

## CHAPTER 9

### GARBAGE, TRASH, HAZARDOUS WASTE, AND WEEDS

- Sub-Chapter A -- In General
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#### Sub-Chapter A

##### In General

#### SECTION 9:1. DUMPING TRASH IN CANALS OR ON ROADS PROHIBITED; VIOLATIONS, PENALTIES

A. The dumping of trash or plunder in canals or on roads in the Parish is hereby prohibited.

B. Whoever is found guilty of this offense in a court of competent jurisdiction shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty (30) days.

(Resolution of August 10, 1897)

#### SECTION 9:2. THROWING OYSTER SHELLS OR GARBAGE ON ROADS PROHIBITED; VIOLATIONS, PENALTIES

A. The throwing or dumping of oyster shells, glass or garbage, wet or dry, on the public roads of the Parish of Assumption is hereby prohibited.

B. Whoever is found guilty of this offense shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty (30) days.

(Ordinance of May 12, 1914)

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**Cross References** - Franchises and agreements, Ch. 8; health and sanitation, Ch. 10; sewers and sewage disposal, Ch. 5; motor vehicles and traffic, Ch. 17; roads, bridges, watercourses, and drainage, Ch. 25.

**State Law References** - Louisiana Solid Waste Management and Resource Recovery Law, R.S. 30:1121 et seq.; Louisiana Resource Recovery and Development Act, R.S. 30:1150.1 et seq.; waste reduction, R.S. 30:1149.61 et seq.; littering of highways and adjacent lands prohibited, R.S. 32:289; regulations regarding abandoned motor vehicles, R.S. 32:471 et seq.; powers of parish governing authorities as to the cutting of grass and obnoxious weeds, R.S. 33:1236(21); storing or abandoning of trash, debris, junk, wrecked or used automobiles, etc., R.S. 33:1236(30); destruction, disposal or burning of trash, garbage, leaves, limbs, debris, etc., R.S. 33:1236(31); cutting grass and killing weeds along state highways, R.S. 33:1236(45) "revenue producing public utility" defined to include garbage disposal services, R.S. 33:4161; general powers of parishes and municipalities as to collection and disposal of garbage and trash. R.S. 33:4169.1; local control of abandoned automobiles, major appliances and other junk, R.S. 33:4876; certification and training of solid waste operators, R.S. 37:3151 et seq.; jurisdiction of parish health units, R.S. 40:14; Louisiana Litter Control and Recycling Commission, R.S. 48:361 et seq.; junkyards and outdoor advertising near certain highways, R.S. 48:461 et seq.

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**SECTION 9:3. DUMPING OF REFUSE OUTSIDE OF DESIGNATED DUMPING AREAS PROHIBITED; VIOLATIONS, PENALTIES**

A. It shall be unlawful for anyone to dump or dispose of trash, garbage or refuse outside of the area designated for dumping at any parish dump. The area designated for dumping shall be that area beyond or in back of a sign with letters at least five inches (5") high, posted at each dump, stating: "DUMP BEYOND THIS POINT".

B. Any person found guilty of violating this Section shall be fined not more than twenty-five dollars (\$25.00) for the first offense and not more than fifty dollars (\$50.00) for each subsequent offense.

(Ordinance of September 12, 1972)

**SECTION 9:4. OUTDOOR STORAGE OF JUNK AND JUNK MOTOR VEHICLES PROHIBITED**

**A. Purpose and Regulation.**

The purpose of this Section is to protect the public health, safety and well-being, and to promote the responsible use of resources and protection of the environment by regulating the outdoor storage of junk and junk motor vehicles. It is hereby prohibited for any person, firm, or corporation to accumulate, place or allow or permit the accumulation or placing of trash, junk, discarded or abandoned major appliances, white goods, abandoned junk, wrecked or used automobiles, or any other item that is being considered for sale as scrap.

**B. Definitions.**

1. Abandoned, inoperative *vehicle* means any vehicle which is incapable of being lawfully moved upon the highways and streets under its own power, and included, but is not limited to, junked, wrecked or dismantled vehicles. Lack of current and/or valid registration, inspection sticker, or license plate alone does not constitute abandoned, inoperative condition. Vehicles which are otherwise in compliance with La. R. S. 32:1301-32:1310 are not considered to be abandoned, inoperative vehicles for purposes of this Section.
2. *Antique or special interest vehicle* means any operable motor vehicle twenty-five (25) years or older.
3. *Junked or wrecked vehicle* means any vehicle which is totally inoperable and is so damaged or dismantled as to be a total loss. The term *total loss* shall mean that the cost to repair a damaged or dismantled vehicle exceeds the value of such vehicle, as determined by any recognized national appraisal book.
4. *Owner of the premises* means the owner of the land on which the vehicle or white good is located, as shown on the last equalized assessment roll.
5. *Owner of the vehicle* means the last registered owner.

6. *Vehicle* shall mean every device by which persons or things may be transported upon a public highway or bridge, except devices moved by human power or used exclusively upon stationary rails or tracks, and included a *motor vehicle* which is commonly referred to as a car, any passenger vehicle, truck, tractor, tractor trailer, truck-trailer, motor home, motorcycle, trailer or semi-trailer propelled or drawn by mechanical power. A trailer or semi-trailer shall be a separate vehicle.
7. *White goods* shall mean a large machine which accomplishes some routine housekeeping task, which includes purposes such as cooking, food preservation, or cleaning, whether in a household, institutional, commercial or industrial setting. White goods shall include but not be limited to the following appliances: refrigerator, stove, washer, dryer, dishwasher, and water heater.
8. *Inoperable* shall mean incapable of being implemented or operated; *unworkable and operable* shall mean being such that use or operation is possible. *Operable* shall mean able to function or be operated.
9. *Board Fence* shall mean a six (6) foot high solid enclosure blocking visibility or a variance that is approved by the Police Jury.
10. *Appraiser* shall mean a representative of the Assumption Parish Police Jury given authority to inspect, assess and determine potential abandoned, derelict and junk vehicles.

**C. Enforcement.**

1. Upon its own motion, or upon a complaint of any persons, the Parish shall be required to follow the following procedures:
  - a) Complaint submitted requires a signature by the complainant.
  - b) The complaint shall then be placed on the agenda for the next available meeting with notice to the landowner and each complaint will be addressed on an individual basis.
  - c) Pursuant to a hearing and a notice to proceed, a notice of complainant to the landowner should include the date the Police Jury will send a designated appraiser to the site.
  - d) If appraiser determines a violation exists, the following steps should start the process:
    - i. A notice of violation to the landowner should include information on assistance for removal of junk.
    - ii. Landowners will be allowed thirty (30) days to respond to notice with a written contract or plan for removal of junk.
    - iii. Landowner will be allowed an additional thirty (30) days from receipt and acceptance of contract or plan for removal of junk.
    - iv. If landowner fails to respond within 30 days of notice of violation or fails to complete clean-up according to terms of written contract or plan, the Parish will then proceed with advertisements for removal of junk and landowner will be billed accordingly.
2. After such hearing, if it is determined that such items are not junk and they are being used solely for the purpose of re-sale or recycling, such items shall not be stored within two hundred (200) feet from another residential home or establishment. In all cases that are submitted under this Section, there shall be an enclosure with a barrier approved by the Police Jury.

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3. If the owner's name is unknown and cannot be ascertained or in the event the owner resides outside of the territorial jurisdiction of Assumption Parish, notice of the nature and location of the Violation may be published in the Official Journal of the parish and such publication shall be deemed to be notice to the owner of the property upon which the violation is found to occur. Notices to one (1) co-owner by any method described herein shall be deemed to notice to all other co-owners.
4. If the owner fails or refuses to take action to correct the violation within ten (10) days of service of the notice or ten (10) days following publication of the notice in the Official Journal, the Parish and/or a parish contractor may enter upon the premises where the violation is occurring and remedy the violation.
5. If the Parish or Sheriff remedies the violation, the cost of furnishing parish labor and equipment, the amount charged by a contractor and/or all expenses incurred in determining the identity of the owner in serving, sending or providing notice and enforcing the provision of this article shall be charged directly to the owner of the property not to exceed two hundred dollars (\$200.00) plus fifteen (15%) administrative fees from the owner of the material and, among other things, may require, but not by way of limitation, that any vacant lot or unused portion of any occupied lot used for the storage of junk, etc. as herein defined, shall be surrounded or enclosed by a board fence or other enclosure.
6. The failure of the owner to pay for the charges incurred within thirty (30) days after invoicing by the Parish shall result in the filing of a certified copy of such charges with the recorder of mortgages and the same, when so filed and recorded, shall operate as lien and privilege in favor of the Parish and rank from the date of filing of the assessment in the Mortgage Records of Assumption Parish and shall prime all other claims, mortgages, and liens, except taxes and prior recorded special assessment liens against the property. The charges shall "be" added to the annual ad valorem tax bill of the property involved.
7. In addition, such violations shall be subject to the issuance of a misdemeanor summons. Penalty up to five hundred (\$500.00) dollars or six (6) months imprisonment or both for each violation OR civil penalties as stated in the current ordinance.

