

DRAINAGE ORDINANCE – PART II

Ordinance for the Control of Pollution from Construction Stormwater Runoff

Section 1. General Provisions

1.1 Findings of Fact

It is hereby determined that:

- (1) The City of Broussard is mandated by the Louisiana Water Quality Act- MS4 Program (LAC 33, Part IX, Section 2517-25) and the General Permit issued thereunder to the City of Broussard [General Permit LAR 040000] to establish and maintain a stormwater management program.
- (2) Land development projects and associated increases in impervious land cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;
- (3) This stormwater runoff contributes to increased quantities of water-borne pollutants, and;
- (4) Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

Therefore, the City of Broussard establishes these policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources and utilities from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

1.2 Purpose

The purpose of this Ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This Ordinance seeks to meet that purpose through the following objectives:

- (1) provide for erosion and sediment controls
- (2) provide for construction site waste control
- (3) minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- (4) minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality
- (5) minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.
- (6) reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

1.3 Applicability

This Ordinance shall be applicable to all land disturbing activities, including all sites requiring a building permit from the City of Broussard, unless such a site is eligible for an exemption, as set forth in Section 1.3.1 hereof, or granted a waiver by the City of Broussard under the specifications of Section 4 of this Ordinance. The Ordinance also applies to land disturbing activities that are smaller than the minimum applicability criteria (< 1 acre) if such activities are part of a larger common plan of development that meets the Storm Water Management Plan criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules.

1.4 Exempt Land Disturbing Activities.

This Ordinance shall apply to any land disturbing activity undertaken by any person on any land except for the following:

1. Where construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph.
2. Agricultural operations including raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry, and farm buildings and farm ponds;
3. Forestry land management practices, including harvesting.
4. Any project involving 5,000 square feet or less of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre.
5. Any land disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where such entity is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit.

1.5 Compatibility with Other Permit and Ordinance Requirements

This Ordinance is not intended to interfere with, abrogate, or annul any other Ordinance, rule or regulation, statute, or other provision of law. The requirements of this Ordinance should be considered minimum requirements, and where any provision of this Ordinance imposes restrictions different from those imposed by any other Ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

1.6 Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Ordinance.

1.7 Certified Plans

All plans submitted for construction sites in accordance with the requirements of this Ordinance must be certified by a licensed Louisiana professional engineer and reviewed by the City of Broussard to ensure that established stormwater protection criteria will be maintained during and after development of the site and that post construction runoff is consistent with the site's Storm Water Management Plan.

Section 2. Definitions

Accelerated Erosion means erosion caused by development activities that exceed the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

Applicant means a property owner or agent of a property owner who has filed an application for a building permit.

Best Management Practices (BMPs) means 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 storm water, receiving waters, or storm water 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.

Building means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Developer means a construction operator or landowner who undertakes land disturbance activities.

Drainage Easement means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

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-storm water 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 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 SWPPP plans, maps, or equivalent records and approved.

Impervious Cover means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Land Disturbance Activity means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial

removal of vegetation,, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Landowner means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Land operator means any person (developer, manager, operator, contractor, lessee or licensee) authorized to undertake land disturbance activities on a site.

LDEQ means the Louisiana Department of Environmental Quality

MS4 means the City of Broussard stormwater collection, transport and handling system, the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Broussard and designed or used for collecting or conveying storm water.

Off-Site Facility means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

On-Site Facility means a stormwater management measure located within the subject property boundary described in the permit application for land development activity.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: soils, cements, 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, ordinances, and accumulations, so that same 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.

Storm Drainage System. Publicly-owned facilities by which storm water 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.

Storm Water Management means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

Stormwater Runoff means flow on the surface of the ground, resulting from precipitation.

Section 3. Discharges to the MS4

3.1 Prohibited Discharges

No person shall discharge or cause to be discharged into the MS4 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 storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning

condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants and discharges specified in writing by EPA or the LDEQ as being necessary to protect public health and safety.

