

PUBLIC HEARING OF THE TANGIPAHOA PARISH COUNCIL ON MAY 28, 2024, AT 5:30 P.M. AT THE TANGIPAHOA PARISH GORDON A BURGESS GOVERNMENTAL BUILDING, 206 EAST MULBERRY STREET, AMITE, LOUISIANA Mrs. Hyde, Vice-Chair made it known a public hearing was being held on the following:

T.P. Ordinance No. 24-17, T.P. Ordinance No. 24-20, T.P. Ordinance No. 24-21, T.P. Ordinance No. 24-22, T.P. Ordinance No. 24-23 – No one from the public asked to speak on these items.

The Vice Chair made it known the public hearing for T.P. Resolution No. R24-15 and T.P. Ordinance No. 24-18 would be held later on the agenda.

MINUTES OF THE TANGIPAHOA PARISH COUNCIL
MAY 28, 2024 MEETING

The Tangipahoa Parish Council met on the 28th day of May 2024 in Regular Session and was called to order by Mrs. Brigitte Hyde, Vice-Chair following the public hearing at 5:30pm. The Vice-Chair asked that all cell phones be muted or turned off.

The Invocation was given by Councilman Joseph and the Pledge of Allegiance was led by Councilwoman Hyde.

The following members were PRESENT: Darrell Sinagra, John Ingraffia, Louis Joseph, Joseph Havis, Buddy Ridgel, Joey Mayeaux, Lionell Wells, Brigitte Hyde, Strader Cieutat ABSENT: David Vial

ADOPTION OF MINUTES Motion by Mr. Sinagra, seconded by Mr. Ingraffia to adopt the minutes for regular meeting dated May 13, 2024. Roll call vote as follows: YEA: Mr. Sinagra, Mr. Ingraffia, Mr. Joseph, Mr. Havis, Mr. Ridgel, Mr. Mayeaux, Mr. Wells, Mrs. Hyde, Mrs. Cieutat ABSENT: Mr. Vial

PUBLIC INPUT - No one from the public asked to speak.

PARISH PRESIDENT'S REPORT

1. FINANCIAL REPORT - Mr. Miller made it known monthly financial reports were emailed to the council.
2. APPROVAL TO HIRE – Motion by Mr. Mayeaux, seconded by Mr. Wells to approve to hire a contractor to cut grass at 11173 Highway 22 West, Ponchatoula, LA 70454, Assessment #1771418 in District 6 and lien property the cost of contract plus administrative fees. Roll call vote as follows: YEA: Mr. Sinagra, Mr. Ingraffia, Mr. Joseph, Mr. Havis, Mr. Ridgel, Mr. Mayeaux, Mr. Wells, Mrs. Hyde, Mrs. Cieutat ABSENT: Mr. Vial
3. APPROVAL TO HIRE – Motion by Mr. Mayeaux, seconded by Mr. Joseph to approve to hire a contractor to cut grass at 42498 Happywoods Road, Hammond, LA 70403, Assessment #1893009 in District 6 and lien property the cost of contract plus administrative fees. Roll call vote as follows: YEA: Mr. Sinagra, Mr. Ingraffia, Mr. Joseph, Mr. Havis, Mr. Ridgel, Mr. Mayeaux, Mr. Wells, Mrs. Hyde, Mrs. Cieutat ABSENT: Mr. Vial

REGULAR BUSINESS

4. NOTIFICATION OF INDEBTEDNESS - Ryan Barker, Executive Director of HARD notified the council they have paid off their old bonds and will be seeking new bonds for improvements and upgrades to Hammond Area Recreation District No. 1 parks. No action required at this time.

ADOPTION OF ORDINANCES

5. ADOPTION of T.P. Ordinance No. 24-17 - An Ordinance to Amend Chapter 18-Fire Prevention and Protection, Section 18-3-Fire Prevention Bureau - The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Tangipahoa Parish Council on May 13, 2024, a summary thereof having been published in the Official Journal together with a notice of public hearing, which was held in accordance with said public notice, was brought up for final passage on May 28, 2024. Motion by Mr. Joseph seconded by Mr. Havis to adopt T.P. Ordinance No. 24-17. Roll call vote as follows: YEA: Sinagra, Ingraffia, Joseph, Havis, Ridgel, Mayeaux, Wells, Hyde, Cieutat ABSENT: Vial

T. P. Ordinance No. 24-17

AN ORDINANCE TO AMEND CHAPTER 18-FIRE PREVENTION AND PROTECTION, SECTION 18-3-FIRE PREVENTION BUREAU

Chapter 18 FIRE PREVENTION AND PROTECTION

Sec. 18-3. Fire Prevention Bureau

Definition:

The ~~Tangipahoa Parish Fire Protection District No. 1~~ Fire Prevention Bureau is created pursuant R.S. 40:1563 for the purpose and establishment of reasonable levels of fire safety and property protection created from the hazards created by fire and explosion located within the boundaries of Tangipahoa Parish Fire Protection District No. 1 (as described in Section 40-44) and Tangipahoa Parish Fire Protection District No. 2 (as described in Section 40-64). The Fire Prevention Bureau assumes the responsibility and liability for inspections conducted by the Fire Prevention Bureau and releases the State Fire Marshal and any other State Entity from said inspections.

Intent of the Bureau:

The parish does hereby organize and recognize a Fire Prevention Bureau encompassing the boundaries of Tangipahoa Parish Fire Protection District No. 1 (as described in Section 40-44) and Tangipahoa Parish Rural Fire Protection District No. 2 (as described in Section 40-64) with the purpose and ~~it is the~~ intent of the Bureau to prescribe regulations consistent with the provisions provided in Louisiana R. S. 40:1563 et seq. as well as regulations consistent with nationally recognized good practices for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use of occupancy of building or premises. The most current State of Louisiana adopted version of the fire life safety code will be the minimum code and standard requirements and practices which will be utilized by the bureau.

The Code:

The term "The Code" in General Provisions ~~make shall~~ reference to ~~those all~~ technical codes adopted by Tangipahoa Parish Fire Protection District No. 1 and Tangipahoa Parish Rural Fire Protection District No. 2 to establish a reasonable level of fire safety

and property protection from the hazards created by fire and explosion, including, but not limited to, the most recent State of Louisiana adopted version of the National Fire Protection Agency Life Safety Code (NFPA 101) and, as a maintenance code, the State of Louisiana Uniform Fire Prevention Code as defined in R.S. 40:1578.7.

The Bureau:

The Fire Prevention Bureau will be headed by the Chief of the Fire Department, or a person designated by the Chief of the Fire Department. The Bureau will be staffed by qualified individuals whose credentials have been reviewed and accepted by the State Fire Marshall.

The Bureau will conduct maintenance inspections on behalf of the Fire Marshall. The Fire Marshall shall have the authority to monitor the performance of the Fire Prevention Bureau in the performance of those functions which would otherwise be performed by the Fire Marshall.

~~Sec. 18-4. Independence Fire Department Fire Protection Bureau~~

~~Definition:~~

~~The Independence Fire Department's Fire Prevention Bureau is created for the purpose and establishment of reasonable levels of fire safety and property protection created from the hazards created by fire and explosion located within the boundaries of the Independence Fire Department.~~

~~Intent of the Bureau:~~

~~It is the intent of the Bureau to prescribe regulations consistent with the provisions provided in Louisiana R. S. 40:1563 as well as regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use of occupancy of building or premises. The most current State of Louisiana adopted version of the fire life safety code will be the minimum code which will be utilized by the bureau.~~

~~The Code:~~

~~The term "The Code" in General Provisions make reference to those technical codes adopted by Tangipahoa Parish Fire Protection District No. 2 to establish a reasonable level of fire safety and property protection from the hazards created by fire and explosion, including, but not limited to, the most recent State of Louisiana adopted version of the National Fire Protection Agency Life Safety Code (NFPA 101) and, as a maintenance code, the State of Louisiana Uniform Fire Prevention Code as defined in R.S. 40:1578.7.~~

~~The Bureau:~~

~~The Fire Prevention Bureau will be headed by the Chief of the Fire Department, or a person designated by the Chief of the Fire Department. Bureau will be staffed by qualified individuals whose credentials have been reviewed and accepted by the State Fire Marshall.~~

~~The Bureau will conduct maintenance inspections on behalf of the Fire Marshall. The Fire Marshall shall have the authority to monitor the performance of the Fire Prevention Bureau in the performance of those functions which would otherwise be performed by the Fire Marshall.~~

This ordinance having been submitted in writing, having been introduced at a public meeting of the Tangipahoa Parish Council, discussed at a public hearing of said council and was submitted to an official vote of the Tangipahoa Parish Council.

