

CHAPTER 26**STORMWATER QUALITY MANAGEMENT & DISCHARGE
CONTROL****Sub-Chapter A****In General****Part I. RESPONSIBILITY****Section 26:101. Responsibility For Administration**

The Lafourche Parish Government shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Section 26:102. Responsibility of Discharger

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. This ordinance shall not create liability on the part of the Lafourche Parish Government, or any agent or employee thereof for any damages that result from any discharger's reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 26:103. Applicability**Section 26:103.1. Illicit Discharges**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency. Refer to Section 2.0 Illicit discharge.

Section 26:103.2. Construction Activity Discharges

This ordinance shall apply to all land disturbing activities on land within the boundaries and jurisdiction of Lafourche Parish.

Lafourche Parish Government will follow the State programs implementing storm water requirements for construction activities (LPDES General Permit LAR100000) and small construction activities (LPDES General Permit LAR200000). Copies of the "Water Discharge General Permits" and "Notice of Intent Forms" are available online at www.deq.louisiana.gov.

LPDES General Permit LAR100000 authorizes discharges of storm water from construction activities that disturb 5 acres or more or total land area as defined in LAC 33:IX.2511.B.14.j and those construction site discharges designated by the State Administrative Authority (LDEQ) as needing a storm water permit under LAC 33:IX.2511.A.1.e, except for discharges identified under Permit LAR100000 Part I.A.3. Permit coverage is required from the "commencement of construction activities" until "final stabilization" as defined in Permit LAR100000 Part IX.

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LPDES General Permit LAR200000 authorizes discharges of storm water from construction activities as defined in LAC 33:IX.2511.B.15 (ground disturbance equal to or greater than 1 acre and less than 5 acres, including smaller areas that are part of a larger common plan of development that cumulatively disturb at least 1 acre) and those construction site discharges designated by the State Administrative Authority (LDEQ) as needing a storm water permit under LAC 33:IX.2511.A.1.e and A.9.a, except for discharges identified under Permit LAR200000 Parts I.A.3 and 4. “Agricultural Land Disturbing Activities” as defined in Section 4.2 are exempt from the requirements of this ordinance.

Refer to Section 3.0, Erosion and Sediment Control

SECTIONS 26:104-26:105. RESERVED

Part II. ILLICIT DISCHARGE

Section 26:106. Purpose/Intent

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Lafourche Parish through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) / Louisiana Pollutant Discharge Elimination System (LPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system; and
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

Section 26:107. Definitions

For the purposes of this ordinance, the following words and phrases shall mean:

Authorized Enforcement Agency. The Department of Planning and Zoning, in conjunction with the Departments of Public Works, Permits, and Coastal Energy and Environment are designated to enforce this ordinance.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES or LPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 or more acres of total land area. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

EPA. The Environmental Protection Agency.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted herein (Section 2.4.2 of this ordinance).

Illicit Connections. An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances which allow any non-stormwater discharge, including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

LAC. The Louisiana Administrative Code.

LDEQ. The Louisiana Department of Environmental Quality.

Louisiana Pollutant Discharge Elimination System (LPDES) Surface Water Discharge Permit. Surface water discharge permits in Louisiana are administered under the Louisiana Pollutant Discharge Elimination System (LPDES) program. LDEQ became a state delegated to administer the NPDES Program in August of 1996.

Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, parish streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Lafourche Parish Government and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

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Person. Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to:

- paints, varnishes, and solvents;
- oil and other automotive fluids;
- non-hazardous liquid and solid wastes and yard wastes;
- refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations that may cause or contribute to pollution;
- floatables;
- pesticides, herbicides, and fertilizers;
- hazardous substances and wastes;
- sewage, fecal coliform and pathogens;
- dissolved and particulate metals;
- animal wastes;
- wastes and residues that result from constructing a building or structure; and
- noxious or offensive matter of any kind.

PPM. Parts per Million

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Privately and publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan (SWPPP). A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

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

Waters of the State. Both the surface and underground waters within the state of Louisiana including all rivers, streams, lakes, estuaries, ground waters and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico.

