

ORDINANCE 2026-13

AN ORDINANCE OF THE CITY OF BAKER, LOUISIANA, CREATING AND PROVIDING FOR REGULATION OF TIRE BUSINESSES; REQUIRING PERMITS, RECORDS, SAFE STORAGE, AND LAWFUL DISPOSAL OF USED AND WASTE TIRES; ESTABLISHING ENFORCEMENT AND PENALTIES; AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT ORDAINED BY THE MAYOR AND COUNCIL of the City of Baker, Parish of East Baton Rouge, Louisiana, in regular session assembled, a proper quorum being there and then assembled, on the 28th day of April 2026, as follows, to wit:

Section 1: Purpose.

It is declared to be the purpose and intent of the City of Baker 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 city-program for used and waste tire storage and disposal that does not adversely affect the health, safety, and wellbeing of the public and does not degrade the quality of the environment.

Section 2: Definitions.

As used in this article, the following words and phrases shall have the meaning ascribed to them herein:

Abandoned means waste tires and/or waste tire materials discarded without adhering to the proper disposal or processing standards required by Louisiana Department of Environmental Quality, Title 33, Part VII, Subpart 2, Chapter 105.

Destination Facility means a facility where waste tires and/or waste tire material are processed, recycled, collected, stored and/or disposed of after transportation.

Disposal means the removal of waste tires from a tire business to a Destination Facility by a Waste Tire Hauler.

Illegal Disposal/Dumping means the depositing, dumping, or placing of waste tires or waste tire material on to 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.

Louisiana Department of Environmental Quality (LDEQ) means the body or branch of the State of Louisiana government.

Manifest means the paper mechanism provided by the Louisiana Department of Environmental Quality (LDEQ) or other governing 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.

Processing means 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 Louisiana Department of Environmental Quality. At a minimum, a tire is considered processed only if its volume has been reduced by more than half.

Person means any and all persons, natural or artificial, including any individual, business, firm or association.

Recapped or retreaded tire means any tire that has been reconditioned and sold for use on a motor vehicle.

Storage means location where tires are kept prior to sale or disposal.

Tire means a continuous solid or pneumatic rubber covering encircling or intended to encircle the wheel of an automobile, truck, trailer, tractor or other vehicle.

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

Unauthorized waste tire pile means an accumulation of more than five waste tires whose storage and/or disposal is not authorized by the *city-parish*.

Used tire means a tire that can be salvaged and sold as a functional tire consistent with definitions contained in the Louisiana Department of Public Safety regulations.

Tire dealer means any person, business or firm that lawfully engages in the sale of new or used tires.

Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect and/or has been discarded by the consumer.

Waste tire generator means any person or entity whose activities, whether authorized or unauthorized, result in the production of waste tires. This may include, but is not limited to, tire dealers, repair shops, salvage yards, etc.

Waste tire processor means a person or entity that processes waste tires.

Waste tire hauler means any person engaged in the business of picking up or transporting waste tires for the purpose of removal and transporting to a tire recycling facility, waste tire disposer, processor, end user or disposal facility.

Section 3: Tire business permit.

All tire dealers located within the City engaging in the sale or resale of tires or the generation of waste tires shall be required to obtain an annual permit from the City, by and through its Department of Environmental Services for a non-refundable fee of \$100.00 annually. Tire businesses with multiple locations must purchase a permit for each location. The revocation of a tire business permit shall require the payment of an additional annual fee for the reinstatement or re-establishment of the permit.

- (a) *Application*. Each person, firm or corporation obligated to comply with the permit requirement set forth herein shall make a written application to the city. The application shall be made on an application obtained from the Department of Environmental Services setting forth, among other things, the following:
 - (1) Name, physical address, telephone number, email, and cell phone number of the applicant.
 - (2) Tax identification number or taxpayer identification number.

