

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4614

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. BELLISARIO

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 4 DAY OF AUGUST, 2011

ORDINANCE TO AMEND AND REENACT CHAPTER 9 OF THE ST. TAMMANY PARISH CODE OF ORDINANCES, GARBAGE AND TRASH, TO PROVIDE DEFINITIONS AND CRITERIA WITH RESPECT TO SOLID WASTE MANAGEMENT FACILITIES, COLLECTION FACILITIES, TRANSFER STATIONS AND COMMERCIAL HAULERS, AND TO OTHERWISE PROVIDE AMENDMENTS WITH RESPECT TO GARBAGE AND TRASH.

WHEREAS, waste management facilities, collection facilities and transfer stations are clearly industrial in nature and may have a significant impact on surrounding properties. Following the comprehensive rezoning process, it was determined that it is necessary to amend Chapter 9 of the St. Tammany Parish Code of Ordinance to provide definitions and the necessary criteria and regulations to address the use and operations of such facilities and matters related thereto; and

WHEREAS, it is in the best interest of the public health, safety and welfare to amend Chapter 9 of the Code of Ordinances in order to provide definitions, regulations and criteria governing waste management facilities, collection facilities, transfer stations and matters related thereto.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, Chapter 9 Garbage and Trash, is hereby amended and reenacted to provide the procedures, regulations and criteria governing waste transfer stations and matters related thereto, and to otherwise provide amendments governing garbage and trash, all as more particularly set forth in the attached Exhibit comprising Chapter 9 of the Code of Ordinances.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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 Ordinance are hereby declared to be severable.

EFFECTIVE DATE: 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:

YEAS:

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1 DAY OF SEPTEMBER, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: JULY 28, 2011

Published Adoption: _____, 2011

Delivered to Parish President: _____, 2011 at _____

Returned to Council Clerk: _____, 2011 at _____

**ST. TAMMANY PARISH
CODE OF ORDINANCES**

CHAPTER 9

GARBAGE AND TRASH

**GARBAGE AND TRASH
CHAPTER 9**

**ARTICLE I
GENERAL PROVISIONS**

SEC. 9-001.00 Purpose and scope.

Purpose. It is the purpose of this Chapter and it is hereby declared to be the policy of the parish to ensure a comprehensive solid waste management system 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:

- (1) Protect the public health, safety and welfare;
- (2) Prevent land, water and air pollution;
- (3) Prevent the spread of disease and the creation of nuisances;
- (4) Conserve natural resources;
- (5) Enhance the beauty and quality of the environment.

Scope. This chapter is applicable to all solid waste storage, collection, transportation, processing and disposal operations within the unincorporated areas of the parish.

The purpose of the following Articles is are to:

Establish procedures, regulations and standards by which the public health and safety and the environment is protected by ensuring that safe, sustainable and proper techniques are employed to better manage solid waste in the unincorporated areas of St. Tammany Parish, Louisiana;

Build upon the existing Litter Abatement Ordinances (Ord. 01-0284, adopted 03/01/2001);

Create licensure and registration requirements and procedures for the unincorporated portions of St. Tammany Parish and to establish penalties for violations thereof;

Licensure in the Parish of St. Tammany is a privilege and not a right;

To permit and authorize the Parish the specific authority to promulgate rules and regulations on an on-going basis and as needed under the circumstances;

Assure that all individuals are both informed and responsible for their actions regarding solid waste that may affect the public health and the environment and the community now and in the future;

Support activities that will promote reduction, reuse and recycling and sustainable diversion of materials found in the waste stream;

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Augment, supplement and support existing State of Louisiana controls pertaining to solid waste; and

To impose penalties and fines concerning illegal collection, transfer and/or disposal activities.

AUTHORITY NOTE: Promulgated pursuant to the express authority set forth in La.R.S. 33:4169.1, and all other applicable statutes and regulations.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1018 (June 2007).

SEC. 9-002.00 Authority

An ordinance authorizing and providing for the Parish to establish standards and requirements, together with promulgation of binding rules and regulations, for solid waste management operations within the unincorporated areas of the Parish; requiring licenses and/or permits for storage, collection, transportation, processing, and disposal of solid waste embodying and supplementing the minimum standards and requirements established by rules of the Louisiana Department of Environmental Quality (DEQ) as promulgated under Title 33, Part VII *et seq.* of the *Environmental Regulatory Code* (ERC) and the *Code of Ordinances*, Chapter Nine *et seq.* of St. Tammany Parish, Louisiana; providing for enforcement of said requirements; imposing penalties for failure to comply with these provisions; requiring performance bonds and insurance; promulgate rules and regulations; and promoting the health, safety, and welfare of the public. This ordinance is adopted pursuant to the express authority set forth in La.R.S. 33:4169.1, and all other applicable statutes and regulations pertaining to the licensing, collection, storage, hauling, transfer, disposal and diversion of solid waste.

This ordinance shall consider the State of Louisiana Environmental Quality Act (R.S. 30:2001 *et seq.*) which established the enforcement authority and procedures for carrying out the purposes of the act. The Louisiana Solid Waste Operator Certification and Training Program (R.S. 37:3151 *et seq.*) created the Louisiana Solid Waste Operator Certification and Training Program. The principal domicile of the board shall be that of the Department of Environmental Quality. Ord. No. 06-1417, adopted 11/02/2006, is intended to provide for additional requirements in St. Tammany Parish.

SEC. 9-003.00 Definitions

Any and all definitions contained herein are comparable to those found in Title 33 of *Environmental Regulatory Code*, Part VII, Subpart 1, Chapter 1, Section 115.

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When used in this ordinance the following terms shall have the meaning given to them.

~~“Acceptable Waste” means waste, which is acceptable at the designated facility. Acceptable waste shall include garbage, refuse, and municipal solid waste from residential, commercial, industrial and community activities which is generated and collected in aggregate, and which is not otherwise defined herein as unacceptable waste. No amount of hazardous waste or infectious waste that is regulated by law is acceptable at the designated facility. Acceptable waste shall also include acceptable household quantities and acceptable non-household waste, as defined herein. All household waste is acceptable waste unless it is otherwise regulated or prohibited by law.~~

“Acceptable Waste” shall include garbage, household refuse, tree & yard trimmings, furniture and municipal solid waste from residential and commercial waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities that is not otherwise defined as hazardous waste or unacceptable waste. In addition, construction and demolition (C&D) waste is acceptable, which includes building materials and rubble resulting from construction, remodeling, repair, paving and demolition. This also includes wood, brick, concrete, metal, wallboard, insulation and other non-hazardous building materials. Any community waste which is generated and collected which is not otherwise defined herein as hazardous waste or unacceptable waste. The definition of Acceptable Waste shall not be construed to mean that every type of acceptable waste may be deposited at a particular Solid Waste Management Facility or Solid Waste Transfer Station.

“Acceptable Household Quantities” means waste which is otherwise unacceptable waste, but which is contained in garbage, refuse, and municipal solid waste from normal household activities. For the purpose of this definition, “household” includes any residential dwelling unit or place of transient residence.

“Acceptable Non-Household Waste” means waste which is otherwise unacceptable waste, but which is contained in garbage, refuse, and municipal solid waste generated from commercial, industrial, or community activities, where the quantity of such unacceptable waste contained in any load delivered to the designated facility does not constitute a significant portion of such load. No amount of hazardous waste that is regulated by law is acceptable waste.

“Administrative Hearing Officer” shall mean that person or persons authorized, as per law, to conduct hearings and issue rulings for the Parish of St. Tammany;

“Agency” refers to the Environmental Protection Agency, its agent, or representative. In the case of Louisiana, that means Region VI.

“Agricultural Waste means nonhazardous waste resulting from the production and processing of agricultural products, including manures, pruning, and crop residues. This term does not include

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solid wastes defined as industrial solid waste in this section.

“Air Contaminant” means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas or other gaseous fluid, or particular substance, differing in composition from or exceeding in concentration, the natural components of the atmosphere, such as, but not limited to the resulting ambient conditions created by the unlawful burning of solid waste.

“Air Pollution” means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

“Ash” means the incombustible material that remains after a fuel or solid waste is incinerated.

“Backyard Compost Site” means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment building, or single commercial office, a member of which is the owner, occupant, or lessee of the property.

“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.

“Brush Disposal Facility” means a site used exclusively for disposal of trees and tree parts including stumps, branches, and their attached leaves.

“Canister System” means a facility where solid waste is deposited in mechanically serviced containers as an intermediate step of congregating solid waste from several properties for periodic removal of the accumulated waste by commercial hauler. Similar to a “transfer station” (see below).

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“Closure” means actions to prevent or minimize the threat to public health and the environment posed by a facility that no longer accepts the solid waste for which it operated or was permitted, including the removal of contaminated equipment, the removal of liners, grading, applying final cover, seeding of final cover, installation of monitoring devices, construction of ground and surface water diversion structures, and gas control systems as necessary.

“Co-compost” means the controlled biological decomposition and management of selected organic solid waste that is mixed with a nutrient source, most commonly sewage sludge, which results in an innocuous, stable, humus product which can be used as a soil conditioner.

“Co-disposal” means the disposal of non-hazardous industrial wastes together with mixed municipal solid waste at a waste facility.

“Collection” means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility. Collection may include either manual or automated systems.

“Collection Facility” means a facility where one or more containers are located, that is used to accumulate solid waste generated by and delivered by more than one household or commercial establishment for pickup by a transporter, including, but not limited to, facilities typically located in rural areas where garbage collection does not occur. This definition does not include containers that receive only solid waste generated on property that is contiguous with the property on which the container is located (e.g., containers located at and receiving solid waste only from a multi-unit dwelling or a commercial establishment or an industrial establishment).

~~“Commercial Hauler” means any person who owns, operates, or leases vehicles for the purpose of contracting to collect or transport solid waste or source separated materials from residential, commercial or industrial property.~~

“Commercial Hauler” means any person, entity or corporation who owns, operates, leases or subleases vehicles or services for the purpose of contracting to collect or transport solid waste or source separated materials from residential, commercial or industrial property.

“Commercial Solid Waste” means all types of solid waste generated by stores, offices, restaurants, warehouses, and other business or manufacturing activities, excluding residential and industrial wastes.

“Compactor” means any container which has compaction mechanisms, whether stationary or mobile.

“Compost” means solid waste which has undergone biological decomposition of organic matter and

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has been stabilized using composting or similar technologies, to a degree that is beneficial to plant growth and that is used, or sold for use, as a soil amendment, artificial topsoil, growing-medium amendment, or other similar uses.

“Compost Facility” means a site used to compost solid waste including all structures used to control drainage, collect and treat leachate, storage areas for the incoming waste, and the final product. A composting facility may include various types of compost operations, including but not limited to windrow, in-vessel or static pile facilities.

“Composting” means the controlled microbic degradation of organic waste to yield a humus-like product. Generally, the compost itself is a solid waste which has undergone biological decomposition of organic matter and has been stabilized using composting or similar technologies, to a degree that is beneficial to plant growth and that is used, or sold for use, as a soil amendment, artificial topsoil, growing-medium amendment, or other similar uses.

“Construction/Demolition Debris” means nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing materials (shingles, sheet rock, plaster), or lumber from a construction or demolition project, but excluding asbestos-contaminated waste (**Regulated Asbestos-containing Material – RACM – as defined in LAC 33:III.5151.B**), white goods, furniture, trash, or treated lumber. The admixture of construction and demolition debris with more than five percent by volume of paper associated with such debris or any other type of solid waste (excluding woodwaste or yard trash) will cause it to be classified as other than construction/demolition debris.

“Containment” means isolating, controlling, and monitoring waste in a waste facility in order to prevent a release of waste from the facility that would have an adverse impact upon human health and the environment.

“Cover material” means approved material that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness and compactibility. Also known as *Daily Cover*.

“Curbside recycling bin” is any bin approved by the Department for the purpose of curbside collection of recyclable materials.

“Curing Area” means an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a humus-like material.

“Demolition Landfill” means an area of land used for the disposal of demolition waste.

“Demolition Waste” means non-putrescible solid waste from the construction, remodeling, repair or demolition of structures including buildings and paved roads. It includes waste building materials, packaging and rubble such as concrete, brick, bituminous concrete, wood, masonry, glass,

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trees, structural metals, insulation, roofing material, and plastic building parts. It may also include other waste materials accepted by the Department. It does not include uncontaminated earth or rock, hazardous materials, asbestos, industrial waste, or appliances.

“Department” is the St. Tammany Parish Department of Environmental Services, an agency within the administrative branch of the St. Tammany Parish Government.

“DEQ” is the Louisiana Department of Environmental Quality, as created by R.S. 30:2001 et seq.

“Disposal or Dispose” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste, or any constituent thereof, may enter the environment or be emitted into the air, or discharged into any waters, including ground water. **Abandonment of solid waste, whether or not it comes into contact with land or water, is also considered disposal.**

“Disposal **Site or Facility**” means a waste facility ~~permitted by the Louisiana Department of Environmental Quality (DEQ)~~ that is designed or operated for the purpose of disposing of waste in or on the land, together with any appurtenant facilities needed to process waste for disposal or transfer to another waste facility, **which has been approved by the Department and all other applicable local, state and federal agencies.**

“Dumping” means the illegal placement of any solid waste anywhere other than an approved facility or container.

“Dwelling” means a residential building or portion thereof intended for human occupancy but not including hotels, motels, boarding or rooming houses.

“Environmental Regulatory Code” means the rules and regulations of the Louisiana Department of Environmental Quality that are codified pursuant to La.R.S. 49:954.3.

“Facility” means the actual land and associated appurtenances used for storage, processing, and/or disposal of solid wastes, but possibly consisting of one or more units. (Any earthen ditches leading to or from a unit of a facility and that receives solid waste are considered part of the facility to which they connect, except for ditches lined with materials capable of preventing groundwater contamination. The term facility does not necessarily mean an entire industrial manufacturing plant.)

“Floodplain” means the areas adjoining a watercourse or water basin that has been or hereafter may be covered by a regional floodplain.

“Financial Assurance” means monetary mechanisms, which are used to assure proper closure, post closure care, and contingency action at a site or facility.

“Garbage” means solid waste that includes animal and vegetable matter from the handling,

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preparation, cooking, and serving of foods (including grease trap waste), but that does not include industrial solid waste.

“Generate” means the act or process of producing waste, including the production or aggregation of waste occurring at an intermediate disposal facility.

“Generator” means any person, business, institution and/or governmental entity that generates solid waste.

“Groundwater” means water below the land surface in the zone of saturation.

“Hauler” means any person or entity in the business of the collection and transportation of solid waste.

“Hazardous Waste” ~~means waste identified as hazardous in the current Louisiana Hazardous Waste Regulations (LAC 33:Part V) and/or by the federal government under the Resource Conservation and Recovery Act and subsequent amendments~~ **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, including LAC 33:V.Subpart 1 and the Resource Conservation and Recovery Act and subsequent amendments. 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.**

“Herbaceous” means any non-woody plant.

“Household” means a single detached dwelling unit or a single unit of a multiple dwelling unit.

