

State of Louisiana

Parish of Grant In the Name and By the Authority of The Police Jury of Grant Parish

Motion by Mr. Johnny Jamison, seconded by Mr. Winston Roberts to amend Ordinance 09-2019; Revised Litter Ordinance. Motion carried.

ORDINANCE: 09-2019

REVISED LITTER ORDINANCE

An ordinance to repeal all Grant Parish Litter Ordinances and to adopt another Ordinance containing revised language, revised fine provisions, and revised provisions regarding the use of Constables and Justice of the Peace Courts, neither of which are used any longer in Grant Parish.

WHEREAS, there have been many ordinances and motions made amending the Grant Parish Litter Ordinance of 1992;

WHEREAS, some of these ordinances have caused confusion and a lack of clarity concerning what constitute litter violations;

WHEREAS, it is the desire of this governing body to repeal all previous ordinances governing the definition of a litter violation and the fines imposed, and to replace the ordinances with new definitions and language.

NOW, THEREFORE, be it resolved by the Police Jury of the Parish of Grant, State of Louisiana that it hereby repeals all prior Grant Parish Litter Ordinances and adopts another Ordinance which shall read as follows:

Section 1: Household waste and dumpsters.

- a) **Prohibited Items.** No person shall place non-household waste items into the Grant Parish dumpsters or upon the ground at Parish dumpsites. Household waste shall be defined as waste generated within and from around the house and measuring not more than 5 feet in length or width when placed into the dumpsters, hereinafter referred to as the "5 foot" rule. Other items that shall not be placed into the dumpsters or upon the ground at Parish dumpsites are "white ware," including but not limited to, water heaters, stoves, refrigerators, air conditioners, dishwashers, freezers, washing machines, and dryers. Furniture items, including but not limited to couches, sofas, beds, mattresses, recliners, tables, cabinets, and drawer sets, are not allowed to be deposited into the dumpsters or upon the ground at Parish dumpsites. Attachments to a house or made a part thereof, including roofing materials, doors, cabinets, sheetrock, windows, bricks, and concrete items, shall not be placed into the dumpsters or upon the ground at Parish dumpsites.
- b) **Hazardous Waste.** Hazardous and toxic items are not allowed to be deposited into dumpsters or upon the ground at Parish dumpsites. Examples would include batteries, acids, petroleum products, explosives, and other hazardous chemical substances.
- c) **Commercial Waste.** Waste products from commercial operations are not allowed into the dumpsters, with the exception of up to one 55-gallon bag of trash per vehicle for small businesses and household businesses. No waste products from commercial operations shall be placed upon the ground at Parish dumpsites.
- d) **Dead Animals.** No uncooked or unprocessed animal or fish carcasses or entrails are permitted in the dumpsters or upon the ground at Parish dumpsites.
- e) **Exceptions to Prohibited Items.** Some items which may be allowed and which may not meet the exact guidelines set forth in Subsection (a) of Section (1) are as follows: small appliances including microwaves, toaster ovens and coffee makers that do not exceed the "5 foot" rule; small items including televisions, computers, lamps, vacuum cleaners, sewing machines, VCRs and radios that do not exceed the "5 foot" rule; small "kitchen-like" chairs and stools that do not exceed the "5 foot" rule; carpet, linoleum, and vinyl flooring that does not exceed the "5 foot" rule. In most cases, unless explicitly prohibited in Subsections (a), (b), and (c) for Section (1), the "5 foot" rule shall be applied to define household waste items that may be deposited into the dumpsters.

f) **No Items to be Placed on Ground.** No items are to be placed upon the ground around dumpsites, unless otherwise posted.

g) **Grant Parish Landfill.** Items which are prohibited may be brought to the Grant Parish Landfill. It shall be the duty of the Grant Parish Police Jury to post at each household waste dumpsite a sign which provides the address, phone number, and hours of operation for the Grant Parish Landfill. A copy of this ordinance shall also be placed at each dumpsite. However, in the event such copy is destroyed or removed, it is the responsibility of each resident to be made aware of the law.

