

The following Ordinance offered and adopted:

ORDINANCE NO. 138 OF 2018

AN ORDINANCE REVISING AND REPLACING ARTICLE II. COLLECTIONS AND DISPOSAL OF CHAPTER 94-SOLID WASTE OF THE BOSSIER CITY CODE OF ORDINANCES

WHEREAS, Bossier City has entered into a Solid Waste Contract with a private solid waste collector and;

WHEREAS, the revisions and replacement of Article II are necessary to properly coordinate citizen's solid waste collection and disposal with the solid waste contract and;

WHEREAS, the adoptance of these revisions will allow the Public Works Department to communicate solid waste collection and disposal rules to citizens.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Bossier City in due legal and regular session convened, that the attached revisions replacing Article II. Collections and Disposal of Chapter 94 of the Bossier City Code of Ordinances are hereby adopted.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Don Williams, and second by Mr. Jeffery Darby, and adopted on the 6th, day of November, 2018, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

This article was amended by Ordinance 90-2013 and shall be further amended by deletion of items in blue print and addition of items in red print.

ARTICLE II. COLLECTION AND DISPOSAL

DIVISION 1. GENERALLY

Sec. 94-31. Purpose.

The purpose of this article is to:

- (1) Define certain words frequently used in the Solid Waste disposal industry in order to facilitate communication between Bossier City (the City) and its citizens;
- (2) Publish procedures to be followed by citizens being served by the Private Solid Waste Collector (the Contractor) under contract with the City;
- (3) Explain the function and availability of the Solid Waste Drop-Off Station owned and operated by the City;
- (4) Describe the types of collection available to citizens through the Contractor and the City and specify the cost of each.

Sec. 94-32. 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 Container means an additional container beyond the first container provided to each customer.

Applicable Law means all applicable federal, state, provincial and local laws, rules, regulations and permit conditions relating to the services, including without limitation, any applicable requirements relating to protection of human health, safety or the environment.

Authorized Commercial Establishments means a Commercial Establishment which generates four or fewer Containers of Solid Waste, which are designated by the City for collection by the Contractor. Solid Waste (including, but not limited to, Household Waste, Business Trash, Trash, Tree and Shrubbery Trimmings and Yard Waste) will be collected from Authorized Commercial Establishments only if these wastes are placed in and can be held by the Container(s).

Auxiliary Container means a residential customer owned 30-40 gallon plastic container for leaves, twigs, sticks, trimmings and other small forms of non-household waste.

Business Trash means any accumulation of dust, paper and cardboard, excelsior, rags, or other accumulations, other than Household Waste or

Trash, which is usually attendant to the operation of stores, offices and similar businesses.

Bulky Waste means stoves, refrigerators, water tanks, washing machines, dish washers, furniture, bathroom fixtures and other similar waste with weight or volume greater than that allowed for Containers. No other separately defined waste types will be considered Bulky Waste.

Bundle means newspaper and magazines securely tied together forming an easily handled package not exceeding 65 pounds in weight.

Construction Debris means any material such as lumber, brick, plaster, broken concrete, gutters, roofing materials or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

Container means the 96-gallon roll-out, wheeled container furnished by the City for the containment of Solid Waste awaiting collection and disposal. May be substituted for a 64-gallon Container upon request by the customer. All other Solid Waste receptacles will be serviced for the initial 6-month period of the contract but will not be serviced after that time. Customers will need to contact the City if additional Containers are required.

Commercial Establishment means any location within the City wherein a person or organization of any kind conducts or is engaged in any business or trade, whether such business or trade is for profit, nonprofit or charitable purposes, or wholesale stores, nursing homes, hospitals, apartments and apartment complexes, government housing projects, schools and churches.

Curbside means that area immediately adjacent to the edge of the thoroughfare, not to exceed four (4) feet from the edge of the street or curb, bordering the front property line. Specifically excluded are alleyways, regardless of the property owner's definition of the front property line.

