

By Cascio
Introduced 5-27-09
By 6-10-09

ADOPTED
METROPOLITAN COUNCIL

JUN 10 2009

798

ORDINANCE **14683**


COUNCIL ADMINISTRATOR TREASURER

AMENDING TITLE 6 (PUBLIC HEALTH), CHAPTER 4 (DISPOSAL OF GARBAGE AND OTHER WASTE MATTER), OF THE CODE OF ORDINANCES OF THE CITY OF BATON ROUGE AND THE PARISH OF EAST BATON ROUGE, SO AS TO AMEND AND/OR DELETE VARIOUS SECTIONS THEREOF, RELATIVE TO ADMINISTRATIVE PROCEDURES FOR ENFORCEMENT.

BE IT ORDAINED by the Metropolitan Council of the City of Baton Rouge and the Parish of East Baton Rouge that:

Section 1. Title 6 (Public Health), Chapter 4 (Disposal of Garbage and Other Waste Matter), Part I [Collection and Disposal of Garbage and Other Waste Matter (City Only)], of the code of ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended, so as to add Section 381.1 thereto, which shall read as follows:

"Sec. 6:381.1. Penalty for violation of section 6:381(a)(3)

Any person who violates the provisions of section 6:381(a)(3) shall pay a penalty of \$117. Enforcement of this section shall be pursuant to the provisions of section 1:609 et seq of the code of ordinances."

Section 2. Title 6 (Public Health), Chapter 4 (Disposal of Garbage and Other Waste Matter), Part I [Collection and Disposal of Garbage and Other Waste Matter (City Only)], of the code of ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby further amended, so as to amend and re-enact Section 384 thereof, which shall read as follows:

"Sec. 6:384. Removal of containers from neutral ground. (City)

It shall be unlawful for any person to permit any garbage container, required by section 6:381(a)(1), to remain on the neutral ground in front of, or on the side of, their premises

or place of business, from 6:00 p.m. Saturdays to 6:00 p.m. Sundays.

Whoever violates the provisions of this section shall pay a penalty of \$117. Enforcement of this section shall be pursuant to the provisions of Title 1, section 609 et seq."

Section 3. Title 6 (Public Health), Chapter 4 (Disposal of Garbage and Other Waste Matter), Part I [Collection and Disposal of Garbage and Other Waste Matter (City Only)], of the code of ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended, so as to amend and re-enact Section 387 thereof, which shall read as follows:

"Sec. 6:387. Violations of part.(City)

- (a) All garbage and trash, as defined in section 6:375, as well as all litter, refuse, rubbish, appliances, junk vehicles, construction/building materials, limbs, trees or other discarded materials or debris shall be accumulated, collected and disposed of as provided in this part. The accumulation, collection or handling of any of the above in any manner or form other than is declared to be lawful by this part, shall constitute a violation hereof.
- (b) Any unauthorized accumulation of garbage or trash, as defined in section 6:375, or litter, refuse, rubbish, appliances, junk vehicles, construction/building materials, limbs, trees or other discarded materials or debris on any premises or property is hereby declared to be a nuisance and is prohibited. The term "unauthorized accumulation" shall mean the accumulation, scattering, spilling or other handling of garbage or trash, as defined in section 6:375, or litter, refuse, rubbish, appliances, junk vehicles, construction/building materials, limbs, trees or other discarded materials or debris on premises or property in a manner and under conditions contrary and in violation of the provisions of this part.
- (c) If a corporation is the owner or occupant, the president of the corporation may be prosecuted for the violation.
- (d) If a partnership, firm, or association of persons is the owner or occupant, any or all members of the partnership, firm, or association of persons may be prosecuted for the violation.

- (e) Should the city and parish enter into a contract with a private contractor for the collection and disposal of garbage, trash, bulky waste and litter, the terms and conditions of that contract shall take precedence over the provisions of this section, including but not limited to the definitions of all items of the contract.
- (f) Where a person is constructing or renovating a single-family residence, the provisions of section 8A:105.A shall supersede the provisions of this part to the extent that said provisions conflict with the provisions of this part. Specifically, the accumulation of trash, debris, and/or construction materials at the construction or renovation site shall not be deemed to be a violation of the provisions of this part, to the extent that such is allowed by the provisions of Section 8A:105.A.
- (g) Any person who violates the provisions of this section shall pay a fine of \$117.00. Enforcement of this section shall be pursuant to the provisions of Title 1, Section 609, et. seq."

Section 4. Title 6 (Public Health), Chapter 4 (Disposal of Garbage and Other Waste Matter), Part II [Collection and Disposal of Garbage and Other Waste Matter (Outside City Only)], of the code of ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended, so as to add Section 406.1 thereto, which shall read as follows:

"Sec. 6:406.1. Penalty.

