

STATE OF LOUISIANA

CITY OF WEST MONROE

ORDINANCE NO. _____

MOTION BY: _____

SECONDED BY: _____

ORDINANCE TO MODIFY AND RESTRUCTURE “CHAPTER 1 SANITARY CODE AND REFUGE COLLECTION” OF “PART 8 HEALTH AND SANITATION” OF THE CODE OF ORDINANCES, CITY OF WEST MONROE, LOUISIANA, AMENDING AND REENACTING “ARTICLE A. SANITARY CODE”, CONSISTING OF SEC. 8-1001 OF THE CODE OF ORDINANCES, CITY OF WEST MONROE, LOUISIANA; AMENDING AND REENACTING THE PROVISIONS OF “ARTICLE B. - GARBAGE AND TRASH PROVISIONS OF GENERAL APPLICABILITY”, CONSISTING OF SEC. 8-1011 TO 8-1019 OF THE CODE OF ORDINANCES, CITY OF WEST MONROE, LOUISIANA ; AND TO ENACT “ARTICLE C. PROVISIONS APPLICABLE ONLY TO THE DOWNTOWN GARBAGE COLLECTION DISTRICT” CONSISTING OF SEC. 8-1025 TO SEC. 8-1030 OF THE CODE OF ORDINANCES, CITY OF WEST MONROE, LOUISIANA, ALL SO AS TO ESTABLISH THE DOWNTOWN GARBAGE COLLECTION DISTRICT, INCLUDING THE ESTABLISHMENT OF ITS BOUNDARIES, APPLICABLE DEFINITIONS, THE APPLICABILITY AND AMOUNT OF THE MONTHLY DOWNTOWN GARBAGE COLLECTION FEE, THE EXCLUSIONS FROM THE APPLICABILITY OF THE DOWNTOWN GARBAGE COLLECTION DISTRICT AND RELATED MISCELLANEOUS PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; TO DECLARE THE PROVISIONS OF THIS ORDINANCE SEVERABLE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

SECTION 1. BE IT ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in special and legal session convened, that “ARTICLE A. SANITARY CODE”, consisting of Sec. 8-1001 of the Code of Ordinances, City of West Monroe, Louisiana, is hereby amended and re-enacted, to provide as follows:

“ARTICLE A. SANITARY CODE

Sec. 8-1001. Adoption.

The city hereby adopts, and incorporates in this section by reference, the sanitary code of the state as prepared and promulgated by the state health officer in accordance with R.S. 40:3 et seq., insofar as the same is applicable to the city, and is more stringent than the provisions of this Code.

Secs. 8-1002—8-1010. Reserved.”

SECTION 2. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in special and legal session convened, that “ARTICLE B. - GARBAGE AND TRASH PROVISIONS OF GENERAL APPLICABILITY”, consisting of Sec. 8-1011 to 8-1019 of the Code of Ordinances, City of West Monroe, Louisiana, is hereby amended and re-enacted, so as to hereafter provide as follows:

“ARTICLE B. GARBAGE AND TRASH PROVISIONS OF GENERAL APPLICABILITY

Sec. 8-1011. Definitions.

For the purpose of this article the following definitions shall apply:

Garbage: All solid kitchen refuse subject to decay or putrefaction, tin cans, bottles, paper, cardboard boxes, usual household containers (consumer-sized), putrescible vegetable matter, animal offal, animal carcasses, animal and vegetable waste matter from animal quarters and all market waste of animal or vegetable matter which was intended to be used as food. It includes all putrescible waste matter except sewage and industrial byproducts.

Prohibited items: Sewerage, industrial by-products, appliances (including, but not limited to, those utilizing Freon), batteries, chemicals, concrete and cinder blocks and bricks, construction and remodeling materials (including, but not limited to, lumber and plaster), explosives (including, but not limited to, rifle and pistol bullets, shotgun shells, and any other item containing gun powder or explosive material), furniture, pieces of glass exceeding six (6) inches in length or width (and which shall be itself safely contained), red garbage bags, tree trunks and/or limbs weighing more than thirty (30) pounds or more than sixty (60) inches in length (and any tree trunks and/or limbs of any size cut by any commercial service or arising from any commercial enterprise), roofing or shingles, metal items (other than ordinary household food containers), oil or other petroleum products, paint or paint cans, tires, furniture, or earth/dirt/soil.

