

ST. TAMMANY PARISH COUNCIL
ORDINANCE

ORDINANCE CALENDAR NO. 3830

ORDINANCE COUNCIL SERIES NO. 08-

COUNCIL SPONSOR: MR. BELLISARIO

PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. BURKHALTER

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ON THE 1ST DAY OF MAY, 2008

ORDINANCE AMENDING ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 9 GARBAGE AND TRASH, ARTICLE III GARBAGE DISTRICTS, DIVISION 2 GARBAGE DISTRICT NO. 1, TO AMEND AND REESTABLISH BOUNDARIES OF GARBAGE DISTRICT NO. 1, TO PROVIDE ADDITIONAL POWERS AND AUTHORITY, TO PROVIDE FOR A COMPREHENSIVE SOLID WASTE MANAGEMENT SYSTEM IN DISTRICT NO. 1, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO. (WARD 8 DISTRICT 9)

WHEREAS, the decentralized nature of solid waste services in St. Tammany Parish has the potential to cause damage to public roads, to create nuisances and to present a threat to the public health, safety and welfare; and

WHEREAS, it is the purpose of this ordinance and it is hereby declared to be the policy of St. Tammany Parish to implement a comprehensive solid waste management system in Garbage District No. 1 to regulate the storage, collection, transportation, processing and disposal of solid waste and to eliminate litter as much as possible in a manner that will: Protect the public health, safety and welfare; Prevent land, water and air pollution; Prevent the spread of disease and the creation of nuisances; Conserve natural resources; Enhance the beauty and quality of the environment; and

WHEREAS, St. Tammany Parish Government has determined to embark on a pilot program to establish a comprehensive solid waste management system for a narrowly defined area in order to examine and evaluate the potential effects of a centralized residential and commercial solid waste collection and disposal system; and

WHEREAS, St. Tammany Parish Government will implement the comprehensive solid waste management system in those communities serviced by the Cross Gates Utility Company, which the Parish operates through a lease-purchase agreement that will enable the Parish to utilize the Cross Gates billing services. This ordinance is applicable to all solid waste storage, collection, transportation, processing and disposal operations relative to Garbage District No. 1.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Division 2 of Article III of the St. Tammany Parish Code of Ordinances is amended and reenacted to establish the new boundaries as set forth in Section 9-036.00, to establish Sections 9-037.01 through 9-037.14, and to otherwise provide as follows:

DIVISION 2. DISTRICT NO. 1

SEC. 9-036.00 Garbage District No 1; Boundaries

Under and by virtue of the authority conferred by Chapter 25, Title 33 of the Louisiana Revised Statutes of 1950, as amended (LSA R.S. 33:4169.1 and 33:8001 et seq.), and other Constitutional and Statutory authority, a Garbage District is hereby created within the Parish, which Garbage District shall comprise and embrace a portion of that territory within Ward 8 of the Parish, with boundaries described as set forth below:

~~Commencing at the intersection of Interstate 10 and La. 1090 (Military Road), go south to the intersection of Gause Road; thence go southwest along said Gause Road to the section line common to Sections 1 and 6; thence south along said section line to U.S. 190; thence in a southeasterly direction along said U.S. 190 to its intersection with U.S. 90; thence in a northeasterly direction go along U.S. 90 to the bank of the West Pearl River; thence follow the meanderings of the main stream of the West Pearl River to its intersection with I-10; thence along said I-10 in a northwesterly direction to the intersection of La. 1090 (Military Road), also the point of beginning.~~

Commencing at the intersection of LA 1090 (Military Road) and the section line common to Sections 38 and 31, thence southwest following said section line for a distance of 4,120 feet; thence southeast along said section line to its intersection with U.S. 190 (Gause Blvd); thence westerly along U.S. 190 to its intersection with the section line common to Sections 6 and 1; thence south along said section line to the section corner common to Sections 6, 1, 12, and 7; thence west along the section line common to Sections 12 and 1 for a distance of 1377.18 feet; thence south for a distance of 2625 feet; thence east for 1389 feet to the section line common to Sections 12 and 7; thence south along said section line for a distance of 1310 feet, thence west 1765 feet; thence southeasterly for a distance of 1598 feet to a point along the section line common to Sections 12 and 13; thence easterly to the section corner common to Sections 12, 13, 18, and 7; thence southerly along the section line common to Sections 13 and 18 for a distance of 1394 feet to its intersection with U.S. 190; thence southeasterly along said U.S. 190 to its intersection with U.S. 90; thence in a northeasterly direction go along U.S. 90 to the bank of the West Pearl River; thence follow the meanderings of the main stream of the West Pearl River to its intersection with its intersection with Gum Bayou; thence northwesterly following the meandering of Gum Bayou to a point intersecting the section line common to Sections 31 and 39, thence along said section line to the point intersecting with La. 1090 (Military Road), also the point of beginning. (See Attached Map, Exhibit "A")

EDITORIAL NOTE: Ord. No. 1056, adopted 11/15/79, repealed Ord. No. 592, creating Garbage District No. 1, which had been codified in a prior publication as Secs. 9-31 - 9-33. Ord. No. 1057, adopted 11/15/79, created a new Garbage District No. 1. The Article was subsequently repealed by Ord. No. 86-625, adopted 05/15/86. Later Ordinances establishing subsequent Garbage Districts were included as divisions within a newly established Article III, with Division 1 having been reserved for general provisions by the prior publisher. (Ord. No. 86-639, adopted 06/19/86)

STATE REFERENCE: LSA R.S. 33:8001 et seq. Garbage Districts generally.