Section 2: Littering upon private and public property, and roadways.

a) **Private Property.** It shall be unlawful for any person to dump, place or deposit any garbage, refuse, trash or items which might affect human health or enjoyment of property including, but not limited to, paper, metal, glass, leaves, wood or dead animals upon immovable property without the consent of the owner of that immovable property.

b) **Public Property and Roadways.** It shall be unlawful for any person to dump, place, or deposit any garbage, refuse, trash, or items which might affect the health or enjoyment of the public, including, but not limited to, paper, metal, glass, leaves, wood or dead animals upon or in any public property, grounds at dumpster sites, parks, public roads, rights-of-way, ditches, drainage channels, branches, creeks, bayous, rivers or waterways including, but not limited to, the levees and drainage ways of the parish drainage system or of any drainage district.

c) **Pets and Stray Animals.** It shall be unlawful to abandon live animals upon any public property or private property without the consent of the owner of the property who is willing to accept responsibility of the animal.

Section 3: Non-resident Dumping.

(a) **Non-resident Defined.** A non-resident of Grant Parish shall be any person who does not reside at a residence, such as a camp or home, in Grant Parish.

(b) **Illegal Non-resident Dumping.** It shall be illegal for any person who does not reside at a residence, such as a camp or home, to deposit garbage in any waste receptacle or dumpster in Grant Parish.

(c) **Items Allowed by Non-residents.** There shall be an exception made in regards to Subsection (b) of Section (3). This exception allows for non-residents to deposit a small bag of garbage, not larger than 5 gallons in volume, into the dumpsters. This exception shall be made for those who may temporarily work, buy, sell, or conduct other business or recreational activities in Grant Parish. A limit is hereby established at one 5-gallon bag per vehicle per day.

(d) **Establishing Proof of Residency.** Proof of residency shall be determined at the time of depositing trash into the dumpsters. A valid driver's license may be one means of establishing proof of residency to those enforcing the ordinance. In addition, a current bill (no more than 3 months old) with a Grant Parish address, which proves established utilities in the person's name who is depositing trash, may be used to prove residency. Enforcement officers may also run license plate numbers through local law enforcement offices as another means of establishing residency. No citation in violation of illegal non-resident dumping shall be issued until all means of establishing residency or non-residency have been exhausted.

(e) **Resident Dumping of Non-resident Waste.** It shall be illegal for any resident of Grant Parish to deposit non-resident waste into Grant Parish dumpsters. Inspection of garbage by a law enforcement officer may be a legitimate means of establishing proof of a violation of this prohibition.

Section 4: Scavenging.

Privacy and Safety. Due to privacy concerns and safety concerns, no person shall plunder or salvage from garbage containers or container sites located in Grant Parish.

Section 5: Establishing Proof of Violation of this Ordinance.

(a) **Physical Proof of Violation.** Proof establishing that a person or persons has placed a prohibited item mentioned in Section 1, Section 2, and Section 3 of this ordinance into dumpsters or upon property which is prohibited from being dumped upon shall be established by any item including, but not limited to, mail addressed to a specific person or material containing a name and address which is found in or on any item(s) placed in violation of Sections 1, 2, and 3 above; such proof shall establish a "permissive rebuttable presumption" under this section that the violator hereof is the person or persons identified thereby and traceable thereto and the same is admissible in evidence for that purpose. However, should such person or persons produce proper evidence or testimony that he or she or they have a contract with or can produce a receipt from a commercial or other hauler indicating that payment was made thereto to haul the garbage, trash, refuse or litter, then the "permissive rebuttable presumption" herein established shall shift to said commercial or other hauler.

(b) **Witness to Violation.** The sworn testimony of witnesses to any litter violations shall be considered as evidence at the discretion of the judge presiding in the 35th Judicial District Court.

(c) **Violation Defined by Action.** A violation of this litter ordinance shall be considered by the Grant Parish Sheriff Deputy, Grant Parish Litter Enforcement Officer, and the judge presiding in the 35th Judicial District Court as an action that has actually occurred and not one which might occur or which was intended to occur, but did not. A violation cannot be established upon intent, but upon action only.