Trash: Any horticultural products other than garbage or putrescible material. It shall include but not be limited to cuttings of grass and weeds, fallen leaves, branches, ashes, vines, cardboard boxes and containers, shrubbery trimmings and similar debris or other like materials not included under the definition of "garbage."

Additional prohibited items: Subject to review by the mayor, the department of public works shall have the authority to further define and determine allowable garbage and/or trash items, or to further prohibit and/or exclude certain types, kinds and/or sizes or quantities of items from being placed with garbage or trash, or to define the manner of its disposition, such as requiring certain types of items be individually bagged or otherwise secured (which shall be considered as prohibited items for all purposes of this article), including the ability to determine that certain items are not to be collected by the city or will only be collected for an additional charge for such collection if collection by the city is desired by the owner.

Owner: Use of the term "owner" shall include an owner, lessee, tenant, other occupant, or their agents, invitees or permittees. Any financial responsibility established in this article shall be borne by the person or entity in whose name the trash and/or garbage account is listed. If no account is established, any owner, lessee, tenant or other occupant of the parcel shall all be solidarity liable.

Dumpster: For purposes of this chapter, a dumpster shall be defined as a container for garbage or trash with a capacity of 2 cubic yards or greater. All dumpsters utilized within the city shall be solid-weld metal body containers.

Sec. 8-1012. Accumulation; collection.

(a) (i) *Except for commercial establishments, including apartments and condominiums, which have contracted with a private garbage or trash disposal company to provide a dumpster, every owner of any public, commercial or private property or premise, including residential property, shall place all garbage in containers supplied by the city.*

(ii) *Garbage and trash containers shall not be filled with dishwater or other liquid or semi-liquid kitchen wastes which are properly disposable down sanitary drains. The containers shall be kept at all times in a sanitary condition with the outside*

thereof clean and free from accumulative grease and decomposing material. The lid or cover must be closed on garbage containers at all times when not being filled.

(iii) Individual garbage containers supplied by the city shall remain the property of the city and if damaged, destroyed or stolen through abuse, neglect or improper use of the owner shall be replaced by the city at the expense of the person or entity who is the responsible person on the account. Containers which are damaged in the course of normal and reasonable usage or which are damaged, destroyed or stolen through no abuse, neglect or improper use of the owner shall be repaired or replaced by the city at no charge. The container shall not be damaged, destroyed, defaced or removed from the premises by any person other than the city; markings and identification devices on the containers, except as placed or specifically permitted by the city, are expressly prohibited and shall be regarded as damage to the containers.

(b) Garbage and trash shall not be allowed to remain in any house or other building, cellar or other structure, or on any premises long enough to cause a health hazard or become a nuisance of any type or nature.

(c) Except for those in the Downtown Garbage Collection District, garbage for collection shall be placed in the supplied container(s) which are located a distance not to exceed one hundred fifty (150) feet from the street or dedicated alleyway which is utilized by the city as its usual route for garbage collection. All garbage must fit within the container with the lid closed. No garbage will be picked up by the city that is not properly contained within the garbage container. All garbage not placed within a container (whether supplied by the city or by a separate commercial establishment) may be subject to a separate charge, to be established from time-to-time by the mayor as an amount that will reimburse the city for the expense of being required to manually retrieve such items, such charge to be not less than five dollars (\$5.00) per pickup and not more than fifty dollars (\$50.00) per pickup. In addition, all garbage not contained securely within closed and sealed plastic bags or sealed cartons, neatly stacked, shall in addition be declared to be "litter" for all purposes of this Code, and the person or entity in whose name the account is held shall be subject to the fines and penalties otherwise provided by this Code in addition to the administrative fee provided for the retrieval of the items above.

