PLANNING & ZONING COMMISSION AGENDA

December 30, 2021, 6:00pm
Abita Springs Town Hall

- **Welcome / Introduction**
- **Pledge of Allegiance**
- **Roll Call**
- **Acceptance of Minutes from November 18, 2021 Meeting**

PLANNING:

ZONING:

PUBLIC HEARING:

- Proposed revocation of a portion of the St. John Street right-of-way between 9th Street and 10th Street
- Draft Stormwater Management Ordinance

DISCUSSION:

- Request to amend short term rental requirements regarding permit renewals – Town Code Sec. 9-231
- Town Council resolution supporting a moratorium on resubdivisions of 10 or more lots
- Election of Chair and Vice Chair for 2022

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

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The following minutes are of the Planning & Zoning Commission meeting on Thursday, November 18, 2021 in the Abita Springs Town Hall.

Commissioner Gruning called the meeting to order at 6:00 p.m. All Commissioners were present: Chad Hall, Eric Templet, John Pierce, Bryan Gowland, and David Gruning. Kristin Tortorich, Paul Harrison, and Mark Fancey were also present. All stood for the Pledge of Allegiance.

The Commission reviewed the draft minutes from the October 28, 2021 meeting. Commissioner Templet motioned to accept the minutes of the October 28, 2021 meeting. Commissioner Pierce seconded the motion. All commissioners were in favor.

Planning Commission

No agenda items.

Zoning Commission

PUBLIC HEARING:

Proposed rezoning 71000 block of Dundee Street

The Commission opened the public hearing on the proposed rezoning. The subject property is two (2) acres in size and is vacant. The subject property is zoned Historic-Residential District. Jeremy and Jasmine McClain are the property owners. They have requested that the zoning be changed from Historic-Residential to Residential. The property was added to the Historic District when that district was expanded in 2006.

Mark Fancey presented the staff report. He said the Commission was to make a recommendation to the Board of Alderman. He noted the eight (8) factors from Town Code Section 9-225 (b) that the Commission would need to consider when making its recommendation to the Board of Alderman regarding a rezoning request:

Commissioner Gruning asked Ron Blitch to outline the changes to the Historic District over time. Ron Blitch said he did not know why the district was expanded. He said the maps need to be updated. He expressed his opposition to the proposed rezoning. Blitch said that Dundee Street would be a major feeder street when the extension of Harrison Street is constructed. He said map changes need to wait until a new comprehensive zoning map is adopted. He said the request sets a gerrymandering precedent that he opposes and is not desirable.

Jeremy McClain responded that waiting for a new plan to be completed just delays the construction of their house. He said he has offered to site the house so that it is not visible from the street.

Lovelle Blitch said she is a realtor and expressed concern about what would happen to property values if the rezoning is approved. She presented property sales information for the past year. She said the information shows that properties located in historic districts have higher value. She said the rezoning would adversely affect property values and the Commission should oppose the proposed rezoning.

Commissioner Gowland asked about the status of developing a new comprehensive plan. Kristin Tortorich responded that the Town has held a meeting with one consultant.

Commissioner Gruning asked how many homes in the area meet historic standards. Kristin Tortorich reviewed homes sited on nearby properties on Dundee Street and St. Charles Street. The Commission was told that no homes in the surrounding area met the criteria for Historic-Residential zoning. Mr. McClain stated this from the podium during the meeting, and the printed documents in the application for the change in zoning supported this assertion. No evidence was presented in opposition to this assertion.

Discussion ensued regarding right-of-way located south of the Dundee Street and St. Charles Street intersection and the location of the proposed extension of Harrison Avenue.

Jessica Schilling said she bought a home in Abita Springs because of the historic designation. She said she is afraid that approving the request would make it easier for others to do. She questioned if the neighboring property owners who signed the petition in support of the change were fully aware of what they were signing.

Commissioner Gowland motioned to close the public hearing. Commissioner Templet seconded the motion. All commissioners were in favor.

The Commissioner reviewed the eight (8) factors from Section 9-225(b).

(1) Lessening the congestion in public streets;

(2) Securing safety from fire;

(3) Promoting health and general welfare;

(4) Providing adequate light and air;

(5) Avoiding undue concentration of population;

(6) Facilitating adequate transportation, water supply, sewerage, schools, parks, and other public requirements;

(7) Reasonable consideration of the character of the district, and its particular suitability for particular uses; or

(8) Reasonable consideration with a view to conserving the value of the buildings and encouraging the most appropriate use of land throughout the town.

