

ORDINANCE 1000

ORDINANCE OF THE LAMAR COUNTY BOARD OF SUPERVISORS REGULATING HOGS, HOG PENS, HOG FARMS, AND THE KEEPING AND MAINTENANCE OF HOGS

WHEREAS, §19-3-40, Mississippi Code Annotated, provides that the Lamar County Board of Supervisors shall have power to adopt any ordinance with respect to County affairs, property and finances, for which no specific provision has been made by general law and which is not inconsistent with the Mississippi Constitution, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi; and

WHEREAS, §19-3-40, Mississippi Code Annotated, enables the Board of Supervisors to take such actions such as the regulation of hogs, hog pens, hog farms, and the keeping and maintenance of hogs; and WHEREAS, any regulation pursuant to Section §19-3-40 requires that any such action concerning hogs must apply countywide; and

WHEREAS, §19-3-41 provides that the Lamar County Board of Supervisors has further authority to regulate hogs and the housing of hogs since such matters are matters of the county police and are subject to the police powers of the county; and

WHEREAS, given the nature of hogs and the places they are kept, the county finds that it is necessary to prescribe certain regulations for hogs, hog pens, hog farms, and the keeping and maintenance of hogs; and WHEREAS, the general stock law of the State of Mississippi, §69-13-1 of the Mississippi Code, provides that any person or persons owning or having under their control any hogs, shall not permit such hogs to run at large upon the open or unfenced lands of another person but shall keep such hogs confined in a safe enclosure or upon lands belonging to such person or persons; and

WHEREAS, the Board of Supervisors in order to promote the health, safety and general welfare of Lamar County, and to provide for the best interest of Lamar County, finds it necessary to establish regulations describing the keeping and maintaining of hogs, hog pens, hog farms, and the keeping and maintenance of hogs.

NOW THEREFORE BE IT ORDAINED as follows:

1000.A. Definition: The following terms shall have the corresponding meaning for purposes of the order as follows:

1000.A.1. Commercial Hog Farm: All hog pens, hog farms, or any location of property, business, residence or enterprise where hogs are kept for any period of time regardless of duration at which the number of hogs is:

1000.A.1.a. Twenty (20) or more sows, or

1000.A.1.b. One hundred (100) or more swine, or

1000.A.1.c. Any hog operation requiring a state, federal, or agency permit of any kind.

1000.A.2. Any and all animals commonly referred to as hogs, pigs, boars, sows, or swine regardless of age, sex or number of animals.

1000.A.3. Non-Commercial Hog Farm: All hog pens, hog farms, any location of property, business, residence or enterprise where hogs are kept for any period of time regardless of duration which do not qualify as a commercial hog farm as defined by this Ordinance.

1000.B. Location Restrictions:

1000.B.1. Commercial hog farms shall not be located within three (3) miles of any municipality in Lamar County.

1000.B.2. Commercial hog farms shall not be located within one and a half (1½) miles of any residential dwelling or development.

1000.C. Permit Requirements: This Ordinance of the Board of Supervisors is made for the purpose of regulating swine concentrated animal feeding operations in Lamar County to the extent allowed by law. It is recognized by the Board that the Senate Bill No. 2895 provides for a Permit Board which is to be the exclusive administrative body for the purpose of issuing, reissuing, modifying, revoking or denying permits pursuant to certain conditions, limitations, and exceptions as set out therein, including permits for air pollution control, water pollution control, and all other permits within the jurisdiction of the Permit Board. Further, this Ordinance is to work subject to and in conjunction with any permit requirements a set out by the Permit Board provided for in Senate Bill No. 2895, and

all applicable Laws of the State of Mississippi, Agencies, and the Permit Board, including all future modifications, changes, and amendments.

1000.D. Permit Compliance: All new and expanding swine concentrated animal feeding operations must comply with, obtain, and remain in good standing concerning all State, Federal, Agency and Permit Board permits for operation of a new and expanding swine concentrated animal feeding operation. In the event a necessary permit is not obtained or a permit is denied, revoked, rescinded, suspended, or is not properly obtained, the applicant, owner, and operator of the hog farm shall be subject to all remedies and fines set out in this Ordinance.

