



ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

MEMORANDUM

DATE: JUNE 30, 2009

TO: PARISH COUNCIL

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

RE: PROPOSED ORDINANCE FILE NO. 2009-0203
GARBAGE AND TRASH/PROHIBITED ACTIVITIES

Attached is the proposed ordinance, File No. 2009-0203, Prohibited Activities as it relates to garbage placement which will be up for Public Hearing and consideration at the Monday, July 6th Parish Council Meeting. This proposed ordinance simply adds a statement that refers to a prohibited activity in another part of our Code which also applies to garbage placement. Attached you will find the prohibited activities listed under (2) *Prohibited activities* in the Garbage and Trash Ordinance. Also, you will find the existing Ordinance which is being referred to in the proposed ordinance.

When an individual currently reviews our garbage codes, they do not have the means of knowing that they are not to place garbage such that it will not block drainage since it is not listed as a prohibited activity in the garbage Ordinance. It is covered elsewhere in the Code but citizens are unaware of it. This proposed ordinance simply refers to the prohibition identified elsewhere in the Code so that citizens can look up this prohibition which applies to garbage placement.

Please call or e-mail me should you have any questions, comments, suggestions, or concerns that would cause your lack of support of the proposed ordinance.

PJH/BJT232:ag

attachments

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2009-0203

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
ORDINANCE NO. _____**

An ordinance of the Parish of St. Charles, providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Chapter 10, Garbage and Trash, Section 10-19. Scope of Legislation, (2) Prohibited activities by adding (o.).

WHEREAS, in order to prevent interference with drainage which can cause flooding.
THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Chapter 10, Garbage and Trash, Section 10-19. Scope of Legislation, (2) Prohibited activities be amended by adding:

(o.) Those defined in Chapter 7, Article I. In General, Section 7-1.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2009,
to become effective five (5) days after publication in the Official Journal.

Amend Code - Chapter 10, Section 10-19 (2) prohibited activities revised

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

dents and small businesses, as defined in the solid waste contract, must utilize the solid waste collection and disposal services of the parish's designated contractor.

(1) *Standards and regulations:*

- a. All residential and small commercial units will be provided with a container (CART), in accordance with the contract documents approved by the council.
- b. Garbage and trash may be combined in the container (CART) provided by the solid waste contractor.
- c. Containers must be kept tightly covered except when depositing or removing material.
- d. All containers shall be emptied at least twice a week.
- e. Other waste and noncombustible refuse must be disposed of by owner, occupant or constructor.
- f. All service charges must be paid to the parish for collection services.
- g. All household, institutional, business and industrial refuse must be collected twice weekly.
- h. All refuse to be collected must be placed adjacent to property line abutting the principal street. All rubbish such as yard clippings and bulky items must be placed at the curb in suitable containers.
- i. Garbage and trash shall be placed for collection, in the container (CART) provided by the solid waste contractor. Bundled material shall not exceed six (6) feet in length or 70 pounds in weight.
- j. All collection vehicles must have enclosed bodies or suitable provisions for covering the body. Use of a tarpaulin or canvas cover to enclose open bodies of collection vehicles may be permitted when specifically approved.
- k. Vehicles must be watertight, metal bodies of easily cleanable construction and

must be cleaned at sufficient frequency to prevent nuisance or insect breeding.

- l. 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 shall fail to meet requirements of this chapter shall be immediately replaced with acceptable containers.
- m. Bins, receptacles, dumpsters 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 or commercial establishment within the parish.
- n. Proper location of each bin, receptacle, container or dumpster on each property will be determined by the parish president or his designee.

(2) *Prohibited activities:*

- a. It shall be unlawful to deposit garbage in rubbish cans.
- b. It shall be unlawful to put garbage or rubbish in a can in such a manner that the lid will not fit tightly.
- c. It shall be unlawful to place any rubbish or garbage in a condemned can.
- d. It shall be unlawful to bury garbage without a permit.
- e. It shall be unlawful to burn garbage.
- f. It shall be unlawful to deposit any garbage or rubbish upon premises of another, or upon a street, alley, walkway, public property, water, canal, lake or any other like area.
- g. It shall be unlawful for any person to engage in refuse collection or disposal without a valid permit.
- h. It shall be unlawful to place any refuse except as designated by the terms of this article.
- i. It shall be unlawful to abandon nonfunctioning motor vehicles, appli-

ances, machinery, equipment or parts thereof upon any public or private land.

- j. It shall be unlawful to permit refuse, except bulky rubbish to accumulate on any premises except in approved containers.
- k. It shall be unlawful to tamper with or remove covers, overturn or otherwise damage receptacles, or create litter or health problems.
- l. It shall be unlawful to burn at any public disposal site or private disposal site.
- m. (i) It shall be unlawful to throw or deposit any printed or written matter, papers or advertisement, circulars or handbills, in or upon any private premises which are temporarily or continuously uninhabited or vacant.
- (ii) It shall be unlawful to throw, deposit or distribute any printed or written matter, papers or advertisements, circulars or handbills in or upon private premises which are inhabited, unless such printed or written matter is secured on the premises in such a manner as to prevent its being carried or deposited by the elements upon any public street, public sidewalk or other public place, or upon any private property, other than that upon which it was originally placed.
- (iii) The foregoing provisions of this paragraph m. shall not apply to the distribution of mail by the U.S. Postal Service nor to complete newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any public street,

public sidewalk or other public place or upon private property.

- (iv) Any person, firm, agency, corporation or other legal entity who violates any provision of this paragraph, either by an actual physical violation of this paragraph or by directing any person, firm, agency, corporation or other legal entity to violate any provision of this paragraph, shall, upon conviction be fined not more than one thousand dollars (\$1,000.00) or perform ten (10) days of community service in the parish. For the purposes of this section, the deposit, distribution or throwing of each piece of printed matter constitutes a separate violation.

- n. It shall be unlawful to bury trees without a permit from the department of planning and zoning.

(Ord. No. 85-3-12, § IV, 3-18-85; Ord. No. 88-7-1 § I, 7-5-88; Ord. No. 88-10-10, 10-17-88; Ord. No. 95-7-9, 7-17-95; Ord. No. 96-1-3, § I, 1-22-96)

Sec. 10-20. Minimum contract standards.

All contracts for the collection of rubbish or garbage from residential areas must provide for the furnishing of the following minimum standard type of service:

- (1) Garbage and rubbish must be collected not less than twice each week.
- (2) Residential and commercial refuse and rubbish must be collected at least twice each week from containers (CART) provided by the contractor. Bundled materials shall not exceed six (6) feet in length or seventy (70) pounds in weight.
- (3) The collector shall not collect refuse and rubbish within a residential area between 8:00 p.m. and 5:00 a.m.

(Ord. No. 85-3-12, § V, 3-18-85; Ord. No. 96-1-3 § II, 1-22-96)