Director means the appointed head of the Department of Public Works for the City, or such other officer or official of the City government, or other person charged by the City charter, mayor or City council with the responsibility for the collection and disposal of Solid Waste within the City, regardless of the title then assigned to such person.

Drop-Off Station means the area adjacent to the City Public Services Complex at 3223 Old Shed Rd., utilized for Solid Waste disposal by Residents, non-Residents, churches and Commercial Establishments.

Excluded Waste means all tires, Hazardous Waste, Industrial Waste, Medical Waste, Offal Waste, Special Waste and Stable Waste.

Garbage means all normal and usual household and institutional waste products that are placed in approved containers for collection purposes such as organic wastes from food preparation and consumption, wrapping and packaging materials, metal, glass, plastic containers and other items.

Hazardous Waste means hazardous, radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, bio-hazardous, toxic or listed as characteristic hazardous waste as defined by Applicable Law or any otherwise regulated waste. Hazardous Waste includes, but is not limited to, any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency pursuant to RCRA (as defined herein), and including future amendments thereto, and any other Applicable Law.

Household Waste means all solid kitchen refuse subject to decay or putrefaction, tin cans, bottles, loose paper, small food containers, ashes, all market waste of animal or vegetable matter which is intended to be used as food, garbage, and any other matter commonly understood to be Household Waste; every waste accumulation of paper sweepings, dust, rags, bottles, cans, loose newspapers generated by regular usage or other matter of any kind other than solid kitchen waste, which is usually attendant to housekeeping.

Industrial Waste means all waste (solids, semi-solids, sludge's and liquids) resulting from or incidental to any process of industry, manufacturing, mining or agricultural operations, including discarded or unwanted materials in liquid or semi-liquid form.

Medical Waste means infectious materials, blood, offal and other disposable material, usually generated in connection with human or animal care through inpatient/outpatient support and potentially capable of causing disease. Pathological wastes include, but are not limited to, surgical wastes, laboratory wastes, sharps (needles) and patient care items.

Occupant means any person occupying or using any building, house, structure or grounds.

Offal Waste means waste animal (land or marine) matter from establishments such as butcher shops, slaughterhouses, food processing and packing plants, rendering plants, taxidermy facilities and fertilizer plants.

Owner means any person having record title to any building, house, structure or grounds.

Private Solid Waste Collector means any person or entity engaged in the collection, transportation and disposal of materials listed under the definition of Solid Waste or Rubbish.

Residence means all locations within the city where an Owner or Occupant resides; provided however, that those locations defined as Authorized Commercial Establishments or churches in this Contract, shall not be considered Residences for the purposes of this Contract (also "Residences", "Residential").

Rubbish means any discarded matter which is not regularly stored for removal, collection and disposal and does not meet the definition of Solid Waste. "Rubbish" includes, but is not limited to, furniture, appliances, tires, auto parts, Construction Debris and large tree limbs and tree trunks exceeding the maximum size as set forth in this chapter. Rubbish, excluding tires, will only be collected by the Contractor when additional charges, as set forth in this contract, are applied to the customer's bill through the customer's active Bossier City account or is paid for in advance in the absence of an account. Bulky Waste placed separately at the Curbside for which a "Special Pick-up" is arranged through the City for the Contractor to perform at no additional charge, will not be considered Rubbish and will be included with Solid Waste.

Side Yard means a reasonable location to the side of a Residential unit not under the cover of a porch, garage, carport or patio and not within a fenced area or enclosure, unless such enclosure is specifically for a Container. No new Side Yard service will be allowed unless the applicant for such completes a form provided by the City with a doctor's recommendation and signature.

Small Dead Animals means small cats, small dogs, small household pets, and other animals of similar size. Small Dead Animals must be frozen, placed in a plastic bag and placed in the Container on the day of collection.

