PLANNING & ZONING COMMISSION AGENDA

August 26, 2021, 6:00pm
Abita Springs Town Hall

- **Welcome / Introduction**
- **Pledge of Allegiance**
- **Roll Call**
- **Acceptance of Minutes from July 29, 2021, Meeting**

PLANNING:

ZONING:

PUBLIC HEARING:

- Subdivision: 71000 block of Hwy 59

DISCUSSION:

- Request to amend Code of Ordinances Section 9-231 – Short term rentals
- Draft Stormwater Management Ordinance

- **Public Comment**
- **Announcements**
- **Adjournment**

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact us at (985) 892-0711. Please contact Town Hall at the same number for additional information regarding this agenda.

The following minutes are from the Planning & Zoning Commission meeting on Thursday, July 29, 2021, in the Abita Springs Town Hall at 6:00 p.m.

Commissioner Gowland called the meeting to order, and all stood for the Pledge of Allegiance. Commissioners in attendance included Barbara Jackson, Eric Templet, and Bryan Gowland. David Gruning and John Pierce were absent. Kristin Tortorich and Mark Fancey were also present.

The Commission reviewed the draft minutes from the June 24, 2021, meeting. Commissioner Jackson motioned to accept the minutes of the June 24, 2021, meeting. Commissioner Templet seconded the motion. All commissioners were in favor.

Planning Commission

No agenda items.

Zoning Commission

PUBLIC HEARING:

Commissioner Gowland opened the public hearing.

Proposed amendment to Code of Ordinances Sec. 9-223 regarding side yard setbacks for corner lots

The Commission reviewed a draft amendment that would reduce the required side yard setback for corner lots (street side) from 30 feet to 20 feet. Commissioner Gowland reviewed the proposed amendments and explained that the current setback requirement had presented problems recently. He said reducing the setback from 30 feet to 20 feet doesn't seem problematic in any way.

Commissioner Gowland reviewed a table provided with the staff memo showing the required setbacks in residential zones in other jurisdictions in the area. He noted that even if the proposed amendment is adopted the Town's required setback standard would still be greater than that required in these other communities. Commissioner Templet said that the current setback reduces the buildable area on corner lots.

No testimony was presented. Commissioner Templet motioned to close the public hearing. Commissioner Jackson seconded the motion. All commissioners were in favor.

Commissioner Jackson motioned to forward a recommendation for the Town Council to adopt the proposed amendments. Commissioner Templet seconded the motion. All commissioners were in favor.

Discussion:

Proposed rezoning 71000 block of Dundee Street

The property is currently zoned Historic – Residential District. The property was recently subdivided into two 2-acre lots. Jasmine McClain, property owner, explained that her family would like to construct a new home on one of the lots. She said the proposed rezoning would remove the property from the Historic District. She presented information showing that the west side of Dundee Street is in the Historic District, but the east side of the street is not. She noted several homes in the area that were not constructed to historic design standards and explained that it would not be possible to create a cohesive historic appearance for the area. Commissioner Gowland summarized that removing the Historic District designation would allow a house to be constructed on the property with an appearance consistent with other developed properties in the area. He noted this is a discussion item only.

Proposed subdivision 22503 Level Street

The property is 2.14 acres in size and the proposed subdivision would create three (3) lots on a cul-de-sac street. The Commission reviewed a proposed subdivision plat. It was noted that Lot 1 did not meet the minimum lot depth requirement of 150 feet. Mark Fancey suggested the Commission could grant a variance for the lot with substandard depth. Commissioner Gowland questioned what the necessary hardship would be for granting a variance.

Draft Stormwater Management Ordinance

Discussion of the draft ordinance was deferred to the August 26, 2021, meeting.

Public Comment

Ray Pasqua presented a handout. He owns about 100 lots of record near Hwy. 59 and Harrison Avenue. He stated he is protesting the current contiguous lot law. He wants to reinstate lot of record provisions and repeal the contiguous lot law. He said that under current standards, full blocks with 10 platted lots can only be developed on six (6) lots without any compensation for the "lost" lots. He said that the Town's comprehensive plan calls for smaller lots.

Commissioner Gowland said that at the time the contiguous lot law was enacted Abita springs was being overrun by growth. He said the ordinance was a growth management regulation. Ray Pasqua responded that Abita Springs was built on small lots and times have changed. He said that larger lots encourage sprawl.

Mr. Pasqua presented a site plan for the portion of his property at the Hwy. 59 and Harrison Avenue intersection that is zoned Highway Commercial. Discussion ensued regarding historic design requirements for commercial buildings. Commissioner Templet suggested Mr. Pasqua share the plan for the commercial development with the Town Council.

Commissioner Templet motioned to adjourn the meeting. Commissioner Jackson seconded the motion. All commissioners were in favor. The meeting adjourned at 7:02 p.m.

_____ _____

Kristin M. Tortorich, Planning Director Date

ADVERTISE AS PUBLIC HEARING

August 26, 2021, 6:00PM
Abita Springs Town Hall

Abita Springs P&Z Public Hearing Notice

Please run 3x on the following dates: 8/11, 8/18, 8/25

A public hearing will be held by the Town of Abita Springs Planning & Zoning Department at 6:00 pm on Thursday, August 26, 2021, at 22161 Level St. The public hearing will be held to receive public comments regarding the subdivision of a 6.46-acre property into two (2) lots. Parcel A being 3.00 acres and Parcel B being 3.46 acres. The property is on Hwy. 59 and is identified as assessment # 1151204122. A map of the property will be available at www.townofabitasprings.com/planningzoning

All interested parties shall have the right and opportunity to appear and be heard on the subject.