Any person who violates the provisions of Section 6:406 shall pay a penalty of \$117.00. Enforcement of this section shall be pursuant to the provisions of Title 1, Section 609, et. seq."

Section 5. Title 6 (Public Health), Chapter 4 (Disposal of Garbage and Other Waste Matter), Part II [Collection and Disposal of Garbage and Other Waste Matter (Outside City Only)], of the code of ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby further amended, so as to amend and re-enact Section 409 thereof, which shall read as follows:

"Sec. 6:409. Removal of containers from neutral ground. (Parish)

It shall be unlawful for any person to permit

any garbage container, required by section 6:406(1), to remain on the neutral ground in front of or on the side of, their premises or place of business, from 6:00 p.m. Saturdays to 6:00 p.m. Sundays. Any person who violates this section shall pay a penalty of \$117.00. Enforcement of this section shall be pursuant to the provisions of Title 1, Section 609, et. seq."

Section 6. Title 6 (Public Health), Chapter 4 (Disposal of Garbage and Other Waste Matter), Part II [Collection and Disposal of Garbage and Other Waste Matter (Outside City Only)], of the code of ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby further amended, so as to amend and re-enact Section 411.1 thereof, which shall read as follows:

"Sec. 6:411.1. Violations of part. (Parish)

- (a) All garbage and trash, as defined in section 6:401, as well as all litter, refuse, rubbish, appliances, junk vehicles, construction/building materials, limbs, trees or other discarded materials or debris shall be accumulated, collected and disposed of as provided in this part. The accumulation, collection or handling of any of the above in any manner or form other than is declared to be lawful by this part, shall constitute a violation hereof.
- (b) Any unauthorized accumulation of garbage or trash, as defined in section 6:401, or litter, refuse, rubbish, appliances, junk vehicles, construction/building materials, limbs, trees or other discarded materials or debris on any premises or property is hereby declared to be a nuisance and is prohibited. The term "unauthorized accumulation" shall mean the accumulation, scattering, spilling or other handling of garbage or trash, as defined in section 6:401, or litter, refuse, rubbish, appliances, junk vehicles, construction/building materials, limbs, trees or other discarded materials or debris on premises or property in a manner and under conditions contrary and in violation of the provisions of this part.
- (c) If a corporation is the owner or occupant, the president of the corporation may be prosecuted for the violation.
- (d) If a partnership, firm, or association of persons is the owner or occupant, any or all members of the partnership, firm, or

association of persons may be prosecuted for the violation.

- (e) Should the city and parish enter into a contract with a private contractor for the collection and disposal of garbage, trash, bulky waste and litter, the terms and conditions of that contract shall take precedence over the provisions of this section, including but not limited to the definitions of all items of the contract.
- (f) Where a person is constructing or renovating a single-family residence, the provisions of section 8A:105.A shall supersede the provisions of this part to the extent that said provisions conflict with the provisions of this part. Specifically, the accumulation of trash, debris, and/or construction materials at the construction or renovation-site shall not be deemed to be a violation of the provisions of this part, to the extent that such is allowed by the provisions of section 8A:105.A.
- (g) Any person who violates this section shall pay a penalty of \$117.00. Enforcement of this section shall be pursuant to the provisions of Title 1, Section 609, et. seq."

Section 7. Title 6 (Public Health), Chapter 4 (Disposal of Garbage and Other Waste Matter), Part III (Anti-Litter Regulations), of the code of ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended, so as to amend and re-enact Section 442 thereof, which shall read as follows:

"Sec. 6:442. Posting notices prohibited.

No person, either personally or by requesting another to do so, shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, or upon any public right-of-way, except as may be authorized or required by law.

Any person who violates the provisions of this section shall pay a penalty of \$117.00. Enforcement of this section shall be pursuant to the provisions of Title 1, Section 609, et. seq."

Section 8. This ordinance shall become effective as provided in the Plan of Government, and shall be applicable to all violations of the public health and environmental ordinances, as defined herein, which are pending upon the effective date of this ordinance and those violations which exist after the effective date.

Section 9. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 10. All ordinances and parts of ordinances in conflict herewith are repealed.

In accordance with the provisions of Chapter 2 of the Plan of Government, I certify this to be the original ordinance adopted by the Metrolia Council at a Regular meeting on June 10th, 2009
Council Administrator.

APPROVED: J. Michael Balkas, Jr. Mayor - President
Received from the Mayor - President on the 25th day of June, 2009
[Signature] Council Administrator.