6. ADOPTION of T.P. Ordinance No. 24-18 - An Ordinance to Amend Chapter 34-Offenses and Miscellaneous Provisions, Section 34-16-Prohibiting the Sale of Mitragyna Speciosa Korth (Kratom) and/or Any of its Analog in Tangipahoa Parish – A Public Hearing was held:
Jeremy Anthony, 11210 Hwy 40 W, Independence - spoke in favor,
Adam Peak, 6010 Jones Creek Rd, Baton Rouge – spoke in opposition
Lee-Ann Pierson, 946 Tanglebriar Drive, Baton Rouge - spoke in opposition
Paul Schexnaydre, 1051 Traci Ave, Denham Springs - spoke in opposition
Bridget Bailey, TPG Community Development Director, gave some statistical information on Kratom.
After some discussion a Motion by Mr. Wells to send T.P. Ordinance No. 24-18 back to the Development Regulations Committee to review again and do more research, seconded by Mr. Joseph, Roll call vote as follows: YEA: Sinagra, Ingraffia, Joseph, Havis, Ridgel, Mayeaux, Wells, Hyde, Cieutat ABSENT: Vial

7. ADOPTION of T.P. Ordinance No. 24-20 - An Ordinance to Amend Chapter 38-Solid Waste - The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Tangipahoa Parish Council on May 13, 2024, a summary thereof having been published in the Official Journal together with a notice of public hearing, which was held in accordance with said public notice, was brought up for final passage on May 28, 2024. Motion by Mr. Ingraffia seconded by Mr. Sinagra to adopt T.P. Ordinance No. 24-20. Roll call vote as follows: YEA: Sinagra, Ingraffia, Joseph, Havis, Ridgel, Mayeaux, Wells, Hyde, Cieutat ABSENT: Vial

T. P. Ordinance No. 24-20

AN ORDINANCE TO AMEND CHAPTER 38-SOLID WASTE

Chapter 38 SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 38-1. Littering prohibited.

(a) No person shall throw, drop, deposit, discard, permit the intentional or accidental ejection, emission or escape of or otherwise dispose of litter upon any public place in the parish or upon any private property located in the parish or in or on the waters of the parish, whether from a vehicle, boat or otherwise, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley, except into the parish landfill facility or into a litter receptacle.

(b) If the throwing, dropping or depositing of litter was done from a motor vehicle, except a bus or large passenger vehicle or a school bus, all as defined in R.S. 32:1, it shall be prima facie evidence that the throwing, dropping or depositing was done by the driver of the said motor vehicle. Likewise, after it has been established that the dumped, thrown or deposited litter was possessed by a specific person, firm or corporation, immediately before the act of dumping, such as where the litter contains mailing addresses, there shall be a rebuttable presumption that the possessor committed the act of throwing, dumping or depositing the said litter and is in violation of this section. Provided, however, that should any person produce proper evidence or testimony that he has a contract with or can produce receipt from a valid commercial hauler or other proper garbage hauler indicating that payment was made thereto to haul the garbage, trash, refuse or litter, then the presumption herein established shall shift to the said commercial or other hauler.

Sec. 38-2. Definitions as to littering.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial garbage means litter improperly discarded by a business, corporation, company, association, partnership, sole proprietorship or any other entity conducting business for economic gain or by an employee, representative, officer or agent of the entity. The term "discharging" means any placing, putting or dropping of garbage.

Ditch means any natural or dedicated area which provides the containment or flow of water from rain or adjacent drainage areas of waterways such as streams, creeks, ponds, lakes or rivers.

Drainage area means an area maintained for the purpose of channeling or preventing accumulation of water from surrounding land.

Easement means a designated right to use the property of another for a specific purpose, for example, drainage, utility easement or road easement.

Garbage means any refuse, animal or vegetable matter, including bones, skin, hide, viscera or any animal organ or tissue, any waste material of any nature, kind or description, specifically including, but not limited to, any paper, metal or glass item, any rubbish, any worn out, broken or worthless item of matter.

Littering means any throwing, dropping, depositing, discarding or permitting the intentional or careless accidental ejection, emission or escape of or otherwise disposing or placing, putting or unloading of garbage in any public place in the parish, or upon any private property located in the parish whether from a vehicle, boat or otherwise, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley, except in an area designated for regular garbage pickup or the legal disposal of garbage at the parish landfill or when litter is placed into a litter receptacle.

Median/neutral ground means the area dividing or separating a roadway and not used for right-of-passage.

Person refers to both an individual human being and/or a juridical entity such as a corporation, company, association, partnership and/or any other type of entity.

Public highways means any public way for vehicular traffic including the entire area dedicated thereto and the bridges, culverts, structures, appurtenances and features necessary to or associated with its purpose. The term "public highway" shall include the right-of-way, ditch, shoulder of the road and all other servitudes, easements, drainage areas and/or neutral grounds associated with the said right-of-way for public highway.

Right-of-way means any public way, street, road, alley, easement, servitude or access which was dedicated to or acquired by the public to provide means of access to abutting properties, whether paved, improved or unimproved, including those areas dedicated for proposed or future usage.

Roadside/road shoulder means a natural or dedicated area which is parallel, contiguous to, abut, adjoin, border, edge, connect or approach any public right-of-way, road, street or highway.

Servitude means a right-of-way through or across property belonging to another.

Sec. 38-3. Jurisdiction and procedure.

(a) A justice of the peace shall have concurrent jurisdiction over litter violations occurring anywhere in the parish in which the said justice of peace court is situated, which said litter violations are prohibited by R.S. 30:2531 or this Code. It being the intent of the parish council-president government that justices of the peace within the parish have all of the powers and authority allowed under law. In addition, a constable within the parish may issue summons and issue subpoenas for such violations occurring anywhere in the parish in which his court is situated. Provided however that a justice of the peace shall not have authority to issue a warrant for the arrest of a law enforcement officer for acts performed while in the scope and course of his official duties.

(b) All fines collected by the justice of the peace courts in the parish for litter violations pursuant to state or parish law shall be paid to the parish pursuant to R.S. 30:2531—30:2531.5 and 30:2532 and this section but further providing that the parish shall reimburse to the justices of the peace court which handles the litter violations for the time spent and expenses incurred pursuant to R.S. 13:2589(B) and this section an appropriate amount which reimbursement shall consist of 50 percent of the fines collected by the parish from the said justice of the peace courts.

Sec. 38-4. Intentional littering prohibited; criminal penalties.

When litter disposed in violation of this article is discovered to contain any article, including, but not limited to, letters, bills, publications, or other writings, that displays the name of a person or any other manner indicates that the article belongs or belonged to such person, there shall be an inference that such person has violated this article.

(1) The person shall be cited for the offense by means of a citation, summons, or other means provided by law.

(2) **Whoever violates the provisions of this article shall,**

- a. ~~Whoever violates the provisions of this article shall,~~ Upon first conviction, be fined \$250.00 and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.
- b. Upon second conviction, an offender shall be fined \$500.00 and sentenced to serve 16 hours of community service in a litter abatement work program as approved by the court.
- c. Upon third or subsequent conviction, an offender shall be fined \$1,250.00, have his motor vehicle driver's license suspended for one year, be imprisoned for not more than 30 days, and be sentenced to serve 80 hours of community service in a litter abatement work program as approved by the court, or all or any combination of the aforementioned penalties provided by this subsection.

Sec. 38-5. Commercial littering prohibited; civil penalties, indemnification; special court costs.

(a) No person shall dispose or permit the disposal of litter resulting from industrial, commercial, mining, or agricultural operations in which the person has a financial interest upon any public place in the parish, upon private property in the state not owned by him, upon property located in rural areas in the state not owned by him, or in or on the waters of the state, whether from a vehicle or otherwise, including, but not limited to, any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state parish or municipal government or by any of their agencies or political subdivisions for the disposal of such items and such person is authorized to use such property for such purpose.

(b) No person shall operate any truck or other vehicle on any highway in such a manner or condition that litter resulting from industrial, commercial, mining, or agricultural operations in which the person is involved can blow or fall out of such vehicle or that mud from its tires can fall upon the roadway.

(c) If the litter is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be a permissive rebuttable presumption that the possessor committed the act of disposing.

(d) When litter disposed in violation of this section is discovered to contain any article, including, but not limited to, letters, bills, publications, or other writings, which displays the name of a person or in any other manner indicates that the article belongs or belonged to such person, there shall be a permissive rebuttable presumption that such person has violated this section.