Town of Abita Springs

REQUEST FOR RE-SUBDIVISION

Planning and Zoning

Name: Evette Randolph **Phone Number:** 504 252 2161

Mailing Address: P.O. Box 575, Abita Springs, LA 70420

Property Address: —

Property Description: 6.46 acres Section 1711

Current Lot Configuration: 6.46 acres

Proposed Configuration: Divided into 3.46 acres and 3 acres

Signature: [signature]

Must include 6-8 copies of your survey. The Assessor's Office and Town of Abita will keep copies.

Advertising cost will be charged with recording fee upon completion of recording at the Clerk of Court's Office.

Describe the proposed lot subdivision:

Divide 6.46 acres into 3.46 and 3 acres.

Scheduled Planning & Zoning Meeting Date & Time: _____

Location: *Town of Abita Springs Town Hall*

---**Office Use Only**---

Notes from Planning & Zoning:

Decision: ☐ APPROVED ☐ REJECTED

Motion: _____ **Second:** _____

Vote: _____ **Signature:** _____

Planning & Zoning Chairman

Reference:
1.) A Survey Map by Joseph Pugh, Dated 11-3-42, #863, (Basis of Bearing)
2.) A Survey by this Company, Dated 6-23-10, #15022

Note: Reference Bearing calls not shown for Clarity

This property is located in Flood Zone Unshaded X, per Fema Map No. 220199 0002 C, Dated 5-17-88

*Building Setbacks should be verified prior to Construction

*A Minor Subdivision Map of a 6.46 Acre Parcel of Land, into Parcel A & B, located in Section 1, T-7-S, R-11-E, Near the SW Division of the Town of Abita Springs, St. Tammany Parish, Louisiana

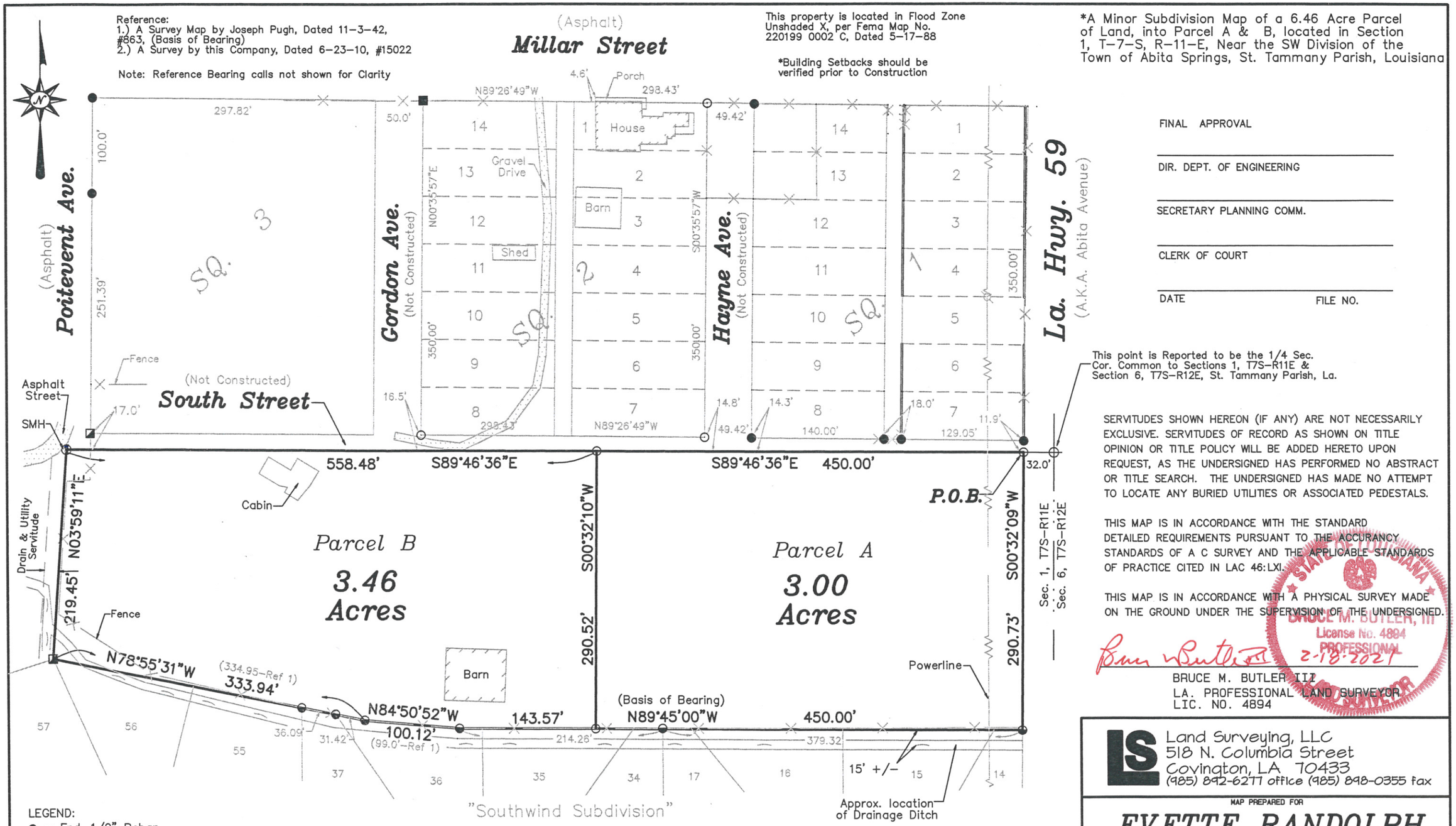
FINAL APPROVAL

DIR. DEPT. OF ENGINEERING

SECRETARY PLANNING COMM.

CLERK OF COURT

DATE FILE NO.



This point is Reported to be the 1/4 Sec. Cor. Common to Sections 1, T7S-R11E & Section 6, T7S-R12E, St. Tammany Parish, La.

