

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: December 14, 2017

CALENDAR NO. 32,123

NO. 27652 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER GRAY (BY REQUEST)

AN ORDINANCE to ordain Sections 26-415 through 26-430 of the Code of Ordinances of the City of New Orleans to establish minimum standards for occupancies which engage in the sale, repair, removal, installation, hauling, or disposal of motor vehicle tires; to establish a process by which such regulations may be enforced, fines and penalties relative thereto; and to otherwise provide with respect thereto.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS**, That Sections 26-415 through 26-430 of the Code of Ordinances of the City of New
3 Orleans is hereby ordained to read as follows:

4 **“Division 5. – Standards for Tire Sales, Installation, Hauling, and Disposal.**

5 **Sec. 26-415. – Definitions.**

6 1. For the purposes of this Division, the following terms shall have the following meanings:

7 a. *Abandoned* shall mean waste tires and/or waste tire material discarded without
8 adhering to the proper disposal or processing standards required by these
9 regulations.

10 b. *City* shall mean the City of New Orleans.

11 c. *Destination* shall mean a facility where waste tires and/or waste tire material is
12 processed, recycled, collected, stored and/or disposed after transportation

13 d. *Disposal* means the depositing, dumping, or placing of waste tires or waste tire
14 material on or into any land or water so that such waste tires, waste tire material,

- 15 or any constituent thereof, may have the potential for entering the environment, or
16 being emitted into the air, or discharged into any waters of the state of Louisiana.
- 17 e. *Manifest* shall mean the mechanism provided by the Louisiana Department of
18 Environmental Quality, used for identifying the quantity, type, origin,
19 transportation, and destination of waste tires and/or waste tire material from the
20 tire dealer to the authorized destination facility.
- 21 f. *Motor Vehicle* shall mean an automobile, motorcycle, truck, trailer, semi-trailer,
22 or any combination of truck, tractor, and semi-trailer, or any other vehicle
23 designed and approved for use on the public streets of this City, used to transport
24 persons or property and propelled by power other than muscular power.
- 25 g. *Site* shall mean the physical location, including land area and appurtenances, upon
26 which tires, waste tires, and/or waste tire material is located. The site shall be
27 inclusive of any abutting or adjoining right-of-way that is occupied by tires or
28 waste tires regardless of the legal status of such occupancy.
- 29 h. *Tire* shall mean a continuous solid or pneumatic rubber covering encircling the
30 wheel of a motor vehicle.
- 31 i. *Tire Dealer* shall mean any person, business, or firm that engages in the sale of
32 tires, including recapped or retreaded tires, for use on motor vehicles.
- 33 j. *Transporter* shall mean a person who transports waste tires.
- 34 k. *Unauthorized Waste Tire Pile* shall mean an accumulation of more than 20 waste
35 tires whose storage and/or disposal is not authorized by the Louisiana Department
36 of Environmental Quality.
- 37 l. *Waste Tire* shall mean any tire that is no longer suitable for its original purpose
38 because of wear, damage, or defect and/or has been discarded by the consumer.
39 This term shall also apply to any tire which has been previously installed on a
40 motor vehicle that has been removed from that vehicle and is not actively being
41 offered for sale by facility at which it is stored, regardless of the suitability of
42 such tire for resale pursuant to Louisiana Department of Public Safety regulations.

43 **Sec. 26-416. – General Authority.**

44 The departments of health, sanitation, safety and permits, and any other municipal department or
45 agency that is responsible for the health and sanitary condition of the city may enforce the
46 provisions of this Division.

47 **Sec. 26-417. – Enforcement.**

- 48 1. Failure of any person, business, or entity to comply with any of the provisions of this
49 Division shall be in violation of this Code.
- 50 2. Violations of this Division shall be subject administrative adjudication pursuant to
51 Chapter 6 of this Code.

