

SECTION TWENTY - 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.

SECTION TWENTY-ONE - CLEARING LITTER FROM OPEN PRIVATE PROPERTY

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, and/or any other Ordinances which may apply. The Building Official or the Building Official's designee(s) shall be responsible for the enforcement.

SECTION TWENTY-TWO - ENFORCEMENT RESPONSIBILITY

The enforcement of this article shall be the responsibility of the Code Enforcement Officer or his representative as designated by the City Manager.

SECTION TWENTY-THREE - CRIMINAL PENALTY(IES)

In addition to any civil penalties imposed herein, it shall also 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 (\$1000.00) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment or **community service for a period of not less than forty (40) hours or more than one hundred (100) hours** in the discretion of the municipal judge. If a violation is continuing, each day's violation shall be deemed a separate offense.

SECTION TWENTY-FOUR - APPEAL

Appeals from a final decision rendered under this Ordinance shall be in accordance and as provided for under the laws of the State of Mississippi.

SECTION TWENTY-FIVE - SEVERABILITY, CONFLICT AND EFFECTIVE DATE

Should any section, clause, paragraph, provision, or part of this Ordinance for any reason be held invalid or unconstitutional by any Court of competent jurisdiction, this act shall not affect the validity or any other section, clause, paragraph, provision, or part of this ordinance. All provision of this Ordinance shall be considered separate provision, and completely severable from all other portions.

Unless otherwise provided, conflict in any case where a provision of this ordinance is found to be in conflict with the provision of any other ordinance or code of the City of Picayune, Mississippi, existing on the effective date of this Ordinance, the provisions of this Ordinance shall take precedence.

This Ordinance shall become effective thirty (30) days after its adoption and publication by the Mayor and City Council of the City of Picayune, Pearl River County, Mississippi.

The foregoing Ordinance, having first been reduced to writing, was moved upon by Council member Gouguet, seconded by Council member Bumpers, and voted upon as follows:

VOTING YEA: Mayor Pinero, Council Members; Gouguet, Bumpers, Valente, Stevens and Breland

VOTING NAY: None.

NOT VOTING: None.

NOT PRESENT: None.

The motion having received the affirmative vote of the majority of the members present, the Mayor declared the motion carried and the Ordinance passed, approved, and adopted on this the 18th day of March, 2014.

Dr. ED PINERO, Mayor

ATTEST:

City Clerk

Published: March 22, 2014