D. *Exemption.* All businesses previously licensed in Assumption Parish for the storage of abandoned or junked vehicles prior to adoption of Ordinance No. 12-05 of 4/30/12 are not subject to the amendments instituted by that ordinance, but are still required to have the storage of the vehicles behind a board fence. Antique vehicles which have been registered as an antique vehicle with the Department of Motor Vehicles shall not be subject to this Section, but are still required to have storage of the vehicles behind a board fence.

E. *Penalty.* A violation of this ordinance shall be a misdemeanor and punishable by a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00) or imprisonment not to exceed thirty (30) days or both.

F. *Authority to Enforce.* The Parish is empowered and authorized to enforce these provisions against the same lot, place or area within the Parish as often as violations may occur during a calendar year and nothing herein shall be construed so as to prevent the levying or assessment of costs for the removal of said abandoned automobiles, major appliances and other junk lying or located on private property for one or more times during any calendar year.

(Ord. No. 84-09, 2/22/89; Ord. No. 89-05, 2/22/89; and 93-11, 9/8/93, as amended by Ord. No. 93-14, 9/8/93; Ord. No. 99-05, 7/14/99; Ord. No. 06-18, 10/13/06; Ord. No. 12-05, 4/30/12)

**SECTIONS 9:5 - 9:49. RESERVED**

[The next page is Sub-Chapter B, "Solid Waste Management Program," page 9-9.]

## Sub-Chapter B

### Solid Waste Management Program

#### SECTION 9:50. GARBAGE COLLECTION; DEFINITIONS

For the purpose of this Sub-Chapter, the following words and terms shall apply:

1. "Parish" means Assumption Parish.
2. "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
3. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
4. "Refuse" includes all putrescible and non-putrescible solid waste (except body waste), including garbage and rubbish.
5. "Rubbish" includes non-putrescible solid waste (excluding ashes), consisting of both combustible and not-combustible waste, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.
6. "Commercial Refuse" shall consist of garbage or trash produced by establishments in excess of one (1) cubic yard or more of refuse per week.

(Ordinance of May 13, 1975, as amended by Ordinance of March 23, 1976)

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**Comment** -- The 1976 amendment places the sub-sections dealing with Disposal, Rules and Regulations and Refuse Property of Parish under Section 7 of the original ordinance, following Requirements of Vehicles whereas these headings were initially under Section 8 of the 1975 ordinance. The 1976 enactment also amended paragraph (3), Section 8 of the 1975 ordinance relating to criminal penalties and optional administrative fines for violations.

#### SECTION 9:51. COLLECTION BY PARISH; COLLECTION BY INDIVIDUALS, REQUIREMENTS

A. All refuse accumulated in Assumption Parish shall be collected, conveyed and disposed of by the Parish, its contractor, or by an authorized permittee. No objection is made against private collection operations by an authorized permittee over any of the streets or alleys of the Parish providing all vehicles transporting commercial or household refuse shall be provided with permits from the Sanitation Committee (Solid Waste Committee) of the Assumption Parish Police Jury and state health authorities, authorizing the use of such vehicles for such purpose. All vehicles with open or stake bodies must have a cover to prevent the littering of streets with refuse. (Ordinance of May 13, 1975; as amended by Ordinance of March 22, 1978 and Ordinance of April 11, 1984)

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**Comment** -- See Chapter 10, Health & Sanitation, for adoption by police jury of state sanitary code to improve general hygienic and sanitary conditions. See § 9:150 et seq. for operating standards for waste disposal facilities.

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**SECTION 9:52. COLLECTION TO BE UNDER SUPERVISION AND AUTHORITY OF PARISH SANITATION COMMITTEE**

A. All refuse accumulated in the Parish shall be collected, conveyed and disposed of by the Parish, its contractor, or by an authorized Permittee, under the supervision of the Sanitation Committee of the Assumption Parish Police Jury. The Committee shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.

(Ordinance of May 13, 1975; as supplemented by Ordinance of March 23, 1976; Section 7, Paragraph (a)3, Rules and Regulations. Amended by Ordinance of March 22, 1978 and Ordinance of April 11, 1984.)

**SECTION 9:53. PRE-COLLECTION GENERAL REQUIREMENTS**

A. *Pre-collection Practices.*

1. Garbage. All garbage, before being placed in garbage cans for collection, shall have drained from it all free liquid and may be wrapped in paper.

2. Rubbish. All rubbish shall be drained of liquid before being deposited for collection.

3. Trimmings and Clippings. Tree trimmings, hedge clippings and similar material, shall be cut to lengths not to exceed four feet (4') and securely tied in bundles not more than two feet (2') thick before being deposited for collection. Leaves and small trimmings should be bagged in an acceptable (waterproof) container and in no case shall any single unit exceed fifty (50) pounds in weight due to insurance regulations.

B. *Refuse Containers.*

1. Duty to Provide and Maintain in Sanitary Condition. Refuse containers shall be provided by the owner, tenant, lessee, or occupant of the premises. Refuse container that does not conform to the provisions of this Sub-Chapter or that may have ragged or sharp edges, or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced upon notice. The Sanitation Committee of the Assumption Parish Police Jury shall have the authority to refuse collection services for failure to comply herewith.

2. Garbage. Garbage containers shall be made of metal or plastic with handles and tight fitting covers or other approved material. They shall be watertight and not less than ten (10) gallons or more than thirty (30) gallons in capacity. Covers for containers shall be removable and not secured or fastened to containers. The combined weight of the garbage and container shall not exceed fifty (50) pounds.

3. Sanitation. Garbage containers shall be of a type approved by the Parish of Assumption and shall be kept in a clean, neat and sanitary condition at all times.

4. Rubbish. Rubbish containers shall be of a kind suitable for collection purposes, and shall be of such weight that they can be handled by one man. Single-use containers of light wood construction or bags may be used for trash. The total weight of containers and trash shall not exceed fifty (50) pounds.

(Ordinance of May 13, 1975; as amended by Ordinance of March 22, 1978)

**SECTION 9:54. STORAGE OF REFUSE; GENERAL PROHIBITIONS**

A. *Public Places.* No person shall place refuse in any street, alley or other public place, or upon any private property whether owned by such person or not, within the Parish except it be in proper containers for collection or under express approval granted by the Sanitation Committee of the Assumption Parish Police Jury, nor shall any person throw or deposit any refuse in any stream or other body of water.

B. *Unauthorized Accumulation.* Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within thirty (30) days after the effective date of these provisions shall be deemed a violation of this Sub-Chapter.

C. *Scattering of Refuse.* No person shall cast, place, sweep, or deposit anywhere within the Parish any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the Parish.

(Ordinance of May 13, 1975; as amended by Ordinance of March 22, 1978)

**SECTION 9:55. POINTS OF COLLECTION; PLACES AND TIMES TO BE DESIGNATED BY SANITATION COMMITTEE**

A. *Points of Collection.* The Sanitation Committee of the Assumption Parish Police Jury shall designate on which days collections shall be made in various areas of the Parish. Containers shall be placed by the owners, occupants or agent, at the curb before 7:00 A.M. for collection on the days designated for collection, and removed from the curb promptly after all the contents have been collected. (Ordinance of May 13, 1975; as amended by Ordinance of March 22, 1978)

**SECTION 9:56. COLLECTION PRACTICES; FREQUENCY OF COLLECTION; REQUIREMENTS FOR DIFFERENT TYPES OF REFUSE; REQUIREMENTS AS TO INDIVIDUALLY OWNED VEHICLES USED FOR HAULING REFUSE**

A. *Residential.* Refuse accumulated by residences shall be collected at least two (2) times a week.

B. *Special Refuse Problems.*

1. *Contagious Disease Refuse.* The removal of wearing, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed, should be performed under the supervision and direction of the Health Department. Such refuse shall not be placed in containers for regular collections.

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2. Inflammable or Explosive Refuse. Highly inflammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the Sanitation Committee of the Assumption Parish Police Jury, at the expense of the owner or possessor thereof.

C. *Collection by Outside Collectors.*

1. Requirements for Vehicles. Collectors of refuse from outside of the Parish who desire to haul over the streets of the Parish, shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse from being blown, dropped or spilled.

2. Disposal. Disposal of refuse by contractors so permitted under Subsection above (Requirements for Vehicles), shall be made outside of the Parish limits, unless otherwise specifically authorized by the Sanitation Committee of the Assumption Parish Police Jury. The Committee shall have the authority to permit the disposal of such material on the Parish dump.

3. Rules and Regulations. The Sanitation Committee will have the authority to make such other reasonable regulations concerning collection and disposal and relating to the hauling of refuse over Parish streets by outside collectors as they shall find necessary.

