

## Summary 013 OR

### Chapter 11.5. SOLID WASTE MANAGEMENT

#### Sec. 11.5-1. Territorial applicability.

The provisions of this article shall apply parish wide.

#### Sec. 11.5-2. Definitions.

The following words and phrases, when used in this part, shall have the meanings respectively ascribed to them:

*Bags:* Plastic sacks designed to store refuse with sufficient wall strength to maintain physical integrity when lifted by the top. Total weight of a bag and its contents shall not exceed thirty-five (35) pounds.

*Bundle:* Tree, shrub, or brush trimmings, construction debris or newspapers and magazines securely tied together forming an easily handled package not exceeding six (6) feet in length or seventy-five (75) pounds in weight.

*Bulky waste:* Furniture, and other similar materials, etc., excluding the following: agricultural solid waste, construction debris, dead animals, offal waste, stable matter, or vegetable waste with weights or volumes greater than those allowed for bins or containers, as the case may be.

*Dumpster:* A durable receptacle or container provided for by contractor for fully automated collection service. Contractor's logo shall be placed on the carts at a location and of a size approved by the owner.

*Collection:* The act of removing solid waste from an approved storage point at the source of generation.

*Collection hours:* The time period during which collection of solid waste is authorized. Contractor shall adhere to any and all applicable U.S.D.O.T. requirements regarding the maximum time period that such vehicles and drivers are allowed to be in operation on a daily basis. On collection days, the collection of solid waste shall not begin before 4:00 a.m. Collection operations shall end no later than 8:00 p.m. everywhere throughout the parish on collection days. Exceptions to these hours shall be effected only upon the mutual agreement of the Solid Waste Commission and contractor. Typically, transportation directly to the day's first collection point or directly from the day's last collection point to the landfill is allowed to occur outside the hours of operation.

*Collection services:* The operation of and engagement in the collection and transportation of solid waste materials.

*Collection vehicle:* Any vehicle approved by the Solid Waste Commission to be used for collection of solid waste within the parish.

*Commercial solid waste:* All bulky waste, construction debris, yard waste, **garbage**, and rubbish generated at a commercial unit and placed at an approved storage point in accordance with these specifications.

*Commercial unit:* All premises, locations or entities, public or private, other than a service unit, requiring solid waste collection within St. Landry Parish.

*Construction debris:* Non-putrescible building material waste resulting from construction, remodeling, repair, or demolition operations as defined by the Louisiana Department of Environmental Quality (DEQ). Such material shall not exceed six (6) feet in length and shall be bundled or containerized not to exceed seventy-five (75) pounds per bundle.

*Residential Container:* A receptacle with a capacity of greater than twenty (20) gallons but not more than thirty-two (32) gallons constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight fitting lid capable of preventing entrance into the container by vectors. The mouth of the container shall have a diameter greater than or equal to that of the base. The weight of a container and its contents shall not exceed seventy-five (75) pounds.

*Contract documents:* The notice to bidders, instructions to bidders, specifications, definitions, contractor's proposal form, bid bond, affidavit, agreement, performance bond, all required documents, and any exhibits and addenda compose the specifications and contract documents, which shall also include all properly authorized modifications of said contract documents.

*Contractor:* Person or persons authorized by the Solid Waste Commission to perform solid waste collection services on prescribed routes within the parish. The person, corporation, or partnership performing parish-wide solid waste collection, transportation, and disposal under contract with the Solid Waste Commission.

*DEQ:* The Louisiana Department of Environmental Quality.

*Disposal:* The orderly process of discarding useless or unwanted material in a beneficial or non-beneficial manner at a properly permitted facility.

*Disposal facilities:* The physical components of the disposal system, such as transfer conveyances, transfer stations, processing plants and sanitary landfills properly permitted by DEQ.

*Disposal site:* A sanitary landfill facility properly permitted or approved by DEQ.

*Drop-off center:* A site where residents are allowed to deliver recyclable materials.

