

Calendar No. (Rev)  
(Exp)

Name Tyler Russell Ext. 8.4935  
Person responsible for routing

**CHECK SHEET TO BE USED FOR  
CLEARING ORDINANCES, MOTIONS, AND RESOLUTIONS  
BEFORE SUBMISSION TO COUNCIL CLERK**

The originating agency shall attach a copy of each proposed ordinance, motion, or resolution to the check sheet for processing in the sequence indicated after preparing a synopsis. The detailed memorandum of explanation shall also be attached to this check sheet.

SYNOPSIS OF DOCUMENT: Ordinance to amend and reordain Sections 138-38, 138-42, and 138-43

of the Code of the City of New Orleans, relative to sanitation roll carts; to define and provide

specifications and requirements for City roll carts; to clarify times at which roll carts and waste are to be  
placed on the curb.

1.

Jonathan Harris  
Department Head

2.

09/30/2020

Department of Law

3.

Chief Administrative Officer

4.

Director of Council Relations

5.

Initials of Sponsoring Council Member

**COUNCIL ACTION**

Council Members Present: \_\_\_\_\_

Absent: \_\_\_\_\_

**AMENDMENTS:**

**FINAL ADOPTION:**

MOVED:

2<sup>ND</sup>:

YEAS:

NAYS:

ABSENT:

RECUSED:

7.

Reviewed by the Chief Administrative Officer after adoption by the City Council and prior to the Mayor's signature.



## LEGISLATIVE SUMMARY

### TO ACCOMPANY ORDINANCES

#### BEFORE SUBMISSION TO CLERK OF COUNCIL

Requesting Department or Agency: Sanitation Dept.

Name of Contact Person: Cynthia Sylvain-Lear

Telephone Number: 504-658-3820

Email Address: cslear@nola.gov

Initials of Sponsoring Councilmember(s): \_\_\_\_\_

#### DETAILED SYNOPSIS OF THE ORDINANCE

**Please generally describe the purpose, intent, and effect of the proposed ordinance.**

Ordinance to amend and reordain Sections 138-38, 138-42, and 138-43 of the Code

of the City of New Orleans, relative to sanitation roll carts; to define and provide

specifications and requirements for City roll carts; to clarify the times at which roll carts

and waste carts are to be placed on the curb for trash removal in the DDD, French

Quarter, and Frenchmen Street between Esplanade Avenue and Dauphine Street.

Ordinance is part of a Frenchmen Street Pedestrianization Concept.



### LEGISLATIVE SUMMARY

**If the Ordinance is to effectuate a contract, CEA, or other similar agreement (hereafter contract), please provide the following additional information.**



**If this section is not applicable, please check this box.**

The parties involved:

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The obligations, expectations, and deliverables of the parties involved:

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Any fiscal implications for the City with the contract:

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The public purpose and need for the contract:

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The duration of the contract:

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### LEGISLATIVE SUMMARY

**If the Ordinance is to effectuate an amendment to the Codes of the City of New Orleans, please provide the following additional information.**

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**If this section is not applicable, please check this box.**

The existing provision(s) of the Code being proposed for amendment:

Sections 138-38, 138-42, 138-43

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The general content/requirements of the existing Code provision:

Current code establishes that City roll carts are provided, establishes roll carts sizes,

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provides exemptions from the use of a roll carts in certain areas;

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provides times of collection, placement and removal of garbage carts and bulky waste

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How the proposed ordinance will alter the existing Code provision(s):

Allows Frenchmen St. between Esplanade Ave. and Dauphine St. to request

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exemption from the use of a roll cart. Updates trash and bulky waste collection time for Frenchmen St.

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Why these changes are needed:

Changes are needed as part of the Frenchmen Street Pedestrianization Concept

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**REQUESTED ADOPTION DATE:** \_\_\_\_\_

Reference: Council Rule 41 & City Code Section 2-813

**ORDINANCE**

**CITY OF NEW ORLEANS**

**CITY HALL: October 15, 2020**

**CALENDAR NO. 33,151**

**NO. \_\_\_\_\_ MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBER GISLESON PALMER (BY REQUEST)**

**AN ORDINANCE** to amend and reordain Sections 138-2, 138-38, 138-42, and 138-43 of the Code of the City of New Orleans, relative to sanitation roll carts; to define and provide specifications and requirements for City roll carts; to clarify the times at which roll carts and waste are to be placed on the curb for trash removal in the Downtown Development District, the French Quarter, Frenchmen Street between Esplanade Avenue and Dauphine Street, and elsewhere in the City and the requirements for bulky waste placement and collection in the Downtown Development District, the French Quarter, Frenchmen Street between Esplanade Avenue and Dauphine Street; and elsewhere in the City; and otherwise to provide with respect thereto.

**SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,** That Sections 138-2, 138-38, 138-42, and 138-43 of the Code of the City of New Orleans are hereby amended and reordained to read as follows:

**" Sec. 138-2. – Definitions.**

The following words, terms, phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

*Downtown Development District* means the properties within the area bounded by the downtown side of the Pontchartrain Expressway, the riverside of North and South Claiborne Avenue, the uptown side of Iberville Street, and the Mississippi River.

\* \* \*

*French Quarter* means the properties within the area bounded by the downtown side of Canal Street, the riverside of North Rampart Street, the uptown side of Esplanade Avenue, and the Mississippi River.

\* \* \*

**Sec. 138-38. - Carts to be provided.**

The City's service provider shall provide to each eligible and occupied service location a roll cart container for storage of garbage and trash in a sanitary manner. Roll cart containers shall remain the property of the City at all times and are not to be removed from the associated service location.

A roll cart is a plastic, wheeled refuse receptacle having a tight-fitting, attached lid, carrying identification of the City, with a designated serial number/barcode and whose design, construction and capacity shall be approved by the City. The City's designated service provider will supply each eligible and occupied service location with one roll cart. Locations in the French Quarter or the Downtown Development District will be issued 35-gallon carts. Locations outside the French Quarter or the Downtown Development District will receive 96-gallon carts.

Eligible residents and small business owners who live or operate within the boundaries of the French Quarter, the Downtown Development District, or Frenchmen Street between Esplanade Avenue and Dauphine Street, may request an exemption from the use of a roll cart. Exemptions will be granted to residents who are elderly, disabled, or handicapped, or if the infrastructure does

not permit storage of the roll cart off the public right of way. Exemptions will be granted provided that a written request, including the resident's name, address, apartment number, telephone number, email address (optional), and the number of units in the building or small business, is submitted to the Department of Sanitation. Additionally, the request must include a copy of a current Sewerage and Water Board bill for the unit, the name and address of the property owner, if different from the resident, and the reason for the request. Upon approval, the resident will be notified and the cart at the specified service location will be removed.

Residents and small businesses that receive an exemption from the use of a roll cart are required to place their solid waste in 0.8 mil or greater, black, garbage bags. White trash bags, grocery bags, paper bags, and cardboard boxes are not acceptable for collection of solid waste. Roll carts are mandatory for all residents who do not have an approved exemption request on file with the Department of Sanitation. Any resident or small business owner who is in violation of the provisions of this section may be cited and fined for littering.

Only the City's representative shall be authorized to remove any City-owned solid waste cart from its assigned service location. It shall be unlawful for any other person to willfully damage or destroy any garbage cart, or to remove any garbage cart from the address to which it is assigned. Each eligible service location is entitled to one replacement roll cart if the initial cart is stolen. Any further replacements must be purchased from the City's service provider.

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**Sec. 138-42. - Days of collection; placement and removal of garbage carts.**

(a) Except as otherwise designated by the director, the automated or semi-automated solid waste collection system shall be the method used for household and small business solid waste collection services provided by the City.

(1) The Director of the Department of Sanitation shall designate when the collection of trash and garbage shall be made in various areas of the City.

(2) All locations outside the French Quarter, the Downtown Development District, and Frenchmen Street between Esplanade Avenue and Dauphine Street, that receive curbside collection of solid waste shall place their solid waste curbside for collection prior to 5:00 a.m. on the day designated for collection, but not prior to 4:00 p.m. of the day prior to the designated collection day for collection between the hours of 5:00 a.m. and 8:00 p.m. All carts shall be removed from the curb or service alley as promptly as possible, but no later than 8:00 p.m. on the day of collection.

