



COMMITTEE MEETING

March 03, 2020 at 5:15 PM

Council Meeting Room, 101 North State Street,
Abbeville, Louisiana 70510

AGENDA

NOTICE POSTED: March 2, 2020 at 4:00 P.M.

To allow a public comment period on any agenda item prior to action.

Ordinance Committee - Chaired by Councilwoman Terry Broussard.

- [1.](#) To discuss an ordinance to revise and reorganize Chapter 15.5 - Solid Waste Ordinance.

In accordance with the Americans with Disabilities Act,
if you need special assistance, please contact
Mayor Mark Piazza's office at 337-893-8550,
describing the assistance that is necessary.

To: Mayor and Councilmembers.

From: Ike

Date: February 26, 2020

Chapter 15.5 has been reorganized to provide separate provisions for residential solid waste collection by the Police Jury and all other collection to be done by commercial collectors who have contracted with our business community. This has resulted, not only in new provisions to govern the commercial collectors, but also in new numbering of ordinances for the entire Chapter.

All revisions are noted in red print.

Chapter 15.5 - SOLID WASTE^[1]

Sec. 15.5-1. - Scope of chapter.

The provisions of this chapter shall apply to all territory within the city limits.

(Ord. No. 04-10B, § 23-1, 8-3-04)

Sec. 15.5-2. – Divisions of chapter.

- (a) Rules applicable to all collection;
- (b) Rules applicable to single residential units;
- (c) Rules applicable to multi-residential units, commercial units, and industrial units.

Part A - Rules applicable to all collection.

Sec. 15.3. - Definitions.

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

Bin means a metal receptacle (commonly known as a dumpster) designed to be lifted and emptied mechanically, for use at multi-residential, commercial and industrial units.

Commercial unit means a store, shop or office where business is conducted. A shopping center would contain several commercial units.

Contractors' rubble means the residue from construction, building, demolition of parts or whole structures, the residue from do it yourself repairs or other like operations, including excavations, or other such projects.

Garbage means the following: rubbish, trash, kitchen waste, restaurant waste, food containers, paper, rags, floor lifter, and other normal kitchen discard, including floor sweepings.

Generator means the individual, corporation, partnership or group responsible for creating the solid waste or other material regulated by this chapter and shall include the property owner, lessee and/or transporter of the waste.

Householder means the user/renter, occupant or in their absence or default to the owner of the property.

Industrial unit means a place of business where manufacturing, canning, assembling, processing and the like are conducted.

Multi-residential unit means any structure, complex, or planned community which houses more than one family

Producer means the entity which either generated the waste or refuse and/or the property from which the waste or refuse emanates.

Single Residential Unit means any generator of solid waste which is neither a multi-family unit, a commercial unit, nor an industrial unit.

Solid waste means garbage and trash and discarded household goods. It shall not include hazardous wastes, i.e., any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the state to be hazardous. It shall also not include large automobile or other vehicle parts.

Trash means the following: small quantities of grass trimmings, leaves, hedge trimmings, magazines, books, newspapers, wrapping paper (and the like), general household discard not including wooden barrels, boxes or crates, but including cardboard boxes and similar objects.

Trash container means the mechanically collected container distributed by the Vermilion Parish Police Jury.

Vermilion Parish Police Jury includes the jury and any department therein assigned the responsibility for solid waste matters, or any third party retained by the jury to contractually assume the responsibility for the collection of solid waste.

(Ord. No. 04-10B, § 23-2, 8-3-04)

Sec. 15.5-4. Depositing of refuse on the property or in the container of another.

No person shall deposit any item in the trash container **or bin** belonging to another without the express consent of the owner of said trash container. No person shall place or deposit any items for collection upon the property belonging to another without the express consent of the property owner.

(Ord. No. 04-10B, § 23-9, 8-3-04)

Sec. 15.5-5. Disposal of garden trash, old furniture and other rubbish

(a) *Collection.* No refuse disallowed for deposit into a trash container **or bin** shall be placed in the trash container **or bin**, nor shall said refuse be placed on the curb line for collection unless a request has been made with the Vermilion Parish Police Jury for collection of said refuse. All such material placed on the curb line for collection shall be removed within a reasonable period not to exceed one (1) month by the owner.

