

By: Representatives Smith (39th), Chism

To: Conservation and Water Resources

HOUSE BILL NO. 603

1 AN ACT TO AMEND SECTIONS 17-17-5, 17-17-317, 19-3-101,
 2 19-5-17 AND 21-19-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A
 3 COUNTY, MUNICIPALITY, REGIONAL SOLID WASTE MANAGEMENT AUTHORITY OR
 4 COUNTY COOPERATIVE SERVICE DISTRICT THAT PROVIDES ITS OWN GARBAGE,
 5 RUBBISH OR SOLID WASTE COLLECTION OR DISPOSAL SERVICES AND DOES
 6 NOT CONTRACT WITH A PRIVATE COMPANY OR BUSINESS TO PERFORM THOSE
 7 SERVICES MAY MAKE THE SERVICE AVAILABLE ONLY FOR COLLECTION OR
 8 DISPOSAL OF RESIDENTIAL GENERATORS OF GARBAGE, RUBBISH AND SOLID
 9 WASTE AND MAY NOT PROVIDE THESE SERVICES FOR INDUSTRIAL OR
 10 COMMERCIAL GENERATORS OF GARBAGE, RUBBISH OR SOLID WASTE EXCEPT
 11 WHERE THERE IS NOT AVAILABLE A PRIVATE COMPANY OR BUSINESS TO
 12 PROVIDE SUCH SERVICES FOR INDUSTRIAL OR COMMERCIAL GENERATORS; TO
 13 PROVIDE THAT WHERE THERE IS NOT AVAILABLE A PRIVATE COMPANY OR
 14 BUSINESS TO PROVIDE GARBAGE, RUBBISH OR SOLID WASTE COLLECTION OR
 15 DISPOSAL SERVICES FOR INDUSTRIAL OR COMMERCIAL GENERATORS, THE
 16 COUNTY, MUNICIPALITY, AUTHORITY OR DISTRICT SHALL COLLECT AND
 17 DISPOSE OF RESIDENTIAL GARBAGE, RUBBISH AND SOLID WASTE SEPARATE
 18 AND APART FROM INDUSTRIAL OR COMMERCIAL GARBAGE, RUBBISH AND SOLID
 19 WASTE AND SHALL NOT MIX OR COMBINE RESIDENTIAL GARBAGE, RUBBISH
 20 AND SOLID WASTE WITH INDUSTRIAL OR COMMERCIAL GARBAGE, RUBBISH AND
 21 SOLID WASTE; AND FOR RELATED PURPOSES.

22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

23 **SECTION 1.** Section 17-17-5, Mississippi Code of 1972, is
 24 amended as follows:

25 17-17-5. (1) After December 31, 1992, the board of
 26 supervisors and/or municipal governing body shall provide for the
 27 collection and disposal of garbage and the disposal of rubbish.
 28 The board of supervisors and/or municipal governing body may
 29 provide such collection or disposal services by contract with
 30 private or other controlling agencies, and the service may include
 31 house-to-house service or the placement of regularly serviced and
 32 controlled bulk refuse receptacles within reasonable distance from
 33 the farthest affected household, and the wastes disposed of in a
 34 manner acceptable to the department and within the meaning of this
 35 chapter. The board of supervisors and/or municipal governing body
 36 shall have the power to and are hereby authorized to enter into



37 contracts related in any manner to the collection and
38 transportation of solid wastes for a term of up to six (6) years
39 and to enter into contracts related in any manner to the
40 generation and sale of energy generated from solid waste, and
41 contracts for treatment, processing, distribution, recycling,
42 elimination or disposal of solid wastes for a term of up to thirty
43 (30) years. The municipal governing body of any municipality is
44 authorized to regulate the disposal of garbage and rubbish in
45 sanitary landfills, as provided in Section 21-19-1.

46 (2) If a county or municipality provides its own garbage,
47 rubbish or solid waste collection or disposal service and does not
48 contract with a private company or business to perform this
49 service, the county or municipality may make this service
50 available only for collection or disposal of residential
51 generators of garbage, rubbish and solid waste and may not provide
52 the service for industrial or commercial generators of garbage,
53 rubbish or solid waste except in a county or municipality where
54 there is not available a private company or business to provide
55 garbage, rubbish or solid waste collection or disposal services
56 for industrial or commercial generators. In a county or
57 municipality where there is not available a private company or
58 business to provide garbage, rubbish or solid waste collection or
59 disposal services for industrial or commercial generators, the
60 county or municipality shall collect and dispose of residential
61 garbage, rubbish and solid waste separate and apart from
62 industrial or commercial garbage, rubbish and solid waste and
63 shall not mix or combine residential garbage, rubbish and solid
64 waste with industrial or commercial garbage, rubbish and solid
65 waste.

