

CHAPTER 8.1 ENVIRONMENT

ARTICLE III – AVOYELLES PARISH TIRE ORDINANCES

- **SECTION 8.1-41 – Purpose**

It is declared to be the purpose and intent of the Parish of Avoyelles to protect the public health, safety, and welfare of its citizens, prevent the spread of disease and creation of nuisances, and to protect and enhance the quality of its environment. The purpose of this article is to institute and maintain a comprehensive parish-wide program for tire storage and disposal (used and waste) that does not adversely affect the health, safety, and wellbeing of the public and does not degrade the quality of the environment.

In addition, a program that oversees the removal of used and waste tires from the solid waste stream polluting our environment extends the usable life of facilities; aids in the conservation and recovery of valuable resources; and to conserve energy by efficient reuse of these products, thereby benefiting all citizens of the state.

- **SECTION 8.1-42 – Authority of parish police jury**

The Louisiana Department of Environmental Quality (LDEQ) oversees statewide rules under solid waste disposal (Louisiana Administrative Code; Title 33: Part VII; Subpart 2, Chapter 105). In coordination with LDEQ, the parish police jury (hereafter referred to as the Jury and parish governing authority) within the powers given to it by La. R.S. Title 30: Section 2418 may enact ordinances within their jurisdiction that address tire storage and handling by businesses and potentially regulate the accumulation of waste tires on business locations or private residential property. Local governments play a crucial role in managing tire recycling programs by coordinating collection, transportation, and disposal of used tires, enforcing regulations, and promoting public awareness and participation in recycling initiatives.

- **SECTION 8.1-43 – Definitions**

Abandoned

waste tires and/or waste tire material discarded without adhering to the proper disposal or processing standards required by these regulations.

Administrative authority

A person, group, or body, often a government agency or official, that has been granted the power and responsibility to implement and enforce laws, regulations, and policies within a specific jurisdiction or area of activity. This authority is typically established by statute or other legal means and involves the management of an organization or the execution of governmental duties. That authority in these subparagraphs shall rest in the State of Louisiana Department of Environmental Quality (LDEQ) and/or the Avoyelles Parish Police Jury.

Agreement

a written contract or other written arrangement between recipient persons and the administrative authority that outlines specific goals or responsibilities.

Authorization Certificate

written authorization issued by the administrative authority.

Collection Center

a permitted or authorized facility where waste tires can be stored and/or collected.

Disease Vector

animals and insects such as rodents, fleas, flies, mosquitoes, etc. that are capable of transmitting diseases to humans.

Disposal

the depositing, dumping, or placing of waste tires or waste tire material on or into any land or water so that such waste tires, waste tire material, or any constituent thereof, may have the potential for entering the environment, or being emitted into the air, or discharged into any waters of the state of Louisiana.

Manifest

the mechanism provided by the administrative authority, used for identifying the quantity, type, origin, transportation, and destination of waste tires and/or waste tire material from the point of generation to the authorized destination.

Permittee/Permit Holder

a person who is issued a permit and is responsible for meeting all conditions of the permit and these regulations.

Person

an individual, trust, firm, joint-stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of the state, interstate body, or the federal government or any agency of the federal government.

Processing

any method or activity that alters whole waste tires so that they are no longer whole; such as, cutting, slicing, chipping, shredding, distilling, freezing, or other processes as determined by the administrative authority. At a minimum, a tire is considered processed only if its volume has been reduced by more than half.

Recapped or Retreaded Tires

Worn tires that have gone through a process of being reconditioned from a previously used tire and sold for use on a motor vehicle. They meet the same safety standards set by the U.S. Department of Transportation and perform comparably to new tires.

Recycling

any process by which waste tires, waste tire material, or residuals are used or reused in an end-market use project.

Site

the physical location, including land area and appurtenances, upon which waste tires and/or waste tire material is located.

Tire Business

Any place or establishment engaged in the business of selling tires, rethreading or recapping tires, or that generates waste tires and is occupied, used or maintained for the purpose of offering, transporting, repairing, processing, storing, utilizing, or disposing of any and all types of such tires.

Tire Dealer

A tire dealer is a business or individual that buys and sells tires, either new or used, to consumers. They may also offer services related to tires, such as mounting, balancing, and alignments.

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New Tires

A new tire is generally considered to be one that is recently manufactured, has not been used on a vehicle, and has a full or nearly full tread depth.

Used Tires

A used tire in Louisiana refers to a tire that has been previously owned and is available for resale to be used as its original intended purpose or a tire that can be reconditioned as a retreaded or recapped tire.