The Commissioner determined that factors one (1) through six (6) were not applicable to the request.

Regarding the reasonable consideration of the character of the district from factor (7), Commissioner Gowland said that the character of the area is not a historic district. He did not understand how this area was added to the Historic District – noting the expansion was not done on his watch. He said when the zoning map is updated this area should be reviewed to determine if it belongs in the Historic District.

Commissioner Pierce said that he is not comfortable making the applicants wait to build a home based on an assumption that the character of the area would change with so many variables involved - including whether the proposed extension of Harrison Street would be constructed. He said looking at how the zoning map is drawn he is sympathetic to the applicants' request. He said he does worry about setting precedent and that other such requests could follow but does not feel it is fair for the applicants to wait while larger issues need to be discussed.

Commissioner Templet said that if the previous expansion of the Historic District had stopped at St. Charles Street this zone change request would not have been necessary. He said the request meets legal requirements to move forward. He said the Commission should move this issue on to the Town Council.

Commissioner Hall said that area was added to the Historic District in 2004 and those who have constructed since that time complied with the historic standards. He said the expansion of the Historic District obviously made sense to someone.

Commissioner Gruning asked if the Commission would like to act this evening or take this under advisement. He noted that a lot of information had been received at the meeting. Commissioner Templet moved to make a recommendation at this meeting. Commissioner Pierce seconded the motion. The motion carried without opposition.

Regarding factor (8) concerning property values, Commissioner Gruning noted that Lovelle Blitch had presented information regarding property values.

Commissioner Gruning asked if there was a motion to recommend that the property be rezoned from Historic-Residential District to Residential District.

Commissioner Gowland moved to recommend that the Board of Aldermen approve rezoning the property as Residential. Commissioner Pierce seconded the motion. Commissioners Gowland, Pierce, and Templet voted in favor. Commissioner Hall voted in opposition.

Discussion:

22014 2nd St. Garage Setback Variance

Kelly Colley presented the proposed variance. The request is to add a carport in the rear yard and connect the carport to the existing residence with an enclosed breezeway. The attached carport would not meet the required rear yard setback.

The Commission reviewed breezeway construction standards from Section 9-502 of the Zoning Ordinance requiring that all sides of breezeways remain open.

Commissioner Gowland asked what hardship would the variance remedy. Ms. Colley said the there is no hardship, but that meeting the requirements of the ordinance creates practical difficulties regarding roof overhang when it rains.

Paul Harrison said it is up to the Commission to decide if the carport is a detached structure. Commissioner Gowland stated that by enclosing the breezeway the new structure would be considered as part of main building and the 5-foot rear yard setback for detached accessory buildings would not be applicable.

Ms. Colley noted that the property is zoned C-2 Highway Commercial District and that the setback requirements in that zone may be mitigated by the designation of other green spaces subject to approval of the Planning Commission. She asked if the line of mature trees on the property might meet this standard.

Commissioner Gowland said that if the garage is attached to the existing residence, it would be considered part of the main building and the proposal violates the setback requirement. Paul Harrison said that enclosed breezeway does not meet the standards for breezeways and as an attached structure would not meet the setback requirements.

The Commission closed the Discussion.

Public Comment

No comments received.

Kristin Tortorich presented the schedule of 2022 Commission meetings. She asked to shift the date of the January meeting to January 26 at 6 p.m. The Commission had no objections to the proposed change.

Commissioner Templet moved to adjourn the meeting. Commissioner Gowland seconded the motion. The motion carried. The meeting adjourned at 7:40 p.m.

_____ _____

Kristin M. Tortorich, Planning Director Date

ADVERTISE AS PUBLIC HEARING

P&Z Public Hearing
December 30, 2021, 6:00PM
Abita Springs Town Hall

Notice is hereby given that a public hearing will be held by the Town of Abita Springs Planning and Zoning Commission at 6:00 pm on Thursday, December 30, 2021, at Town Hall, 22161 Level St., Abita Springs for the purpose of receiving public comments regarding the following:

- Revocation of an approximately 10,460 square foot portion of the St. John Street right-of-way between 9th Street and 10th Street. A map of the area proposed for revocation is available at the Town of Abita Springs website.