SERVITUDES SHOWN HEREON (IF ANY) ARE NOT NECESSARILY EXCLUSIVE. SERVITUDES OF RECORD AS SHOWN ON TITLE OPINION OR TITLE POLICY WILL BE ADDED HERETO UPON REQUEST, AS THE UNDERSIGNED HAS PERFORMED NO ABSTRACT OR TITLE SEARCH. THE UNDERSIGNED HAS MADE NO ATTEMPT TO LOCATE ANY BURIED UTILITIES OR ASSOCIATED PEDESTALS.

THIS MAP IS IN ACCORDANCE WITH THE STANDARD DETAILED REQUIREMENTS PURSUANT TO THE ACCURANCY STANDARDS OF A C SURVEY AND THE APPLICABLE STANDARDS OF PRACTICE CITED IN LAC 46:LXI.

THIS MAP IS IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE SUPERVISION OF THE UNDERSIGNED.

STATE OF LOUISIANA
BRUCE M. BUTLER, III
License No. 4894
PROFESSIONAL
2-18-2021
LAND SURVEYOR

BRUCE M. BUTLER III
LA. PROFESSIONAL LAND SURVEYOR
LIC. NO. 4894

LEGEND:
- ● = Fnd. 1/2" Rebar
- ■ = Fnd. 1" Pipe
- ◒ = Fnd. 3/4" Pipe
- ⊙ = Set 1/2" Rebar
- ◪ = Fnd. 1 1/2" Pipe

Land Surveying, LLC
518 N. Columbia Street
Covington, LA 70433
(985) 892-6277 office (985) 898-0355 fax

MAP PREPARED FOR

EVETTE RANDOLPH

SCALE: 1"= 100'		DRAWN BY JWG
DATE: 9-8-15		

Section 1, T-7-S, R-11-E, Near the SW Division of the Town of Abita Springs, St. Tammany Parish, Louisiana

DRAWN NUMBER 17062

Terr3/EvetteRandolphResub

July 27, 2021

To: Planning and Zoning Commission

From: Kristin Tortorich, and Mark Fancey

Subject: Revised Draft Stormwater Management Ordinance

Attached is a revised draft stormwater management ordinance. Staff has revised the ordinance based on comments from the Planning & Zoning Commission at the May 27, 2021, meeting.

The draft has been revised as follows:

- Page 1 – Sec. 9-901. – Purpose and Objectives. The following cross-reference to the Town's Stormwater Management Plan has been added to the list of objectives for the ordinance.

  (1) To implement the Town of Abita Springs Stormwater Management Plan.

  The Commission discussed adding a statement that the ordinance meets Louisiana DEQ requirements. Item (7) from the purpose statement addresses compliance with federal and state requirements.

  (7) To enable the Town of Abita Springs to comply with all federal and state laws and regulations applicable to stormwater discharge.

- Page 7 - The ordinance has been re-ordered. Sec. 9-909 - Allowed Discharges has been moved forward in the ordinance and is now section 9-905.

- Page 8 - Sec. 9-906 - Specific Prohibitions has been replaced with prohibitions listed in the St. Tammany Parish stormwater ordinance. The revised list of specific prohibitions contains no reference to non-commercial pressure washing, car washing, or building washing. The Commission asked staff to review other stormwater management ordinances to find language that allows for discharge of cleaning products to storm drains when used as allowed by law. Staff found no other stormwater management ordinances that included such language. In addition, staff reviewed label directions and product safety data sheets for a number of house and deck cleaning products sold locally. Staff found no directions that specified sending rinse water to storm drains. Several of the products specifically stated that the product is not to be sent to storm drains.

  The list of specific prohibitions that has been deleted from the revised draft is shown on the following two pages.

- Page 9 - Sec. 9-907 – Swimming pool regulation item (1) has been amended as follows: "For uncontaminated discharge that cannot be retained on site for irrigation or other uses, a gradual, ~~metered~~ discharge is required".

Sec. 9-906 Specific Prohibitions (deleted from the June 17, 2021 draft ordinance)

Illegal discharges include, but are not limited to, the following list unless the discharge is permitted under a separate NPDES permit or as allowed by BMPs published or approved by the planning and development department:

(1) Water from any vehicle washing, cleaning or maintenance from a commercial carwash facility; a new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity;

(2) Water from the cleaning of gas stations, vehicle service garages, or other types of vehicle service facilities;

(3) Vehicle fluids;

(4) Mat wash and hood cleaning water from food service facilities;

(5) Food and kitchen cleaning water from food service facilities;

(f6 Leakage from dumpsters or trash containers or water from the cleaning or rinsing of garbage dumpster areas and areas where garbage is stored or contained;

(7) Water from pressure washing, steam cleaning, and hand scrubbing of sidewalks, gutters, plazas, alleyways, outdoor eating areas, steps, building exteriors, walls, driveways, and other outdoor surfaces;

(8) Wastewater or cleaning fluids from carpet cleaning;

(9) Wash out from concrete trucks;

(10) Potentially contaminated runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored;

(11) Super-chlorinated water normally associated with the disinfection of potable water systems.

(12) Sewage or other forms of polluted water from recreational activities and from vehicles, recreational vehicles and/or boats.

(13) Any industrial waste, including household hazardous waste.;

(14) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;

(15) Any garbage, rubbish, or yard waste;

(16) Any runoff or wash down from any animal pen, kennel, or fowl or livestock containment area;

(17) Potentially contaminated runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored; and

(18) Any wastewater from the cleanup following a release of hazardous waste or pollutants;

(19) Any discharge from a commercial or industrial cooling tower, condenser, compressor, or boiler unless the discharge is in compliance with an LPDES or NPDES permit;

(20) Any concrete, mortar, ceramic, or asphalt base material;

(21) Any unpermitted stormwater discharge associated with a commercial or industrial activity;

(22) Any substance or material that will damage, block, or clog the MS4, drainage infrastructure, conveyances, or waterways of the town;

(23) Any construction debris or other waste building material resulting from construction or demolition;

(24) Any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, filling, or other construction activities;

(25) Any direct discharge of pesticide, herbicide, and/or fertilizer;

(26) Any discharge that causes or contributes to a violation of a water quality standard.

