

CITY OF FARMINGTON
COUNTY OF ALCOURN
STATE OF MISSISSIPPI

ORDINANCE NO. 606-23

AN ORDINANCE TO PROHIBIT YARD WASTE FROM BEING PLACED ON PUBLIC STREET IN THE CITY OF FARMINGTON, MS, SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR FAILURE TO COMPLY.

BE IT ORDAINED by the Mayor and Council of the City of Farmington as follows:

SECTION I. DEFINITIONS:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, 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.

- a. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- b. Street - means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or other municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- c. Yard Waste - material resulting from landscaping and yard maintenance including, but not limited to brush grass, tree limbs, leaves, grass clippings and similar vegetative material.

SECTION II. YARD WASTE COLLECTIONS:

Sweeping, raking, blowing, or otherwise placing yard waste that is not containerized at the curb or in the street is not allowed at any time as non-containerized yard waste would have the tendency to enter the public street. Placement of such yard waste at the curb or in the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must immediately remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

SECTION III. Enforcement:

The provisions of this ordinance shall be enforced by the Police Department of the City of Farmington and such other persons as the Mayor and Council shall charge with enforcement authority.

SECTION IV. Violations and Penalties

- (a) Wherever in this Code, in any technical code or other provision adopted by reference in this Code, or in any ordinance of the city, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provisions of this Code, any technical code or other provision adopted by reference in this Code, or ordinance of the city shall be punished by a fine not exceeding \$1,000.00, or by imprisonment not exceeding 90 days, or both.
- (b) In addition to the penalties provided in subsection (a) of this section, any condition caused or permitted to exist in violation of any of the provisions of this Code, any technical code or other provisions adopted by reference in this Code, or any ordinance of the city shall be deemed a public nuisance and may be abated by the city, as provided by law.
- (c) Each and every day the same violation shall continue shall constitute a separate and distinct offense.

State Law reference - Costs in cases of certiorari and appeals, MCA 1972, § 11-53-53; punishment for violation of ordinances, MCA 1972, § 21-31-1; misdemeanors under state penal laws as criminal offenses against municipalities, MCA 1972, § 21-13-19; credit allowed for labor of convicts, treatment, MCA 1972, § 47-1-47.

SECTION V. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VI. Effective date:


This Ordinance shall be in full force and effect 10 days from and after its adoption and any publication as may be required by law.

THEREFORE, BE IT ORDAINED AS FOLLOWS:

 The above and foregoing Ordinance having first been reduced to writing was read by the Clerk and motion by Johnny Potts, seconded by Shane Bridges and considered by the Board of Aldermen section by section, and as a whole, was adopted by the following vote:

<u>NAME OF ALDERMAN</u>	<u>VOTE</u>
Shane Bridges	Yes
Ricky Gibens	Yes
Tammy Philamlee	Yes
Jeff Patterson	Absent
Johnny Potts	Yes

The foregoing Ordinance having received the affirmative vote of a majority of the Board of Alderman, the Mayor declare said Ordinance adopted as of this 21st day of March, 2023.


REECE WALLIN, Mayor

ATTEST:


AMANDA LEE, Deputy Clerk

Adopted at regular meeting March 21, 2023.
 Recorded at Minute Book _____, Page _____.

PUBLIC NOTICE

Pursuant to the provisions of M. C. A. Sections 21-13-11 and 21-17-19, notice is hereby given by the City of Farmington, Mississippi, that they have adopted an Ordinance to Prohibit Yard Waste from being placed on Public Street in the City of Farmington, MS at a regular monthly meeting held March 21, 2023, the substance of which is as follows:

The City of Farmington in order to ensure the public health, safety and welfare of the residents of the City have established regulations for the prohibition of yard waste on the public streets in the City of Farmington, MS.

The Ordinance sets out the terminology of yard waste, enforcement of any violations, and the violations and penalties.

Violations hereof shall be a public nuisance and punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 90 days or both. Each and every day the same violation shall continue shall constitute a separate and distinct offence.

A full copy of the Ordinance can be obtained from the Clerk of the City of Farmington upon request and is posted at the City Hall of Farmington, Mississippi, at the Courthouse of Alcorn County, Mississippi and at George's Diner.

BY RESOLUTION AND ORDER of The Mayor and Board of Aldermen of the City of Farmington, Mississippi, this the 21st day of March, 2023.

CITY OF FARMINGTON, MISSISSIPPI

BY: 
AMANDA LEE, DEPUTY CLERK