**Garbage:** All normal and usual household, commercial, and institutional solid waste that is placed in approved containers for collection purposes, and is usually a mixture of putrescible, non-putrescible, combustible and incombustible materials, such as organic wastes from food preparation and consumption, wrapping and packaging materials, metal, glass, and plastic containers, and other items. This definition also applies to similar waste products from establishments such as business offices, restaurants, cafeterias, schools, and hospitals.

*Generation:* The act of producing solid waste.

*Multi-family:* The term multi-family shall refer to all residential dwelling units considered to be condominiums, apartment houses, grouped housing, or mobile home parks.

*Non-putrescible solid waste:* Solid waste materials that do not contain organic matter prone to rapid decomposition by fungi and bacteria.

*Owner:* St. Landry Parish Solid Waste Commission.

*Parish:* Parish of St. Landry, State of Louisiana, United States of America.

*Pick-up station:* A facility where solid waste is concentrated for shipment by truck to a landfill designated by St. Landry Parish Solid Waste.

*Commission:* St. Landry Parish Solid Waste. The owner.

*Producer:* An occupant of a commercial unit or a residential unit who generates solid waste.

*Putrescible solid waste:* Solid waste materials containing organic matter prone to rapid decomposition by fungi and bacteria, such as food waste and dead animals.

*Resident:* Occupant of a residential property.

*Residential solid waste:* All bulky waste, construction debris, yard waste, solid waste, **garbage**, and rubbish generated by an occupant at a residential unit and placed at an approved storage point in accordance with these specifications.

*Residential unit:* A dwelling within the parish occupied by a person or a group of persons. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. Condominium dwellings, whether of single or multi-level construction, consisting of four (4) or less contiguous or separate single-family dwelling units, shall be treated as residential units, except that each single-family dwelling within any such residential unit shall be counted and billed separately as a residential unit. Mobile homes shall also be treated as residential units, as described in Section III.B, Article 1. Those units which are occupied, but do not have utility service shall be eligible for collection service and the contractor shall be entitled to compensation.

*Roadside:* Within the state highway, parish road, or city street right-of-way, including alleyways, on either side of open ditches or curb at the highway, road, or street end of the service unit driveway along the frontage of a service unit. Synonym: Curbside.

*Rubbish:* A mixture of small non-putrescible household, institutional and commercial waste products containing a high percentage of combustible materials such as paper, cardboard, plastics, foliage, grass and leaves, and including non-combustibles such as glass, crockery, cans and light scrap metals. Synonym: Trash.

*Service unit:* For the purpose of this contract, a service unit shall be a residential unit (single and multi-family) or a commercial unit situated or located inside the boundaries of St. Landry Parish, Louisiana. To be defined as a service unit, a commercial unit shall require no more than once a week pick-up and shall be limited to five (5) thirty-two-gallon containers/pick-up.

*Solid waste:* Useless, unwanted or discarded **garbage** materials with insufficient liquid content to be free flowing, that results from domestic, commercial, agricultural, governmental, and 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 sewage, earth, or material used to fill land in accordance with construction codes, mining residues, slag, dissolved or suspended solids in industrial waste water effluents which are not acceptable for disposal in sanitary sewage treatment system. Synonym: Refuse.

*Solid waste management:* The purposeful, systematic control of the storage, collection, transport, separation, processing, recovery, and disposal of solid waste.

*Solid waste management system:* 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:* The handling and holding of solid waste, in an approved manner, near the point of generation pending collection.

*Solid waste transportation:* The conveying of solid waste from one place to another by means of an approved vehicle.

*Yard waste:* Grass, leaves, flowers, stalks, stems, tree trimmings, branches, tree trunks. Grass, leaves, flowers, stalks, stems and tree trimmings shall be placed in a proper container for collection, bag or box the weight of which shall not exceed seventy-five (75) pounds. Branches up to six (6) inches in diameter shall be cut in lengths not exceeding six (6) feet and shall be stacked at the curb. Tree trunks shall not exceed seventy-five (75) pounds for any one (1) piece.

Should the Solid Waste Commission enter into a contract with a private contractor for the collection and disposal of **garbage**, trash, bulky waste and litter, the terms and conditions of that contract shall take precedence over the provisions of this section, including but not limited to the definitions of all items of the contract.