SEC. 9-037.00 Name, Status and Powers

The Garbage District hereby created shall be known and designated as "Garbage District No. 1 of ~~the Parish of St. Tammany Parish, State of Louisiana~~", and as thus created shall constitute a political and legal subdivision of the State, of which ~~this Police Jury~~ the St. Tammany Parish Council shall be the governing authority, and shall have all the rights, powers and privileges granted and conferred by the State Constitution and Statutes to such corporations, including the authority to incur debt, to issue bonds and to levy taxes. (Ord. No. 86-639, adopted 06/19/86)

SEC. 9-037.01 Service Area

The term "Service Area" of Garbage District No. 1 shall include those residential properties receiving water services from Cross Gates Utility, Inc. and receiving a monthly bill statement from said utility.

SEC. 9-037.02 Scope

The provisions of Division 2 of Article III are applicable to all solid waste storage, collection, transportation, processing and disposal operations within Garbage District No. 1 of St. Tammany Parish, Louisiana (herein after "Garbage District No. 1").

SEC. 9-037.03 Additional Authority

Pursuant to the provisions of R.S. 33:4169.1, the powers granted to the Governing Authority of St. Tammany Parish are being transferred to Garbage District No. 1 of St. Tammany Parish, Louisiana (herein after "Garbage District No. 1"). The governing authority of Garbage District No. 1 shall have the following additional powers:

A. Permits, licenses, exclusive or nonexclusive franchises:

(1) To engage in the collection and disposal of garbage and trash within its jurisdiction in cooperation with, or to the exclusion of, other garbage and trash collectors. To the extent that the governing authority of Garbage District No. 1 deems it necessary or appropriate, it is authorized to displace competition and provide a monopoly public service.

(2) To grant permits, licenses, exclusive or nonexclusive franchises, or any combination thereof to garbage and trash collectors and disposers. Any exclusive franchise shall be granted only after advertising for bids, reception of bids, and awarding of the contract or contracts in accordance with the public bid laws of the state and other provisions of law.

(3) To enter into time contracts for the collection and transportation of garbage or trash for a term of up to ten years, and for disposal of garbage or trash for a term of up to twenty-five years.

(4) To assess or authorize assessment of a service charge against any person provided any service pursuant to Paragraphs (1) or (2).

(5) To otherwise regulate the collection and disposal of garbage and trash.

B. Contracts with private water companies or water districts:

(1) The governing authority of Garbage District No. 1 is authorized to execute contracts with private water companies or water districts serving customers in the area served by a garbage and trash collection and disposal service pursuant to Subsection A.

(2) Such contracts may contain such terms and privileges as may be agreed upon between the parties, pursuant to which charges imposed for such garbage and trash collection and disposal service may be collected by water companies or water districts, and providing a procedure to enforce collection by an agreement to shut off or terminate the service of the supply of water, hereinafter referred to as "utility service", to any premises delinquent in the payment of either its utility charges or garbage and trash collection and disposal service charges; however, such procedure shall provide for prior notice by certified mail to any person who fails to pay such service charges that said person's utility service may be shut off or terminated, and not less than thirty days after provision of such notice and only after said person's subsequent refusal to pay such service charges within said thirty days, the utility service may be shut off or terminated.

(3) Any such contract shall not require the approval of any state department, agency, or commission.

(4) A private water company or water district contracting with the governing authority pursuant to this Subsection may require the governing authority to supply such indemnity bond or liability insurance as the private water company or water district may consider necessary for its protection.

C. Lien for Nonpayment of Service Charge:

In the event of nonpayment of a service charge for garbage and trash collection and disposal services, a notice of nonpayment of the service charge for garbage and trash collection and disposal services may be filed into the public records after compliance with the following:

(1) Prior Notice of Nonpayment: Prior to filing a notice of nonpayment in the public records, a notice of nonpayment of the service charge shall be provided by certified mail to any person who fails to pay such service charges. The notice shall advise the person of the amount of the past due service charge and that the failure to pay the service charge, within thirty (30) days of the date of notice of nonpayment, may result in a lien being filed upon such person's property. Upon failure to pay the cost for collection and disposal services, and not less than thirty days after provision of said notice to such person, and only after said person's subsequent refusal to pay such service charge within said thirty days, the notice of nonpayment may be filed in the mortgage records of the parish in which the property is located.

(2) Filing of Notice of Nonpayment: After prior notice has been provided to the person in accordance with subparagraph one (1) hereinabove, and only after said person's subsequent refusal to pay such service charge within said thirty days, the notice of nonpayment may be filed in the mortgage records of the parish in which the property is located.

D. The power to permit or regulate solid waste collection, transportation, processing, recovery, and disposal, granted herein shall not preempt regulatory and licensing authority of the Environmental Control Commission and the office of environmental affairs, Department of Natural Resources, pursuant to R.S. 30:2001, et seq.

E. Garbage District No. 1 shall not require incineration of recyclable materials, which are considered to be those materials separated by any person or those materials separated from solid waste by any licensed solid waste collector incidental to collection of such waste for utilization as a raw material to be manufactured into a new product.