(e) A person shall be jointly and severally liable for the actions of its agents, officers, and directors for any violation of this section by any agent, officer, or director in the course and scope of his employment or duties.

(f) The person shall be cited for the offense by means of a citation, summons, or other means provided by law.

(g) Any person found liable under the provisions of this section shall:

- (1) For any violation, pay a penalty of \$100.00.
- (2) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this section.
- (3) Pay all reasonable investigative expenses and costs to the investigative agencies.
- (4) Pay for the cleanup of the litter unlawfully discarded by the defendant.

(h) Any person found liable under the provisions of this section shall pay special court costs of \$50.00 in lieu of other costs of court which shall be disbursed as follows:

- (1) Twenty dollars shall be paid to the justice of the peace.
- (2) Twenty dollars shall be paid to the office of the constable.

(3) Ten dollars shall be paid to the justice of the peace for clerical supplies.

(i) A person may be held liable and fined a civil penalty under this section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

(j) For the purposes of this section, each occurrence shall constitute a separate violation.

Sec. 38-6. Stockpiling of used tires.

Any person, partnership, firm or corporation stockpiling 25 used tires or more on private or public property without a permit from the state, shall be registered with the parish permit office by July 1, 1995. As used herein, the term "stockpiling" shall include both the intentional and the unintentional collection of used tires on a single or multiple sites located within the parish.

Sec. 38-7. Burning of tires prohibited.

No person, partnership, firm or corporation shall burn or permit the burning of tires on any property owned, held or used by them without a permit from the state department of environmental quality and other such permits as may be required by federal, state or local law.

Sec. 38-8. Criminal penalties.

Persons found criminally liable under the provisions of this article shall be punished by the assessment of the following criminal penalties:

(1) For a first violation, such person shall be fined \$75.00 and must perform 16 hours of community service in a litter abatement work program.

(2) For a second violation and each subsequent violation, such person shall be fined \$500.00 and must perform 24 hours of community service in a litter abatement work program.

Sec. 38-9. Manufactured home parks, apartment complexes and condominiums, recreational camping grounds.

(a) Except for parks providing individual garbage pickup, adequate commercial dumpsters for solid waste shall be provided by park owner/housing facility owner and located no closer than 50 feet of public servitude.

(b) The term "adequate" means a container with substantial holding capacity capable of receiving and storing household solid waste solely for the use of the bona fide residents of said park and/or housing facility. Container shall be serviced and emptied by a qualified waste hauler that meets requirements as established in section 38-72. Collection schedule and container capacity shall be established as necessary to disallow over filling or spillage of household solid waste. In the event the waste container reaches its intended capacity, it shall be unlawful to allow the placing, dropping, spilling or otherwise intentional littering around or near the waste container. Any waste that accumulates near or around the waste container due to maximum capacity reached or intentional littering shall be the sole responsibility of the owner of said park or housing facility.

(c) It shall be unlawful for any person not a resident of said park or housing facility to willingly and knowingly dispose of any type of solid waste in a waste container that is intended for the sole use of said park/housing facility.

(d) Whoever violates this section shall be punished as provided by section 1-13.

Secs. 38-10—38-34. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

DIVISION 1. GENERALLY

Sec. 38-35. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Additional words, terms, or phrases used in this article may be defined in accordance with the definitions as set in the Louisiana Environmental Regulatory Code, Title 33, Part VII, § 115.

Agricultural waste means nonhazardous waste resulting from the production and processing of agricultural products, including manures, pruning, and crop residues. The term "agricultural waste" does not include solid wastes defined as industrial solid waste in this section.

Charge customer means any person or business that has been approved to have his disposal fees charged and billed by the parish monthly. All possible charge customers must be approved by the parish prior to becoming a charge customer.

Collect means to accumulate solid waste generated by more than one household or commercial establishment, or by storage or processing facility.

Collection means the act of removing solid waste from the storage point at the source of generation.

Collection service means a public or private operation engaged in the collection and transportation of solid waste materials.

Commercial and industrial unit means all premises, locations or entities, public or private, requiring refuse collections within the parish, not a residential unit. All schools are included as commercial and industrial units.

Commercial solid waste all types of solid waste generated by stores, offices, restaurants, warehouses, and other manufacturing activities, excluding residential and industrial solid wastes.

Construction/demolition debris means nonhazardous waste generally considered not water-soluble, including, but not limited to, metal, concrete, brick, asphalt, roofing materials such as shingles, sheet rock, plaster, or lumber from a construction or demolition project, but excluding asbestos-contaminated waste, 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 wood waste or yard waste will cause it to be classified other than construction and demolition debris.

Department means the state department of environmental quality as created by R.S. 30:2001 et seq.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste on or into any land or water so that such solid waste or any constituent thereof may have the potential for entering the environment or being emitted into the air or discharged into any waters of the state.

Garbage means solid waste that includes animal and vegetable matter from the handling, preparation, cooking, and serving of foods, but that does not include industrial solid waste.

Generator means any person whose act or process produces solid waste as defined in these regulations.

Hazardous waste means waste identified as hazardous in the current Louisiana Hazardous Waste Regulations (LAC 33:V) and/or by the federal government under the Resource Conservation and Recovery Act and subsequent amendments.

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. The term "industrial solid 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. The term "industrial solid waste" does not include hazardous waste regulated under the state 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.

Multifamily refers to all residential dwelling units of more than one unit, considered to be condominiums, apartment houses, grouped housing or mobile home parks.

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.

Producer means an occupant of a commercial and industrial unit or a residential unit who generates solid waste or a contractor or builder at a commercial and industrial unit or a residential unit.

Putrescible solid waste means susceptible to rapid decomposition by bacteria, fungi, or oxidation, creating noxious odors.

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.

Residential unit means a dwelling within the parish occupied by a person or a group of persons as a residence or place of abode. A residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto. A condominium dwelling, whether of single or multilevel construction or separate single-family dwelling units, including apartment units and mobile homes, shall be treated as a residential unit.

Solid waste means any 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. The term "solid waste" does not include solid or dissolved material in return flows; industrial discharges that are point sources subject to permits under R.S. 30:2075; source, special nuclear, or byproduct material 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 disposal facility means any facility permitted by the state department of environmental quality for the disposal or processing of solid or industrial waste.

Solid waste management system means 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.

Unauthorized dump means a solid waste disposal facility whose operation is not authorized by the parish and/or the department.

Wood waste means yard trash and types of wastes typically generated by sawmills, plywood mills, and wood yards associated with the lumber and paper industry, such as wood residue, refuse, wood-fired boiler ash, and plywood or other bonded materials that contain only phenolic-based glues or other glues that are approved specifically by the state department of environmental quality. Treated or painted lumber is not considered wood waste under this definition.

Yard trash means vegetative matter resulting from landscaping, maintenance, or land clearing operations, including tree and shrubbery leaves and limbs, grass clippings and flowers.

Sec. 38-36. Scope.

The provisions of this article shall be effective as to every person collecting or disposing of any types of waste in the parish.

Sec. 38-37. Unauthorized collection and/or disposal.

(a) It shall be unlawful for any person who has not been granted a franchise by the parish through its parish council to engage in the commercial collection and/or disposal of garbage and trash from residential units within the unincorporated area of the parish.

(b) Whoever violates this section shall be punished as provided by section 1-13.

(c) Each illegal collection and/or disposal of garbage and trash from a residential unit shall constitute a separate offense.

(d) Every person who directs his employees or agents to collect and/or dispose of garbage in violation of this section shall also be in violation of this section but in no way does this exculpate the employee, who is also in violation.

Sec. 38-38. Parish-owned solid waste disposal facilities, operating regulations.

(a) Any person entering a parish-owned solid waste disposal facility shall hold the parish and its contractors harmless from any liabilities which cause injury or damage to persons or property, subject, however, to acts of negligence by the parish or its contractors in the operation of the solid waste disposal facility.

(b) Any person entering a parish-owned solid waste disposal facility shall be required to abide by all posted rules and regulations established by the sanitation department.

(c) The speed limit on the parish-owned solid waste disposal site shall be 15 miles per hour.

(d) The hours of operation shall be established by the sanitation department with the consent of the parish president. Hours of operation shall not violate any existing permit requirements as established and approved by the department.

(e) Any person entering a parish-owned solid waste disposal facility from any area other than the designated entrance will be considered to be a trespasser and will be subject to prosecution pursuant to applicable law.

(f) No person under the age of 13 shall be allowed out of a vehicle while in the active dumping area.

(g) No person shall be allowed to smoke while in the active dumping area.

(h) Scavenging and removal of waste items is prohibited.