52 **Sec. 26-418. – Operational Standards.**

- 53 1. Tire dealers shall possess an Occupational License issued pursuant to this Code by the
54 Department of Finance, authorizing the conduct of business in the City of New Orleans.
- 55 2. Tire dealers which store or may store more than 20 waste tires shall, within 30 days of
56 commencement of business operations, notify the Louisiana Department of
57 Environmental Quality of their existence and obtain a generator identification number.
58 Storage of more than 20 waste tires, as provided in this Division, without a generator
59 identification number shall be a violation of this Code.
- 60 3. Tire dealers shall prominently display to the public the notification provided by the
61 Louisiana Department of Environmental Quality indicating that:
 - 62 a. "It is unlawful for any person to dispose, discard, burn, or otherwise release waste
63 tires to the environment in a manner in contravention to the Louisiana Solid
64 Waste Regulations. A fine of up to \$32,500 per day per violation may be imposed
65 on any company or individual who violates these rules and regulations."
 - 66 b. "All Louisiana tire dealers are required to collect a waste tire cleanup and
67 recycling fee from the consumer at the time of the retail sale of \$2 for each
68 passenger/light truck tire, \$5 for each medium truck tire, \$10 for each off-road
69 tire, and \$1.25 for recapped or retreaded tires. These fees shall also be collected
70 upon replacement of all recall and adjustment tires. Tire fee categories are defined
71 in the Waste Tire Regulations. This fee must be collected whether or not the
72 purchaser retains the waste tires. Tire dealers must accept from the purchaser, at

73 the time of sale, one waste tire for every tire sold, unless the purchaser elects to
74 retain the waste tire. The department does not require the collection of fees on the
75 sale of tires weighing 500 pounds or more, solid tires, or tires which are de
76 minimis in nature, including but not limited to lawn mower tires, bicycle tires, and
77 golf cart tires."

- 78 4. Generators of waste tires, required to register in accordance with LAC 33:VII.10519.A,
79 shall comply with the manifest requirements of LAC 33:VII.10534.
- 80 5. Waste tires may be stored for up to 120 days after receipt or generation; however, storage
81 up to 365 days may be permitted, provided:
 - 82 a. The storage is solely for the purpose of accumulating such quantities as are
83 necessary for cost effective transportation and processing; and,
 - 84 b. Documentation supporting the storage period and quantity generated is made
85 available at the tire dealer's facility for audit and/or inspection.
- 86 6. No more than 150 waste tires shall be stored at the generator's place of business at one
87 time, unless stored indoors or in a transportable collection container.
- 88 7. No tire dealer shall allow the removal of waste tires from his place of business by anyone
89 other than a transporter that is properly authorized and licensed by the Louisiana
90 Department of Environmental Quality, unless the tire dealer generates 50 or less waste
91 tires per month from the sale of 50 tires.
 - 92 a. If 50 tires or less are generated per month, the tire dealer may transport up to 20
93 waste tires to a permitted processing facility. Documentation supporting the
94 number of tires sold or generated, and documentation indicating delivery to or
95 disposal through a state permitted processing facility shall be made available at
96 the tire dealer's facility for audit and/or inspection
- 97 8. Waste tires shall be segregated from any tires offered for sale or resale by the tire dealer.
- 98 9. Tire dealers shall maintain completed manifests, from a transporter authorized by the
99 State of Louisiana to perform such function, for a minimum of five (5) years and shall
100 make such manifests available for audit and/or inspection at the tire dealer's place of
101 business during regular business hours.

102 **Sec. 26-419. – Storage of New, Used, and Waste Tires.**

- 103 1. Tire dealers shall not engage in outdoor storage of new, used, or waste tires except in
104 compliance with the standards of the Comprehensive Zoning Ordinance.
105 2. Storage of tires may not be located on a different parcel, lot, or site than the business site
106 of the tire dealer.
107 3. Storage may not be located on the public right-of-way; such storage violates Section 146-
108 494 of this Code and shall constitute a separate violation under this Division.
109 4. Storage areas of all new, used, or waste tires collected and/or stored by a tire dealer shall
110 provide:
111 a. A cover adequate to exclude water from the waste tires;
112 b. Vector and vermin control;
113 c. Means to prevent or control standing water in the tires and storage area.
114 5. Tire dealers shall not be eligible for sidewalk use permits pursuant to Chapter 146 for the
115 display or placement of tires.
116 Secs. 26-420 through 26-430. – Reserved.”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS JAN 1 1 2018

Jason Rogers Williams
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON JAN 1 2 2018

APPROVED: JAN 1 9 2018

MITCHELL J. LANDRIEU
MAYOR

RETURNED BY THE MAYOR ON JAN 2 2 2018 AT -1:50 PM

LORA W. JOHNSON
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Brossett, Gray, Guidry, Ramsey, Williams - 5

NAYS: 0

ABSENT: Cantrell, Head - 2

RECUSED: 0

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
CLERK OF COUNCIL