66 (3) In the event an unincorporated area which is annexed by
67 a municipality is being provided collection and disposal of
68 garbage and rubbish under contract with private or other
69 controlling agencies, the municipality shall annex the area



70 subject to the contract for the remainder of the term of the
71 contract, but not to exceed five (5) years.

72 **SECTION 2.** Section 17-17-317, Mississippi Code of 1972, is
73 amended as follows:

74 17-17-317. (1) From and after the creation of an authority
75 it shall be a public corporation participating under its corporate
76 name and shall, in that name, be a body politic and corporate with
77 all the rights and powers necessary or convenient to carry out the
78 purposes of Sections 17-17-301 through 17-17-349, including, but
79 not limited to the following:

80 (a) To sue and be sued in its own name;

81 (b) To adopt an official seal and alter the same at
82 pleasure;

83 (c) To maintain an office or offices at such place or
84 places within the management area as it may determine;

85 (d) To acquire, construct, improve, or modify, to
86 operate or cause to be operated and maintained, either as owner of
87 all or of any part in common with others, a project or projects
88 within the counties or municipalities in the district and, to pay
89 all or part of the cost of any such project or projects from the
90 proceeds of bonds of the authority or from any contribution or
91 loans by persons, firms, public agencies or corporations or from
92 any other contribution or user fees, all of which the authority is
93 authorized to receive, accept, and use and to pay all cost of
94 operation and maintenance as may be determined as necessary for
95 preparation of any project;

96 (e) To acquire, in its own name, by purchase on such
97 terms and conditions and in such manner as it may deem proper, by
98 condemnation in accordance with all laws applicable to the
99 condemnation of property for public use, or by gift, grant, lease,
100 or otherwise, real property or easements therein, franchises and
101 personal property necessary or convenient for its corporate
102 purposes. These purposes shall include, but are not limited to,



103 the constructing or acquiring of a project; the improving,
104 extending, reconstructing, renovating, or remodeling of any
105 existing project or part thereof; or the demolition to make room
106 for such project or any part thereof and to insure the same
107 against any and all risks as such insurance may, from time to
108 time, be available. The authority may also use such property and
109 rent or lease the same to or from others including public agencies
110 or make contracts for the use thereof or sell, lease, exchange,
111 transfer, assign, pledge, mortgage or grant a security interest
112 for any such property, provided that the powers to acquire, use,
113 and dispose of property as set forth in this paragraph shall
114 include the power to acquire, use, and dispose of any interest in
115 such property, whether divided or undivided. Title to any such
116 property of the authority, however, shall be held by the authority
117 exclusively for the benefit of the public;

118 (f) To make, enforce, amend and repeal bylaws and rules
119 and regulations for the management of its business and affairs and
120 for the use, maintenance and operation of any of its project
121 facilities and any other of its properties;

122 (g) To fix, charge, collect, maintain, and revise
123 rates, fees and other charges for any services rendered by it to
124 any person or public agency;

125 (h) To make contracts and leases with any person or
126 public agency and to execute all instruments necessary or
127 convenient for construction, operation, and maintenance of
128 projects and leases of projects; and including the closure,
129 post-closure maintenance and any required corrective action
130 involving a project provided that all private persons, firms, and
131 corporations, this state, and all units of local government,
132 departments, instrumentalities, or agencies of the state or of
133 local government are authorized to enter into contracts, leases or
134 agreements with the authority, upon such terms and for such
135 purposes as they deem advisable; and, without limiting the



136 generality of the above, authority is specifically granted to
137 municipalities and counties and to the authority to enter into
138 contracts, lease agreements, or other undertaking relative to the
139 furnishing of project activities and facilities or either of them
140 by the authority to such municipalities and counties and by such
141 municipalities and counties to the authority for a term not
142 exceeding thirty (30) years;

143 (i) To borrow money and to issue bonds for any of its
144 purposes, except bonds may not be issued for operating costs, to
145 provide for and secure the payment thereof, and to provide for the
146 rights of the holders thereof;