Waters of the United States.

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate "wetlands".
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters.

- a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce.
4. All impoundments of waters otherwise defined as waters of the United States under this definition.
 5. Tributaries of waters identified in paragraphs 1 through 4 of this definition.
 6. The territorial sea.
 7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1 through 6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, are not waters of the United States.

Section 26:108. Applicability

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Section 26:109. Discharge Prohibitions And Exemptions

Section 26:109.1. Prohibitions

(1) No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(2) The construction, use, maintenance or continued existence of illicit connections or nonexempt sources of non-stormwater discharges to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection, and any discharge from a source not listed in the ordinance as “allowable” and therefore exempt from discharge prohibitions.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying untreated sewage to the MS4, or allows such a connection to continue beyond the date of enactment of this ordinance. In addition, the Louisiana DHH, Office of Public Health, must approve the plans and specifications for sanitary treatment plants.

Section 26:109.2. Exemptions

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except as described as follows:

1) The following discharges are exempt from discharge prohibitions established by this ordinance, provided that they are not substantial sources of pollutants to the MS4:

- water line (fire hydrant) flushings using potable water;
- lawn watering runoff, landscape irrigation, and irrigation drainage provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer’s instructions;
- diverted stream flows;
- rising ground waters;
- uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));

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- uncontaminated pumped ground water;
 - incidental discharges of potable water (e.g. drinking fountain overflows);
 - uncontaminated air conditioning or compressor condensate;
 - uncontaminated spring water;
 - water from crawl space pumps;
 - foundation or footing drains where flows are not contaminated with process materials such as solvents; uncontaminated pumped ground water;
 - incidental discharges of potable water (e.g. drinking fountain overflows);
 - uncontaminated air conditioning or compressor condensate;
 - uncontaminated spring water;
 - water from crawl space pumps;
 - foundation or footing drains where flows are not contaminated with process materials such as solvents;
 - water from individual residential car washing;
 - flows from riparian habitats and wetlands;
 - dechlorinated (typically less than one (1) PPM chlorine) swimming pool discharges (drainage from swimming pool filter backwash is prohibited);
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- residual street wash water and pavement wash water where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been properly removed);
 - routine external building wash down which does not use detergents;

(2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(4) Discharges authorized by, and in full compliance with, an NPDES or LPDES permit (other than the MS4 discharge permit).

Section 26:110. NPDES or LPDES Authorized Discharges

Any person subject to an activity NPDES or LPDES discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit shall be required in a form acceptable to the Lafourche Parish Government prior to the allowing of discharges to the MS4. The operator of a facility, including construction sites, required to have an NPDES or LPDES permit to discharge wastewater and/or stormwater associated with industrial/construction activity shall submit a copy of the Notice of Intent (NOI) to the Lafourche Parish Government at the same time the operator submits the original Notice of Intent to the EPA or LDEQ as applicable.

The copy of the Notice of Intent may be delivered to the Lafourche Parish Government either in person or by mailing it to:

Lafourche Parish Government
Permits Department
P.O. Box 1661
Raceland, LA 70394

A person commits an offense if the person operates a facility that is discharging wastewater and/or stormwater associated with industrial/construction activity without having submitted a copy of the Notice of Intent to do so to the Lafourche Parish Government.

Section 26:111. Un-Authorized Discharges

A person who is the operator of a facility, including a construction site, commits an offense if the person discharges, or causes to be discharged, pollutants into waters of the State without first having obtained a NPDES or LPDES permit (authorization) to do so.

The LDEQ website (<http://www.deq.louisiana.gov>) “LPDES Permit Application Forms” page contains all LPDES permit applications, general permit notices of intent along with the no exposure certification from LPDES stormwater permitting.

