

**AN ORDINANCE REGULATING THE DISPOSAL OF WASTEWATER AND SEWAGE IN SCOTT COUNTY, MISSISSIPPI, FOR PROPERTIES LOCATED OUTSIDE OF THE CORPORATE LIMITS OF ANY MUNICIPALITY**

**WHEREAS**, the Board of Supervisors of Scott County, Mississippi, has become aware of the fact that many residences, commercial sites, and establishments within the County and located outside of the corporate limits of any municipality do not have adequate provision for the proper disposal of wastewater and sewage treatment and disposal systems, and

**WHEREAS**, any such residence or establishment that does not have adequate provisions for the proper disposal of wastewater and sewage constitutes a public health hazard; and

**WHEREAS**, it is in the best interest of the County to eliminate such public health hazards by regulating future installation of on-site sewage treatment and disposal facilities; and

**WHEREAS**, Miss. Code Ann. Sec. 41-67-15 grants the Board authority to adopt ordinances for the regulation of individual on-site wastewater disposal systems.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Scott County, Mississippi, that for the reasons set forth above and, pursuant to authority granted, the following ordinance shall be enacted:

**Section 1. Short Title.** This ordinance shall be known as the Scott County Individual On-Site Wastewater Disposal Ordinance.

**Section 2. Intent.** It is the express intent of the Board of Supervisors that this ordinance require new residential and commercial sites that generate wastewater to be connected to adequate wastewater treatment and disposal systems and to comply with all regulations.

**Section 3. Applicability.** The ordinance shall apply to and be enforced within the unincorporated boundaries of Scott County, Mississippi, for all places where persons reside, are employed, and/or congregate, within new residential sites, commercial sites, and establishments are constructed, moved, or located in Scott County, Mississippi, after the effective date of this ordinance.

Any structure, lot, improvement, development, use, or other condition regulated by this ordinance that was lawfully established prior to the effective date of this ordinance or any amendment hereto, but which does not conform to current requirements, may continue as a lawful nonconformity.

**Section 4. Utility Connection Permit Required**

- a. It shall be unlawful for any new connection to any utility to be established for any new residential or new commercial site built, located, or otherwise established after

the effective date of this ordinance for temporary or permanent occupancy or human habitation, without first having obtained a utility connection permit from the Scott County Department of Community Development or the Board of Supervisors.

- b. Temporary connections of such utilities may be authorized during construction, for a period not to exceed 6 months, provided the Mississippi Department of Public Health has approved a plan for a sewage treatment and disposal system acceptable to that Department or a municipal or community sewer service has provided a letter certifying that sanitary sewer service will be made available. The owner(s) of such properties shall agree to have such system operational prior to the permanent use or occupancy of the property. Owners shall provide evidence of final approval of the individual on-site wastewater system by the Mississippi Department of Public Health or proof of a connection to a public or community sewer prior to permanent connection of such utilities.
- c. No permanent connections of such utilities shall be authorized until the County has evidence of the following:
  - 1. A completed Utility Connection Permit Application
  - 2. The site applied for and received a valid 911 Address
  - 3. Any residential site has established a Solid Waste Account
  - 4. Evidence of final approval of the individual on-site wastewater system by the Mississippi Department of Public Health or proof of a connection to a public or community sewer prior to permanent connection of such utilities, such as:
    - i. A completed final approval Form 910, or its successor, approved by the Mississippi Department of Health's On-site Wastewater Division, or
    - ii. Evidence of a valid account demonstrating connection to a public or community sewer service.

### **Section 5. Unlawful to Circumvent**

It shall be unlawful to circumvent the requirements of this ordinance by any means, including, but not limited to:

- a. The use of extension cords or other means to gain access to electricity from another residence or commercial site,
- b. The use of water by any means provided by a water meter established for any other residence or commercial site,
- c. Any other means of providing utilities to any residence or commercial site that does not require the installation of an individual meter for the site at which the utilities are being accessed and used.

**Section 6. Penalties.** To enforce this ordinance, the following penalties shall apply:

- a. If utility service is connected to a property without the required approval under this ordinance, the utility provider must disconnect the service at its own expense within fifteen (15) days after receiving written notice from the County.

The notice will be sent by certified mail, return receipt requested, and will identify the property by parcel number, 911 address, or another clear description.