- (3) Proof of current business license issued to the applicant at the proposed business address by the city-Parish.
 - (4) Name, mailing address, telephone number, email of the owner of the tire business (if different from number (1) above).
 - (5) Name, mailing address, telephone number, email of the owner of the property where the tire business is located.
 - (6) The estimated number of tires that will be stored on site.
 - (7) The current physical address of the site.
 - (8) A statement setting forth and describing the available space for properly accommodating and protecting all tires including but not limited to the type of fire protection system.
 - (9) Site Plan with details of fencing, buildings, containers, etc. and location of tires stored on site.
 - (10) Proof of insurance.
 - (11) Such other and further information [the] department of environmental services may require.
 - (12) Waste Hauler Name, address, phone number, and LDEQ Waste Tire Transporter Number (may list more than one, if applicable).
- (b) *Annual fees.* All permit fees are due annually by January 1 of each calendar year at the Department of Environmental Services. These annual fees shall be paid in advance of the issuance of such license.
- (c) *Issuance.* The Department of Environmental Services shall issue a permit to a tire business which submits the required application, pays the fee as required in this section, and has demonstrated compliance with this section and all applicable ordinances. Each tire business registered in accordance with the provisions of this section shall immediately cause such permit to be posted in a conspicuous place within the premises where such tire business is thereby authorized to be established, maintained or operated.
- (d) *Change of ownership.* Any and all changes in ownership of a tire business shall immediately cause the revocation of a permit issued for that tire business, and shall require the new owner to obtain a new permit.
- (e) *Effective period.* The permits shall be effective, beginning on January 1 until December 31, after which date it shall be null and void, unless renewed.
- (f) Each tire business shall have six months from the effective date of the ordinance, from which this article is derived, to comply with the provisions set forth herein. Failure to comply with this requirement shall be grounds for revocation of the tire business permit set forth above.

Section 4: Records

Tire businesses shall keep records as prescribed by the Louisiana Department of Environmental Quality, Title 33, Part VII, Subpart 2, 10519, Standards and Responsibilities of Waste Tire Generators and Sellers of Tires. Records included but are not limited to:

- (a) Purchase Orders, Records Invoices and Receipts: Pertaining to the acquisition of new or used tires.
- (b) Tire Sales Invoices: Documenting the quantity of new or used tires sold.
- (c) Inventory Records: Tracking the number and types of all tires on hand; categorized individually as new, used or waste.
- (d) Shipping Records: Documenting the movement of all tires; categorized individually as new, used or waste.
- (e) Waste Tire Manifests: Documenting the proper and legal processing of waste tires generated by the business.
- (f) Copies of each monthly waste tire fee report submitted to LDEQ.

Section 5: Operational guidelines.

- (a) Tires must be stored in accordance with 9:1312.
- (b) The outdoor display of tires is limited to the building frontage only and no more than 5 tires at any given time. Display tires shall not be placed in the right-of-way.
- (c) All waste tires shall be separate from new or used tires offered for sale by the business. Waste tires must be disposed of in accordance with 9:1313.

Section 6: Storage of tires.

A tire business shall properly store tires at each facility in accordance with local, state and federal law. To eliminate the potential nuisance of litter, insect breeding, fire hazards and other health risks, each tire business shall at all times during storage:

- (a) Store no more than 500 used tires and/or 150 waste tires at any one time at a single tire business.
- (b) Store tires in a covered or enclosed area adequate to exclude water from the tires, provide insect and vermin control, and to prevent and control standing water in the storage area in accordance with applicable health and safety laws, including, but not limited to, the city-parish's fire prevention code.
- (c) Screen all tires from public view if not stored within an enclosed building or transportable collection container. Indoor storage of tires must be in accordance with fire prevention codes and permitted accordingly.
- (d) If tires are stored behind a fence, the fence must be legally permitted, fully enclosed, a minimum of 6 feet in height and maximum of 8 feet in height, and which may be constructed of chain-link wire with fully opaque screen or other weather and damage resistant materials, including wooden pickets, metal panels, or solid plastic panels.
- (e) Secure tires at each facility to prevent easy access or theft. Lock, chain, or store inside a building or other securable area.
- (f) Accumulate and store tires in accordance with the city-parish's fire prevention code.
- (g) No tires shall be stored closer than 10 feet from lot lines unless completely enclosed within a building or transportable collection container.

- (h) Isolate tires 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.

Section 7: Disposal of tires

- (a) Any waste tire as defined herein shall be properly transported to an LDEQ approved Destination Facility within 30 days.
- (b) It shall be unlawful for any person or tire business to cause, suffer or allow the disposal of tires at any place in the city-parish including, without limitation, in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, any public or private property in the city-parish or any waters in the City.
- (c) It shall be unlawful for any person or tire business to cause, suffer, or allow the disposal of whole tires in a landfill.
- (d) Tires and/or tire material shall be properly transported and manifested in accordance with the Louisiana Department of Environmental Quality, Title 33, Part VII, Subpart 2, Chapter 105. Tire businesses contracting with a tire hauler(s) for the proper disposal of tires generated by such business shall require such hauler(s) utilize a transmittal manifest documenting the pickup and delivery of the tires to an authorized tire disposal or tire recycling facility.