“Household Hazardous Waste” means any material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreation areas) that exhibit characteristics of or that is listed as hazardous waste under Louisiana Department of Environmental Quality rules.

“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).

“Inactive (or Abandoned) Facility” means a solid waste storage, processing, or disposal facility that no longer receives solid waste and has not been closed in accordance with Louisiana Solid Waste Regulations.

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“Incineration” means the process by which solid wastes are burned for the purpose of volume and weight reduction in permitted and licensed facilities designed for such use.

“Incinerator” **generally 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, means including** any enclosed device using controlled-flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace and is not a boiler nor an industrial furnace as defined in LAC 33:V.109.

“Incinerator Ash” means residual solid waste, which has been received, thermally oxidized, and/or decomposed by an incinerator.

“Incinerator Waste-Handling Facility” means a facility that processes solid waste which has been received, thermally oxidized, and/or decomposed by an incinerator.

“Industrial Solid Waste” means solid waste generated by a manufacturing, industrial, or mining process, or which is contaminated by solid waste generated by such a process. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products; by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; and transportation equipment. This term does not include hazardous waste regulated under the Louisiana hazardous waste regulations or under federal law, or waste which is subject to regulation under the Office of Conservation's Statewide Order No. 29-B or by other agencies.

“Industrial Solid Waste Facility” means a facility for the processing, storage, and/or disposal of industrial solid waste.

“Infectious Waste” means waste that contains pathogens of sufficient virulence and quantity that exposure to it could result in an infectious disease in a susceptible host person or animal that has been or may have been exposed to a contagious or infectious disease.

“Intermediate Disposal” means the preliminary or incomplete disposal of solid waste including, but not limited to, transfer station operations, open burning, incomplete land disposal, incineration, composting, reduction, shredding, compression, recycling, processing, resource recovery, and any other management or handling of waste short of final disposal.

“Junk” means scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, ferrous material, nonferrous material, inoperable automobiles, farm and construction machinery and parts thereof.

“Junkyard” means an establishment or place of storage and deposit which is maintained, operated,

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or used for storing, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, at which the waste, vehicle body, or discarded material stored is equal in bulk to three or more motor vehicles.

LAC 33 – Louisiana Administrative Code, Title 33 – Environmental Regulatory Code:

“Land Disposal Facility” means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

“Landfarm” means a facility for the disposal of solid wastes in which waste are applied to the land and/or incorporated into the soil for biological reduction and soil attenuation.

“Landfill” means a facility for the disposal of solid waste, other than landfarm(s) or surface impoundment(s), that disposes of solid waste by placing it on or into the land surface and usually also compacting and covering with suitable cover material to a depth and at a frequency sufficient to control disease vectors and odors and in a manner that protects human health and the environment.

“Land Pollution” means the presence in or on the land of any waste or waste by-products in such quantity, of such nature and duration, and under such condition as would negatively affect any waters of the state, create air contaminants, cause air pollution, or contaminate soils at the site making the site unacceptable for further use.

“Land-spreading/Land Application” means the placement of waste or waste by-products on or incorporated into the soil surface.

“Land-spreading/Land Application Site” means any land used for the purpose of land-spreading or the land application of waste or waste by-products.

“Leachate” means a liquid that has passed through or emerged from solid waste and may contain soluble, suspended, or miscible materials removed from such wastes.

“Leachate Management System” means the structures constructed and operated to contain, transport, and treat leachate, including liners, collection pipes, detection systems, holding areas, and treatment facilities.

“**License**/Licensee” means the landowner, owner, operator, or other person or persons given authority by the Department to establish, operate, and maintain a solid waste management activity, collect and transfer solid waste to a disposal site or facility.

“Littering” shall be interpreted by reference to and consistent with applicable state statutes and, for purposes of this Chapter, means throwing, dropping, discarding, permitting the intentional or accidental ejection, emission, escape of, or otherwise disposing of litter or waste

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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.

“Litter Abatement Officer” means litter enforcement officer employed by the Parish to enforce litter ordinances and codes through the administrative adjudication process as authorized by La.R.S. 33:1236(54)(b) and all other applicable statutes.

“Major Appliances” means clothes washers and dryers, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges and stoves, air conditioners, dehumidifiers, refrigerators, and freezers.

“Major Modification” means any change in a site, facility, process or disposal method, or operation which substantially deviates from the permit or tends to substantially increase the impact of the site, facility, process or disposal method, or operation on the environment.

“Mandatory Modification” means any change in a site, facility, unit, process or disposal method, or operation that is required as a result of any new Parish, State or Federal laws and regulations.

“Market” means any person or entity that accepts and recycles recyclable materials.

“Marketed” means delivery of recyclable materials to and acceptance by a market.

“Manure” means a solid waste composed of excreta of animals and any residual materials that have been used for bedding, sanitary, or feeding purposes for such animals.

“Medical Waste” means infectious waste, and waste originating from the diagnosis, care or treatment of a person or animal, or waste resulting from biological research, whether or not the waste has been decontaminated.

“Mixed Solid Waste” means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, trees and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

“Municipal Solid Waste Landfill or MSW Landfill” means an entire disposal facility in a contiguous geographical space where residential solid waste and/or commercial solid waste is placed in or on the land. The term does not limit the ownership or source of materials to municipalities.

“Municipality” means a city, village, town, sanitary district, school district, or other governmental

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subdivision or public corporation, or agency created by the legislature, or as defined in the Code of Ordinances.

“Non-Processing Transfer Station” means a solid waste facility where solid waste is transferred from collection vehicles to other vehicles for transportation without processing.

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

“Notice of Violation” is a formal written notice issued by Department to notify a party that he is in violation of a Parish Ordinance. This Notice will inform the party of the alleged violations, the nature and extent of the violations, and the required corrective actions. The Notice of Violations (NOV) shall also specify additional actions that will be taken by the Department, such as the inclusion of NOV orders into a Final Order or Consent Order and/or the issuance of a citation, as well as specific time frames in which these actions will be completed.

“Nuisance” shall be defined by reference to Chapter 14 of the St. Tammany Parish Code of Ordinances.

“On-Site Processing/Disposal Area” means the land area and appurtenances thereon used for processing and/or disposal of solid waste on the same property or on geographically contiguous property, where waste is generated. Two or more pieces of property that are geographically contiguous but divided by public or private right(s)-of-way are considered a single site.

“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 also means 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.**

“Open Dump” means a land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, vermin, and scavengers. **It also means a solid waste processing or disposal facility that has been issued a temporary permit and may not comply with the standards set by these regulations.**

“Operations” means any site, facility, or activity relating to solid waste management purposes pursuant to this ordinance.

“Operator” means the person or entity responsible for the overall operation of a facility.

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“Owner or Solid Waste Facility Owner” means the person and/or entity who own a facility or part of a facility.

“Parish” shall mean the St. Tammany Parish Government, specifically the administrative branch of the Parish Government

“Permit” means a written authorization issued by the administrative authority 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 the act, these regulations, and specified terms and conditions. **For purposes of this Chapter, and unless a distinction is otherwise provided, Permit is synonymous with License/Licensee.**

“Permittee/Permit Holder” means a person who is issued a permit and is responsible for meeting all conditions of the permit and these regulations at a facility.

~~“Person” means any human being, municipality or other governmental or political subdivision or other public agency, public or private corporation, partnership, firm, association, organization, receiver, trustee, assignee, agent or other legal entity.~~

“Person” means an individual, trust, firm, joint-stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of the state, interstate body, or the federal government or any agency of the federal government.

“Personnel or Facility Personnel” means all persons who work at or oversee the operation of a solid waste management facility, and whose actions or failure to act may result in noncompliance with the requirements of this ordinance.

“Political Subdivision” means any municipal corporation, governmental subdivisions of the state, local governmental unit, special district, or local or regional board, commission, or authority authorized by law to plan or provide for waste management.

“Post Closure Care” means actions taken for the care, maintenance, and monitoring of a facility after closure that will prevent, mitigate, or minimize the threat to public health and the environment posed by the closed facility.

~~**“Prima Facie Evidence” means evidence adequate to establish a fact or raise a presumption of fact unless refuted or contradicted.**~~

“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,

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transferred or disposed of.

“Process” means a method or technique, including recycling, recovering, compacting (but not including compacting which occurs solely within a transportation vehicle), composting, incinerating, shredding, baling, recovering resources, pyrolyzing, or any other method or technique designed to change the physical, chemical, or biological character or composition of a solid waste to render it safer for transport; reduced in volume; amenable for recovery, storage, reshipment, or resale. The definition of process does not include treatment of wastewaters to meet state or federal wastewater discharge permit limits. Neither does the definition include activities of an industrial generator to simply separate wastes from the manufacturing process.

“Processing” means the treatment of solid waste after collection and before disposal. Processing includes but is not limited to reduction, storage, separation, exchange, resource recovery, physical, chemical or biological modification, and transfer from one waste facility to another.

“Processing Facility” means a site used to process solid waste, including all structures, equipment used to process the waste, storage areas for the incoming waste, the final product and residuals resulting from the process, and may be designated for recyclable materials only.

“Processing Transfer Station” means a Type I-A or II-A solid waste processing facility where solid waste is transferred from collection vehicles, processed, and placed in other vehicles for transportation (e.g., a facility that separates recyclables from industrial or putrescible waste streams).

“Promiscuous Dump” means a solid waste disposal facility that has resulted from disposal activities of persons other than the landowner and whose operation is not permitted by the administrative authority.

“Public Nuisance” means conduct that is defined and prohibited pursuant to Chapter 14 of the St. Tammany Parish Code of Ordinances. an act which considerably disturbs, annoys, hinders or interferes the rights of the public at large to use public property of pertaining to endangering one’s life. This is a minor crime which can lead to health hazards and lead to disturbing the safety, peace, welfare and comfort of common people.

“Putrescible” means susceptible to rapid decomposition by bacteria, fungi, or oxidation, creating noxious odors:

“Putrescible Waste” means solid waste which contains organic matter capable of being decomposed by microorganisms and creating noxious odors of such a character and proportion as to be capable of attracting or providing food for birds, and potential disease vectors (such as rodents and flies).

“Prohibited Materials” means solid waste, which is unacceptable for collection, processing, or

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disposal due to the physical or chemical nature of the material or due to a facility's inability to properly manage the waste.

“Recovered Material” means material which has known recycling potential, can be feasibly recycled, and has been diverted or removed from the solid waste stream for sale, use, or reuse, by separation, collection or processing, as defined in R.S. 30:2412(7) and which would otherwise be processed or disposed of as nonhazardous solid waste.

“Recyclable Materials” means those materials which are capable of being recycled and which would otherwise be processed or disposed of as nonhazardous solid waste, **which generally includes any newspaper, glass, metal food and beverage cans, magazines, catalogs, phone books, corrugated cardboard, and plastic.**

“Recycling” means any process by which nonhazardous solid waste or material which would otherwise become solid waste, is collected, separated, or processed and reused or returned to use in the form of raw materials or products.

“Recycling Facility” means a site used to collect, process, and repair recyclable materials and reuse them in their original form or use them in manufacturing processes.

“Refuse” means putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial wastes, and including municipal treatment wastes which do not contain free moisture.

“Rejected Waste” means unacceptable waste, which is rejected at the designated facility.

“Refuse Collection Service” means a public or private operation engaged in solid waste collection and solid waste operation.

“Residence” means any building or portion thereof used as a dwelling or sleeping area for people.

“Residential solid waste” means any solid waste (including garbage, trash, and sludges from residential septic tanks and wastewater treatment facilities) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

“Resource Recovery” means the process by which solid waste that retains useful physical or chemical properties is reused or recycled for the same or other purposes, including uses as energy sources.

“Resource Recovery Facility” means a waste facility established and used primarily for resource recovery, including related and appurtenant facilities such as transmission facilities and transfer stations primarily serving the resource recovery facility.

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“Responsible Party” means the owner, operator, or successor in interest of a solid waste facility.

“Rubbish” means non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

“Run-off” means any rainwater, leachate, or other liquid that drains from any part of a facility.

“Run-on” means any rainwater or other liquid that drains onto any part of a facility.

“Salvaging” means the controlled removal of ~~waste materials for later use.~~ means the controlled removal of **material from a solid waste storage, transfer, processing or disposal site for authorized reuse or recycling.**

“Sanitary Landfill” means a landfill for the disposal of commercial or residential solid waste by deposit in a landfill in layers covered with suitable cover material of a depth and at a frequency adequate to control disease vectors and odors, health and the environment. It is located, contoured, and designed so that it will not constitute a source of water pollution.

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

“Separation Facility” means a Type III solid waste processing facility at which recyclables are separated from a non-putrescible solid waste stream for future use. The non-putrescible waste stream received by the separation facility shall not contain more than a de minimis amount of putrescible waste.

“Septage” means the contents of a septic tank, cesspool, or other individual sewage-treatment facility that receives domestic-sewage wastes.

“Sewage Sludge” means sludge resulting from treatment of wastewater from publicly or privately owned or operated sewage-treatment plants.

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

“Shredder” means a solid waste facility that reduces the particle size of solid waste by grinding, milling, shredding, or rasping.

“Site” means the physical location, including land area and appurtenances, of an existing or proposed storage, processing, or disposal facility. A site may consist of a number of facilities, each subject to a permit to process or dispose of solid waste.

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“Sludge” means residue produced by or precipitated from a treatment process.

“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 any acceptable waste garbage, refuse, or sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. Solid waste does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation return flows; industrial discharges that are point sources subject to permits under R.S. 30:2075; source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended; or hazardous waste subject to permits under R.S. 30:2171 et seq.~~

“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, industrial discharges that are point sources subject to permits under R.S. 30:2075; source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended; potentially infectious biomedical or hazardous waste subject to permits under R.S. 30:2171 et seq.

“Solid Waste Collection” means the gathering of solid waste from public and private places.

“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 Hauler” means any person or persons who collects or transports any solid waste; except, an individual resident hauling his or her own household waste is not a solid waste hauler.~~

“Solid Waste Land Disposal Facility” means a facility used to dispose of solid waste in or on the land.

~~“Solid Waste Management Facility” means a facility for the storage, collection, transportation, processing or reuse, conversion, or disposal of solid waste.~~

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“Solid Waste Management Facility” means a facility which collects, transports, stores, processes or disposes of any garbage, refuse, or sludge from a waste treatment plant, water-supply treatment plant, or air pollution-control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, including but not limited to Construction Debris Landfills, Non-Processing Transfer Station, Processing Transfer Station, Compost Facility, Separation Facility (Recycling Facility), Sewage Treatment Facility, Septage Treatment Facility, Municipal Solid Waste Landfill, Industrial Solid Waste Facility and Incinerator.

“Solid Waste Management Plan” means the Solid Waste Management Plan for St. Tammany Parish.

“Solid Waste Management System” means **the total concept of** the entire process of collection, transportation, storage, processing, and disposal of solid waste by any person engaged in such process as a business or by any municipality, authority, trust, parish, or any combination thereof.

“Solid Waste Storage” means **the handling and holding of solid waste near the point of generation pending collection and** the holding of solid waste for more than 48 hours in quantities equal to or greater than ten cubic yards.