- b. Any property owner or responsible person who fails to comply with this ordinance may be fined up to One Hundred Dollars (\$100.00), plus court costs. Each day a violation continues shall constitute a separate offense.
- c. Any person who violates this ordinance is responsible for paying all costs related to enforcement, including court costs and reasonable attorney's fees.

**Section 7. Exceptions/Exclusions.** The requirements of this ordinance shall not apply to accessory buildings and/or buildings used for agricultural purposes so long as such buildings do not require plumbing and are not converted for use as an inhabited structure.

**Section 8. Conflict.** Where this ordinance conflicts with other ordinances of Scott County or other duly authorized entities, the more restrictive provision shall control unless otherwise provided by law.

**Section 9. Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is held invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions.

**Section 10. Cumulative Effect.** This ordinance and each section herein shall be cumulative and in addition to any other ordinance or applicable law.

**Section 11. Effective Date.** This ordinance shall take effect sixty (60) days after first publication as required by law.

**AN ORDINANCE ESTABLISHING RIGHT-OF-WAY SAFETY, CLEARANCE, AND UTILITY PERMIT STANDARDS FOR COUNTY ROADS IN SCOTT COUNTY, MISSISSIPPI**

**WHEREAS**, the Board of Supervisors of Scott County, Mississippi, is charged with the responsibility of maintaining the public roads and rights-of-way within the unincorporated areas of the County; and

**WHEREAS**, the Board of Supervisors has the authority pursuant to Miss. Code Ann. § 19-3-41 and related provisions of law to regulate and protect County roads, drainage facilities, and public rights-of-way; and

**WHEREAS**, obstructions within the public right-of-way and unauthorized construction within the public right-of-way pose hazards to the traveling public and may impair the structural integrity of County roads; and

**WHEREAS**, it is in the best interest of the County to establish uniform standards governing right-of-way clearance, the protection of County-maintained drainage facilities, and utility construction along county and state roads;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Scott County, Mississippi, that the following ordinance is hereby enacted:

**Section 1. Short Title.** This ordinance shall be known as the Scott County Right-of-Way Safety Ordinance.

**Section 2. Intent.** It is the express intent of the Board of Supervisors to:

- a. Protect and maintain the structural integrity of County roads and shoulders;
- b. Ensure that roadside drainage systems remain functional and free from obstruction;
- c. Provide for orderly development of necessary utilities adjacent to County-maintained rights-of-way; and
- d. Establish minimum clearance and drainage standards applicable within County-maintained rights-of-way.

**Section 3. Applicability.** This ordinance shall apply within the unincorporated areas of Scott County and shall govern all activities, structures, buildings, utilities, vegetation, construction, and improvements located within or affecting County-maintained rights-of-way.

**Section 4. Right-of-Way Clearance and Setbacks.** New construction shall be set back a minimum of 45 feet from the center of any county road or state highway.

**Section 5. Prohibited Structures within Setback.** With the exception of utilities and fences, no building or structure shall be erected within the required setback. None of the following shall be placed within the required setback:

- a. Drainage detention/retention ponds;
- b. Septic tanks;
- c. Fuel gas pumps, underground storage tanks, or vehicle charging stations;
- d. Communication towers.

**Section 6. Right-of-Way Obstructions Prohibited.** No person shall place fences, walls, signs, landscaping materials, mailboxes, utilities, fill material, demolition debris, yard waste, or other obstructions, including parked vehicles, in county right-of-way in a manner that impedes traffic without authorization.

**Section 7. Drainage, Culvert, and Roadside Obstructions Prohibited.** No person shall obstruct, alter, fill, pipe, redirect, or interfere with any ditch, swale, culvert, cross-drain, or other County-maintained drainage facility without approval.

**Section 8. Maintenance Responsibilities.**

- a. The County shall maintain the traveled portion of County roads and drainage facilities located within the public right-of-way.
- b. Adjacent property owners shall maintain private driveways, driveway culverts (unless otherwise accepted by the County), and any private improvements within the right-of-way installed pursuant to a permit.
- c. Failure to maintain driveway culverts or drainage facilities, causing roadway damage or flooding, shall constitute a violation of this ordinance.