Section 26:112. Suspension / Termination of MS4 Access

Section 112.1 Emergency Cease and Desist Orders

When the authorized enforcement agency finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person’s past violations are likely to recur, and that the person’s violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the authorized enforcement agency may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

(1) Immediately comply with all ordinance requirements; and

(2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge. Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger’s failure to immediately comply voluntarily with the emergency order, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including notifying LDEQ Office of Environmental Compliance, Enforcement Division. The authorized enforcement agency may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the authorized enforcement agency that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the authorized enforcement agency within 15 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

Section 112.2. Suspension Due to Illicit Discharges in Emergency Situations

The Lafourche Parish Government may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Section 112.3. Termination Due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would, in the judgment of the authorized enforcement agency, abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing. A person commits a violation of this ordinance if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

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Section 26:113. Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES or LPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Lafourche Parish Government prior to the allowing of discharges to the MS4.

Section 26:114. Industrial or Construction Activity “Unpermitted” Discharges

A person who is the operator of a facility, including a construction site, commits an offense if the person discharges, or causes to be discharged, stormwater associated with industrial or construction activity without first having obtained a NPDES or LPDES permit to do so.

Section 26:115. Inspection and Monitoring of Discharges

Section 115.1. Applicability

This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

Section 115.2. Access to Facilities

(1) The Lafourche Parish Government shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the Lafourche Parish Government ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES or LPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The Lafourche Parish Government shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The Lafourche Parish Government has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Lafourche Parish Government and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the Lafourche Parish Government access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES or LPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

Section 115.3. Search Warrants/Injunctions

If the Lafourche Parish Government has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant or injunction from any court of competent jurisdiction.

Section 26:116. Requirement To Prevent, Control, and Reduce Stormwater Pollutants**Section 116.1. Required Use of Best Management Practices**

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and/or non-structural BMPs.

Section 116.2. New Development and Redevelopment

The Lafourche Parish Government may adopt requirements identifying appropriate best management practices to control the volume, rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The Lafourche Parish Government shall incorporate such requirements in any land use entitlement and construction or building related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in the Ordinance.

Section 116.3. Responsibility to Implement Best Management Practices

Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES or LPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a written Stormwater Pollution Prevention Plan (SWPPP) and implemented as required for compliance with requirements of the NPDES or LPDES permit.

Section 26:117. Requirements Applicable to Potential Dischargers**Section 117.1 Watercourse Protection**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

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Section 117.2. Cleaning of Paved Surfaces

The owner of any paved parking lot, street or drive shall clean the pavement as necessary to prevent the buildup and discharge or pollutants. The visible buildup on a paved surface of mechanical fluid, waste materials, sediment or debris is a violation of this ordinance. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this ordinance.

Section 117.3. Maintenance of Vehicles and/or Equipment

Vehicles and/or equipment must be maintained to reduce leaking fluids. Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants.

Section 26:118. Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than 24 hours. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Lafourche Parish Government within 5 calendar days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 26:119. Enforcement and Penalties

Section 119.1. Notice of Violation

Whenever the Lafourche Parish Government finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

Section 119.2. Deadline for Remediation / Restoration

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Section 119.3. Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 10 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Section 119.4. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 10 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Section 119.5. Cost of Abatement of the Violation

If the authorized enforcement agency abates a violation, then within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within thirty (30) days or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the parish by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of legal rate of interest shall be assessed on the balance beginning on the 1st day following discovery of the violation.

Section 119.6. Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 119.7. Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 119.8. Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Section 119.9. Criminal Prosecution

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$500.00 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days. The authorized enforcement agency may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Section 119.10. Remedies Not Exclusive

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

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Part III. EROSION AND SEDIMENT CONTROL

Section 26:131. Purpose/Intent

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of waterways. As a result, it is the intent of this ordinance to control soil erosion and sedimentation caused by land disturbing activities in Lafourche Parish.

Section 26:132. Definitions

Agricultural land disturbing activities means the disturbance of land for the production of animal or plant life, including forestry, pasturing of livestock, and planting, growing, cultivating, and harvesting crops for human or livestock consumption. This does not include the construction of farm facilities such as dwellings, barns, sheds, or other structures.