SEC. 9-037.04 Definitions

The following words and phrases, when used in this Division of Article III, shall have the meanings respectively ascribed to them:

Bulky waste includes large items with weights or volumes greater than those allowed for individual household-type containers as described in section 16-4(b). Bulky waste includes, but is not limited to, automobile parts (fenders, seats, and other parts not exceeding four hundred [400] pounds), furniture and toys, large tree limbs and shrubbery, fence boards, rugs and carpeting, construction debris, as defined below in this section. Bulky waste does not include dead animals, hazardous waste, and stable waste.

Bulky waste suitable for manual collection includes those bulky waste items capable of fitting in the back of a rear end loader; those that do not exceed four (4) feet in length and seventy-five (75) pounds in weight (the 4/75 Rule).

Bulky waste requiring boom truck collection includes those bulky waste items which are unable to fit in the back of a rear loader; those that weigh more than seventy-five (75) pounds but less than four hundred (400) pounds and/or measuring between four (4) feet and six (6) feet in length.

Construction debris includes building materials waste resulting from remodeling and repair operations to residential units including, but not limited to, concrete, wood, sheetrock (which must be containerized), roofing shingles, siding, etc. For the purpose of this ordinance, construction debris does not include construction debris generated by new construction, construction debris from the demolition of either commercial units or primary residential structures, and construction debris generated by a unit that is not paying for garbage collection service through the Garbage District No. 1 Billing System.

Contractor means the person, corporation or partnership performing refuse collection and disposal under contract with Garbage District No. 1.

Composting is a controlled process of degrading organic waste with microorganisms.

Curbside recycling bin is any bin approved by Garbage District No. 1 for the purpose of curbside collection of recyclable materials.

Department means the St. Tammany Parish Department of Environmental Services.

Disposal site or facility is any place at which solid waste is disposed of by incineration, landfilling, composting or any other method, and which has been approved by the state department of environmental quality, and/or the state department of health and hospitals, the parish and all other applicable local, state and federal agencies.

Garbage means every accumulation of animal, fish, fowl, fruit and vegetable matter that attends or results from the handling, preparation, cooking, storage and/or consumption of food or food products including the cans, containers, wrappers and serving objects wasted along with such material.

Hazardous Waste includes any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the state to be "hazardous" as that term is defined by or pursuant to federal and state laws and regulations. Residential solid waste normally contains some hazardous wastes; however, household

hazardous wastes are exempt from federal and state hazardous waste regulations and may be disposed of with household solid waste. Therefore, residential waste is not considered to be "hazardous waste" as used in this chapter.

Illegal dumping means the depositing of solid wastes into a body or stream of water or on the surface of the ground at a location except as authorized by applicable federal, state or local permit(s).

Incinerator means a furnace designed for the volume reduction of solid waste by burning in a fire box with proper controls and temperature range with stack emissions which do not exceed any air pollution control limits established by the state department of environmental quality.

Landfilling is a method of disposing of solid waste on land, without creating nuisances or hazards to public health, by utilizing the principles of engineering to confine the solid wastes to the smallest practical area, to reduce the solid wastes to the smallest practical volume and to cover such wastes.

Littering means throwing, dropping, discarding, permitting the intentional or accidental ejection, emission, escape of, or otherwise disposing of litter or waste matter of any kind on any public property, or upon private property without permission of the owner of said property, or in the waters of this parish, whether from a vehicle or otherwise. Litter shall include, but not be limited to, glass or metallic objects, trash, refuse, grass clippings or garbage.

Nonputrescible describes solid waste that is not liable to spoil, decompose or putrefy and create noxious odors.

Open burning means any fire or smoke producing process not conducted in a boiler plant, furnace, high temperature processing unit, incinerator or flame, or in any such equipment primarily designed for the combustion of fuel or waste material which is not approved by the state department of environmental quality and the local fire department. Open burning is the combustion of solid waste without control of combustion air to maintain adequate temperature for efficient combustion containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion and control of the emission of combustion products.

Parish means St. Tammany Parish Government.

Passenger tire means any tire designed for use on an automobile, motorcycle, or utility truck or service vehicle with an average weight per unit of forty (40) pounds or less.

Permit for disposal of solid waste shall mean written authorization issued by the state department(s) of health and/or environmental quality to a person for the construction, installation, modification, operation, closure, or post closure of a certain facility used or intended to be used to process or dispose of solid waste in accordance with state law and the applicable regulations and terms and conditions specified by the state department of environmental quality.

Person means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, parish, city, town or municipal authority or trust, venture or other legal entity, however organized.

Premises means any place, land, building, or structure, including but not limited to any adjacent driveway, parking area, adjacent yard or landscaped area(s) under the control of the owner, his agent or occupant of said building or structure, or watercraft on the waters of the state or federal government, or any place upon or in which solid waste is generated, stored, transferred or disposed of.

Putrescible describes solid waste that is liable to spoil, decompose or putrefy and create noxious odors.

Recycling means any process by which waste material or residuals are reused or returned to beneficial use in the form of products.

Recyclable material means any newspaper, glass, metal food and beverage cans, magazines, catalogs, phone books, corrugated cardboard, plastic or any other material authorized by Garbage District No. 1 for collection in its curbside recycling program.

Refuse means material picked up by manual and/or mechanical sweeping of streets and sidewalks, litter from public litter receptacles and material removed from catch basins, as well as stable refuse.

Residential unit means a dwelling within the limits of the parish occupied by a person or group of persons.

Salvaging means the controlled removal of material from a solid waste storage, transfer, processing or disposal site for authorized reuse or recycling.

Scavenging means the unauthorized removal of material from a solid waste storage, transfer, processing or disposal site.