(b) *Preparation.* Branches, tree limbs, small tree (six-inch diameter) trunks and small tree (eighteen-inch diameter) roots, household furniture; and old carpets, linoleum and like floor coverings shall be placed on the curb line adjacent to the garbage can, but not on a catch basin,

or at any other location designated by the Vermilion Parish Police Jury. None of such items shall be over eighteen (18) inches in diameter, nor over six (6) feet long.

(Ord. No. 04-10B, § 23-10, 8-3-04; [Ord. No. 15-09](#), 11-3-15)

Sec. 15.5-6. - Disposal of tree trimmings, hedge cuttings, leaves, grass and weeds.

(a) Any person desiring to place tree trimmings or hedge cuttings or shrubbery of any kind for removal shall request collection by the Vermilion Parish Police Jury. All such material placed on the curb line for collection shall be removed within a reasonable period not to exceed one month. No material in excess of six (6) feet long nor in excess of eighteen (18) inches in diameter shall be placed on the curb line adjacent to the property which generated the refuse.

(b) Leaves, weeds and grass will be considered as trash and shall not be placed on the city streets or public rights-of-way in any manner other than bagged and placed within a regulation container as defined in [section 15.5-5](#).

(Ord. No. 04-10B, § 23-11, 8-3-04)

Sec. 15.5-7. - Transportation of garbage, trash or debris.

Any person transporting, hauling, or permitting the transportation or hauling of any garbage, trash, or other debris within the city shall take all reasonable and necessary precautions to prevent the scattering or spilling of the garbage, trash, or other debris from the vehicle being used to convey the same. Any open conveyance of loose items shall be secured with a tarpaulin or other covering to prevent spillage; items enclosed within uncompromised plastic trash bags and containers need not be covered. This section shall not apply to trucks properly located with debris too heavy to blow off during transportation.

It shall be the responsibility of the transporter to immediately stop and collect any garbage, trash, or other debris which falls off or is blown off of the vehicle being used to convey the same, and the failure to do so shall render both the trash generator and the transporter liable unto the City of Abbeville for the cost of all remedial action necessary to collect and dispose of the same. Any person found to be in violation of this chapter shall be subject to immediate stop and impoundment of the vehicle pending compliance.

(Ord. No. 04-10B, § 23-12, 8-3-04; [Ord. No. 15-09](#), 11-3-15)

Sec. 15.5-8. - Yard trash and other large accumulations.

Items which exceed the size limits set forth in sections [15.5-10](#) and [15.5-11](#), above shall be removed by the property owner at the owner's expense. Such items shall be removed from the property within a reasonable period of time, not to exceed one (1) month.

In violation hereof the city shall provide the property owner with twenty-four-hours' notice of the city's intention to remove, and thereafter, if the city removes the refuse the property owner

shall be charged the actual cost of removal, with a minimum charge of one hundred dollars (\$100.00) for each collection for such items removed. If the bill is not paid within thirty (30) days, the city shall send notice by registered mail to the owner as listed on the city's tax rolls. If the bill is still unpaid within thirty (30) days, the city shall have, when duly recorded in the records of Vermilion Parish, a lien and privilege upon the real property of the owner or owners for such expenses, and such amount shall be carried as an assessment against such property upon the tax rolls of the city and may be collected in the same manner as are all taxes of the city.

(Ord. No. 04-10B, § 23-13, 8-3-04; [Ord. No. 15-09](#), 11-3-15)

Sec. 15.5-9. - Disposal of dead animals.

Dead animals shall not be placed in a trash container **or bin**, nor shall any dead animal be placed on or along any city street or right-of-way for collection. Any person having a dead animal on their property shall call notify the city of the animal's location by calling city hall between the hours of 9:00 a.m. and 4:00 p.m. and arranging for collection.

(Ord. No. 04-10B, § 23-14, 8-3-04; [Ord. No. 15-09](#), 11-3-15)

Sec. 15.5-10.. - Fish, poultry and animal waste.