Solid Waste means useless, unwanted or discarded materials with insufficient liquid content to be free flowing, produced by Residences, Commercial Establishments, industries, government and community operations which are nonhazardous and which require proper storage, collection, transportation and disposal in the interest of public health, safety and welfare. Solid Waste includes Household Waste, Business Trash, Trash, Tree and Shrubbery Trimmings, Yard Waste, Bulky Waste as allowed herein and Small Dead Animals. Solid Waste does not include Excluded Waste or Special Waste.

Special Waste means any non-hazardous Solid Waste which because of its physical characteristics, chemical make-up or biological

nature, requires either special handling, disposal procedures, documentation and/or regulatory authorization or poses an unusual threat to human health, equipment, property or the environment. Special Waste includes but is not limited to:

- (1) Waste generated by an industrial process or a pollution control process;
- (2) Waste which may contain residue and debris from the cleanup of spilled petroleum, chemical or commercial products or wastes, or contaminated residuals;
- (3) Waste which is nonhazardous as a result of proper treatment pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA);
- (4) Waste from the cleanup of a facility which generates, stores, treats, recycles or disposes of chemical substances, commercial products or wastes;
- (5) Waste which may contain free liquids and requires liquid solidification;
- (6) Containers that once contained hazardous substances, chemicals or insecticides so long as such containers are "empty" as defined by RCRA;
- (7) Asbestos containing or asbestos bearing material that has been properly secured under existing Applicable Law;
- (8) Waste containing regulated polychlorinated biphenyls (PCBs) as defined in the Toxic Substances Control Act (TSCA);
- (9) Waste containing naturally occurring radioactive material (NORM) and/or technologically-enhanced NORM (TENORM); and
- (10) Municipal or commercial Solid Waste that may have come into contact with any of the foregoing.

Stable Waste means the body waste of animal or fowl, cleanings, waste food stuffs from barns, stables, corrals or pens used for stabling, caging or penning of animals or fowl.

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

Tree and Shrubbery Trimmings means waste accumulation of tree branches, tree limbs, parts of trees, bushes, shrubbery, cuttings or clippings, or other waste usually created as refuse in the case of trees and bushes. Individual tree limbs are not to

exceed six feet in length, eight inches in diameter and/or 65 pounds in weight

Yard Waste means waste accumulation of lawn, grass, or shrubbery cuttings or clippings and dry leaf rakings, free of dirt, rocks, large branches, and bulky or noncombustible materials.

Yard Waste Containers means polyethylene plastic bags meeting the standards set for trash bags by the Society of Plastic Engineers, or the City provided Container.

Sec. 94-33. Collection and disposal requirements exceeding scope of city provided services.

The Solid Waste collection and disposal Contractor for the city is required to collect and dispose of properly containerized Solid Waste consisting of Household Trash, Business Trash, Trash, Tree and Shrubbery Trimmings, Yard Waste, Bundles and Bulky Waste, as defined in section 94-32, once a week. The collection and disposal of any waste not so defined which may accumulate on privately owned property is the responsibility of the Owner or Occupant of the property. The accumulation of Rubbish, Trash, Tree and Shrubbery Trimmings, Yard Waste and other materials creating a nuisance as described in Chapter 46, Article III, shall be unlawful and abatement of such nuisance shall be enforced as provided for therein.

The Contractor will not collect any Excluded Waste and customers shall not place these materials at Curbside. Tires will be collected as outlined in Item (5), Section 94-52.

Secs. 94-34 – 94-50. Reserved.

DIVISION 2. COLLECTION

Sec. 94-51. Service provided; application of practices and procedures.

The City has entered into a contract for Solid Waste services with the Contractor. The Contractor will provide once weekly collection of up to and no more than, four (4) Containers of Solid Waste generated by Residential units within the city, Yard Waste collection and other collection services as outlined herein, and once weekly collection services for Authorized Commercial Establishments and churches generating up to and no more than, four (4) Containers of Solid Waste per week. To operate in accordance with the terms and conditions of the contract, the practices and procedures set out in this division shall apply.

