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WAYNE SMITH
CHANCERY CLERK

AN ORDINANCE BY THE BOARD OF SUPERVISORS OF LAMAR COUNTY, MISSISSIPPI REGULATING SEWER LAND APPLICATION SYSTEMS

(Adopted March 24, 2016)

WHEREAS, The Lamar County Board of Supervisors has vital governmental interest in promoting the public health, morals and safety of Lamar County; and

WHEREAS, the Lamar County Board of Supervisors is empowered to adopt Ordinances with respect to county affairs in order to promote the health, safety and welfare of Lamar County, and to provide for the best interest of Lamar County and its citizens; and

WHEREAS, pursuant to Section 19-3-40, the Lamar County Board of Supervisors shall have the power to adopt reasonable Ordinances for the regulation of the sewer land application system not inconsistent with state and federal laws; and

WHEREAS, it is the finding and opinion of the Lamar County Board of Supervisors, based upon reliable information, that in order to preserve and safeguard the health, safety, property values, and the general welfare of the people, businesses and industries of Lamar County, it is advisable for Lamar County to adopt this Ordinance regarding sewer land application systems (SLAS) within Lamar County; and

WHEREAS, in the course of considering this Ordinance, the Lamar County Board of Supervisors have reviewed and/or been advised of the experiences and studies of other local governments and summaries of land use studies in connection with the effects of sewer land application systems (SLAS) and the expressions of concern and request for action on the issue from its citizens; and

WHEREAS, concerns have been raised by the citizens of Lamar County regarding SLAS giving rise to safety concerns; and

WHEREAS, the Lamar County Board of Supervisors finds it necessary to establish regulations regarding SLAS in Lamar County; and

WHEREAS, this Ordinance shall be applicable throughout the entire county; and

NOW, THEREFORE, BE IT ORDAINED BY THE LAMAR COUNTY BOARD OF SUPERVISORS, LAMAR COUNTY, MISSISSIPPI as follows, to wit:

SECTION 1. GENERAL PROVISIONS

1.10 Purpose and Jurisdiction

The purpose of the Ordinance shall be to provide minimum standards for and regulation of SLAS in Lamar County to protect surface water and groundwater from contamination from human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances.

1.20 Objectives

The principle objectives of this Ordinance shall include the following:

1.21 The protection of Lamar County's lakes, wetlands, rivers and streams and supplies of groundwater essential to the promotion of public health, safety and welfare; the protection of Lamar County's environment and it socioeconomic growth and development of Lamar County in perpetuity.

1.22 Given the extensive resources and numerous supplies of surface water and groundwater and their susceptibility to contamination, regulation of proper SLAS construction, reconstruction, repair and maintenance and proper septage disposal is essential to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater.

1.30 Conflicting Regulations

Whenever any provision of this Ordinance is found to be in direct conflict with the provisions of any other Lamar County Ordinance, the Ordinance containing the more restrictive requirement shall govern.

SECTION 2. ADMINISTRATION

2.10 Administration and State Agencies

2.11 For an on-site SLAS, or group of SLAS that are located on adjacent properties and under single ownership, the owner or owners shall make application for and obtain a permit, if required, from the Mississippi Department of Environmental Quality if the on-site SLAS or group of systems are designed to treat an average design flow greater than 10,000 gallons per day.

2.12 Any SLAS requiring approval by the State of Mississippi shall also comply with all local codes and this Ordinance.

SECTION 3. PERMITTING

3.10 Permits Required

3.11 Before a SLAS is placed or used on any property in Lamar County, the landowner must present to the Lamar County Board of Supervisors that said SLAS meets or exceeds

the technical review and design of the Mississippi Department of Environmental Quality (MDEQ) and shall have a proper permit issued by the MDEQ.

3.12 The SLAS may only be placed or used on property having a total of 55 usable acres or less in the aggregate. The fifty-five (55) acre requirement is cumulative for the entire SLAS, either for one parcel or multiple parcels

3.13 All SLAS, regardless of size, must be approved by the Lamar County Board of Supervisors.

3.14 This Ordinance and the regulations herein shall apply to all SLAS, regardless of size.

3.15 No SLAS can be located within five (5) miles of another SLAS.

3.16 SLAS shall include but not be limited to systems that involve land application via a spray system, the application of sludge, the spraying of waste via truck or other similar systems.

3.17 Adequate site screening shall be installed and maintained about the perimeter of the lagoon and/or SLAS site. The site screening shall be of a nature and type to screen the site from adjacent structures that are not part of the SLAS. The screening shall be installed within sixty (60) days after the project is completed.