(d) Except for those in the Downtown Garbage Collection District, all trash collected from residences such as pine straw or leaves, shall be separated from tree limbs or other bulky material, and stacked as near to the curbline as possible, and must be secured (bagged or other method, as appropriate) to insure it is not scattered by wind, animals, or other cause. All limbs, stumps and other bulky material must be stacked conveniently in such a manner that one person can handle and load it. No trash of any type may be placed in an open drainage ditch or otherwise placed in a manner to impede drainage at that or any other location.

(e) Earth, trees, wallpaper, roofing material, plaster, concrete, paint buckets, lumber, or other substances that may accumulate as a result of repairs to land or buildings or as a result of initial clearing of lots, or as a result of building operations, as well as any types of old discarded furniture, appliances, electronics, discarded toys, bicycles and wagons shall not be considered as trash and will not be picked up by the city, but the proper disposal thereof shall be the responsibility of the owner. However, upon approval by the mayor, the department of public works may establish a program to retrieve items not otherwise collectable by the city upon payment of a fee to be established and which is reasonably appropriate to offset the overall cost of that collection by city.

(f) No person shall throw or deposit or allow to fall upon any walkway, street, thoroughfare or private property any dead cats, dogs, chickens, rats or other animals, tainted meat, decayed or decaying fruits or vegetables, human or other excrement, or any garbage or trash of any nature and kind whatsoever.

(g) With regard to new construction and repairs to buildings, ditches must be kept open and free from trash and debris at all times and pipe laid in ditches before construction starts. Any ditches stopped up by a contractor or other person undertaking the construction or

repair shall be cleaned out by the city and billed to the property owner. If the bill is not paid within forty-eight (48) hours after the property owner is notified in writing, all services furnished by the city to the property owner will be discontinued and disconnected until so paid.

(h) All owners of any building, house, structure or grounds shall be held strictly responsible for the cleanliness of their premises and property and of alleys and neutral ground immediately adjacent thereto; and all business owners and managers of stores, restaurants, markets, stands or other commercial establishments shall be responsible for keeping the sidewalks in front of their business buildings or structures so occupied by them in a clean condition.

(i) It shall be unlawful for any person to sweep, blow or otherwise cause any grass clippings, paper, trash, dirt, garbage or other material to be placed into the streets, sidewalks, ditches, or the culverts, grates, drains or other components of the city's stormwater drainage system of the city, or in or on other public ways.

(j) Except as provided by section 4-2032, it shall be unlawful for any person to burn any paper, grass, leaves, limbs, trash, debris, garbage or other substance or material within the limits of the city.

Sec. 8-1013. Commercial accounts not located within the Downtown Garbage Collection District.

(a) Except for those located within the Downtown Garbage Collection District or commercial establishments which have contracted with a garbage or trash disposal company other than the city, any business or commercial pickup which generates an accumulation of garbage and/or trash between collections which exceeds the three (3) non-metal containers furnished by city will be required to utilize a dumpster or dumpsters provided by a private contractor who shall service the container(s). Each business must provide ample parking space whereby the loading truck can easily gain access to the dumpster or dumpsters. No business which generates more than the hereinabove stated amounts of garbage and/or trash will be served by the city, nor by a private contractor providing a dumpster or dumpsters.. Any public and/or private contractor who services a business without an approved dumpster or dumpsters shall be held in violation along with the business served.

(b) It shall be unlawful to place any metal or wood or other object, including, but not limited to, furniture, appliances or equipment that cannot be easily compressed or crushed by city equipment, into any container supplied by the city for disposal. In addition, if an improper item is placed into a container and damages the collection vehicle, the cost of repair or replacement shall be charged to the account holder for the premises unless established by the account holder that it was placed in the container by an unauthorized and unaffiliated person.

(c) City shall have the right to determine the number and type of containers to be utilized by a commercial account which is serviced by the city. City shall further have the right to decline to provide service to any commercial location based upon any cause city determines to be appropriate.

Sec. 8-1014. Equipment.

All vehicles used for the purpose of transporting garbage within the city must have a completely enclosed, packer type body, and be kept in a sanitary condition. All commercial containers used for the purpose of containing garbage must be of a solid-weld metal body, equipped with lids, with the lids kept closed. All items intended to be disposed of shall be kept and held within a container. All containers must be kept in a sanitary condition, and it shall be the responsibility of the owner of the container to see that this is done on a regular basis. Any container found to be leaking refuse will be repaired or replaced immediately by the responsible person.