The monthly charges set forth in Section 94-76 shall be weekly collection with the initial Container provided by the City. Additional Containers provided by the City, will be serviced

for a monthly charge of \$4.25 per Container registered to the customer's account. These charges will be payable on the monthly water and sewerage billing.

Authorized Commercial Establishments and churches shall be allowed more than four (4) Containers, only when approved by the Contractor.

Sec. 94-52. Trash, bundles, bulky waste and yard waste.

(a) *Collection point.* The collection point for Trash, Business Trash, Bundles, Bulky Waste, Tree and Shrubbery Trimmings and Yard Waste is Curbside, not to exceed four (4) feet from the edge of the street or curb. Authorized Commercial Establishments shall place the Container(s) at Curbside, not to exceed four (4) feet from the edge of the street or curb, whenever possible.

(b) *Preparation for collection.*

- (1) *Trash or Business Trash.* Trash or Business Trash shall be placed in Containers which will be furnished by the city, and in securely tied plastic bags of a minimum 1.5 millimeters thickness, of sufficient strength to be lifted for collection without tearing or bursting.
- (2) *Bundles.* Bundles of newspapers and magazines shall be tied with string or properly containerized, and placed at Curbside for collection.
- (3) *Bulky Waste.* Bulky Waste shall be placed at Curbside for "Special Pickup" as convenient for collection as possible, separate from other Solid Waste. Residents shall notify the city to arrange a "Special Pickup", for which there will be no charge, before placing Bulky Waste at Curbside. Doors on appliances should be secured to prevent entry by a child. A special pickup will be defined as an individual piece of furniture, a washer/dryer set, a mattress/box spring set or other individual appliance. Locations exceeding these limits will be charged as appropriate - \$25.00 for each item exceeding the limit or \$100.00/\$200.00/\$300.00 for a large pile serviced with the boom loader dump truck as outlined in Item (7) of this Section. Special Pickups will not be provided to Authorized Commercial Establishments or Churches.
- (4) *Tree and Shrubbery Trimmings and Yard Waste.* Tree limbs or parts of trees shall not exceed six feet in length, eight inches in diameter and/or 65 pounds in

weight, and shall be placed neatly on the Curbside for collection. Grass clippings, leaves and other yard waste shall be containerized in plastic bags not to exceed ten (10) bags in one weekly pickup, of a minimum of 1.5 millimeters in thickness, of sufficient strength to allow lifting from the top when full, and set at the curbside, separated from the other Solid Waste. Spillage of leaves, small limbs and twigs and other minor yard waste remains shall be containerized by the Resident or Owner for the next weekly collection.

(5) *Tires.* Tires can only be placed at Curbside after notifying Public Works for collection. Tires cannot be placed at Curbside for the regular weekly collection performed by the Contractor. Tires can also be taken to the City Recycling Center.

(6) *Authorized Commercial Establishments and Churches* placing any form of Solid Waste at curbside outside of the Container, shall be charged for this service. \$25.00, \$50.00 or \$75.00 shall be charged for 1(one) cubic yard, 2 (two) cubic yards or 3 (three) cubic yards respectively. Amounts exceeding these quantities will be charged according to boom truck charges for large trash piles.

(7) *Large Piles* placed at curbside which are composed of Trash, Rubbish, Bulky Waste, Business Trash, Construction Debris or a combination of the preceding classes of Solid Waste and Tree and Shrubbery Trimmings and/or Yard Waste which is considered inseparable, will be charged a minimum charge of \$100.00, \$300.00 per full load or \$200.00 for a proportionate amount of a full load of the boom loader dump truck.

Authorized Commercial Establishments and churches may place waste of the various types covered in this section, including Household Waste, at Curbside provided that the wastes can be contained within the Container(s).

Sec. 94-53. Household Waste.

(a) *Collection point.* The collection point for Household Waste may be either Curbside or Side Yard as defined in section 94-32. All accounts with the exception of those individuals receiving Side Yard collection, who are approved for such after completion of a doctor signed form and those grandfathered in from previous back door collection, shall receive Curbside collection.