- A proposed Stormwater Management Ordinance.

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

ABITA SPRINGS

Planning and Zoning Department
PUBLIC HEARING REQUEST

Name: Roger and Susan Kelley **Phone Number:** [redacted]

Mailing Address: 441 Longleaf Road Shreveport, LA 71106

Property Address: 71396 Nightwalk Lane, Abita Springs, LA 70420

Property Description: unopened St. John Road adjacent to our property

Signature: Roger E Kelley, Susan E Kelley

Describe the request, if necessary, include any maps or plot plans: Please include a written description of the businesses to be located on the property. Also including a site plan for the property showing any existing or proposed buildings, driveway access, and the size and location of parking and storage areas.

We would like to purchase this piece of unopened road which separates our house at 71396 Nightwalk Lane in Abita Springs from our adjacent property which is undeveloped wetlands a total of two acres. This would allow us to expand our present limited backyard in order to accommodate a therapeutic pool and exercise area. We are both hindered by health issues that would benefit from such access.

Scheduled Planning & Zoning Meeting Date & Time: December 30, 2021 at 6PM

Location: *Town of Abita Springs Town Hall*

Office Use Only

Notes from Planning & Zoning:

Decision: ☐ APPROVED ☐ REJECTED

Motion: _____ **Second:** _____

Vote: _____ **Signature:** _____

Planning & Zoning Chairman

Vote: _____

Abita Springs

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October 25, 2021

1 inch = 207

December 23, 2021

To: Planning and Zoning Commission

From: Kristin Tortorich, and Mark Fancey

Subject: Proposed right-of-way revocation St. John Street between 9th Street and 10th Street

The Town of Abita Springs has received a request to revoke a portion of the St. John Street right-of-way between 9th Street and 10th Street. The applicants requesting the revocation live at 71396 Nightwalk Lane – Assessor ID # 1151289594 as shown on the map below. The applicants recently purchased the adjacent 2.06-acre block east of their home – Assessor ID#1150309575. The applicants want to revoke the right-of-way between the two properties.

The area proposed for revocation is approximately 10,500 square feet in size and is shown as the shaded area in both maps below. Louisiana Revised Statutes RS 48:71 (attached) specifies that if a revocation is approved the area to the centerline of the right-of-way reverts to the adjacent owner.

Town Code sections 9-127 through 9-131outline the revocation process. The Planning and Zoning Commission must consider the criteria described in Section 9-128 and make a recommendation to the Board of Alderman regarding the proposed revocation as described in Section 9-129.

Sec. 9-127. - Action of planning commission required; revocation, exchange, public sale or private sale of public street rights-of-way.

Prior to any action taken by Abita Springs Board of Aldermen with regard to the revocation, exchange, public sale, or private sale of any public street right-of-way, to any individual, such must be approved by the Planning Commission of the Town of Abita Springs.

Such approval must be done at a meeting of the planning commission after being advertised in the same manner as required for the application for a variance.

Sec. 9-128. - Criteria for the determination of revocations, exchange public sale or private sale of public street right-of-way.

In order to approve the revocation, exchange, public sale or private sale of public street rights-of-way the planning commissions must determine that the right-of-way is no longer necessary for public use and will not be necessary for the public use in the foreseeable future.

Additionally it must be determined that the denial by the town for the revocation, public sale, private sale or exchange of the street right-of-way will cause the adjacent property owner unusual and practical difficulties of particular hardship, but only when the zoning commission is satisfied that the granting of such action will not merely serve as a convenience to the adjacent property owner, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant the disposal of public property and at the same time the surrounding property will be protected. Additionally, the action taken in the revocation, public sale, private sale or exchange of property must resolve and settle all claims which the adjacent property owner may have against the Town of Abita Springs.

Sec. 9-129. - Action by the planning commission.

After a public hearing held on the matter the planning commission within 60 days of application for revocation, public sale, private sale or exchange shall recommend to the board of aldermen the following:

(1) Accept the application as presented.
(2) Accept the application with the recommendation for either a revocation, public sale, private sale, or exchange of the street right-of-way.
(3) A recommendation of partial disposition of the street right-of-way by any method provided for herein.
(4) Recommended the disposition of the street right-of-way, in whole or in part, by any method provided for with the retention of servitudes, which servitudes shall be defined.
(5) Deny the application for the disposition and recommend no action to be taken by the Board of Aldermen of the Town of Abita Springs.

