

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF GLUCKSTADT, 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 Gluckstadt, 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 Gluckstadt has determined that the best interests of the citizens of the City of Gluckstadt, 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.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF GLUCKSTADT, 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 four hundred (400) 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 public works 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 public works 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 four hundred (400) 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 not to exceed 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 not to exceed 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 public works 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 public works 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 four hundred (400) 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 be effective thirty (30) days from and after passage.

ORDAINED, ADOPTED AND APPROVED by the Mayor and Board of Aldermen of the City of Gluckstadt, Madison County, Mississippi at its regular meeting held on the 12 day of March, 2024.

A MOTION for adoption was made by Alderman Powell and SECONDED by Alderman Slay and the foregoing Ordinance having been first reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk, before any vote was taken, it was submitted to the Board of Aldermen for the passage or rejection on roll call vote upon the vote being as follows, to-wit:

| | |
|-------------------------------------|------------|
| Alderman Miya Warfield Bates voted: | <u>Aye</u> |
| Alderman Jayce Powell voted: | <u>Aye</u> |
| Alderman Richard Wesley Slay voted: | <u>Aye</u> |
| Alderman John Taylor voted: | <u>Aye</u> |
| Alderman Lisa H. Williams voted: | <u>Aye</u> |

The Mayor thereupon declared the motion carried and the Ordinance adopted this the 12 day of March, 2024.

City of Gluckstadt, Mississippi

Walter Morrison

Walter C. Morrison, IV, MAYOR

3/12/24

ATTEST:

Lindsay Kellum

Lindsay Kellum,
CITY CLERK

3/12/24