Sewage treatment residue is coarse screenings, grit, scum and sludge from sewage treatment plants and pumpings from cesspools, septic tanks or grease traps.

Small business units are businesses that do not have dumpsters or compactors and place curbside for collection (on the normal days for collection) typical residential containers or bags.

Solid waste means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, that results from domestic, industrial, commercial, agricultural, governmental or community operations which require proper storage, collection, transportation and disposal to prevent environmental pollution inimical to public health, safety and welfare. Solid waste does not include abandoned or junked vehicles, sewage, sewage treatment residue, earth or material used to fill land in accordance with construction codes, mining residues, slag, and dissolved or suspended solids in industrial wastewater effluents which are not acceptable for disposal in regular sewage treatment systems. Solid waste does not include potentially infectious biomedical or hazardous wastes from commercial establishments.

Solid waste collection is the gathering of solid wastes from public or private premises.

Solid waste collection service and solid waste hauler means any person engaged in solid waste collection and transportation services. The term does not include an individual resident hauling his or her own household waste.

Solid waste management system means the total concept of the entire process of storage, collection, transportation, processing and disposal of solid waste by any person engaging in such process as a business or by any municipality, authority, parish or any combination thereof.

Solid waste storage is the handling and holding of solid waste near the point of generation pending collection.

Solid waste transportation is the conveying of solid waste from one place to another by means of a vehicle, rail car, water vessel, conveyor or other means.

Stable refuse is body waste of animal and fowl, and cleanings, and waste food stuffs from all barns, stables, corrals, or pens used for stabling, caging or penning of animals or fowl.

Tire means a continuous or pneumatic rubber covering encircling the wheel of a vehicle.

Trash means nonputrescible solid wastes consisting of both combustible and noncombustible wastes. Combustible trash includes paper, rags, cartons, wood, rubber, plastic, yard trimmings, leaves and similar material. Noncombustible trash includes grass, crockery, cans, dust, scrap metal and like material which will not burn at ordinary incinerator temperatures (one thousand six hundred (1,600) degrees Fahrenheit to two thousand (2,000) degrees Fahrenheit).

Truck tire means any tire designed for use on heavy-duty trucks or related equipment including but not limited to trailers, semi-trailers, truck-tractors and semi-trailer combinations, or other service vehicle with an average weight of forty (40) to two hundred fifty (250) pounds per unit.

Vector (of disease) means an animal or insect which transmits infectious diseases from one (1) person or animal to another by biting the skin or mucous membrane or by depositing infective material on the skin or food or on another object.

Waste means solid waste.

Waste tire means a whole tire no longer suitable for its original purpose because of wear, damage, or defect.

White goods means discarded domestic and commercial appliances, such as refrigerator, ranges, washers, and water heaters.

Yard waste means vegetative matter resulting from landscaping, or maintenance or land clearing operations, including tree and shrubbery leaves and limbs, grass clippings and flowers.

SEC. 9-037.05 Responsibility

A. The owner, his agent and occupant of any property shall maintain the premises in a sanitary and litter-free condition.

B. No person shall place, deposit or allow to be placed or deposited on his premises or any other premises to include any public street, road or alley any refuse or waste, except in a manner described in this chapter.

C. The owner, his agent and occupant of any premises, and other persons having responsibilities as described herein, shall be responsible for the proper storage, collection, transportation and final disposal of all refuse and waste originating on the premises, by a method or methods described in this chapter.

SEC. 9-037.06 Solid Waste Storage

A. General.

(1) The following provisions of Zoning Ordinance 523, Section 5.1610 Trash and Garbage Screening Requirements are applicable: All storage areas containing three (3) or more refuse, garbage, or rubbish containers or one (1) or more dumpsters, shall be screened on all sides with a minimum seven (7) foot high opaque fence of wood or masonry. Such storage areas are prohibited in buffer planting areas.

(2) The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects and/or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances.

(3) The owner, his agent or occupant of any premises shall be responsible for the satisfactory storage of all waste accumulating or originating at that premises. A sufficient number of appropriate containers shall be provided by the owner, his agent or occupant to accommodate all applicable solid waste material generated between regularly scheduled collections as may be necessary to meet the intent of subsection (A)(1) above.

(4) All containers for storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health, safety or welfare. Containers that are broken or otherwise fail to meet requirements of this Division shall be immediately replaced with acceptable containers.

(5) Where garbage and similar putrescible wastes are stored in combination with nonputrescible wastes, containers for the storage of the mixture shall meet the requirements for garbage containers. Garbage and trash shall be drained of all free liquids and garbage shall be bagged prior to being placed in containers.

(6) Bins, receptacles or other containers of a permanent nature above ground shall not be kept, constructed or maintained between any sidewalk or private property line and the roadway edge or curb within the Parish.

B. Individual household-type containers.

(1) In areas where Garbage District No. 1 has implemented automated or semi-automated garbage

collection service, a specific container approved by Garbage District No. 1 is the only acceptable container to be used.

(2) Individual containers utilized for the storage of garbage and other putrescible solid wastes at households and certain other applicable premises which utilize manual non-mechanical collection equipment, shall have the following physical characteristics:

- a. Containers shall be constructed of durable metal or plastic, be tapered, be rust-resistant, nonabsorbent, watertight and leak-proof, easily cleanable with close-fitting insect and rodent-proof lids, and have adequate handles or bails to facilitate handling.
- b. Covers for containers shall be removable and not secured or fastened to containers.
- c. Containers shall not be less than twenty (20) gallons or more than thirty-five (35) gallons in capacity and the combined weight of container and contents shall not exceed seventy-five (75) pounds, except for containers utilized at apartments which shall be in accordance with section Sec. 9-037.06(E)(1)b below.