Sec. 9-130. - Referral of recommendation to the board of aldermen.

Within ten days of action taken by the planning commission, the Secretary of the Abita Springs Planning Commission shall forward to the Clerk of the Board of Aldermen for the Town of Abita Springs the recommendation of the planning commission on the application for the revocation, public sale, or exchange of public street right-of-way. At the next regularly scheduled monthly meeting of the board of aldermen, an ordinance shall be introduced by the Board of Aldermen for the Town of Abita Springs that shall conform to the recommendation of the planning commission. Should the planning commission recommend denial, no ordinance need be introduced.

Such ordinance introduced shall be considered at the subsequently regularly scheduled meeting of the Board of Aldermen of the Town of Abita Springs.

Sec. 9-131. - Notification to adjacent property owners.

All property owners which are adjacent to that portion of a public street right-of-way, which right-of-way or any rights thereto has been recommended for disposal by the planning commission to the Board of Aldermen of the Town of Abita Springs, shall be notified by registered mail. Such registered mail shall be sent no sooner than 30 days not later than 15 days of the meeting of the board of aldermen, which will consider such disposition. This notification shall be sent to the record owner of the property which is adjacent to that portion of the street right-of-way sought to be disposed. Certification by the Clerk of the Board of Aldermen for the Town of Abita Springs of such mailing shall be sufficient for the proof thereof.

(Ord. No. 244, 3-19-02)

2020 Louisiana Laws
Revised Statutes
Title 48 - Roads, Bridges and Ferries
§701. Revocation of dedication; reversion of property
Universal Citation: LA Rev Stat § 48:701 (2020)

RS 701 - Revocation of dedication; reversion of property

The parish governing authorities and municipal corporations of the state, except the parish of Orleans, may revoke and set aside the dedication of all roads, streets, and alleyways laid out and dedicated to public use within the respective limits, when the roads, streets, and alleyways have been abandoned or are no longer needed for public purposes.

Upon such revocation, all of the soil covered by and embraced in the roads, streets, or alleyways up to the center line thereof, shall revert to the then present owner or owners of the land contiguous thereto.

Nothing in this Section shall be construed as repealing any of the provisions of special statutes or charters of incorporated municipalities granting the right to close or alter roads or streets.

December 28, 2021

To: Planning and Zoning Commission

From: Kristin Tortorich, and Mark Fancey

Subject: Town Council Resolution Regarding a Moratorium on Proposed Resubdivisions of Land into More than 10 lots

On December 21, 2021, the Town Council adopted the attached resolution supporting a moratorium on the resubdivision of land into more than 10 lots. The request is based on the need for the Town to develop an updated Comprehensive Plan and to address existing issues with sewer system capacity. The Council has requested that the Planning Commission, as the body that approves subdivisions, establish the moratorium on resubdivisions of more than 10 lots for a period of 24 months.

At the December 21, 2021, meeting, the Town Council also approved a 24-month long moratorium on the classification of any land as a Planned Unit Development (PUD) – see attached Instrument 2021-009. The Council is the approval body for any proposed PUDs. The Council's determination was based, in part, on the need to expand sewer capacity prior to the development of any large parcels. Attached is a letter from Bill Travis, the Town's sewer system operator, outlining the capacity issues at the treatment plant.

The Planning Commission resolution regarding a moratorium on resubdivisions of more than 10 lots will be presented at a public hearing at the Commission's meeting on Wednesday, January 26, 2022.

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS SUPPORTING ESTABLISHMENT OF A MORATORIUM ON THE RESUBDIVISION OF LAND CONSISTING OF MORE THAN TEN LOTS IN THE CORPORATE LIMITS OF THE TOWN OF ABITA SPRINGS, AND FURTHER TO REQUEST THAT THE PLANNING COMMISSION MOVE TO ACT AND EXECUTE THE ESTABLISHMENT OF AFORESAID MORATORIUM AND TO PROVIDE FOR RELATED MATTERS.