“Solid Waste Transfer Station” means a facility including non-processing, processing or drop stations inclusive of Non-Processing Transfer Stations where solid waste materials, including yard waste, demolition materials, and household refuse are transferred from smaller vehicles to larger trucks for efficient transport to landfills, recycling centers and other disposal sites inclusive of Non-Processing Transfer Stations and Type II-A Facilities as defined by Louisiana Revised Statutes 33.VII.115.

“Solid Waste Transportation” means the conveying of solid waste from one place to another, by means of vehicle, rail car, water, vessel, conveyer, or other means.

“Source Separated Materials” means materials that are separated from solid waste by the generator and recovered for reuse in their original form or for use in the manufacturing process.

“Source Separation” means the separation of recyclable materials from waste by the generator prior to collection for recycling.

“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.

“State” means the State of Louisiana.

“Tipping Fee” means the fee(s) charged to haulers or other persons for waste delivered to a designated facility.

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“Tire” means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or off-road vehicle.

“Tire Collector” means a person who owns or operates a site used for the storage, collection, or deposit of waste tires.

“Tire Collection Site” means a permitted site, or a site exempted from permit, used for the storage of waste tires.

“Tire Dump” means an establishment, site, or place of business without a required tire collector or tire processor permit that is maintained, operated, used or allowed to be used for storing, keeping, or depositing unprocessed waste tires.

“Tire Processing” means producing or manufacturing usable materials, including fuel, from waste tires including necessary incidental temporary storage activity.

“Tire Processor” means a person and/or entity engaged in the processing of waste tires.

“Toxic Waste” means substances, whether liquid, gaseous or solid form, which when collected, stored, transported or disposed of, may be acutely toxic to humans or other animals, or plant life, or be directly damaging to property including, but not limited to, pesticides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar noxious substances.

~~“Transfer Station” means a solid waste processing facility where solid waste is transferred from collection vehicles and placed in other vehicles for transportation.~~

“Transfer Station (Non-processing) – See Non-processing Transfer Stations.

“Transfer Station” (Processing) – See Processing Transfer Station.

“Transport” means to move industrial solid waste off-site and/or to move solid waste of a commercial establishment or more than one household to a transfer station or processing or disposal facility.

“Transportation” means the conveying of solid waste from one place to another.

“Transporter” means any person who moves industrial solid waste off-site and/or to move solid waste of a commercial establishment or more than one household to a transfer station or processing or disposal facility.

“Trash” means nonputrescible solid wastes consisting of both combustible and noncombustible

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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).

“Tree” means a perennial woody plant, generally with a single stem (e.g., trunk). Tree also means the stump of the tree.

“Type I Facility” means a facility used for disposing of industrial solid waste (e.g., a landfill, surface impoundment, or landfarm). If the facility is used for disposing of residential or commercial solid waste, it is also a Type II facility.

“Type I-A Facility” means a facility used for processing industrial solid waste (e.g., a transfer station – processing, shredder, baler, etc.). If the facility is used for processing residential or commercial solid waste, it is also a Type II-A facility.

“Type II Facility” means a facility used for disposing of residential and/or commercial solid waste (e.g., a landfill, surface impoundment, or landfarm). If the facility is used for disposing of industrial solid waste, it is also a Type I facility.

“Type II-A Facility” means a facility used for processing residential, infectious, or commercial solid waste (e.g., a transfer station – processing, composting municipal solid waste facility, refuse-derived fuel facility, shredder, baler, autoclave, etc.). If the facility is used for processing industrial solid waste, it is also a Type I-A facility.

“Type III Facility” means a facility used for disposing or processing of construction/demolition debris or woodwaste, composting organic waste to produce a usable material, or separating recyclable wastes (e.g., a construction/demolition-debris or woodwaste landfill, separation facility, or composting facility).

“Unacceptable Waste” means waste ~~delivered in quantities~~ which may pose a threat to health or safety, or to the environment, or may cause damage to, or materially adversely affect, the operation of a designated facility, including but not limited to: incinerator ash; foundry sand; explosives; hospital, pathological, and biological waste; hazardous waste; chemicals and radioactive materials; oil sludges; asbestos in identifiable quantities; cesspool or other human waste; sewage and other highly diluted, water carried materials or substances; materials in gaseous form; human or animal remains; street sweepings; ash; mining waste; sludges; ~~demolition debris~~; and hazardous refuse of any kind, such as cleaning fluids, crank case oils, cutting oils, paints, acids, caustics, poisons, drugs.

“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.

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“Warning Letter” is a written notice issued by the Department to notify a party that he is in violation of a Parish Ordinance. The warning letter will inform the party of the alleged violations, the nature and extent of the violations, and the required corrective actions. The warning letter shall be utilized as the initial Parish notification of alleged violations, except in cases of imminent threat to public health and safety and the environment.

“Waste” means solid waste.

“Waste Facility” means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities.

“Waste Management” means activities which are intended to affect or control the generation of waste and activities which provide for or control the collection, processing and disposal of waste.

“Waste Processing” means the treatment of solid waste after collection and before disposal. Processing includes but is not limited to volume reduction, storage, separation, exchange resource recovery, physical, chemical, or biological modification and the operations of a metal recycling or salvage facility.

“Waste Reduction” means an activity that prevents generation of waste including reusing a product in its original form, increasing the life span of the product, reducing material used in production and packaging, or changing procurement, consumption, or waste generation habits to result in smaller quantities of waste generated.

“Waste Tire” means a whole tire that is no longer suitable for its original purpose because of wear, damage, or defect. Waste tire does not include a tire weighting over 500 pounds and/or a solid tire.

“Waste Tire Collection Site” means a licensed waste facility used for the storage of waste tires prior to their transport to a waste tire processing facility.

“Waste Tire Processing Facility” means a licensed waste facility used for the shredding, slicing, or producing or manufacturing usable materials from Waste Tires, and may include temporary storage activity at the facility. Processing does not include the retreading of waste tires.

“Water Pollution” means the contamination of any waters of the state so as to create a nuisance or render such waters unclean, obnoxious or impure, so as to be actually harmful or detrimental or injurious to public health, safety or welfare, to domestic commercial or industrial use, or to animals, birds, fish or aquatic life.

“White Goods” means inoperative an/or discarded **domestic and commercial appliances including**

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refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial appliances.

“Woodwaste” means yard trash/waste and types of waste generated by land and right-of-way clearing operations, sawmills, plywood mills, and woodyards associated with the lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, woodfire boiler ash, wood ash, and plywood or other bonded materials that contain only polyurethane, phenolic-based glues, or other glues that are approved specifically by the administrative authority. Uncontaminated, untreated or unpainted lumber or wooden pallets are considered woodwaste under this definition.

“Yard Waste” means vegetative matter resulting from landscaping or maintenance, including garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

Any word or phrase not specifically defined or discussed herein shall **first** be used and interpreted **by reference to the statutes, rules and regulations of the Louisiana Department of Environmental Quality and, thereafter,** in its most common and reasonable sense.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008)

SEC. 9-004.00 Effective Date

All rules and regulations contained herein shall be in full force and effect on January 1, 2007. All applications for solid waste licensed activities must be timely submitted and approved before the effective date.

The adoption of Ordinance Calendar No. 4485 shall not be construed as repealing or amending the above provision of this section as it applied prior thereto. Additionally, Ordinance Calendar No. 4485 shall not be construed as requiring the alteration of a structure or site plan of any “Solid Waste Management Facility” that is currently in operation or which has an approved building permit and site plan at the time said ordinance was adopted. Regulations governing the operations of a facility may be applied when necessary to protect the public health, safety and welfare.

SEC. 9-005.00 Severability

If any provision of this article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act and these regulations that can be given effect without the invalid provision or application, and to this end provisions of these

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rules and regulations are declared to be severable.

SEC. 9-006.00 General Provisions and Responsibilities of the Department

The following general provisions and responsibilities of the Department of Environmental Services, herein referred to as the Department, shall include those defined by St. Tammany Parish Ord. No. 06-1417, adopted 11/02/2006 as listed below.

The Department shall have the right to administer this ordinance. The department's rights and duties shall include, but shall not be limited to those described in this section. Further, this provision shall apply to all persons, entities, applicants and license holders even if they are a holder of an existing permit, license and conditional use permit presently in existence and hereafter granted.

The Department shall have the right to inspect private property to determine if the property owner is in compliance with the provisions of this ordinance. Routine inspection and evaluation of solid waste management activities, sites, or facilities shall be made by the Department in such frequency to ensure consistent compliance by the operation with the provisions of this ordinance. An applicant and the licensee shall allow free access to the Department; provided that the entrance and activity is undertaken after reasonable notice and during normal business hours, and after notifying facility applicant and licensee of presence at site for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this ordinance, or any other applicable statute, or for the purpose of making written and documented notice of any deficiencies, or recommendations for their correction and the date by which corrections shall be accomplished. (ERC Title 33, Part VII, Subpart 1, Chapter 5, Section 509)

The Department shall have the right to review all license applications submitted to the Department for operation of all solid waste management activities, sites, or facilities within the Parish. Any and all submissions will be managed in a confidential manner according to the provisions for confidential information which may be found in LAC 33:I.Chapter 5.

The Department shall have the right to issue or deny solid waste licenses and to impose solid waste management activity, site, or facility specific conditions on said licenses. Denial of a solid waste license shall be for cause based upon written reasons provided to applicant and applicant's failure to cure any deficiency within a reasonable period of time.

The Department shall have the right to investigate complaints of violations of this ordinance. The Department shall assist the District Attorney's Office and/or the Administrative Hearing Officer.

The Department rules and regulations shall not supersede any actions that may be taken by Code Enforcement of the Parish Planning office, Constables, Justices of the Peace, and the District Attorney's Office of this Parish and the Administrative Hearing Officer.

It is understood that there is concurrent jurisdiction of all agencies and departments.

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The Department shall have the right to refer or recommend, when necessary, to the Parish District Attorney's Office and/or the St. Tammany Parish Administrative Hearing Officer, that legal proceedings be initiated against a certain solid waste management activity, or facility after any curative period mentioned herein is not adequately resolved.

The Department shall have the right to identify the solid waste management needs of the Parish through developing and implementing plans to meet those needs. Said plan may be revised if deemed necessary by the Department. The Department, in concert with the Parish Government, may establish a Solid Waste Committee to study, investigate, and research solid waste management issues parish wide. Members of the Committee may include current licensees.

The Department shall have the right to conduct studies, investigations, and research relating to aspects of solid waste management, such as methodology, chemical and physical considerations, and engineering.

The Department shall have the right to advise, consult, and cooperate with other governmental agencies (e.g., DEQ, the Agency) in the furtherance of the purposes of this ordinance.

The Department shall have the right to prepare and negotiate agreements with responsible parties to address the closure and post closure requirements for licensed and unlicensed solid waste facilities should said responsible party fail to meet closure and post closure requirements established by DEQ, but only after advance written notice to the current licensees.

The Department shall have the right to allocate license fee revenues toward creating waste diversion incentives (e.g., composting facility or recycling facility).

The Department shall have the right to enforce the allocation of fee revenues toward creating waste diversion incentives.

The Department shall have the right to work with oil change facilities in order to promote diversion and proper disposal of oil and antifreeze waste.

The Department shall have the right to review the economic viability of assigning, but not mandating a certain day of the week for the disposal of household hazardous waste at licensed solid waste facilities.

**ARTICLE II
LICENSING**

SEC. 9-013.00 License Requirements and Licensure - Solid Waste Management Facilities, Solid Waste Disposal and Diversion, Hauling and Transfer, Collection and Storage

The objective of this section shall be to establish better, more effective licensing requirements for

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solid waste management facilities, solid waste disposal and diversion, hauling and transfer, collection and storage and more efficient monitoring by the Department. Thus, the licensee shall be responsible for all DEQ requirements (*inter alia*, the Louisiana Solid Waste Operator and Certification Program Act R.S. 37:3151 et seq.) and licenses and compliance with all of the provisions of this ordinance.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994).

Where and when applicable, the licensee shall be responsible for facilitating all environmental monitoring, including but not limited to water, soil, and landfill gases, which are required by this ordinance or the license conditions for the applicable solid waste management activity or facility.

~~The Department may not grant more than thirty (30) solid waste hauling permits during the first twelve (12) month period following the effective date of this ordinance. The Department may not grant more than twenty-five (25) permits during the second twelve month period, and not more than twenty (20) permits annually thereafter.~~

~~The Department reserves the right to grant more than thirty (30) solid waste hauling permits during the first twelve month period following the effective date of this ordinance should the number of haulers possessing a valid St. Tammany Parish Occupational License exceed thirty (30). The Department may grant more than twenty-five (25) permits during the second twelve month period and more than twenty (20) permits annually thereafter should the number of permits granted during the first twelve month period exceed either total. The number of permits will be reduced if a current license holder terminates operations and does not transfer said license per this ordinance.~~

~~Should the Department grant less than thirty (30) solid waste hauling permits during the first twelve (12) month period, only those persons and/or entities currently engaged in a solid waste hauling activity discussed herein, as of the effective date of this ordinance, shall be eligible to apply for an appropriate license.~~

The Department may grant up to fifteen (15) Class “A” solid waste hauling permits (See Sec. 9-016.00). Licensee shall comply with DES standards as outlined in Sec. 9-038.00 Subsection A. Each permitted vehicle or conveyance that has been modified shall be inspected and approved by the Department.

The Department may grant up to ten (10) Class “B” solid waste hauling permits (See Sec. 9-016.00). This classification will be allowed to license both Class “A” and Class “B”. The largest (GVWR) rated registered vehicle will constitute the level of Class for the entire permit. Should lower Class rated vehicles become permitted, the level of Class may not be reduced. Any Class “A” vehicle must comply with DES standards as outlined in Sec. 9-038.00, Subsection A.

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The Department may grant any number of Class “C” solid waste hauling permits (See Sec. 9-016.00). Licensee shall comply with all applicable local, federal and state regulations governing loads on vehicles. This classification is limited to larger standard rear loaded garbage trucks with hydraulic compactors as well as front-end loader dumpster trucks. This classification shall also regulate all commercial roll-off dumpster containers. No lower classification vehicle may be listed, used or operated with this license.

The following shall apply to each Class: The Department reserves the right to inspect each service vehicle or conveyance, and any container, before an application is approved. Each vehicle or conveyance must be in compliance with all applicable local, federal and state regulatory requirements imposed on any such vehicle or conveyance, including those regulations governing the size, width, height, length, weight and load for vehicles, which are currently set forth in La.R.S. 32:380, et seq. Licensee shall comply with all applicable local, federal and state regulations governing loads on vehicles.

SEC. 9-014.00 License Required

The procedures and criteria for license issuance, denial, variance, revocation, suspension, renewal, administration, and fees shall be governed by this ordinance.

