

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF RIDGELAND, MISSISSIPPI, REGULATING THE HOURS OF
COLLECTION FOR COMMERCIAL GARBAGE DUMPSTERS**

WHEREAS, the collection of commercial garbage dumpsters near residential areas during nighttime hours creates a noise disturbance that is raucous and bothersome to residents attempting to sleep at this time; and

WHEREAS, the City of Ridgeland, Mississippi, does not currently regulate the hours during which commercial garbage dumpsters may be serviced; and

WHEREAS, the Mayor and Board of Aldermen of the City of Ridgeland has determined that the best interests of the citizens of the City of Ridgeland, and the peace and serenity of residential areas during nighttime hours, would be preserved by limiting the hours during which the collection of commercial garbage dumpsters may occur.

WHEREAS, having considered all the facts and discussions made, and after further discussion thereof, Alderman Davis offered the following Ordinance and moved that it be adopted, to-wit:

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF RIDGELAND, MISSISSIPPI, AS FOLLOWS:**

SECTION 1

Collection of commercial garbage dumpsters near residential areas; notice and hearing; penalties for violation; variance procedure.

- (a) *Restricted hours.* No person or entity owning, nor any person driving, a vehicle for commercial solid waste collection and/or hauling shall service commercial garbage dumpsters within three hundred (300) feet of any residential structure between the hours of 9:00 P.M. and 7:00 A.M. on weekdays, and between the hours of 9:00 P.M. and 9:00 A.M. on weekends, so as to create a public disturbance to the residents at and near a specific location.
- (b) *Notice.* If it is determined that a commercial dumpster is serviced between the hours of 9:00 P.M. and 7:00 A.M. on weekdays, and between the hours of 9:00 P.M. and 9:00 A.M. on weekends, so as to create a public disturbance at and near a specific location, the community development director, who shall administer this article, or his designees, shall give written notice to the owner and/or driver of the vehicle servicing such commercial dumpster, or to the owner of such commercial dumpster, by certified mail, return receipt requested, that a public disturbance exists and that such public disturbance must be removed or abated immediately.

If an owner and/or driver of the vehicle servicing a commercial dumpster, or the owner of such commercial dumpster, is notified three (3) times that a public disturbance exists at a specific location, and that such public disturbance has not been removed or abated, such owners and/or driver shall be deemed in violation of this section. If the notice is returned undelivered by the United States Post Office, official action to abate the disturbance shall be continued to a date not less than ten (10) days from the date of such return.

- (c) *Hearing.* A request by the aggrieved person(s) for a hearing must be made to the community development director within ten (10) days after receipt of the third notice. Such request shall be mailed by certified mail, return receipt requested. Applicants shall also notify by certified mail, return receipt requested, all property owners within three hundred (300) feet of the subject location and all neighborhood organizations within 1,000 feet, exclusive of streets and rights-of-way, informing them of the date, time, and place when the hearing will be held. The notice shall be mailed at least fifteen (15) days prior to the hearing.
- (d) *Penalties for Violation.*
 - (1) Any person or entity found to be in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of two hundred fifty dollars (\$250.00). Each violation shall constitute a separate offense.
 - (2) Any person or entity found to be a multiple violator of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of one thousand dollars (\$1,000.00) or the maximum fine allowable by law, whichever is greater, or by imprisonment in the county jail for a period of ten business (10) days, or by both such fine and imprisonment. "Multiple violator" as used in this section shall be defined as any person or entity convicted of two (2) or more violations within a 90-day period.
- (e) *Procedure for variances.* No action shall be taken concerning a variance from this section until after a public hearing in relation thereto, at which parties in interest and the general citizenry shall have an opportunity to be heard. These public hearings shall be held before the Mayor and Board of Aldermen at such time and place as may be determined by the Mayor and Board of Aldermen.

No variance from this section shall be passed by the Mayor and Board of Aldermen unless and until the following conditions have been met:

- (1) A written application for a variance from this section shall be filed with the community development director or his designee. The application shall include a physical location description; location map; the exact nature of the requested variance; the grounds upon which the variance is

requested; and/or such other information as may be required by the community development director.

- (2) The variance application shall demonstrate the following:
 - (A) That special conditions and circumstances exist which are peculiar to the specific location involved and which are not applicable to other locations in the same district or general area.
 - (B) That literal interpretation of the provisions of this section would deprive the applicant of rights commonly enjoyed by other commercial dumpster owners in the same district or general area under the provisions of this section.
 - (C) That the special conditions and circumstances do not result from actions or omissions of the applicant.
 - (D) That granting the variance requested will not confer upon the applicant any special privilege that is denied by this section to commercial dumpster owners and/or drivers servicing such dumpsters in other locations in the same district or general area.
- (3) Applicants shall notify by certified mail, return receipt requested, all property owners within three hundred (300) feet of the subject location and all neighborhood organizations within 1,000 feet, exclusive of streets and rights-of-way, informing them of the date, time, and place when the application will be considered by the Mayor and Board of Aldermen. The notice shall be mailed at least fifteen (15) days prior to the Mayor and Board of Aldermen meeting during which the application will be considered.

SECTION 2

This ordinance shall take effect and be in force thirty (30) days from and after its passage.

ORDAINED, ADOPTED AND APPROVED by the Mayor and Board of Aldermen of the City of Ridgeland, Mississippi at a meeting thereof held on the 19th day of December, 2006.

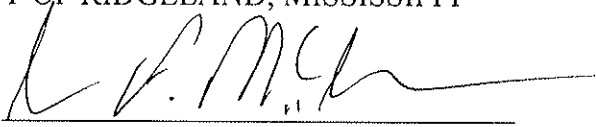
The motion for adoption was seconded by Alderman Heard and the foregoing Ordinance having been first reduced to writing, was considered and approved section by section and then as a whole and was submitted to the Board of Aldermen for passage or rejection on roll call vote being as follows, to-wit:

Alderman Ken Heard	Aye
Alderman Chuck Gautier	Aye
Alderman Kevin Holder	Absent
Alderman Larry Roberts	Aye
Alderman Scott Jones	Aye
Alderman Linda S. Davis	Aye
Alderman Gerald Steen	Aye

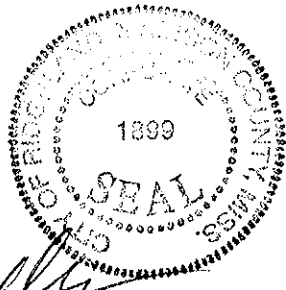
Whereupon, the Mayor declared the motion carried and Ordinance adopted.

The foregoing Ordinance is approved this the 20th day of December 2006.


CITY OF RIDGELAND, MISSISSIPPI

By: 

Gene F. McGee, Mayor of the City
of Ridgeland, Mississippi



ATTEST:



DAVID OVERBY, City Clerk

Garbage-Dumpster-Ord
11-29-06-mmh