

City of Lake Charles, LA

Ordinance: 17988

An ordinance amending Chapter 9 - Garbage and Trash, of the Code of Ordinances for the City of Lake Charles, Louisiana to limit trash service for commercial establishments, to provide penalties when garbage containers are not removed from curbside, and to make miscellaneous minor language modifications.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE CHARLES, LOUISIANA, in regular session convened, that:

SECTION 1: Section 9-1 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted by amending the following definitions, to read as follows:

“Sec. 9.1. Definitions.

Apartments Any building or portion thereof used as multiple dwelling units for the purpose of providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. These multiple dwelling units may be attached or detached, are located on one lot identified by one legal description, and are available for lease.

Commercial establishment 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), or wholesale stores, nursing homes, hospitals, apartments and apartment complexes, federally sponsored housing projects, and schools. Apartments and apartment complexes consisting of four or fewer dwelling units are not considered commercial establishments.

Medical waste Infectious materials, blood offal waste 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.

Residences All locations within the City where an owner or occupant resides; provided, however, that those locations defined as commercial establishments in this section shall not be considered residences for the purposes of this chapter.”

SECTION 2: Sec. 9-2 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“Sec. 9-2. Supervision and enforcement.

The collection and removal of refuse shall be under the supervision of the Department of Public

Works, and it shall be the duty of the Department of Public Works and the Police Department, through their proper officials and agents, to enforce the provisions of this chapter.”

SECTION 3: Sec. 9-3 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“Sec. 9-3. Churches and nonprofit organizations.

Special authorization for garbage pickup at churches and nonprofit organizations must be obtained by submission of a request for such service, in writing, to the Department of Public Works and approved by the Mayor or his designee. There will be a two (2) cart maximum for

churches and one (1) cart for nonprofit organizations. Service will be provided for cart content only and not for trash, yard waste, and white goods.”

SECTION 4: Sec. 9-4 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“Sec. 9-4. Conflict of law.

In any case where a provision of this chapter is found to be in conflict with a provision of the sanitary code of the State as adopted by the City, the provision which establishes the higher sanitary standard shall prevail, and no provision herein shall be construed as authorizing noncompliance with any provision of said sanitary code.”

SECTION 5: Sec. 9-5 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“Sec. 9-5. Residential placement for collection.

At residences, any person desiring to place garbage, trash, yard waste or white good shall place the garbage container, trash, yard waste and white goods in separate and distinct locations on or near the front curb line of his residence or in the rear, if the property extends to both streets or in a paved alleyway adjacent to such residence, if such alley and street is accessible to the city garbage and trash/yard waste/white goods trucks on the days designated for collection. Failure to maintain separate and distinct piles for trash, yard waste and white goods will result in the items not being picked up until proper separation is provided by the resident. Container and other items shall be so placed for removal before the hour of 7:00 a.m., on the days of collection, except that the containers and items may be placed out during the evening proceeding the day of collection, and such containers shall be removed no later than 7:00 p.m. on the day of collection. The City of Lake Charles may choose to designate one-side of street pick-up for safety and/or better operations. The following actions will occur should the containers not be removed from curbside:

1. 1st Offense: Occupant and/or property owner will be notified via door tag by Solid Waste Management or ordinance enforcement officer.
2. 2nd Offense: Property owner will be issued a violation via certified mail.
3. 3rd Offense: Container will be removed and a \$25.00 fine will be assessed.
4. 4th Offense: Container will be removed and a \$50.00 fine will be assessed.
5. 5th Offense: Will result in suspension of garbage services for a minimum of 6 months.
6. All fines must be paid before service will be reinstated.”

SECTION 6: Sec. 9-6 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“Sec. 9.6. Tires.

The City shall not pick up tires from residences or from commercial establishments.

Residents

are responsible for insuring tires are properly disposed of at an authorized scrap dealer licensed by the Louisiana Department of Environmental Quality. Whole tires shall not be placed in the 96-gallon City container or placed at the curbside.

(Note: Environmental Quality, (Rule/January 20, 1992), Part VII, Solid Waste, Subpart 2, Recycling, Chapter 105), Waste Tires, S 10521 A 4 (a) [Promulgated in accordance with LSA R. S. 30:2411-2422] states “It is unlawful for any person to dispose, discard, burn or otherwise release tires to the environment in a manner in contravention to the Louisiana Solid Waste Regulations. A fine up to \$25,000.00 per day per violation shall be imposed on any company, or individual, who violates these rules and regulations.”

SECTION 7: Sec. 9-7 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“Sec. 9-7. Containers-Trash.

(a) All trash collected from residences, except limbs, bamboo, or tree and bush cuttings, must be bagged for collection. These bags may be burlap or plastic and the weight of each bag shall not exceed 50 pounds.”

SECTION 8: Sec. 9-8 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“9-8. Container Garbage

(a) The City shall provide each residence that qualifies for garbage and trash service, with one wheeled cart. Residents that generate more waste than can be contained in one cart may purchase an additional cart service from the City for a one-time service fee of \$75.00. A residence shall not exceed more than three total carts. These payments will be collected at the Water Billing Office.

1. Strict enforcement of this provision, specifically for those who are currently receiving garbage and trash service but do not qualify, will begin on March 1, 2018.

(b) It shall be a violation of this chapter for any person to willfully damage, destroy, remove, or carry away any solid waste container (City provided wheel cart) in the city without the consent of the owner thereof.

(c) It shall be a violation of this chapter for any person other than a duly authorized employee of the City or a private collector to collect, remove, transport, or dispose of material from solid waste containers without the consent of the owner thereof.