(27) Any water from a water curtain in a spray room used for painting vehicles or equipment;

(28) Any contaminated runoff from a vehicle wrecking; or

(29) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contamination by leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of such PST release, unless the discharge satisfies all of the following criteria:

a. Compliance with all state and federal standards and requirements;

b. No discharge containing harmful quantity of any pollutant; and

c. No discharge containing more than fifty (50) parts per billion of benzene, five hundred (500) parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene, (BTEX); or fifteen (15) mg/l of total petroleum hydrocarbons (TPH).

PART 9 – PLANNING, ZONING, and DEVELOPMENT

Chapter 8. - STORMWATER MANAGEMENT

Sec. 9-901. – Purpose and objectives

The purpose and objectives of this chapter are as follows:

(1) To implement the Town of Abita Springs Stormwater Management Plan.

(2) To maintain and improve the quality of surface water and groundwater within the Town of Abita Springs;

(3) To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters affected by the Town 0f Abita Springs;

(4) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural waters of the Town of Abita Springs;

(5) To encourage the recycling of used motor oil and safe disposal of other hazardous consumer products;

(6) To facilitate compliance with state and federal standards and permits by owners and operators of industrial and construction sites within the Town of Abita Springs; and

(7) To enable the Town of Abita Springs to comply with all federal and state laws and regulations applicable to stormwater discharge.

Sec. 9.902. - Administration.

Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Director of Public Works shall be carried out by that person and may be delegated to other Town personnel.

Sec. 9-903. – Abbreviations and Definitions

(a) Abbreviation of terms. The following abbreviations when used in this section shall have the designated meanings:

BMP	Best Management Practices
CFR	Code of Federal Regulations
CWA	Clean Water Act

EPA	United States Environmental Protection Agency
LAC	Louisiana Administrative Code
LDEQ	Louisiana Department of Environmental Quality
LPDES	Louisiana Pollutant Discharge Elimination System
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
SWPPP	Stormwater Pollution Prevention Plan

(b) Definitions. The following words, terms, and phrases, when used in this subsection (e), shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Best management practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, treatment requirements, operating procedures, and other practices used to prevent or reduce contaminated discharges or runoff.

BMPs for Coastal Louisiana Zone manuals means technical manuals prepared by the Louisiana Coastal Nonpoint Pollution Control Program to minimize coastal impacts from developmental activities and control nonpoint source pollution resulting from stormwater runoff. The manual includes nonpoint source BMPs specific to the Louisiana Coastal Zone and is to be used as a guide for developers, builders, and engineering firms during the design and construction phase of development.

Clean Water Act (CWA) means the primary federal law in the United States governing water pollution. Its objective is to restore and maintain the chemical, physical, and biological integrity of the nation's waters by preventing point and nonpoint pollution sources, improving wastewater treatment, and maintaining the integrity of wetlands. It is administered by the U.S. Environmental Protection Agency (EPA), in coordination with state governments. The CWA is codified in 40 CFR 100—140, 401—471, and 501—503).

Commercial means any activity pertaining to a business, industry, corporation, or organization.

Construction means any human activity that includes clearing, grading, excavation, filling, or other placement, movement, removal, or depositing of soil, rock, organic materials, or earth minerals.

Contaminated means containing any pollutant which is introduced into stormwater conveyances by stormwater contact with industrial activities as defined by LAC 33:IX.2511.B.14-15 and 40 CFR 122.26(b)(14) or through illicit discharges.

Conveyance means drainage infrastructure, including any ditch, pipe, canal, or waterway that moves water in the Town.

Discharge means any stormwater or wastewater, including but not limited to sheet flow and point source, introduced into the MS4, drainage infrastructure, conveyances, ditches, or waterways of the Town, or into waters of the United States.

Discharger means any person or property who causes, allows, or is otherwise responsible for a discharge.

Facility means any building, structure, property, installation, process or activity from which there is or may be a discharge of a pollutant.

Fertilizer means any substance that contains essential plant nutrients in a form available to plants and is used primarily for promoting or stimulating growth of a plant or improving the quality of a crop.

Fill or filling means the deposition of soil and other inert materials on the land to raise its grade and/or smooth its features.

Hazardous substance means any of the following: any substance determined to be hazardous according to 49 CFR 171.8. or listed in Table 302.4 of 40 CFR 302 or section 311(b)(2)(A) of the Clean Water Act (33 USC 1317(a) and 1321(b)(A)).

Hazardous waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR 261.

Herbicide means a substance used to defoliate, desiccate, destroy, inhibit or regulate vegetation.

Illicit discharge means a prohibited non-stormwater discharge containing pollutants.

Louisiana discharge permit elimination system (LPDES) permit or national discharge permit elimination system (NPDES) permit means the permit issued by the LDEQ or the EPA, under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States.

Municipal separate storm sewer system (MS4) means roadside drainage systems, catch basins, curbs, gutters, ditches, manmade channels, or storm drains used for collecting and/or conveying stormwater in the Town.

Notice of intent (NOI) means the notice of intent that is required by the LPDES general permit for discharges of stormwater from construction activities five acres or greater, the multi-sector general permit for stormwater, or other general permits for the discharge of stormwater.

Non-point source pollution means pollution discharged over a wide land area that cannot be traced to one specific point or location. These are forms of diffuse pollution caused by sediment, nutrients, organic, and toxic substances contained in stormwater runoff from urbanized areas, construction sites, agricultural sites, and silvicultural operations, etc.