4. Refuse Property of Parish. Ownership of refuse material set out for collection or deposited on the Parish dump shall be vested in the Parish.

(Ordinance of May 13, 1975; as amended by Ordinances of March 23, 1976 and March 22, 1978).

**SECTION 9:57. MANDATORY PROVISIONS FOR PARTICIPATION IN THE SYSTEM; HIGH DENSITY REFUSE COLLECTION AREAS; EVIDENCE OF ACCUMULATION; CORRECTIONAL PROCEDURES; VIOLATIONS; PENALTIES**

A. It shall be unlawful for the owner of a residential unit or units in the unincorporated areas of Assumption Parish, which are designated high density refuse collection areas by the Assumption Parish Police Jury, to have accumulations of garbage and rubbish removed and disposed of by any other means than the authorized collector or an authorized permittee and for such service shall pay to the collector such uniform fees and charges as are approved by the Assumption Parish Police Jury. Wastes collection fees shall be chargeable on new residential units immediately upon occupancy or whenever the first garbage or rubbish collection is made by the collector, whichever shall occur first.

B. It shall be unlawful for the owners of commercial establishments to dispose of accumulations of garbage or rubbish by any other means than the authorized collector or an authorized permittee and for such services shall pay to the collector such uniform fees and charges as are approved by the Assumption Parish Police Jury.

C. All new subdivisions, trailer parks and apartment houses outside of the high density refuse collection areas shall tender solid wastes to an authorized collector, or an authorized permittee, upon completion and occupancy by the first resident.

D. Disposal of garbage, offal, dead animals, and manure, or rubbish mixed with garbage, offal, dead animals, and manure, or any combination thereof, shall be disposed of by incineration, burial, sanitary landfill or other method approved by the Assumption Parish Police Jury. Such



material shall not be disposed of by being placed in any natural or artificial body of water or on the watersheds of any surface public water supply; nor within one-half mile of any habitation or place of business where it may become a sanitary nuisance or menace to health through the breeding of flies and/or harboring rodents; nor shall such material be dumped on or upon highway, road or alley of this Parish, or within one-half mile of such public highway, road or alley or other place except when said material has been rendered completely stable by a process approved by the Assumption Parish Police Jury. The responsibility for disposal of dead animals, etc., shall be carried out at the owner's expense.

E. The fact that any place of abode or any place of business is occupied shall be prima facie evidence that garbage or rubbish or both is being produced and accumulated upon such premises and that service charges for the collection and disposal thereof are due the authorized collector.

F. Accumulation of garbage and rubbish at any residential unit or any commercial unit for more than five (5) days shall be prima facie evidence of a violation of this Sub-Chapter. The Assumption Parish Police Jury Sanitation Department Officer shall, upon finding occupation of a place or abode or any place of business not receiving collection service of garbage or garbage and rubbish shall notify the person or persons committing the violation to remove or cause to remove same within twenty-four (24) hours. Such notice shall be issued by the Assumption Parish Police Jury Sanitation Department Officer by one (1) of the following means:

1. Certified U.S. Mail;
2. Hand delivery; or
3. Posting of such notice in a conspicuous place on the residential unit or commercial establishment.

G. If the violation of the Sub-Chapter is not removed within the time prescribed in said notice, the Assumption Parish Police Jury Sanitation Department Officer, his agents or deputies, may:

1. Undertake required correctional procedures, including the removal of same, if necessary; the cost or expense of such removal or correctional procedures shall be paid by the person or persons committing, creating, keeping or maintaining such violation of this Sub-Chapter, by action at law or keeping or maintaining such violation of this Sub-Chapter, by action at law; or

2. Any non-payment of charges assessed and past due for more than sixty (60) days will result in the discontinuation of water service until payment is made, after the following steps have been completed:

- a. The Assumption Parish Police Jury Sanitation Department will notify the delinquent customer either by certified mail, registered mail, or by posting a letter on the premises where garbage service was rendered, indicating:

- i. The possibility of termination of water service within thirty (30) days from date of mailing or posting of notice;

- ii. The administrative procedure for challenging a disputed bill or complaint of service which involves contacting by written communication any sanitation department officer in management between the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday, who will either discuss the problem with the delinquent customer or direct him to a designated sanitation department management officer empowered to rectify any error on the part of the department; and

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iii. Administrative procedure for resolution of disputes pertaining to billing and/or service including investigation of every communicated protest by a designated management sanitation department officer, provision of a hearing before such an official, and an opportunity to stay the termination of water service upon the posting of an appropriate bond which shall not exceed five (5) times the amount past due.

3. In the event that garbage or garbage and rubbish is being removed by the collector under orders of the Assumption Parish Police Jury Sanitation Department Officer, and such collections have been made for seven (7) days without payment of delinquent charges due the collector, then such charges that have been incurred because of collections ordered by the Assumption Parish Police Jury Sanitation Department Officer are unpaid, then such fees due the collector shall constitute and hereby be imposed as special assessment lien against the owners or real property from which the collections were made. Such charges or fees, until fully paid and discharged, or barred by law, shall remain liens equivalent to ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles in; or

4. *Penalties* - Any person, firm or corporation violating any of the provisions of this Sub-Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding one hundred dollars (\$100.00), or be imprisoned for a period not exceeding thirty (30) days, or be both so fined and imprisoned. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

5. In lieu of the criminal penalty set out in Section (4) above, the Assumption Parish Police Jury Sanitation Department Officer or his designee may issue a citation setting forth the violation of this Sub-Chapter, the amount of the penalty for its violation, said amount not to exceed ten dollars (\$10.00), plus any amount owed the collector or the Assumption Parish Police Jury for non-payment of monthly charges or work done on the violator's premises under any provision of this Sub-Chapter, said amount to be paid within seven (7) days after notice.

(Ordinance of May 13, 1975; as amended by Ordinance of March 23, 1976)

**SECTION 9:58. OWNERSHIP OF REFUSE SET OUT FOR COLLECTION OR DEPOSITED IN DUMP VESTED IN PARISH**

Ownership of refuse material set out for collection or deposited on the Parish dump shall be vested in the Parish. (Ordinance of May 13, 1975; last paragraph, as amended by Ordinance of March 23, 1976)

**SECTION 9:59. SOLID WASTE POLICY AND RATE STRUCTURE**

A. All camps, recreational residences, and occupied residences will be assessed a nine dollar (\$9.00) per month charge unless it generates more than three (3), thirty-two (32) gallon garbage cans, or equivalent, of refuse per collection day.

B. All commercial establishments will be assessed a nine dollar (\$9.00) per month charge unless the commercial establishment generates more than three (3), thirty-two (32) gallon garbage cans of refuse per collection day.

C. Any commercial or other establishment which generates more than three (3), thirty-two (32) gallon garbage cans of refuse per collection day is required to contract with a licensed

commercial solid waste collector, which is recognized by this parish governing authority to operate in Assumption Parish.

D. All processing or receiving of payments of bills will be handled by the Assumption Parish Waterworks District #1.

E. All complaints on the Solid Waste rate charges will be handled by the Assumption Parish Police Jury.

F. The Assumption Parish Police Jury will furnish a letter of authorization on their stationery to the Assumption Waterworks District #1 for any and all changes in a customer's status pertaining to solid waste billing.

G. *Multiple Minimum Garbage Charges.* In the event that one (1) water meter shall serve more than one (1) customer registered with the Assumption Waterworks District #1, an additional minimum (money charge) will be charged for each additional service. This multiple minimum charge will also apply to the garbage charges.

(Ordinance of 2/22/78; amended by Ordinances of 3/22/78, 5/19/78, 1/28/81, 8/8/81, and 12/28/83; as further amended by Ordinance No. 85-04, 4/17/85; Ordinance of a 4/18/86; and Ordinance No. 92-05, 7/22/92)

**SECTIONS 9:60 - 9:89. RESERVED**

**SECTION 9:90. SOUTH CENTRAL LOUISIANA SOLID WASTE DISTRICT**

A. The South Central Louisiana Solid Waste District is allowed by Act 982 of the 1999 State of Louisiana Regular Session signed and made effective by the Governor of Louisiana on July 9, 1999.

B. The purpose of the District is to provide solid waste management in the participating parishes and municipalities, including but not limited to the collection, transportation, disposal, and recycling of solid waste and control over any other waste reduction programs and the operation and management of any landfill or other facility created, established, or utilized by the South Central Louisiana Solid Waste District.

C. The District may be composed of all territory within the geographic limits of the Parishes of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, St. Mary, and Terrebonne and may include all territory within any municipality within these parishes at the request of the governing authority of such municipality.

D. The District shall not impose any tax-increasing measures until the governing authorities of the parishes in the district have approved the calling of an election for that purpose and until a majority of qualified electors in each Parish voting in an election for that purpose have approved the additional taxes.

