

ST. TAMMANY PARISH COUNCIL

PROPOSED SUBSTITUTE ORDINANCE

ORDINANCE CALENDAR NO. 7937 PROPOSED SUB.

ORDINANCE COUNCIL SERIES NO. 25-

COUNCIL SPONSOR: MR. IMPASTATO/MR. CORBIN

PROVIDED BY: CIVIL DA/ENVIRO. SERVICES

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 2ND DAY OF OCTOBER, 2025

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, PART I, CHAPTER 40 – UTILITIES, ARTICLE XI – SEWAGE FROM SEPTIC AND SLUDGE, SEC. 40-330 – INSPECTION OF INDIVIDUAL SEWERAGE SYSTEMS, TO REQUIRE TRIENNIAL INSPECTIONS OF INDIVIDUAL SEWERAGE SYSTEMS AND THE ISSUANCE OF CERTIFICATES OF INSPECTION RELATED THERETO, AND TO PROVIDE FOR OTHER MATTERS.

WHEREAS, St. Tammany Parish has the largest number of individual sewerage systems in the state; and,

WHEREAS, individual sewerage systems that are not maintained and/or functioning properly may cause significant adverse effects to human health and can cause broader environmental impacts if untreated or poorly treated sewage discharges into roadside ditches and waterways; and,

WHEREAS, in order to ensure the health, safety and welfare of the residents of St. Tammany Parish and to protect the waterways, including the scenic rivers and streams, that make St. Tammany Parish a treasured place to live, work, play and raise a family, it is necessary to implement a program for the routine inspection and certification of individual sewerage systems to ensure the systems' operation, maintenance, and function; and,

WHEREAS, it has always been the responsibility of property owners to maintain their own private sewerage systems; and,

WHEREAS, as St. Tammany Parish Code of Ordinances, Part I, Chapter 40, *et seq.* and La. R.S. 33:4064.1, *et seq.*, grant authority to St. Tammany Parish Government, through the Department of Environmental Services (DES), to protect public health and the environment through the control, monitoring, and inspection of public and private sewerage systems and the provision and/or supervision of environmental services, in the unincorporated portion of the Parish of St. Tammany; and,

WHEREAS, based on the findings of the Undertreated Wastewater Task Force, the former Council previously introduced an ordinance establishing an on-site sewerage discharge inspection program on August 3, 2023, which provided the foundation for the present ordinance; and,

WHEREAS, it is the intention of the Parish Council that the individual sewerage system inspection certificate program will replace the utility transfer inspections required under current law for residential properties; and,

WHEREAS, funding has been identified to support the individual sewerage system inspection program such that no fees will be charged for inspections and/or certification of systems through at least the first three years of this program; and,

WHEREAS, in order to address impacts to waterways most impacted by the concentration of malfunctioning individual sewerage systems, the triennial certification program will be phased in by inspecting systems in the southern-most areas of the Parish first and then progressing to the northern areas of the Parish by initially concentrating inspections on Council Districts 1, 2, 4, 5, 7, 11 and 13, all of which participated in the "On-site Sewage Disposal System Pilot Inspection Program"; and,

WHEREAS, the goal of the on-site sewage system inspection program is to ensure that all systems are functional and not polluting our shared waterways. If property owners are working with St. Tammany Parish Government to bring a nonconforming system into compliance, no fines or penalties will be assessed against the property owner. To that end, the Department of Environmental Services will implement a timeline scale for determining noncompliance depending on the deficiency identified and property owners shall not be cited for violations of this ordinance prior to the expiration of the time given to come into compliance. St. Tammany Parish Government has no authority to seize property because of noncompliance with this ordinance; and,

WHEREAS, the St. Tammany Department of Environmental Service (DES) is responsible for developing, implementing and executing the On-site Sewage Disposal System (OSDS) Inspection and Certification Program associated with this ordinance, the DES shall also develop and implement a Community Meeting based communication plan to inform residents of St. Tammany Parish about the OSDS Inspection and Certification Program and shall also provide regular reports on the program to the Infrastructure Committee in a form and frequency as defined by and agreed to by the Chair of the Infrastructure Committee and the Director of the DES; and,

WHEREAS, the St. Tammany Department of Grants shall develop and implement a low-income grant program to provide funding for qualifying low-income property owners to cover the cost of repair and/or replacement of their nonconforming on-site sewage disposal systems; and,