Existing Side Yard accounts may be changed to Curbside.

- (b) *Preparation for collection.* Household Waste shall be placed in plastic bags which shall be placed in the Container(s) as defined in section 94-32. Plastic bags must be a minimum of 1.5 millimeters thick to be of sufficient strength to allow lifting from the top when full without tearing or bursting. Household Waste removed from bags or Containers by animals, weather or vandalism will be rebagged or recontainerized by the Resident. The contractor will not be responsible for collecting Household Waste improperly containerized. The Contractor will collect Small Dead Animals but they must be frozen, containerized in a plastic bag and placed in the Container on collection day.
- (1) *Residential customers.* Residential customers may place up to four (4) Containers of properly containerized Solid Waste at the selected point for collection. All Residential Owners and Occupants are required to participate in the City's contracted Solid Waste service unless they are part of a townhome complex or trailer park not participating in the service.
- (2) *Commercial Establishments and Churches.* Authorized Commercial Establishments and churches may generate not more than four (4) Containers of Solid Waste per week, unless additional Container(s) are approved by the Contractor.
- Authorized** Commercial Establishments, churches, townhome complexes and trailer parks are free to select any Private Solid Waste Collector for collection service.

Sec 94-54. Construction debris.

Sheet rock, roofing material, lumber scraps, concrete, bricks, and other Construction Debris generated by a Resident or by a contractor for a Resident, is the responsibility of the Resident or the contractor. Disposal may be accomplished by using the containers and collection service offered by any private Solid Waste Collector licensed to operate in the city or limited amounts of Construction Debris may be taken to the Drop-Off Station at 3223 Old Shed Road.

Construction Debris and Rubbish will be charged similarly as described in Section 94-55 if placed at Curbside by a Resident.

Sec. 94-55. Trees, limbs and stumps.

Firms or individuals performing professional tree service are responsible for disposing of trees,

limbs and stumps generated while performing their services. Trees, limbs and stumps generated by Residents will be collected by the Contractor provided they are cut into lengths not exceeding six feet in length, 65 pounds in weight and eight inches in diameter. The maximum amount of six foot length of limbs and parts of trees, shall not exceed an amount equivalent to a stack four feet high by 15 feet long (6' x 4' x 15').

Trees, limbs and stumps placed at Curbside exceeding the specifications outlined herein, will not be serviced by the Contractor by normal collection. Incorrectly placed trees, limbs and stumps will be collected at a minimum charge of \$25.00, \$75.00 for a full load or \$50.00 for a proportionate amount of a full load. These charges will be added to the customer's Solid Waste account and be payable on the monthly water and sewerage billing. **For the first six months of this contract, the Resident or Owner will have the option of removing the waste from Curbside, rendering the waste to a collectable form or accepting the charges as outlined. After the initial six month period, Placement at Curbside will be inferred as approval of charges that apply to such collection of trees, limbs and stumps.**

Sec. 94-56. Vacant properties.

- (a) The collection and disposal of Solid Waste of any kind on vacant lots or at unoccupied dwellings is the responsibility of the Owner. The Contractor will make a one-time collection of properly containerized Solid Waste from vacant Residential property and vacant Authorized Commercial Establishments which receives the City Solid Waste service, on the first collection day after City utility service has been discontinued. **The City will provide immediate notice to the Contractor.**
- (b) Loading, hauling and disposal services: **Tree and Shrubbery Trimmings which are placed remains on the Curbside of a vacant dwelling or vacant lot after the final collection and is there in excess of ten days, shall be collected and disposed of by the Contractor or the City at a minimum charge of \$25.00, \$75.00 per full load or \$50.00 for a proportionate amount of a full load and \$100/\$200/\$300 for a pile serviced with the boom loader dump truck as outlined in Sec 94-52, Item (7). a proportionate amount of a full load of the boom loader dump truck.** The City will attempt to notify the Owner of the vacant dwelling or vacant lot of his responsibility and attempt to obtain payment for these services.