(i) Salvaging is prohibited unless prior written approval has been granted by the parish president with such approval in accordance with current state solid waste regulations.

(j) All waste entering the parish-owned solid waste disposal facility is subject, prior to acceptance, to inspection.

(k) At no time shall any person haul to or dispose of a regulated hazardous, radioactive, or toxic waste at a parish-owned solid waste disposal site.

(l) Any person entering a parish-owned solid waste disposal facility for the purpose of disposing solid waste shall ensure that the waste is secured in accordance with R.S. 32:383. Failure to abide by this regulation may subject the disposing person or party to a surcharge equal to 1½ times the established disposal fee. If the person violating this regulation is classified as a rural resident, then the surcharge shall be calculated using the current residential waste tipping fee.

Sec. 38-39. Disposal of solid waste.

(a) Except as provided in subsection (b) of this section, all persons required to obtain a permit from the parish under section 38-75 shall dispose of all solid waste and rubbish collected pursuant to this section only at a parish-owned facility unless otherwise approved by the parish council and the parish president.

(b) This section shall not apply to any solid waste and rubbish which is being collected for the specific purpose of resource recovery as that term is defined by the state department of environmental quality.

(c) This section shall not apply to any household hazardous waste which is collected separately and disposed of at a hazardous waste facility permitted by the state or any other state.

(d) Notwithstanding the provisions of section 38-71 and in addition to the application of any other local, state or federal rules, regulations and statutes concerning waste handling and disposal, any person required to obtain a permit from the parish under section 38-75 shall be fined \$500.00 per vehicle per day for any violation of this section, each day of violation constituting an individual and separable offense.

~~Sec. 38-40. Special waste.~~

~~Special waste is any permitted waste which requires special handling at the disposal facility, other than asbestos waste, industrial solid waste and industrial sludge. The fee charged for special waste is in addition to any regular tipping fee.~~

~~(1) Large animals: The disposal fee shall be \$20.00 per large animal.~~

~~(2) Small animals: The disposal fee shall be \$5.00 per small animal.~~

~~(3) Tree stumps or logs that require off-loading assistant from the parish: \$15.00 per ton in addition to the current disposal fee.~~

Sec. 38-40.1. Penalty.

Any person who violates any provisions of this article shall be punished as provided by section 1-13.

Secs. 38-41.2—38-70. Reserved.

DIVISION 2. PERMITS

Sec. 38-71. Applications.

Applications for permits to engage in any business or operation regulated by this article shall be in writing and sworn to and shall contain the full name of the applicant; his correct address and telephone number; whether the applicant will be picking up garbage, trash and or solid waste in the municipalities, rural areas or both; and an accurate description of the type of garbage,

trash and/or solid waste he intends to collect. The address given shall be considered the proper address for all notices to the applicant or permittee. The application shall also be accompanied by an affidavit of the applicant or his representative showing that the applicant meets the qualifications and conditions set out in section 38-72.

Sec. 38-72. Qualifications and conditions.

- (a) Applicants for permits of all kind-type under this article shall meet the following qualifications and conditions:
- (1) The applicant is a person, firm or corporation that is able to contract.
 - (2) The applicant warrants that he will not operate his solid waste transport vehicles on any state or parish roadway in the parish when the vehicle weighs in excess of the posted weight limit for that roadway.
 - (3) The applicant warrants that he will only engage in the type of garbage, trash and/or solid waste collection for which he has obtained a permit.
 - (4) The applicant warrants that he will not illegally collect any garbage, trash and/or solid waste.
 - (5) The applicant warrants that he will not illegally dispose of any garbage, trash and/or solid waste collected.
 - (6) The applicant warrants that all garbage, trash and/or solid waste collected will be transported in closed containers or in an enclosed vehicle compartment so as to prevent roadside litter.
- (b) If at any time the applicant/permittee fails to possess the required qualifications or violates the conditions as set forth in this section his permit may be denied or revoked.

Sec. 38-73. Misrepresentation.

Any misstatement or suppression of fact in an application or accompanying affidavit is grounds for revocation, suspension or denial of a permit under this division.

Sec. 38-74. Classification; fee schedule.

Annual permit fees shall be \$200.00 for each collection-for-hire business or operation, plus \$15.00 for each vehicle used to transport solid waste.

Sec. 38-75. Required state and local permits, licenses.

No person shall do any act for which a permit is required by this division unless he holds the proper state and local permits/licenses. Each day's conduct of business by such garbage, trash and/or solid waste collector, without such a valid, unsuspended permit, constitutes a separate violation of this division. A permit is required of any person engaging in the business of collecting any garbage and/or trash in the parish.

- (1) Any person who collects solid waste from any place or business for hire within the parish or transports any waste within the parish as a solid waste business for hire shall be required to obtain a permit from the parish prior to conducting such operations within the parish.
- (2) Each solid waste business for hire vehicle used for the purpose of transporting waste within the parish shall be issued a permit decal.
- (3) Permit decals must be prominently displayed and visible on each vehicle either above the state inspection sticker or on the driver's side vent window.
- (4) Failure to conform to all local, state and federal rules, regulations and statutes concerning waste handling and disposal shall be cause for revocation of a permit.
- (5) Any person collecting and/or hauling waste from their residence is exempted from permitting requirements, pursuant to the other provisions of this division.
- (6) Permits shall be for a 12-month period and must be renewed no earlier than 30 days prior to expiration date and no later than 15 days prior to expiration date.

Sec. 38-76. Exceptions.

The previous sections of this division notwithstanding, nothing in this division shall require any producer to obtain a permit for the collection of his own garbage and trash generated at his place of residence and disposed of in a proper manner at a legal sanitary landfill or other legal dump site.

Sec. 38-77. Permits not assignable.

Permits issued under this division are not assignable or heritable and are good only from the time of issuance to December 31 of the year in which issued, unless sooner suspended or revoked. In the event of the dissolution of a partnership by death, the surviving partners may operate under a partnership permit. Receivers and trustees in bankruptcy may operate under the permit of the persons succeeded.

Sec. 38-78. Denial, suspension, revocation generally.

No permit shall be withheld, suspended or revoked except for causes specified in this division.

Sec. 38-79. Grounds for suspension, revocation.

In addition to the other causes enumerated in this division, the parish council may suspend or revoke any permit under this division for any of the following causes:

- (1) If there is any misstatement or suppression of fact in the application for a permit.
- (2) If the permittee is found to have operated or caused to operate his solid waste transport vehicles on the public roads of the parish, where the permittee or his employee knew or should have known that the vehicle and its load exceeded the maximum weight limits for the public road.
- (3) If the permittee fails to adequately protect the roadsides and the environment in general from the contents of his loads by his willful failure to cover and contain the garbage, trash and/or solid waste.
- (4) If the permittee is found to be improperly handling hazardous waste contrary to federal, state or local laws, thereby endangering the citizens of the parish.
- (5) If the permittee is collecting garbage, trash or solid waste for which it does not have a proper permit.
- (6) If the permittee is collecting garbage, trash or solid waste in contravention of any exclusive franchise granted by the parish.

Sec. 38-80. Renewal application due date.

Applications for renewal permits for the ensuing year under this division shall be filed with the parish council office on or before November 1 of the present year. If the permittee fails to file his renewal application for such renewal on or before November 1 a penalty of five percent shall be added to the fee for the first 30 days' delinquency, with an additional five percent for each additional 30 days or fraction thereof. The parish government without notice or hearing may suspend the permittee's right to do business if he fails to make application for a renewal permit before December 31 of each year.

Sec. 38-81. Revocation or suspension procedure.

The suspension or revocation of a permit under this division shall be brought about in the following manner:

- (1) The office of the parish president, municipal authorities and the sheriff's department shall have the authority to periodically investigate the permittee's business conduct within their respective jurisdictions. When violations of provisions of this division are observed which are sufficient for suspension or revocation of the garbage permit, the parish president, sheriff or local authority, as the case may be, shall file an affidavit setting forth the facts and circumstances of the violation. The parish government shall thereafter cite the permittee to appear for a hearing to show cause why his permit should not be suspended or revoked.
- (2) Any citizen of the parish may file with the parish government, municipal authorities or sheriff's department a sworn complaint requesting that a garbage permit be suspended or revoked. If the complaint is filed with the municipal officers or sheriff's department, these officials shall forthwith transmit it to the parish government. When such a complaint is received, the parish government shall hold a hearing on the complaint and the permittee shall be cited to appear and show cause why his permit should not be suspended or revoked.

