

ORDINANCE # 2011-23  
INTRODUCED BY D. Keefe  
DATE INTRODUCED 9/6/11  
ITEM NUMBER 2011-08-01  
PUBLIC HEARING 3 10/4/11  
(ADOPTED) TABLED 4 10/4/11  
EFFECTIVE \_\_\_\_\_  
BOOK # \_\_\_\_\_ 5 PAGE # \_\_\_\_\_  
RECORDATION # 6  
AMENDED BY ORDINANCE # \_\_\_\_\_  
DATE AMENDED 7

**ADOPTION**

**INTRODUCTION**

**CITY OF COVINGTON  
ORDINANCE NUMBER 2011-23**

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**AN ORDINANCE OF THE CITY OF COVINGTON  
AMENDING THE FOLLOWING PROVISION OF THE  
COVINGTON CODE OF ORDINANCES: CHAPTER 42,  
ENVIRONMENT, ARTICLE III. LITTER, SEC. 42-62.  
DEFINITIONS.**

**WHEREAS**, a certain amendment has been suggested to the section of the Code addressing Litter; and

**WHEREAS**, the Covington City Council deems this amendment appropriate to protect the health, safety and welfare of the citizens of Covington; and

**WHEREAS**, the City Council has held its public hearing in accordance with law,

**NOW, THEREFORE**, be it ordained by the City Council of the City of Covington, at its regular session convened, that Chapter 42, Environment, Article III. Litter, Sec. 42-62. Definitions, be amended to read as follows:

Sec. 42-62. Definitions.

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

Aircraft means any contrivance now known or hereafter invented, used or designated for navigation or flight in the air. The term "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

Authorized commercial receptacle means a litter and refuse storage and collection receptacle constructed in accordance with the following: For garbage and rubbish such container shall be of metal and have a capacity of two cubic yards or more.

Authorized private receptacle means a litter storage and collection receptacle constructed in accordance with the following:

(1) For garbage:

Garbage bags shall mean plastic sacks designed to store garbage and/or green waste with sufficient wall strength to maintain physical integrity when lifted by the top. The total weight of a bag and its contents shall not exceed 35 pounds.

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~~Garbage containers shall be made of plastic or metal equipped with suitable handles and tight fitting covers and shall be watertight and shall have a capacity of not more than 35 gallons.~~ mean receptacles with a capacity of greater than ten (10) gallons but no more than thirty-five (35) gallons constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight fitting lid capable of preventing entrance into the container by vectors. The mouth of the container shall have a diameter greater than or equal to the base. The weight of a container and its contents shall not exceed sixty (60) pounds.

Garbage carts shall mean receptacles with a capacity of at least 64 gallons but not more than 96 gallons constructed of plastic or fiberglass designed for mechanical dumping, either semi-automated or automated. The cart shall be equipped with wheels and handles for ease of movement and with a tight fitting lid capable of preventing the entrance of water or vectors. The mouth of the cart shall have a diameter greater than the base. The total weight of a cart and its contents shall not exceed 75 pounds.

(2) For ashes: Ash containers shall be made of metal and have a capacity of not more than 15 gallons.

(3) For 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.

(4) For recyclables: Recycle carts shall mean a receptacle with a capacity of 64 gallons constructed of plastic, designed for the purpose of holding comingled recyclable materials.

Commercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature which:

(1) Advertises for sale any merchandise, product, commodity thing or service;

(2) Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;

(3) Directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this subsection (3) shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, whether the meeting theatrical performance, exhibition, or event is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this definition shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any

1 kind without a license, where such license is or may be required by any law of this  
2 state or any ordinance of this city;

3  
4 (4) While containing reading matter other than advertising matter, is  
5 predominantly and essentially an advertisement, and is distributed or circulated for  
6 advertising purposes, or for the private benefit and gain of any person so engaged  
7 as advertiser or distributor; or

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9 (5) Urges the election or defeat of any candidate seeking any political office, or  
10 urging the passage or defeat of any ballot issue.

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12 Court shall mean Covington City Court.

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14 Dispose shall mean, in any way whatsoever, to throw, discard, place, deposit,  
15 discharge, burn, dump, drop, eject, or allow the escape of a substance.

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17 Garbage means putrescible animal and vegetable wastes resulting from handling,  
18 preparation, cooking and consumption of food.

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20 Gender shall be the use of him, her, his, hers, its; such words are understood to be  
21 interchangeable.

