

ORDINANCE NUMBER 2006-05

**ORDINANCE REQUIRING MANDATORY
FLOW OF MUNICIPAL SOLID WASTE WITHIN THE BOUNDARIES OF
THE CITY OF STARKVILLE, MISSISSIPPI TO
THE GOLDEN TRIANGLE REGIONAL SOLID
WASTE MANAGEMENT FACILITY**

**BE IT ENACTED BY THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF
THE CITY OF STARKVILLE, MISSISSIPPI.**

Section 1. The Mayor and Members of the Board of Aldermen of the City of Starkville, Mississippi do hereby find and declare the following:

- (a) The City of Starkville, Mississippi has received a copy of a Resolution adopted by the Golden Triangle Regional Solid Waste Management Authority (the "Authority") dated March 16, 2006, directing each member of the Authority to adopt a Resolution or Ordinance to require the mandatory flow of municipal solid waste to the Authority's Landfill in Oktibbeha and Clay County, Mississippi, a copy of this Resolution being attached hereto as Exhibit "A" and incorporated herein by reference.
- (b) The City of Starkville, Mississippi is a member of the Authority and is required to adopt such ordinance or resolution by Section 17-17-319 of Mississippi Code of 1972, as amended.

Section 2. For the purpose of this Ordinance, the following words and phrases shall have the meanings set forth below:

- (a) "Municipal Solid Waste" means any nonhazardous solid waste resulting from the operation of residential, commercial, governmental, industrial or institutional establishments except oil field exploration and production waste and sewage sludge, as defined in Section 17-17-305(m), Mississippi Code of 1972, as amended;
- (b) "Person" means a person as defined by Section 17-17-3(u), Mississippi Code of 1972 as amended.

Section 3. All Municipal Solid Waste generated within the geographic boundaries of the City of Starkville, Mississippi that is placed in the waste stream for disposal within the State of Mississippi shall be transported to, stored and managed at the Golden Triangle Regional Solid Waste Management Authority Landfill in Oktibbeha and Clay County, Mississippi or at a transfer station owned by the Golden Triangle Regional Solid Waste Management Authority or its members.

Section 4. It shall be unlawful for any Person to violate any provision of this Ordinance. Such violation shall be a misdemeanor and shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. For purpose of this Ordinance, each day a violation continues shall constitute a separate offense.

Section 5. This Ordinance shall become effective thirty (30) days after the date of publication in a newspaper published within the City of Starkville or in a newspaper within the City of Starkville having a general circulation within the county as prescribed by law.

UPON MOTION duly made by Alderman P.C. McLaurin, Jr. for adoption of the ordinance and seconded by Alderman Jim Mills and the question being put to a roll call vote, the result was as follows:

Richard Corey	Voted:	Yea
Matt Cox	Voted:	Yea
Sumner Davis	Voted:	Absent
P.C. 'Mac' McLaurin	Voted:	Yea
Jim Mills	Voted:	Yea
Roy A'. Perkins	Voted:	Absent
Janette Self	Voted:	Absent

ORDAINED AND ADOPTED, this the 18th day of April, A.D., 2006 at the Regular Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

/s/ Robert D. Camp
ROBERT D. CAMP, Mayor
City of Starkville, Mississippi

/s/ Markeeta Outlaw
MARKEETA OUTLAW, Clerk
City of Starkville, Mississippi
(SEAL)

**RESOLUTION DECLARING NECESSITY OF
REQUIRING MANDATORY FLOW OF MUNICIPAL SOLID WASTE
WITHIN BOUNDARIES OF
GOLDEN TRIANGLE REGIONAL SOLID WASTE MANAGEMENT AUTHORITY**

WHEREAS, the Golden Triangle Regional Solid Waste Management Authority (the "Authority") is a political subdivision of the State of Mississippi and regional solid waste management authority created under the provisions of Sections 17-17-301 through 17-17-319 of the Mississippi Code of 1972, as amended;

WHEREAS, the Authority operates a regional solid waste landfill located in Oktibbeha and Clay County, Mississippi, as defined by Section 17-17-305(w) of the Mississippi Code of 1972, as amended;

WHEREAS, the Authority has operated the landfill since October, 1996 in accordance with the Golden Triangle Regional Solid Waste Management Plan (the "Solid Waste Plan") adopted and amended by the Authority and the various counties and municipalities comprising the Authority and approved by the Commission on Environmental Quality in 1993 and subsequently amended;

