

TOWN OF DUBACH

ORDINANCE NO. 414

AN ORDINANCE OF THE TOWN OF DUBACH TO REPEAL THE EXISTING ORDINANCE AND ADOPT A NEW GARBAGE, TRASH, AND WEEDS ORDINANCE AND ESTABLISHING SOLID WASTE RATES

WHEREAS, the Town of Dubach operates a residential and commercial trash collection service within the Town of Dubach;

WHEREAS, Louisiana Revised Statute 33:4169.1 provides that municipalities have the power to engage in the collection and disposal of garbage and trash within its jurisdictions in cooperation with or to the exclusion of other garbage and trash collectors;

WHEREAS, the Town of Dubach desires to continuing providing such services and improve the services it provides to its citizens;

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Dubach that its prior Solid Waste and Trash Ordinance is hereby repealed and replaced in its entirety and the following Ordinance Number is adopted to read as follows:

Sec. 1 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:

Building materials means the following items: fencing material, roofing material, lumber, brick, gutters, roofing materials, sheetrock, ceiling tiles, pipes, metal, windows, floor tiles, paneling, carpet, plaster, concrete 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.

Hazardous waste or refuse means any waste or mixture of waste such as poison, acids, liquid grease, caustics, explosives, chemicals, corrosives, flammables, radioactive materials, or materials which would generate sudden pressure by decomposition, heat, or other means and would therefore be likely to cause substantial personal injury, serious illness, or harm to humans and other living organisms.

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, sludges and liquids) resulting from or incidental to any process of industry or manufacturing, or mining or agricultural operations, including discarded or unwanted materials in liquid or semiliquid form.

Litter means garbage, refuse, waste materials, or any other discarded, used or unconsumed substance which is not handled as specified in this chapter.

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.

Sec. 2 Purpose and scope.

- (a) It is the purpose of this ordinance and it is hereby declared to be the policy of the Town of Dubach to implement a comprehensive solid waste management system to regulate the storage, collection, transportation, processing and disposal of solid waste in a manner that will:
 - 1. Protect the public health, safety and welfare;
 - 2. Prevent land, water or air pollution;
 - 3. Prevent the spread of disease and the creation of nuisances;
 - 4. Conserve natural resources; and
 - 5. Enhance the beauty and quality of the environment of the Town.
- (b) This chapter is applicable to all solid waste, storage, collection, transportation, processing, and disposal operations within the Town.

Sec. 3. Exclusive collection and disposal by Town of Dubach

- (a) Because of the costs of providing solid waste pick-up, collection, and disposal services, the Town reserves unto itself the exclusive right to pick-up and remove solid waste accumulations within the corporate limits of the Town of Dubach;
- (b) It shall therefore be unlawful for the owner, manager, agent, or occupant of any residential, rental, or business establishment to contract for or to accomplish by means other than the city the removal or disposal of solid waste within the Town

of Dubach except in the following specific circumstances:

1. Construction/Remodeling. Construction and/or remodeling contractors and companies shall be responsible for removal of all building materials and other garbage and trash left from repairs, remodeling, new construction, demolished buildings, clearing lots, etc. Such entities may contract with a duly licensed private solid waste collector who has obtained a permit from the Town of Dubach for the placement of a dumpster and/or other garbage can or collecting device.

2. Any owner or occupant of property who undertakes a demolition, major repair or remodeling, or major clean out of a residence or building thereon shall be responsible for removal of all building materials and other garbage and trash left from repairs, remodeling, new construction, demolished buildings, clearing lots, etc. and may contract with a duly licensed private solid waste collector who has obtained a permit from the Town of Dubach Grambling for the placement of a dumpster and/or other garbage can or collecting device during construction.

Sec. 4 Items Not Included in Solid Waste Services.

- (a) The Town shall not pick up industrial waste, medical waste, or hazardous materials. All such materials shall be disposed of by residential and commercial establishments in accordance with federal and state laws and regulations, including, but not limited to, OSHA, the Louisiana Department of Health and Hospitals, and the Louisiana Department of Environmental Quality.
- (b) The Town shall not pick up tires from residences or commercial establishments. Residents and commercial establishments are responsible for insuring tires are properly disposed of at an authorized scrap dealer licensed by the Louisiana Department of Environmental Quality.
- (c) The Town shall not pick up building materials. Residents, property owners, commercial establishments, and/or contractors are responsible for removing building materials directly or through a properly permitted private solid waste collector.

Sec. 5 Service fees.

- (a) In order to defray the expenses of the collection and disposal of trash and to defray the expenses of the maintenance of the general cleanliness and sanitation of the Town, there is levied sanitation the following service charges and fees to be paid monthly.
 - 1. For residential accounts, the monthly service fee shall be \$8.00 per month.

2. For Commercial accounts, the monthly service fee shall be \$8.00 per month.
 3. For all large multi-residential complex users, the monthly service fee shall be \$165.00 per month.
- (b) Monthly charges for pickup and collection of solid waste shall be due and payable by the resident, commercial establishment, owner, manager, agent or occupant and shall be billed by the Town on the monthly water and sewer bill.
 - (c) Late Fees. For all bills not paid by the ___ of the month, a late fee of ___ shall be assessed and due.
 - (d) Upon failure of any person or commercial establishment to pay the charges levied in this section, the furnishing of all services and utilities provided by the Town shall be discontinued and the customer will be required to pay any and all reconnect fees for those services upon payment of bill.
 - (e) Upon failure of any multi-residential complex establishment to pay the charges levied in this section, the furnishing of all trash pickup services shall be discontinued and the owner of said complex shall be required to pay all past due amounts and post an additional security deposit as established by the Mayor prior to services being resumed.
 - (f) Additional fees. There shall be a fee of \$25.00 charged for each check or automated clearing house (electronic) bank draft which is unpayable due to insufficient funds or for any other reason.
 - (g) Annual adjustment. The fees assessed for solid waste collection shall be reviewed annually by the Public Works Director and others designated by the Mayor and shall prepare a report regarding same. Thereafter, the Mayor shall automatically order an increase or decrease of solid waste collection rates effective the following month, provided, that no annual adjustment of solid waste rates shall go beyond or below the percentage increase or decrease in the Consumer Price Index (CPI) of the Bureau of Labor Statistics changes for the previous calendar year.

If any provision or item of the Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Ordinance which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Ordinance are hereby declared severable.

This Ordinance shall become effective after its promulgation all in the manner and form prescribed by law.

This Ordinance was duly introduced, published in accordance with law, and then duly read and adopted by the following votes:

5 YEAS 0 NAYS 0 ABSENT 0 ABSTAIN.

This ordinance was adopted on the 19th day of July, 2021 and presented to the Mayor for her signature on the 19th day of July, 2021 (which is less than 3 days from the date the ordinance was adopted).


TOWN CLERK

Approved by the Mayor on this 19th day of July, 2021.

MAYOR