E. The Parish of Assumption declares membership in the South Central Louisiana Solid Waste District.

F. Assumption Parish Police Jury appointments to the Board of Commissioners shall be concurrent with that of the Governing Authority. Any vacancy on the Board of Commissioners for any reason shall be filled in the same manner as the original appointment and for the unexpired term of office.

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G. The Assumption Parish Police Jury reserves the right to opt out of the District at any time at no additional cost to the Jury within the guidelines stated in the contract.

(Ord. No. 00-04, 5-10-00)

**SECTIONS 9:91 – 9:99. RESERVED**

[The next page is Sub-Chapter C, “Vegetation ad Noxious Accumulations,” page 9-27.]

## Sub-Chapter C

### Vegetation and Noxious Accumulations

#### SECTION 9:100. DEFINITIONS

A. The following words and phrases, when used in this Sub-Chapter, shall have the meanings herein assigned unless the context clearly indicates otherwise:

*Parish:* Parish of Assumption

*Property Owner:* The person, or agent, as shown on the latest assessment rolls of the Parish.

*Residential Property:* Any tract of land which has been subdivided into squares/lots, or in whole, primarily for residential purposes.

*Tall Grass:* Any grass or weed more than twelve inches (12") long measured perpendicular to the ground.

*Trash:* Debris, refuse, discarded or noxious matter, or deleterious or unhealthful growths.

*Whoever:* refers to any person, natural or juridical.

(Ordinance of 2/13/73, as amended by Ordinance of 8/27/86; Ord. No. 89-04, 2/22/89; Ord. No. 93-07, 7/28/93; Ord. No. 94-03, 6/22/94, Ord. No. 01-06, 6-13-01)

#### SECTION 9:101. PROHIBITIONS

A. It shall be unlawful for the owner or his agent, of any residential property within the Parish of Assumption, outside of municipalities of the Parish, to permit the growth of tall grass or to allow the accumulation of any trash upon the entire area of the subject property. (Ordinance of 2/13/73, as amended by Ordinance of 8/27/86; Ord. No. 89-04, 2/22/89; Ord. No. 93-07, 7/28/93; and Ord. No. 94-03, 6/22/94)

#### SECTION 9:102. NOTICE OF VIOLATION

A. The Parish shall notify the property owner, or his agent, of any residential property on which tall grass and/or trash may be located by:

1. Registered or certified mail
2. Publication in the Official Journal and
3. Posting of property

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**State Law References** -- Power of parish governing authorities to abate tall grass and weeds, R.S. 33:1236(21).

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This notice will reasonably identify the property and notify the property owner to perform any necessary work at his own expense within fifteen (15) days after receipt of said notice. Notice shall contain the following:

1. Identification of the property;
2. Nature of the violation including the specific provision(s) of the ordinance involved; and
3. The penalties, enforcement, and/or abatement proceedings that the owner or his agent may be liable for if the violation is not resolved.

B. The Assumption Parish Police Jury will send out letters requesting bids for all properties to be cut. The bid will be awarded to the lowest bidder.

(Ordinance of 2/13/73, as amended by Ordinance of 8/27/86; Ord. No. 89-04, 2/22/89; Ord. No. 93-07, 7/28/93; and Ord. No. 94-03, 6/22/94; Ord. No. 01-06, 6-13-01; Ord. No. 05-09, 5/13/05)

**SECTION 9:103. ABATEMENT BY THE PARISH**

A. If the required work is not done by the property owner or his agent within fifteen (15) days after notice as provided in Section 9:102, the Parish may proceed to have the necessary work done either by parish employees or by the independent contractor. The fee for the performance of this service by the Parish, or the independent contractor, shall be the actual amount charged by and paid to the party cutting, spraying, or removing such matter, plus a 15% service charge, plus a 15% collection fee.

B. Within thirty (30) days after the work is performed by the Parish, or an independent contractor, the Parish shall furnish the owner, as shown on the last assessment roll, by certified or registered mail, a written invoice showing the cost or expenses incurred for the work, the cost of any prior notices sent to the property owner or his agent, and the place or property on which the work was performed.

(Ordinance of 2/13/73, as amended by Ordinance of 8/27/86; Ord. No. 89-04, 2/22/89; Ord. No. 93-07, 7/28/93; and Ord. No. 94-03, 6/22/94; Ord. No. 01-06, 6-13-01)

**SECTION 9:104. AUTHORITY TO IMPOSE A LIEN**

A. If the costs shown on the invoice are not paid within thirty (30) days of receipt, a special assessment shall be levied against the subject residential property for the costs, as shown on the invoice. A certified copy of said special assessment shall be filed with the Clerk of Court of Assumption Parish, who shall forthwith record same in the Mortgage Records of said Parish. Such assessment when so filed and recorded shall operate as a lien and privilege against the residential property herein assessed, which lien and privilege shall rank from the date of filing of the assessment in the Mortgage Records of said Parish and shall prime all other claims, mortgages and liens, except taxes and prior recorded special assessment liens.

B. If the owner of the property fails to pay the amount due under said special assessment within thirty (30) days, the Parish may initiate action either in rem against the property or in person, against the owner, or both, for the collection of the total amount due, plus court cost and an additional sum equivalent to twenty-five percent (25%) of the principal due as attorney's fees.

(Ordinance of 2/13/73, as amended by Ordinance of 8/27/86; Ord. No. 89-04, 2/22/89; Ord. No. 93-07, 7/28/93; and Ord. No. 94-03, 6/22/94)

**SECTION 9:105. ADDING OUTSTANDING INVOICES TO AD VALOREM TAXES**

If said invoice is not paid by the owner within thirty (30) days of its receipt (as provided in Section 9:103, the amount thereof plus fifteen percent (15%) collection charges shall be included in and form part of the ad valorem taxes due on said property by the owner and when collected shall be credited to the general fund of the Parish. The Parish shall adopt an ordinance levying the charges as an assessment to be added to the annual ad valorem tax bill of the property involved. The ordinance shall be forwarded to the Tax Collector of Assumption Parish. (Ordinance of 2/13/73, as amended by Ordinance of 8/27/86; Ord. No. 89-04, 2/22/89; Ord. No. 93-07, 7/28/93; and Ord. No. 94-03, 6/22/94)

**SECTION 9:106. AUTHORITY TO ENFORCE**

The Parish is hereby empowered and authorized to enforce these provisions against the same residential property within the Parish as often as violations may occur during a calendar year and nothing herein shall be construed as far as to prevent the levying or assessment of costs for the cutting, destruction, and/or removal of said tall grass and/or trash from residential property for one or more times during any calendar year. Additional notification is not required for repeat or 2<sup>nd</sup> notice offenders in the same calendar year. (Ordinance of 2/13/73, as amended by Ordinance of 8/27/86; Ord. No. 89-04, 2/22/89; Ord. No. 93-07, 7/28/93; and Ord. No. 94-03, 6/22/94; 01-06, 6-13-01)

**SECTION 9:107. IMMEDIATE DANGER OR HAZARD**

Notwithstanding anything contained herein to the contrary, the Parish is hereby authorized to take immediate steps to remove any and all tall grass and/or trash located on or upon any residential property within the Parish of Assumption where there is presented to the Parish evidence of the presence of immediate danger or hazard to the health, safety and welfare of adjoining property, or to the citizens of the Parish. All other provisions as contained in this Sub-Chapter, not contrary to this section, shall be applicable, including levying and assessment of costs in such case. (Ordinance of 2/13/73, as amended by Ordinance of 8/27/86; Ord. No. 89-04, 2/22/89; Ord. No. 93-07, 7/28/93; and Ord. No. 94-03, 6/22/94)

**SECTION 9:108. VIOLATIONS, PENALTY**

Whoever violates any provision of this Sub-Chapter, or by any means or actions, prevents or attempts to prevent any employee of and/or other person authorized by the Parish from carrying out any provision of this Sub-Chapter, shall be fined an amount not to exceed five hundred dollars (\$500.00) or imprisoned for a period not to exceed thirty (30) days, or both, upon conviction thereof and in the discretion of the court. (Ordinance of 2/13/73, as amended by Ordinance of 8/27/86; Ord. No. 89-04, 2/22/89; Ord. No. 93-07, 7/28/93; and Ord. No. 94-03, 6/22/94)

**SECTIONS 9:109 - 9:119. RESERVED**

**[RESERVED]**

[The next page is Sub-Chapter D, "RESERVED," page 9-35.]



**Sub-Chapter D**

**[RESERVED]**

**[RESERVED]**

[The next page is Sub-Chapter E, "Hazardous Waste and Substances," page 9-41.]

## Sub-Chapter E

### Hazardous Waste and Substances

#### *Article I. Standards for Operating Waste Disposal Facilities*

##### SECTION 9:150. DEFINITIONS

A. As used in this Article, the following terms shall be construed as indicated below:

*Chemotherapeutic Waste* - All disposal material which have come in contact with cytotoxic/antineoplastic agents during the preparation, handling, and administration of such agents. Such waste includes, but is not limited to, masks, gloves, gowns, empty IV tubing, bags, vials and other contaminated materials.