- (3) No complaint shall be considered by the parish government unless sworn to by the complainant and unless the complaint sets forth facts constituting a violation of this division.
- (4) Notice of hearings to show cause why a garbage permit shall not be suspended or revoked shall be personally delivered by a parish employee, who can testify to the delivery, or shall be mailed to permittee's address as set forth in his application for a garbage permit. This notice of hearing, if mailed, shall be mailed by certified mail, return receipt requested, properly addressed to the permittee's address. If the notice is returned due to its being unclaimed or refused, a subsequent notice shall be sent by ordinary mail and it will be presumed that the notice was received the day after mailing.
- (5) Notice of hearings shall be served on the permittee at least five days in advance and, for good cause shown, the permittee can request a continuance of the hearing date.
- (6) The permittee can bring witnesses to testify in his defense at any hearing to show cause why his garbage permit shall not be suspended or revoked.
- (7) The revocation or suspension of a garbage permit hereunder does not prohibit a separate criminal judicial proceeding.
- (8) Hearings for the revocation or suspension of a garbage permit shall be held at the parish seat.

Sec. 38-82. Reapplication after revocation.

When a permit under this division is revoked for any legal cause, the parish governing authority shall not issue the permittee a new garbage permit under this division until one year after date of revocation.

Sec. 38-83. Public responsibility.

No person contracting for collection of garbage, trash and/or solid waste in the parish shall knowingly do business with any person who does not have a proper permit as required in this division. To knowingly allow an unpermitted or improperly permitted person to collect your garbage is a violation of this division.

Sec. 38-84. Disposal restrictions for industrial solid waste at the parish regional landfill.

Due to the greatly increased proportions of industrial solid waste to residential solid waste, each of which is described previously in this article, in various heavily industrialized parishes of the state, there shall be no solid waste disposed of or delivered for disposal to the parish regional landfill from the following parishes within the permitted 100-mile radius of the parish regional landfill, to wit: Jefferson Parish and Orleans Parish. The Parish President shall inform the council when any new parishes are added to the areas of acceptance by the landfill.

Secs. 38-85—38-113. Reserved.

DIVISION 3. TIPPING FEES

Sec. 38-114. Establishment.

Tipping fees charged for disposal of all solid waste of every nature and kind shall be established on July 1st each year to reflect the CPI. The rate increase will be based upon the relevant consumer price index. Any annual increase in excess of 5% must be approved. ~~from time to time~~ by ordinance by the parish council. A schedule of these fees shall be on file in the office of the parish clerk.

Sec. 38-115. Exemptions.

Residents of rural parish dumping their own household garbage are exempt from any tipping fees.

Secs. 38-116—38-143. Reserved.

DIVISION 4. – RESERVED

Secs. 38-149—38-179. Reserved.

ARTICLE III. DUMPS AND LANDFILLS

Sec. 38-180. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction/Demolition (C&D) Debris means nonhazardous waste generally considered not water-soluble that is produced in the process of construction, remodeling, repair, renovation, or demolition of structures, including buildings of all types (both residential and non-residential). Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair, renovation, or demolition of structures) includes, but is not limited to, regulated asbestos-containing material (RACM) as defined in LAC 33:III.5151. B, white goods, creosote-treated lumber, and any other item not an integral part of the structure.

Hazardous waste means any waste or combination of wastes which because of its quantity, concentration, physical or chemical characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness or poses a potential presence or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or managed.

Solid waste means any garbage, refuse, or sludge from a wastewater treatment plant, water supply treatment and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities. The term "solid waste" does not include solid or dissolved material in return flows; industrial discharges that are point sources subject to permits under R.S. 30:2075; or source or special nuclear, or

Solid waste facility, also referred to herein as landfill and/or garbage dump, means a facility used for the disposal of solid waste for permanent long-term or ongoing storage of solid waste and includes all facility types as defined in the Louisiana Environmental Regulatory Code, Title 33, Part VII, Solid Waste.

Solid waste storage facility means a site where solid waste is deposited for permanent long-term or ongoing storage of solid waste and includes a depot or transfer station where solid waste is held on a regular basis, even temporarily, for future transport.

Sec. 38-181. Permit required.

- (a) After the effective date of the ordinance from which this article is derived, no solid waste landfill, or any solid waste storage facility, shall be established and/or operated in the parish except by permit duly approved by the parish council-president government in accordance with the provisions of this article. The parish permit shall be in addition to any permits required by the state and/or the United States of America and their departments and subdivisions of government.
- (b) The parish regional solid waste facility and/or any other solid waste facility or solid waste storage facility owned and operated by the parish government shall be exempt from all permits, permit renewal, permit modification, or public notice requirements stipulated within this article.
- (c) All permit applications shall be made to the parish council through the clerk of council and shall address all criteria set forth in this article.
- (d) A request for a notice of intent shall be made to the parish council by the entity or person considering a permit. This notice is to inform the council of the intent of applicant to make application to operate a solid waste landfill or storage facility. This meeting will be for discussion purposes and no action shall be required by council.

Sec. 38-182. Prohibition as to hazardous waste and out of parish garbage and waste.

- (a) No solid waste landfill or solid waste storage facility shall be permitted to operate within the parish that accepts hazardous waste.
- (b) No solid waste landfill or solid waste storage facility shall operate within the parish that accepts industrial waste or Type I solid waste as defined by the state department of environmental quality, generated outside of the parish.

Sec. 38-183. Public notice requirements.

Any request for a permit or renewal of a permit to operate a solid waste landfill or solid waste storage facility in the parish made to the parish council-president government shall be governed by the following public notice requirements, to-wit:

- (1) The entity or person requesting a solid waste landfill or solid waste storage facility permit shall publish at his expense a two-inch by two-inch notice in the Hammond Daily Star, a newspaper of general circulation in the parish official journal, and therein clearly state an intent to apply for a solid waste landfill and/or solid waste storage facility permit in the parish. This advertisement must be published at least 30 days before the first public hearing required to be scheduled herein below. The

advertisement must state the proposed location, size and type of solid waste landfill or solid waste storage facility sought to be established, as defined by those regulations of the state department of environmental quality. For the first public meeting, this notice shall be publicized as "Initial Public Notice of Proposed Landfill or Solid Waste Storage Facility." For the second public meeting, this notice shall be publicized as the "Second and Final Required Public Notice of Proposed Landfill or Solid Waste Storage Facility." The public meeting shall be scheduled by the parish council and coordinated with the notices required to be published herein.

- (2) The parish council by a resolution must place the item on the published agenda at least 30 days before the item is ever considered. The intent to consider granting a permit pursuant to this article must be published in the parish official journal and the said publication shall state the proposed location, size and type of landfill proposed, as defined by the regulations of the state department of environmental quality. For the first public meeting of the parish council to consider the granting of such a permit, this notice shall be publicized as "Initial Public Notice of Proposed Landfill or Solid Waste Storage Facility." For the second public meeting, this notice shall be publicized as the "Second and Final Required Public Notice of Proposed Landfill or Solid Waste Storage Facility."
- (3) At least 30 days prior to the first public meeting, a good faith attempt to notify the property owners within a 3,000-foot radius of the boundaries of the proposed solid waste landfill or solid waste storage facility shall be made. This notice shall be sent by the applicant through property information obtained by the parish clerk of court. This notice shall be by certified mail, at the applicant's expense, stating the time, place and intent of the hearing. A list of names and addresses to whom the notices were sent including return receipts shall be made available to the parish council.
- (4) The application for a permit to operate a landfill or solid waste storage facility shall address and the parish council will consider the application for permit based upon the criteria for landfill use as set forth in section 38-187.
- (5) The parish council must give due consideration of the impact of the proposed landfill or solid waste storage facility at the first public meeting. Consideration shall include review of the thoroughness of the permit application and a thorough hearing of public input. Based upon the first hearing, the parish council may vote to deny the permit, request further information or issue a preliminary acceptance of the landfill permit. Preliminary acceptance may be given by the parish council only after all necessary information has been provided and presented at the public hearing, with the full public hearing and full public consideration of the potential adverse effects of the proposed landfill.
- (6) Following preliminary acceptance of the permit application, at a minimum, the parish council shall conduct a second public meeting on this issue. The second public meeting shall be publicized as provided under subsections (a) and (b) of this section.
- (7) At the second public meeting, the parish council shall consider and vote on the permit application a second time. After due consideration of the impact of the proposed landfill and a thorough hearing of public input, the parish council may vote to deny the permit, request further information or grant a landfill permit subject to final approval by ordinance of the parish council-president government. The final permit shall be approved by the introduction and passage of an ordinance. This section is subject to the parish president's veto power.
- (8) This permitting process has been enacted in order to protect the ability of the parish council-president government to regulate the location, adverse impact of and types of landfills and solid waste storage facilities and does not waive the permitting requirements of the state and its department of environmental quality and/or the United States Environmental Protection Agency.