License Term. Unless otherwise provided by the St. Tammany Parish Government, each license granted pursuant to the provisions of this ordinance shall be for a period of not more than one (1) year, unless earlier suspended or revoked. The license period shall be from the date of issuance until December 31, 2006 for initial licenses and thereafter annually from January 1 - December 31, a period of one (1) year, for license renewals. Each license granted during the 2006 term shall be valid for the 2007 license period. The Department may grant automatic license renewal if licensee is in compliance with all of the provisions of this ordinance. **In regards to Solid Waste Management Facilities, Solid Waste Disposal and Diversion, Solid Waste Transfer Stations, Process and Non-Process Transfer Stations; these types of facilities shall be licensed for a period of not more than (2) two years for a temporary permit and not more than (5) five years for a standard permit.**

Renewal Application Due Date. Applications for renewal license for the ensuing year under this division shall be filed with the Department of Environmental Services on or before December 1st of each year. If the licensee fails to file their renewal application for such renewal on or before December 1st a penalty of twenty-five dollars (\$25.00) shall be added to the fee for the first 30 days of delinquency, with an additional twenty-five dollars (\$25.00) for each additional 30 days or fraction thereof. The parish government without notice or hearing may suspend the licensee’s right to conduct business if he/she fails to make application for a renewal license before March 31st of each year.

SEC. 9-015.00 Application and Fees

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Application and Fees. An applicant for a license shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives all applicable fees, all materials required by this section, and all materials required by subsequent sections applying to the specific management activity for which a license is sought. Applicants for a license shall not commence any operation or engage in any activity until the license application has been approved by the Department; nor shall any operation commence until a license is issued.

Those persons and/or entities currently, as of November 2, 2006, engaged in any waste activity discussed herein when this ordinance was adopted have sixty (60) days from November 2, 2006, to file for a permit.

Written Application. A person who requests the issuance, modification, or renewal of a license shall complete, sign, and submit to the Department a written application.

The application shall contain the following nonexclusive list of requirements:

- A. The name, address and telephone number of the facility owner, facility operator, and landowner of the activity or facility for which the application is submitted.
- B. The name, address and telephone number of the person who prepared the application.
- C. A description, including the location of the activity or facility.
- D. A general description of the wastes to be stored, processed, or disposed of; anticipated quantity of wastes to be stored, processed, or disposed of; and proposed methods for managing the wastes.
- E. A general description of the proposed methods for managing run-off and run-on.
- F. A topographic map, or other map if a topographic map is unavailable, that shows the proposed activity or facility and the area surrounding it for a distance of at least one mile in all directions. The map must be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, areas for retention of surface water runoff and other applicable details as determined by the Department. Wells must be identified on the map. An analysis or characterization of the waste may be required by the Department. (Pertains to Solid Waste Disposal and Diversion license only.)
- G. Written proof that the municipal or township governing body in which said activity or facility is located has considered the establishment of the activity or facility with respect to zoning, impact on township/municipal roads and other applicable regulations.

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- H. Where applicable, copies of insurance, inspections and haulers information (e.g., driver's license, driving record) and service records for all transportation vehicles.
- I. Notification of any and all DEQ and/or Agency violations within three (3) years prior to submittal.
- J. The activity must comply with the perimeter barrier and security requirements in ~~LAC 33:VII.719.B.1.a, b and c~~ **LAC 33:VII. 717. B., 3., A., B. for Type II-A,** and with the buffer zone requirements in ~~LAC 33:VII.719.B.2~~ **LAC 33:VII. 719. B., 3., A., B.,** for DEQ defined Type III Facilities only. Pertains to solid waste disposal and diversion license(s) only.
- K. Demonstrate that an emergency action plan has been produced that contains, but is not limited to, the following: method to communicate with customers during extreme weather events (i.e., floods, hurricanes) so that waste is not allowed to be placed curbside or to accumulate and alternate disposal sites in case their primary site is temporarily or permanently closed and/or inaccessible so that waste does not accumulate. Pertains to solid waste disposal and diversion license(s) only.
- L. Requirements of the application may be modified or amended as needed by the Department.
- M. No person, entity or corporation shall contract to perform any act of which a permit is required by the Department of Environmental Services before first obtaining and securing the proper State and/or Federal permits or license to conduct business within the residential and/or commercial solid waste hauler, waste storage, transfer station or transfer of any solid waste operation.**
- Failure to conform to all local, state and federal rules, regulations and statutes concerning solid waste handling and disposal shall be cause for revocation of a Parish permit and subject to any fines or penalties thereof.**
- Permit decals must be prominently displayed and visible on each service vehicle positioned on the upper left corner of the driver's inside windshield as to not block any view or distraction to the driver.**
- N. Licenses shall be issued on the basis of anticipated performance of the licensee as gauged from the information furnished on the application. Licenses may be revoked at any time for cause, including, but not limited to, failure to perform under provisions of this article, violation of any term of the license, misrepresentation of failure to disclose any material fact required by this article.**

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Signatures. A license application must be signed as follows:

- A. A license application must be signed by the activity or facility owner, landowner, and operator.
- B. The applicant.

Certification. A person who signs a license application shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.”

Application Review. Within thirty (30) days of receipt by the Department of a license application for a facility or activity, the Department shall notify the applicant in writing whether the application is complete and, if not **complete**, what items are needed to make it complete, ~~and shall give an estimate of the time it will take to process the application.~~ Within a reasonable time of receipt of a completed application, the Department shall approve, disapprove, or delay decision on the application, with reasons for the delay, in writing. Submission of false information may constitute grounds for denying a license or license renewal, or suspension by revocation of an issued license. If the Department denies an application, it shall provide written reasons to the applicant and provide applicant a reasonable opportunity to cure any deficiencies.

Other Waste Facilities. Any facility or activity not otherwise provided for in this ordinance must be licensed or exempted from licensure by the Department and/or DEQ prior to construction or operation. (ERC Title 33, Part VII, Subpart I, Section 313)

Additional or Unnecessary Data. From time to time, as exclusively determined by the Department, the applicant may be asked to submit reasonable additional data as requested by the Department. The Department may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.

SEC. 9-016.00 License Conditions

License Conditions. The Department may impose conditions on any approvals or licenses that are issued by the Department that may be necessary due to the characteristics of the waste, facility specific conditions or other non-typical management characteristics or conditions pertinent to the regulated solid waste management activity or facility, in order to protect public health, safety, or the environment or as otherwise provided by law, but said conditions shall not exceed or duplicate any DEQ provisions and/or requirements.

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Change in Facility Construction or Activity. No change within the parameters of the facility's license and permit shall be made in the construction activity or materials received at the facility unless such change is first approved by the Department.

Financial Assurance-Contingency Action and Closure. Unless otherwise provided by the Department, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the Department, financial assurance, in an amount to be set by the Parish Government, and naming the Parish as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Louisiana as sureties. The condition of such financial assurance shall be that if the licensee fails to obey any of the requirements or do any of the acts required by this ordinance in the operation of the activity or facility, or if, for any reason, ceases to operate or abandons the activity or facility, and the Parish is required to expend any monies or expend any labor or material to restore the activity or facility to the condition and requirements as provided by the ordinance, the obligor and the sureties on its financial assurance shall reimburse the Parish for any and all expenses incurred to remedy the failure of the licensee to comply with the terms of the ordinance, and the obligor and its sureties will indemnify and save the Parish harmless from all losses, costs and charges that may occur to the Parish because of any defaults of the obligor under the terms of their license to operate and the ordinances of the Parish. The financial assurance shall be subject to cancellation by the surety at any time only upon giving ninety (90) days prior written notice of cancellation to the Department.

The Department is specifically vested with the discretion to evaluate business operations and performance of any licensed party at any time.

The Department is specifically vested with the discretion to evaluate business operations and performance of any applicant for licensure.

The Department, at its sole discretion, may waive the financial assurance requirements under this section if the applicant, owner, or operator demonstrates to the satisfaction of the Parish that financial assurance is being provided to and has been approved by the Parish for the subject solid waste activity or facility and shall address site specific requirements as set by the Parish.(ERC, Title 33, Part VII, Subpart 1, Chapter 3, Section 315, No. 4)

Insurance. An applicant or licensee shall furnish to the Parish certificates of insurance, the types and amounts which are listed below by classification, by an insurer duly licensed within the State of Louisiana. The Parish reserves the right to **be added as an additional named insured on all licensee's** ~~require additional certificates of insurance~~ **coverage** issued by insurers duly licensed within the State of Louisiana in types and amounts to be established by the Parish based on the type of said waste management activity or facility under consideration. The licensee shall provide thirty (30) days written notice to the Department should any insurance policy be canceled before the expiration date of said policy.

Class A: Transportation/Conveyance vehicle with a Gross Vehicle Weight Rating (GVWR)

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of six thousand pounds (6,000 lbs.) to twenty-six thousand pounds (26,000 lbs.).
State Law References: Loads on Vehicles, R.S. 32:383

General Liability/Commercial Liability/Business Liability (operations and premises) per vehicle: Minimum \$100,000.00 combined single limit for bodily injury and property damage.

Automotive Liability, per vehicle: Minimum \$100,000.00 including coverage for hired and non-owned vehicles, combined single limit for bodily injury and property damage.

Workers Compensation: State of Louisiana statutory limits.

Class B: Transportation/Conveyance vehicle with a Gross Vehicle Weight Rating (GVWR) of twenty-six thousand and one pounds (26,001 lbs.) to fifty-five thousand pounds (55,000 lbs.). **State Law References: Loads on Vehicles, R.S. 32:383**

General Liability/Commercial Liability/Business Liability (operations and premises) per vehicle: Minimum \$500,000.00 combined single limit for bodily injury and property damage.

Automotive Liability, per vehicle: Minimum \$500,000.00 including coverage for hired and non-owned vehicles, combined single limit for bodily injury and property damage.

Workers Compensation: State of Louisiana statutory limits.

Class C: Transportation/Conveyance vehicle with a Gross Vehicle Weight Rating (GVWR) of fifty-five thousand and one pounds (55,001 lbs.) to sixty-two thousand pounds (62,000 lbs.) or above: **State Law References: Loads on Vehicles, R.S. 32:383**

General Liability/Commercial Liability/Business Liability (operations and premises) per vehicle: Minimum \$1,000,000.00 combined single limit for bodily injury and property damage.

Automotive Liability, per vehicle: Minimum \$1,000,000.00 including coverage for hired and non-owned vehicles, combined single limit for bodily injury and property damage.

Workers Compensation: State of Louisiana statutory limits.

Continuation of Expired License. A person and/or entity who holds an expired license and who has submitted a timely and complete application for

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re-issuance of the license may continue to conduct the licensed activity until the Department takes action on the application if the Department determines that there is compliance with the following non-exclusive criteria:

- A. The licensee is in compliance with the terms and conditions of the expired license and the St. Tammany Parish Solid Waste Management Ordinance; or
- B. The Department, through no fault of the licensee, has not taken action of the application on or before the expiration date of the license; or
- C. The licensee is deemed responsible as unilaterally determined by the Department; or
- D. The licensee is deemed responsive to Department orders, as unilaterally determined by the Department.

Unless otherwise provided for in this ordinance, applicants, owners, and operators of proposed or licensed activities or facilities shall comply with Title 33, Part VII *et seq.* of the *Environmental Regulatory Code* (ERC). The Department may waive certain requirements provided said waiver will not endanger the environment or the safety or health of the public.

A license will remain valid only so long as the facility or activity is in compliance with applicable Louisiana and Federal Statutes, together with Department rules, regulations, and this ordinance.

All individuals, companies and governmental entities engaged in the collecting and transferring of solid waste & debris shall limit hours of operation to ~~5 am~~ **6:00 a.m.** through ~~9 pm~~ **9:00 p.m.** daily. It is expressly prohibited to conduct collection activities outside of the permitted hours of operation.

An exception is in the event of a public emergency affecting the health, safety and general welfare, the limits on hours of operation shall be temporarily suspended pending the resolution of the emergency (St. Tammany Parish Ordinance No. 02-0588, adopted 12/05/2002). An exception is the collection and transferring of industrial and commercial solid waste. Collection of commercial refuse, commercial recyclables, and industrial solid waste may not be conducted where the dumpster or other commercial and/or industrial refuse container is within ~~two~~ **three** hundred (~~200~~) **(300)** feet of any private residence between the hours of 9:00 p.m. and ~~6:00~~ **6:30** a.m. Where the dumpster or other commercial and/or industrial refuse container is more than ~~two~~ **three** hundred (~~200~~) **(300)** feet from residential property then the collection times stated above do not apply. For the purpose of this section, collection of refuse or recyclables at apartments, apartment houses or complexes, condominiums, and/or co-ops shall be classified as commercial collection.

Applicants shall be required to provide a copy of a valid St. Tammany Parish Occupational License and submit said copy when submitting a completed license application form. Failure to provide or possess a valid St. Tammany Parish Occupational License will cause an application to be deemed deficient.

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Licensees shall be required to possess a valid St. Tammany Parish Occupational License throughout the license term. Failure to possess a valid St. Tammany Parish Occupational License during the license term shall be considered cause to terminate and/or revoke any type of license established by this ordinance.

Any and all permittees found not to be in compliance with any section of this or any other applicable Parish ordinances shall be penalized for each and every offense in accordance with Article VII, Section 1, Enforcement and Penalties.

Any license issued by the Parish, as per this ordinance, shall not be assigned or transferred in any way whatsoever. Notwithstanding the foregoing, if a non-licensee acquires the business of a current licensee and meets all applicable requirements, said license shall be transferrable.

Licensee agrees to perform all services in a workmanlike and professional manner.

Licensee agrees to ensure that its personnel are, at all times, educated and trained, and further, that Licensee and its personnel will perform all work and services of a reasonably-related Licensee in St. Tammany Parish.

Licensee shall be required to provide the Department as well as any and all customers written notice at least thirty (30) days prior to a termination/cancellation of service, change in the number of days of pick-up per week, and change in service fees. Licensee shall have the duty and responsibility to remit or refund, on a pro rata basis, any unused funds that are paid in advance. Failure to timely remit or refund over payment shall be deemed a violation of this article.

PARKING and STORAGE OF WASTE HAULER VEHICLES:

No person, entity or corporation shall park or store any commercially licensed truck, trailer or conveyance, whether loaded or unloaded, which is used for the collection and transportation of solid waste, garbage or the contents of private sewage tanks, on any public street, alley or other public place or on private property within a residential district, except for loading purposes or emergency repairs.

Any vehicle parked or stored in violation hereof shall be removed by authorized personnel of the Sheriff's Office and stored in accordance with the provisions of Chapter 16 of Title 32 of the Louisiana Revised Statutes. Violators of this Section shall be notified by the Sheriff's Office to answer before the Twenty-Second Judicial District Court. The Police Jury Parish shall provide suitable serially numbered forms in triplicate for notifying violators to appear in answer to charges of violating this Section, said forms to be given to the Sheriff's Office, which shall make the notification. The disposition of any vehicle which may be impounded pursuant to the provisions of this Section shall be in accordance with the applicable provisions of Chapter 1 and Chapter 16 of Title 32 of the Louisiana Revised Statutes.