*Combustible Waste* - All waste substances capable of incineration or burning, but excluding explosives.

*Construction/Demolition Debris* - Nonhazardous waste generally considered not water soluble, including but not limited to metal, concrete, brick, asphalt, roofing materials (shingles, sheet rock, plaster), or lumber from a construction or demolition project, but excluding asbestos-contaminated waste, white goods, furniture, trash, or treated lumber. The admixture of construction and demolition debris with more than five percent (5%) volume of paper associated with such debris or any other type of solid waste (excluding wood waste or yard waste) will cause it to be classified other than construction/demolition debris.

*Controlled Industrial Waste* - Waste materials and by-products either solid or liquid, which are to be discarded by the generator, and which are substances hazardous to human, animal, aquatic or plant life and which are generated in such quantity that they cannot be safely disposed of in properly operated, state approved sanitary landfills, waste or sewage treatment facilities. Controlled industrial waste may include but is not limited to explosives, flammable liquids, spent gases, sludge, tank bottoms containing heavy metallic ions, hazardous organic chemicals, caustic solutions, poisons, containerized gases, infectious materials, and materials such as paper, metal, cloth, or wood which are contaminated with controlled industrial waste, and excludes domestic sewage.

*Garbage* - All normal and usual household, medical and institutional waste products, usually a mixture of putrescible, nonputrescible, combustible and incombustible materials, such as organic waste from food preparation and consumption, wrapping, bandaging and packaging materials, metal, glass, plastic containers and other items. This definition also applies to similar waste products from commercial establishments such as restaurants; cafeterias; schools; medical care officer, clinics, laboratories, or testing facilities; veterinary offices; and hospitals in Assumption Parish.

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**State Law References** - Louisiana Hazardous Waste Control Law, R.S. 30:1131 et seq.; Louisiana Inactive and Abandoned Hazardous Waste Site Law, R.S. 30:1149.2 et seq.; taxation of disposal and storage of hazardous waste, R.S. 30:1149.20 et seq.; liability for hazardous substance remedial action, R.S. 30:1149.41 et seq.; Hazardous Material Information Development, Preparedness, and Response Act, R.S. 30:1150.61 et seq.; hazardous materials transportation and motor carrier safety, R.S. 32:1501 et seq.; local regulation of hazardous wastes, R.S. 33:1236(31).

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*Infectious Waste* - Waste which contain pathogens with sufficient virulence and quantity so that exposure to the waste by a human host could result in an infectious disease. Infectious waste includes the following types:

1. Animal Pathological Waste - Tissues, organs, body parts and body fluids removed during surgery and autopsy from animals that are, or are likely to be, infected with an agent that could be directly transmitted to humans.

2. Autopsy, Surgery, and Patient Care Waste - Waste generated during surgery, autopsy, or other human or animal patient care that is known or thought to be contaminated with materials which are potentially infectious. Examples of these wastes include soiled dressings, sponges, drapes, tubes, drainage sets, underpads and surgical gloves.

Medical Waste - Medical waste, which has no generally accepted definition, includes the following:

1. Cultures and stocks of infectious agents and associated biologicals, including cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate and mix cultures.

2. Pathological waste, including tissues, organs and body parts that are removed during surgery or autopsy.

3. Waste human blood and products of blood, including serum, plasma and other blood components.

4. Sharps that have been used in patient care or in medical, research or industrial laboratories, including hypodermic needles, syringes, Pasteur pipettes, broken glass and scalpel blades.

5. Contaminated animal carcasses, body parts and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

6. Wastes from surgery or autopsy that were in contact with infectious agents, including soiled dressings, sponges, drapes, tubes, drainage sets, underpads, and surgical gloves.

7. Laboratory wastes from medical, pathological, pharmaceutical or other research, commercial, or industrial laboratories that were in contact with infectious agents, including slides and cover slips, disposable gloves, laboratory coats and aprons.

8. Dialysis wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposable equipment and supplies, such as tubing, filters, disposable sheets, towels, gloves, aprons, and laboratory coats.

9. Discarded medical equipment and parts that were in contact with infectious agents.

10. Biological wastes and discarded materials contaminated with blood, excretion, exudates or secretions from human beings or animals who are isolated to protect others from communicable diseases.

*Noncombustible Waste* - All waste substances not capable of incineration or burning, such as ashes, glass, metal, and earthenware.

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*Person* - Any individual partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate or other legal representative, agent or assigns.

*Refuse* - All of the solid and liquid wastes.

*Sanitary Landfill* - A controlled area of land upon which nonhazardous solid waste is deposited in such a manner that protects the environment with no on-site burning of wastes, and so located, contoured, and drained that it will not constitute a source of water pollution.

*Transfer* - A transfer shall be defined as, but not limited to, a change in ownership or operational control of a facility; acquisition of more than twenty-five percent (25%) of the stock of the existing permittee's controlling interest; all or substantially all of the assets of the permittee's ownership or operational control is sold; ownership or operational control is achieved by takeover or merger; ownership or operational change is conveyed due to bankruptcy, reorganization, foreclosure, tax delinquency, or abandonment; or, any other change of ownership which materially modifies ownership or operation control of a facility.

*Waste Disposal Facility* - Any building, site, property, or other operation that is used for the dumping, leaving, storing, incinerating, or depositing of any trash, refuse, garbage, infectious waste, controlled industrial waste, noncombustible waste, medical waste, chemicals or any other items of discarded or used material, or property of whatsoever kind or nature upon such property. This will include, but not limited to, trash or garbage dumps, landfills, transfer facilities, and incineration facilities.

*Recycling and Composting* - The process by which nonhazardous solid wastes, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products and for which there is shown to be an economic market in reasonable commercial quantities.

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:151. PERMITS REQUIRED**

A. All new waste disposal facilities located in Assumption Parish will be required to apply for and purchase an initial permit and an annual renewal permit. Waste disposal facilities existing and operating as of the effective date of the provisions of this Article will be granted a permit automatically, provided they are meeting all legal requirements and hold all permits necessary to their operation on at the time of adoption of these provisions. Facilities in operation on the effective date of this Sub-Chapter shall provide the Assumption Police Jury with copies of all permits required for operation within thirty (30) days of such items being requested by the Assumption Parish Police Jury. The operator shall furnish to the Police Jury any new or modified permits to operate received by the waste disposal facility operator within thirty (30) days of their receipt by the operator. Each waste disposal facility operator who seeks to be considered for the purposes of this section as having been in operation on the effective date of this Article shall, on or before Sept. 28, 1994 file with the Secretary of the Assumption Parish Police Jury any documents and/or other evidence which they assert reflects the facilities active and actual operations on the effective date. Facilities existing and operating at the time of adoption of this Article will only be subject to the annual permit renewal process and fee, if any of the following events occur:

1. The facility seeks to substantially enlarge its scope of operations or physical size.

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**State Law Reference** -- Permits for hazardous waste facilities required, R.S. 30:1137.

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2. The facility is cited for an environmental violation or is issued an environmental compliance order by the Louisiana Department of Environmental Quality or the United States Environmental Protection Agency.

3. The facility is required to obtain a permit to operate by the Louisiana Department of Environmental Quality or the United States Environmental Protection Agency at any time after the effective date of this ordinance.

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:152. TYPES OF PERMIT**

A. *Siting Permit* - A siting permit must be applied for at the time of initial planning for the facility and before construction begins. The applicant will be required to demonstrate that the facility will comply with the criteria established herein.

B. *Renewal Permit* - All facilities regulated herein must renew their siting permit ten (10) years from the date of final initial permit approval. The applicant will be required to demonstrate that the facility and its operation continue to comply with the requirements of this Article.

C. *Permit Actions* - The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:153. EXCLUSIONS**

A. Specifically excluded from the operation and effect of these provisions are the following:

1. Vehicular or farm equipment storage or salvage yards in active commercial operation;

2. In any proceeding, hearing, or enforcement action initiated by the Assumption Parish Police Jury, the burden of proof is upon the waste disposal facility operator or applicant to show that they are excluded from the operation and effect of this Article by item (1), hereinabove;

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:154. FEES**

A. The fees shall be according to the following schedule:

1. Host Fee - As set at the discretion of the Parish authority; based on a per unit basis, or a percentage of gross income.

2. Siting Permit - Up to fifty thousand dollars (\$50,000.00), depending on class and size.

3. Renewal Permit - Up to one thousand dollars (\$1,000.00), depending on class and size.

B. Host fees may be assessed on a per unit basis for each ton, cubic yard, gallon or other appropriate measure of waste disposed of at the facility or a percentage of gross income. The rate or per unit charge for the host fee will be determined by the approximate expected or potential adverse impacts to the parish's citizens, water and air resources, roads and environment in general; and by the need for frequent inspection of the facility by parish personnel; and by the need for parish research and development of alternate, more environmentally benign methods of disposal.