(3) All locations within the boundaries of the French Quarter, the Downtown Development District, or Frenchmen Street between Esplanade and Dauphine Street, that receive curbside collection of solid waste shall place their solid waste curbside for collection prior to 4:00 a.m. for collection between the hours of 4:00 a.m. and 8:00 a.m. All carts shall be removed from the curb as promptly as possible, but no later than 9:00 a.m. after the morning collection. Properties within the area bounded by the downtown side of Canal Street, the rear property line of the properties fronting on the lakeside of Dauphine Street, the rear property line of the properties fronting on the downtown side of Dumaine Street, and the Mississippi River, the Downtown Development District, or Frenchmen Street between Esplanade Avenue and Dauphine Street, that receive twice-per-day collection, shall place their solid waste curbside for the second collection no earlier than 3:30 p.m. for collection between the hours of 4:00 p.m. and 6:00 p.m. All carts shall be removed from the curb as promptly as possible after collection. All carts shall be removed from the curb between the hours of 9:00 a.m. and 3:30 p.m.



(4) Solid waste from commercial businesses within the boundaries of the French Quarter, the Downtown Development District, or Frenchmen Street between Esplanade Avenue and Dauphine Street, shall be properly contained in garbage receptacles with tight-fitting lids or placed in fastened 3.0-mil or greater thick, black, plastic bags. White trash bags, grocery bags, paper bags, and cardboard boxes are not acceptable for collection of solid waste.

(5) All commercial businesses within the boundaries of the French Quarter, the Downtown Development District, or Frenchmen Street between Esplanade Avenue and Dauphine Street, shall make arrangements with their private collection contractors to increase the frequency of collections during special events if significant increases in their volumes of solid waste are anticipated.

(6) Any person 60 years of age or older shall be allowed to place carts with trash and garbage, bagged yard waste, or bundles of tree limbs at the curb adjacent to his or her residence outside of the items listed in Sec. 138-42(a)(2) and 138-42(a)(3). Any person 60 years of age or older who receives written notification of a violation of this provision shall provide proof of residence and proof of age in order to be exempt from the penalties imposed by Sec. 138-37.

(7) Service locations receiving curbside collection shall place roll carts at the curb in front of the service location on the designated collection days in such a manner that it allows for the safe and efficient operation of the collection vehicle and does not interfere with pedestrian or vehicular traffic. Roll carts shall be placed so that they open toward the street or alley. It shall be unlawful to permit carts to remain adjacent to the curb, except on regular collection days. Carts shall be stored, between collection days, on the service location's

private property so as to not interfere with pedestrian or vehicular traffic along sidewalks, streets, and other rights-of-way.

(b) All contract haulers collecting or transporting refuse within the boundaries of the French Quarter, the Downtown Development District, or Frenchmen Street between Esplanade Avenue and Dauphine Street, shall complete all work between the hours of 4:00 a.m. and 8:00 a.m. Commercial haulers that provide twice per day collection within the boundaries of the French Quarter, the Downtown Development District, or Frenchmen Street between Esplanade Avenue and Dauphine Street, shall complete all night work between the hours of 4:00 p.m. and 6:00 p.m.

(c) It shall constitute presumptive evidence that the occupant and/or owner of the establishment whose address corresponds to the serial number or barcode on the roll cart in which such garbage is held, or on the garbage itself, specifically authorized and/or directed the placement of the garbage out at a time other than authorized above. This presumption shall be applicable when such garbage is found adjacent to, or in the vicinity of the building of the party or parties whose address corresponds with the roll cart in which such garbage is found, or on the contents found in the cart.

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**Sec. 138-43. - Residential bulky waste placement and collection.**

(a) Outside of the French Quarter and the Downtown Development District, the City will collect normal bulky waste a maximum of once per week on the second regularly scheduled day for pick-up of solid waste or on an "on-call" basis for larger pick-ups.

(1) Outside of the French Quarter and the Downtown Development District (except for Frenchmen Street between Esplanade Avenue and Dauphine Street), bulky waste shall be

122 placed out for collection no later than 5:00 a.m. on the scheduled second collection date  
123 and no earlier than 4:00 p.m. of the day prior to the scheduled collection.  
124 (2) On Frenchmen Street between Esplanade Avenue and Dauphine Street, bulky  
125 waste shall be placed out for collection no later than 4:00 a.m. on the scheduled second  
126 collection date and no earlier than 4:00 p.m. of the day prior to the scheduled collection.”

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS** \_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON** \_\_\_\_\_

**APPROVED:**

**DISAPPROVED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**RETURNED BY THE MAYOR ON** \_\_\_\_\_ **AT** \_\_\_\_\_

\_\_\_\_\_  
**CLERK OF COUNCIL**

**ROLL CALL VOTE:**

**YEAS:**

**NAYS:**

**ABSENT:**

**RECUSED:**