(2) The prohibition shall not apply to any non-storm water discharge permitted under an LPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA or LDEQ, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system. Any person subject to an industrial or construction activity LPDES storm water discharge permit shall comply with all provisions of such permit.

3.2 Prohibited Illicit Connections.

3.2.1 The construction, use, maintenance or continued existence of illicit connections 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. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the storm water system, or allows such a connection to continue. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Broussard.

3.2.2 Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice from the City of Broussard requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified, documented and provided to the City of Broussard.

Section 4. Construction Activity Discharges

4.1 Storm Management – Stormwater Pollution Prevention Plan (SWPPP)

The Stormwater Pollution Prevention Plan (SWPPP) requirements, as administered by the Louisiana Department of Environmental Quality, must be met at new development sites prior to the granting of a building permit. Existing industrial and development sites shall come into compliance with the requirements hereof within 180 days of the effective date of this Ordinance. These requirements apply to any construction activity disturbing more than one acre of land unless such site is part of a common (multi-site) development which exceeds one acre in size and for which a SWPPP has been received.

4.1.1 Exemptions: The following activities may be exempt from these stormwater performance criteria:

- (1) Any activity which is exempt from preparation of a Stormwater Pollution Prevention Plan (SWPPP) as administered by the Louisiana Department of Environmental Quality
- (2) Additions or modifications to existing single family structures
- (3) Developments that do not disturb more than one acre of land, provided they are not part of a larger common development plan;
- (4) Repairs to any stormwater control facility deemed necessary by the City of Broussard.

4.1.2 Industrial Sites: Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit is required prior to the allowing new or continued discharges to the MS4.

4.2. Permit Required.

No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this Ordinance prior to commencing the proposed activity.

4.3. Application Requirements

Unless specifically excluded by this Ordinance, any land owner or operator desiring a permit for any land disturbance activity shall submit to the City of Broussard all information required by this Ordinance. Unless otherwise excepted by this Ordinance, a permit application must be accompanied by a Stormwater Pollution Prevention Plan (SWPPP) as administered by the Louisiana Department of Environmental Quality and a non-refundable permit review fee to be considered. The SWPPP shall be prepared to meet the requirements of this Ordinance, and building permit fees shall be those established by the City of Broussard as shown in Appendix A.

4.4. Application Review Fees

The fee for review of any land development application shall be based on the amount of land to be disturbed at the site, and the fee structure shall be _____ per square foot of disturbed land.

4.5. Application Procedure

Applications for building permit must be filed with the City of Broussard on any regular business day. In addition to filing requirements imposed by other Ordinances, building permit applications shall include a copy of the Stormwater Pollution Prevention Plan (SWPPP) as administered by the Louisiana Department of Environmental Quality, including a certification by a registered Louisiana engineer that the SWPPP is adequate to meet the requirements of applicable state and federal stormwater control laws and regulations.

Section 5. Stormwater Management Plan (SWPPP) Requirements

5.1 SWPPP Required.

5.1.1 No building permit or other application for a land disturbance activity will be approved unless it includes a Stormwater Pollution Prevention Plan (SWPPP), as administered by the Louisiana Department of Environmental Quality, detailing how runoff and associated water quality impacts resulting from the development will be controlled or managed. The SWPPP must

indicate whether stormwater will be managed on-site or off-site and, if on-site, the location and type of practices.

5.1.2 The plan must be signed by a licensed Louisiana professional engineer, who will verify that the design of all stormwater management practices meet the requirements hereof. No permit shall be issued until a satisfactory SWPPP, or a waiver thereof, shall have been approved by the City of Broussard after determining that the plan or waiver is consistent with the requirements of this Ordinance.

5.2 SWPPP Submission

5.2.1.1 A Stormwater Pollution Prevention Plan (SWPPP) shall be submitted with the building permit application for each building permit site larger than 1 acre or which forms a portion of a group of sites greater than one acre.