WHEREAS the Town of Abita Springs is in the process of re-evaluating its Comprehensive Land Use Plan and has dedicated funding in its 2022 budget of revenue and expenditures for that purpose; and

WHEREAS the Town has commissioned reports from the town engineer and town's wastewater treatment and water system operator to evaluate system capacity; and,

WHEREAS the conclusion of these reports indicate that the wastewater treatment plant is performing marginally at the current flow and that the additional flows from new development would most likely place the Town into significant non-compliance; and,

WHEREAS the capacity of sewer and water services to new customers must be further explored prior to the approval of any large subdivisions; and,

WHEREAS the Mayor and the Board of Aldermen desire to cooperate with the Planning Commission to establish a moratorium on the resubdivision of large tracts of land until completion of the re-examination efforts of the Town of both the Comprehensive Plan, existing Subdivision Regulations, and infrastructure capacity.

THEREFORE, LET IT BE RESOLVED that the Mayor and the Board of Aldermen hereby jointly act in cooperation with the Town Planning Commission to establish a moratorium for a period of twenty-four months on the resubdivision of land consisting of more than ten lots in the Town of Abita Springs.

BE IT FURTHER RESOLVED that this resolution shall be posted on the Town website and remain so until the moratorium's expiration.

The resolution having been introduced and adopted on this 21st day of December 2021, on motion of Alderman Member Contois, seconded by Alderman Member Randolph, the vote was as follows:

AYES: 3, Aldermen Contois, Murphy, and Randolph
NAYS: 0
ABSTAIN: 0
ABSENT: 2, Aldermen Patterson and Saussy

ATTEST:

Janet Dufrene, Town Clerk

Honorable Daniel J. Curtis, Mayor

INSTRUMENT 2021-009

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS TO ESTABLISH A MORATORIUM ON THE ZONING OF ANY LANDS AS PLANNED UNIT DEVELOPMENT; TO ESTABLISH A TIME PERIOD FOR SUCH MORATORIUM AND TO PROVIDE FOR RELATED MATTERS.

WHEREAS the Town of Abita Springs has availed itself of the provisions of R.S. 9:4722 which allow municipalities to create zoning districts; and,

WHEREAS pursuant to that authority, the Town of Abita Springs has created the zoning classification of a Planned Unit Development (PUD); and,

WHEREAS the Town of Abita Springs is in the process of re-evaluating its Comprehensive Land Use Plan and has dedicated funding in its 2022 Budget of Revenue and Expenditures for that purpose; and

WHEREAS the Town has commissioned reports from the Town Engineer and Town's Wastewater Treatment and Water System Operator to evaluate system capacity; and,

WHEREAS the conclusion of these reports indicate that the wastewater treatment plant is performing marginally at the current flow and that the additional flows from new development would most likely place the Town into significant non-compliance; and,

WHEREAS the Mayor and the Board of Aldermen desire that no large tracts of land be reclassified as a PUD until completion of the re-examination efforts of the Town of both the Comprehensive Plan, the existing PUD ordinance, and infrastructure capacity; and,

WHEREAS it is therefore necessary, to affect a temporary moratorium on the classification of additional lands in the corporate limits of Abita Springs as a Planned Unit Development.

THEREFORE, BE IT ORDAINED by the Town of Abita Springs that there is hereby established a moratorium in the reclassification of any land situated in the municipal corporate limits of the Town of Abita Springs as a Planned Unit Development Zoning District.

BE IT FURTHER ORDAINED that this moratorium shall remain in effect and no lands shall be reclassified as a PUD Zoning for twenty-four months from the effective date of this ordinance..

BE IT FURTHER ORDAINED that this ordinance shall be posted on the Town website and remain so until the moratorium's expiration.

Introduced by Alderman Randolph, seconded by Alderman Contois on the 21st day of December 2021. Adopted on motion of Alderman _____ and seconded by Alderman _____ on the _____ day of _____ 2022.

This ordinance becomes effective upon signature of the Mayor.

Vote was:
YEAS:
NAYS:
ABSENT:
ABSTAIN:

ATTEST

_____ _____
Janet Dufrene, Town Clerk Honorable Daniel J. Curtis, Mayor

(985) 892-0711 • P.O. Box 461 • Abita Springs, LA 70420 • townofabitasprings.com

Thornton, Musso, & Bellemin, Inc.
WATER TREATMENT CONSULTANTS

(225) 654-4955
FAX: (225) 654-9533

Post Office Box 181
Zachary, LA 70791

December 21, 2021

To: Town of Abita Springs
Mayor Dan Curtis
From: Bill Travis

Re: Capacity of current wastewater treatment plant

Mayor Curtis,

As the project to upgrade to the wastewater collection system nears completion, I thought a review on its impact on the treatment plant would be in order. Improving the integrity of the collection system should give a more accurate picture of the flow through the plant and where current flow stands in relation to plant capacity.