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**ARTICLE III
SOLID WASTE MANAGEMENT FACILITIES**

SEC. 9-017.00 Solid Waste Management Facilities and Non-Processing Transfer Stations

The objective of this section shall be to establish better, more effective licensing requirements for solid waste management facilities and more efficient monitoring by the Department. Thus, the licensee shall be responsible for all DEQ requirements (*inter alia*, the Louisiana Solid Waste Operator and Certification Program Act R.S. 37:3151 et seq.) and licenses and compliance with all the provisions of this Chapter.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994).

No licensee shall operate any solid waste management activity or facility, or dispose of, or permit to be disposed, any solid wastes in a manner so as to degrade the soil, air, or waters of the Parish. Any licensee who causes any degradation of the soil, air, or waters of the Parish shall undertake whatever action is necessary to correct the degradation and restore said soil, air, or waters to its condition prior to its degradation. (ERC, Title 33, Part VII, Subpart 1, Chapter 3, Section 315, (P) and (L))

This Chapter shall not apply to solid waste management facilities located within incorporated areas of the Parish.

The licensee shall be responsible for facilitating all environmental monitoring, including but not limited to water, soil, and landfill gases, which are required by this ordinance or the license conditions for the applicable solid waste management activity or facility, but not to exceed or duplicate any and all DEQ requirements.

SEC. 9-018.00 Additional License Requirements

Unless otherwise provided by this Chapter, no person shall cause, permit or allow real or personal property under their control to be used for solid waste management purposes, except at an operation for which a license has been granted by the Department. The procedures for license issuance, denial, variance, revocation, suspension, renewal, administration, and fees shall be governed by this Chapter.

Licensee. For applicable solid waste management activities or facilities a license shall be issued to the landowner, facility owner, and facility operator or other persons responsible for compliance with the requirements of this ordinance.

License Term. Unless otherwise provided by the St. Tammany Parish Government, each license

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granted pursuant to the provisions of this ordinance shall be for a period of not more than one (1) year, unless earlier suspended or revoked. The license period for solid waste management activities or facilities shall be from the date of issuance until December 31 for initial licenses and from January 1 - December 31, a period of one (1) year, for license renewals. **In regards to Solid Waste Management Facilities, Solid Waste Disposal and Diversion, Solid Waste Transfer Stations, Process and Non-Process Transfer Stations; these types of facilities shall be licensed for a period of not more than (2) two years for a temporary permit and not more than (5) five years for a standard permit.**

Notwithstanding, all solid waste management activities or facilities shall submit an annual report containing information, data, plans, and reports as required by the Department for the specific solid waste management activity or facility.

SEC. 9-019.00 Application and Fees

Application and Fees. An applicant for a license to engage in a solid waste management activity shall complete and submit to the Department an application on a form provided by the Department. The application shall not be considered complete until the Department receives all applicable fees, all material required by this section, and all materials required by subsequent sections applying to the specific management activity for which a license is sought. Applicants for a solid waste management activity or facility license shall not commence any operation or engage in any activity until the license application has been approved by the Department; nor shall any operation commence until a license is issued. Application fees shall be established by ordinance.

Those persons and/or entities currently, as of November 2, 2006, engaged in any solid waste activity when this ordinance was adopted have sixty (60) days from November 2, 2006, to file for a permit.

Written Application. A person who requests the issuance, modification, or renewal of a solid waste management activity license shall complete, sign, and submit to the Department a written application.

The application shall contain the following non-exclusive list of requirements:

- A. The name, address and telephone number of the facility owner, facility operator, and landowner of the proposed solid waste management activity or facility for which the application is submitted.
- B. The name, address and telephone number of the person who prepared the application.
- C. A description including the location of the solid waste management activity or facility.
- D. A general description of the wastes to be stored, processed, or disposed of; anticipated

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quantity of wastes to be stored, processed, or disposed of; and proposed methods for managing the wastes.

- E. A general description of the proposed methods for managing run-off and run-on.
- F. A topographic map, or other map if a topographic map is unavailable, that shows the proposed solid waste management activity or facility and the area surrounding it for a distance of at least one mile in all directions. The map must be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads, areas for retention of surface water runoff and other applicable details as determined by the Department. Wells must be identified on the map. An analysis or characterization of the waste may be required by the Department. A topographic map, or other map if a topographic map is unavailable, is only required if an applicant is applying for solid Waste Disposal and Diversion license.
- G. Written proof that the municipal or township governing body in which said solid waste management activity or facility is located has considered the establishment of the solid waste management activity or facility with respect to zoning, impact on township/municipal roads and other applicable regulations.
- H. Where applicable, copies of insurance, inspections and haulers information (e.g., driver's license, driving record) and service records for all transportation vehicles.
- I. Notification of any and all DEQ and/or Agency violations within three (3) years prior to submittal.
- J. The facility must comply with the perimeter barrier and security requirements in ~~LAC 33:VII.719.B.1.a, b and c, and with the buffer zone requirements in LAC 33:VII.719.B.2.~~ **LAC 33: VII. 717. B., 3., A., B. As well as St. Tammany Parish Ordinance SEC 9-039.00, A.5. and B.1.**
- K. Demonstrate that an emergency action plan has been produced that contains, but is not limited to, the following: method to communicate with customers during extreme weather events (i.e., floods, hurricanes) so that waste is not allowed to be placed curbside or to accumulate and alternate disposal sites in case their primary site is temporarily or permanently closed and/or inaccessible so that waste does not accumulate.
- L. Requirements of the application may be modified or amended as needed by the Department.
- M. Licenses shall be issued on the basis of anticipated performance of the licensee as gauged from the information furnished on the application. Licenses may be revoked at any time for cause, including, but not limited to, failure to perform under provisions of this article, violation of any term of the license, misrepresentation of failure to**

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disclose any material fact required by this article.

Signatures. A license application must be signed as follows:

- A. By the solid waste management activity or facility owner, landowner, and operator.
- B. By a Louisiana registered engineer when a firm prepares the necessary reports and plans for a solid waste management activity or facility license.

Certification. A person who signs a license application shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.”

Application Review. Within thirty (30) days of receipt by the Department of a license application for a solid waste facility or activity, the Department shall notify the applicant in writing whether the application is complete and if not, what items are needed to make it complete, and shall give an estimate for the delay, in writing. Submission of false information may constitute grounds for denying a license or license renewal, or suspension by revocation of an issued license.

Other Waste Facilities. Any solid waste management site, facility, or activity not otherwise provided for in this ordinance must be licensed or exempted from licensure by the Department and/or DEQ prior to construction or operation. (ERC Title 33, Part VII, Subpart I, Section 313)

Additional or Unnecessary Data. The applicant must submit reasonable additional data requested by the Department. The Department may waive a requirement for submitting certain information if such a waiver will not endanger the health or safety of the public.

SEC. 9-020.00 License Conditions

License Conditions. The Department may impose conditions on any approvals or licenses that are issued by the Department that may be necessary due to the characteristics of the waste, facility specific conditions or other non-typical management characteristics or conditions pertinent to the regulated solid waste management activity or facility, in order to protect public health, safety, or the environment or as otherwise provided by law.

Change in Facility Construction Activities or Materials Accepted. No change within the parameters of the facility's license and permit shall be made in the construction activities or materials accepted at a solid waste management activity or facility unless such change is first approved by the

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Department, DEQ and the Agency.

Financial Assurance-Contingency Action and Closure. Unless otherwise provided by the Department, issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the Department, financial assurance, in an amount to be set by the Parish Government, and naming the Parish as obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Louisiana as sureties. The condition of such financial assurance shall be that if the licensee fails to obey any of the requirements or do any of the acts required by this ordinance in the operation of the solid waste management activity or facility, or if, for any reason, ceases to operate or abandons the solid waste management activity or facility, and the Parish is required to expend any monies or expend any labor or material to restore the solid waste management activity or facility to the condition and requirements as provided by the ordinance, the obligor and the sureties on its financial assurance shall reimburse the Parish for any and all expenses incurred to remedy the failure of the principle to comply with the terms of the ordinance, and the obligor and its sureties will indemnify and save the Parish harmless from all losses, costs and charges that may occur to the Parish because of any defaults of the obligor under the terms of their license to operate and the ordinances of the Parish. The financial assurance shall be subject to cancellation by the surety at any time only upon giving ninety (90) days prior written notice of cancellation to the Department. The Department may waive the financial assurance requirement should licensee provide the Department with proof of financial assurance required by the State of Louisiana for the operation of the activity or facility and said financial assurance meets Department requirements. The Department reserves the right to require licensee to name the Parish as an obligee on said financial assurance.

The Department is specifically vested with the discretion to evaluate business operations and performance of any licensed party at any time.

The Department is specifically vested with the discretion to evaluate business operations and performance of any applicant for licensure.

The Department, at its sole discretion, may waive the financial assurance requirements under this section if the applicant, owner, or operator demonstrates to the satisfaction of the Parish that financial assurance is being provided to and has been approved by the Parish for the subject solid waste activity or facility and shall address site specific requirements as set by the Parish.(ERC, Title 33, Part VII, Subpart 1, Chapter 3, Section 315, No. 4)

Insurance. An applicant shall furnish to the Parish certificates of insurance in the amount of \$1,000,000.00 of general liability insurance, issued by an insurer duly licensed within the State of Louisiana. The Parish reserves the right to require additional certificates of insurance issued by insurers duly licensed within the State of Louisiana in types and amounts to be established by the Parish based on the type of said solid waste activity or facility under consideration. The licensee shall provide thirty (30) days written notice to the Department should any insurance policy be canceled before the expiration date of said policy.

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Continuation of Expired License. A person and/or entity who holds an expired license and who has submitted a timely and complete application for reissuance of the license may continue to conduct the licensed solid waste management activity until the Department takes action on the application if the Department determines that there is compliance with the following non-exclusive criteria:

- A. The licensee is in compliance with the terms and conditions of the expired license and the St. Tammany Parish Solid Waste Management Ordinance; or
- B. The Department, through no fault of the licensee, has not taken action of the application on or before the expiration date of the license; or
- C. The licensee is deemed responsible as unilaterally determined by the Department; or
- D. The licensee is deemed responsive to Department orders, as unilaterally determined by the Department.

Unless otherwise provided for in this ordinance, applicants, owners, and operators of proposed or licensed solid waste management activities or facilities shall comply with Title 33, Part VII *et seq.* of the *Environmental Regulatory Code* (ERC). The Department may waive certain requirements provided said waiver will not endanger the environment or the safety or health of the public.

The Department may issue owners or operators of the following solid waste management facilities or activities a St. Tammany Solid Waste Management License upon notification of the proposed activity.

A general solid waste management license will remain valid only so long as the facility or activity is in compliance with applicable Louisiana Statutes, Solid Waste Management Rules, and the St. Tammany Parish Solid Waste Management Ordinance.

A solid waste management owner/operator eligible for consideration under this section shall, upon request by the Department, submit a form provided by the Department notifying the Department of its proposed activity. (ERC Title 33, Part VII, Subpart 1, Chapter 5, Section 503-A)

Any and all permittees found not to be in compliance with any section of this or any other applicable Parish ordinances shall be penalized for each and every offense in accordance with Article VII, Section 1, Enforcement and Penalties.

**ARTICLE IV
COLLECTION AND STORAGE**

SEC. 9-025.00 Solid Waste Collection and Storage

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Solid Waste Accumulation. Except as otherwise allowed by this ordinance, owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulation.

Nothing in this subsection shall unreasonably restrict commonly accepted activities of farms and duly established automobile, scrap iron, metal recyclers, or salvage operations that maintain such operations in an orderly and nuisance free manner.

Storage Facilities and Containers Required. Every residential property owner shall have adequate solid waste storage facilities or containers. Only those items (i.e., white goods, tree limbs) larger than a standard sized facility of container shall be allowed to be placed loosely or upon the ground prior to collection. Those items requiring special handling shall be placed adjacent to the service area, but not in the street, so as to block the flow of traffic.

Waste Materials too Large for Containers. Waste objects too large or otherwise unsuitable for storage containers shall be stored in a pollution and nuisance free manner.

Provided Facilities Required to be used. Property owners shall cause occupants and employees to store solid waste for removal in the solid waste storage facilities or containers provided by said property owner or by Licensee if a commercial customer. The property owner shall not permit solid waste to be placed in locations or in a manner that the solid waste may be scattered by wind, water, animals, or insects.

Frequency of Container Service. Every property owner shall cause container contents to be removed and deposited at a permitted disposal facility at a frequency so as to not create a nuisance. Solid waste shall not be stored on public or private property for more than two (2) weeks without the written approval of the Department. Solid wastes suitable and stored for recycling may be contained if stored in an acceptable manner that avoids risk to public safety and otherwise complies with this ordinance.

Storage Construction. All solid waste storage containers shall be constructed of rust and impact resistant materials with covers that deter rodent and insect entry. The containers shall be equipped with tight-fitting covers that shield the container from the entrance of precipitation, rodents, insects, and vermin.

- A. As described in Volume 42, No. 113, pages 30296 to 30302 of the *Federal Register*, Refuse Bins having an internal volume of one (1) cubic yard or greater shall be constructed or retrofitted to meet American National Standards Institute (ANSI) Standard (Z 245.3-1077) for the Stability of Refuse Bins.
- B. Single use containers not meeting the above requirements may be used for Yard Waste provided the container is:

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1. Constructed of moisture resistant materials
2. Adequately designed to contain the waste.
3. Closed to resist the entrance of water.
4. Loaded no more than fifty-five (55) pounds.
5. Strong enough to allow collection and loading by hand.

Container Maintenance. Solid waste containers shall be maintained in a nuisance free condition by the owner. When supplied by a property owner or commercial hauler, the containers shall be maintained in good repair.

Container Compliance:

- A. Any commercial hauler finding solid waste containers in use that appear not to be in compliance with this ordinance shall report the container's location to the Department.
- B. The Department shall investigate complaints about solid waste containers and if the container is found not in compliance a notice shall be attached to the container as provided in this section. If the Department does not investigate the complaint, the Department shall mail to the container's owner a notice that a complaint was received regarding the container. The notice shall describe this ordinance's requirements for a solid waste container. The owner shall report their actions to the Department within ten (10) days of the notice date regarding the corrections they have made. If the owner does not make this report to the Department within ten (10) days, the Department shall proceed with an investigation. If the container is found to be in violation of this ordinance, a notice shall be attached to the container stating substantially as follows:

NOTICE: This solid waste container does not comply with the St. Tammany Parish Government Solid Waste Ordinance and this container shall be removed by the owner within ten (10) calendar days. The licensed solid waste hauler who services this property is hereby ordered by the St. Tammany Parish Department of Environmental Services not to empty this container.

SIGNED BY: _____ on behalf of the St. Tammany Parish Department of Environmental Services.

DATE OF NOTICE: _____

WARNING: This notice shall not be removed except by action of the St. Tammany Parish Department of Environmental Services.

- C. The notice attached to the container shall not be removed except by action of the Department.
- D. Any public costs associated with investigation and removal of the container may be charged

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as a fee to the owner of the container or as an assessment against the property as provided by law.

