

STATE OF MISSISSIPPI
COUNTY OF LAUDERDALE

**ORDER SETTING FEE WITHIN LAUDERDALE COUNTY,
MISSISSIPPI TO COLLECT OR DEFRAY COST OF SERVICES
AS TO GARBAGE COLLECTION AND/OR DISPOSAL SYSTEM
EFFECTIVE JANUARY 1, 2025**

BE IT REMEMBERED, there came on for consideration before the Board of Supervisors of Lauderdale County, Mississippi, the matter for setting a fee to collect or defray cost of services as to garbage collection and/or disposal system in Lauderdale County, Mississippi.

The Board of Supervisors of Lauderdale County, Mississippi finds that Section 19-5-17 of the Mississippi Code of 1972 as amended requires the Board 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 Board of Supervisors to establish, operate and maintain a garbage and/or rubbish disposal system or systems. Pursuant to Resolution of the Board of Supervisors and duly executed agreement effective May 1, 2016, and as renewed by the Board of Supervisors in a duly executed agreement effective May 1, 2022, residential garbage is now picked up by curbside service through a Residential Garbage Collection Agreement entered into with Arrow Disposal Services, Inc.

Section 19-5-17 and 19-5-18 of said Code provides for the establishment of fees or charges for such services and Section 19-5-21(2) of said Code empowers the Board of Supervisors to levy a solid fee as set forth herein. On motion made, seconded and duly passed by the affirmative votes of the Board as follows:

J.J. Anders voting aye;

Craig Houston voting aye;

Josh Todd voting aye;

Joe Norwood voting aye; and

Kyle Rutledge voting aye.

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

(1) Effective January 1, 2025, for all single family residential generators of garbage or rubbish within Lauderdale County, Mississippi excluding those within the municipal limits of the City of Meridian, and the Town of Marion, the Board hereby designates a fee for the collecting and disposing of household garbage or solid waste. Further effective on January 1, 2025, the Board also designates a fee for the collecting and disposing of household garbage or solid waste from each industrial, commercial and multi-family residential generator of garbage or rubbish within Lauderdale County, Mississippi excluding those within the municipal limits of the City of Meridian, and the Town of Marion. Each person occupying any property described within this subsection, and each owner of such property described within this subsection, are “generators” of garbage or rubbish and shall be jointly and severally liable for such fees.

(2) That said fee is hereby set at the total of \$168.00 per year, which fee will be assessed annually being for calendar year January 1, 2025 and will be collected by the Lauderdale County Tax Collector. Said fee is due on January 1, 2025 and shall be payable without penalty on or before February 1, 2025. Any fee collected after February 1, 2025 shall be delinquent. The Board may notify the Tax Collector of any unpaid fees within ninety (90) days after the fees are due; however, before providing such notice to the Tax Collector, the Board shall provide written notice of the delinquency to the person who owes the delinquent fees and shall afford an opportunity for a public hearing as to their unpaid portion under §19-5-22, Paragraph 2(4)(a), Miss. Code 1972, as amended. Upon receipt of a delinquency notice, the Tax Collector shall not issue or renew a motor vehicle road and bridge privilege license for any motor vehicle owned by a person who is delinquent in the payment of fees unless those fees in addition to any other taxes or fees assessed against the motor vehicle are paid. The Board shall continue to update the delinquency notice to the Tax Collector at least once per quarter of each year. Under §19-5-22(1), as amended effective April 6, 2017, an additional amount of one

dollar (\$1.00) or ten percent (10%) per month, whichever is greater, shall be assessed and collected by the Lauderdale County Tax Collector on any delinquent fee. Beginning January 1, 2026, the unpaid 2025 fees shall be a lien upon the real property offered garbage or rubbish collection or disposal service as set forth in §19-5-22(1)(b),(c). Also as required by §19-5-22(6), such liens shall be contained in a registry in the Chancery Clerk's office in a separate hard copy book and/or digital format and shall include all information necessary for the recording and indexing therein.