C. Disposable containers. Disposable containers, such as plastic (polyethylene minimum one and one-half (1.5) mil.) bags, shall be acceptable for storage of solid wastes provided the following conditions are met:

- (1) Only those bags specifically designed for storage and collection of solid waste shall be used. Red colored bags are reserved for commercial medical wastes and may not be used for any other type of waste.
- (2) Bags shall be protected against precipitation, vandalism, animal damage and overloading to prevent littering or attracting vectors.
- (3) Bags shall have a holding strength capable of withstanding stresses while being handled and collected.
- (4) The bag opening must be securely tied prior to setting out the bag for collection.
- (5) Bag capacity shall not exceed thirty (30) gallons and filled weight shall not exceed seventy-five (75) pounds.
- (6) Material which cannot be properly contained in bags shall be containerized in garbage cans.

D. Bulk waste containers. Bulk waste containers normally used with mechanical collection equipment shall be of a type and design specified by the director of the Department of Environmental Services.

(1) No bulk waste container shall be placed on any premises unless the owner or leaseholder of the property has made application for a permit with the director of the Department of Environmental Services. A placard or other permit certification, approved by the department, shall be kept continuously and conspicuously posted on each container; each container cover shall retain other permit documentation on the premises and produce same upon request of the director or his designee.

(2) No bulk waste container shall be provided, placed or maintained upon any premises by a bulk waste container service company unless the customer has obtained a permit or can furnish evidence that he has applied for the permit required herein. A permit applicant will be given thirty (30) days from the date the container is first delivered to the premises within which to receive final approval from the director of Department of Environmental Services. If a bulk waste container service company does not receive evidence of the issuance of a permit within forty-five (45) days from the date the container is first delivered, the company shall remove the container from the premises.

(3) Bulk waste containers used during construction and placed on private property do not require a permit from the Department of Environmental Services, unless the containers are placed in streets or on public property.

(4) The permit application of the owner or leaseholder of the property shall designate the number and location of all bulk waste containers on the property. The director shall establish regulations

for the issuance and renewal of permits.

(5) For each premises with no more than three (3) bulk waste containers and no record of violations to this section there shall be an annual permit fee established by the District and collected by the director every two (2) years in advance. For each premises with more than three (3) bulk waste containers and no record of violations to this section there shall be an annual permit fee established by the District and collected by the director each two (2) years in advance. The director shall keep a permanent, accurate account of all fees collected and received pursuant to this section, the names of the person upon whose account the same were paid, the date and amount thereof, together with the location of the buildings or premises to which they relate. A modified permit is needed to request change of location of the bulk waste container on the premises and to request an increase in the number of containers used on the premises. The fees for issuance of modified permits shall be the same as the issuance of a new permit with the applicant receiving credit for any funds remaining on deposit if the modified permit is issued within the two (2) years of the payment of the biannual fee. Notwithstanding that the permit fee is paid two (2) years in advance, the permit shall be valid only for the calendar year in which it is issued; the owner or leaseholder of the premises shall annually file for a renewal of the permit. Delinquent applications shall be subject to a delinquent fee established by the District. In addition to any other penalties or fines provided herein, failure to comply with the bulk waste provisions of this article shall result in the imposition of an additional fee for the annual renewal of the permit as established by the District for the first violation per bulk waste container and for subsequent violations per bulk waste container thereafter.

(6) Property owners or leaseholders may obtain a special events temporary permit from the Department of Environmental Services for a period of three (3) months, e.g. Mardi Gras, at a permit fee established by the District. All conditions stated within this section shall also apply to the temporary use of bulk waste containers.

(7) Bulk waste containers shall not be placed in any required parking space designated and used in the square-footage ratio calculation of a structure or building that the container is servicing.

(8) Bulk waste container service companies or operators shall place containers in the locations designated on the permit application and ultimately to the permit issued to the property owner or leaseholder of the property.

(9) Except in cases of hardship, and then only by special permit, bulk waste containers shall not be placed in the front yard area of the property. "Front yard area" is defined as the area from the front property line to the front building line. In cases of hardship where it is found that a bulk waste container cannot be located behind the front building line, the container shall be screened on all sides with a minimum seven (7) foot high opaque fence of wood or masonry, according to the specifications of the Director of the Department of Planning. Restrictions for containers also apply to the side yard of a property which fronts a side street. The proper location of each bulk waste container on each property will be determined by the director of the Department of Environmental Services in consultation with the Director of the Department of Planning in order to insure compliance with all applicable zoning and subdivision regulations.

(10) "Hardship" is hereby defined as conditions and circumstances existing which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings; and the special conditions and circumstances do not result from the intentional actions of the applicant or any other person who may have or had interest in the property, and the strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner as distinguished from mere inconvenience.

(11) The director of the Department of Environmental Services, after consultation with the Director of the Department of Planning, shall determine if a hardship exists in locating bulk containers. The director shall determine a feasible solution to the hardship. If the applicant wishes to appeal the decision of the director, that appeal must be made to the Board of Adjustment as set forth in Section 7.04 of the Code of Ordinances.