Section 6: Commercial Haulers.

Commercial Haulers. It shall be illegal for any business, person or persons to conduct a business in which they pick-up and collect garbage of multiple households and place them into Grant Parish dumpsters for a fee.

Section 7: Fines for Violations.

- (a) **Fines for Sections (1-4).** Any person who violates any provision of Sections 1-4 of this ordinance shall be subject to a fine of not less than \$500.00 upon their first offense, not less than \$1,000.00 upon their second offense, and not less than \$1,500.00 upon their third and subsequent offenses.
- (b) **Fines for Section (6).** Any commercial hauler who violates the prohibition of Section (6) of this ordinance shall be subject to a fine of not less than \$1,000.00 upon first offense, not less than \$1,500.00 upon their second offense, and not less than \$2,000.00 upon their third and subsequent offenses.
- (c) **Community Service.** Any violation of this litter ordinance shall be subject to community service of up to 16 hours. It is not the intent of the Police Jury to subject any persons who are disabled or above the age of 65 to exhaustive labor. In such cases, provision shall be made for community service which may fit their abilities.

Section 8: Legal Jurisdiction for the Trying of Offenses.

Violations. Any violation of this ordinance may be tried in the 35th Judicial District Court.

Section 9: Remittance to Grant Parish General Fund.

- (a) **Collection by the 35th Judicial District Court.** All fines imposed by the 35th Judicial District Court for litter violations shall be paid to Grant Parish. Grant Parish shall reimburse the 35th Judicial District Court, which handles the litter violations, for the time spent and expenses incurred. This reimbursement shall consist of no more than fifty percent (50%) of the fines collected by Grant Parish as imposed by the 35th Judicial District Court.
- (b) **Fines Mailed Directly to Police Jury Office.** Many violations may be settled out of court. In such cases, fines shall be mailed by the offender directly to the office of the Police Jury of Grant Parish. It is the responsibility of the Police Jury Office to inform the 35th Judicial District Court of any fines that have been or have not been paid to the Police Jury Office. To the extent permitted by state law, the 35th Judicial District Court may order the suspension of driver's licenses for failure to appear in court and/or failure to pay fines as ordered by the 35th Judicial District Court.
- (c) **Reimbursement for Court Expenses.** The Police Jury Office shall reimburse and compensate the 35th Judicial District Court, Grant Parish Sheriff Deputies, Grant Parish Litter Enforcement Officers, and Clerk of Court for their time spent in Litter Court. The reimbursement of such funds shall only occur upon the receiving of written consent or request by the presiding judge of the 35th Judicial District Court.
- (d) **Repeal** – All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- (e) **Severability** – If any provision of this Ordinance shall be held invalid, such invalidity shall not affect any other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

Date of Enactment - This Ordinance shall become effective immediately upon approval.

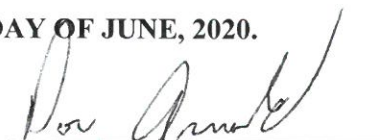
WHEREUPON THIS ORDINANCE WAS ADOPTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: 7 NAYS: 0 ABSENT: 0

AND THIS ORDINANCE WAS ADOPTED ON THIS 11th DAY OF JUNE, 2020.



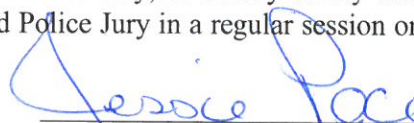
Jessie Pace
Secretary-Treasurer
Grant Parish Police Jury



Don Arnold
President
Grant Parish Police Jury

CERTIFICATE

I, Jessie Pace, Secretary/Treasurer of the Grant Parish Police Jury, do hereby certify the forgoing is a true and correct copy of an Ordinance adopted by the said Police Jury in a regular session on the 11th day of June, 2020, at which a quorum was present.



Jessie Pace
Secretary/Treasurer
Grant Parish Police Jury