SEC. 9-026.00 Transfer of Solid Waste

Transfer of Solid Waste. Solid waste shall not be transferred to another property or solid waste container except with the written consent of the owner, or under contract of services between said owner and a licensed hauler.

SEC. 9-027.00 Solid Waste Burning Prohibited

Solid Waste Burning Prohibited. The burning of solid waste shall be prohibited except as allowed at a permitted solid waste facility.

SEC. 9-028.00 Hazardous Waste Storage

Hazardous Waste Storage. Hazardous wastes shall be stored in leak-proof containers which are adequately labeled, in a safe location and in compliance with the regulations of Federal, State and Local Governments, and their regulatory agencies.

**ARTICLE V
SOLID WASTE HAULING AND TRANSFER**

~~**SEC. 9-036.00 Mixed Municipal Solid Waste and Solid Waste Hauling and Transfer**~~

~~No person or entity may collect waste for hire without a license from the Department.~~

~~*Applicability.* This section shall apply to all persons and/or entities seeking a license to collect and transport mixed municipal solid waste and/or solid waste, at the point of generation or that transfer or otherwise transport solid waste to a disposal or processing facility.~~

SEC. 9-036.00 Municipal Solid Waste Hauling and Transfer

No person or entity may collect municipal solid waste for hire without a license from the Department of Environmental Services.

***Applicability.* This section shall only apply to all persons and/or entities seeking a license to collect and transport municipal solid waste, at the point of generation or that transfer or otherwise transport municipal solid waste to a licensed disposal or processing facility. In addition, this section shall only apply to the unincorporated areas of the Parish.**

SEC. 9-036.01 Commercial Solid Waste Hauling and Transfer

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No person, entity or corporation may collect commercial solid waste for hire without a license from the Department of Environmental Services.

Applicability. This section shall only apply to all persons, entities and/or corporations seeking a license to collect and transport commercial solid waste, at the point of generation or that transfer or otherwise transport commercial solid waste to a licensed disposal or processing facility. In addition, this section shall only apply to the unincorporated areas of the Parish.

SEC. 9-037.00 Additional Licensing Requirements

Additional Licensing Requirements. In addition to the applicable requirements as stated above, an applicant shall also submit the following non-exclusive information:

- A. A list of all vehicles, including satellite vehicles, to be used for waste collection and transportation, specifying make, model and year for each vehicle; each vehicle's rated capacity, tare weight, license plate number, state issued registration number, copy of all relevant State and/or Parish inspection decals, including but not limited to brake inspection certifications, and the designated facility number exclusively issued for that specific vehicle. Any vehicle and/or trailer and/or other hauling device employed by the licensee must separately and collectively meet all requirements specified herein, including but not limited to weight limitations and State and Parish inspection requirements. It is the responsibility of the licensee to maintain all their equipment, hauling devices and vehicles in a safe, non-hazardous manner that does not endanger the public nor the environment.
- B. The total number of commercial accounts in the Parish, the total number of residential accounts in the Parish, the days of the week waste is collected for each city and township or subdivision or any other residential dwelling in the Parish.
- C. A description of the company's recycling and other waste abatement activities.
- D. Certificate(s) of insurance as may be required by the Department.
- E. Any and all additional information pertaining to waste management requested by the Department, if deemed necessary, including but not limited to a copy of the operator(s) license and driving records for the past three (3) years; emergency management and/or spill remediation plan; and OSHA compliance assessments.

SEC. 9-038.00 Equipment and Operation Requirements

Equipment and Operation Requirements.

- A. Each vehicle or other conveyance used by a hauler for the collection or transportation of waste shall be easily cleanable, leak-proof, and be covered with metal, canvas, a fish-net type

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material made for this purpose so long as such covering does not permit nuisances or debris or liquid from falling, blowing or otherwise exiting the vehicle until disposal.

Modifications to any vehicle, trailer or other hauling device beyond the manufacturer's specification must be approved by the Department prior to such modifications by the licensee.

In the case of a modified truck or trailer, no such approval will be granted unless said licensee or proposed hauler alters or modifies an existing truck beyond the manufacturer's safety specifications, or if such alterations or modifications endanger public safety or the environment. ~~Therefore, no truck or trailer will be allowed to be permitted if said truck's or trailers altered or modified sidewalls (used to contain solid waste) are more than (3) times taller than the height of the truck, but in no case shall exceed ten (10) feet in height.~~

The following shall be applicable to Class "A" Transportation/Conveyance Vehicles:

Therefore, No truck or trailer will receive a DES license if said truck or trailer being altered or modified has pliable sidewalls (used to contain solid waste) that are flimsy in design and fail to enclose all solid waste being stored or transported on any roadway within the Parish. Such design and modification shall be constructed of enclosed heavy gauged diamond expanded metal mesh sidewalls, front and rear walls and roof. The rear wall shall have an open door or double door design that is easily closed and opened during daily operation as well as at least one sidewall with an open door access. All doors shall be securely closed and locked before entering onto any roadway within the Parish to prevent any nuisance or debris from falling, blowing or otherwise exiting the vehicle until reaching the disposal facility. This box, cage or container shall not be larger than (7) feet wide, by (7) seven feet tall, extending from the truck or trailer frame upward (not exceed (10) total feet from the pavement to the top of box, cage or container rail) and not longer than (17) seventeen feet long from rear of truck cab to rear bumper. This box, cage, container or conveyance shall not store, hold or contain more than 5,500 lbs. of trash, debris or solid waste. The base of this box, cage or container shall be constructed of solid metal plate or reinforced fiberglass that shall be leak proof by means of a rubber seal fastened, attached or affixed by any means necessary at the juncture where the inner walls and base meet to prevent any liquid from falling, leaking or exiting the vehicle. All equipment shall be cleaned at least once per week or at other appropriate and regular scheduled intervals to prevent the build up of nuisance hazardous pollution, scum deposits and unhealthy foreign matter from falling onto public roads and/or infecting the general population. Vehicles, containers and conveyances shall be maintained in good repair.

Regardless of any and all modifications to either the trucks or the trailer, any and all responsible safety precautions must be employed by said licensee, such as ensuring that the altered or modified sidewalls are properly anchored or secured to minimize potential harm to employees, the public, and to avoid spills.

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All alterations and/or modification beyond manufactured specifications must meet the requirements of this ordinance.

Vehicle bodies or other conveyances used for the collection and transportation of garbage, rubbish or any other solid waste materials containing putrescible matter shall be enclosed, weather tight, leak proof, constructed of durable metal and/or other approved acceptable material, and easily cleanable.

All solid waste collection equipment, vehicles and conveyances must meet State Department of Transportation and Development and State Department of Environmental Quality minimum standards for solid waste collection. Additionally, each service provider must possess or show proof of application for a Louisiana Department of Environmental Quality permit number.

B. Decals may be issued by the Department for each licensed vehicle or conveyance; these shall be displayed in a conspicuous place on the left side of the cab. Designated facility numbers shall be displayed as directed by the designated facility. The licensee must maintain all decals, labeling, and license plates so that they are readily visible and legible at all times. The licensed hauler shall contact the Department by telephone or in writing if it finds it necessary to use a vehicle other than one included in its original or amended license application.

~~C. The business name and telephone number of the licensee shall be easily visible and be printed or painted in legible characters on both sides of all vehicles, containers, and conveyances used by the hauler to store, collect, or transport waste generated within the Parish.~~

C. The business name and telephone number of the licensee shall be easily visible and be proficiently printed or painted (magnetic decal sign acceptable) in bold legible characters minimum height of three (3) inches and in proportional width. Lettering shall be done in color which will contrast sharply with the background upon which it is painted and shall be placed in such a position on both sides of all vehicles, containers and conveyances used by the waste hauler to store, collect or transport waste generated within the Parish, as to be easily seen by anyone wishing to identify the ownership of said vehicle. These markings shall be kept clean, clear and distinct at all times.

~~D. The Department may inspect and approve all waste storage, collection, and transportation containers, vehicles, and conveyances if deemed necessary by the Department to protect public health, safety, or the environment.~~

D. The Department may inspect and approve all waste storage, collection and transportation containers, vehicles and conveyances if deemed necessary by the Department to protect public health, safety and the environment. Any new applicant must present his vehicle at the time of initial application for permit and each renewal date thereafter to the Department of Environmental Services for inspection. Each vehicle must meet all existing

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regulatory requirements imposed on any such vehicle by any federal, state and/or local governing body.

E. The licensee shall not allow waste to remain or be stored in any collection or transportation vehicle in excess of forty-eight (48) hours, except in the event of an emergency such as inclement weather, equipment breakdown, or accident. The Department may approve storage for greater than forty-eight (48) hours, on a case-by-case basis, for reasons other than emergencies, provided such storage will not adversely affect public health, safety, or the environment.

F. The licensee shall be responsible for the cleanup of any waste that must be discharged from a licensed hauling vehicle in an emergency. The licensee shall cleanup said litter or waste within forty-eight (48) hours of the occurrence. An emergency management and spill remediation plan must be provided to the Department.

G. The licensee shall not impose a greater charge on residents who recycle and/or engage in composting than on residents who do not recycle and/or engage in composting.

SEC. 9-039.00 Pick-Up and Transfer Stations Non-Processing Transfer Stations

Pick-Up and Transfer Stations Non-Processing Transfer Stations. **If the DEQ requires that a license and/or permit shall first be obtained from the DEQ and the Department to construct, establish, maintain, or operate a pick-up and/or non-processing transfer station, the applicable license and/or permit shall first be obtained from the DEQ. The application to the Department will not be processed or approved until the license and/or permit required by the DEQ has been obtained, and The permit fee, which shall accompany the permit application, shall be set by resolution of the St. Tammany Parish Government, shall accompany the permit application. Said license shall meet all DEQ requirements and sections of this ordinance. The application must meet the following requirements and all other rules, regulations and ordinances determined to be applicable thereto.**

A. The following information shall be submitted as part of the application. If any of the following information is also required by the DEQ as part of its **Pick-Up and/or Non-Processing** Transfer Station permitting process, then the Department shall accept said information as a sufficient substitute.

1. The application for the license shall contain a site-plot plan, engineering plans, and an operational report.
2. The site-plot plan shall have a scale of one inch equal to not more than fifty (50) feet and have a vertical contour interval not greater than five (5) feet. The site-plot plan shall include all land within 1,000 feet of property of the proposed facility. The following shall be included as a minimum:

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- a. Location, size and ownership of the land upon which the station will operate.
 - b. City and/or township boundaries.
 - c. North arrow, section line, section number.
 - d. Water of the State, flood plains and flood ways.
 - e. Land use and zoning within a 1,000 foot radius of the property lines.
 - f. Adjacent residences and property ownership.
 - g. Roads and railroads.
3. The following engineering plans shall include as a minimum:
- a. Roads, screening, fencing gates, dimensions of buildings, dimensions of storage areas, loading and unloading zones, location of existing utilities.
 - b. Dikes, berms, walls, dividers.
 - c. The Department may request a report on the subsurface condition at the proposed facility. The department may request data that is adequate to indicate suitable soils, geological and groundwater information at the site. The above data will be detailed on cross sections, the location of which will be indicated on the site plan.
4. The operations report shall include as a minimum:
- a. Complete plans and specifications, proposed operating procedures for the transfer station, place of ultimate disposal and equipment to be used.
 - b. The composition, thickness, preparation or compaction of the impervious lines, if used.
 - c. The name of the local fire department. Describe the arrangements that have been made and will be made with the local fire department to ensure the safety of fire response personnel and to minimize pollution which might otherwise occur as a result of fire or firefighting efforts.
- 5. Owner / Operators shall provide advanced written notice, at least 60 days prior to construction, to the Parish governing authority whose jurisdiction may be affected, of the intent to operate a non-processing transfer station or other type of facility for the offloading and/or transloading of solid waste destined for disposal.**
- 6. 5. New facilities that do not have a building permit and site plan approved prior to the adoption of Ordinance Calendar No. 4485 shall comply with the buffer, set back and all other applicable requirements of the zoning district in which the facility is to be located. New facilities in which construction has commenced after June 20, 2007, shall comply with a buffer zone requirement of not less than 500 feet between the non-processing facility structure and the property line. A reduction in the buffer zone requirement shall be allowed only with permission.**

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~~in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 500 feet from the facility structure. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the Parish in which the landowners' properties are located. The affidavit(s) shall be maintained with the records of the facility. No storage of solid waste shall occur within a facility's buffer zone.~~

- B. The following shall be established and maintained at the ~~pick-up and/or~~ **non-processing** transfer station site:
1. A sign, subject to the approval of the Department, shall be posted on the premises indicating the station name, the schedule of days and hours it is open to the public and prices for use. **The facility shall have control measures that prevent unauthorized ingress or egress. During operating hours, each facility entry point shall be continuously monitored, manned, or locked. During non-operating hours, each facility entry point shall be locked.**
 2. Roads on the premises shall be all-weather surfaced. The premises shall be constructed and landscaped in such a manner as to be aesthetically pleasing in appearance. **Each tipping area shall be constructed and operated to prevent litter (e.g., solid waste and leachate) from leaving the tipping area. This area shall be constructed of sufficiently low permeable material (i.e., concrete or asphalt) to prevent soil and groundwater contamination.**
 3. Adequate sanitary facilities and shelter for personnel shall be provided on the premises.
 4. Records approved by the Department shall be maintained indicating the type and quantity of solid waste passing through the ~~pick-up and/or~~ **non-processing** transfer station. **All facility records shall be maintained and available for inspection within 24 hours of request. These records shall be maintained for the life of the facility and shall be retained for at least three years after closure.**
 5. The operator of the facility shall implement an inventory system and segregation procedure sufficient to enable identification of the sources of all containers in storage at any time.
 6. The ~~pick-up and/or~~ **non-processing** transfer station shall be so equipped, situated, operated and maintained so as to minimize interference with other activities in the area.
- C. A **non-processing** transfer station permittee shall comply with the following regulations:

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1. The permittee shall wash and clean the station at the end of each day of use. **The non-processing transfer station shall be cleaned daily at the end of each day by an appropriate method to minimize odors and nuisance conditions.**
2. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
3. All incoming and outgoing traffic shall be controlled by the licensee in such a manner as to provide orderly and safe entrance and exit. **The facility shall maintain site access roads or waterways in a manner that shall meet the demands of the facility and is designed to avoid, to the extent practicable, congestion, sharp turns, obstructions, or other hazards conducive to accidents. The surface roadways shall be adequate to withstand the weight of transportation vehicles.**
4. No alterations or additions to the disposal system will be made without the written consent of the Department. **The owner / operator of a non-processing transfer station may construct a drop-off area at the non-processing transfer station site such that certain activities can be conducted. No industrial waste shall be accepted, and materials shall be managed in accordance with SEC. 9-039.00, and Subsections A, B, and C of this Section. These areas are intended for the use of commercial facilities and residential solid waste. These drop-off areas shall be constructed by means of a commercial steel or metal warehouse type building with concrete floors to prevent any solid waste or residual leakage from solid waste to enter the soil or groundwater. There shall be a preventive drainage system in place to capture any nuisance liquid run off. No commercial or residential solid waste or remnants thereof will be placed, stored, or allowed to come in contact with the soil, earth, dirt, gravel or groundwater. Collection and storage of the following wastes are allowed, provided it does not become a nuisance, a health hazard, or a detriment to the environment as determined by the administrative authority:**
 1. **white goods;**
 2. **presorted yard trash; or**
 3. **household recyclable materials.**
5. Records approved by the Department shall be maintained indicating the type and quantity of waste passing through the pick-up and/or **non-processing** transfer station. Each quarter the licensee shall submit reports indicating the type and quantity of waste passing through the transfer station to the Department.
6. All unloading of solid wastes from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the station. **Odors shall be controlled by the best practicable means. The non-processing transfer station**

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shall be cleaned daily by an appropriate method to minimize odors and nuisance conditions.