**Sec. 11.5-3. Garbage cans and waste receptacles required.**

(a) It shall be unlawful and a violation of this part, for any person or entity to scatter, throw, deposit, drop, allow, or to permit or allow to be scattered, spilled, thrown, deposited or dropped, any garbage, trash and any other waste material, including bulky waste, yard waste, construction and demolition waste, tree waste, or any other substances which may be unsightly, offensive to smell or injurious to health in any private yard, lot, room or building, or on any sidewalk, street, alley, wharf, levee, public parkway, public right-of-way, or any other public place, or in any gutter or drain within the parish, other than in the type of container, or in the manner, and at the places specified in section 11.5-6.

(b) The provisions of this section shall not apply to use of the sidewalks or the sidewalk and a portion of the street adjacent to building construction when in compliance with a permit from the building inspector covering materials, equipment, barricades, etc., necessary in connection with street, alley or utility construction and maintenance.

**Sec. 11.5-4. Transportation of garbage, trash or debris.**

Any person or entity transporting, hauling, or permitting to be transported or hauled, any garbage, trash, or other debris as set forth above, to the place of dumping shall take precautions to prevent the scattering or spilling of the garbage, trash or other debris from the conveyance upon the public roads of the parish, and shall, for this purpose, when using an open conveyance cause the load to be secured with a tarpaulin, canvas or other covering. Vehicles used for this purpose shall be equipped with tail gates to prevent spilling of debris during transit. This section shall not apply to trucks properly loaded with heavy waste or debris too heavy to blow off.

**Sec. 11.5-6. Requirements of owners and occupants: placement and removal of garbage carts and/or containers.**

Every owner, and occupant, of any building, house, structure, property or grounds within the parish, where residential solid waste, bulky waste, yard waste, construction and demolition waste, and tree waste, accumulates, may have such waste collected and disposed of by the Solid Waste Disposal District only if:

*A. Residential solid waste:*

(1) Placed in the containers, as provided for in the parish solid waste collection contract.

(2) In private subdivisions and/or areas that a designated collection point is not located at their place of residency shall be required to place household waste in a residential garbage container as defined in Sec. 11.5-2. Therefore, it shall be the responsibility of the property owners and/or occupants living in the above described locations to dispose of bagged waste, bulky waste, yard waste, tree waste, construction and demolition waste directly to the Solid Waste Disposal Facility.

*B. Bulky waste, yard waste, construction and demolition waste, tree waste:*

(1) Placed in an orderly manner, not less than five (5) feet from the traveled surface of the street or sidewalk.

(2) Placed in commercial type disposable bags; or

(3) Bound and bundled, securely tied together forming an easily handled package not exceeding six (6) feet in length.

Waste described in this section shall be placed either on the neutral ground or within the premises immediately adjacent to the street or sidewalk, and not less than five (5) feet from the traveled surface of the street or sidewalk.

Containers, bag or bundles shall be placed on the street or sidewalk or in right-of-way along the street on the day of collection before 4:00 a.m. on the day designated for collection, but not before 5:00 p.m. of the day prior to the designated collection day. Containers shall be removed from the curb or service area as soon as possible, but prior to 8:00 p.m. on the day of collection. It shall be unlawful to place or permit carts and/or containers to remain adjacent to the curb, except on regular collection day and shall be stored, between collection days, on the user's property so as not to interfere with pedestrian or vehicular traffic along sidewalks, streets, and other right-of-way.

Solid Waste Commission will not collect putrescible solid waste.

The placing of such **garbage** for collection in any container, manner or place other than as specified in the above paragraph is prohibited and such is hereby made a violation of this part.

Should the Commission enter into a contract with a private contractor for the collection and disposal of **garbage**, trash, bulky waste and litter, the terms and conditions of that contract shall take precedence over the provisions of this section, including but not limited to the definitions of all items of the contract.

**Sec. 11.5-7. Unlawful to damage or destroy **garbage** containers.**

It shall be unlawful for any person to willfully damage or destroy any **garbage** container.