Waste Tires

In Louisiana, a waste tire is defined as any tire that is “no longer suitable” for its **original intended purpose** due to wear, damage, or other factors, including “unusable” casings from retreaded or recapped tires. This definition encompasses tires from passenger vehicles, trucks, off-road vehicles, and other sources that have become waste material.

Tire Casings

A casing is the “body” of the tire and includes components such as the bead, belt system, sidewall, body ply and inner liner – basically everything except the tread. Tire casings that can maintain integrity can be utilized in retreading or recapping practices.

Unauthorized Waste Tire Pile

An accumulation of more than 20 waste tires whose storage and/or disposal is not authorized by the administrative authority.

Unmanifested Waste Tire

A waste tire transported without a waste tire manifest.

Waste Tire Material

Waste tire material, also known as end-of-life tires (ELTs) or scrap tires, primarily consist of rubber, steel, and textile fibers. These tires are difficult to dispose of due to their complex composition and resistance to degradation. However, they can be recycled into various useful products or used as a fuel source.

Waste Tire Generator

In Louisiana, a waste tire generator is defined in LDEQ regulations as a person or business whose activities result in the creation of waste tires. This can include individuals or businesses that remove tires from rims for disposal or resale, or who store used tires on their property.

Waste Tire Transporter

A waste tire transporter is defined as a person or business that transports waste tires.

• **SECTION 8.1-44 – Permitting/Licensing Tire Businesses**

To legally conduct business as a tire business in Avoyelles Parish, one needs a combination of local and state permits and licenses, including an occupational business license, a waste tire permit, seller's permit, and potentially an environmental permit related to waste tire storage and handling.

1. Local Permits and Licenses:

A. Operational Business Licenses:

All tire dealers located within the Parish of Avoyelles engaging in the sale or resale of tires (new or used) or the generation of waste tires shall be required to obtain a business license annually either from municipal or Parish authorities by and through its Occupational License Department. Tire businesses with multiple locations must purchase a permit for each location.

The Occupational License Department may refuse to issue or renew a tire business permit or may suspend or revoke such permit if:

1. The applicant or permit holder refuses to allow entry into the tire business by authorized representatives of the parish or willfully obstructs the inspection of the tire business.
2. There are repeated or serious violations(s) of any parish ordinance by the tire business.
3. The tire business fails to comply with any provisions of this section and/or any other applicable ordinances(s).
4. The tire business fails to comply with any applicable state or federal law, rule or regulation.

5. The tire business knowingly authorizes a tire hauler who is not properly permitted as required to transport tires on behalf of such business.

B. Waste Tire Permits:

Avoyelles Parish shall require a waste tire permit for tire businesses operating within the parish. That permit is to be issued by municipalities or by the Avoyelles Permit Office by the Avoyelles Parish Litter Abatement Officer. Such permits will bear a cost of \$20 annually.

C. Seller's Permits:

Tire businesses operating within Avoyelles Parish are required to obtain a seller's permit (also known as a sales tax permit).

2. State Permits and Regulations:

A. Environmental Permits:

LDEQ oversees waste tire management in Louisiana. A permit for storing waste tires, especially if one exceeds certain thresholds, shall be obtained.

3. Location Regulations:

The chosen location may be subject to zoning for your type of business. A zoning permit may be required.

- **SECTION 8.1-45 – Prohibitions and Mandatory Operational Requirements**

In addition to the licenses and registrations noted above, any person or business engaged in the sale or resale of motor vehicle tires must:

1. All persons subject to this article are subject to inspection, audit, and/or enforcement action by the state and parish authority.
2. All persons subject to this article shall maintain all records required to demonstrate compliance with these regulations for a minimum of five years.
3. No person or tire business shall knowingly and/or intentionally dispose of tires in a landfill within the boundaries of the state of Louisiana.
4. No person or tire business shall unlawfully dispose of tires in the Parish including, without limitation, in or on any public highway, road, street, ally, or throughfare, including any portion of the right-of-way thereof, any public or private property in the Parish, or any waters in the Parish.