147 (j) To invest any monies of the authority, including
148 proceeds from the sale of any bonds subject to any agreements with
149 bondholders, on such terms and in such manner as the authority
150 deems proper;

151 (k) To exercise any one or more of the powers, rights,
152 and privileges conferred by Sections 17-17-301 through 17-17-349
153 either alone or jointly or in common with one or more other public
154 or private parties. In any such exercise of such powers, rights,
155 and privileges jointly or in common with others for the
156 construction, operation, and maintenance of facilities, the
157 authority may own an undivided interest in such facilities with
158 any other party with which it may jointly or in common exercise
159 the rights and privileges conferred by Sections 17-17-301 through
160 17-17-349 and may enter into an agreement or agreements with
161 respect to any such facility with the other party or parties
162 participating therein. An agreement may contain such terms,
163 conditions, and provisions, consistent with this section, as the
164 parties thereto shall deem to be in their best interest,
165 including, but not limited to, provisions for the construction,
166 operation, and maintenance of such facility by any one or more
167 party of the parties to such agreement. The party or parties
168 shall be designated in or pursuant to such agreement as agent or



169 agents on behalf of itself and one or more of the other parties
170 thereto, or by such other means as may be determined by the
171 parties thereto, and including provisions for a method or methods
172 of determining and allocating, among or between the parties, costs
173 of construction, operation, maintenance, renewals, replacements,
174 improvements, and disposal related to such facility. In carrying
175 out its functions and activities as such agent with respect to
176 construction, operation, and maintenance of such a facility, such
177 agent shall be governed by the laws and regulations applicable to
178 such agent as a separate legal entity and not by any laws or
179 regulations which may be applicable to any of the other
180 participating parties. The agent shall act for the benefit of the
181 public. The authority shall not delegate its right of eminent
182 domain or power of condemnation. Pursuant to any such agreement,
183 the authority may delegate its powers and duties related to the
184 construction, operation, and maintenance of such facility to the
185 party acting as agent and all actions taken by such agent in
186 accordance with the agreement may be binding upon the authority
187 without further action or approval of the authority;

188 (1) To apply, contract for, accept, receive and
189 administer gifts, grants, appropriations, and donations of money,
190 materials, and property of any kind, including loans and grants
191 from the United States, the state, a unit of local government, or
192 any agency, department, authority, or instrumentality of any of
193 the foregoing, upon such terms and conditions as the United
194 States, the state, a unit of local government, or such agency,
195 department, authority, or instrumentality shall impose; to
196 administer trusts; and to sell, lease, transfer, convey,
197 appropriate and pledge any and all of its property and assets;

198 (m) To do any and all things necessary or proper for
199 the accomplishment of the objectives of this section and to
200 exercise any power usually possessed by private corporations
201 performing similar functions which is not in conflict with the



202 Constitution and laws of the state, including the power to employ
203 professional and administrative staff and personnel and to retain
204 legal, engineering, fiscal, accounting and other professional
205 services; the power to purchase all kinds of insurance, including
206 without limitations, insurance against tort liability and against
207 risks of damage to property; and the power to act as self-insurer
208 with respect to any loss or liability. The obligations of the
209 authority other than revenue bonds shall be payable from the
210 general funds of the authority and shall not be a charge against
211 any special fund allocated to the payment of revenue bonds;

212 (n) To borrow money and issue its bonds from time to
213 time and to use the proceeds to pay all or part of the capital
214 costs of any project, or for closure, corrective action or
215 post-closure maintenance of such project or for refunding any such
216 bonds of the authority; and otherwise to carry out the purposes of
217 this section and to pay all other capital costs but not operating
218 costs of the authority incident to, or necessary and appropriate
219 to, such purposes, including the providing of funds to be paid
220 into any fund to secure such bonds and notes and to provide for
221 the rights of the holder thereof;

222 (o) To assume or continue any contractual or other
223 business relationships entered into by the municipalities or
224 counties who are members of the authority, including the rights to
225 receive and acquire transferred rights under option to purchase
226 agreements and permit application;

227 (p) To enter on any lands, waters, or premises for the
228 purpose of making surveys, borings, soundings and examinations for
229 the purposes of the authority;

230 (q) To do and perform any acts and things authorized by
231 Sections 17-17-301 through 17-17-349 under, through or by means of
232 its officers, agents and employees, or by contracts with any
233 person;