5.2.1.2 A SWPPP must be submitted if the site project involves any of the following:

- disturbing or grading more than one acre of land;
- disturbing slopes greater than 10 percent grade;
- creating more than 100 linear feet of ditch to an existing water channel;
- removing or filling more than 1000 cubic yards of material
- creating a new public or private road longer than 125 feet
- creating impervious cover (including parking areas or roof coverage) in excess of one acre
- recording a subdivision plat, or;
- other activities that pose a serious erosion or water pollution risk.

5.2.2 The SWPPP shall be prepared in accordance with good engineering practices and must be completed in accordance with any applicable requirements of the Louisiana Department of Environmental Quality and the Environmental Protection Agency. The plan shall identify potential sources of pollution (including sediment) which may reasonably be expected to affect the quality of stormwater discharges associated with the land disturbance activity. In addition, the plan shall describe and ensure the implementation of best management practices (BMPs) which will be used to reduce the pollutants in stormwater discharges associated with activity. All construction operations must implement the provisions of their SWPPP as a condition of their permit.

5.2.3 A SWPPP does not have to be filed for residential construction specifically enumerated and covered under a previously developed SWPPP as part of a larger development by the same contractor/developer/builder. However, a separate SWPPP is required for activities beyond the scope of the previously developed SWPPP including landscaping, earthmoving prior to foundation excavation, parking, sidewalks and other not previously indicated land disturbances (even if not directly associated with residential building construction) that meets the criteria above. [Note: If there is a SWPPP for a residential development site that does not address specific characteristics of homesites, a new SWPPP must be submitted by any land operator whose operations on the development will, in aggregate, exceed one acre.] The City reserves the right to request and review the plans, and to require additional measures to prevent and control pollution, as needed.

5.3 SWPPP Contents

Each SWPPP shall contain at a minimum:

5.3.1 Topographic Base Map

A 1 = 200' topographic base map of the site which extends a minimum of feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.

5.3.2 A Site Map.

Each plan shall provide a site map or maps which indicate at a minimum:

- construction site boundaries and access and haul roads;
- equipment storage, fueling and maintenance areas;
- materials handling areas;
- areas used for storage of materials, soils or wastes;
- areas used for outdoor manufacturing, storage or disposal of materials;
- location of washwater drainage or any other process water;
- cement drips or tailings, both new and pre-existing;
- location of all sewer, water and storm drainage lines, and all easements and rights-of-way, existing or proposed, including storm water management and sewage lines, lift stations and related facilities (or any other process water discharge points) drawings and calculations, and plans for siltation and erosion control at these points, both during and after construction;
- springs, streams, wetlands and other surface waters; and
- boundary of area that contributes runoff to outfalls
- stormwater outfalls and an outline of the drainage area of each stormwater outfall;
- each existing structural control measure to reduce pollutants in stormwater runoff; and
- the location of impervious structures (e.g. parking lots, roofs, etc.)

5.3.3 Land Use Plan.

A land use plan showing:

- (1) The general locations of the arterial road system together with the locations of highways and streets serving the site, noting center lines, widths of paving, grades and median break points and the locations of proposed pedestrian walkways, roads, driveways, loading areas and points of access to the site.
- (2) The locations of all buildings and structures.
- (3) The location and square footage of parking areas and cement/asphalt covered areas
- (4) The location of parks, recreation areas, undeveloped vegetated lands and land to be dedicated to public use or which is intended as open land for common or quasi-public use but not proposed to be in public ownership, and proposed restrictions, agreements or other documents indicating the manner in which it will be held, owned and maintained in perpetuity for the indicated purposes.
- (5) The sequence in which all structures, open spaces, arterial vehicular and pedestrian circulation systems, landscaping and recreational facilities are to be developed.