5. No person shall knowingly dispose, discard, burn, abandon, or otherwise release tires or waste tire material to the environment within the boundaries of the state of Louisiana, unless given prior written approval from the administrative authority.
6. No person or tire business shall transport more than 20 waste tires without first obtaining a transporter authorization certificate. Legal disposal locations (scrap centers) will accept drop-offs of up to 20 waste tires from non-licensed transporters.
7. No person or tire business shall store waste tires for more than 60 days after receipt or generation. (Storage can be authorized for a longer period with proper documentation.)
8. No person or tire business shall store more than 150 waste tires at their place of business unless they have received an exemption or that person is a LDEQ licensed waste tire transporter.
9. Waste tires shall be separated from any other new or used tires offered for sale by the business.
10. Tires shall be stored in accordance with parish fire prevention code which is under the jurisdiction of the state Fire Marshall's Office and LDEQ. All tires stored shall be located a minimum of ten feet from any building or area intended for public occupancy. Tires shall be isolated from other stored materials that may create hazardous products if there is a fire, including, but not limited to, lead acid batteries, fuel tanks, solvent barrels, and pesticide containers.
11. All used and waste tires shall be screened from public view if not stored within an enclosed building or transportable collection container and shall also be stored under cover.

- **SECTION 8.1-46 -- Landfill disposal**

1. Waste tires that are not subjected to processing or recycling may NOT be deposited knowingly and intentionally in a landfill as a method of ultimate disposal. However, notwithstanding any other law or rule to the contrary, waste tires that have been prepared for disposal by cutting, separating, shredding, or other means in accordance with the rules or standards of the department may be disposed of in a landfill. (La. RS 30:2418 (B))

- **SECTION 8.1-47 -- Open Burning of Tires**

1. Open burning of tires in Louisiana and in Avoyelles Parish is prohibited.

- **SECTION 8.1-48 -- Improper Storage of Tires Classified a Nuisance**

1. The outdoor storage of tires (used or waste) as unauthorized stacks and piles is hereby declared by state and parish ordinances to be a nuisance and a contributing factor to visual clutter in the parish. Such violations are subject to state and parish nuisance fines and penalties:

- A. Whoever violates the provisions of this section by improperly storing tires shall pay a penalty of \$50 for each improperly stored tire on the tire business location or property. Each day of continued violation of this subsection constitutes a separate offense.

2. The visible storage of more than five (5) tires (used or waste) adjacent to a public road or in an area visible to passers-by from a public road, for any purpose, is hereby declared to be a public nuisance.

3. The improper storage of tires as herein defined, shall NOT be considered as a nuisance if:

- (A) The tires in question are held for sale by a tire or automotive supply store, displayed during operating hours of the establishment, clearly marked as being for sale, and removed from public view when the establishment is closed; or

- (B) The tires are entirely enclosed in a fence, which may be constructed of chain-link wire or other weather and damage resistant materials, including wooden pickets, metal panels, or solid plastic panels.

- (C) The owner of the property on which the tires are found shall be liable for any nuisance created under this part by the improper storage of tires. It shall be an affirmative defense to a charge of nuisance under this part for a land owner if he or she can demonstrate that a lessee of the property has violated the terms of his or her lease by improperly storing tires on the property, in which case, the lessee shall be liable for the creation of the nuisance.

- **SECTION 8.1-49 -- Waste Tire Piles**

1. There are limits on the number of tires that can be stored on-site without a permit. An unauthorized waste tire pile is a collection of more than 20 waste tires that are stored and/or disposed of without property authorization from the administration authority. According to these rules, no person is allowed to store more than 20 whole waste tires unless they have explicit authorization from the LDEQ. Such authorization is granted under specific conditions:

- a. The tires are collected and stored at a registered tire dealer, registered used tire dealer, or registered other generator of waste tires.

- b. The tires are collected and stored at an authorized waste tire collection center or permitted waste tire processing facility.
- c. The tires are collected and stored at an authorized waste tire recycling facility.

For disposal of large piles of waste tires, LDEQ offers a Waste Tire Single Event Cleanup form available at www.deq.louisiana.gov/page/waste-tires . From this link, select “Waste Tire One Time Cleanup/Trash Bash Form” for a direct link to the form.

- d. All used and waste tires shall be under cover.