7. Solid wastes shall not remain in the pick-up and/or **non-processing** transfer station longer than forty-eight (48) hours.
8. No processing or disposal shall occur at a Non-Processing Transfer Station.
9. Discharges from the facility shall be controlled and shall conform to all applicable State and Federal laws.
10. The building wherein the transfer occurs must be capable of being fully enclosed.
11. All doorways (entrance and exits for vehicles and personnel) must be closed when not in active use and must be closed when the station is not in operation.
12. All streets and roadways within the property must be hard surfaced (paved).
13. The station must have an independent licensed pest control service under contract. The contract must provide for biweekly inspections and treatment for rodent and insect control as required.
14. The station property must have a no-cut buffer along all abutting property lines, which shall be no less than one hundred (100') feet. comply with the buffer and setback requirements provided for in the Unified Development Code–Volume I (Zoning), Section 5.36 SWM-1 Solid Waste Management District.
15. There shall be a buffer zone separating the waste transfer structure from:
 - A) Residential property lines of not less than 500'.
 - B) Commercial property lines of not less than 250'.
 - C) Industrial property lines of not less than 200'.
15. The property must be fully enclosed with a fence of not less than 8' high. The gate shall be closed and locked at all times when the station is not in operation to prevent unauthorized ingress. The facility must have control measures that prevent unauthorized ingress or egress during business hours.
16. There should be no access to the general public except during hours of normal operation. Such access must be monitored and controlled at all times, with adequate safeguards provided to prevent accidents, injury and the intentional or unintentional discard of waste and litter outside the transfer building.

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17. All transfer operations and vehicle wash down must take place within the building designated for that purpose.
18. At least one employee shall be onsite during operating hours, which employee shall be responsible for ensuring that the site is kept clean, free of litter and to wash down the transfer building on a daily basis.
19. A containment system shall be installed and maintained to contain all wash down water and prevent runoff.
20. The hours of operation shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Saturday.
21. There shall be no processing, sorting or recycling of garbage on site.
22. All collection and transport vehicles must be secured in a manner that will prevent any material, solid or liquid, from leaving the vehicle while the vehicle is in motion.
23. The Department of Engineering shall determine if a formal Traffic Impact Analysis is required.
24. All collection and transport vehicle may be parked outside the transfer building overnight only after being thoroughly washed down.

ARTICLE VI
DISPOSAL AND DIVERSION

SEC. 9-043.00 Solid Waste Disposal and Diversion

It is unlawful to operate a solid waste landfill, recycling facility, composting facility, construction and demolition debris landfill and/or co-composting facility without first obtaining a DEQ permit pursuant to Title 33 of *Environmental Regulatory Code*, Part VII, and a St. Tammany Solid Waste Management License. **It shall also be unlawful to operate any facility that requires a license or permit to be issued by the Department of Environmental Services without first obtaining the required license or permit.**

The Department shall encourage lawful and sustainable waste diversion techniques (e.g., recycling, composting) where economically viable and publicly supported.

☆ **Any facility that is required to obtain a license or permit from the Department of Environmental Services, including a recycling facility, composting facility, construction and**

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demolition debris landfill and/or co-composting facility **shall file a** license application ~~shall~~ **that** meets all ~~said~~ **of the** DEQ permit requirements along with the following:

- A. A current map or an aerial photograph of the area showing the land use and zoning within one-quarter (1/4) mile of the facility. A location inset map shall be included.
- B. A plot plan including the legal description of the site of the facility; a description of the immediate adjacent area showing dimensions, present and planned pertinent features, including but not limited to roads, buildings, fencing and other applicable details; and the general topography. The scale of the plot plan shall not be greater than two hundred (200) feet per inch.
- C. A report shall accompany the plans indicating:
 - 1. Area of the site in acres;
 - 2. Owner of the site and proposed permittee;
 - 3. Individuals responsible for actual operation and maintenance of the recycling facility and attending operating procedures;
 - 4. Sanitary landfill or other waste facility where any residue will be transferred, the owner, hours of operation and DEQ permit number;
 - 5. Type and amount of equipment to be provided for the operation of the recycling facility;
 - 6. Population and geographical areas to be served by the proposed facility;
 - 7. An estimate of materials to be delivered to the facility;
 - 8. Proposed storage capacity on-site;
 - 9. Proposed marketing plan for materials;
 - 10. Proposed access routes within a one (1) mile radius of the proposed facility;
 - 11. As recommended by the Department, suitable soils, geologic and groundwater information will be submitted;
 - 12. Local government approval of the facility site;
 - 13. Storm water management plan; and
 - 14. Emergency management plan, especially in case of a fire.
- D. Where applicable, a DEQ approved permit.
- E. Any and all other information required by **any applicable provision of this Chapter and** the Department.

SEC. 9-044.00 Operating Requirements

Operating Requirements. The following shall be established and maintained at the recycling facility site:

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- A. A sign, subject to the approval of the Department, shall be posted on the premises indicating the facility name, schedule of days and hours it is open to the public, and prices for use.
- B. Records approved by the Department shall be maintained indicating the type and quantity of materials passing through the facility.
- C. The facility shall be so situated, equipped, operated and maintained so as to limit interference with other activities in the area.
- D. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
- E. All incoming and outgoing traffic shall be controlled by the permittee in such a manner as to provide orderly and safe ingress and egress.
- F. All unloading of materials from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside of the facility.
- G. Such other regulations as may be established by the St. Tammany Parish Government and/or the Department in order to protect the health, safety and welfare of the public and the environment.
- H. All processing shall occur in an enclosed area, or in a manner that reduces the possibility of nuisances and/or vectors.

(St. Tammany Parish Ord. No. 06-1417, adopted 11/02/2006) (ERC, Title 33, Part VII, Subpart 2, Chapter 103)

**ARTICLE VII
SPECIAL ISSUES**

SEC. 9-050.00 Scavenging, Waste Tires and White Goods

The scavenging or removal of recoverable or recyclable materials from any facility or container, including but not limited to residential containers, in St. Tammany Parish without the written consent of the owner or operator shall be prohibited.

The disposal of waste tires in the land is prohibited. This does not prohibit the storage of unprocessed waste tires at a collection or a processing facility. Waste tires shall be managed in full compliance with the provisions of this ordinance regardless of number. Waste tire management shall include, but is not limited to, the generation, collection, storage, transportation, processing, reuse, recycling, incineration and/or disposal of waste tires, either whole or in part. Waste tires shall be disposed of according to the requirements of Title 33, Part VII, Chapter 105 of the *Environmental*

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Regulatory Code (ERC).

A person and/or entity may not place major appliances, or “white goods” in mixed municipal solid waste, or dispose of major appliances, or “white goods” in or on the land. It is further prohibited to store or abandon junk, wrecked or used automobiles, or motor vehicles, or any other junk, discarded or abandoned machinery of metal, tin or other discarded items on a lot of any subdivision approved by the ~~Police Jury~~ **Parish** for residential use, or on any neutral ground, alley, sidewalk space or roadway within the unincorporated areas of the Parish. (Ord. No. 496, Bk. 6, P. 459).

A person and/or entity may not place batteries and/or fluorescent lights in mixed municipal solid waste, or dispose of batteries and/or fluorescent lights in or on the land.

A yard waste compost site not exceeding three hundred (300) cubic feet in size may be allowed on a land parcel without a permit or license under this ordinance if the site is properly managed to prevent nuisance or health and safety problems. Said compost site may utilize grass clippings, leaves, and brush limbs. No household shall make a nuisance of their yard waste compost site regardless of size.

SEC. 9-051.00 Landfill

Landfill. Any and all landfill facilities must comply with Title 33, Part VII, Chapter 7, Subchapter B, §711 of the *Environmental Regulatory Code (ERC)*.

SEC. 9-052.00 Unauthorized Dumping

Unauthorized Dumping. It shall be a violation of this ordinance for any person and/or entity to dispose of solid waste collected within St. Tammany Parish at any place, regardless of location, except at a Subtitle D- Landfill site or facility authorized by this ordinance and/or DEQ.

SEC. 9-053.00 Unlicensed Open Dumps

Unlicensed Open Dumps. It shall be a violation of this ordinance for any person to operate an open dump. Waste placed in open dumps or illegally disposed of shall be collected and transported to a licensed waste facility for proper disposal by the property owner or other person(s) determined by the Department to be responsible for the illegal activity. The responsible party shall notify the Department at least forty-eight (48) hours prior to commencement of excavation/removal activity at the subject site. A receipt or other documentation approved by the Department, which indicates satisfactory and legal disposal of the subject solid waste shall be submitted to the Department no later than fourteen (14) days after disposal. Any licensee that utilizes an unlicensed open dump, even if such material does not originate in St. Tammany Parish, will be subject to the loss of said license for not less than three (3) years. Furthermore, the licensee shall clean up said area within thirty (30) days and shall be subject to a fine of up to ten thousand (\$10,000.00) per incident.”

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SEC. 9-054.00 Open Burning or Illegal Incinerators

Open Burning or Illegal Incinerators. It will be illegal for any entity, corporation, firm, association or individual to burn or release into the air or water of St. Tammany Parish any of said hazardous wastes or by-products. (Ord. No. 82- 502, adopted 12/16/82), except that said activity within the boundaries of St. Tammany Fire Protection District No. 1 shall be governed by Section 14.002.02 hereof. (Ord. No. 91-1412, adopted 03/21/91).

EDITORIAL NOTE: See Section 8-014.00, 8-036.00 of the St. Tammany Parish Code of Ordinances for Fire Protection District No. 1. Non-licensed facilities and haulers in existence on the effective date of this ordinance shall be reported to the Department and conform to the provisions of this ordinance. A record, including a map location of any area used for land disposal and/or service area, shall be filed at the office of the Department. Non-licensed operations shall be terminated within one year of the effective date of this ordinance except as authorized by the Department, or brought into compliance with this ordinance.

The Department will remain mindful of *Areas Of Special Environmental Concern*, which means a flood hazard area or flood plain, wetland, surface or subsurface drinking water source in the Parish. All land below the ten- foot contour line shall be presumed to be a flood hazard area or wetland unless the applicant provides satisfactory proof to the contrary. (Ord. No. 85-381, adopted 14/18/85).

**ARTICLE VIII
ENFORCEMENT, PENALTIES AND FEES**

SEC. 9-060.00 Enforcement and Penalties

Provisions of this ordinance shall be enforced as per law, including but not limited to Section 1-008.00 of the Code of Ordinances of St. Tammany Parish, Louisiana. (Ord. No. 82-502, adopted 12/16/82) and the Administrative Hearing Officer.

Misdemeanor. Any person within the Parish who violates this ordinance, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment of not more than thirty (30) days, or both such fine and imprisonment. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues (Ord. No. 85-381, adopted 04/18/85).

Equitable Relief. In the event a violation exists or there is a threat of violation of this ordinance, the Department, or their designees, may take appropriate actions to enforce this ordinance. Such action may include application for injunctive relief, action to compel performance, including revocation of license or other appropriate action in court if necessary to prevent, restrain, correct, or abate such violations or threatened violations. Such remedies are cumulative in nature.

Civil Action Costs. If a person fails to comply with the provisions of this ordinance, the Parish may

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recover all costs and a reasonable attorney fee incurred for corrective action in a civil action in a civil or administrative action. Such costs and attorney fee, together with any fine or penalty, shall be filed as a lien or mortgage as per law.

Citation. The Department, or their designees, may issue citations for violations of this ordinance. The citation shall be issued to the person charged with the violation, or in the case of a corporation, to the supervisor at the site of the violation or any officer or agency expressly implied authorized to accept such issuance.

Inspection. All property affected by this ordinance shall be subject to inspection by the Department, or their designees, in accordance with this ordinance. No person shall refuse to permit the Department, or their designees, to inspect any premises or interfere with or resist the Department, or their designees, in the discharge of their duty to protect the public health and safety and the protection of the environment.

Abatement. The St. Tammany Parish Government, upon recommendation of the Department, may declare a violation of this ordinance to be a public nuisance and order abatement to be made initially at parish expense. The Department shall present an itemized statement for corrective action expenses to the owner of the real property where such abatement has been conducted. Such expenses for corrective action may also be recovered in civil or administrative action.

It shall be unlawful and a public nuisance for any person to park, drive, or permit to be parked or driven any vehicle on any public way, street, avenue, alley, roadway, or other public property while engaging in the collection, removal, transportation, or disposal of solid waste without first having been issued a waste hauler's license or while such a waste hauler license is suspended or revoked.

Administrative Hearing Officer. The Parish Administrative Hearing Officer shall have concurrent jurisdiction over any violation of this ordinance, pursuant to Section 1-012.00, et seq., of the St. Tammany Parish Code of Ordinances.

Impoundment and Confiscation of Vehicles. In any prosecution charging a violation of SEC. 9-014.00, SEC. 9-015.00, SEC. 9-038.00 of this code and Chapter 9, as amended;

A. It shall be unlawful and a public nuisance for any person to park, drive, or permit to be parked or driven any vehicle on any public way, street, avenue, alley, roadway, or other public property while engaging in the collection, removal, transportation, or disposal of solid waste without first having been issued a waste hauler's license or while such a waste hauler license is suspended or revoked. Any vehicle being used at the time of violation of the provisions of this section is hereby declared to be a public nuisance and may be immediately impounded or caused to be impounded by any officer pursuant to this section.