C. The selection of a host fee rate for a proposed facility must be settled and agreed upon by the representative of the parish and facility applicant before a siting permit is issued by the parish. That rate will remain flexible and said rate can be adjusted on the basis of the Consumer Price Index published by the United States Government. Host fee payments will be remitted to the Parish each month, based on the manifests or other official records of the facility's incoming waste.

D. The initial siting fee shall be used to defer the costs of processing and investigation of the application for permitting and public hearings held on the application. Any balance of the application fee remaining after such administrative costs are paid will be returned to the applicant within sixty (60) days of granting or denial of the permit. The annual renewal fee is nonrefundable and shall be used to enforce the provisions of this Article.

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:155. BOND/INSURANCE REQUIREMENTS**

A. No permit shall be issued or become effective unless there is on file with the parish a cash or property bond with a corporate surety authorized to do and doing business in accordance with all applicable Louisiana corporate surety requirements in a penal amount of one million dollars (\$1,000,000.00). The purpose of the bond is to assure the following:

1. That the licensee, his agents and servants will comply with all terms, conditions, provision requirements, and specifications contained in this Article.

2. That the licensee, his agents and servants will faithfully operate the Waste Disposal Facility for which the permit is issued in accordance with the provisions of this Article.

3. That the licensee, his agents and servants will hold harmless the parish from any expense incurred through the failure of the permittee, his agent and servants to operate and maintain the Waste Disposal Facility as required by this Article, including any expense the parish may be put to for correcting any condition or violation of this Article by the parish's own labor and equipment, whenever the Assumption Parish Police Jury determines it is necessary for the parish to correct any condition in violation of this Article, or from any damages growing out of the negligence of the permittee or his agents or servants.

4. That before acceptance, all bonds are approved by the Assumption Parish Police Jury. If a corporate bond is offered, it shall be executed by a company authorized to transact business in the state as a surety. If a cash bond is offered, it shall be deposited with the Treasurer of the Assumption Parish Police Jury, who shall give his/her official receipt, reciting that said cash has been deposited in compliance with and subject to the provisions of this Article.

5. That the cash bond has an effective coverage date for a period of five (5) years after the date of last operation of the facility.

6. That the applicant has liability insurance applicable to sudden and nonsudden bodily injury or property damage on, below, or above the surface. Additional insurance

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shall be required as deemed necessary by the Assumption Parish Police Jury to protect the property rights of owners or leaseholders of underground resources such as oil, gas, water, or other mineral substances. The amount of such insurance coverage shall be no less than one million dollars (\$1,000,000.00) and shall have an effective date of at least the same period of time established by the permit.

7. The liability coverage intended to be utilized for compliance with this section shall be site specific to the facility for which the application is submitted and shall not be blanket coverage covering other waste disposal facilities owned or managed by the applicant.

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:156. PERMITTING PROCESS**

A. *Application* - Application for such permits shall be filed with the Assumption Parish Police Jury and shall contain the following:

1. Permit Fee, as established by this Article;
2. A description and plat of the land on which the disposal will occur;
3. A drainage impact study;
4. A description of the sequence and plan of operation;
5. A description of the availability of water and the equipment needed for water supply;
6. A description of the type and capacity of equipment to be used for operations;
7. A description of plans for fire, nuisance and vermin control;
8. A description of existing and proposed roadways and easements;
9. A description of existing topography and watercourses, together with diagram and written statements explaining proposed locations and extent of buildings, earthwork, and fill operations;
10. A description of proposed equipment;
11. An estimate of daily and weekly volume of waste to be disposed; and
12. If the permit is for a facility which will produce a discharge into the air, soil, or water and/or will possibly produce off-site effects, including noise, ash, particulate matter and/or odor, then such permit application will also contain the following:
  - a. Traffic pattern, estimated volume (number, types of vehicles) and control; show traffic control signals.
  - b. Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain. This identification shall indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and



maps used where a FIA map is not available. Information shall also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) which shall be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood.

c. An outline of both the introductory and continual training programs by owners and operators to prepare persons to operate or maintain the facility in a safe manner as required, including a brief description of how training will be designed to meet actual job tasks.

d. A topographic map showing a distance of 1,000 feet around the facility. The map shall clearly show the following:

1. Map scale and date
2. Surface waters including intermittent streams
3. Surrounding land uses (residential, commercial, agricultural, recreational)
4. A wind rose (i.e., prevailing wind speed and direction)
5. Orientation of map (north arrow)
6. Legal boundaries of the facility site
7. Access Control (fences, gates)
8. Injection and withdrawal wells both on-site and off-site.
9. Buildings, treatment, storage, or disposal operations; or other structures (recreation areas, run-off control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.)
10. Barriers for drainage or flood control.
11. Location of operational units within the facility site, where waste is or will be.
12. Applicants may be required to submit other such information as may be necessary or required by the administrative authority to adequately determine the validity of the proposed facility.
13. A copy of the waste disposal facilities' contingency and emergency response plan required by any federal and/or stated law, rule or regulation intended for the protection of employees, site/plant facilities, and the environment.

e. For facilities that incinerate chemotherapeutic waste, infectious agents and/or infectious waste the following information is also required:

1. A characterization of the wastes or mixtures to be burned.
2. Estimated heat value of the waste in the form and composition in which it will be burned.

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3. A detailed engineering description of the incinerator.
4. The expected incinerator information.
5. Such supplemental information as the administrative authority finds necessary to achieve the purposes of this paragraph.

B. *Public Notice* - Upon submission of an application, which shall be a public record, the applicant shall notify all real property owners of the outer perimeter of the proposed site by certified mail and shall attach all such certification returns to the permit application or submit same prior to final approval by the Assumption Parish Police Jury.

C. *Investigation* - Copies of the application shall be forwarded by the Police Jury to the Assumption Parish Solid Waste Committee for their study and recommendations to the Jury as a whole. The Solid Waste Committee or its chairman shall examine the premises and shall also coordinate an investigation with the Assumption Parish Health Department, the Department of Environmental Quality of the State of Louisiana, and the Department of Natural Resources to determine whether the granting of the permit to the applicant would or would not violate the health regulations of the Parish or would, in any way, create a hazard or menace to the public health or would, in any way, create a nuisance to the people of the people of the parish, and shall make a report giving his recommendations to the Assumption Parish Police Jury.

D. *Recommendation* - The Assumption Parish Solid Waste Committee shall make a report to the Police Jury as to whether or not to grant the permit in the location described in the application and shall submit a copy of the report to the Police Jury President. The Assumption Parish Solid Waste Committee shall also provide to the Police Jury an analysis of the effects of such proposed use upon the character of the neighborhood, the traffic conditions, public utilities facilities, and other matters pertaining to the general welfare.

E. *Public Hearing*

1. Prior to the issuance of a permit by the Assumption Parish Police Jury to operate any waste disposal facility whose service area would exceed the boundaries of Assumption Parish and whose permit application otherwise complies with the legal and technical requirements of this Article, the following hearings shall be held.

2. Prior to the issuance of a permit by the Assumption Parish Police Jury to operate any waste disposal facility whose service are within Assumption Parish and whose permit application otherwise complies with the legal and technical requirements of this Article, the Assumption Parish Police Jury shall conduct two (2) public hearings which are to be conducted for purposes of informing the public that a regulated facility intends to locate at a specified location within Assumption Parish, and the final hearing also will be held for the purpose of receiving final public input prior to the Jury's decision on issuance of the requested permit. The public hearings will be held at 7:00 o'clock P.M. on evenings to be selected by the Police Jury. The right of public comments at the first hearing may be granted by the Police Jury. The right of public input shall be held open for fifteen (15) days following the second public hearing for the purpose of receipt of written comments. The written comments as well as oral testimony and all hearings shall be considered by the Jury in making its decision on the permit application. Action on issuance of the permit shall not be taken prior to the expiration of fifteen (15) days following the last public hearing.

F. *Emergency Response Standards.*

1. Prior to the issuance of the permit, an applicant for a solid waste disposal facility shall review and consider the ability for the local emergency response agencies and medical care facilities to respond to a hazardous material incident at the facility subject to the permit.

2. The applicant shall obtain certification from the local fire department as to whether or not that department has the ability to meet the response requirements of Section 472 of the Life Safety Code of the National Fire Protection Association. The applicant shall obtain certification from the local emergency medical services agency as to whether or not that agency has the ability to meet the response requirements of Section 473 of the Life Safety Code of the National Fire Protection Association. The applicant shall obtain certification from the local hospital as to whether they are able to accept and treat patients who are contaminated with hazardous materials.

3. In the event any such agency or hospital cannot certify that it is able to meet the requirements referenced in Subsection 2 of this Section, the applicant shall identify in the permit application the closest fire department, emergency medical service and hospital that can provide the services listed in Subsection 2 above. The Assumption Parish Police Jury shall review and consider these agencies and hospitals to be the emergency response agencies and medical care facilities to respond to a hazardous material incident at the facility as a condition of the permit.