(12) Each property owner or leaseholder shall ensure that all trash and garbage are properly placed within each container. When screening of bulk waste container is required, the property owner or leaseholder shall maintain screening. Failure to comply with these provisions will subject property

owners or leaseholders to citation and fine for each occurrence.

(13) A property owner's or leaseholder's failure to obtain and maintain bulk waste containers according to the provisions of this Code and fire codes shall be cause for forfeiture of any permit fees on deposit, permit revocation, fine, or all of the above.

(14) Bulk waste container companies or operators shall maintain containers in the condition prescribed in this subsection; violations are subject to citations, or fines, or both. Once a citation is issued, the bulk waste container cited must be repaired within thirty (30) days or fines will be imposed.

(15) Failure of bulk waste container service companies, operators, property owners, or leaseholders to comply with these provisions shall result in a penalty of twenty-five dollars (\$25.00) for the first violation per bulk waste container, and fifty dollars (\$50.00) for subsequent violations per bulk waste container thereafter, or permit revocation or denial, or both. Each bulk waste container on any property in violation of any subsection of this section shall be subject to citation or fine. A maximum of one (1) citation per bulk waste container may be issued in a ten-day period.

(16) The director of the Department of Code Enforcement in conjunction with Department of Environmental Services shall have authority to administer this section. The director of the Department of Environmental Services shall promptly establish the regulations and specifications herein required and such other regulations as are necessary for the effective administration of this section. This section shall apply equally to all users and operators, whether public or private, of bulk waste containers.

(17) It shall be unlawful for any person to place or maintain a bulk waste container upon any sidewalk, street or other public right-of-way; any person violating the provisions of this subsection shall be guilty of a misdemeanor, and upon conviction shall be punished as provided herein.

(18) All owners of multifamily structures containing four (4) or more single-family residences shall provide bulk containers for the storage and disposal of solid wastes generated by the occupants of said residences in accordance with section 9-037.06(E)(1)a below, "Special containers required, Apartments."

E. Special containers required.

(1) Apartments.

a. All owners of multifamily structures containing four (4) or more single-family residences shall provide bulk waste containers for the storage and disposal of solid wastes generated by the occupants of said residences. Owners of structures which cannot accommodate bulk waste containers may petition the director of the Department of Environmental Services for a hardship special permit for alternative solid waste storage and collection as provided for in this section. Hardship is defined in section Sec.9-037.06(d)(10) above.

b. All owners of multifamily structures containing four (4) or more single-family residences that have obtained a hardship special permit from the director of the Department of Environmental Services for alternative solid waste storage and collection as provided in Section 9-037.06(e)(1) apartments, subsection a., shall be responsible for furnishing and maintaining in good condition, at least one (1) container for each dwelling unit in the structure for the storage and curbside collection of bulk and other putrescible solid wastes. Said containers shall be in acceptable

4. Each container shall be permanently marked with the address and number of the dwelling unit for which it is intended in characters at least six (6) inches high by four (4) inches wide.

c. In areas where Garbage District 1 has implemented automated or semi-automated garbage collection service, a specific container approved by Garbage District 1 is the only acceptable container to be used.

(2) Retail outlets. The operators of all retail outlets of any type (excluding malls), including but not limited to convenience stores, grocery stores, restaurants and cigarette outlets, shall have a metal or durable plastic waste container not to exceed forty (40) gallons in front of or near the entrance of their business for the deposit by their customers of the garbage, refuse and litter associated with the operation of such businesses. Said container shall be in addition to other containers which are necessary to meet the intent of subsection (a)(1) above. The owner of outdoor malls, that are strip retail outlets that are not connected by enclosed covered walkway(s), shall be responsible to furnish, empty and maintain at least one (1) such container for each one hundred (100) feet of store frontage in the mall. Enclosed retail malls are excluded from this requirement however the owner of such a mall shall be responsible to furnish, empty and maintain an appropriate number of containers in appropriate size(s) and locations. The operator of any retail outlet who fails to provide a waste container as required in this subsection shall be fined no more than five hundred dollars (\$500.00). This subsection may be enforced by the Department of Environmental Services or St. Tammany Parish Sheriff's Deputies.

F. Methods of use of containers.

- (1) Containers shall be kept covered at all times except during placement or removal of contents.
- (2) Containers shall not be filled so that the lid cannot fit properly.
- (3) The area around each container shall be kept clean.
- (4) Containers shall be watertight, leak-proof and rodent and insect-proof.

G. Non-containerized temporary storage. Certain wastes of a nonputrescible nature lend themselves to temporary storage in a manner other than containerization such as:

(1) Magazines, newspapers, and corrugated cardboard should be recycled, when possible, and shall be containerized or neatly stacked and tied in bundles not exceeding four (4) feet in length, two (2) feet in diameter or width and seventy-five (75) pounds in weight to be easily handled by the collection system and so as to minimize littering.

(2) Large items such as furniture, appliances, trees and stumps shall be stored so as not to: pose a safety hazard, collect water, and/or serve as a harborage for insects or rodents.

H. Potentially infectious biomedical wastes, asbestos containing material, and hazardous wastes including, but not limited to, explosives, acids, caustics, pesticides, paints and solvents, automotive batteries, and vehicular fluids must be handled, stored and disposed of in accordance with all applicable local, state and federal regulations.