Sec. 38-184. Length of permit and permit renewal.

Any permit for a solid waste landfill and/or solid waste storage facility in the parish shall be subject to the following, to-wit:

- (1) The initial permit will be for a period of not more than five years.
- (2) Permit renewal shall be based upon the same public notice as defined in section 38-183.
- (3) Permit renewals shall also be for no more than five years.
- (4) The secretary of the state department of environmental quality shall be advised in writing by the parish council-president government of the length of the granted parish approved permit and that any state approved permit must be in accordance with the conditions and limitations of the approved parish permit.

Sec. 38-185. Request to modify permit to increase size, height, or type of landfill.

Any landfill site operating under a permit granted by the parish-president government cannot be modified as to its size, height or type of landfill excepting that the modified permit be approved after due notice, which approval shall include public notice as defined in section 38-183.

Sec. 38-186. This article shall not be suspended.

The provisions of this article shall not be suspended, laid aside temporarily or modified to consider any particular permit application.

This article contains safeguards that are an intrinsic part of the public trust endowed upon the elected members of the parish council and the parish president by the citizens of the parish and the provisions for public notice as set forth in section 38-183 and shall not be modified, waived or varied without the introduction and passage of an ordinance.

Sec. 38-187. Criteria for landfill location.

Any landfill permitted for operation by the parish council-president government pursuant to this article shall meet the following criteria, to-wit:

- (1) The parish government shall consider the extent to which the proposed landfill or solid waste storage facility incorporates recycling. Permits shall include plans for minimum recycling of household waste.
- (2) The parish government shall consider the extent to which the proposed landfill or solid waste storage facility impacts public safety and the extent to which the proposed landfill or solid waste storage facility impacts public roads leading to the landfill. The permit application shall include the anticipated routes and the estimated daily number of trucks accessing the site. This aspect of the permit application shall be reviewed by the parish engineer to determine the impact on public expenditures for road construction and road maintenance. This information shall also be considered in assessing noise impact associated with truck traffic.
- (3) The parish government shall consider whether the proposed landfill and/or solid waste storage facility shall be located adjacent to or sited on public roads.
- (4) The parish government shall consider the proposed days of the week and hours of operation which information shall be included in the permit application.
- (5) The parish government shall consider the impact of odor. The odor associated with the proposed landfill or solid waste storage facility shall be considered. There shall be included in this consideration the number of persons living in poverty within five miles of the landfill who may not be able to close their windows and may not be able to afford climate control in their homes.
- (6) The parish government shall consider the size of the proposed landfill and/or solid waste storage facility. The permit application shall include information as to the proposed size of the said landfill and/or solid waste storage facility.
- (7) The parish government shall consider the height of the proposed landfill and/or solid waste storage facility. The maximum elevation of the landfill and/or solid waste storage facility shall be proposed and shall not exceed the sight line of the trees or other features obscuring the facility from the view from homes already existing in the area at the time of the permit.
- (8) The parish government shall consider the site management plan. The permit application shall describe how the landfill and/or solid waste storage facility site will be managed to minimize rodents, pests, windblown litter, odors, smoke and dust.
- (9) Subject to the approval of the state department of environmental quality permitting process, the proposal shall address what landfill lining, gas and leachate collection systems will be used at any landfill and/or solid waste storage facility and the parish council-president government shall review this information.

- (10) Subject to the approval of the state department of environmental quality permitting process, the proposal shall provide valid test results and analysis to identify potential impact on water wells, aquifers and runoff areas. The parish council-president government shall obtain and review this information.
- (11) The permit shall include the type of proposed landfill and/or solid waste storage facility, as defined by regulations of the state department of environmental quality. The parish council-president government shall obtain and review this information.
- (12) The parish council-president government shall require buffers. A minimum buffer of 1,000 feet must be maintained between the area where waste is land filled or processed and the nearest occupied structure (i.e., home, school or place of worship). Sites should be selected where the 1,000-foot buffer is in mature trees. When siting within mature trees is not possible, the buffer should be landscaped or modified to achieve 100 percent screening of the landfill and/or solid waste storage facility from all area homes, schools, places of worship and public roads.
- (13) The parish government shall consider the impact on property value and existing land use. The parish council-president government shall consider, in its assessment of the impact of the proposed landfill and/or solid waste storage facility, the potential negative impact of the proposed landfill and/or solid waste storage facility on the ability of property owners to enjoy their property and to maintain the property values for the existing land uses including residences, schools, places of worship, businesses, agricultural resources, recreational resources and sportsman resources.
- (14) Cost considerations shall be provided to the parish council-president government by the person or entity seeking the permit pursuant to this article, including, but not limited to, annual payments to offset increased public safety and road upkeep and maintenance expenses associated with the proposed landfill and/or solid waste storage facility.

Sec. 38-188. Permit fee.

Any request for a permit or renewal of a permit to operate a solid waste landfill and/or solid waste storage facility in the parish made to the parish council-president government shall include the proposed location, size and type of solid waste landfill and/or solid waste storage facility sought to be established as defined by the regulations of the state department of environmental quality. The applicant shall also include with this request for a permit or renewal of a permit a fee made payable to the parish government of \$1,000.00 to defray the expenses associated with investigation and public notification. This advance fee is nonrefundable.

Sec. 38-189. Prohibitions, restrictions and special requirements.

- (a) It shall be unlawful to dispose of or accept hazardous waste or hazardous material in any solid waste landfill or storage facility.
- (b) It shall be unlawful for any solid waste landfill or storage facility to accept any waste generated outside of the parish.
- (c) It shall be unlawful to operate any solid waste landfill or storage facility between the hours of 6:00 p.m. and 6:00 a.m.
- (d) An operable gate shall be placed at the point of the entrance to the solid waste landfill or storage facility and a parish or state road or highway. This gate shall be closed and locked during the hours of 6:00 p.m. and 6:00 a.m.
- (e) Impromptu inspections shall be made by the parish environmental services inspector to verify compliance with this article. Right of entry shall be granted to the inspector upon presentation of parish identification. Failure to comply with these regulations and/or deny entry for inspections shall be grounds for an immediate cease and desist order to be placed on site by inspector until brought into compliance. Further criminal sanctions are included in section 38-190.

Sec. 38-190. Construction/Demolition (C&D) Debris Site.

This type of facility as defined in Section 38-180 and LAC 33:III.5151. B, must follow the regulations in Article VIII: Developments with Special Provisions Section 36-225 and must comply with all DEQ requirements.

Sec. 38-190~~1~~. Criminal sanctions.

Whoever violates the provisions of this article shall be subject to criminal penalties as provided in section 1-13.

ARTICLE IV. PARISH-WIDE SOLID WASTE COLLECTION PLAN

Sec. 38-192. Implementation of the plan.

- (a) The Parish solid waste collection plan is comprised of all provisions of this chapter. The plan shall be supervised and enforced by the parish council-president government. The plan and all actions of the parish council-president government shall be reviewed and approved by the Parish Council.
- (b) The following non-exclusive listing sets forth some of the major elements of the plan:
 - (1) The plan shall be a no-bid or RFP plan.
 - (2) Only solid waste collectors that are approved by parish council-president government shall obtain a solid waste collector's permit in order to operate in Tangipahoa Parish.
 - (3) By signing the TPG Waste Hauler Permit Agreement, the collector agrees to abide by all of the stipulations of the TPG Waste Hauler Permit Agreement, as well as all requirements of the Parish solid waste ordinance and this chapter, solid waste, and further, the collector, by signing the TPG Waste Hauler Permit agreement, signifies that he understands that a breach of any provision of the Waste hauler agreement, or of Chapter 38 of the Code, may result in the revocation of his permit and the cancellation of the waste hauler agreement, both of which are necessary for the collector to engage in solid waste collection in Tangipahoa Parish.
 - a. All approved collectors shall service all roads/parcels in unincorporated areas of Tangipahoa Parish. Refusal of service to areas of unincorporated Tangipahoa Parish will result in revocation of permit.
 - (4) All collectors shall provide the minimum solid waste collection service of once-weekly collection to any residential unit. Additional or optional services may be provided by mutual agreement between the person serviced and the collector.
 - (5) The monthly charge to each residential unit for the once-weekly solid waste collection shall be in an amount as established between the person serviced and the collector.
 - (6) Collectors are allowed to retain their present customer lists, routes and areas of collection and are free to increase their customer base Parish wide.
 - (7) If requested by any resident of the Parish, a complete listing of all licensed haulers in the Parish will be provided. The resident may contract with the hauler of his choice to provide such collection service.
 - (8) The parish council-president government, or assigned designee, will manage and enforce the provisions of this chapter to ensure that all residents and collectors are in compliance with all of the terms of the chapter and the solid waste management plan. In those instances where compliance is not occurring (with the exception of any violation of the open burning provision of this chapter) the Parish President, or his designee, will do the following:
 - a. Contact, in person or by telephone, the collector who is not in compliance and advise them of the chapter, the specific violation, and what is needed for compliance.
 - b. Noncompliance after such contact is made may result in a revocation of permit.
 - (9) Bulk waste consisting of appliances (a limit of 4 appliances per Residential Unit per year), furniture and other like waste other than agricultural solid waste, dead- animals, offal waste, or stable matter. Appliances containing CFCs, or other refrigerants shall only be included as Bulky Waste so long as the Tangipahoa Parish Landfill accepts such appliances from Contractor for disposal and accepts the responsibility of properly removing said CFCs or other refrigerants.