October and November were months that were relatively free of major rain events. The flows for these two months should be indicative of current loading. Considering 1150 sewer connections to the system, the numbers are as follows.

Month	Total Flow	Average Daily Flow	Daily Average per connection
October 2021	5,838,548 gallons	188,340 gallons	164 gallons
November 2021	5.475,613 gallons	182,520 gallons	159 gallons

For the purposes of determining the impact of new projects on treatment systems, Louisiana Department of Health Engineering uses a projected flow of 400 gallons per day per service connection. This number is specified in the Louisiana Administrative Code.

As part of a recent report, April 2021, Principal Engineering calculated the capacity of the existing wastewater plant. On page 10 of this report, the capacity of each segment of the plant was considered and the capacity of each of these segments calculated. These calculations are listed below from their report.

Process Unit	Theoretical Capacity (gpd)
Aeration	330,000
Clarification	228,000
Disinfection	350,000
Solids Digestion	245,000
Solids Dewatering	250,000

The overall capacity of the plant is limited by the lowest capacity of an individual process unit. In this case, it is the clarification. This is the process by which the total suspended solids (TSS)are removed from the stream. TSS is one of the parameters that have clearly defined limits in the discharge permit. Failure to meet these limits result in a discharge violation.

Based on these numbers, the flow to the plant can be increased by roughly 40,000 gallons a day. It should be noted that as capacity is approached the buffer between compliance and non- compliance decreases.

If any new projects are considered, the Louisiana Department of Health will have to review plans and permit new capacity. Based on their guidelines, no more than 100 new connections would be approved.

Covid and current supply chain challenges have changed everything. I think that new capacity coming on- line will currently take no less than three years from planning to completion of construction. The current plant is in dire need of repair.

I hope this helps. If you need any more information, please feel free to contact me.

Bill Travis
Operator 11300

Sec. 9-231. - Short term rentals.

(1) *Applicability.* No person shall use or maintain, nor shall any person advertise the use of any residential dwelling unit on any parcel in this town for short-term rental without a short-term rental permit. Short-term rentals may only be allowed in the following districts:

a. Residential district, as described in section 9-215 of the Abita Springs Code of Ordinances;

b. Historic district, as described in section 9-222 of the Abita Springs Code of Ordinances.

c. Commercial districts as defined in section 9-218, 9-218.1, and 9-218.2.

(2) *Regulations.*

a. The short-term rental permit shall be in the name of the owner, who shall be an owner of the real property upon which the short-term rental use is to be permitted.

1. For permits issued in residential districts, the Owner shall provide a real property document, translative of title, recorded in the St. Tammany Parish Clerk of Court's Office and proof of homestead exemption.

2. For permits issued in all remaining eligible districts, the Owner shall provide verification of ownership evidenced by a real property document, translative of title, recorded in the St. Tammany Parish Clerk of Court's Office.

b. The owner shall keep on file with the town the name, telephone number, cell phone number, and e-mail address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information shall be posted in a conspicuous location within the short-term rental dwelling. The local contact person shall be available 24 hours a day to accept telephone calls and respond physically to the short-term rental within 60 minutes when the short-term rental is rented and occupied.

c. One person may hold no more than one short-term rental permit. The permit shall not be transferable.

d. Short-term rentals shall not be operated outdoors or in a recreational vehicle.

e. Short-term rentals use shall be limited to residential dwelling units existing and constructed as of the date of application for the short-term rental permit.

f. Short-term rental dwellings shall meet all applicable building, health, fire, and related safety codes at all times and shall be inspected by the fire department before any short-term rental activity can occur. Each bedroom shall contain a smoke detector and a carbon monoxide detector.

g. A minimum of one on-site parking space shall be provided for use per bedroom used by the short-term rental occupants. Vehicles shall be parked in the designated area onsite and shall not be parked on the street.

h. The short-term rental shall appear outwardly to be a residential dwelling. No exterior signage or other exterior evidence that the property is used for short-term rental shall be permitted except for a sign not more than four square feet showing the name of the house.

i. Use of the short-term rentals for commercial functions, ceremonies, and/or other special events shall be prohibited.

j. The owner shall ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct or violate provisions of this Code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.

k. The owner, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this Code or state law pertaining to noise, disorderly conduct, the excessive

consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the town up to and including revocation of the short-term rental permit.

l. The owner shall maintain an occupational license and pay all occupancy taxes required by law, including but not limited to state sales tax and hotel/motel occupancy tax.

m. No food service shall be provided by the owner or anyone on his behalf.