Refuse created from the cleaning of fish, fowl, game or livestock shall not be placed on the curb line for collection unless and until the same has been packaged in a sealed plastic bag and placed within a trash container approved by the Vermilion Parish Police Jury.

(Ord. No. 04-10B, § 23-15, 8-3-04)

Sec. 15.5-11.. - Disposal of waste not classified as garbage or trash.

(a) Building debris such as plaster, roofing, concrete and brickbats resulting from construction, repair or remodeling of any building or appurtenances on private property must be privately removed by the generator of this debris.

(b) Any person desiring to dispose of any waste, debris or rubbish from dwellings, business establishments or other places, due to regular business or from rebuilding or remodeling or new construction or other substances not coming within the definition of garbage or trash provided in this chapter and who desires to place the same between the curb line and the sidewalk line for collection by private collectors, or by himself, must securely tie, wrap or place the same in a container so that the substance cannot be scattered upon the streets of the city. Such waste, debris, rubbish or other substance shall not be left between the curb line and the sidewalk for an extended period of time, not to exceed one (1) month.

(c) Any contractor or business which is hired or retained to do or perform work at any location within the city, or performs work outside of the city, is prohibited from placing construction materials and/or debris on or adjacent to city streets to be removed by the Vermilion Parish Police Jury, and is required to transport the same to the Vermilion Parish Solid Waste facility, or to obtain

a temporary (forty-eight (48) hours) on-site container from the Vermilion Parish Police Jury for the disposal of such materials.

(Ord. No. 04-10B, § 23-16, 8-3-04; [Ord. No. 15-09](#), 11-3-15)

Sec. 15.5-12. - Disposal of appliances.

(a) Disposal of appliances shall be by special pick-up arranged with the Vermilion Parish Police Jury. At no time shall appliances of any type or nature be placed along the curb line for collection except where arrangements have been made, and only within twelve (12) hours of the collection.

(b) In violation hereof, the city shall provide the property owner with twenty-four-hours' notice of the city's intention to remove, and thereafter, if the city removes the refuse the property owner shall be charged fifty dollars (\$50.00), which shall be paid within thirty (30) days. If the bill is not paid within thirty (30) days, the city shall send notice by registered mail to the owner as listed on the city's tax rolls. If the bill is still unpaid within thirty (30) days, the city shall have, when duly recorded in the records of Vermilion Parish, a lien and privilege upon the real property of the owner or owners for such expenses, and such amount shall be carried as an assessment against such property upon the tax rolls of the city and may be collected in the same manner as are all taxes of the city.

(Ord. No. 04-10B, § 23-17, 8-3-04)

Sec. 15.5-13. - Disposal of refrigerators, deep freezers and similar airtight containers.

(a) It shall be unlawful for any person, organization, firm or corporation to abandon or place out-of-doors on any lot, tract, parcel of ground, right-of-way, or area where children may be playing or have access in the city limits, any icebox, refrigerator, deep freezer or any other container of any kind which has an airtight door, or which may not be released for opening from the inside of such icebox, refrigerator, deep freezer or container, or any abandoned, unattended or discarded icebox, refrigerator, deep freezer or any other container of any kind which is airtight and has a snap lock or other device thereon without first removing such snap lock or door from such icebox, refrigerator or container.

(b) Disposal of such appliances must be made in accordance with state and federal regulations governing refrigerant may be disposed of in any solid waste disposal site meeting all city, parish and state regulations. They may be placed out for special pickup in accordance with [section 15.5-17](#), only if sealed to prevent entry and only if in compliance with other applicable law.

(Ord. No. 04-10B, § 23-18, 8-3-04)

State Law reference— Similar provisions, R.S. 14:324.

Sec. 15.5-14. - Mixing collectible and non-collectible waste.

The designations and classification of waste above is mandatory and the commingling of non-collectible items with collectible items or depositing non-collectible items within trash containers is prohibited.

(Ord. No. 04-10B, § 23-19, 8-3-04)

Sec. 15.5-15. - Tampering with trash containers or bins.

It shall be unlawful for any person to damage, molest, remove, handle or to otherwise disturb the trash containers or the contents either while situated upon private property or which have been placed on city property for servicing or collection by the Vermilion Parish Police Jury. This section does not apply to the owner, occupant, lessee or tenant of the residence or dwelling so placing the container and contents.