3.18 A buffer of five hundred (500) feet between the SLAS and a property line not associated with the system shall be maintained. The site screening can be located in this buffer.

3.19 A buffer of three hundred (300) feet between the SLAS any County or State road shall be maintained.

3.20 All necessary and applicable reviews and approvals shall be obtained from the appropriate federal, state and local agencies before submitting plans for approval.

3.21 When part of a proposed subdivision, the SLAS shall be reviewed as part of the sanitary sewer system for the permitting of the subdivision or development.

3.22 When part of a project that falls under the site plan Ordinance, the SLAS shall be reviewed as part of the site plan approval process.

3.23 A current contact name and number of the company operating and maintaining any SLAS shall be provided to the Lamar County Planning Department.

3.24 A warning system must be installed in case of a failure of the SLAS.

3.25 If proposed SLAS is part of a combined system that services multiple sources, the proposed system shall be reviewed by the Lamar County Planning Department. A SLAS Permit may be issued once the proposed system is approved. Any SLAS site plans submitted for review must show all buffers and setbacks if applicable

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3.26 SLAS Location Setbacks

Feature	Minimum Setbacks
Private Water Well	1,000 feet
Municipal Well	1,000 feet
Occupied Residential Structure*	1,000 feet
Commercial Developments, * Recreation Areas	1,000 feet
Property Lines	500 feet
Public Road Rights of Way	300 feet
Lakes/Ponds	1,000 feet
Rivers/Streams	1,000 feet

* May be reduced for structures within the development

3.27 General Site Management

A. SLAS is not allowed in areas on sites ponded with water.

B. SLAS is not allowed across County or State maintained roads.

C. The SLAS area must be clearly identified with flags, or stakes or other easily identified markers. Unsuitable sites must also be clearly identified.

D. The SLAS must be uniform across the site.

E. Measures must be taken to ensure the effluent remains where it is applied and does not run and concentrate into low areas.

3.28 SLAS Permits. A permit for the SLAS may be issued by the Lamar County Planning Department when the SLAS meets all of requirements of this Section 3 Permitting stated herein above. A permit shall be obtained whenever any SLAS in Lamar County is installed, replaced, altered, repaired or extended. Installation, replacement, alteration, repair, or extension of an SLAS shall not begin without first making an application for a permit and obtaining said permit from the Lamar County Planning Department for each installation, replacement, alteration, repair or extension pursuant to this Ordinance. Any such permit expires 24 months after date of issuance. Any work to be conducted under a permit that has expired shall not commence until a new permit is applied for and approved

SECTION 4. REMEDIES AND PENALTIES

Lamar County may use any combination of the following remedies and enforcement powers to administer and enforce these regulations.

4.10 Remedies

4.11 Issuance of Stop Work Order. Whenever work is being done on a site in violation of any applicable provision of this Ordinance, the Lamar County Planning Staff may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work. As part of the Stop Work Order, a sign shall be placed on the property.

4.12 Revocation of Permit or Approval. Lamar County may revoke any permit or approval by written notice to the permit or approval holder when false statements or misrepresentations were made in securing the permit or approval, work is being or has been done in substantial departure from the approved permit or this Ordinance, there has been a failure to comply with the requirements of this Ordinance, or a permit or approval has been mistakenly granted in violation of this Ordinance.

4.13 Injunction. When a violation occurs, Lamar County may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use that is in violation of this Ordinance.

4.14 Order of Abatement. In addition to an injunction, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance shall be deemed a public nuisance and Lamar County may apply for and the Court may enter into an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:
(1) That the SLAS on the property be closed, demolished, or removed;
(2) That improvements, alterations, modifications, or repairs to the SLAS be made;
(3) That any other action be taken as necessary to bring the property and SLAS into compliance with this Ordinance.

4.15 Equitable Remedy. Lamar County may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to Lamar County's application for equitable relief.

4.16 Execution of Court Decisions. Lamar County may execute the Order of Abatement and will have a lien on the property in the nature of a mechanic's and material man's lien for the cost of executing the order.

4.17 Denial or Withholding of Related Permits. Lamar County may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.

4.18 Additional Remedies for Repeat Violations. On determining that a violator has repeatedly violated or been in the violation of these regulations over a period of at least six months, and that the violator is likely to continue to engage in activities resulting in future violations of this Ordinance, the Lamar County Planning Department may impose any of the following additional remedies:
(1) Revoke other permits issued to the violator in accordance with this Ordinance;
(2) Suspend the violator's right to apply for or receive other permits and approvals in accordance with this Ordinance for a specified period of time;

4.19 Criminal Penalties. Wherever in this Ordinance, 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 therefore, the violation of any such provisions of this Ordinance shall be punished by a fine not exceeding one thousand dollars ($1,000.00) or by imprisonment not exceeding ninety (90) days, or both. Every day any violation of is Ordinance shall continue shall constitute a separate offense.

