



ST. CHARLES PARISH

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

MEMORANDUM

3rd Request
12-6-10

DATE: OCTOBER 20, 2010
TO: MR. V.J. ST. PIERRE, JR.
PARISH PRESIDENT
FROM: PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV
RE: BOOM TRUCKS

I received the attached letter dated October 18, 2010 from the Parish Attorney in response to the attached memorandum dated September 7, 2010. The limit of the Parish Administration as it relates to garbage collection is defined in Chapter 10, Article II – Uniform Solid Waste Management System, Section 10-18 a.1, 2, and 3. You may not know this, but collection is not defined as a function and power of the Administration under this Section and therefore the Administration is not authorized to collect and dispose of refuse. As a result, the Administration must no longer perform garbage collection (which started under the previous Administration) in violation of Parish law unless it can be shown that it has the authority under some other law.

All solid waste is required to be collected solely by the Parish's designated waste collection contractor per Section 10-19. Section 10-19, 1, e. clearly states that other waste and noncombustible refuse (stuff not collected by the contractor) must be disposed of by the owner, occupant, or constructor. The Parish must no longer collect any of this waste or any other refuse unless it can be shown that it has the authority under some other law.

Office

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OCTOBER 20, 2010
PAGE 2

With the Parish owning boom trucks and with the Parish having the ability to collect waste and disposing it for free, a revision to the Solid Waste Ordinance may be something that the Parish Administration may want to pursue to legalize this part-time activity (unless it can be shown that the Parish already has the authority under other Parish Laws).

I would support such a revision to the proposed ordinance as I would expect the majority of the Council would also. Until such time that the activity is made legal or the Administration identifies Parish Law under which it feels it already has the authority, the Administration must refrain from performing this activity.

I do not want to see you unknowingly continue to perform this activity started under the previous Administration unless other Parish Laws provides the authority for this activity.

Please call me to discuss.

PJH/BJT303:ag

attachments

cc: Parish Council w/attachments
Mr. Leon C. Vial, III, Legal Services Director
Mr. Timothy J. Vial, Chief Administrative Officer w/attachments
Mr. Sam Scholle, Public Works/Wastewater Director w/attachments



ST. CHARLES PARISH

DEPARTMENT OF LEGAL SERVICES

P.O. BOX 321 • HAHNVILLE, LOUISIANA 70057

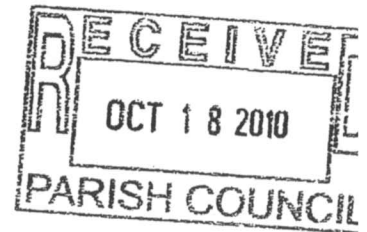
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V.J. ST. PIERRE, JR.
PARISH PRESIDENT

LEON C. VIAL III
DIRECTOR OF
LEGAL SERVICES

October 18, 2010



TO: PAUL J. HOGAN, PE, COUNCILMAN
ST. CHARLES PARISH COUNCIL, DISTRICT V

FROM: LEON C. VIAL, DIRECTOR
DEPARTMENT OF LEGAL SERVICES

RE: Boom Trucks

I found no special or specific code article that authorizes the Parish to utilize its equipment for the purpose of collecting solid waste debris; but since the Parish is the governing authority and directly in control of maintenance of garbage and waste disposal and there is no law by any authority superseding the general law, the general law controls to this situation particularly where no higher authority has already legislated.

LCVIII:dhh

cc Timmy Vial
Barbara Jacob-Tucker



ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

MEMORANDUM

DATE: SEPTEMBER 7, 2010

TO: MR. LEON C. VIAL, III
LEGAL SERVICES DIRECTOR

FROM: PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

Please explain and provide me with copies of the legal authority (Parish Code) under which the Parish is authorized to utilize boom trucks (or other equipment) for the purpose of collecting solid waste debris and refuse which falls beyond the scope of that which is to be collected by the parish solid waste disposal provider.

Your response is needed by Wednesday, September 15, 2010.

Thank you.

PJH/BJT303:ag

cc: Mr. V.J. St. Pierre, Jr., Parish President

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