**Sec. 11.5-8. Removal of containers from neutral ground.**

It shall be unlawful for any person to permit any standard **garbage** container, required by section 11.5-6, to remain on the neutral ground in front of or on the side of, their premises or place of business, from 6:00 p.m. Saturday to 6:00 p.m. Sunday.

**Sec. 11.5-9. Removal of building or repair debris.**

Any person or entity who enters into an agreement or contract for the erection, demolition or repair a house, dwelling, or structure, or the job contractor, shall remove and shall dispose of same in a duly permitted and authorized landfill or other facility after obtaining any required permits from the Solid Waste District. No such debris shall be placed on the neutral ground for collection by the District.

**Sec. 11.5-10. Removal of trees and related debris.**

Any person or entity who enters into an agreement or contract for the trimming, cutting or removal of a tree, located on the property of any citizen in the unincorporated areas of the parish, shall be required to remove all limbs, branches, trunks and other debris generated by his/its operation and shall dispose of same in a duly permitted and authorized landfill or other facility after obtaining any required permits from the Solid Waste District.

**Sec. 11.5-11. Violations.**

(a) All **garbage** and trash, as defined in section 11.5-1, as well as all litter, refuse, rubbish, appliances, junk vehicles, construction/building materials, limbs, tress or other discarded materials or debris shall be accumulated, collected and disposed of as provided in this part. The accumulation, collection or handling of any of the above in any manner or form other than is declared to be lawful by this part, shall constitute a violation hereof.

(b) Any unauthorized accumulation of **garbage** or trash, as defined herein, or litter, refuse, rubbish, appliances, junk vehicles, construction/building materials, limbs, tress or other discarded materials or debris on any premises or property, within the unincorporated areas of the parish, is hereby declared to be a nuisance and is prohibited. The failure of any person to remove an unauthorized accumulation, within forty-eight (48) hours after having been given due and proper written notice to do so, shall be deemed a violation hereof. The term "unauthorized accumulation" shall mean the accumulation, scattering, spilling or other handling of **garbage** or trash, as defined herein, or litter, refuse, rubbish, appliances, junk vehicles, construction/building materials, limbs, tress or other discarded materials on premises or property in a manner and under conditions contrary and in violation of the provisions of this part.

(c) If a corporation is the owner or occupant, the president of the corporation may be prosecuted for the violation.

(d) If a partnership, firm, or association of persons is the owner or occupant, any or all members of the partnership, firm, or association of persons may be prosecuted for the violation.

(e) Each day that the violation continues after the forty-eight-hour notice shall be considered a separate violation.

(f) Should the parish enter into a contract with a private contractor for the collection and disposal of **garbage**, trash, bulky waste and litter, the terms and conditions of that contract shall take precedence over the provisions of this section, including but not limited to the definitions of all items of the contract.

(g) Specifically, the accumulation of trash, debris, and/or construction materials at the construction or renovation site shall not be deemed to be a violation of the provisions of this part.

#### **Sec. 11.5-12. Persons subject to prosecution designated.**

(a) Should any **garbage**, trash or other waste matter, as defined in this part, be found in or on any building, house, structure, or grounds in any manner or form other than as is specifically declared to be lawful by section 11.5-6, such shall be a violation of this part, and either the owner or occupant, or both of them, may be prosecuted thereof.

(b) If a corporation is the owner or occupant, the president of the corporation may be prosecuted for the violation.

(c) If a partnership, firm, or association of persons is the owner or occupant, any or all members of the partnership, firm, or association of persons may be prosecuted for the violation.

#### **Sec. 11.5-13. Ownership of **garbage**, refuse, rubbish; depositing on dumps.**

The ownership of all **garbage**, refuse or rubbish material set out for collection shall remain the property of the generator until properly placed at the parish landfill. No person shall go upon the parish landfill for the purpose of depositing materials thereon, except in accordance with regulations established by the solid waste supervisor.

**Sec. 11.5-14. Salvage.**

No person shall salvage, collect, remove or dispose of any **garbage**, refuse, or rubbish material deposited at the parish landfill, except by the authority of the solid waste supervisor or pursuant to a resolution authorized by the St. Landry Parish Solid Waste.