234 (r) To enter into any and all contracts, execute any
235 and all instruments, and do and perform any and all acts or things
236 necessary, convenient or desirable for the purposes of the
237 authority, or to carry out any power expressly granted in Sections
238 17-17-301 through 17-17-349 including, without limiting the
239 generality of the foregoing, contracts with public agencies, and
240 such public agencies are hereby also empowered to enter into such
241 contracts with the authority, which may include provisions for
242 exclusive dealing, fee payment requirements, territorial division,
243 and other conduct or arrangements which may have an
244 anticompetitive effect;

245 (s) To enter into contracts with any municipality or
246 county which is a member of the authority for the closure or
247 post-closure maintenance of a municipal solid waste management
248 facility owned and operated by such county or municipality; and

249 (t) To exercise the power of eminent domain for the
250 particular purpose of the acquisition of property designated by
251 plan to sufficiently accommodate the location of facilities, and
252 such requirements related directly thereto pursuant to Chapter 27,
253 Title 11, Mississippi Code of 1972.

254 (2) A regional solid waste management authority may
255 establish, operate and make available a garbage, rubbish or solid
256 waste collection or disposal service for counties and
257 municipalities that are members of the authority only for
258 collection or disposal of residential generators of garbage,
259 rubbish and solid waste and may not provide this service for
260 industrial or commercial generators of garbage, rubbish or solid
261 waste except in a county or municipality that is a member of the
262 authority where there is not available a private company or
263 business to provide garbage, rubbish or solid waste collection or
264 disposal services for industrial or commercial generators. In a
265 county or municipality that is a member of a regional solid waste
266 management authority where there is not available a private



267 company or business to provide garbage, rubbish or solid waste
268 collection or disposal services for industrial or commercial
269 generators, the authority shall collect and dispose of residential
270 garbage, rubbish and solid waste separate and apart from
271 industrial or commercial garbage, rubbish and solid waste and
272 shall not mix or combine residential garbage, rubbish and solid
273 waste with industrial or commercial garbage, rubbish and solid
274 waste.

275 **SECTION 3.** Section 19-3-101, Mississippi Code of 1972, is
276 amended as follows:

277 19-3-101. (1) The board of supervisors of any county in
278 this state may, by order duly entered on its minutes, join with
279 any other county or counties in this state to establish a county
280 cooperative service district for the purpose of instituting
281 planning and mutual cooperation among counties to improve the
282 delivery of services to, and the provision of benefits for, all
283 citizens of participating counties by the joint financing,
284 construction and administration of governmental services and
285 facilities.

286 (2) Any power, authority or responsibility which may be
287 lawfully exercised by a county, except for the imposition of taxes
288 and except as otherwise provided in subsection (3) of this
289 section, may be exercised jointly by participating counties
290 through the board of commissioners of a county cooperative service
291 district, hereinafter in Sections 19-3-101 through 19-3-115,
292 referred to as the "district," unless in a resolution of a board
293 of supervisors creating the district the exercise of a particular
294 power is specifically excluded. The district shall have authority
295 to prepare or have prepared a water resources study or other
296 environmental studies; however, any action by the district which
297 will have an impact upon groundwater resources shall only be
298 implemented consistent with an official statewide water management



299 plan or with the approval of the Commission on Environmental
300 Quality.

301 (3) If a county cooperative service district establishes a
302 garbage, rubbish or solid waste collection or disposal service,
303 the district may make the service available only for collection or
304 disposal of residential generators of garbage, rubbish and solid
305 waste and may not provide the service for industrial or commercial
306 generators of garbage, rubbish or solid waste except in a county
307 within the service district where there is not available a private
308 company or business to provide garbage, rubbish or solid waste
309 collection or disposal services for industrial or commercial
310 generators. In a county within a cooperative service district
311 where there is not available a private company or business to
312 provide garbage, rubbish or solid waste collection or disposal
313 services for industrial or commercial generators, the district
314 shall collect and dispose of residential garbage, rubbish and
315 solid waste separate and apart from industrial or commercial
316 garbage, rubbish and solid waste and shall not mix or combine
317 residential garbage, rubbish and solid waste with industrial or
318 commercial garbage, rubbish and solid waste.