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- B:** Any vehicle impounded under this section shall be taken to a garage or local tow yard which has been designated or is maintained by a State licensed towing facility for the storage of impounded vehicles. Before taking the impounded vehicle to the storage facility, the enforcement officer shall allow the offender to drive the vehicle or be escorted to the nearest appropriate disposal site for the disposal of the solid waste, if any, contained within the vehicle or conveyance. In the event offender fails to cooperate, the enforcement officer shall have the authority to have vehicle or conveyance towed.
- C:** The charge for towing or removal of any vehicle under this section, including storage charges, shall be based upon the actual expenses incurred in such towing and storage. The charge for disposing of the solid waste under this section shall be based upon the actual incurred expenses.
- D:** Any vehicle impounded pursuant to this section shall be released if the waste hauler obtains the proper license and permits required by this title or upon the execution of a written assurance that the impounded vehicle will not be used in violation of this title in the future and upon the payment of all towing and storage charges and all solid waste disposal charges, in addition to any and all fines, penalties and court costs to be paid by the offender.
- E:** Any vehicle impounded and stored under the terms of this chapter which is not claimed and removed by the owner thereof within sixty (60) days of impoundment may be sold at public auction and the proceeds applied to towing, storage, and the solid waste disposal costs. Such sale shall be conducted in a manner outlined within the parish ordinance, (Section 14-023.00).
- F:** Upon a third violation and conviction of any person under this section, the vehicle used in violation of this section may be ordered by the Adjudicated Administrative Officer to be held pending a hearing on a date set by the Administrative Officer to determine whether such vehicle has been used in violation of the Parish code of ordinances and should be confiscated. Any vehicle used in violation of this section is hereby declared to be contraband, and subject to seizure and confiscation. Any person known to the DES to be claiming an interest in such vehicle shall be notified in writing of the hearing at least fifteen (15) days prior to the sale; provided that notice given in open court to the person operating the vehicle shall be sufficient to him. Upon such hearing, the Court may order the vehicle sold unless it appears to the Court that the owner thereof did not participate in or have knowledge of such violation or of the intended use of the vehicle. The vehicle, if ordered sold, shall be sold at a public auction to the highest bidder for cash by the Department and the proceeds shall be paid into the DES litter abatement fund.

A Justice of the Peace shall have concurrent jurisdiction over violation of this ordinance, as per law.

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In addition, a Constable may issue summons and serve subpoenas anywhere in the Parish all in accordance with Louisiana Revised Statutes (R.S.) R.S. 13:2586 and Ord. 01-0284, adopted 03/01/2001. Prosecution of Solid Waste violations and compensation in criminal cases of a justice of the peace and constable shall be in accordance with R.S. 13:2587.1 and R.S. 13:2589. (Ord. 01-0284, adopted 03/01/2001). All fines collected by the Justice of the Peace Courts for litter violations pursuant to R.S. 25:1101 et seq. shall be paid to St. Tammany Parish pursuant to R.S. 25:1112. St. Tammany Parish shall reimburse the Justice of the Peace Court which handles the litter violation(s) for the time spent and expenses incurred pursuant to R.S. 13:2589(B). This reimbursement shall consist of FIFTY PERCENT (50%) of the fines collected by St. Tammany Parish from the Justice of the Peace Courts. (Ord. No. 89-1148, adopted 09/21/89; amended by Ord. No. 01-0284, adopted, 03/01/2001).

SEC. 9-065.00 Fees

Fees, rates, and other charges pursuant to this ordinance and applicable law shall be set from time to time by ordinance of the St. Tammany Parish Government. License holders will be notified in writing of any proposed changes to fees, rates and charges thirty (30) days prior to the public hearing where said changes are to be discussed.

A Solid Waste License Fee shall be paid with the initial application and annually thereafter by the applicant as a condition for license renewal. Non-payment of the fees shall be grounds for denial of application or renewal. All other fees and charges as set by the St. Tammany Parish Government upon the recommendation of the Department shall be paid in a timely manner as prescribed.

Fees, rates, and other charges pursuant to this ordinance may be billed in a manner determined by the Department.

Solid Waste Facilities, transportation vehicles, or Commercial haulers vehicles owned and operated by St. Tammany Parish or its incorporated cities or townships shall fulfill all requirements of this ordinance except they shall not be required to pay license or permit fees authorized by this ordinance.

The Department is authorized to collect up to (one dollar) \$1/ton on every ton tipped at any and all transfer stations, construction and debris facilities and permitted landfills operating within St. Tammany Parish. It is the responsibility of every owner and/or operator of a transfer station to remit payments for this tipping fee along with volumes each and every month. Said tipping fee shall be used to fund the implementation, oversight and enforcement functions associated with this ordinance. The Department reserves the right to establish the initial date from which said tipping fee will begin to be collected, the exact amount to be collected, and the method of collection, all by ordinance. Notwithstanding the foregoing, all Licensees with existing written contracts with an incorporated municipality and/or residential subdivision shall be exempt from said tipping fees until (after) January 1, 2008.

All other fees and charges assessed herein shall be used to fund the implementation, oversight and

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enforcement functions associated with this ordinance.

<u>License Type</u>	<u>License Fee</u>	<u>License Period</u>
Solid Waste Hauling	\$50.00 \$100.00 plus \$10.00 \$15.00 each additional vehicle	1 year
Pick-Up and Non-Processing Transfer Station	\$500.00 \$1,000.00	1 year 5 year
Solid Waste Disposal and Diversion	\$1,000.00	1 year 5 year

(Ord. 07-1492, adopted 01/04/2007)

(Ord. No. 06-1417, adopted 11/02/2006)

**ARTICLE IX
WASTE REDUCTION PROGRAM**

SEC. 9-070.00 Waste Tax Credit

The Parish may establish a waste reduction tax credit program. The Waste Reduction Tax Credit program may allow commercial, retail, and food service establishments to implement a waste reduction plan that effectively reduces the amount of waste and litter either on-site and/or leaving the subject site.

A participating commercial, retail, or food service establishment shall meet all program standards to be developed by the Parish in order to receive program accreditation. The participant shall be required to continue accreditation in order to receive a tax credit.

A participant shall retain records of all verifiable expenses associated with program implementation. Verifiable expenses may include, but not be limited to, surveillance equipment; trash receptacles; personnel dedicated to waste reduction/litter abatement; public relations campaign concerning waste/litter reduction efforts by the participating entity.

The participating entity may submit expense records associated with program implementation and request a credit and/or reduction in Parish ad valorem taxes for the corresponding amount.

**ARTICLE X
OTHER TERMS AND CONDITIONS**

Any dispute or litigation involving this ordinance shall be determined through any proceeding filed with the 22nd Judicial District Court for the Parish of St. Tammany; venue and jurisdiction shall be specifically with this district.

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Discrimination. Licensee agrees to comply with the Americans with Disabilities Act of 1990 and any current amendments thereto. All individuals shall have equal access to employment opportunities available to a similarly suited individual. Licensee agrees not to discriminate in its employment practices, and will render services under this contract without regard to race, color, religion, sex, national origin, veteran status, political affiliation, or disabilities. Any act of discrimination committed by Licensee, or failure to comply with these statutory obligations when applicable shall be grounds for termination of this contract. Licensee agrees to abide by the requirements of all local, state, and/or federal law, including but not limited to the following: Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal Executive Order 11246, the Federal Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, Title IX of the Education Amendments of 1972, the Age Act of 1975, and the requirements of the Americans with Disabilities Act of 1990. Licensee warrants and guarantees that it is an Equal Employment Opportunity employer. In all hiring or employment made possible by or resulting from this Contract, there shall not be any discrimination against any person because of race, color, religion, sex, national origin, disability, age or veterans status; and where applicable, affirmative action will be taken to ensure that Licensee's employees are treated equally during employment without regard to their race, color, religion, sex, national origin, disability, age, political affiliation, disabilities or veteran status. This requirement shall apply to but not be limited to the following: employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. All solicitations or advertisements for employees shall state that all applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, disability, age or veteran status.

Conflict of Interest. In the event of reasonably known conflicts of interest or potential conflicts of interest between the Parish and other parties who have engaged Licensee, the Licensee agrees to make full disclosure of the same, and that they will take no action on behalf of any other client directly adverse to the Parish, nor will Licensee take any action on behalf of the Parish directly adverse to any other client.

Independent Licensee. While in the performance of services or carrying out other obligations under this license, the Licensee shall be acting in a capacity of an independent Licensee and not as an employee of the Parish. The Parish shall not be obliged to any person, firm or corporation for any obligations of the Licensee arising from the performance of its services under this license.

**ARTICLE XI
TERMINATION, SUSPENSION, REVOCATION OF LICENSE; OPERATING
WITHOUT A LICENSE; AUTHORITY TO CANCEL**

Any licensee who violates any portion of this ordinance may also be referred to Code Enforcement of this Parish, the Administrative Hearing Officer, Constable, Justice of the Peace, or office of the District Attorney.

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- A. For Cause: where and when a licensee fails to perform, is not responsible or responsive to the public needs as determined by the Department, neglects its obligations herein or refuses to cooperate with the Department. The Department shall issue a notice of deficiency; the licensee or operator shall cure such deficiency within thirty (30) days of notice by the Department; failure to cure will result automatic revocation of licensure; the Department has the exclusive discretion to determine whether a deficiency has been cured.

- B. Bankruptcy: As to the filing of bankruptcy, voluntarily or involuntarily, by Licensee, Licensee agrees that if any execution or legal process is levied upon its interest in this license, or if any liens or privileges are filed against its interest, or if a petition in bankruptcy is filed against it, or if it is adjudicated bankrupt in involuntary proceedings, or if it should breach this license in any material respect, the Parish shall have the right, at its unilateral option, to immediately cancel and terminate this license.

- C. Licensee/Operator must be qualified at all times to perform the intended purposes of this ordinance; in the event that licensee/operator becomes unfit or unqualified for any reason whatsoever, then the Department may take such action against the license as is warranted under the circumstances. (Ord. No. 06-1417, adopted 11/02/2006 amended and reenacted Chapter 9 in its entirety)

ARTICLE XII RESERVED FOR FUTURE PROVISIONS.

**ARTICLE XIII
GARBAGE DISTRICTS**

SEC. ~~9-036.00~~ 9-071.00 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 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

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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.

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); Ord. No. 06-1417, adopted 11/02/2006 amended and reenacted Chapter 9 in its entirety. Ord. No. 08-1844, adopted 06/05/2008 reestablishes Garbage District No. 1.

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

SEC. ~~9-037.00~~ 9-072.00 Name, Status and Powers

The Garbage District hereby created shall be known and designated as "Garbage District No. 1 of St. Tammany Parish, Louisiana", and as thus created shall constitute a political and legal subdivision of the State, of which 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.

SEC. ~~9-037.01~~ 9-072.01 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~~ 9-072.02 Scope

The provisions of {this Chapter} 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"). **The provisions of Articles I through XI shall be applicable in any Garbage District heretofore or hereafter created, and are intended to compliment and supplement all provisions, rules and regulations of such District. Therefore, in the event of a conflict, the more stringent provision should apply, except in those cases where a provision, rule or regulation of a District is clearly intended to be controlling on a specific matter.**

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SEC. ~~9-037.03~~ 9-072.03 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 **or waste/trash hauling firms**:

(1) The governing authority of Garbage District No. 1 is authorized to execute contracts with private water companies, ~~or~~ water districts **or waste/trash hauling firms** 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

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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) herein above, 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.

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SEC. 9-037.04 9-072.04 Definitions

The definitions provided for in Section 9-003.00 are incorporated herein by reference. The following words and phrases, when used in this {section}, 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.

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~~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.~~

~~**Non-Processing Transfer Station means a solid waste facility where solid waste is transferred from collection vehicles to other vehicles for transportation without processing.**~~

~~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,~~

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~~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.~~

Person means an individual, trust, firm, joint-stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of the state, interstate body, or the federal government or any agency of the federal government.

~~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.~~

Public Nuisance means an act which considerably disturbs, annoys, hinders or interferes the rights of the public at large to use public property of pertaining to endangering one's life. This is a minor crime which can lead to health hazards and lead to disturbing the safety, peace, welfare and comfort of common people.

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

Putrescible Waste means solid waste which contains organic matter capable of being decomposed by microorganisms and creating noxious odors of such a character and proportion as to be capable of attracting or providing food for birds, and potential disease vectors (such as rodents and flies).

~~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 those materials which are capable of being recycled and which would otherwise be processed and disposed of as nonhazardous solid waste, which generally includes 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.~~

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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)

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~~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~~ 9-072.05 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~~ 9-072.06 Solid Waste Storage

A. General.

(1) The following provisions of ~~Zoning Ordinance 523~~ **the Unified Development Code - Volume 1 (Zoning)**, Section ~~5-1610~~ **7.0110** 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

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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.

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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 if 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.

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(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

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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)~~ **one hundred (\$100.00) dollars** for the first violation per bulk waste container, and ~~fifty dollars (\$50.00)~~ **two hundred (\$200.00) dollars** 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) below, "Special containers required, Apartments."

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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 garbage and other putrescible solid wastes. Said containers shall be in acceptable condition for the storage of waste without spillage, and shall have the following physical characteristics:

1. 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.
2. Covers for containers shall be removable and not secured or fastened to containers.
3. Containers shall not be less than thirty (30) 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.
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

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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.

SEC. ~~9-037.07~~ 9-072.07 Solid Waste Collection

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A. Criteria for collection. By permitting, licensing and/or contracting with fully qualified, experienced and responsible contractors, said contractors will be responsible for the collection of containerized solid wastes from residential units and business establishments, and the collection, from residential units only, of bulky waste, white goods and waste tires within Garbage District No. 1 in accordance with the following guidelines:

(1) Volume of material:

- a. An unlimited amount of containerized garbage and trash shall be picked up from all residential units twice weekly. Containerized solid wastes shall also be collected twice weekly from small 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

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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 street or road fronting that property. The material placed for collection shall be readily accessible to the collectors. Underground containers must be removed from their wells and placed above ground at curbside by the owners or occupants of the premises.

(4) Frequency of collection. The parish shall provide a minimum of two (2) collections per week on a schedule to be determined by Garbage District No. 1.

(5) Hours of collection. Collection shall not commence before 6:00 a.m., and shall be completed by 9:00 p.m. any single collection day. Material authorized to be collected, with the exception of yard waste and bulky waste which is handled in accordance with the standards set forth in section 9-037.07(a)(2), shall not be set out at curbside prior to 4:00 p.m. of the day preceding the regular collection day. Waste tires shall not be set out at curbside prior to 4:00 p.m. on the day preceding 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

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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~~ 9-072.08 Solid Waste Transportation, Salvaging and Scavenging

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, sticky substances, litter or foreign matter of any kind on any street, alley, or other public place.

D. No person or commercial waste hauler shall service a bulk waste container between the hours of 9:00 p.m. and ~~6:00~~ 6:30 a.m. when said bulk waste containers are located within three hundred (300) feet of a residential use.

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

F. 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~~ 9-072.09 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~~ 9-072.10 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.

SEC. ~~9-037.11~~ 9-072.11 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

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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. ~~9-037.12~~ 9-072.12 Authority to Issue and Adjudicate Citations and Summons

A. With the exception of the enforcement authority specifically and exclusively granted to St. Tammany Parish Sheriff's Deputies and state or federal enforcement officials, all provisions in this Division may be enforced by the St. Tammany Parish Department of Environmental Services.

B. Any violation of this Division may be heard by the administrative hearing officer of the parish bureau of administrative adjudication or by a court of competent jurisdiction.

SEC. ~~9-037.13~~ 9-072.13 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~~ 9-072.14 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 contractor 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.

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(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 contractor, shall remove recyclable waste material and/or recycling bins which have been placed at a designated recycling collection location. Each such unauthorized collection from one (1) or more designated recycling collection locations shall constitute a separate and distinct offense.

D. Theft or unauthorized use of recycling bins prohibited.

The theft or unauthorized use of recycling bins is prohibited.

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.

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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.