Sec. 8-1015. Collection charges, other than for those located within the Downtown Garbage Collection District.

Except for those located within the Downtown Garbage and Trash District, the monthly

charge for garbage service for customers using containers furnished by the city shall be as follows:

(a) Residential accounts: Sixteen dollars and fifty cents (\$16.50) per month, with the container to be furnished by the city; if additional containers are needed for a residence, those containers will be supplied by the city, with additional collection charges at the rate of thirteen dollars and sixty cents (\$13.60) per month per additional container.

(b) Commercial accounts: Twenty dollars and ten cents (\$20.10) per month per container; if the need of the commercial premises exceeds three (3) containers, then the owner, lessee, or their agents or occupants must instead utilize a dumpster or dumpsters through an independent garbage collection service for their garbage service.

Sec. 8-1015.1. Payment of bills; late penalties.

The provisions of section 7-5001 shall govern the payment of bills and late penalties.

Sec. 8-1016. Unlawful use of the container of another.

(a) It shall be unlawful for any person to dispose of garbage or trash in any container which belongs to or has been provided to another, whether with or without the permission of that other person.

(b) The existence of garbage or trash in a container belonging to or provided to another shall, without more, give rise to the presumption that such garbage or trash was placed in such container with the knowledge and consent, or at the direction of the person to whom such garbage or trash previously belonged.

(c) Upon first conviction, the offender shall be fined not more than one hundred dollars (\$100.00). Upon a second or any subsequent conviction for a violation occurring within five (5) years of the first violation, the offender shall be fined not more than five hundred dollars (\$500.00).

Sec. 8-1017. Unlawful utilization and maintenance of containers.

(a) It shall be unlawful for any person to place any prohibited items in any garbage container or sanitation can provided by the city, or to place any prohibited items curbside for city trash pickup.

(b) It shall be unlawful for any person receiving garbage service from the city to fail to comply with the applicable provisions of this chapter, or with all rules and regulations from time-to-time established by the department of public works of the city.

Sec. 8-1018. Use and maintenance of containers other than for those located within the Downtown Garbage Collection District.

(a) Except for those located within the Downtown Garbage Collection District or those who are handicapped or are otherwise physically limited and who have notified and established such limitations to the department of public works, shall return the garbage container servicing their residence or business to its usual location within twenty-four (24) hours of the time the garbage has been emptied by the city. Any person who fails to do so shall be warned in writing of their failure and, upon their next failure to replace that container within the prescribed time limit, shall be subject to an administrative fee of ten dollars (\$10.00) for the cost of a city employee returning that container to its proper location, and a similar administrative fee for each time thereafter, until no such occasion shall occur within a period of twelve (12) months (at which time all such persons shall be entitled to be again notified prior to the fee being imposed).

(b) Except for those located within the Downtown Garbage Collection District, all persons, other than those who are handicapped or are otherwise physically limited and who have notified and established such limitations to the department of public works, shall maintain their garbage container in a reasonably clean and sanitary state, and free from accumulated food wastes or other residue that produces odors, attracts vermin, breeds insects, creates a nuisance or unsanitary conditions. Any person who continues to fail to do

so shall be warned in writing of their failure and, upon their next failure to clean such garbage container within three (3) days following such notice, shall be subject to an administrative fee of five dollars (\$5.00) for the cost of a city employee cleaning that container.

(c) Any administrative charge under subsections (c) and (d) above, or any charge for any garbage container which is damaged, destroyed or stolen through abuse, neglect or improper use of the owner, lessee, their agents or occupants shall be added to the utility bill of the premises serviced and shall thereafter be an indivisible part of that bill for all purposes thereafter.

Sec. 8-1019. Authorization for code enforcement officers.

The mayor is authorized to designate one or more code enforcement officers of the city to enforce the provisions of this Article B, including the ability to issue citations and to otherwise initiate action for civil and criminal violations of these provisions, and to utilize the abatement provisions of section 8-2001, et seq., as are applicable to this Chapter.