I. With the exception of any responsibilities reserved herein to other departments or agencies, all provisions of this section may be enforced by the Department of Environmental Services.

business units; however, businesses shall be limited to five (5) containers per collection day. The weight of each container may not exceed seventy-five (75) pounds.

b. All loose trash and yard waste including, but not limited to, leaves, grass clippings, and construction debris such as sheetrock, sawdust and other loose debris must be containerized.

c. Bulky waste suitable for manual collection, as defined herein, shall be picked up from only residential units on the second collection day of the week. Bulky waste requiring boom truck collection, as defined herein, shall be collected once per week, and this shall be advertised for one (1) week in the official journal of the parish prior to the start or renewal of the collection contract or changes to routes or collection schedules.

d. Uncontainerized bulky waste and yard waste including, but not limited to, light tree debris, shrubbery, fence boards, etc. shall be neatly stacked or securely tied in bundles and shall not exceed four (4) feet in length, two (2) feet in diameter, and seventy-five (75) pounds in weight for each item. Larger bulky waste requiring boom truck collection shall not exceed six (6) feet in length and four hundred (400) pounds in weight.

e. All waste concrete six (6) inches by six (6) inches and smaller, shall be containerized. Waste concrete larger than six (6) inches by six (6) inches shall be no greater than seventy-five (75) pounds in weight.

f. A maximum of four (4) white goods, such as refrigerators, ranges, water heaters, freezers, washers, dryers and other large appliances and a maximum of four (4) waste tires, excluding truck tires as defined herein, shall be picked up curbside from only residential units once per week, and this shall be advertised in the official journal of the parish prior to the start or renewal of the collection contract or changes to routes or collection schedules. White goods and waste tires shall not be collected from small business units.

(2) Standards for garbage collection.

a. Garbage and other putrescible materials shall only be collected from containers as delineated in Section 9-037.06(b).

b. Nonputrescible trash material shall be collected only from containers as delineated in section 9-037.06(b) and (c), except for bulky waste, yard waste, and construction debris such as fence boards and concrete larger than six (6) inches by six (6) inches, which must be neatly stacked and shall not exceed four (4) feet in length, two (2) feet in diameter and seventy-five (75) pounds in weight for each item.

c. All loose trash, yard waste and construction debris including leaves, grass clippings, sheet rock, saw dust and other loose debris shall be containerized for collection.

d. Boats, automobiles, trailers and any other bulky waste deemed to be unsuitable for curbside collection by Garbage District No. 1 shall not be collected by the District's garbage contractor, and shall be collected and disposed of properly by the owner(s) or occupant(s) of the unit at their own expense, in accordance with this section and the State of Louisiana solid waste rules and regulations.

e. White goods and tires shall be collected from only residential units, limited to four (4) per week.

(3) Point of collection. Containers or other materials for collection shall be placed at curbside immediately between the property owned or occupied by the person placing the material and the

the scheduled collection day for waste tires. The depositing of material for collection before that time shall be considered littering under this Code. Emptied containers, curbside recycling bins and uncollected material exceeding collection standards shall be removed from the curbside by noon on the day following that day on which the collection vehicle has completed collections in the particular geographical collection area. No collections shall be made on Sunday without the expressed approval of Garbage District No. 1. The parish Department of Environmental Services may enforce this provision regarding hours for the placement of materials for collection.

B. Person's responsibility:

(1) Residential and small business units generating solid wastes in quantities greater or types other than that specified above as being the contractor's responsibility shall dispose of such at their own expense as hereinafter provided.

(2) Persons generating all other solid waste shall dispose of such at their own expense as hereinafter provided.

C. The provisions of this section may be enforced by the Parish Department of Environmental Services or St. Tammany Parish Sheriff's Deputies.

Sec. 9-037.08 Solid Waste Transportation

A. Vehicle/container requirements.

(1) Vehicles or containers used for the collection and transportation of garbage and other putrescible wastes, or refuse containing such materials, shall be covered, leak-proof, durable metal and of easily cleanable construction. These shall be cleaned at appropriate intervals to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

(2) Vehicles or containers used for the collection and transportation of potentially infectious biomedical wastes, asbestos containing material, and hazardous wastes including, but not limited to, explosives, acids, caustics, pesticides, paints and solvents, automotive batteries, and vehicular fluids shall be durable, leak-proof, covered, and shall be constructed, loaded, moved and unloaded in a safe manner and in compliance with all applicable local, state and federal regulations.

B. Licensing of solid waste collection and/or transporting vehicles.

(1) No person shall engage in the commercial collection or transportation of solid waste within the parish without first submitting a solid waste notification form and solid waste transporter supplemental form (or the successor form of such documents) to the state department of environmental quality and obtaining a transporter identification number from said state agency.

(2) Persons collecting or transporting solid wastes which originate within their personal household are exempt from licensing of vehicles.

C. Containment of loads on vehicles; prohibition against tracking by vehicles of foreign substances. No person shall drive or move any truck or other vehicle loaded with litter within the parish, unless such vehicle is constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the parish, the wheels or tires of which carry onto or deposit, mud, dirt, litter or foreign matter of any kind on any street, alley, or other public place.

Sec. 9-037.08 Salvaging and Scavenging

Scavenging is strictly prohibited at any location under any circumstances. Salvaging shall be unlawful for any person except by specific permission of the owner of the premises on which salvaging is or is to be conducted. This section may be enforced on public property by the Parish Department of Environmental Services or St. Tammany Parish Sheriff's Deputies; this section may be enforced on private property only by St. Tammany Parish Sheriff's Deputies.