Sec. 38-193. Solid Waste transportation; vehicle bodies; containers; placement.

- (a) Vehicle bodies used for collection and transportation of garbage, rubbish or other waste materials containing putrescible matter shall be enclosed, weathertight, leakproof, constructed of durable metal.
- (b) Collector shall provide a receptacle (container) with a capacity of at least 90 gallons constructed of plastic or fiberglass designed for mechanical dumping, semi-automated, or automated. The container shall be equipped with wheels and handles for easy movement and with a tight fitting lid capable of preventing entrance of water or vectors. The mouth of the container shall have a diameter greater than the base.

(c) Containers shall be placed at curbside for Collection, no more than five feet from roadway or curb and must be located five feet from any objects, (i.e., mailboxes, parked vehicles, etc.). Curbside refers to that portion of the roadway adjacent to paved or traveled city streets (including alleys), where mail service is provided. When construction work is being performed in the right-of-way, Carts shall be placed as close as practicable to an access point for the collection vehicle. The collector shall properly instruct their customer base on placement of container.

Sec. 38-194. Collectors.

(a) All collectors shall be licensed with a state transporter ID number issued by LDEQ, shall be approved by the Tangipahoa Parish Council-President, shall meet all standards set by this chapter and any other regulatory agency having jurisdiction thereof, and shall enter into a collector's agreement.

(b) Collectors will be required to furnish the following information/documentation, as requested, to qualify for a license to operate as a solid waste collector or to have their licenses renewed:

(1) Evidence that the collector, if a state corporation or partnership, is in good standing in the state and, in the case of a corporation organized under the laws of any other state, evidence that the collector is qualified to do business in the state, or a sworn statement that it will take all necessary action to become so qualified if its participation is accepted, service shall not be provided to registration with the state of Louisiana.

(2) Insurance. The Contractor shall at all times during the Contract maintain in full force and effect, Workmen's Compensation, Employer's Liability, Public Liability and Property Damage Insurance, including contractual liability coverage. All insurance shall be by insurers and for policy limits acceptable to the Parish and before commencement of work hereunder, the Contractor agrees to furnish the Parish Certificates of Insurance or other evidence satisfactory to the Parish to the effect that such insurance has been procured and is in force. Such certificates shall provide that written notice shall be given to the Parish at least thirty (30) days prior to cancellation or modification of any such policy. Each insurance policy required by this section shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to Parish.

Coverages	Limits of Liability
Workmen's Compensation	Statutory or \$1,000,000 per occurrence, whichever is greater
Employer's Liability	\$500,000
Bodily Injury Liability	\$500,000 each occurrence
Except Automobile	\$1,000,000 aggregate
Property Damage Liability	\$500,000 each occurrence
Except Automobile	\$500,000 each occurrence
Automobile Bodily Injury Liability	\$500,000 each person
Automobile Property Damage Liability	\$500,000 each occurrence
Excess Umbrella Liability	\$5,000,000 each occurrence
Environmental Impairment Liability	\$3,000,000 each occurrence

(c) Collectors, their employees, representatives and any subcontractor assisting in the performance of the collector's agreement shall not discriminate against any person because of race, sex, creed, color, religion or national origin.

(d) The failure of any collector to comply with any of the foregoing provisions may subject the collector to the revocation of his permit and the cancellation of his collector's agreement.

Sec. 38-195. Collector's agreement.

(a) Each collector, prior to being granted a permit, shall execute a collector's agreement. Only collectors who have executed a collector's agreement with the Parish may be granted a non-exclusive license/permit to collect solid waste in the unincorporated areas of the Parish. Each such collector's agreement (as well as the said license/permit) shall be from the date of issuance and expiring on December 31 of that calendar year. The collector's agreement to be executed shall read as set in T.P. Ord 24-20, on file in the office of the Parish Council clerk.

(b) The collector's agreement may be changed or modified from time to time to include such additional provisions as the Parish Council-President may deem necessary or advisable.

Sec. 38-196. Disposal facilities.

All solid waste collected by the collector shall be hauled to Tangipahoa Parish Regional Solid Waste Facility and conditions set out in section 38-39.

Sec. 38-197. Ownership of solid waste.

Title to solid waste shall pass to the collector when placed in collector's collection vehicle, removed by the collector from containers or removed by collector from the owner's premises.

Sec. 38-198. Applicability of this chapter to collection services rendered by persons contracting with the Parish for solid waste collection services.

The obligations with respect to solid waste collection, of any natural or juridical person (hereafter referred to as collector) that enters into a contract with the Parish for the collection of solid waste (hereinafter referred to as the contract) shall be regulated and controlled by the terms and conditions of the contract, and the collector shall not be subject to any provision, regulation, requirement, or obligation contained within this chapter of the Code of Ordinances in and for the Parish, which conflicts in any way with the terms, conditions, requirements and/or obligations set forth in the contract. Such conflicting provisions of the solid waste ordinance being inapplicable to the collection services rendered by collector.

This ordinance having been submitted in writing, having been introduced at a public meeting of the Tangipahoa Parish Council, discussed at a public hearing of said council and was submitted to an official vote of the Tangipahoa Parish Council.

8. ADOPTION of T.P. Ordinance No. 24-21 - An Ordinance to acquire ownership of Right of Ways for the H. Cologne Road Widening Project in Loranger, Louisiana, to authorize the Parish President to sign and execute all necessary documents to provide for the recordation and to provide copies to all involved parties - The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Tangipahoa Parish Council on May 13, 2024, a summary thereof having been published in the Official Journal together with a notice of public hearing, which was held in accordance with said public notice, was brought up for final passage on May 28, 2024. Motion by Mr. Ingraffia seconded by Mr. Wells to adopt T.P. Ordinance No. 24-21. Roll call vote as follows: YEA: Sinagra, Ingraffia, Joseph, Havis, Ridgel, Mayeaux, Wells, Hyde, Cieutat ABSENT: Vial

T. P. Ordinance No. 24-21

AN ORDINANCE TO ACQUIRE OWNERSHIP OF RIGHT OF WAYS FOR THE H. COLOGNE ROAD WIDENING PROJECT IN LORANGER, LOUISIANA, TO AUTHORIZE THE PARISH PRESIDENT TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO PROVIDE FOR THE RECORDATION AND TO PROVIDE COPIES TO ALL INVOLVED PARTIES

WHEREAS, Tangipahoa Parish Government has identified and prioritized the "H. Cologne Road Widening" project as a priority; and
 WHEREAS, in order to implement this project, the acquisition of needed right of way from property owners will be required; and

WHEREAS, it is necessary that the Tangipahoa Parish Council authorize the Tangipahoa Parish President or his designee to sign any all agreements, acts of sale, acts of donations and/or other necessary and relevant documents to acquire the subject properties for the purposes set forth herein.

The above and foregoing ordinance having been duly submitted to the Tangipahoa Parish Council in writing; introduced at a public meeting of the Tangipahoa Parish Council; discussed at the said public hearing; after motion and second was submitted to the official vote of the Tangipahoa Parish Council.