(3) The term "Head of Household" 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 elects to be responsible for the payment of the fees set herein. If no person elects to be responsible for the fee for that particular household, then the person who is mailed by United States Mail a due notice of the fee set herein, is the "Head of Household" of that particular residence. However, no more than one fee per household will be required.

Laws enacted by the Mississippi Legislature provide for only three (3) exemptions from fee imposed herein. Those exceptions are as follows:

- (a) A household that does not generate solid waste;
- (b) A household that is contracted for collection of its solid waste, provided such is ultimately disposed of at a permitted or authorized facility; or
- (c) An individual that disposes of his/her solid waste generated at his/her household upon his/her own land.

(4) The Board of Supervisors of Lauderdale County, Mississippi claims for Lauderdale County, Mississippi the full benefits, rights and powers conferred upon it by virtue of § 19-5-22 of the Mississippi Code of 1972, and this Order in no way surrenders or waives any such benefit, right or power. Under said Section, every tenant in a mobile home park and every tenant in an apartment complex, and the owner of said park or said complex, are jointly and severally liable for the payment of the garbage fee, except a tenant who pays, as a part of a

rental or lease agreement, the amount for garbage or rubbish collection or disposal services is not liable if the property owner fails to remit the collected fee to the County. The Board will permit the property owner to either (1) elect to have the bill for the garbage fee for each tenant generator on his/her property be sent directly to said owner and he/she will pay each bill as and when due, or (2) the property owner shall, before December 1st of each year, provide the County with a written list of the names and addresses of each such tenant generator on his/her property and the county will send said bill to such tenant generator for payment. If such owner desires to make an election, he/she must do so before December 1st of the year for which the election is claimed. The Chancery Clerk of Lauderdale County, Mississippi will maintain in his/her office an official approval form whereby (copy attached as Exhibit "A") said owner may make such election. If the property owner fails to make said election, then the bill for garbage fee for each tenant generator on his/her property will be sent directly to said owner, and he/she will be required to pay each bill as and when due. The Board's granting of this election to the property owner is not to be construed or interpreted as a waiver of said § 19-5-22 which provides that fees for garbage or rubbish collection or disposal shall be assessed jointly and severally against the generator of such and against the owner of the property furnished the service. Every such generator and each such owner shall continue to be jointly and severally liable for the fees and the fees shall be a lien upon the real property offered garbage or rubbish collection or disposal service.

(5) Any person who desires to claim an exemption from the solid waste fee imposed herein shall make application to the Chancery Clerk of Lauderdale County, Mississippi, on the proper form furnished by said Clerk, and the application must be made before December 1st of each year. The form attached hereto as Exhibit "A" shall be available in the office of the Chancery Clerk for said Head of Household to declare his/her intent to not use the service and to accept full responsibility for the disposal of his or her garbage and/or rubbish in accordance with state and federal laws and regulations. That all persons applying for said exemption must

submit to the Chancery Clerk when said application is filed, a receipt evidencing proof of payment for twelve (12) months of alternative service. Any single-family resident generator who does not timely file the form shall be assessed any fees levied to cover the cost of the county garbage or rubbish collection or disposal service.

(6) The County Administrator shall ensure that a copy of the form attached hereto as Exhibit "A" shall be available on Lauderdale County's official website for the convenient access of the public.

(7) Notice of the adoption of this Order in the form attached hereto as Exhibit "B" shall be published in the *The Meridian Star*, a newspaper of general circulation within Lauderdale County, Mississippi in qualifying for the legal publication under Sections 13-3-31 and 19-5-22 of the Mississippi Code of 1972 as amended for three (3) consecutive weeks, with the first publication made no sooner than five (5) weeks before the 1st day of December, 2024. The Notice shall be in print no less than the size of eighteen (18) point and shall be surrounded by a one-fourth (1/4) inch black border. The Notice shall not be placed in the legal section notice of the newspaper.