Sec. 9-037.09 Unauthorized Use of Bulk Waste Containers

A. It shall be unlawful for any person to dump, throw or place trees, trash, garbage, junk or debris in any bulk waste container or other trash receptacle belonging to another and lawfully installed pursuant to section Sec.9-037.06 "solid waste storage" except by specific permission of the owner of the premises.

B. It shall be unlawful for any person to scavenge or rummage the contents of a bulk waste container or other trash receptacle belonging to another except by specific permission of the owner of the premises.

C. This section may be enforced by the Parish Department of Environmental Services Inspectors, St. Tammany Parish Sheriff's Deputies, or state or federal enforcement officials.

Sec. 9-037.10 Disposal by Burning Prohibited

A. No person shall kindle or set fire to any combustible material upon any public or private premises for the purpose of disposing of solid waste material unless he has obtained all permits required by the applicable federal, state and/or local laws for such burning.

B. This section may be enforced by the St. Tammany Parish Fire Protection Districts, Parish Department Environmental Services, St. Tammany Parish Sheriff's Deputies, and state or federal enforcement officials.

Section 9-037.11 Solid Waste Disposal Sites

A. No person shall dispose of solid waste at any site or facility for which a permit for solid waste disposal has not been issued by the state department of environmental quality.

B. No person shall establish or construct or operate or maintain or permit the use of a solid waste disposal site or facility without first having obtained all of the required federal, state and local permits.

C. Illegal dumping of any solid wastes within the parish is strictly prohibited.

D. This section may be enforced by the Parish Department of Environmental Services, St. Tammany Parish Sheriff's Deputies, and state or federal enforcement officials.

Sec. 9-037.13 Penalties

A. Except as otherwise provided for in a specific Section of this Division, any person violating any provision of this Division, shall be guilty of a misdemeanor that is punishable by a maximum fine of five hundred dollars (\$500.00) for each violation, unless a higher or different fine is expressly governed by state statute.

B. For the purposes of this Division, each occurrence shall constitute a separate violation.

C. In addition to penalties otherwise provided in this Division, a person found liable or convicted under any of the provisions of this Division shall:

(1) Repair or restore property damaged by or pay damages for any losses arising out of the unlawful dumping of litter or other violation of this article; and

(2) Pay all reasonable investigative expenses and costs to the investigative agency or agencies which discovered and reported the unlawful dumping of litter or other violation of this article.

Sec. 9-037.14 Recycling Regulations

A. Definitions: As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) Authorized recycling contractors means a person, firm, partnership, corporation or other entity authorized under and by virtue of a contract with Garbage District No. 1 to collect recyclable waste material in the Service Area.

(2) Designated recycling collection location means the place designated in the contract between Garbage District No. 1 and an authorized recycling contractor from which the authorized recycling contractor has contracted to collect recyclable waste material.

(3) Recyclable waste materials means discarded materials such as, but not limited to, newspapers, glass, plastics, and metal cans, which are separated from other garbage or refuse for the purpose of recycling.

(4) Recycling means the process of collecting used materials for the purpose of reusing, reprocessing or remanufacturing them.

(5) Recycling bin means a container provided to the residents for the purpose of containing materials to be recycled.

B. Ownership of recyclable waste materials properly placed in a recycling bin.

(1) Upon the placement of recyclable waste material in the collection bin at designated collection site in accordance with the requirements of this article, any recyclable materials shall become the property of the contractor for Garbage District No. 1. It shall be a violation of this article for any person not authorized by the Garbage District No. 1 to collect or pick up or cause to be collected or picked up any of such recyclable materials. Recyclable collection bins are the property of the contractor.

C. Unauthorized collection prohibited.

During the twenty-four-hour period commencing at 6:00 p.m. on any day preceding a day designated for collection of recyclable waste material, no person other than an authorized recycling

E. Sale or donation of recyclables.

It is the intent of this article to regulate the throwing away of recyclable materials. Nothing herein shall be deemed to prohibit any person, firm or corporation from selling or donating recyclable materials when such materials are not put out for collection as waste.

F. Enforcement; authority.

The Director of the department of Environmental Services shall have the authority to enforce the provisions of this article. This authority shall be in addition to the authority granted to police officers by law.

G. Civil action by authorized recycling contractor.

An authorized recycling contractor may bring a civil action against any person who violates this article. This shall be in addition to all other remedies and penalties.

H. Penalty.

Any person, firm or corporation violating any provision of this Section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

REPEAL: The amendment, which is limited in its scope and application to the particular Division, Sections and subparagraphs amended, shall not be held to repeal any previously existing ordinance or parts of ordinances, including any provision of Zoning Ordinance 523, Subdivision Regulatory Ordinance 499 and the Building Code of St. Tammany Parish.

CONFLICTS: In the event of a conflict with any other ordinance or regulation, the provisions of this ordinance are to be so interpreted as to be in harmony with, preserve, and effectuate the manifest intent of the St. Tammany Parish Council, and an interpretation should be avoided which would operate to defeat the purpose and object of the ordinance.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY _____, SECONDED BY _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

ORDINANCE CALENDAR NUMBER: 3830

ORDINANCE COUNCIL SERIES NO. _____

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THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF
THE PARISH COUNCIL ON THE _____ DAY OF _____, 2008 AND BECOMES ORDINANCE
COUNCIL SERIES NO. 08-_____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: April 24, 2008
Published adoption: _____, 2008

Delivered to Parish President : _____, 2008 at _____
Returned to Council Clerk: _____, 2008 at _____