5.3.4 Stormwater Management Controls

Each construction operation shall develop stormwater quality controls appropriate for that site, and implement such controls. The appropriateness and priorities of controls in the plan shall

reflect identified potential sources of pollutants at the construction site. The description of stormwater quality controls shall address the following minimum components, including a schedule for implementing such controls:

- a. Responsible SWPPP Supervisor - The SWPPP shall identify a specific individual or individuals within the construction organization who is responsible for implementing and overseeing compliance with the SWPPP and shall include all contact information including address, e-mail, telephone and cellular number.
- b. Identification of Potential Pollutant Sources and Best Management Practices - The SWPPP shall identify potential sources of pollutants at the site and assess the potential of these sources to contribute pollutants to stormwater discharges associated with construction activities. The SWPPP must also describe appropriate Best Management practices (BMPs) to reduce the potential of these sources to contribute pollutants to stormwater discharges. At a minimum, each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff:
 - loading and unloading operations;
 - outdoor storage of lumber, materials, chemicals or equipment;
 - outdoor milling or processing activities;
 - truck parking and drainage;
 - cement drips and tailings;
 - significant dirt or particulate generating activities;
 - on-site waste disposal practices; and
 - stockpiles of raw materials

Factors to consider include the toxicity of the material; quantity of chemicals used; amount of material used; the likelihood of contact with stormwater; and history of significant drainage, leaks or spills of toxic or hazardous pollutants.

5.3.5 A Description of Land Disturbance/Construction Activities.

The plan shall provide a narrative description of the construction and associated activities taking place at the site which affect or may affect stormwater runoff. Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

Topography	Maximum Drainage Area	Soils
Slopes	Terrain	Vegetation
Embankments	Structures	

The narrative description shall report:

- (1) Total acreage within the construction site and an estimate of the number of acres of disturbed area
- (2) A general description of the location of the construction site relative to major transportation routes and communities shall also be provided
- (3) The development and design of regional stormwater management, and
- (4) the location of all sewer, water and storm drainage lines, and all easements and rights-of-way, existing or proposed, including storm water management and sewage lines, lift stations and related facilities drawings and calculations, and plans for siltation and erosion control, both during and after construction.

5.3.6 Best Management Practices

The description shall include Best Management Practices to be employed at the site including, but not limited to, the following:

- (a) Stormwater diversion. Describe how and where stormwater will be diverted away from material handling and storage areas to prevent stormwater contamination.
- (b) Materials handling and spill prevention. Where materials can impact stormwater runoff, practices that reduce the potential for contamination shall be described and implemented. For example, materials should be stored and handled in covered areas to prevent contact with stormwater; chemicals should be stored within berms or secondary containment devices to prevent leaks and spills from entering stormwater runoff.
- (c) Sediment and erosion prevention. Describe practices that will be used to reduce erosion and prevent sediment delivery to the City of Broussard stormwater system. These should include structural (such as silt fences, sediment ponds, drop structures, check dams) and non-structural (such as mulching and revegetation) methods. In each case where stormwater pollution potential exists, appropriate preventive measures must be identified and implemented.
- (d) Preventive Maintenance. The SWPPP shall identify a preventive maintenance program. This program shall involve maintenance of stormwater management devices (maintenance of dikes separating mine drainage from stormwater, cleaning oil/water separators and catch basins, etc.) as well as inspecting and testing of equipment and systems to prevent conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.
- (e) Good Housekeeping. The SWPPP shall identify good housekeeping procedures that will be followed by the construction operation. Good housekeeping requires the maintenance of a clean, orderly facility. This part of the SWPPP should address cleaning and maintenance schedules, trash disposal and collection practices, grounds maintenance, etc.
- (f) Spill Prevention and Response Procedures. Areas where potential spills can occur, and their accompanying drainage points, shall be identified clearly in the SWPPP. Where appropriate, specifying material handling procedures and storage requirements in the plan shall be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean-up shall be available to personnel.
- (g) Employee Education. The SWPPP shall describe employee education programs to inform personnel at all levels of responsibility of the components and goals of the SWPPP. Education shall address topics such as spill response, good housekeeping and material management practices. The SWPPP shall identify periodic dates for such instruction. Contractor or temporary personnel shall be informed of mine operations and control features in

order to prevent stormwater pollution from occurring.