(Ord. No. 04-10B, § 23-20, 8-3-04)

Sec. 15.5-16. - Placing substances in streets, sidewalks, alleys and ditches.

(a) It is hereby declared unlawful for any person to throw, place or cause to be placed on any sidewalk or on paved street or in the gutter on any paved street or on any unpaved street or in the drainage ditches adjoining any unpaved street, or in any drainage ditch or drainage space, any nails, tacks, bottles, rocks, bricks, paper, trash or other debris of any kind, or any other substance whatsoever, provided that this subsection does not apply to regularly designated maintenance crews of the city or public utility companies as provided by law.

(b) Notwithstanding the provisions of subsection (a) of this section, any person placing or throwing in any street or alley any dead cats, chickens, rats or other animals, tainted meat, decayed fruits or vegetables, filthy water, human or other excrement, or anything of like nature, or any substance in any manner other than as provided in this chapter, shall be guilty of causing a nuisance and shall be required to abate the same, or to pay for the abatement by the city or its designee.

(Ord. No. 04-10B, § 23-21, 8-3-04)

Sec. 15.5-17. - Right-of-way of department vehicles.

All employees and vehicles of the ~~city's~~ authorized solid waste collectors shall have the right-of-way in the use of the streets, and are hereby given permission to use any part of the streets in the operation of such vehicles in collecting solid waste from the streets of the city.

(Ord. No. 04-10B, § 23-22, 8-3-04)

Sec. 15.5-18. - Dumping on private property.

It shall be unlawful for any person to maintain a public or private dump within the city or to allow the storage or collection of any garbage, trash or refuse upon any property within the city. It shall also be unlawful for any person dump, or cause to be dumped, any garbage, trash or refuse upon any property belonging to any person without the written consent of the owner.

(Ord. No. 04-10B, § 23-23, 8-3-04)

Sec. 15.5-19. - Responsibility to keep premises clean.

All owners and occupants of any building, house or structure, as well as the owner or lessee of any parcel of ground shall be held responsible for the cleanliness of their premises as well as the adjacent public right of way when the condition thereof is a result or consequence of owner or lessee activity on the property. It is hereby declared unlawful to sweep paper, trash, litter, dirt, or other material into the streets, sidewalks, or other public ways.

(Ord. No. 04-10B, § 23-24, 8-3-04)

Sec. 15.5-20. - Scavenging.

It shall be unlawful for any person to perform scavenging operations or to scavenge, dig in or remove trash from within trash containers **or bins** placed upon the curb line for collection. This section shall not apply to the owner of the trash container **or bin**.

(Ord. No. 04-10B, § 23-25, 8-3-04)

Sec. 15.5-21. - Hauling swill through streets.

All persons hauling or conveying swill, slop and like refuse through the streets of the city shall carry the same in closed metal containers, securely covered, so that the contents may not be spilled or odors emitted therefrom.

(Ord. No. 04-10B, § 23-26, 8-3-04)

Sec. 15.5-22. - Interfering with motor vehicle traffic.

Interference with motor vehicle traffic is prohibited. All trash containers, trash, waste, rubbish tree trimmings, debris, or any other material shall be placed for collection in such a manner so as not to interfere with motor vehicle traffic in any way.

This section shall be made part of the following sections by reference:

[15.5-8](#); [15.5-10](#); [15.5-11](#); [15.5-13](#); [15.5-16](#); [15.5-17](#); [15.5-18](#); and [15.5-21](#).

([Ord. No. 15-09](#), 11-3-15)

Sec. 15.5-23. - Penalties.

Any violation of this chapter shall be considered both a public nuisance and a misdemeanor and enforcement may be obtained both civilly and criminally. All cost associated with the repair and remediation of the nuisance shall be borne by the generator of the nuisance.

Any person who violates this chapter shall, upon conviction thereof, be guilty of a misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500.00), or a prison term of not more than thirty (30) days, or both, for each violation.

(Ord. No. 04-10B, § 23-28, 8-3-04; [Ord. No. 15-09](#), 11-3-15)

[Sec. 15-218. - Violation and penalties.](#)

Part B. Rules applicable to single residential units.