All offenses under the penal laws of the State of Mississippi, amounting to a misdemeanor, shall, when committed within Lamar County also be offenses against Lamar County, to the same effect as though such offenses were made offenses against Lamar County and upon conviction therefore, the same punishment shall be imposed by Lamar County, as is provided by the laws of the state with regard to such offenses against the state not in excess of the maximum penalty which may be imposed by Lamar County under the law.

4.20 Assessment for Court Cost. In addition to any fine imposed, and regardless of the waiver or suspension of any fine, an assessment for the costs of court shall be imposed upon any person found to be in violation of this Ordinance.

4.21 Cumulative Remedies and Penalties. The remedies and penalties provided for violations of these regulations, whether civil or criminal, shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

SECTION 5 MISCELLANEOUS

5.10 It is hereby declared to be the intention of the Lamar County Board of Supervisors that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any section, subsection, sentence, or clause of this Ordinance is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance. It is hereby declared that this Ordinance would have been passed, and each section, subsection, sentence, or clause hereof, irrespective of the fact that any one or more sections, subsections, sentences, or clauses might be adjudged to be unconstitutional or for any other reason invalid.

5.20 It is not the intent of this Ordinance to restrict, enlarge or affect in any way any existing law or Ordinance of the State of Mississippi or the separate enforcement thereof. No otherwise illegal acts or omissions are or shall be excused or made legal by the passage of this Ordinance. It is declared to the legislative intent that if any Section, sentence, clause, or provision of this Ordinance is declared void, unconstitutional or invalid for any reason, such portion or provision, or the application or the enforceability thereof, shall be severable from this Ordinance. The remaining portion or provisions of the Ordinance, or all applications and the appropriate enforcement thereof, shall not be affected and shall be interpreted, if necessary, so as to give a meaning consistent with the purpose and intent of the enacted Ordinance.

5.30 If there is a SLAS in existence prior to the effective date of this Ordinance, Said SLAS will not be affected by this Ordinance. However, if a SLAS was not approved in accordance with this Ordinance, prior to the effective date of this Ordinance, all SLAS shall comply with all provisions of this Ordinance

5.40 The Lamar County Board of Supervisors reserves the right to amend this Ordinance in the future as needed.

5.50 Variances. If any particular case where a land owner can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, literal compliance with any requirements of this Ordinance would cause practical difficulty or exceptional and undue hardship, the Lamar County Board of Supervisors may modify such requirement to the extent deemed just and proper so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of this Ordinance or the desirable general development or welfare of the neighborhood and the community. Applications for request for variance from this Ordinance must be submitted to the Lamar County Planning Office for approval by the Lamar County Board of Supervisors. Any modification thus

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granted must be spread upon the minutes, setting forth the reasons for which the modification was justified.

This Ordinance shall take effect on the 24th day of March 2016.

The Clerk of this board is hereby directed to publish this Ordinance one (1) time in a local newspaper.

The above and foregoing Ordinance, after having been first reduced to writing, and discussed and considered by the Lamar County Board of Supervisors, was moved for adoption upon the Motion of Supervisor Lampton, seconded by Supervisor Byrd. Thereupon the matter was put to a roll call with the results as follows:

Steve Lampton	Voted	Yea
Joe Bounds	Voted	Yea
Warren Byrd	Voted	Yea
Philip Carlisle	Voted	Yea
Dale Lucus	Voted	Yea

WHEREUPON, the President of the Board declared the Motion carried and the Ordinance so adopted on this the 24th day of March, 2016.

Joe Bounds
President,
Lamar County Board of Supervisors

CHANCERY CLERK ★ LAMAR COUNTY, MISSISSIPPI ★

ATTEST: _____
Wayne Smith, Lamar County Chancery Clerk

CHANCERY CLERK OF LAMAR COUNTY, MS ★ IN GOD WE TRUST ★

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CERTIFICATE OF FILING AND RECORDING
STATE OF MISSISSIPPI
LAMAR COUNTY
Wayne Smith, Chancery Clerk
Ordinance Book 2 Page 323
Indexed — Recorded — Abstracted _____
Shirley Broome D.C.