1000.E. Remedies: A person or business who operates or causes to be operated a swine concentrated animal feeding operation in violation of the locational restrictions of this Ordinance or without a valid permit as required by the State, Federal, Permit Board, or Agency laws and regulations or otherwise violates this Ordinance is subject to a suit for injunction as well as prosecution for criminal violations and liability for fines as prescribed in this Ordinance.

1000.F. Fines for Violation: In addition to the injunctive remedies provided for in this Ordinance as well as prosecution for criminal violation of laws of the State of Mississippi, Federal laws, and Agency laws and regulations, any person or business entity which violates any of the terms and conditions of this Ordinance shall be subject to a fine in such amount or amounts as authorized and prescribed by the State of Mississippi, Federal laws, Permit Board and Agency laws and regulations. The County in prosecuting criminal violations and assessing fines shall only prosecute such violations and assess such fines as the County is specifically authorized to prosecute and assess by the laws of the State of Mississippi, Federal laws, and Agency laws and regulations. All criminal prosecutions and fines authorized by the laws of the State of Mississippi, Federal laws, and Agency laws and regulations which are to be prosecuted and assessed by any State agency, Federal agency, or any other person, entity, or body authorized by law shall be exclusively prosecuted and assessed by all such entities.

1000.G. Enforcement: The Lamar County Board of Supervisors shall designate and provide for a designee to assure the proper compliance with all terms and conditions of this Ordinance. In the event of any non-compliance, Lamar County shall use the courts of the State of Mississippi to obtain any injunctive remedy. The collection of fines and penalties imposed by the laws of the State of Mississippi, Federal laws, and Agency laws and regulations shall be pursued in the appropriate court of the State of Mississippi, the Federal court system, administrative proceeding, or where appropriate by the County if authorized expressly to do so. If the laws of the State of Mississippi, Federal laws, or Agency laws or regulations apply, all such laws and regulations shall control as the exclusive authority.

1000.H. Existing Operations and Activities: All swine concentrated animal feeding operations which are in existence at the time of this Ordinance are hereby grandfathered into compliance with this Ordinance. However, in the event any such operation or activity which is grandfathered into compliance shall cease for a period of thirty (30) days, such operation or activity shall be deemed a new operation or activity and shall be subject to all terms and conditions of this Ordinance and must comply with terms and conditions herein. In the event that any operation or activity that is not currently a swine concentrated animal feeding operation attains the number of swine to meet the definition of a swine concentrated animal feeding operation or any existing operation which currently does not meet the definition of such an operation but expands or obtains the number of swine to meet the definition of a swine concentrated animal feeding operation, shall comply with all terms and conditions of this Ordinance.

1000.I. State Law Compliance: Any operator of any swine concentrated animal feeding operations shall be required to comply with all laws of the State of Mississippi concerning swine concentrated animal feeding, operations and all laws concerning swine, including but not limited to Section 69-13-1, which is the general stock law of the State of Mississippi, and all Laws concerning nuisances.

1000.J. Separability: If any section, sub-section or clause of this Ordinance shall be deemed to be ~~the~~ unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections, and clauses shall not be affected there by.

1000.K. Conflicting Orders Repealed: All Ordinances, Resolutions or Orders, or parts of Ordinances, Resolutions or Orders, in conflict with the provisions of this Ordinance are hereby repealed.

1000.L. Effective Date: This Ordinance shall be in effect and enforced from and after the 28th day of May, 1998, and the Chancery Clerk shall publish this Ordinance one (1) time in the Legal Notice section of the Lamar County News.

1000.M. Adoption:

1000.M.1. After full discussion of this matter, Supervisor Barrett, moved that the foregoing Ordinance be adopted and said motion was seconded by Supervisor Backstrom. The motion was put to a vote and this Ordinance passed and was adopted with the following vote:

Supervisor Backstrom Yea

Supervisor Barrett Yea

Supervisor Bishop Yea

Supervisor Bryant Yea

Supervisor Douglas Nay

This the 28th day of May 1998.

1000.M.2. Amendments:

1000.M.2.a. February 3rd, 2025, effective March 3rd, 2025