319 **SECTION 4.** Section 19-5-17, Mississippi Code of 1972, is
320 amended as follows:

321 19-5-17. After December 31, 1992, the board of supervisors
322 of any county in the state shall provide for the collection and
323 disposal of garbage and the disposal of rubbish, and for that
324 purpose is required to establish, operate and maintain a garbage
325 and/or rubbish disposal system or systems; to acquire property,
326 real or personal, by contract, gift or purchase, necessary or
327 proper for the maintenance and operation of such system; to make
328 all necessary rules and regulations for the collection and
329 disposal of garbage and/or rubbish and, if it so desires, to
330 establish, maintain and collect rates, fees and charges for
331 collecting and disposing of such garbage and/or rubbish; and, in



332 its discretion, to enter into contracts, in the manner required by
333 law, with individuals, associations or corporations for the
334 establishment, operation and maintenance of a garbage and rubbish
335 disposal system or systems, and/or to enter into contracts on such
336 terms as the board of supervisors thinks proper with any
337 municipality, other county or region, enabling the county to use
338 jointly with such municipality, other county or region any
339 collection system, authorized rubbish landfill or permitted
340 sanitary landfill operated by the municipality, other county or
341 region. The board of supervisors shall designate by order the
342 area to be served by the system. All persons in the county
343 generating garbage shall utilize a garbage collection and disposal
344 system. However, this provision shall not prohibit any person
345 from managing solid waste generated by such person in any
346 municipal solid waste management facility owned by the generator.

347 If a county provides its own garbage, rubbish or solid waste
348 collection or disposal service and does not contract with a
349 private company or business to perform this service, the county
350 may make the service available only for collection or disposal of
351 residential generators of garbage, rubbish and solid waste and may
352 not provide the service for industrial or commercial generators of
353 garbage, rubbish or solid waste unless there is not available in
354 the county a private company or business to provide garbage,
355 rubbish or solid waste collection or disposal services for
356 industrial or commercial generators. In a county where there is
357 not available a private company or business to provide garbage,
358 rubbish or solid waste collection or disposal services for
359 industrial or commercial generators, the county shall collect and
360 dispose of residential garbage, rubbish and solid waste separate
361 and apart from industrial or commercial garbage, rubbish and solid
362 waste and shall not mix or combine residential garbage, rubbish
363 and solid waste with industrial or commercial garbage, rubbish and
364 solid waste.



365 As a necessary incident to such county's power and authority
366 to establish, maintain and collect such rates, fees and charges
367 for collecting and disposing of such garbage and/or rubbish, and
368 as a necessary incident to such county's power and authority to
369 establish, operate and maintain a garbage and/or rubbish disposal
370 system or systems, the board of supervisors of such county shall
371 have the authority to initiate a civil action to recover any
372 delinquent fees and charges for collecting and disposing of such
373 garbage and/or rubbish, and all administrative and legal costs
374 associated with collecting such fees and charges, in the event any
375 person, firm or corporation, including any municipal corporation,
376 shall fail or refuse to pay such fees and charges for collecting
377 and disposing of garbage and/or rubbish; provided that such board
378 of supervisors may initiate such a civil action to recover such
379 delinquent fees and charges whether or not such county has
380 previously entered into a contract with such individual, firm or
381 corporation, including a municipal corporation, relating to the
382 establishment, operation and maintenance of such garbage and/or
383 rubbish disposal system or systems; provided, further, that in a
384 civil action to recover such delinquent fees and charges for
385 collecting and disposing of such garbage and/or rubbish, and all
386 administrative and legal costs associated with collecting such
387 fees and charges, the county shall in all respects be a proper
388 party to such suit as plaintiff and shall have the power to sue
389 for and recover such unpaid fees and charges and all
390 administrative and legal costs associated with collecting such
391 fees and charges, from any person, firm or corporation, including
392 a municipal corporation, as may fail, refuse or default in the
393 payment of such fees and charges.

394 **SECTION 5.** Section 21-19-1, Mississippi Code of 1972, is
395 amended as follows:

396 21-19-1. (1) The municipal governing authorities of any
397 municipality shall have the power to make regulations to secure



398 the general health of the municipality; to prevent, remove, and
399 abate nuisances; to regulate or prohibit the construction of privy
400 vaults and cesspools, and to regulate or suppress those already
401 constructed; to compel and regulate the connection of all property
402 with sewers and drains; to suppress hog pens, slaughterhouses and
403 stockyards, or to regulate the same and prescribe and enforce
404 regulations for cleaning and keeping the same in order; to
405 regulate and prescribe and enforce regulations for the cleaning
406 and keeping in order of warehouses, stables, alleys, yards,
407 private ways, outhouses, and other places where offensive matter
408 is kept or permitted to accumulate; and to compel and regulate the
409 removal of garbage and filth beyond the corporate limits. The
410 municipal governing authorities are further authorized to adopt
411 and enforce regulations governing the disposal of garbage and
412 rubbish in sanitary landfills owned or leased by the municipality,
413 whether located within or outside of the corporate limits of the
414 municipality, to the extent that such regulations are not in
415 conflict with or prohibited by regulations of the Commission on
416 Environmental Quality adopted under Section 17-17-27.

