

**ORDINANCE OF THE CITY OF OLIVE BRANCH, MISSISSIPPI  
PROHIBITING LITTERING**

An Ordinance prohibiting littering within the City limits of the City of Olive Branch. This ordinance repeals and replaces in its entirety an ordinance dated June 4, 1996 known as the City of Olive Branch Anti-litter Ordinance.

**BE IT ORDAINED**, by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi as follows, to-wit:

**WHEREAS**, pursuant to Mississippi Code Annotated Section 21-19-1 the City of Olive Branch has the power to make regulations to secure the general health of the municipality and to prevent, remove, and abate nuisances, and

**WHEREAS**, pursuant to Mississippi Code Annotated Section 21-19-15 the City of Olive Branch has the power to make all needful police regulations necessary for the preservation of good order and peace of the municipality and to prevent injury to, destruction of, or interference with public or private property, and

**WHEREAS**, the Mayor and Board of Aldermen of the City of Olive Branch find as fact that litter, as defined herein, poses a threat to the general health and welfare of the municipality, and the Mayor and Board of Aldermen desire to supplement the state law provisions pertaining to littering with a municipal ordinance prohibiting and penalizing such conduct.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi as follows, to-wit:

A. Definitions:

1. "Litter" - refers to garbage, refuse, rubbish and any and all other waste material which, if thrown, discarded, or otherwise placed in any manner and in any amount and in any location other than within a receptacle intended for such purpose, would tend to create a danger to the public health, safety, and welfare of the municipality.
2. "Person" - an individual, corporation, association, partnership or other entity.

3. "Owner" - is the person holding title to private real or personal property, including but not limited to the actual title owner, but also any person leasing, renting, possessing, operating, or otherwise controlling such property with the permission of the owner.
4. "Handbill" - means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, coupon, magazine, paper, booklet, or any other printed or otherwise produced original or copy of any matter.

B. Prohibition and Regulation:

1. 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 appropriate trash receptacles.
2. Sweeping Litter into Gutter Prohibited. No person shall sweep into or deposit in any gutter, street, or other public 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 property shall keep the sidewalk in front of their premises free of litter.
3. 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. In the prosecution of a charge brought pursuant to this subsection proof that the particular vehicle described in the complaint was the origin of the litter, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner was the person who committed the violation.
4. Truck Loads Causing Litter. No persons shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed, loaded or covered 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, excessive amounts of mud, dirt, sticky substances, litter or foreign matter of any kind.

5. 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.
6. Litter in Bodies of Water and Fountains. No person shall throw or deposit litter in any fountain, pond, stream, bayou or any other body of water in a park or elsewhere within the City.
7. 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.
8. 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.
9. 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.

C. Handbills:

1. No person shall deposit or place any handbill upon any unoccupied vehicle in the City of Olive Branch.
2. Handbills may not be deposited or placed upon any private real property or improvement thereto if:
  - a. The property has been posted or the placement would otherwise violate a provision of federal or state law;
  - b. The property owner verbally refuses the handbill; or
  - c. The handbills are deposited or placed in a manner that would tend to contribute to an increase in litter.
3. Handbills may not be distributed by the dropping of materials from aircraft.
4. It shall be the duty of every person distributing handbills to take whatever measures may be necessary to keep such materials from littering public or private property.
5. It shall be the duty of every person receiving handbills, including prohibited handbills, to avoid the disposal of such handbills in a manner that would constitute littering.
6. The provisions of this section of the Ordinance are content-neutral, and shall be applied without regard to the content of any particular handbill. The provisions of this section are severable from the remainder of the Ordinance, and any subsequent determination that this section is unconstitutional or otherwise unenforceable shall not affect the validity of the remainder of the Ordinance. The provisions of this section shall be construed and enforced to recognize constitutional rights such as freedom

of speech and freedom of expression while also furthering the City's compelling interest in reducing litter.

7. The provisions of this section do not apply to the distribution of newspapers of general circulation within the municipality.

D. Loading/Unloading; Construction/Demolition:

1. Loading and unloading operations:

- a. Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof.
- b. It shall be the duty of the owner or occupant to remove at the end of each working day any litter that has not been containerized at these locations.

2. Construction/Demolition projects:

- a. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after the completion of the construction or demolition project.
- b. It shall be the duty of the owner, agent or contractor to have on the site adequate containers for the disposal of litter and to make appropriate arrangements for the collection thereof for transport to an authorized facility for final disposition.
- c. The owner, agent or contractor may be required at any time to show proof of

appropriate collection and final disposition at an authorized facility.

E. Enforcement:

1. This Ordinance shall be enforced by any police officer, code enforcement official, or other duly authorized official of the City of Olive Branch.
2. If the condition of private property is such that it poses a menace to the health and safety of the community, the City may proceed against the owner in municipal court for a violation of this Ordinance, other applicable Ordinances, and in accordance with the provisions of Mississippi Code Annotated Section 21-19-11. The remedies available to the City are cumulative and may be exercised concurrently.
3. Violation; Penalty. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

F. Severability

1. If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Ordinance.

This ordinance repeals and replaces in its entirety the June 4, 1996 Ordinance known as the Anti-Litter Ordinance. Passage of this Ordinance is now official and the same shall take effect and be enforced as provided by law one month from date of passage.

**ADOPTED, ORDAINED AND APPROVED** this 6<sup>th</sup> day of August, 2019.

**/s/SCOTT B. PHILLIPS, MAYOR**

**ATTEST:**

**/s/ TINA R. GRIFFITH, CITY CLERK**

The foregoing Ordinance was read, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was duly made by Alderman Earhart, and seconded by Alderman Dickerson, with the following results:

Alderwoman Janet Aldridge	<b>AYE</b>
Alderman George Collins	<b>ABSENT</b>
Alderman Dale Dickerson	<b>AYE</b>
Alderman Gil Earhart	<b>AYE</b>
Alderwoman Pat Hamilton	<b>AYE</b>
Alderwoman Joy Henderson	<b>AYE</b>
Alderman David Wallace	<b>AYE</b>

The foregoing Ordinance was passed, adopted and approved on the 6<sup>th</sup> day of August, 2019.

**/s/ SCOTT B. PHILLIPS, MAYOR**

**ATTEST:**

**/s/ TINA R. GRIFFITH, CITY CLERK**