Land disturbing activity means any man-made change of the land surface, including removing cover, excavating, filling, transporting, and grading.

Site. A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Runoff means the portion of precipitation from such sources as rainfall, snowmelt, or irrigation water that flows over the ground surface.

Erosion means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

Erosion control measure means a practice or a combination of practices to control erosion and resulting sedimentation.

Sediment is solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from site of origin.

Section 26:133. Applicability

This ordinance shall apply to all land disturbing activities on land within the boundaries and jurisdiction of Lafourche Parish. "Agricultural Land Disturbing Activities" as defined in Section 3.2 are exempt from the requirements of this ordinance.

Section 26:134. General Principals

The following principals apply to all land disturbing activities within Lafourche Parish:

- (1) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to watercourses should also be left undisturbed wherever possible.
- (2) All activities on a site should be conducted in a reasonable sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
- (3) Provision should be made to accommodate the increased runoff caused by changed soil and surface conditions (impervious areas) during and after development.
- (4) Minimize the length and/or steepness of slopes to reduce erosion potential.

Section 26:135. Design Requirements

The following requirements shall be met on all sites:

- (1) Appropriate erosion control measures shall be installed prior to any land disturbing activity and thereafter whenever necessary. Information on Construction Site Stormwater Runoff Control BMPs is available on EPA's website at www.epa.gov/npdes/stormwater

- (2) Sediment –laden water flowing from the site shall be detained by erosion control measures appropriate to minimize sedimentation.
- (3) Water shall not be discharged from the site in a manner that causes erosion at or downstream of the point of discharge.
- (4) All access to disturbed sites that cross natural watercourses, ditch, drainage easement, or swale/channel shall have a culvert of appropriate size or low water crossing which does not impede the flow of water.
- (5) Wastes or unused building materials, including but not limited to garbage, debris, cleaning wastes, wastewater, toxic materials, and hazardous substances shall not be carried by runoff from a site. All wastes shall be disposed of in a proper manner.
- (6) KEEP ALL STREETS CLEAN. Precautions, such as a stone construction entrance, must be installed and maintained. If mud is tracked onto a street, do not wash the mud into storm drains unless the storm drain is diverted to an approved sediment-trapping device.
- (7) All storm drain inlets shall be protected against sedimentation.
- (8) Runoff passing through a site from adjacent areas should be controlled by diverting it around disturbed areas within the site where practical. Diverted runoff shall be conveyed in a manner what will not erode the channel and receiving areas. Alternatively, the existing channel may be left undisturbed or improved to prevent erosion or sedimentation from occurring.
- (9) During the entire period of land disturbing activity at a site, the owner or the site shall maintain erosion control measures necessary to meet the requirements of the ordinance until the entire site is stabilized.

SECTIONS 26:136-26:139 RESERVED

Section 26:140. Maintenance

All soil erosion and stormwater runoff control measures shall be maintained in accordance with permit conditions.

Section 26:141. Inspection

Authorized representatives of Lafourche Parish Government may enter the site for verifying compliance with this ordinance (see Section 2.10.).

SECTIONS 26:142-26:145 RESERVED

Section 26:146. Enforcement and Penalties

Section 146.1. Notice of Violation

When the Lafourche Parish Government determines that an activity is not being carried out in accordance with the requirements of this Ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- (1) The name and address of the owner or applicant;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the development activity into compliance with this Ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

§26:146.5

Section 146.2. Cease and Desist Order / Revocation of Permit

Persons receiving a notice of violation will be required to halt all construction activities. This “cease and desist order” will be in effect until the Lafourche Parish Government confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

Section 146.3. Civil and Criminal Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Ordinance shall be punished by a fine of not less than \$500.00 or by imprisonment for a period not to exceed 90 days, or both such fine and imprisonment. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

Section 146.4. Restoration of Lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Lafourche Parish Government may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Section 146.5. Holds on Occupational Permits

Occupational permits will not be granted until corrections to all storm water practices have been made and accepted by the Lafourche Parish Government.

(Ord. No. 4285, 05/13/08)