

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7352

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: TOLEDANO

PROVIDED BY: CIVIL DA/ENVIRO. SERVICES DEPT.

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 3RD DAY OF AUGUST, 2023

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 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 work, live and play, it is necessary to implement a routine inspection and certification of individual sewerage systems to ensure the systems' operation, maintenance, and functioning; 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, 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, 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.

In addition to the inspection of individual on-site sewage treatment systems 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.

(a) Authority. Pursuant to Louisiana Revised Statute 33:4064.1, *et seq.* and St. Tammany Parish Ordinance Council Series No. 02-0538, the Department of Environmental Services, in order to maintain in order to monitor the operation of any individual, public, or private sewerage system located in the parish, may authorize any employee or agent of the department to enter upon the premises of any such sewerage system at a reasonable time and in a reasonable manner for the purpose of inspecting any such sewerage system in order to determine that the operation of the sewerage system is conducted in accordance or compliance with applicable law. The responsible person for the property upon which the inspection is conducted, by reason of his operation of the sewerage system to be inspected, impliedly consents to the entrance of the said authorized employee or agent upon the property, and same shall not be deemed a trespass.

(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. "DES" means the St. Tammany Parish Department of Environmental Services, its employees, agents, and/or assignees.
3. "DEQ" means the Louisiana Department of Environmental Quality.
4. "LDH" means the Louisiana Department of Health.
5. "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.
6. "Owner" or "owners" means any person or persons who alone or jointly or severally with others has:
 - i. Legal title to any premises, facilities or equipment affected by this Section; and/or
 - ii. Actual physical control of any premises, facilities or equipment affected by this Section pursuant to an agreement, expressed or implied from the circumstances, with the owner or owners.
7. "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.
8. "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.
9. "Private person" means any individual, group of individuals, firm, corporation, association, partnership, private entity or other legal entity, or any agent thereof.
10. "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.
11. "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.
12. "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.
- 13.

- (c) Triennial inspections of individual on-site sewage disposal systems.
1. All property owners shall have their individual on-site sewage system inspected by DES, or its designated assignee(s), every three years.
 2. DES, or its designated assignee(s), 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, or its designated assignee(s), shall conform to the relevant and appropriate practices and procedures of DEQ 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, or its designated assignee(s), 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 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, or its designated assignee(s), 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.
- (e) Certificate of compliance. If the inspection of the individual on-site sewage disposal system meets all of the standards of operation set forth in Sec. 40-330(d) after the inspection by DES, OR ITS DESIGNATED ASSIGNEE(S),, and it is determined that the system is not causing any apparent health or environmental problem, DES, OR ITS DESIGNATED ASSIGNEE(S), shall issue a certificate of compliance to the owner. Such certificate of compliance shall be in effect for a period of 3 years. Expiration of the certificate of compliance shall be subject to penalties as set forth in this Article.
- (f) Fee for certification of compliance. In accordance with St. Tammany Parish Code of Ordinances, Chapter 2, Article XVII, an inspection fee shall be paid to DES upon inspection of the individual on-site sewage disposal system.
- (g) Exemptions. Following an initial inspection by DES, or its designated assignee(s), properties with individual sewerage systems which provide for the collection, treatment and disposal of sanitary sewage within the boundaries of the property upon which the sanitary sewage originated and which have no off-site surface water discharge in an adequate absorption field are exempted from the inspection and certification requirements herein.
- (h) Penalties. The penalties for failure to comply with the requirements of the section are governed by Sec. 40-9 and 40-332 of the St. Tammany Parish Code of Ordinances.

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 fifteen (15) days after adoption.

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 7TH DAY OF SEPTEMBER, 2023; AND BECOMES ORDINANCE COUNCIL SERIES NO. 23-____.

JACOB "JAKE" A. AIREY, COUNCIL CHAIR

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: JULY 26, 2023

Published Adoption: _____, 2023

Delivered to Parish President: _____, 2023 at _____

Returned to Council Clerk: _____, 2023 at _____