WHEREAS, at the time the Authority was created and at the time the Solid Waste Plan was adopted there were no permitted Subtitle 0 landfills within the boundaries of the Authority or outside the Authority in the State of Mississippi, that met the proposed or final Subtitle D Regulations and none were in existence on April 12, 1991 at the time Section 17-17-319 of the Mississippi Code of 1972 was adopted;

WHEREAS, the Solid Waste Plan specifically found that a single regional solid waste management landfill was needed for the disposal of all municipal solid waste generated within the Authority's boundaries and thereby demonstrated in writing that use of any other solid waste disposal facility other than the Authority's regional landfill would be inconsistent with the Solid Waste Plan;

WHEREAS, in December, 1992 the Authority selected a site in Oktibbeha and Clay County, Mississippi to permit and construct a regional solid waste management landfill designed to meet the disposal needs for the counties and municipalities comprising the Authority;

WHEREAS, the Authority has determined that no additional Subtitle D solid waste landfills have been built within the geographic boundaries of the Authority;

WHEREAS, the Authority has determined that the utilization of any other solid waste management facility, other than the Authority's landfill for the disposal of municipal solid waste within the geographic boundaries of the Authority would be inconsistent with the Solid Waste Plan;

WHEREAS, Section 17-17-319 of the Mississippi Code of 1972, authorizes the Authority to enact a mandatory flow ordinance, if the Authority determines that the mandatory flow of municipal solid waste within its boundaries is necessary to ensure the viability of the Authority's landfill;

WHEREAS, the Authority has determined that the mandatory flow of municipal solid waste within its boundaries is necessary to ensure the viability of the Authority's landfill for the following

reasons: (1) over sixty percent (60%) of the municipal solid waste currently disposed of at the landfill consists of non-residential waste which is subject to being taken elsewhere and any change in circumstances which would result in a portion of that waste stream being taken elsewhere would significantly affect the viability of the landfill; (2) the Authority will incur certain fixed expenses in the future which will be mandated by state and federal law and it is necessary to ensure the viability of the landfill that a waste stream be guaranteed to cover these anticipated fixed expenses; (3) due to its operation as a low volume landfill designed to afford residents of the region affordable garbage disposal, any loss of existing waste stream would have a disproportionate impact on the Authority budget and would adversely affect the viability of the landfill.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: The Authority hereby determines that the mandatory flow of municipal solid waste to the Authority's solid waste landfill located in Oktibbeha and Clay County, Mississippi, by any person generating municipal solid waste within the geographic boundaries of the Authority is necessary to ensure the viability of the Authority's landfill, and each county and municipality within the Authority's jurisdiction, is directed to comply with this resolution pursuant to Section 17-17-319 of the Mississippi Code of 1972 to adopt an ordinance requiring that all municipal solid waste generated within the boundaries of each county or municipality shall be disposed of at the Authority's landfill located in Oktibbeha and Clay County, Mississippi.

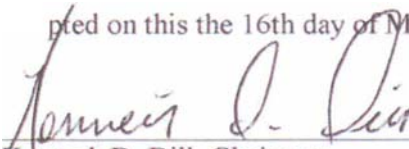
Upon motion duly made by Commissioner Cecil Hamilton and seconded by Commissioner Casey Weeks, and following discussion, the foregoing Resolution is hereby duly adopted upon the following vote of the members of the Executive Committee of the Golden Triangle Regional Solid Waste Management Authority:

Commissioner Kenneth D. Dill	voted: yea
Commissioner David Winfield	voted: yea
Commissioner Cecil Hamilton	voted: yea
Commissioner Michael Thomas	voted: yea
Commissioner Casey Weeks	voted: yea
Commissioner H. W. Webb, Jr.	voted: yea
Commissioner Robert E. (Bob) Boykin	voted: yea
Commissioner Leslie Baucom	voted: absent
Commissioner Jeffrey Rupp	voted: absent

The motion having received the affirmative and unanimous vote of the members present, the Chairman declared the motion carried and the resolution adopted on this the 16th day of March, 2006.

ATTEST:

By:

ated on this the 16th day of M

Kenneth D. Dill, Chairman


W. Webb, Jr., Secretary-Treasurer