[Sections 8-1020 to 8-1024 reserved]

SECTION 3. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in special and legal session convened, that “ARTICLE C. PROVISIONS APPLICABLE ONLY TO THE DOWNTOWN GARBAGE COLLECTION DISTRICT”, consisting of Sec. 8-1025 to Sec. 8-1030 of the Code of Ordinances, City of West Monroe, Louisiana, is hereby enacted, so as to hereafter provide as follows:

“ARTICLE C. PROVISIONS APPLICABLE ONLY TO THE DOWNTOWN GARBAGE COLLECTION DISTRICT

Sec. 8-1025. Applicability.

It is the obligation of each resident, each business and each owner of real property which are located within the Downtown Garbage Collection District to provide for garbage collection, and the provisions of this Article C. shall be applicable to each of those residents, those businesses and those owners of real property.

Sec. 8-1026. Boundaries of the Downtown Garbage Collection District.

The Downtown Garbage Collection District shall be defined as all properties located within that area bounded on the north by the south right-of-way line of Pine Street, bounded on the south by the railroad track, bounded on the west by a northerly projection of the east right-of-line of North 2nd Street, and bounded on the east by the Ouachita River.

Sec. 8-1027. Definitions

For purposes of this Chapter, the following definitions shall be applicable:

District shall mean the Downtown Garbage Collection District

Unit shall mean a single family residence unit such as an apartment or a condominium unit.

Business shall mean each activity for which an occupational license has been issued or is legally required to be issued in conjunction with its operations.

Fee shall mean the monthly Downtown Garbage Collection fee.

Sec. 8-1028. Applicability and amount of Fee.

(a) Except as expressly excluded in Sec. 8-1029, each metered water account serving

one location and serving no more than one Unit or serving no more than one Business shall incur a monthly Downtown Garbage Collection fee of \$10.00, which shall be added to the monthly water bill.

(b) If a metered water account serves more than one Unit or more than one Business, the monthly Downtown Garbage Collection fee shall instead be \$10.00 per each Unit and each Business served through that metered water account.

Sec. 8-1029. Exclusions. *This provisions of this Chapter do not apply:*

(a) to any Unit, any Business, or any property which has contracted for garbage collection with a private contractor for a dumpster or dumpsters; or

(b) to City owned and operated activities (governmental and/or recreational); or

(c) to an activity which consists primarily of maintaining an independent booth or or similar limited activity, even though operating under a separate Business Occupational License, which shall not be considered as a separate Business for the provisions of this Article.

Sec. 8-1030. Miscellaneous

(a) City shall also have the authority to require a Unit, a Business, or a property to obtain and utilize a privately contracted dumpster service due to the nature or volume of items being regularly disposed, or for any other reason the city determines appropriate

(b) Nothing in this Chapter shall prohibit the city from authorizing the use of temporary garbage and trash receptacles for special events.”

SECTION 4. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in special and legal session convened, that if any provisions, sections or subsections of this ordinance are held invalid for any cause or reason, such invalidity shall not affect the other provisions, sections, or subsections of this ordinance which can give effect without the invalid provisions, sections, or subsections, and to this end each of the provisions, sections, and subsections of this ordinance are hereby declared severable;

SECTION 5. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in special and legal session convened, that for cause determined to be in the best interests of the City of West Monroe and its citizens, this enactment shall be effective on amendment shall be effective January 1, 2025.

The above Ordinance was read and considered by Sections at a public meeting of the Mayor and Board of Aldermen, in special and legal session convened, voted on by yea or nay vote, passed and adopted the 3rd day of December 2024, the final vote being as follows:

YEA: _____

NAY: _____

NOT VOTING: _____

ABSENT: _____

ATTEST:

APPROVED THIS 3RD DAY OF
DECEMBER, 2024

ANGELA PATE, CITY CLERK
CITY OF WEST MONROE
STATE OF LOUISIANA

STACI ALBRITTON MITCHELL, MAYOR
CITY OF WEST MONROE
STATE OF LOUISIANA