Operator means the person or persons who, either individually or taken together, has operational control over the facility; or has day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Person means any individual, partnership, firm, company, corporation, association, trust, estate, entity, or any legal representative, agent, or assignee.

Pesticide means a substance used to prevent, destroy, repel, or mitigate any pest.

Point source means the discharge of pollutants at a specific location from pipes, outfalls, channels, or other discernible or discrete conveyances. The term "point source" does not include irrigation flow returns from agricultural stormwater runoff.

Pollutant means dredged spoil, solid waste, sewage, garbage, sludge, chemical waste, biological materials, radioactive materials, heat, rock, soil, sediment, or industrial waste discharged into waters of the state and/or the MS4, drainage infrastructure, conveyances, or waterways of the Town.

Pollution means the contamination of the physical, thermal, chemical, or biological quality of waters that causes impairment of the designated uses of a water body as stipulated in the current EPA integrated report or renders the water harmful, detrimental, injurious to humans, animal life, vegetation, or impairs the usefulness for the public enjoyment of the water for any lawful or reasonable purpose.

Release means any spilling, leaking, pumping, pouring, discharging, injecting, leaching, dumping, or disposing, directly or indirectly, into the MS4, drainage infrastructure, conveyances, or waterways of the Town.

Rinsate means water, containing low concentrations of contaminants, resulting from the cleaning of containers etc.

Sanitary sewage means the domestic sewage and/or industrial waste that is discharged into the sanitary sewer system and passes through the sanitary sewer system to any public or privately owned sewage treatment plant.

Sanitary sewer (or sewer) means the system of pipes, conduits, and other conveyances which carry industrial waste and sanitary sewage from residential dwellings, commercial buildings,

industrial and manufacturing facilities, and institutions, whether treated or untreated, to any sewage treatment plant.

Site work means excavation, grading, filling, cutting, draining, paving, earthwork, stockpiling/storage of fill.

Sediment means soil, sand, clay, and minerals washed from land into roadways, drainage infrastructure, and waterways, usually during or after a rain. Sediment may cause a reduction in storage capacity, impede drainage, destroy fish-nesting areas, clog animal habitats, and cloud waters to such an extent as to prevent sunlight from reaching aquatic biota.

Solid waste means any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semi-solid, or contained gaseous material resulting from construction or industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

Stormwater means stormwater runoff, surface runoff and drainage runoff. (Agricultural stormwater may be excluded, subject to the provisions of LAC 33:IX.2313.)

Stormwater agreement means the agreement utilized by the Town and signed by the contractor, developer, land owner, or agent to ensure all required permits are in place and the implementation of BMPs will be used to control erosion and sedimentation and reduce the pollutants in stormwater discharges associated with excavation, grading, filling, and other construction projects as well as heavy equipment fuels/oils and grease.

Stormwater pollution prevention plan (SWPPP) means a plan required by the LPDES general permits for discharge of stormwater from construction activities (General Permit Number LAR100000 and LAR200000), LPDES multi-sector general permit, or any LPDES individual permit which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

Superchlorination means a water treatment process in which the addition of excess amounts of chlorine to a water supply to speed chemical reactions or insure disinfection within a short contact time.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Water quality standard means the numerical criterion established by LDEQ and deemed necessary by the state to protect the designated uses of a water body.

Waters of the United States (WOTUS) means any waters within the federal definition of "waters of the United States" at 40 CFR 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

Wetland means an area that is frequently inundated or saturated by water and is sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 9-904. - General provisions.

(a) No person shall introduce or cause to be introduced into the MS4, drainage infrastructure, conveyances, or waterways of Abita Springs any illicit discharge, including non-stormwater discharges that are not composed entirely of stormwater, except as expressly provided for in this chapter.

(b) No person shall introduce or cause to be introduced into the MS4, drainage infrastructure, conveyances, or waterways of Abita Springs any discharge that causes or contributes to violation of a water quality standard.

(c) No person shall connect an interior drain or any other source of wastewater to the MS4, drainage infrastructure, conveyances, or waterways of Abita Springs, or allow such a connection to continue.

(d) Any person that causes a spill, release, or other discharge of a prohibited substance or other pollutant is solely responsible for the cleanup and removal of the substance.

(e) Sanitary sewer overflows to the MS4, drainage infrastructure, conveyances, or waterways of the town shall be prevented. In the event of an overflow the owner, operator, or person otherwise having control of the sanitary sewer, shall remove all sewage to the maximum extent practical.

(f) Items that are stored for collection, disposal, recycling or reuse shall be stored in a manner that prevents contamination of stormwater. Drums shall be covered and/or in secondary containment where required, closed, not leaking, and in good condition.

(g) Spills and leaks of hazardous substances or pollutants shall be cleaned up immediately after the spill occurs or the leak is detected. Any absorbent material used for cleanup must be disposed of properly and disposed of in accordance with solid waste regulations. Surface soil contaminated by the spill or leak must be removed or otherwise protected from contact with stormwater.

(h) Drip pans, absorbent mats, or equivalent controls shall be used to collect and properly dispose of leaking fluids from motor vehicles that are parked outside during maintenance and repairs or while waiting for repairs at commercial repair facilities.

(i) Used engines, transmissions, radiators, and other vehicle components that have automotive fluids in, or on them, shall be stored in a manner that prevents pollutants from contaminating stormwater runoff.

(j) Any person or establishment that causes a spill, release, or other discharge of any prohibited substance or other pollutant to the MS4, drainage infrastructure, conveyances, or waterways of Abita Springs is solely responsible for notifying the appropriate agency and/or permit authorities of the unauthorized release.

(k) Trash, litter, grass clippings, leaves, and other debris shall not be discarded in drainage ditches or drainage inlets. Such material shall be disposed of as solid waste and shall not be allowed to enter the MS4, drainage infrastructure, conveyances, or waterways of the town.