SO ORDERED AND ADJUDGED, by the Lauderdale County Board of Supervisors on this the 4th day of November, 2024.



ATTEST:

Christyn Mooney
Clerk, Board of Supervisors

LAUDERDALE COUNTY
BOARD OF SUPERVISORS

BY:

Kyle Rutledge
Kyle Rutledge, President

STATE OF MISSISSIPPI
COUNTY OF LAUDERDALE

I, the undersigned Clerk of the Board of Supervisors of Lauderdale County, Mississippi, do hereby certify that the above and foregoing Order was passed by the Lauderdale County Board of Supervisors on the day above mentioned.

IN TESTIMONY WHEREOF, witness my hand and official seal of the Lauderdale County Board of Supervisors on this the 4th day of November, 2024.



Carilyn Mooney

CLERK, BOARD OF SUPERVISORS

**APPLICATION FOR EXEMPTION FROM SOLID WASTE FEE
BOARD OF SUPERVISORS OF LAUDERDALE COUNTY, MISSISSIPPI**

NAME: _____

BILLING ADDRESSES

Post Office Address:

E911 Address:

Zip Code _____

Telephone No. _____

LOCATION of household or residence for which exemption is applied for: (check or check and complete)

Post office address:

Same as above.

E911 address:

Zip Code _____

Telephone No. _____

[check one of the following as to the above described LOCATION]

I own the above LOCATION

I rent the above LOCATION

Other relationship as to LOCATION (complete explaining relationship)

The undersigned does hereby apply for exemption from the solid waste fee and, and as grounds therefor does hereby state on my oath or affirm to the truth of the following (under the penalty of perjury which can carry a maximum sentence of 10 years):

I should be exempted from paying the solid waste fee on the above LOCATION because: [check one of the following]

1. No solid waste is ever generated at the above location. (NOTE: If solid waste is generated at location this exception does not apply ever if the solid waste is disposed of in some other manner. For this exception to apply solid waste must not be produced, generated, or ever exist at this location. Complete below explaining circumstances why no solid waste is ever generated at this location, such as "no one ever sleeps or eats a meal at this location, former occupant in nursing home", etc.:

2. I have contracted for the disposal of the solid waste generated at the above location and that solid waste is disposed of at a permitted or authorized facility. (NOTE: A copy of such contract must be attached to this application along with a copy of the permit or license of the facility, otherwise this application will have to be rejected.)

3. The solid waste generated at the above location is disposed of on my own land, **AND I UNDERSTAND THAT BY APPLYING FOR THIS EXEMPTION THAT I AM REQUIRED TO OBTAIN A DISPOSAL PERMIT FROM THE MISSISSIPPI STATE DEPARTMENT OF ENVIRONMENTAL QUALITY WHICH STATES THE DISPOSAL ON MY OWN LAND MEETS THE REQUIREMENTS OF A SANITARY SUBTITLE D LANDFILL.** (NOTE: A copy of the deed describing the land where the waste is disposed of, and a copy of the DEQ permit for disposal must be attached to this application, otherwise this application will be rejected.)

DATE

Signature of applicant

EXHIBIT

"A"

NOTE TO ALL APPLICANTS

That all persons applying for said exemption must submit to the Chancery Clerk when said Application is filed, a receipt evidencing proof of payment for twelve (12) months of service.

**APPLICATION FOR EXEMPTION FROM SOLID WASTE FEE
BOARD OF SUPERVISORS OF LAUDERDALE COUNTY, MISSISSIPPI**

The undersigned agrees that if he or she has entered into a contract with a hauler for the private collection of solid waste and that contract is terminated for any reason during a calendar year, the undersigned shall notify in writing to the Chancery Clerk within fifteen (15) days of the cancellation of the private collection service. The undersigned agrees that he or she will then be responsible for a prorata share of the annual fee which is \$168.00, as it applies herein, for the remaining months of the calendar year. The undersigned further agrees that if they should fail to notify the Chancery Clerk within fifteen (15) days of the cancellation or termination of their agreement with a private hauler to collect their solid waste and a County official later learns that said contract was terminated or cancelled, that the undersigned shall be responsible for paying the full annual fee as set out herein.

