ORDINANCE NO. JO-005-2025

A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL AMENDING CHAPTER 74, "SOLID WASTE," ARTICLE I "IN GENERAL," SECTION 74-1 "DEFINITIONS" BY ADDING THE DEFINITION OF "WASTE" AND ARTICLE III "SOLID WASTE MANAGEMENT," DIVISION I "GENERALLY," SECTION 74-38 "DISPOSAL BY BURNING PROHIBITED" OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES RELATIVE TO THE FORMS OF WASTE PROHIBITED FROM BURNING

BE IT ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

WHEREAS, the Lafayette City Council and the Lafayette Parish Council desire to amend the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 74, "*Solid Waste*," Article I. "*In General,"* Section 74-1 "*Definitions*." by adding the definition of "*Waste"* and Article III. "*Solid Waste Management*," Division I. "*Generally*," Section 74-38 "*Disposal by Burning Prohibited,*" relative to the forms of waste prohibited from burning.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

SECTION 1: All of the aforedescribed "Whereas" clauses are herein adopted as part of this ordinance.

SECTION 2: The Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 74, Article I, Section 74-1. "*Definition"* is hereby amended by adding the following definition:

Sec. 74-1. Definitions.

> *Waste* means all forms of waste as provided in this section including, but not limited to, agricultural waste, bulky waste, hazardous waste, solid waste and yard waste.

SECTION 3: The Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 74, Article III, Division I, Section 74-38 "*Disposal by burning prohibited,*" is hereby amended and replaced in its entirety, as follows:

Sec. 74-38. Disposal by burning prohibited.

> The reduction or disposal of all forms of waste by incineration or burning is prohibited in the service area, unless allowed by and performed in accordance with other provisions in this Code.
>
> A violation of this section shall be subject to the penalties prescribed in subsection 1-9(c) of this Code.

SECTION 4: All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 5: After first having been adopted by a majority of the authorized membership of both the Lafayette Parish Council and the Lafayette City Council, this joint

ordinance shall become effective upon signature of this joint ordinance by the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of a veto, whichever occurs first.

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JO-005-2025

Memorandum

Legal Department
Patrick S. Ottinger, City-Parish Attorney

TO: Veronica Arceneaux, Clerk of the Council **DATE:** January 13, 2025

THRU: Rachel Godeaux, CAO

FROM: Tammy Parker Pratt, Assistant City-Parish Attorney

SUBJECT: **CITY COUNCIL MEETING AGENDA & PARISH COUNCIL MEETING AGENDA – Introduction February 4, 2025; Final Adoption February 18, 2025 –** A Joint Ordinance of the Lafayette City Council and the Lafayette Parish Council Amending Chapter 74, "Solid Waste," Article I. "In General," Section 74-1 "Definitions." by Adding the Definition of Waste and Article III. "Solid Waste Management," Division I. "Generally," Section 74-38 "Disposal by Burning Prohibited" of the Lafayette City-Parish Consolidated Government Code of Ordinances Relative to the forms of Waste Prohibited from Burning

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Enclosed please find: (i) the Agenda Item Submittal Form; and (ii) A Joint Ordinance of the Lafayette City Council and the Lafayette Parish Council Amending Chapter 74, "Solid Waste," Article I. "In General," Section 74-1 "Definitions." by Adding the Definition of Waste and Article III. "Solid Waste Management," Division I. "Generally," Section 74-38 "Disposal by Burning Prohibited" of the Lafayette City-Parish Consolidated Government Code of Ordinances Relative to the forms of Waste Prohibited from Burning.

Reference is made to Ordinance No. JO-070-2024 that was adopted on December 17, 2024, by the Parish Council as initially introduced without the definition of "waste," but subsequently adopted on January 7, 2025 (after being deferred) by the City Council with the definition of "waste." As a matter of housekeeping, the enclosed Ordinance needs to be approved by both the Parish Council and the City Council for consistency. Upon adoption by both Councils, Ordinance JO-070-2024 will be repealed in accordance with SECTION 4 this Ordinance.

If all is in order, kindly sign and present to the Council Office in order that it be put on the agenda of the City Council and the Parish Council to be introduced at the respective Council meetings on Tuesday, February 4, 2025, with final adoption on Tuesday, February 18, 2025.

Thanks,

Tammy Parker Pratt
Assistant City-Parish Attorney

RECEIVED
JAN 14 2025
OFFICE OF THE CAO

LAFAYETTE JOINT COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** A Joint Ordinance of the Lafayette City Council and the Lafayette Parish Council Amending Chapter 74, "Solid Waste," Article I. "In General," Section 74-1 "Definitions." by Adding the Definition of Waste and Article III. "Solid Waste Management," Division I. "Generally," Section 74-38 "Disposal by Burning Prohibited" of the Lafayette City-Parish Consolidated Government Code of Ordinances Relative to the forms of Waste Prohibited from Burning

2) **ACTION REQUESTED:** Adoption of ordinance

3) **REQUESTED ACTION OF LAFAYETTE CITY-PARISH COUNCIL:**

A) INTRODUCTION: February 4, 2025

B) FINAL ADOPTION: February 18, 2025

4) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**

A) Ordinance (2 pages)

B) Memo (1 page)

C) Submittal Form (1 page)

5) **FISCAL IMPACT:**

_____Fiscal Impact (Explain)

__X____No Fiscal Impact

RECOMMENDED BY:

PATRICK S. OTTINGER
CITY-PARISH ATTORNEY

APPROVED FOR AGENDA:

RACHEL GODEAUX
CHIEF ADMINISTRATIVE OFFICER

DISPOSITION OF ORDINANCE NO. JO-005-2025

1. This ordinance was introduced:
February 4, 2025
YEAS: Tabor, Richard, Guilbeau, Rubin
NAYS: None
ABSENT: Stansbury
ABSTAIN: None

Final disposition by **Parish Council**:
February 18, 2025
YEAS: Tabor, Richard, Stansbury, Guilbeau
NAYS: None
ABSENT: Rubin
ABSTAIN: None

This ordinance was introduced:
YEAS: Broussard, Naquin, Hebert, Hooks, Boudreaux
NAYS: None
ABSENT: None
ABSTAIN: None

Final disposition by **City Council**:
YEAS: Naquin, Hebert, Hooks, Boudreaux
NAYS: None
ABSENT: Broussard
ABSTAIN: None

2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on February 7, 2025.

3. This ordinance was presented to the Mayor-President for approval on February 19, 2025, at 10:15 o'clock a .m.

CLERK OF THE COUNCIL

4. Disposition by Mayor-President:

I hereby:

A. Approve this ordinance, the 20th day of February, 2025, at 12:20 o'clock p .m.

B. Veto this ordinance, the _____ day of _____, 2025, at _____ o'clock ___.m., veto message is attached.

C. Line item veto certain items this _____ day of _____, 2025, at _____ o'clock ___.m., veto message is attached.

MAYOR-PRESIDENT

5. Returned to Council Office with/without veto message on February 21, 2025, at 11:47 o'clock a .m.

6. Reconsideration by Council (if vetoed):

On _____, 2025, the Council did/refused to adopt this ordinance after the Mayor-President's veto.

7. Returned to the Council Office without signature of Mayor-President (*unsigned)* on _____ _____, 2025, at _____ o'clock _____.m.

If not signed or vetoed by the Mayor-President, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.

CLERK OF THE COUNCIL

8. Full publication of this ordinance was made in the Advertiser on February 21, 2025.