Sec. 9-905. - Allowed Discharges

Discharges from the following activities will not be considered a source of pollutants to the town's storm drainage system and to waters of the U.S. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Clean Water Act, or this article:

(1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);

(2) A discharge or flow resulting from the fire-fighting activities by the fire department;

(3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;

(4) Agricultural water runoff;

(5) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by superchlorination or other means unless it contains no harmful quantities of chlorine or any other chemical used in the line disinfection;

(6) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;

(7) A discharge of flow from a diverted stream flow or natural spring;

(8) A discharge or flow from uncontaminated pumped ground water or rising groundwater;

(9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(2) to the MS4);

(10) Uncontaminated discharge or flow from a fountain drain, foundation drain, crawl space pump, or footing drain;

(11) A discharge or flow from air conditioning condensation that is not mixed with water from a cooling tower, emissions scrubber, emission filter, or any other source of pollutant;

(12) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;

(13) A discharge or flow from individual residential car washing;

(14) Routine external building wash down that does not include detergents;

(15) A discharge or flow from riparian habitat or wetland;

(16) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, solvent, emulsifier, dispersant, or any other harmful cleaning substance;

(17) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant; or

(18) Dechlorinated swimming pool discharges, subject to the requirements of Sec. 9-907.

(19) Other similar occasional incidental discharges, such as non-commercial or charity car washes, where such discharges will not cause a problem due to the nature of the discharge or such controls as placed on the discharge by the Town.

Sec. 9-906. - Specific Prohibitions

No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4, drainage infrastructure, conveyances, or waterways of the parish:

(1) Any used motor oil, antifreeze, hydraulic fluid, fuel, or other motor vehicle fluid;

(2) Any industrial or hazardous waste, including household hazardous waste;

(3i) Any untreated sanitary sewage or septic tank waste;

(4) Any grease trap waste, or grit trap waste;

(5) Any trash or other debris material;

(6) Any untreated wastewater from a commercial car wash facility, or from any washing or cleaning of any commercial or public service vehicle, including heavy equipment;

(7) Any contaminated wastewater or wash water from commercial cleaning, power, or pressure wash processes or wash racks;

(8) Any wastewater from the cleanup following a release of hazardous waste or pollutants;

(9) Any discharge from a commercial or industrial cooling tower, condenser, compressor, or boiler unless the discharge is in compliance with an LPDES or NPDES permit;

(10) Any concrete, mortar, ceramic, or asphalt base material;

(11) Any discharge or wash down water from an animal, fowl, or livestock containment area;

(12) Any unpermitted stormwater discharge associated with a commercial or industrial activity;

(13) Any substance or material that will damage, block, or clog the MS4, drainage infrastructure, conveyances, or waterways of the parish;

(14) Any construction debris or other waste building material resulting from construction or demolition;

(15) Any sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, filling, or other construction activities;

(16) Any direct discharge of pesticide, herbicide, and/or fertilizer;

(17) Any discharge that causes or contributes to a violation of a water quality standard.

Sec. 9-907. - Swimming pool regulation.

The following restrictions apply to discharges associated with discharges from pools, hot tubs, spas, and filter backwash, which is a rinsate resulting from the cleaning of equipment, vehicles, tools, containers, cartridges, filters, etc.:

(1) For uncontaminated discharge that cannot be retained on site for irrigation or other uses, a gradual discharge is required;

(2) Discharge shall be dechlorinated with no detectable concentration of total residual chlorine, prior to discharge;

(3) Discharge shall not drain or back up onto adjacent properties or across a sidewalk;

(4) Discharge may not be drained into unpaved alleys.

(5) Discharge shall not cause erosion or sediment transport;

(6) Discharge shall not cause an accumulation of water in roadways or along curbs and shall not cause adverse impacts to drainage infrastructure, waterways, roadways, or adjacent properties.

Sec. 9-908. - Used oil regulation.

The following restrictions apply to used oil. No person shall:

(1) Discharge used oil into the MS4 or a sewer drainage system, surface water, groundwater, or water course;

(2) Knowingly mix or commingle used oil with solid waste that is to be disposed in a landfill or knowingly dispose of used oil on land or in a landfill;

(3) Apply used oil to a road or land for solid suppression, weed abatement, or other similar use that introduces used oil into the environment.

Sec. 9-909. - Discharge from dumpster area.

All new construction of commercial facilities requiring suitable cleaning and supplies such as high-pressure pumps, hot water, steam, and detergents necessary for the effective cleaning of equipment and receptacles of solid waste collection must meet the following requirements:

(1) Liquid waste generated by the cleaning operations cannot be discharged into the MS4 without a valid NPDES permit;

(2) Liquid waste generated by cleaning operations not meeting criteria in subsection (a) above must be discharged to the sanitary sewer. Stormwater runoff must be prevented from entering the sanitary sewer by means approved by the Town of Abita Springs; and

(3) Discharge entering the sanitary sewer must meet local discharge limits found in Town ordinances. Discharges unable to meet these discharge limits must be pretreated on site to reduce pollutant concentration prior to discharging to the sanitary sewer.

Sec. 9-910. - Stormwater discharges from construction activities.

(a) General requirements.

(1) Construction activity, including clearing, grading, and excavation activities that result in the disturbance of one or more acres of total land area shall comply with the requirements of this section. This also applies to building construction (including residential) on lots less than one acre.

(2) Upon completion of permitted construction activity on any site, the property owner and subsequent property owners will be responsible for continued compliance with the requirements of this section in the course of maintenance, reconstruction or any other construction activity on the site.

(3) No development shall degrade water quality, adversely affect the MS4, drainage infrastructure, conveyances, or waterways.