ELECTION BY OWNER OF MOBILE HOME PARK/APARTMENT COMPLEX

I am the owner of the mobile home park known as _____ located at

_____. I hereby elect

- to have the bill for the garbage fee for each tenant generator on this property sent directly to me and I will pay each such bill as and when due.

- to at once provide the County with a written list of the name and address of each tenant generator on this property and I request such bill be sent direct to each such tenant for him/her to pay as and when due.

(CHECK ONE OF THE ABOVE)

I am the owner of the apartment complex known as _____ located
at _____. I hereby elect

- to have the bill for the garbage fee for each tenant generator on this property sent directly to me and I will pay each such bill as and when due.
- to at once provide the County with a written list of the name and address of each tenant generator on this property and I request such bill be sent direct to each such tenant for him/her to pay as and when due.

(CHECK ONE OF THE ABOVE)

I have been told, I acknowledge, and I understand that the Board's granting of this election to me is not to be construed or interpreted by me, or my assigns, as a waiver of Section 19-5-22 of the Miss. Code of 1972, and I agree that my tenant(s) and I continue to be jointly and severally liable for such fees and such fees shall be a lien against my property until paid, either by my tenant(s) or me. I also understand that the County is not first required to pursue collection of such bill from my tenant(s) but the County can, if it elects, proceed against me.

(Name of Mobile Home Park or Apartment Complex)

Its Owner

The undersigned agrees and contracts, under penalty of perjury, to immediately notify in writing the Lauderdale County Board of Supervisors of any change in the above status that might affect my exemption, if granted.

Signed, under my oath and affirmation, this the ___ day of _____, 2024.

Signature of Applicant/Owner

SWORN TO AND SUBSCRIBED before me this the ___ day of _____, 2024.

NOTARY PUBLIC

My Commission Expires: _____

END OF APPLICATION
DO NOT COMPLETE BELOW THIS LINE

STATE OF MISSISSIPPI
COUNTY OF LAUDERDALE

**NOTICE OF ADOPTION OF ORDER
SETTING FEES WITHIN LAUDERDALE COUNTY,
MISSISSIPPI TO COLLECT OR DEFRAY COST OF
SERVICES AS TO GARBAGE COLLECTION EFFECTIVE
JANUARY 1, 2025**

Notice is hereby given that the Lauderdale County Board of Supervisors did on November 4, 2024, adopt an Order Setting Fee to Collect or Defray Costs of Services as to Garbage Collection and/or Disposal System. A copy of such Order is available for inspection in the office of the Chancery Clerk of Lauderdale County as well as in the office of the County Administrator for Lauderdale County at the Lauderdale Government Center, 612 22nd Ave. S., Room 2002, Meridian, MS 39301.

That any single family residential generator who is exempt may elect not to use the garbage collection or disposal system as set out in said Order, by completing and filing the application form for that purpose with the Chancery Clerk's office **before** December 1, 2024. Any person requesting exemption or selecting a method of billing for a mobile home park or apartment complex, shall also make application by completing and filing an application form for that purpose with the Chancery Clerk's office **before** December 1, 2024.

That any single family residential generator who does not timely file the form, and is not granted an exemption, shall be assessed any fees or charges levied to cover the cost of the County's garbage and/or garbage selection and/or disposal service at the full amount. The Chancery Clerk shall maintain a list showing the name and address of each person who has filed a notice not to use the County garbage and/or rubbish collection or disposal service. The Application for exemption is available in the office of the Chancery Clerk of Lauderdale County and is also available on the official website for Lauderdale County at www.lauderdalecounty.org.

Please publish: November 12, 19, 26, 2024

EXHIBIT
"B"