

STATE OF MISSISSIPPI



**JIM HOOD**  
**ATTORNEY GENERAL**

**OPINIONS  
DIVISION**

November 9, 2018

Scott F. Slover, Esquire  
Adams County Board of Supervisors  
314 State Street  
Natchez, Mississippi 39120

Re: Fees for Garbage and Rubbish Collection or Disposal

Dear Mr. Slover:

Attorney General Jim Hood is in receipt of your opinion request and has assigned it to me for research and review. In your letter, you ask whether it is mandatory to retroactively hold a property owner jointly and severally liable for sanitation fees when only the owner's tenant received the sanitation bill.

In response, Miss. Code Ann. Section 19-5-22(2) provides:

Every generator assessed the fees authorized by Section 19-5-21 and the owner of the property occupied by that generator shall be jointly and severally liable for the fees. The fees shall be a lien upon the real property offered garbage or rubbish collection or disposal service.

The board of supervisors may assess the fees annually. If the fees are assessed annually, the fees for each calendar year shall be a lien upon the real property beginning on January 1 of the next immediately succeeding calendar year. The person or entity owing the fees, upon signing a form provided by the board of supervisors, may pay the fees in equal installments.

If fees are assessed on a basis other than annually, the fees shall become a lien on the real property offered the service on the date that the fees become due and payable.

No real or personal property shall be sold to satisfy any lien imposed under this subsection (2).

The county shall mail a notice of the lien, including the amount of unpaid fees and a description of the property subject to the lien, to the owner of the property.

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Pursuant to Section 19-5-22(2), the generator and the owner are jointly and severally liable for the fees assessed for providing garbage services. A generator's failure to pay the assessed garbage fees results in a lien upon the real property.

The fact that an owner did not receive a bill for garbage services does not absolve the owner of liability for the unpaid fees. The only notice required to the owner, pursuant to Section 19-5-22, is notice of the lien once it attaches to the real property due to unpaid fees. Thus, it is the opinion of this office that an owner of real property is jointly and severally liable for unpaid garbage fees whether the owner receives a bill for services or not.

If this office may be of any further assistance to you, please let us know.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:



Avery Mounger Lee  
Special Assistant Attorney General

OFFICIAL OPINION