Sec. 15.5-24 - Collection of solid waste.

During the existence of the current solid waste tax and designation of the Vermilion Parish Police Jury as the public body charged with the responsibility for collecting such waste, the city designates the police jury as the legal entity which shall exercise authority on behalf of the city for the collection of waste within the corporate limits of the city, and the police jury shall designate the times and manner of collection, as well as requirements for trash containers.

(Ord. No. 04-10B, § 23-3, 8-3-04)

Sec. 15.5-25. - Applicability of police jury requirements.

Where not inconsistent with this chapter, the rules and regulations imposed by the Vermilion Parish Police Jury regarding the collection of all refuse shall be binding and enforceable by the city as part of this chapter. Where a conflict exists between this chapter and a regulation of the police jury, the conflict will be resolved in favor of the city ordinance where the ordinance imposes a more stringent requirement than the parish.

(Ord. No. 04-10B, § 23-4, 8-3-04)

Sec. 15.5-26. - Type and construction of trash containers.

Every single residential unit in the city limits shall have and utilize a container approved and provided by the Vermilion Parish Police Jury. The use of a container and/or receptacle not specifically approved by the Vermilion Parish Police Jury is specifically prohibited.

(Ord. No. 04-10B, § 23-5, 8-3-04)

Sec. 15.5-27. - Items for deposit within trash containers.

Adopted by reference are the rules established by the Vermilion Parish Police Jury regulating the nature of items which may be deposited within a trash container. No material shall be placed within a trash container which is specifically excluded therefrom. Any material removed from the trash container by the Vermilion Parish Police Jury shall be handled by the producer of the refuse as provided herein.

(Ord. No. 04-10B, § 23-6, 8-3-04)

Sec. 15.5-28. - Collection fees.

Any fees or charges imposed by the Vermilion Parish Police Jury for the collection of special items or additional services outside of the standard collection required under the current taxing structure shall be paid by the individual, or business, or juridical entity incurring the same.

(Ord. No. 04-10B, § 23-7, 8-3-04; [Ord. No. 15-09](#), 11-3-15)

Sec. 15.5-29. - Location of trash containers.

(a) *Storage.* All trash containers shall be maintained in a location on the property in such a manner as to be obscured from public view. Under no circumstances shall a trash container remain along or adjacent to the curb line in front of the property which has generated the trash unless it is placed within an enclosed fence situated off of the city right-of-way.

(b) *Collection.* All trash containers shall be placed on the curb line in front of the property which has generated the trash in the position and location designated by the Vermilion Parish Police Jury. No trash container shall be placed on the curb line for collection more than twelve (12) hours prior to the regularly designated collection for that property and shall be removed from the on the curb line within twelve (12) hours after collection.

(c) *Exceptions.* Persons having a condition prevents compliance or constitutes an undue hardship in complying with this section may apply for a variance. Request for a variance shall be made to the Vermilion Parish Police Jury 100 N. State St., Suite 200, Abbeville, LA 70510, and shall include: (1) the party's name; (2) the municipal address of the property; (3) the trash container number; and (4) the reason for requesting a variance, any medical documentation. Requests for variance shall be considered on a case by case basis by the Vermilion Parish Police Jury and any decision rendered shall be at the sole discretion of the Vermilion Parish Police Jury.

(d) No trash containers shall be placed below or in close proximity to power lines, or other wires that cross the street and/or roadways.

(Ord. No. 04-10B, § 23-8, 8-3-04; [Ord. No. 15-09](#), 11-3-15)

Part C. Rules applicable to multi-residential units, commercial units, and industrial units.

Sec. 15.5-30. – Collection of solid waste.

(a) Effective _____, 2020 the Vermilion Parish Police Jury will no longer contract to collect solid waste generated from multi-residential units, commercial units or industrial units. Henceforth, non-residential generators will have to contract with a solid waste removal company to receive this service.

- (b) It is the findings of the City Council of the City of Abbeville that it is in the best interest of the citizens and property owners of the City of Abbeville for it to regulate said collection in order to both protect property rights, assure uniform collection and disposal of solid waste, and minimize traffic disruption caused by said collection.