- **SECTION 8.1-50 – Standards and Procedures for Waste Tire Cleanups**

- 1. Property Owners: Owners of property on which more than 20 waste tires are stored, deposited, or abandoned but were NOT generated by a waste tire generator authorized by the administrative authority and managed in accordance with LAC 33:VII.10519, shall:
 - a. Provide for and ensure the removal of the waste tires in the following manner:
 - 1. removed by the property owner and transported to a permitted processing facility in quantities of no more than 20 per day;
 - 2. removed by the property owner and transported to an authorized collection center in quantities of no more than five per day; or
 - 3. in accordance with the department’s single event cleanup procedures outlined in Section;
 - b. provide disease vector control measures adequate to protect the safety and health of the public, and keep the site free of excess grass, underbrush, and other harborage; and
 - c. limit access to the piles to prevent further disposal of tires or other waste.
- 2. Single Event Cleanups: may be authorized by the administrative authority to address accumulations of waste tires at unauthorized locations provided that notification is submitted to the administrative authority 30 days prior to the anticipated event. Notification shall be on the single event cleanup/government tire sweep form,
- 3. Government Tire Sweeps: sweeps may be authorized by the administrative authority to allow government agencies to collect waste tires

4. Waste Tire Discarded by a Third Party: Property owners and government entities cleaning property in which tires have been discarded by a third party and requesting the waste tires be determined eligible shall contact the administrative authority.

- **SECTION 8.1-51 -- Enforcement and Citations**

1. It is crucial to emphasize that any form of improper tire disposal is strictly prohibited under the Louisiana Solid Waste Regulations and Avoyelles Parish ordinances. This includes actions like discarding, burning, or releasing waste tires into the environment in any manner that contravenes the regulations.

2. Administration and enforcement of this section within the Parish of Avoyelles shall be the responsibility of both LDEQ and the Avoyelles Parish Police Jury's Litter Abatement Department. The Parish, by and through its authorized representatives, is hereby authorized to enter any property regulated by this article, at reasonable and necessary times in order to properly inspect for violations.

3. Any person or tire business accused of violating or failing to comply with any provision of this article shall be citated and ordered to appear before a court of competent jurisdiction.

4. Situations considered a nuisance or blight shall be fined as defined in the Avoyelles Parish ordinances Article II Section 10-24, Penalties; \$250 for first offense, \$500 for second and subsequent offenses.

5. The violation of license and permit requirements: \$250 per incident.

6. In addition, the improper storage of tires (used or waste) shall constitute an offense punishable:

- a. storage period: \$50 per tire
- b. storage numbers: \$50 per tire
- c. screening violations: \$100 per day
- d. fire code violations \$100 per day

7. The improper transport of waste tires shall constitute an offense punishable:

- a. number of tires: \$50 per tire

8. The improper disposing of tires (used or waste) shall constitute an offense punishable:
 - a. landfill/roadways/water bodies: \$100 per tire
 - b. burn: \$100 per tire
9. Failure to maintain accurate records, as required, shall result in a fine punishable per incident: \$1500
10. Violating these rules can lead to severe state and parish fines and/or penalties. Failure to pay fines or penalties may result in the revoking of business licenses and permits, revocation of driver's license, potential jail sentence, as well as the placement of liens on the property tax bill.

- **SECTION 8.1-52 -- Tire Dealers**

1. No tire dealer shall allow the removal of **waste tires** from his place of business by anyone other than an authorized transporter.
2. All Louisiana tire dealers are required to collect a waste tire cleanup and recycling fee from the consumer at the time of the retail sale of \$2.25 for each passenger/light truck tire, \$5 for each medium truck tire, \$10 for each off-road tire, and \$1.25 for recapped or retreaded tires. These fees shall also be collected upon replacement of all recall and adjustment tires.
3. This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every tire sold, unless the purchaser elects to retain the waste tire. The department does not require the collection of fees on the sale of tires weighing 500 pounds or more, solid tires, or tires which are de minimis in nature, including but not limited to lawn mower tires, bicycle tires, and golf cart tires."

- **SECTION 8.1-53 -- Waste Tire Generators**

1. Within 30 days of commencement of business operations, generators of waste tires that store more than 20 whole waste tires, and/or who sell tires, shall notify LDEQ by submitting a completed Waste Tire Generator Notification Form, and obtaining a generator facility identification number and waste tire account number.
2. Generators of waste tires, required to register in accordance with LAC33:VII.10519.A shall comply with the **manifest requirements** of LAC 33:VII.10534.
3. Generators shall provide:
 - A. a cover adequate to exclude water from the waste tires to prevent water accumulation, which can breed mosquitoes and other pests.
 - B. vector and vermin control; and
 - C. means to prevent or control standing water in the storage area.
 - D. waste tires be stored behind a fence (enclosed area) to minimize visibility and prevent unauthorized access.
 - E. Waste tires shall be segregated from any usable tires.
 - F. Storage Time Limits: generally, a period of up to 120 days. No authorized generator, collector, or processor shall store any waste tires for longer than that period, unless given prior written approval by the LDEQ or the Avoyelles Parish Police Jury. Allowances can be made for longer storage periods, maximum of 365 days, if the tires are kept in a manner that prevents environmental hazards and provided;
 1. the storage is solely for the purpose of accumulating such quantities as are necessary for cost effective transportation and processing; and
 2. documentation supporting the storage period and the quantity generated is made available at the generator's facility for audit and/or inspection.
 - G. All persons required to register in accordance with regulations shall notify the LDEQ when any information provided on the notification form changes. Only changes in mailing address, telephone number, and contact name may be made by submitting the corrections on the monthly waste tire fee report Form WT-02. All other corrections shall be submitted within 10 days of the change on a new waste tire generator notification form.