**Sec. 11.5-15. Penalty for violation of provisions.**

Any person, owner or occupant or their agents, servants or employees, violating the provisions of this part shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than five hundred dollars (\$500.00) or imprisoned in the parish jail for not more than one hundred eighty (180) days, or both, at the discretion of the judge, for each violation hereof.

**Sec. 11.5-16. Creation, maintenance of private dumps prohibited without required permits.**

(a) It shall be unlawful for any private person to establish or permit the establishment of a private dump on any public property or on any property privately owned or controlled by him within the unincorporated areas of the parish, with the exception of industrial areas, without first having obtained a permit from the Louisiana Department of Environmental Quality (LDEQ).

(b) Each day such violation is permitted to continue shall constitute a separate offense, and shall be punishable as provided by section 11.5-14.

(c) For purposes of this section, a "private dump" shall mean any place or landfill which is not maintained and/or controlled by the parish or the Solid Waste District and which is used for disposal or collection of **garbage**, trash and other waste matter, refuse, rubbish or discarded materials.

(d) The St. Landry Parish Solid Waste employees, investigators, inspectors, or employees of the sheriff's department shall have the authority to identify the owners, by any viable means, of any **garbage**, trash, refuse or rubbish material dumped or discarded at any site other than the parish landfill or other duly approved/permitted private dump. The owner of the illegal dumping shall have twenty-four (24) hours to clean the dumping site and haul the material to the parish landfill, at his expense. In areas where "No Dumping" signs are posted, the owner of any **garbage**, trash, refuse or rubbish material shall be responsible to clean the entire "No Dumping" site at his expense and haul the material to the parish landfill within twenty-four (24) hours of notification, and shall be subject to the penalties set forth in section 11.5-17.

**Sec. 11.5-17. Civil penalties.**

(a) Upon evidence establishing more probably than not the identity of the person who has dumped and/or collected or the property owner who has allowed the dumping and/or collection of **garbage** or trash, as defined in this part, or building/construction materials, appliances, junk vehicles, limbs, trees or other discarded materials or debris, which create a nuisance as prohibited by section 11.5-9, the parish shall send notice personally or by certified mail that the person shall begin to make efforts to clean up such nuisance within ten (10) days of receipt of notice, and steadily and without delay continue such cleanup efforts. Ownership of the property shall be determined by the last

address of record in the most recent parish assessment roll. If no effort is made to begin cleanup within the specified time period and the certified letter has been received or if the certified letter is refused, suit allowing injunctive relief shall be filed requiring cleanup and authorizing fines up to five hundred dollars (\$500.00) a day in which no efforts are made toward cleanup without an excuse acceptable to the St. Landry Parish Solid Waste. If the certified letter is not received due to reasons other than refusal, or if notice is not achieved after due and diligent efforts have been made, then an attorney at law shall be appointed to represent the party as curator. Additionally, if the property owner is a minor or an interdict, a curator shall be appointed.

(b) Where immediate action is required to avoid a threat to public health, the parish shall have the authority to enter upon the property and cause the necessary work to be done to effect compliance with the provisions of this part after twenty-four (24) hours notice has been served upon the owner of the property or his agent, or upon the occupant of the property, if any, or upon the curator, if any. The parish shall have a lien and privilege on the property and any improvements thereon for the cost of remedying the violation. The privilege and lien shall be preserved and enforced only after the owner has failed to reimburse the parish within thirty (30) days after notification by the parish to pay the costs incurred. The thirty (30) days shall run from the date of mailing of the notification. In order to preserve the lien and privilege it shall be the duty of the St. Landry Parish Solid Waste, Supervisor to prepare and sign a sworn statement of facts, giving the description of the property and an approximation of the cost of the remedial measures implemented. This statement shall be filed and recorded in the mortgage office of the parish in which the property is located and the parish shall be entitled to recover the amount of this expense, together with all costs of court and legal interest from the date of recordation of the lien, by ordinary process in the district court having jurisdiction over the property. Additionally, where it is necessary for the parish to appoint an attorney as curator, as herein above provided, the attorney shall be paid a scheduled fee to be taxed as costs.