WHEREAS, the St. Tammany Department of Grants will work with DES, on behalf of property owners who may not qualify for the low-income grant program, to develop and implement a low interest loan program to provide financing for such property owners to finance the cost of repair and/or replacement of their nonconforming on-site sewage disposal systems; and,

WHEREAS, it is necessary to amend the St. Tammany Parish Code of Ordinances to provide for a triennial inspection of all on-site sewage systems by the Department of Environmental Services, to provide for the certification of on-site sewage systems that meet the standards set forth below, and to provide penalties for owners of on-site sewage systems who do not comply with the provisions established herein.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that St. Tammany Parish Code of Ordinances, Part I, Chapter 40 – Utilities, Article XI – Sewage from Septic and Sludge, Sec. 40-330 – Inspection of individual on-site sewage treatment systems, be amended as follows:

Sec. 40-330. Inspection of individual on-site sewage treatment systems.

(a) In addition to the inspection of individual on-site sewage treatment systems, which will be conducted in accordance with the procedures set forth in the parish Ordinance No. 2445, Ordinance Calendar Series No. 02-0538, there shall be established a program for triennial inspections of all individual on-site sewage treatment systems as established herein.

(b) Definitions.

- 1 “Applicable law” means any permanent and appropriate provisions of the State Sanitary Code, other applicable parish ordinances, or state and local regulations which pertain to sewerage systems located, or to be located in the unincorporated areas of the Parish.
- 2 “Certificate of compliance” means the document provided to a homeowner by the St. Tammany Department of Environmental Services upon completion of an inspection of their on-site sewage disposal system and subsequent finding that said system is providing functional wastewater treatment, is in serviceable condition and is not operating in a manner that creates or contributes to a nuisance or public health hazard. The Certificate is valid for three (3) years and is transferable during property transactions.
- 3 “DES” means the St. Tammany Parish Department of Environmental Services, its employees, agents, and/or assignees.
- 4 “LDEQ” means the Louisiana Department of Environmental Quality.

- 5 “LDH” means the Louisiana Department of Health.
- 6 “Individual system” means any system of piping (excluding the building drain), and/or collection and/or transport system which serves one or more connections, and/or pumping facility, and treatment facility, all located on the property where the sanitary sewage originates; and which utilizes the individual sewerage system technology which is set forth in Chapter 7 Subchapter B of the Louisiana Sanitary Code, Title 51, Part XIII, or a commercial treatment facility which is specifically authorized for use by the state health officer.
- 7 “Nonconforming system” means any system that is not providing functional wastewater treatment, is not in serviceable condition or is operating in a manner that creates or contributes to a nuisance or public health hazard.
- 8 “Onsite sewage disposal” system means any of a variety of individual sewage treatment systems specifically designed for the treatment of residential wastewater from a single-family home.
- 9 “Owner” or “owners” means any person or persons who alone or jointly or severally with others has:
- i. Legal title to any property, premises, facilities or equipment affected by this Section; and/or;
 - ii. Actual physical control of any property, premises, facilities or equipment affected by this Section pursuant to an agreement, expressed or implied from the circumstances, with the owner or owners.
- 10 “Political entity” means any agency, board, commission, department or political subdivision of the State of Louisiana, or of the governing authority of the State of Louisiana, or any agency thereof.
- 11 “Premises” means any structure or dwelling of any construction whatsoever, including individual sewerage systems connected thereto, in which a person may live, work or congregate.
- 12 “Private person” means any individual, group of individuals, firm, corporation, association, partnership, private entity or other legal entity, or any agent thereof.
- 13 “Responsible person” means the operator or operators of an on-site sewage disposal system, the owner or owners of an on-site sewage disposal system, the owner or owners of the property on which an on-site sewage disposal system is located, or any or all of them.
- 14 “Sanitary sewage” means any and all human waste and/or domestic waste, the disposal of which requires a sewerage system approved or authorized by the state health officer. Sanitary sewage may include its conveying liquid and/or any other liquid or solid material which may be present therein.
- 15 “State Sanitary Code” means the rules and regulations which pertain to sewage disposal; including, but not limited to those rules and regulations applicable to the collection, treatment or disposal of sewage; and which have been adopted by the Louisiana Department of Health in accordance with Title 51 of the Louisiana Administrative Code.

(c) Triennial inspections of individual on-site sewage disposal systems.

- 1 All residential property owners, unless exempt pursuant to the provisions of subparagraph (g), shall have their individual on-site sewage system inspected by DES every three years for compliance with the requirements set forth herein, beginning from the date of issuance of the initial, or most recent, certificate of compliance.

