

**AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF FLOWOOD, MISSISSIPPI, REGULATING THE
PLACEMENT AND USE OF PORTABLE STORAGE UNITS
WITHIN THE CITY OF FLOWOOD, MISSISSIPPI**

WHEREAS, it is the finding of the Mayor and Board of Aldermen of the City of Flowood, Mississippi, that it is in the best interest of the citizens of the City of Flowood, Mississippi, to regulate the placement and use of portable storage units within the City; and

WHEREAS, the Mayor and Board of Aldermen of the City of Flowood, Mississippi, find that the health, safety and welfare of the Citizens of the City of Flowood, Mississippi, is enhanced by the thoughtful regulation of the placement and use of portable storage units within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FLOWOOD, MISSISSIPPI, THAT THE PLACEMENT AND USE OF PORTABLE STORAGE UNITS IN THE CITY OF FLOWOOD SHALL BE SUBJECT TO THE FOLLOWING REGULATIONS:

SECTION 1. DEFINITION

A “portable storage unit (“PSU”)”, as used herein, shall mean any portable, above-ground container including, but not limited to, any container normally used for short-term storage. For the purpose of this Ordinance, a PSU shall not exceed 130 square feet.

“Provider”, as used herein, shall mean the owner and provider of PSU available for rental.

For the purposes of this Ordinance, solid waste containers, demolition containers and/or PSUs used on construction sites during construction shall be excluded from the definition of PSU.

SECTION 2. SITE PERMIT REQUIRED; PENALTIES FOR VIOLATION

It shall be the responsibility of the Provider of any PSU to obtain a site permit from the City of Flowood, Mississippi, prior to the placement of any PSU upon permitted location within the corporate limit of the City of Flowood, Mississippi. There shall be no fee for the acquisition of a site permit. Where a Provider of a PSU causes or allows the placement of a PSU upon any real property within the City of Flowood without having first obtained a permit for so doing, there shall be levied against the Provider of the PSU a fine of not less than \$100.00, but not in excess of \$500.00. Each calendar day that a violation exists shall constitute a separate offense.

The Provider of a PSU shall be responsible for completing an Application for Permit, substantially in the form of that attached hereto as Exhibit “A”, and may transmit same to the City of Flowood via facsimile, regular U.S. Mail, and/or delivery in person. Upon review of the

Application, the City of Flowood shall either issue and transmit a permit to the Provider or deny the application.

SECTION 3. ALLOWED LOCATIONS

A PSU may be located in the following residential districts as defined by the applicable City of Flowood Zoning Ordinances.

R-E	Residential Estate
R-1	Single Family Residential
R-2	Limited Multi-family Residential
R-3	Multi-family Residential
PH-1	Patio Home

This Ordinance does not regulate the placement or use of a PSU in non-residential districts, except that this Ordinance shall apply to any residence which happens to be located within a non-residential district.

SECTION 4. PROVIDER'S ANNUAL BOND REQUIRED

A Provider of a PSU is required to post a bond prior to commencing business in the City of Flowood in the minimum amount of \$2,000.00 (either cash bond or letter of credit) to ensure the timely removal of the PSU and compliance with this Ordinance.

SECTION 5. LIMITATION ON NUMBER

Only one PSU is allowed on any allowed location at any given time.

SECTION 6. SETBACK REQUIREMENTS

A PSU must be located on the driveway serving the dwelling unit, and must be a minimum of ten (10) feet from the curb of the public street.

SECTION 7. MAXIMUM DURATION OF PLACEMENT; RESPONSIBILITY OF PROVIDER FOR TIMELY REMOVAL; EXCEPTIONS

No PSU shall remain at an allowed location in excess of fifteen (15) calendar days. It shall be the responsibility of the Provider to remove a PSU from any permitted location prior to or at the time of the expiration of the allowed duration as determined by the date upon which the application is granted. There shall be no more than two permits issued for any permitted location within a single calendar year, and not less than thirty (30) days shall elapse from the date of expiration of the first permit to the issuance of the second permit, if any. Provided, however, where the ownership of an allowed location has changed during calendar year, two additional permits may be issued for that permitted location during the calendar year.

For a PSU permitted upon property upon which the City of Flowood has also issued a valid building permit, the maximum duration for placement of such PSU shall be two days after the date of the final inspection of the permitted location by the City of Flowood; provided, however, that the Providers of the PSU shall be responsible for the timely removal of such PSU within two (2) days after the City of Flowood has conducted a final inspection of the permitted location.

During exigent circumstances such as a natural disaster, fire or other accidental event, then a PSU may remain at a permitted location for the period of time required to effect repairs. The application for permit shall state the specific exigent circumstances which give rise to a request for an extension of time and shall also state the amount of time requested for such extended placement.

SECTION 8. DISPLAY OF PERMIT; APPEARANCE OF PSU

PSUs must be of an exterior color approved by the City of Flowood’s Architectural Review Committee and a copy of the permit shall be displayed on the exterior of the PSU. The PSU must display the name and phone number of the Provider in minimum two (2) inch letters. Each storage unit must display an identification number, in minimum two (2) inch letters.

SECTION 9. MAINTENANCE AND SECURITY OF PSU

The Provider of any PSU shall be responsible for ensuring that the PSU is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. The owner of any site on which a PSU is placed shall also be responsible for keeping the PSU locked when not being loaded or unloaded and must ensure that no hazardous substances are stored or kept within any PSUs.

SECTION 10. USE WITHOUT PERMIT PROHIBITED

It shall be unlawful for any person to place or permit the placement of a PSU on a permitted location which he or she owns, rents, occupies or controls without first obtaining a site permit and approval from the City of Flowood.

SECTION 11. PENALTY FOR VIOLATION

Any violation of this Ordinance shall result in a fine of not less than \$20.00, nor more than \$100.00, per day for each day upon which said violation or violation occur and/or continue. This fine shall be in addition to any fine or penalty as set forth elsewhere in this Ordinance.

This Ordinance shall be come effective upon the expiration of thirty (30) days following passage.

SO ORDAINED, this the _____ day of _____, 2004.

GARY RHOADS, MAYOR

ATTEST:

JULIA WILLIAMS, CITY CLERK

CERTIFICATE

The above and foregoing Ordinance was enacted upon the Motion of Alderman _____, said Motion was seconded by Alderman _____, with the following Aldermen voting in favor of the Motion.

Alderman Flynt _____
Alderman Harmon _____
Alderman Smith _____
Alderman McDaniel _____
Alderman Shearer _____

WITNESS my signature this the ____ day of _____, 2004.

JULIA WILLIAMS, CITY CLERK