(4) All construction projects involving site work of any kind, including but not limited to subdivision development, minor subdivision development, residential construction, commercial construction, and roadway construction shall comply with the requirements of Subdivision Ordinance Section 3.8 – Storm Drainage.

(5) All appropriate permits shall be obtained before the commencement of construction.

(6) Operators shall refer to guidance manuals such as the BMPs for Coastal Louisiana Zone for BMP definitions, selection, applicability, planning considerations, recommended specifications and maintenance.

(7) The Town may deny approval of any building permit, site development plan, or any other town approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon the site inspection by the town are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other material associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable.

(b) Exemptions. The following project types are exempt from the requirement for a stormwater agreement and stormwater site plan. These exemptions do not relieve the owner, operator, or other legal representative of the responsibility of installing and properly maintaining the erosion, sedimentation, or pollution control measures or any other liability resulting from such activities.

(1) Capital projects or infrastructure improvement projects by town personnel (such projects shall comply with all other state, federal, and local stormwater permit requirements). This exemption does not apply to private contractors working on town projects;

(2) An activity that is determined by a town official to be immediately necessary for the protection of life, property, or natural resources;

(3) Excavation of graves in cemeteries;

(4) Agricultural practices such as plowing, cultivation, tree cutting, logging operations that leave the stump and root mat intact, and cultivated sod operations. Agricultural projects shall comply with all other state, federal, and local stormwater and water quality requirements.

(c) Stormwater agreement.

(1) It shall be the responsibility of the property owner or his designee to acquire and comply with any applicable LDEQ permits prior to the commencement of construction. An approved stormwater agreement is required for any development or improvement project that requires a building permit, site work permit or subdivision work order. This agreement, which is a document provided by the town, will serve as a signed contract with the town stating that the property owner or his/her designee agrees to obtain an LDEQ permit for construction, if applicable, and comply with all applicable LDEQ regulations during the term of the project.

(2) For subdivisions developed in phases, a stormwater agreement shall be submitted at the preliminary approval phase for each phase of the development.

(d) Stormwater site plan.

(1) A stormwater site plan is a component of the SWPPP as required by LDEQ. In an effort to ensure the owner, developer or contractor has a sufficient plan to address necessary stormwater controls before the commencement of construction, the town shall require a copy of the stormwater site plan at the time of building permit application. This information may be included on a plot plan depending on the complexity of the project.

(2) An approved stormwater site plan is required with submittal of any applicable building permit, site work permit or drainage plan for a subdivision. The site plan shall contain the following:

a. The property owner's name, address, date, legal description of parcel, lot number, and a boundary survey indicating the location, and dimensions of the lot;

b. The shape, size, and location of all existing and proposed buildings or other structures;

c. The location and approximate dimension of driveways, entrances, and all points of access to a public street or road;

d. Locations of areas subject to flooding or limits of floodplain, if applicable;

e. Total land area;

f. The locations of all existing and proposed streets, alleys, utilities, stormwater conveyances, drainage features, sanitary sewers and drainage, utility, or access easements/servitudes, specifically noting connections to town conveyance systems;

g. All existing and proposed impervious areas;

h. Natural or manmade watercourses;

i. All existing and proposed slopes, terraces, bulkheads, or retaining walls;

j. Erosion and sedimentation control plans or SWPPP;

k. Drainage and/or fill calculations as required by permit and/or ordinance;

l. Direction of flow indicators; and

m. Receiving water body for the ultimate discharge of stormwater from the site.

(3) For a subdivision development, a stormwater site plan shall be submitted at the preliminary approval phase and will focus on stormwater management, water quality, and receiving waters.

(e) Construction activity requirements. All operators of construction sites shall use best management practices to control and reduce the discharge, to the town's storm drainage system and to waters of the United States, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, and other construction activities to the maximum extent practicable. Such best management practices may include, but not be limited to, the following measures:

(1) Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized within 14 days of the temporary or permanent cessation of construction activities. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;

(2) Use of structural BMPs to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible;

(3) Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site. A stabilized construction entrance/exit pad shall be utilized to minimize the tracking of mud, clay, sediment, and other construction materials onto roadways and streets.

(4) Prevention of the discharge of building materials, including cement, lime, concrete, paints, and mortar, to the town's storm drainage system or waters of the United States. On-site containment or off-site disposal is required.

(5) Providing general good housekeeping measures, such as covered storage, storm drain protection, secondary containment, etc., to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to assure proper cleaning and disposal of any such spills, in compliance with state, federal, and local requirements; of a larger common plan of development.

(6) Implementation of proper waste disposal and waste management techniques, including covered waste containers and concrete disposal bins and minimizing ground contact with hazardous chemicals and trash to prevent stormwater contamination.

(7) Timely maintenance of vegetation, erosion and sediment control measures and other best management practices in good and effective operating condition; and

(8) Installation of permanent structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed (post-construction). These structural measures should be placed on upland soils to the degree attainable and shall comply with the requirements of Subdivision Ordinance Section 3.8 – Storm Drainage. Such installed structural measures may include, but not be limited to, the following: stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices, infiltration of runoff on site; and sequential systems which combine several practices. Operators of construction sites are only responsible for the installation and maintenance of permanent stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated.

(9) Installation, inspection, and maintenance of erosion and sediment BMPs shall be consistent with the effective operating conditions on the site. Operators are responsible for the installation and maintenance of stormwater BMPs until warranty obligations are met and/or occupancy certificates are issued.

a. As required by LDEQ permits, operators shall be responsible for overseeing self-inspections of all BMPs at construction sites as noted in the LDEQ permit.

b. Based on the results of the inspections, BMPs shall be maintained, revised, repaired, or replaced as necessary but prior to a future storm event.

c. The SWPPP or stormwater site plan shall be updated with any BMP revisions.

d. Any BMP modifications shall be recorded in the SWPPP and/or stormwater site plan within seven calendar days and implemented on site as soon as is practical.

e. The owner, contractor, and/or operator of a construction site is responsible for compliance with the requirements of this subsection (e).

