

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4844

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: BELLISARIO

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. BINDER

SECONDED BY: MR. BELLISARIO

ON THE 2 DAY OF AUGUST , 2012

ORDINANCE TO AMEND CHAPTER 9 OF THE ST. TAMMANY PARISH CODE OF ORDINANCES, GARBAGE AND TRASH, TO DELETE SECTION 9.072.03 (C), LIEN FOR NONPAYMENT OF SERVICE CHARGE.

WHEREAS, following a review of the additional authority granted to Garbage District No. 1, it was determined that it is necessary to amend Chapter 9 of the St. Tammany Parish Code of Ordinances to delete Section 9.072.03 (C); and

WHEREAS, it is in the best interest of the public health, safety and welfare to amend Chapter 9 of the St. Tammany Parish Code of Ordinances in order to delete said Section 9.072.03 (C) 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 to delete Section 9.072.03 (C), and to otherwise provide amendments governing garbage and trash, all as more particularly set forth (see attachment).

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 6 DAY OF SEPTEMBER , 2012 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JULY 26 , 2012

Published Adoption: _____, 2012

Delivered to Parish President: _____, 2012 at _____

Returned to Council Clerk: _____, 2012 at _____

**GARBAGE AND TRASH
CHAPTER 9**

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. C.~~ 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. D.~~ 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.