417 (2) After December 31, 1992, the governing body of any
418 municipality in the state shall provide for the collection and
419 disposal of garbage and the disposal of rubbish, and for that
420 purpose the governing body shall have the power to:

421 (a) Establish, operate and maintain a garbage and/or
422 rubbish collection and disposal system or systems;

423 (b) Acquire property, real or personal, by contract,
424 gift or purchase, necessary or proper for the maintenance and
425 operation of such system;

426 (c) Make all necessary rules and regulations for the
427 collection and disposal of garbage and/or rubbish not in conflict
428 with or prohibited by rules and regulations of the Commission on
429 Environmental Quality adopted under Section 17-17-27 and, if it so



430 desires, establish, maintain and collect rates, fees and charges
431 for collecting and disposing of such garbage and/or rubbish; and
432 (d) In its discretion, enter into contracts, in the
433 manner required by law, with individuals, associations or
434 corporations for the establishment, operation and maintenance of a
435 garbage or rubbish disposal system or systems, and/or enter into
436 contracts on such terms as the municipal governing body thinks
437 proper with any other municipality, county or region enabling the
438 municipality to use jointly with such other municipality, county
439 or region any authorized rubbish landfill or permitted sanitary
440 landfill operated by the other municipality, other county or
441 region.

442 As a necessary incident to such municipal governing
443 authority's power and authority to establish, maintain and collect
444 such rates, fees and charges for collecting and disposing of such
445 garbage and/or rubbish, and as a necessary incident to such
446 municipal governing authority's power and authority to establish,
447 operate and maintain a garbage and/or rubbish disposal system or
448 systems, the municipal governing authority of such municipality
449 shall have the authority to initiate a civil action to recover any
450 delinquent fees and charges for collecting and disposing of such
451 rubbish, and all administrative and legal costs associated with
452 collecting such fees and charges, in the event any person, firm or
453 corporation, including any municipal corporation, shall fail or
454 refuse to pay such fees and charges for collecting and disposing
455 of garbage and/or rubbish; provided that such municipal governing
456 authority may initiate such a civil action to recover such
457 delinquent fees and charges whether or not such municipality has
458 previously entered into a contract with such individual, firm or
459 corporation, relating to the establishment, operation and
460 maintenance of such garbage and/or rubbish disposal system or
461 systems; provided further, that in a civil action to recover such
462 delinquent fees and charges for collecting and disposing of such



463 garbage and/or rubbish, and all administrative and legal costs
464 associated with collecting such fees and charges, the municipality
465 shall in all respects be a proper party to such suit as plaintiff
466 and shall have the power to sue for and recover such unpaid fees
467 and charges, and all administrative and legal costs associated
468 with collecting such fees and charges from any person, firm or
469 corporation, as may fail, refuse or default in the payment of such
470 fees and charges.

471 If a municipality provides its own garbage, rubbish or solid
472 waste collection or disposal service and does not contract with a
473 private company or business to perform this service, the
474 municipality may make the service available only for collection or
475 disposal of residential generators of garbage, rubbish and solid
476 waste and may not provide the service for industrial or commercial
477 generators of garbage, rubbish or solid waste unless there is not
478 available in the municipality a private company or business to
479 provide garbage, rubbish or solid waste collection or disposal
480 services for industrial or commercial generators. In a
481 municipality where there is not available a private company or
482 business to provide garbage, rubbish or solid waste collection or
483 disposal service for industrial or commercial generators, the
484 municipality shall collect and dispose of residential garbage,
485 rubbish and solid waste separate and apart from industrial or
486 commercial garbage, rubbish and solid waste and shall not mix or
487 combine residential garbage, rubbish and solid waste with
488 industrial or commercial garbage, rubbish and solid waste.

489 **SECTION 6.** This act shall take effect and be in force from
490 and after July 1, 2003.