(d) It shall be the responsibility of the owner, occupant, tenant, or lessee to collect any spillage from a container. Failure to collect such spillage will be a violation of this chapter.

(e) City-provided wheeled carts, shall remain the property of the City and shall not be removed from the property to which they are delivered, except by City personnel.”

SECTION 9: Sec. 9-13 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“9-13. Collection -Commercial.

(a) It shall be the duty of the owner or operator of a commercial establishment to have the garbage and trash collected from such commercial establishment and disposed of a minimum of two times each week or as many times as necessary to prevent the overflow of trash and garbage, as well as obnoxious odors.

(b) Dumpsters and other trash receptacles must be kept in a sanitary condition. Should obnoxious odors or unsanitary conditions occur, the owner or operator of the establishment will be responsible for obtaining a sanitized dumpster or trash receptacle within 24 hours of notice from the City.

(c) Dumpsters and other trash receptacles which are equipped with doors and/or lids must be in good working condition; doors and/or lids shall be kept closed at all times to prevent garbage and trash from falling or blowing out, and to help prevent obnoxious odors.

(d) All commercial garbage and trash collectors shall comply with Article III of Chapter 10 of this Code regarding noise.

(e) The placement and screening of all commercial dumpsters and trash receptacles shall

meet the requirements as provided in Section 5-204 of the Comprehensive Zoning Ordinance (Appendix A of this Code).”

SECTION 10: Sec. 9-14 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“9-14. Items not to be collected.

(a) White goods that contain refrigerants will not be picked up by the City. The clean Air Act

prohibits knowingly venting ozone-depleting refrigerants (ex. Freon) while servicing or disposing of air conditioning/refrigeration equipment. Examples of equipment are refrigerators, freezers, and air conditioners, including other equipment that contains refrigerants. In order for the City to remove these items, the refrigerant must be removed.

(b) The following items will be considered to be building materials: fencing material, roofing material, sheetrock, ceiling tiles, floor tiles, paneling, paint, carpet, plaster, concrete³ or other substances that may accumulate as a result of new construction, a demolition, common repairs, remodeling, building operations, or as a result of clearing lots.

(c) Tires.

(d) The owner must have all aforementioned items removed at their expense.”

SECTION 11: The title of Sec. 9-16 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“Sec. 9-16. Illegal Garbage and Trash piles.”

SECTION 12: Sec. 9-16(c) of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“(c) Notice of violation and abatement. Upon discovery of an illegal garbage or trash pile, written notice of the violation shall be given to the owner and/or occupant of the premises, given

five days to collect, remove, pick up and haul away said illegal pile to a place of disposal.

Upon the failure, neglect or refusal of such person owning and/or occupying the premises to comply with notice, the Mayor of the City or his duly authorized representative is authorized and

empowered, at the expense of the violator, owner and/or occupant of the premises, to either perform with the City forces or to contract with private businesses, individuals, partnerships or corporations for the removal, hauling away, and disposal of the illegal pile. The cost of and charges of such work shall be assessed in accordance with the provisions of Section 10-31 of the Code of Ordinances.”

SECTION 13: Sec. 9-24 of Chapter 9 of the Code of Ordinances for the City of Lake Charles, is hereby amended and reenacted to read as follows:

“Sec. 9-24. Wood Waste Processing Facility

(a) For the period during which the City operates the Wood Waste Processing Facility for burning of wood and combustible unpainted wood products, as permitted by the Louisiana Department of Environmental Quality, each person using the Wood Waste Processing Facility shall pay a fee according to the following schedule:

a. Residents of the City of Lake Charles disposing of combustibles generated by said residents as a result of activities other than business and commercial--No fee

b. The Wood Waste Processing Facility will not accept cash. Acceptable forms of payment are check or commercial charge accounts. All charges due shall be paid to the City of Lake Charles on or before the 10th day of the month. Failure to do so will result in discontinued use of the Wood Waste Processing Facility until charges are paid in full.

(b) The Director of Public Works Department shall establish a schedule for the disposal of wood and combustible wood products, shall adopt regulations setting forth the material which may be disposed of, identification required, and shall publish the schedule prior to the implementation of the same.

(c) Notwithstanding the fee schedule set forth in subparagraph (a) of this section, the fee for disposal of material composed of documents, or letter or legal size papers shall be in accordance with the following rate schedule:

- a. \$5.00/box to incinerate legal or letter size boxes.
- b. Pallets \$.50 each.
- c. The charges for destruction of all other boxes or bundles of documents shall be in proportion to the charges set forth above, as determined by the Director of Public Works.

(d) The following fee schedule lists the rates for loads of burnable vegetative debris transported to the City's incinerator:

- a. Cars - \$5.00
- b. Pickup Trucks - \$12.00
- c. Flat Bed/Dump Truck - \$5.25 per cubic yard
- d. Trailers
 - i. 10 foot - \$31.00
 - ii. 12 foot - \$37.00
 - iii. 14 foot - \$43.00
 - iv. 16 foot - \$49.50
 - v. 18 foot - \$56.00
 - vi. 20 foot - \$62.00
 - vii. 24 foot - \$74.50
 - viii. 30 foot - \$93.00

(e) There will be a \$10.00 charge for overloaded vehicles or trailers. This will be assessed at the discretion of the incinerator attendant."

SECTION 14: All other paragraphs, subsections, subparagraphs, clauses, phrases and words of this section, not specifically amended by this ordinance, are to remain the same.

I, Lynn F. Thibodeaux, Clerk of the Council, certify that this is a true copy of Ordinance number 17988 passed by the City Council on 10/18/2017.