Sec. 94-57. Alleys.

No collection of Solid Waste will be made from alleys unless requested by the Contractor and approved by the City. Storage of cans, Containers, can racks or any type of Solid Waste will not be permitted in alleys. Placing Solid Waste in Residential alleys, street rights of way not meeting the definition of "Curbside", or any drainage easement or any scattering of trash due to improper containerization, will constitute littering pursuant to section 94-1 and will be enforced as such.

Cleanup charges for such littering will be a minimum of \$25.00 and a maximum of \$300.00, which will be charged to the customer's Solid Waste account. The charges will be payable on the monthly water and sewerage billing. The minimum charge shall increase by \$25.00 on each occurrence.

Sec. 94-58. Time restriction or placement and removal of trash containers left at curbside.

- (a) Residents who have Curbside Solid Waste service shall not place any Containers adjacent to the curb earlier than 9:00 a.m. on the day prior to their scheduled day for collection.
- (b) Residents shall remove all Containers from the curbside and/or front yard no later than 9:00 a.m. on the day after the garbage is collected.
- (c) Residents shall receive two warning notices prior to receiving a \$50.00 assessment on their water bill for each occurrence thereafter.
- (d) Containers must be placed at Curbside no later than 6:30 A.M. on the scheduled day for collection.
- (e) This section shall not apply to Yard Waste as defined in the City Code or Ordinances, Section 94-52 except for latest time of placement.
- (f) Only Solid Waste Containers issued by the City will be serviced by the Contractor. There will be a six month grace period after the start of the Contractor's service period for this to be implemented. Any container exceeding the limits for Auxiliary Containers may be charged as an Additional Container.

Sec. 94-59 – 94-75. Reserved.

DIVISION 3. SERVICE CHARGES

Sec. 94-76. Levied.

1. Upon each Commercial Establishment, governmental entity, religious, charitable and non-profit institution receiving water and sewer service and not receiving Solid Waste service from the city, the basic charge of eight dollars (\$8.00) will be

increased to twelve dollars (\$12.00) effective, December 1, 2013.

6. Upon each church that receives collection of Solid Waste, the basic monthly charge of sixteen dollars (\$16.00) will be increased to twenty-four dollars (\$24.00).

Sec. 94-77. Billing and collection.

The charges which are levied in this division shall be billed and collected monthly in the same manner and upon the same statements as charges for water and sewerage are billed and collected.

Sec. 94-78. Utilities disconnected for non-payment.

Upon failure of any person or commercial activity to pay the charges levied in section 94-76, the furnishing of all services and utilities provided by the City shall be discontinued.

Secs. 94-79 – 94-95. Reserved.

DIVISION 4. DROP-OFF STATION

Sec. 94-96. Use generally.

The City of Bossier City owns a Solid Waste Drop-Off Station located adjacent to the Public Works Complex at 3223 Old Shed Road. This facility is available to the public for the disposal of unlimited amounts of Solid Waste. The primary users of the Drop-Off Station are the Residents of the City, but Commercial Establishments and non-Residents of the City shall also be allowed to use this facility. Private Solid Waste Collectors shall not be allowed to use this facility.

Sec. 94-97. Rates and fees.

- (a) *Fees for use.* \$5.00 for Residents and churches, \$10.00 for non-Resident, \$15.00 for Commercial Establishments inside the City limits and \$25.00 for Commercial Establishments outside the City limits. Rates charged shall be for the first 400 lbs. of Solid Waste disposed of and all Solid Waste above the first 400 lbs. shall be at \$8.00 per 400 lbs. or portion thereof. There shall be a disposal limit of four (4) mattresses per customer per day.
- (b) *Weight determination.* Vehicles will be weighed on the scales at the Drop-Off Station before and after unloading.
- (c) *Fee collection.* Users of the Drop-Off Station shall pay at the time of facility use.
- (d) *Fee Changes.* The Director shall hereafter modify fees annually based on market conditions.