9. ADOPTION of T.P. Ordinance No. 24-22 - An Ordinance to acquire ownership of Right of Ways for the State Project #H.014265 N. River Road Bridge over Irving Branch Bridge Replacement Project in Kentwood, Louisiana, to authorize the Parish President to sign and execute all necessary documents to provide for the recordation and to provide copies to all involved parties - The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Tangipahoa Parish Council on May 13, 2024, a summary thereof having been published in the Official Journal together with a notice of public hearing, which was held in accordance with said public notice, was brought up for final passage on May 28, 2024. Motion by Mr. Sinagra seconded by Mr. Ingraffia to adopt T.P. Ordinance No. 24-22. Roll call vote as follows: YEA: Sinagra, Ingraffia, Joseph, Havis, Ridgel, Mayeaux, Wells, Hyde, Cieutat ABSENT: Vial

T. P. Ordinance No. 24-22

AN ORDINANCE TO ACQUIRE OWNERSHIP OF RIGHT OF WAYS FOR THE STATE PROJECT #H.014265 N. RIVER ROAD BRIDGE OVER IRVING BRANCH BRIDGE REPLACEMENT PROJECT IN KENTWOOD, LOUISIANA, TO AUTHORIZE THE PARISH PRESIDENT TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO PROVIDE FOR THE RECORDATION AND TO PROVIDE COPIES TO ALL INVOLVED PARTIES

WHEREAS, Tangipahoa Parish Government has identified and prioritized the “N. River Road Bridge Replacement” project as a priority; and

WHEREAS, in order to implement this project, the acquisition of needed right of way from property owners will be required; and WHEREAS, it is necessary that the Tangipahoa Parish Council authorize the Tangipahoa Parish President or his designee to sign any all agreements, acts of sale, acts of donations and/or other necessary and relevant documents to acquire the subject properties for the purposes set forth herein.

The above and foregoing ordinance having been duly submitted to the Tangipahoa Parish Council in writing; introduced at a public meeting of the Tangipahoa Parish Council; discussed at the said public hearing; after motion and second was submitted to the official vote of the Tangipahoa Parish Council.

10. ADOPTION of T.P. Ordinance No. 24-23 - An Ordinance declaring surplus TPG Asset #Misc0243, 22357 Brignac Road, Robert, Assessment #2306603 and to authorize the Parish President or his authorized designee to sign any and all documents in regard to the sale and transfer of said property in District 2 – Mr. Miller asked T.P Ord 24-23 be pulled explaining the parish needs the property for an upcoming project and no longer wishes to surplus the property. Motion by Mr. Joseph seconded by Mr. Ingraffia to **PULL** T.P. Ordinance No. 24-23. Roll call vote as follows: YEA: Sinagra, Ingraffia, Joseph, Havis, Ridgel, Mayeaux, Wells, Hyde, Cieutat ABSENT: Vial

INTRODUCTION OF ORDINANCE

11. INTRODUCTION of T.P. Ordinance No. 24-19 - An Ordinance to Amend and Enact Chapter 36-Planning and Development, Article VIII-Developments with Special Provisions, Sec 36-220 General Standards and Sec 36-225 Solid Waste Disposal Facilities - C&D Sites - Motion by Mr. Havis, seconded by Mr. Ridgel to **TABLE** T.P. Ordinance No. 24-19 for further review of the language. Roll call vote as follows: YEA: Sinagra, Ingraffia, Joseph, Havis, Ridgel, Mayeaux, Wells, Hyde, Cieutat ABSENT: Vial
The Vice-Chair made it known there would NOT be a special meeting or public hearing as advertised for this item.

ADOPTION OF RESOLUTIONS

12. ADOPTION of T.P. Resolution No. R24-15 - A Resolution of the Tangipahoa Parish Council-President Government for Parker Branch Solar, LLC to proceed with the permitting process for a Renewable Energy Power Plant in District 4, Tangipahoa Parish – A Public Hearing was held on this item: Daniel Wahlen, 130 Roberts Street, Asheville, NC, project developer, spoke in favor. Councilman Havis made known there was a community meeting on this project and the developer did a good job explaining all the details. WHEREAS, Parker Branch Solar, LLC has submitted an application for the development of a renewable energy power plant in Tangipahoa Parish; and
WHEREAS, the renewable energy power plant is to be located at Assessment #1036300, #1036807, #930709, #6557988, #926604, #3496805, #3496600, #3496708, #6080103, #6080065, #6080111 in Districts 4; and
WHEREAS, the Technical Review Committee has reviewed and approved the site plan for Paker Branch Solar, LLC; and
NOW, THEREFORE BE IT RESOLVED, that the Tangipahoa Parish Council acting as the governing authority does hereby find that Parker Branch Solar, LLC’s application is complete and complies with the requirements of the Tangipahoa Parish Code of Ordinances and does hereby authorize the Technical Review Committee to proceed with the permitting process and issue such approvals as necessary for the construction and operation of the renewable energy power plant proposed by Parker Branch Solar, LLC.
On motion by Mr. Havis and seconded by Mr. Sinagra, the foregoing resolution was hereby declared adopted on this the 28th day of May 2024 by the following roll-call vote: YEAS: Sinagra, Ingraffia, Joseph, Havis, Ridgel, Mayeaux, Wells, Hyde, Cieutat ABSENT: Vial

13. ADOPTION of T.P. Resolution No. R24-16 - A Resolution of the Tangipahoa Parish Council-President Government for the certification of Natalbany Fire Department in the Fire Prevention Bureau
WHEREAS, the Tangipahoa Parish Council-President Government pursuant of R.S. 40:1563 created a Fire Prevention Bureau under Chapter 18 Fire Prevention and Protection of the parish code of ordinances; and
WHEREAS, Chapter 40 Special Districts of the parish code of ordinances the Tangipahoa Parish Fire Protection District No. 2 boundaries are established and identify Natalbany Fire Department within the boundaries.
WHEREAS, the Natalbany Fire Department desires to assume responsibility and liability for inspections within the boundaries established in the Tangipahoa Parish Code of Ordinances, Chapter 40 Special Districts, Article II Fire Protection District, Division 3 Fire Protection District No. 2, (10) Natalbany Fire Department Response Area.
NOW BE IT RESOLVED the Tangipahoa Parish Council-President Government acting as the governing authority does hereby approve the certification of Natalbany Fire Department in the Fire Prevention Bureau of Tangipahoa Parish.
On motion by Mr. Ridgel and seconded by Mr. Joseph, the foregoing resolution was hereby declared adopted on this the 28th day of May 2024 by the following roll-call vote: YEAS: Sinagra, Ingraffia, Joseph, Havis, Ridgel, Mayeaux, Wells, Hyde, Cieutat ABSENT: Vial

14. ADOPTION of T.P. Resolution No. R24-17 - A Resolution of the Tangipahoa Parish Council-President Government to extend the moratorium T.P. Ordinance No. 24-05 for 90 additional days on the consideration and/or approval of all developments of Construction and Demolition Debris Sites within Tangipahoa Parish – The Vice Chair made known more time is needed to work on the language of the ordinance therefore an extension of the moratorium is needed.
WHEREAS, March 13, 2024, T.P. Ordinance No. 24-05 placing a 90 day moratorium on the consideration and/or approval of all developments of Construction and Demolition Debris Sites within Tangipahoa Parish was adopted and signed by the council and parish president; and
WHEREAS, the T.P. Ordinance No. 24-05 stated the moratorium shall expire in maximum 90 days from the adoption unless extended by Resolution of the Tangipahoa Parish Council; and
WHEREAS, the Tangipahoa Parish Council deems it in the best interest of the Parish of Tangipahoa to extend the moratorium an additional 90 days to help facilitate a more appropriate, effective, and complete set of regulations to govern the development of Construction and Demolition Debris Sites within Tangipahoa Parish; and
NOW, THEREFORE BE IT RESOLVED, that the Tangipahoa Parish Council acting as the governing authority does hereby adopt a resolution extending the previous moratorium, on the development of Construction and Demolition Debris Sites within Tangipahoa Parish for a period of ninety (90) days.
On motion by Mr. Havis and seconded by Mr. Joseph, the foregoing resolution was hereby declared adopted on this the 28th day of May 2024 by the following roll-call vote: YEAS: Sinagra, Ingraffia, Joseph, Havis, Ridgel, Mayeaux, Wells, Hyde, Cieutat
ABSENT: Vial

BEER, WINE, AND LIQUOR PERMITS – None

LEGAL MATTERS – None

COUNCILMEN'S PRIVILEGES

Mr. Ingraffia asked the council to speak to local law enforcement about Kratom for more information.
Mr. Joseph thanked all the citizens of Tangipahoa Parish for not forgetting all the ones that served.

ADJOURN

With no further discussion, Motion by Mr. Wells to adjourn the meeting. No opposition.

S/Jill DeSouge, Council Clerk
Tangipahoa Parish Council

S/Brigitte Hyde, Vice Chair
Tangipahoa Parish Council