4. The requirements of this Section shall not apply if the applicant has the ability to meet the response requirements of Section 472 of the Life Safety Code of the National Fire Protection Association.

G. *Other Permitting Required* - No permit shall be issued under this Article until all requisite permits required by the Louisiana Department of Environmental Quality or any other state or federal agency has been obtained. New facilities shall attach to their application for a permit, copies of all other permits required for operation by any governmental agency and shall furnish to the Assumption Parish Police Jury any new or modified permits to operate received by the waste disposal facility operator within thirty (30) days of their receipt by the operator.

H. *Permit Conditions* - Each permit subsequently granted shall include permit conditions necessary to achieve compliance with the Louisiana Environmental Quality Act and these regulations. All conditions applicable to permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit.

I. Any person or persons jointly or severally aggrieved by any decision of the Assumption Parish Police Jury regarding the granting or denial of a permit shall have the right to present a petition to the district court, said petition shall be duly verified, set forth that the decision is illegal, in whole or in part, and specify the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the decision of the Assumption Parish Police Jury.

J. All permit applications and the granting and denial of said permit application shall in addition to the requirements of this Article, shall comply with the requirements and uniform procedures required under LA. R.S. 33:4780.40 through 4780.50.

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K. Until such time as the Assumption Parish Police Jury has enacted zoning districts, creating a zoning commission and board of adjustment as required in LA. R.S. 33:4780.40 through 4780.50, the Assumption Parish Police Jury shall follow all due process requirements prescribed by LA. R.S. 33:4780.40 through 4780.50 as required of the zoning commission and board of adjustment.

L. The Assumption Parish Police Jury shall receive permit applications under this Article to include any location within Assumption Parish, excluding any municipality within Assumption Parish, until such time as the Assumption Parish avails itself of the provisions of LA. R.S. 33:4780.40 through 33:4780.50 and creates districts and uniform regulations within the districts as specifically provided under LA R.S. 33:4780.41.

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95; Ord. No. 97-15, 8/13/97)

**SECTION 9:157. DUTY TO COMPLY**

The permittee must comply with all conditions of the permit except to the extent and for the duration such noncompliance is authorized in an emergency of research, development and demonstration permit. (Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:158. DUTY TO REAPPLY**

If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must reapply for the permit. If the administrative authority does not issue a final decision on the reapplication on or before the expiration date of the permit, it shall remain in effect until the administrative authority issues a final decision. (Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:159. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**

It shall not be a defense for a permittee that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. (Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:160. DUTY TO MITIGATE**

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit. (Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:161. PROPER OPERATION AND MAINTENANCE**

A. The permittee shall at all times properly operate and maintain all facilities and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

B. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit. The permit may be revoked for failure to properly operate and maintain a permitted facility. Such failure of operation and maintenance without an adequate defense constitutes cause for revocation.

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:162. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.  
(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:163. DUTY TO PROVIDE INFORMATION**

The permittee shall furnish to the administrative authority, within a reasonable time, any information which may be requested to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish, upon request, copies of records required to be kept by the permit.  
(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:164. INSPECTION AND ENTRY**

A. The permittee shall allow the administrative authority, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
2. All monitoring information including all calibration and maintenance records, all original chart recordings for continuous monitoring instrumentation, and copies of all reports and manifests required by the permit and all records of data used to complete the permit application shall be maintained for three (3) years.
3. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used;
  - f. The results of such analyses; and
  - g. The quality assurance and quality control procedures.

(Ord. No. 94-07, adopted 9-28-94; as amended by Ord. No. 95-11, adopted 10-25-95)

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**SECTION 9:165. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to the administrative authority shall be signed and certified. (Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:166. TRANSFER OF PERMITS**

A. The permit is not transferable to any person except with the approval of the administrative authority. The administrative authority may require modification, or revocation and reissuance of the permit to change the name of the permittee and then incorporate such other requirements as may be necessary.

B. The current permittee shall submit an application for transfer at least thirty (30) days before the proposed transfer date. The application shall contain the following:

1. Name and address of the transferee;

2. Date of the proposed transfer;

3. A report describing the history of violations and compliance of the transferee for all facilities owned and operated by the transferee within the State of Louisiana or as required by the administrative authority;

4. A written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, and all relevant coverage and liability agreements between the current and new permittees. The agreement should also demonstrate to the satisfaction of the administrative authority that the financial responsibility requirements will be met by the new permittee.

C. If the administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit, the transfer is effective on the date specified in the agreement mentioned in paragraph B (4) above.

D. If no agreement described in Section B (4) is provided, responsibility for compliance with the terms and conditions of the permit and liability for any violation will shift from the existing permittee to the new permittee on the date that the transfer is approved.

E. If a person attempting to acquire a permit causes or allows operation of the facility before approval by the administration authority, it shall be considered violation of these rules.

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:167. REPORTING REQUIREMENTS**

A. *Anticipated Noncompliance* - The permittee shall give advance notice to the administrative authority of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. *Manifest Discrepancy Report* - If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within five (5) days, the permittee must submit a written report including a copy of the administrative authority.

C. *Unmanifested Waste Report* - An unmanifested waste report must be submitted to the administrative authority within five (5) days of receipt of unmanifested waste.

D. *Annual Report* - An annual report must be submitted covering facility activities during the previous calendar year. The report must be filed by July 1st on an annual report form available from the department.

E. *Other Noncompliance* - The permittee shall report all instances of noncompliance not reported under the preceding requirements at the time monitoring reports are submitted.

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:168. RECORD KEEPING**

A. All generators, transporters, and infectious waste management facilities shall maintain the following records and assure that they are accurate and current:

1. A current list of their infection control committee and/or personnel responsible for compliance with these regulations.
2. The date, persons involved, and description of events of infectious waste spills involving more than thirty-two (32) gallons of solid waste or one (1) quart of free liquid.
3. The date, persons involved, and description of events of all transport spills.
4. A log of infectious waste management training scheduled, given, and received with complete names and positions of participants.
5. A file containing the adopted policies and procedures of the facility for dealing with infectious waste.
6. Respective copies of infectious waste manifests with a corresponding manifest log.
7. Records shall be maintained for a minimum period of three (3) years. This period is automatically extended when the facility is involved in an enforcement action with the Department of Environmental Quality or any other regulatory entity, including the Assumption Parish Police Jury and/or the Jury's authorized representative

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

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**SECTION 9:169. OTHER INFORMATION**

If the permittee becomes aware that it failed to submit any relevant facts in a permit application, or in any report to the administrative authority, it shall promptly submit such facts or information. (Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:170. SUSPENSION, MODIFICATION AND/OR TERMINATION OF PERMIT**

Compliance with a permit during its term constitutes compliance for purposes of enforcement. However, a permit may be suspended, modified or terminated during its term for cause. Any permit issued under the provisions of this Article may be revoked by the Assumption Parish Police Jury, at any time, for any violation of any law or ordinance pertaining to the operation or maintenance of such establishment. (Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:171. NON-AUTHORIZATION**

The issuance of a permit does not authorize any injury to persons or property, or invasions of other private rights, or any infringement of state or local law or regulations. (Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:172. SITING CRITERIA**

A. In order for a site to be used as a Waste Disposal Facility, it must comply with all of the following criteria:

1. No waste disposal facility shall be placed where seepage, drainage or pumping of any material from the facility of such a nature as would constitute an odor, nuisance, or health hazard shall be sited where it might flow into a watercourse, unless provision is made to treat such effluence in such a manner as to purify it to standards set forth by the Louisiana Department of Natural Resources.
2. All waste disposal facilities shall maintain at its site a GREEN AREA, at all times, to include a 200 foot buffer from adjacent property unless waived by adjacent land owners. The buffer shall be maintained as a site barrier and shall be landscaped and maintained.
3. No facility intended to be utilized for disposal or incineration of chemotherapeutic waste, infectious agents, medical waste, infectious waste, or controlled industrial waste shall be placed within three (3) miles of an inhabited residence, hospital or school.
4. No operational cell of a waste disposal facility shall be placed within two (2) miles of an inhabited residence or within four (4) miles of a hospital or school.
5. A controlled industrial waste facility or facility intended to be utilized for disposal or incineration of chemotherapeutic waste, infectious agents, medical waste, infectious waste or controlled industrial waste shall not be sited in or over a principal groundwater resource or recharge area.



6. A sanitary landfill for the disposal of chemotherapeutic waste, infectious agents, medical waste, infectious waste, controlled industrial waste or garbage shall not be sited above a principal groundwater resource, aquifer, or recharge area unless there is a depth of more than fifty feet (50') of undisturbed natural clay with a permeability of 1 times 10 to minus 6 that will remain in place between every part of the landfill excavation and the uppermost portion of the aquifer or groundwater resource.

7. Nothing contained herein to the contrary, all waste disposal facilities must also satisfy any and all other applicable local, state or federal rules and regulations concerning the site location for any such waste disposal facility.