**Section 9. Utility Permit Required.** No person, utility provider, contractor, or entity shall install, construct, relocate, bore, trench, excavate, adjust, maintain, or remove any utility facility within a County-maintained right-of-way without first obtaining a Utility Right-of-Way Permit. This requirement shall apply to all public and private utility providers, including but not limited to:

- 1. Electric power providers;
- 2. Water and wastewater utilities;
- 3. Natural gas utilities;
- 4. Telecommunications and fiber optic providers;
- 5. Cable television providers;

6. Communication equipment installers, including cell phone and communication towers;
  7. Any other entity placing infrastructure within a County right-of-way.
- d. Routine maintenance not involving excavation, pavement disturbance, or interference with drainage facilities may be exempt upon written determination by the County Engineer.
- e. Emergency Work.

In the event of an emergency whereby it becomes necessary to restore interrupted utility service or to address an immediate threat to life, safety, or property affecting public safety or continuity of service, such work may commence without prior authorization, provided:

1. The County shall be notified as soon as practicable; and
  2. A completed permit application shall be submitted as soon as practicable by the permittee.
- f. Application Requirements.  
Applications for a Utility Right-of-Way Permit shall include:
1. Applicant and contractor contact information;
  2. Location, description, and purpose of the proposed work;
  3. Construction plans showing horizontal alignment, depth of burial, and relation to drainage facilities in sufficient detail to evaluate proposed activities and their pre- and post-construction impacts on county roads and rights-of-way;
  4. Traffic control plan, if applicable;
  5. Proposed construction schedule.

Plans affecting State Aid Roads may be required to bear the seal of a Mississippi-licensed professional engineer.

The County may require a performance bond, letter of credit, or other surety sufficient to ensure restoration of the right-of-way. The permittee shall provide proof of general liability insurance naming Scott County as an additional insured.

- g. Construction Standards.

All work within the County right-of-way shall:

1. Avoid obstruction or alteration of drainage ditches, culverts, or cross-drains;
2. Maintain minimum cover depth as determined by the County Engineer;

3. Avoid open cutting of paved roadways unless expressly authorized;
  4. Utilize boring beneath paved roadways where practicable;
  5. Restore all disturbed pavement, shoulders, and ditches to equal or better condition than existed prior to construction, as determined by County Engineer.
  6. All traffic control shall comply with the Manual on Uniform Traffic Control Devices (MUTCD).
- h. Restoration and Inspection.
1. The permittee shall restore all disturbed areas to County standards, as provided by County Engineer.
  2. The County shall have the right to inspect all work prior to backfilling and upon completion.
  3. If restoration is inadequate, the County may perform corrective work and assess costs to the permittee.

#### **Section 10. Enforcement and Penalties.**

- a. Notice of Violation.  
If a violation exists, written notice shall be provided that describes the violation and requires corrective action within a specified time period.
- b. Corrective Actions  
The County may order corrective actions reasonably necessary to remedy violations of this ordinance, including but not limited to:
1. Issuing a stop-work order;
  2. Requiring removal of unauthorized facilities;
  3. Restoring the right-of-way and assessing all costs to the responsible party;
  4. Seeking injunctive relief or damages as authorized by law.
- c. If corrective action is not taken within the specified time by the responsible party, the County may take reasonable actions, including but not limited to:
1. Remove unauthorized access points or obstructions;
  2. Clear drainage facilities;
  3. Restore the right-of-way to a safe condition; and
  4. Assess the costs of such work against the responsible party.

d. Civil Penalties.

In addition to the costs of work required to correct violations, any person violating this ordinance may be subject to a fine not to exceed Two Hundred Fifty Dollars (\$250.00) per violation, plus court costs. Each day a violation continues shall constitute a separate offense.

e. Additional Remedies.

The County may seek injunctive relief, damages, abatement, or other remedies authorized by law.

**Section 11. Conflict.** Where this ordinance conflicts with other ordinances of Scott County or other duly authorized entities, the more restrictive provision shall control unless otherwise provided by law.

**Section 12. Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is held invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions.

**Section 13. Cumulative Effect.** This ordinance and each section herein shall be cumulative and in addition to any other ordinance or applicable law.

**Section 14. Effective Date.** This ordinance shall take effect thirty (30) days after first publication as required by law.