(3) *Permits.* Prospective owner-applicants of a short-term rental use shall apply for an annual permit with the planning director in accordance with the provisions of this section and on a form provided by the town. The application must be approved by the zoning commission. A short-term rental permit is a privilege, not a right, and may be revoked or not renewed based on non-compliance with the requirements provided herein.

a. The application shall be accompanied by the short-term rental permit fee as set forth herein to cover the administrative costs of issuing a short-term rental permit and, but not limited to, inspecting the following information:

1. The name, address, and phone number of the applicant, and verification that the applicant is the owner of the property, including proof of homestead exemption for all properties located in eligible residential districts;

2. The assessor's parcel number of the lot on which the short-term rental use is proposed;

3. A site and floor plan identifying the location of parking on the site and the location of any bedrooms to be used for short-term rental use;

4. Evidence that the property has current, valid liability insurance of $500,000.00 or more with proof that such coverage includes use as a short-term rental property; and

5. Acknowledgment of compliance with all regulations pertaining to the operation of a short-term rental.

b. The permit term for all short-term rental permits shall run from January 15 to January 14 of each year, regardless of when issued. All permits must be renewed annually.

c. There shall be no more than ten short-term rental permits issued by the town annually.

d. The annual permit fee for a short-term rental permit shall be $250.00.

e. Any fraud, material misrepresentations, or false statements contained in the attestations, required documentation, or correlating application materials shall be grounds for immediate revocation of a short-term rental permit. Furthermore, all requirements herein shall be continuously maintained throughout the duration of the permit.

(4) *Violations.* Any violation of this section and the correlating provisions in this chapter may subject a violator to any remedy, legal or equitable, available to the town. Violations include but are not limited to advertisement or rental of a short-term rental without proper permitting, operation outside the scope of any of the applicable short-term rental regulations provided by law and advertising a short-term rental outside the permitted scope of a short-term rental permit. The planning director may suspend, revoke or not renew any permit issued pursuant to this section if the planning director determines that the permit holder has violated any provision of this section, two or more times. Remedies include but are not limited to revocation of a short-term rental permit, daily fines, and property liens, as more fully provided in section 1-108 of this chapter. Each day of violation shall be considered a separate offense. Nothing contained herein shall be construed to limit the legal remedies available to any other person for the correction of violations of this section.

(Ord. No. 504 , 9-17-2019)

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 of 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	LPDES	LA Pollutant Discharge Elimination System
CFR	Code of Federal Regulations	MS4	Municipal Separate Storm Sewer System
CWA	Clean Water Act	NOI	Notice of Intent
EPA	United States Environmental Protection Agency	NPDES	National Pollutant Discharge Elimination System
LAC	LA Administrative Code	SWPPP	Stormwater Pollution Prevention Plan
LDEQ	LA Department of Environmental Quality		

(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.

Debris: *Material resulting from tree cutting activity including felled tree trunks and uprooted stumps.*

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.

Garbage means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

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.

Litter means garbage, refuse, and rubbish, as defined herein, and all other waste materials which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

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.

Refuse means all putrescible and non-putrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned motor vehicles and solid market and industrial wastes.

Rubbish means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, plastic, and similar materials.

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:I X.2313.)

Stormwater agreement means the agreement utilized by the Town and signed by the contractor, developer, landowner, 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 or water line disinfection provided that the discharge, by superchlorination or other means, 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 harmful levels of used in violation of the relevant label;

(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 used in violation of its label;

(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 town:

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

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

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

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

(5) Any litter or debris, as defined herein, not resulting from a storm event.

(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 town;

(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 in violation of a permit allowing said construction activities;

(16) Any direct discharge of pesticide, herbicide, and/or fertilizer contrary to relevant state or federal regulations;

(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.9-913. - 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. 9-914. - 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.