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23 Litter shall mean all waste material except as provided and defined in R.S.  
24 30:2173(2), including but not limited to disposable packages, containers, sand,  
25 gravel, rubbish, cans, bottles, refuse, garbage, trash, debris, commercial and non-  
26 commercial handbills, newspapers, dead animals, furniture or appliances,  
27 automotive parts, including but not limited to, tires and engines, trailers, boats, and  
28 boating accessories, tools and equipment, and building materials, or discarded  
29 materials of any kind and description. Litter shall not include agricultural products  
30 that are being transported from the harvest or collection site to a processing or  
31 market site if reasonable measures are taken to prevent the agricultural product  
32 from leaving the transporting vehicles. Litter also shall not include recyclable  
33 cardboard being transported in compressed bundles to processing facilities.  
34 "Agricultural product," as used in this definition, means all crops, livestock,  
35 poultry, and forestry; and all aqua cultural, floricultural, horticultural, silvicultural,  
36 and viticultural products.

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38 Local governing authority shall mean the Covington City Council.

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40 Newspaper means any newspaper or general circulation as defined by general law,  
41 any newspaper duly entered with the post office department of the United States, in  
42 accordance with federal statute or regulation, and any newspaper filed and  
43 recorded with any recording officer as provided by general law; and, in addition  
44 thereto, shall mean and include any periodical or current magazine regularly  
45 published with not less than four issues per year, and sold to the public.

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47 Non-commercial handbill means any printed or written matter, any sample, or  
48 device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or  
49 any other printed or otherwise reproduced original or copies of any matter  
50 literature, including that which urges the election or defeat of any candidate  
51 seeking any political office or urges the passage or defeat of any ballot measure,  
52 not included in the definitions of a commercial handbill or newspaper.

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- 1 Park means a park, reservation, playground, beach, recreation center or any public
- 2 area in the city, owned or used by the city and devoted to active or passive
- 3 recreation.
- 4
- 5 Public or private property means the right-of-way of any street, road, alley, square
- 6 or highway, levee, any body of water or watercourse or the shores or beaches
- 7 thereof, any park, playground, building, refuge, or conservation or recreation area,
- 8 and residential or farm properties, timberlands, or forests, whether improved or
- 9 not.
- 10
- 11 Refuse means any putrescible and nonputrescible solid wastes (except body
- 12 wastes), including garbage, rubbish, ashes, street cleanings, dead animals,
- 13 abandoned automobiles, and solid market and industrial wastes.
- 14
- 15 Rubbish means nonputrescible solid wastes consisting of both combustible and
- 16 noncombustible solid wastes such as paper, wrappings, cigarettes, cardboard, tin
- 17 cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- 18
- 19 Vehicle means every device in, upon, or by which any person or property is or may
- 20 be transported or drawn upon a highway, including devices used exclusively upon
- 21 stationary rails or tracks.
- 22 (Ord. No. 2004-65, 10-19-2004)
- 23

24 **BE IT FURTHER ORDAINED** that all other sections of Chapter 42,  
25 Environment, remain the same and in full force.

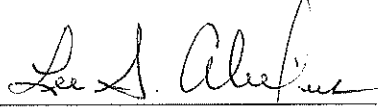
26 **BE IT FURTHER ORDAINED** that if any provision of this ordinance  
27 shall be held to be invalid, such invalidity shall not affect other provisions herein  
28 which can be given effect without the invalid provision and to this end the  
29 provisions of this ordinance are hereby declared to be severable.

30 **WHEREUPON**, this ordinance having been submitted in writing, having  
31 been read by title and adopted at a public meeting of the City Council of the City  
32 of Covington, State of Louisiana.

33 **WHEREUPON**, O'Keefe moved for adoption, seconded by  
34 Coner, and this ordinance was submitted to a vote and resulted in the  
35 following:

36	YEAS: 7	NAYS: 0
37	ABSTAIN: 0	ABSENT: 0

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39 **PASSED AND ADOPTED** this 4<sup>th</sup> day of October, 2011.

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43 LEE S. ALEXIUS  
44 PRESIDENT OF THE COUNCIL  
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Bonnie D. Champagne  
BONNIE D. CHAMPAGNE  
CLERK TO THE COUNCIL

Presented to the Mayor on this 6<sup>th</sup> day of October, 2011, at 10:50 o'clock  
A.M.

Bonnie D. Champagne  
BONNIE D. CHAMPAGNE  
CLERK TO THE COUNCIL

Approved  or Vetoed  by the Mayor this 7<sup>th</sup> day of October, 2011.

Michael B. Cooper  
MICHAEL B. COOPER  
MAYOR

Received from the Mayor on this 7<sup>th</sup> day of October, 2011, at 8:50  
o'clock A.M.

Bonnie D. Champagne  
BONNIE D. CHAMPAGNE  
CLERK TO THE COUNCIL