(10) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this section.

(11) The SWPPP, which shall include the stormwater site plan, and stormwater self-inspection and BMP maintenance reports shall be available on the construction site for inspections.

a. In accordance with LDEQ requirements, an NOI and SWPPP is required for large construction projects on five or more acres. This requirement includes any lot or parcel that is part of a larger common plan of development.

b. In accordance with LDEQ requirements, a SWPPP is required (but not an NOI) for all construction projects one acre or greater, but less than five acres, if not part

(12) On phased subdivision developments, site disturbance shall be phased, when applicable, to limit soil erosion and sediment excursion. Final stabilization shall be accomplished prior to commencement of the next phase of development.

(f) Stormwater inspections. Routine stormwater inspections will be performed by town stormwater inspectors in accordance with the applicable permitting processes or as needed. Fees associated with inspections/re-inspections will be in accordance with Sec. 9-14.

(1) The first stormwater inspection for each project shall be scheduled at the commencement of construction with the preliminary drainage inspection. The final stormwater inspection shall be scheduled at the completion of construction with the drainage final inspection.

(2) Re-inspections will be scheduled and performed as required.

(3) Unscheduled stormwater inspections and drainage inspections may be performed by the town at any point during the construction process.

(4) Based on the results of the inspections required by this section, the site description and/or the pollution prevention measures shall be revised as appropriate, but in no case later than one calendar day following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within seven calendar days (per the state stormwater general permit for small construction activities) following the inspection.

(5) Failure to correct inadequacies following a failed drainage and/or stormwater inspection may result in enforcement action.

(g) Post-construction stormwater requirements.

(1) Post-construction permanent stormwater facilities. Permanent stormwater BMPs shall include both structural and non-structural BMPs.

a. Structural BMPS shall include, but are not limited to, retention/detention ponds, stormwater diversion structures, and filtration devices.

(i) Installation of permanent structural measures intended to control stormwater pollutants after the completion of a subdivision developments shall comply with the requirements of Subdivision Ordinance Section 3.8 – Storm Drainage.

(ii) Erosion, sedimentation, and pollutants shall be controlled after completion of the development process in accordance with the BMPs for Coastal Louisiana Zone manuals and/or current LDEQ and EPA guidelines for structural BMPs.

(iii) Structural stormwater controls for residential and commercial development shall continue to meet the performance standards as stipulated in the original design and approved by the town in accordance with this section.

(2) Non-structural BMPs may include, but are not limited to, buffer zones, riparian buffers, and/or green space. Non-structural BMPs such as buffer zones, riparian buffers, and green space areas shall be established in accordance with all applicable state, federal, and local requirements to prevent water quality impacts to waterways and wetlands.

(3) Stormwater BMP maintenance. Routine inspection and maintenance of permanent and/or structural BMPs is necessary to ensure proper functioning condition in accordance with the original design criteria. It shall be the responsibility of the landowner, homeowner's association, or maintenance association, whichever is applicable, to maintain the facility in perpetuity unless the town has agreed to accept the improvements as part of the maintenance system in accordance with Subdivision Ordinance Section 3.101. Inspections by the town may be conducted to ensure maintenance is being performed. Failure to correct inadequacies following a failed inspection may result in enforcement action.

Sec. 9-911. - Authorization to adopt and impose BMPs.

The town may adopt and impose requirements identifying best management practices for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.

Sec. 9-912. - Public participation and involvement.

(a) Owner and/or operator reporting requirements. The operator and/or the owner of any commercial or industrial activity shall report any prohibited discharges, spills, releases, illicit discharges, and unauthorized connections into the MS4, drainage infrastructure, conveyances, or waterways in the town and any other violation of this section for which they are responsible.

(1) A hazardous and/or toxic substance spill or release shall be immediately reported to the fire department and LDEQ;

(2) Other instances where pollutants are discharged into the MS4, drainage infrastructure, conveyances, or waterways of the town by spill, release, illicit connections or other means shall be reported to LDEQ and the town; and

(3) The owner of any commercial or industrial facility with a spill or release of pollutants, hazardous substances, or toxins is responsible for proper notification of the incident to all appropriate local, state, and federal agencies.

(b) Citizen complaint reports. Anyone may report any spills, releases, illicit connections, or other instances of anyone discharging pollutants into the MS4, drainage infrastructure, conveyances or waterways of the town and any other violation of this section to the MS4 administrator or any person designated by the town to receive such citizen reports.

(1) Citizen stormwater complaints may be made verbally or in writing. A written record of each citizen report will be prepared and kept on file for a period of three years. Upon request, the town will inform the reporting citizen of any action taken in response to the citizen's report.

(2) When applicable, the town will report citizen complaints to the appropriate local, state, or federal agencies if a violation is confirmed upon investigation.

Sec.9-13. - Violations and penalties.

(a) Any person found to be violating any provision of sections 9-901 through 9-911 of this Code shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection a of this section shall be guilty of a misdemeanor, and on conviction thereof, shall be fined or imprisoned as provided in Section 1-108 of this Code.

(c) Any person violating any of the provisions of sections 9-901 through 9-911 of this Code shall become liable to the town by reason of such violation.

Sec. 9-14. - Charges and fees.

The town may adopt reasonable fees for reimbursement of costs of constructing, operating, and maintaining the town's MS4, and for reimbursement of costs of implementing its stormwater management program as required by EPA or the state, and the cost of implementing this chapter, which costs may include, but are not limited to, the following:

(a) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;

(b) Fees for spills and release reports and responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants;

(c) Fees for the discharges of stormwater into the town's separate storm sewer system; and

(d) Other fees as the town may deem necessary to carry out the requirements contained in this chapter. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the town.