- 2 DES shall inspect the individual on-site sewage disposal system to determine that the system meets the standards of operation set forth in Sec. 40-330(d). In conducting an inspection of the on-site systems, DES shall conform to the relevant and appropriate practices and procedures of LDEQ and LDH as such practices and procedures relate respectively to the inspection of said sewerage systems.
 - 3 If the on-site sewage disposal system is not accessible by DES, a responsible person shall be at the premises at the time of the inspection.
 - 4 Right of entry. In order to enforce the provisions of this Section, DES, through its director and/or employees and/or agents, is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this Section, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If entry is refused, the director shall have recourse to the remedies provided by law to secure entry.
 - 5 Liability. The director of DES, and/or employees and/or agents charged with the enforcement of this Section, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this Section or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act of omission in the discharge of official duties. Any suit instituted against a director or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The director or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Code.
- (d) Standards of operation. An individual sewerage system is required to meet the standards of operation adopted in Part XIII, Section 707 of Title 51, of the State Sanitary Code. Any defects in an individual sewerage system which fail to meet those standards of operation upon DES inspection shall be remediated within the notice period established by St. Tammany Parish Code of Ordinances Chapter 40, Article III in order to receive a certificate of compliance. Nothing in this section shall be construed to preclude, stay, or otherwise preempt other requirements of this Code of Ordinances or the State Sanitary Code. The inspection program in not intended to identify or correct issues relating to the LDH system installation permit, or defects in the system installation except where said defects create or contribute to a nuisance or public health hazard as determined by DES.
- (e) Certificate of compliance. If the inspection of the individual on-site sewage disposal system meets all the standards of operation set forth in Sec. 40-330(d) after the inspection by DES and it is determined that the system is not causing any apparent health or environmental problem, DES shall issue a certificate of compliance to the owner. Such certificate of compliance shall be valid for a period of 3 years and said certificate of compliance is transferable. In addition, the 3-year period of such certificate will be automatically extended, administratively, until and unless DES notifies the property owner that the certificate of compliance has expired. Expiration of the certificate of compliance shall be subject to penalties as set forth in this Article.
- (f) Third party inspections. Property owners may choose to have their system inspected, at the property owner's own expense, by a third party inspector licensed by LDH, pursuant to the criteria established in paragraph (d) and filed with DES. Upon completion of the inspection, the property owner shall be responsible for delivering said inspection report to DES for review and concurrence prior to the issuance of a certificate of compliance.
- (g) Exemptions. Following an initial inspection, properties with individual sewerage systems which provide for the collection, treatment and disposal of sanitary sewage in an adequate absorption field within the boundaries of the property upon which the sanitary sewage originated and which have no off-site surface water discharge are exempted from the inspection and certification requirements herein.

- (h) Notice of Deficient Condition. A property owner of any system determined by DES to fail the standards of operations set forth in subparagraph (d) shall be issued a Notice of Deficient Condition which shall be corrected within the time period, of not less than thirty (30) days from the date of inspection, established by DES in the notice pursuant to the scaled timeline established for correction of various deficient conditions. DES shall have the authority to extend the time period in the Notice of Deficient Condition as necessary for good cause.
- (i) Noncompliance. On-site sewage disposal systems shall be deemed noncompliant after the prescribed time period for correction of deficiencies has expired and the identified deficiencies have not been corrected.
- (j) Penalties. It shall be unlawful to operate an on-site sewage disposal system without a valid certificate of compliance unless exempt as set forth in subparagraph (g). Whoever violates the provisions of this section shall be fined a maximum of \$100.00 per month for each month that a nonconforming on-site sewage disposal system is operated if the property is the owner's primary residence, or a maximum of \$500.00 per month for each month that a nonconforming on-site sewage disposal system is operated if the property is not the owner's primary residence. A property owner operating a noncompliant on-site sewage disposal system shall be subject to fines and penalties upon good cause shown at a hearing conducted by the Bureau of Administrative Adjudication, through the notice, hearing practices, and procedures set forth in section 2-554 through 2-567. The penalties provided herein shall be the sole penalties applicable to a violation of the provisions hereof.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective on January 1, 2026.

MOVED FOR ADOPTION BY: _____

SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 6TH DAY OF NOVEMBER, 2025; AND BECOMES ORDINANCE COUNCIL SERIES NO. 25- .

JOE IMPASTATO, COUNCIL CHAIR

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: _____, 2025

Published Adoption: _____, 2025

Delivered to Parish President: _____, 2025 at _____

Returned to Council Clerk: _____, 2025 at _____