H. A generator or tire dealer who ceases operation at the registered location shall notify the LDEQ in writing within 10 days of the date of the closure or relocation of the business. This written notice shall include information regarding the location and accessibility of the records required.

I. All generators of waste tires, required to register in accordance, and not required to collect fees, shall maintain a complete record of purchase invoices, inventory records, and sales invoices for a period of no less than five years.

- **SECTION 8.1-54 -- Waste Tire Collection Center**

1. The owner or operator of a waste tire collection center shall provide LDEQ with a notification of the site's location, size, and the approximate number of waste tires that are accumulated at the site. (La. R.S. 30:2418 (A))
2. Each collection center shall accept no more than five unmanifested tires per day, per customer. The collection center shall maintain a log for all unmanifested loads. The log for all unmanifested loads shall include, at the minimum, the following:
 - the name and address of the customer. Individuals must have a valid La. Driver's License and a Louisiana License Plate.
 - the number of tires received
 - the time; the date
 - the signature of the customer delivering the tires
3. Tire only; nothing on a rim.

- **SECTION 8.1-55 -- Waste Tire Transporters**

1. Transporters of 20 or more waste tires need to be permitted by LDEQ. In Louisiana, a permit is NOT required to transport fewer than 20 waste tires at one time.
2. Any person who transports more than 20 waste tires within the state of Louisiana shall comply with all of the requirements for transporters contained in this Section.
3. No person shall transport more than 20 waste tires without a valid transporter authorization certificate and a completed manifest satisfying the requirements of LAC 33:VII.10534. The manifest provision shall not apply to state and local governments utilizing vehicles to transport waste tires from rights-of-way to government agency collection centers satisfying the requirements of LAC 33:VII.10527.H.

4. Transporter of waste tires shall complete the transporter authorization application form available on the LDEQ's website. Along with the application, the transporter shall submit proof of commercial liability insurance and financial responsibility in the form of a surety bond, containing the language provided in LAC 33:VII.1303.D.1 and Section 11103, Appendix B, in a minimum amount of \$10,000, or as determined by the secretary, and pay the transporter fees as specified in LAC 33:VII.10535.A. The transporter shall provide other documentation deemed necessary by the administrative authority, to the administrative authority prior to transporting waste tires.
5. Upon satisfying the requirements and obtaining approval by the administrative authority, the appropriate number of authorization certificates and transporter decals shall be issued. All transporter authorization certificates and transporter decals expire on July 31 of each calendar year. The transporter decals shall be placed in accordance with Subsection H of this Section. The administrative authority may suspend, revoke, or deny transporter authorization certificates for cause.
6. Transporters shall reapply for authorization certificates in accordance with Subsection B of this Section on an annual basis and the application shall be submitted no later than July 1 of each calendar year.
7. A transporter of waste tires shall only accept and transport waste tires from generators who have notified and obtained a valid generator identification number from LDEQ.
8. For in-state waste tire transportation, the transporter shall transport all waste tires only to an authorized collection center, an authorized waste tire transfer station, a permitted processing facility, or an authorized end-market use.

- **SECTION 8.1-56 – Recapping and Retreading Companies**

1. All persons who use company-owned or company-leased vehicles to transport tire casings for the purpose of retreading between company-owned or company-franchised retail tire outlets, and retread facilities owned or franchised by the same company are NOT considered waste tire transporters unless they also transport waste tires.
2. Used tires that are utilized for recapping and retreading must pass a safety inspection.

- **SECTION 8.1-57 -- Waste Tire Material Haulers**

1. Persons or businesses transporting only waste tire material (for example, shredded chips, fine-grained crumb rubber, etc.) are NOT considered Transporters and are not subject to regulation. However, they shall notify DEQ on a form available on the department's website.