Section 8: Denial of permit; renewal, suspension or revocation of permit.

In addition to any other penalties or fines, the Department of Environmental Services may refuse to issue or renew a tire business permit or may suspend or revoke such permit if:

- (a) The applicant or permit holder refuses to allow entry into the tire business by authorized representatives of the City or otherwise willfully obstructs the inspection of the tire business;
- (b) There are repeated or serious violation(s) of any City ordinance by the tire business;
- (c) The tire business fails to comply with any provisions of this section and/or any other applicable City ordinance(s);
- (d) The tire business fails to comply with any applicable state or federal law, rule or regulation;
- (e) The tire business knowingly authorizes a tire transporter who is not properly permitted as required in Louisiana Administrative Code, Title 33, Part VII, Solid Waste - Subpart 2, Chapter 105 to transport tires on behalf of such business.

Section 9: Right of entry, and inspection.

- (a) Right of-entry. The city-parish shall have the right to enter the premises of any tire business to determine whether the tire business user is complying with all requirements of this part. Tire businesses shall allow the city-parish ready access to all parts of the premises for the purposes of inspection, observation, measurement, records examination and copying, photography documentation, and the performance of any additional duties.
 - 1. Where a tire business has security measures in force which require proper identification and clearance before entry into its premises, the tire business

shall make necessary arrangements with its personnel so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purpose of performing specific responsibilities.

2. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected shall be promptly removed by the user upon request and shall not be replaced.
3. Unreasonable delays in allowing the city-parish access to the premises shall be a violation of this part.

Section 10: Violations and penalties.

Any tire business violating or failing to comply with any provision of this article shall be guilty of a penalty as follows:

- (a) The improper storage or display of one or more tires shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each improperly stored tire on the location of the tire business. Each day of continued violation of this subsection constitutes a separate offense.
- (b) The transport of one or more waste tires without the required permit shall constitute a separate offense per waste tire and be punishable by a fine of \$50.00 for each tire being transported in violation of this article.
- (c) The improper dumping of a used or waste tire shall constitute a separate offense and be punishable by a fine of \$50.00 per tire.
- (d) Failure to maintain accurate records, as required, shall result in a fine of \$125.00 for a first violation; and upon a second violation within a two-year period, a penalty of \$250.00; and upon a third and any subsequent violations within a two-year period, a penalty of \$500.00.
- (e) Failure to obtain a permit annually shall result in a fine of \$250.00 for a first violation; and upon a second violation and any subsequent violations a penalty of \$500.00.
- (f) Unresolved LDEQ Compliance Orders, LDEQ delinquent notifications, failure to file monthly tire fee report with LDEQ, or other noncompliance issues with LDEQ in excess of 90 days shall result in termination of the Occupancy Permit.

Section 11: Injunctive relief.

In addition to, and cumulative of, all other penalties herein provided, the city shall have the right to seek injunctive relief, for any violation(s) of this article.

Section 12: Administration/enforcement.

- (a) Administration and enforcement of this section shall be the responsibility of the Department of Environmental Services. The city-parish, by and through its authorized representatives, is hereby authorized to enter any property regulated by this article, at reasonable or necessary times to properly inspect for violations.
- (b) Tire businesses alleged to be in violation of this ordinance shall receive notice to appear before an administrative court hearing officer pursuant to the process set forth in section 1:609 of this Code.

Section 13: Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by any Court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrases, clauses, sentence, paragraph or section. If the provisions of this ordinance, or the application thereof to any person, fact, situation or circumstance are held invalid, the remainder of this ordinance and the application of such provisions to the other persons, facts, situations or circumstances, shall not be affected thereby.

Section 14: Invalidation

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications and, to that end, any and all provisions of this ordinance and applications thereof are declared to be severable.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Collins, Dunn, Murphy, Vincent, Young

NAYS: None

ABSENT: None

ABSTAIN: None

And the Ordinance was presented April 14, 2026, at the regular meeting of the Baker City Council held at the City Hall Building in Baker, Louisiana.

And the Ordinance was declared adopted on this, the 28th day of April, 2026 at the regular meeting of the Baker City Council held at the Baker City Hall Building in Baker, Louisiana.

ATTEST:

/s/Angela Canady Wall, LCMC, Clerk of Council

/s/Darnell Waites, Mayor