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95; Ord. No. 05-01, 1-14-05)

### **SECTION 9:173. OPERATING REGULATIONS**

A. In the operation or maintenance of any waste disposal facility compliance with the following rules and regulations is required:

1. All facets of the operation shall be in strict compliance with all rules and regulations of the State of Louisiana Department of Environmental Quality, Department of Natural Resources, and U.S. Environmental Protection Agency.

2. The site shall be continually policed to assure neat and sanitary conditions at all times. Blowing of papers and open burning shall be prevented.

3. Any materials salvaged must be stored in a building on or off the site in such a manner as to prevent rat and vermin harborage. All salvaged material must be daily placed within the building provided so that none is left out of doors during the night or on the weekend.

4. Adequate emergency fire-fighting equipment shall be available at all times on the site as determined by the State Fire Marshall.

5. Insects and rodents on the facility site shall be controlled and exterminated as directed by the Department of Environmental Quality regulations.

6. Landfill operations shall include provisions for recycling the following materials when feasibly possible:

- a. Compostable materials
- b. Aluminum
- c. Glass
- d. Household toxic waste
- e. Plastics
- f. Metals

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7. The licensee shall provide an access road, approved by the Parish Manager or Parish Engineer, that is passable in all types of weather conditions.

8. The license holder shall also have available necessary equipment to assure that the traffic may be maintained on the access road or roads during periods of rain. The permit holder shall also take precautions to eliminate excess dust in dry weather, during operation of facility.

9. Chemotherapeutic waste, infectious agents, medical waste and/or infectious waste within the parish shall not be unloaded and reloaded or transferred to another vehicle or stored more than twenty-four (24) hours at any off-site location or facility, except at a waste storage or transfer facility or other facility for which there is a valid and appropriate infectious waste activity permit or the equivalent. At such a facility, the infectious waste shall be kept in a secured area separate from other wastes.

10. Chemotherapeutic waste, infectious agents, medical waste and/or infectious waste shall be delivered for treatment or disposal only to a facility for which there is a valid permit to handle such wastes.

(Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:174. DUMPING REFUSE OR GARBAGE IN A LICENSED FACILITY**

It shall be unlawful to dump or dispose of any refuse or garbage within the parish except in a properly licensed waste disposal facility or in a proper and duly licensed waste landfill appropriate for the type of ash produced. (Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:175. ENFORCEMENT**

The Assumption Parish Police Jury shall be charged with the enforcement of this Article, and the Assumption Parish Solid Waste Committee may make or order any unannounced inspections to that end. (Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTION 9:176. PENALTY**

A. Any person, firm or corporation violating any provision of this Article shall be fined five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 94-07, 9-28-94; as amended by Ord. No. 95-11, 10-25-95)

**SECTIONS 9:117 - 9:199. RESERVED**

**Article II. Hazardous Substances Cleanup and Restoration**

**SECTION 9:200. CLASSES OF HAZARDOUS SUBSTANCES**

A. Hazardous substances will be defined for the purposes of this Article as any substance that meets at least one (1) of the following criteria:

1. Any petroleum product that is used as a lubricant or a fuel.
2. Any mixture or solution containing a material identified by the letter “E” in column 1 of the table to CFR 49 section 172.101, if it is in a concentration equal to or greater than that shown in the following table based on the reportable quantity (RQ) specified for the materials in column 2 of the table to CFR 49 section 172.101.

RQ Pounds	RQ Kilograms	Concentration by Weight	
		Percent	PPM
5000	2270	10	100,000
1000	454	2	20,000
100	45.4	0.2	2,000
10	4.54	0.02	200
1	0.45	0.002	20

3. Any of the nine (9) classes of hazardous materials as defined in CFR 49 and outlined as follows:

- a. *Class I. Explosives.*
  - i. Class A Explosive: Detonating or otherwise of maximum hazard. The nine (9) types of Class A explosives are defined in CFR 49 section 173.53.
  - ii. Class B Explosive: In general, function by rapid combustion rather than detonation and include some explosive devices such as special fireworks, flash powders, etc. Flammable hazard. (CFR 49 section 173.88)
  - iii. Class C Explosive: Certain types of manufactured articles containing Class A or Class B explosives, or both, as components but in restricted quantities, and certain types of fireworks. Minimum hazard. (CFR 49 section 173.100)
  - iv. Blasting Agent: A material designed for blasting which has been tested in accordance with Section 173.114a(b) and found to be so insensitive that there is a very little probability of accidental initiation to explosion or of transition from deflagration to detonation. (CFR 49 section 173.114a(a))
- b. *Class II. Gases.*
  - i. Flammable Gas: Any compressed gas meeting the requirements for lower flammability limit, flammability limit range, flame projection, or flame propagation criteria as specified in CFR 49 section 173.300 (b).

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ii. Nonflammable Gas: Any compressed gas other than a flammable compressed gas.

iii. Poison A: Extremely dangerous poisons; Poisonous gases or liquids of such nature that a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life. (CFR 49 section 173.326)

c. *Class III. Flammable/Combustible Liquids.*

i. Combustible Liquid: Any liquid having a flash point one hundred degrees Fahrenheit (100° F) or above and below two hundred degrees Fahrenheit (200° F) as determined by tests listed in CFR 49 section 173.115(d). For exceptions, see CFR 49 section 173.115(a).

ii. Flammable Liquid: Any liquid having a flash point below one hundred degrees Fahrenheit (100° F) as determined by tests listed in CFR 49 section 173.115(d). For exceptions, see CFR 49 section 173.115(a).

d. *Class IV. Flammable Solids.*

i. Flammable Solid: Any solid materials, other than an explosive, which is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily, and when ignited burns so vigorously and persistently as to create a serious transportation hazard. (CFR 49 section 173.150)

e. *Class V. Oxidizers.*

i. Organic Peroxide: An organic compound containing the bivalent -O-O structure and which may be considered a derivative of hydrogen peroxide where one (1) or more of the hydrogen atoms have been replaced by organic radicals. (See CFR 49 section 175.151(a) for details and exceptions.)

ii. Oxidizer: A substance such as chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter. (See CFR 49 section 173.151)

f. *Class VI. Poisons.*

i. Poison A: Extremely Dangerous Poisons; Poisonous gases or liquids of such nature that a very small amount of gas, or vapor of the liquid, mixed with air is dangerous to life. (CFR 49 section 173.326)

ii. Less Dangerous Poisons: Substances, liquids or solids (including pastes and semisolids), other than Class A or irritating materials, which are known to be so toxic to man as to afford a hazard to health during transportation; or which, in the absence of adequate data on human toxicity, are presumed to be toxic to man. (CFR 49 section 173.343)

iii. Irritating Material: A liquid or solid substance which upon contact with fire or when exposed to air gives off dangerous or intensely irritating fumes, but not including any poisonous material, Class A.

g. *Class VII. Radioactives.*

i. Radioactive Material: Any materials, or combination of materials, that spontaneously emit ionizing radiation, and having a specific activity greater than 0.002 microcuries per gram. (CFR 49 section 173.389) Note: See CFR 49 section 173.389(a) through (1) for details.

h. *Class VIII. Corrosives.*

i. Corrosive Material: Any liquid or solid that causes visible destruction of human skin tissue, or a liquid that has a severe corrosive rate on steel. (See CFR 49 section 173.240(a) and (b) for details.)

i. *Class IX. Other Regulated Materials (ORM).*

i. ORM: May pose an unreasonable risk to health and safety or property when transported in commerce. (See CFR 49 section 173.500 for details.)

(Ord. No. 92-08, 4/8/92)

**SECTION 9:201. RESPONSIBILITY FOR COSTS**

A. The owner and/or operator of any container, package, vehicle or vessel is responsible for all costs incurred during cleanup and restoration of the area involved in any area of contamination by any hazardous substance defined in this Article.

B. The owner and/or operator is responsible for all costs incurred by the Parish as well as all other parish or emergency agencies involved during cleanup and restoration.

(Ord. No. 92-08, 4/8/92)

**SECTION 9:202. RESPONSIBILITY IN CASES OF DANGER OF LEAK**

If there is no actual discharge, leak, release or spill of a hazardous substance but rather a danger or possibility of such a discharge, leak, release or spill as determined by the Emergency Preparedness Director or appropriate Parish Official in charge, the owner and/or operator will be responsible for all costs which are due exclusively to the presence of a hazardous substance incurred by the Parish as well as all other parish or emergency agencies. (Ord. No. 92-08, 4/8/92)

**SECTION 9:203. VIOLATIONS; PENALTIES**

Any owner and/or operator who willfully or negligently violates this Article shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days, or both. Each day on which the violation occurs shall be considered a separate offense.

(Ord. No. 92-08, 4/8/92)

**[RESERVED]**

[The next page is CHAPTER 10, "HEALTH AND SANITATION\*", page 10-1.]