Sec. 15.5-31. – Authorized collection agents.

- (a) One or more solid waste removal companies may be permitted by the City to contract with non-residential generators of solid waste.
- (b) Each applicant shall submit to the City’s Department of Tax, Revenue & Permits a certificate of good standing issued by the Secretary of State, certificate of insurance, as well as proposed the times and day of collection with its completed application.
- (c) Once the permit is issued the permittee shall provide a current listing of its customers, which shall be updated annually, or more often as may be required by the Director of the said department and shall update its insurance certificate annually.
- (d) A onetime permit fee for each bin is hereby fixed by the City Council at \$5.00 per bin.
- (e) The fee for the initial permit shall be prorated effective the date of issue and renewed annually, at no charge by the 15th of January for each ensuing year.
- (f) Failure to timely renew the permit shall terminate all rights to collect solid waste within the corporate limits of the City

Sec. 15.5-32. - Location of bins.

- (a) It is the obligation of the generator of solid waste to provide the Public Works Director with a plan or diagram reflecting the location of it bin, in accordance with the following provisions:
 - (b) Every bin regulated herein shall be stored on the premises of the generator in a location that is readily accessible to the duly authorized collection agent. All bins shall be inconspicuous from the public streets, adjacent properties, and shall not be located in public right of ways, except as hereinafter authorized.
- (c) Once the location of a bin has been approved by the Public Works Director it shall be unlawful to place said ben in another location without first obtaining either authority granted by the Public Works Director or a variance granted by the City Council.
- (d) Any bin authorized to be stored in an alley shall be located next to the building in such a fashion as to allow unabated travel through the alley.

Sec. 15.5-33. - Obligations of generators.

- (a) The owners and occupants of a generating property shall be responsible for maintaining said property, together with the sidewalks, ditches, and alleys adjacent thereto, in a clean condition, free from all refuse and litter.
- (b) The owners and occupants of a generating property shall be responsible for maintaining the bin and its adjacent area in a clean and sanitary condition.
- (c) The owners and occupants of a generating property shall not allow the bin to be overfilled resulting in spillage.
- (d) Violations shall result in the filing of littering charges against the property owner and the manager of the business.

Sec. 15.5-34. – Obligations of the collection agent.

The permitted collection agent shall:

- (a) Provide new commercial grade bins to its customers. Said bins shall lids in good operating condition.
- (b) The City shall have the right to inspect and condemn the bin.
- (c) Any bin found to be defective which creates a nuisance or may pose a health or litter problem shall be reported to the collection agent, which shall repair or replace the bin within fifteen (15) days of receipt of written notice.
- (d) Failure to timely comply with the above provisions of the said notice shall result in a civil fine of \$100.00 per day from the date of the notice until the violation is remedied.

Sec. 15.5-35. - Christmas tree lots.

(a) Every person who engages in the seasonal sale of non-artificial Christmas trees by virtue of an itinerant vendor's license obtained pursuant to [chapter 10](#), hereof, shall remove all trees from the premises upon which they are offered for sale which are remaining on such premises on December 27 of the year they are offered for sale.

(b) The tree removal required in subsection (a) shall be accomplished no later than seven (7) days from the said December 27 date.

(c) In addition to the persons engaged in the sale of non-artificial Christmas trees, the owner of the property upon which such trees are offered for sale shall be subject to the provisions of this section.

(d) Failure of any person who is subject to this section to comply with the provisions hereof shall result in the denial of a permit to engage in the sale of Christmas trees the following year in addition to all other applicable penalties.

(e) All persons who apply for a permit to engage in the sale of Christmas trees shall deposit with the city the sum of one thousand dollars (\$1,000.00) in the form of cash or cashier's check made payable to the city. In the event remaining trees are not removed as required by this section, the deposit shall be automatically forfeited. The deposit shall be returned to the person to whom the permit was issued within twenty-four (24) hours of verification by the city of compliance with this section.

(f) This section shall not apply to any business which markets Christmas trees as part of its regular business, nor any non-profit organization.

(Ord. No. 04-10B, § 23-27, 8-3-04)