(h) Identification of discharges other than stormwater. The stormwater conveyance system on the site shall be evaluated for the presence of discharges other than stormwater. The SWPPP shall include a description of the results of any evaluation for the presence of discharges other than stormwater, the method used, the date of any evaluations and the on-site drainage points that were directly observed during the evaluation. A number of discharges other than stormwater may not require a CDPS Wastewater Discharge permit and are considered Allowable Non-stormwater Discharges. These are listed at Part I.D.3, below. Any of these discharges that exist at the site must be identified in the SWPPP.

(i) Comprehensive Inspection. The SWPPP shall identify qualified personnel that shall inspect the stormwater controls at the site at appropriate intervals specified in the plan, at least twice a month and after every rainfall event. The operator shall keep a record of such inspections. This record shall be made available to the City of Broussard upon request.

Section 6. Construction Inspection

6.1 Notice of Construction Commencement

The applicant for a permit must notify the City of Broussard in advance before the commencement of construction. Regular inspections of the stormwater management system shall be conducted once every seven (7) days or following each 0.5 inch rainfall on behalf of the landowner or land operator by a certified inspector or by a professional engineer and all inspections shall be documented and written reports prepared that contain the following information:

The date and location of the inspection;

Whether construction is in compliance with the approved SWPPP

Deviations from the SWPPP or approved construction specifications

If any deviations are found, the land owner or land operator shall be notified of the nature of the deviation and corrective actions should be noted in the written report. No land disturbance activity shall proceed until any deviations are corrected.

6.2 As Built Plans

All applicants are required to submit actual as built plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by the City of Broussard is required before the release of utilities restrictions.

6.3 Landscaping and Stabilization Requirements

6.3.1 Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within thirty (30) days from the substantial completion of such clearing and construction.

6.3.2 The following criteria shall apply to revegetation efforts:

- Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

- Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
- Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

6.3.3 In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

Section 7. Inspection of Stormwater Facilities

7.1 Entry and Testing Agreement

Prior to the issuance of any permit that has stormwater management as one of the requirements of the permit, the applicant or owner of the site must execute an Entry and Testing Agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The Agreement shall provide for access to the facility at reasonable times for periodic inspection by the City of Broussard, or their contractor or agent to ensure that the stormwater controls and management facilities are maintained in proper working condition to meet design standards and any other provisions established by this Ordinance. The Agreement shall be recorded by the City of Broussard in the conveyance records.

7.2 Authority for Inspection

7.2.1 The City of Broussard is authorized to undertake such inspections as are required to insure compliance with this Ordinance or a land disturbance permit issued by the City. Such inspection may be undertaken without the requirement for a warrant and the landowner/land operator shall make available for inspection all records required to be maintained in accordance with the permit or this Ordinance.

7.2.2 Inspection programs may be established on any reasonable basis, including but not limited to:

- routine inspections;
- random inspections;
- inspections based upon complaints or other notice of possible violations;
- inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants;
- inspections of construction related activities associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or, and
- joint inspections with other agencies inspecting under environmental or safety laws.

7.2.3 Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control

facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

7.3 Right-of-Entry for Inspection

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the City of Broussard the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Ordinance.

7.4 Records of Installation and Maintenance Activities.

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least three (3) years. These records shall be made available to the City of Broussard during inspection of the facility and at other reasonable times upon request.

Section 8. Enforcement and Administrative Remedies

8.1 General.

8.1.1 Violations. When the City of Broussard finds that a landowner or land operator has violated, or continues to violate, any provision of this Ordinance, a permit condition, an order issued, or any other standard or requirement, the City of Broussard may take appropriate enforcement action, as outlined in this Ordinance. Any person violating any of the provisions of this Ordinance shall become liable to the City of Broussard for any expense, loss, or damage occasioned by the City of Broussard by reason of such violation.

8.1.2 Search Warrants. If the City of Broussard has been refused access to any part of the premises from which storm water is discharged, and it 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 City may seek issuance of a search warrant from any court of competent jurisdiction.

8.1.3 Remedies. The remedies provided for in this Section are not exclusive. The City of Broussard may take any, all, or any combination of these actions against a noncompliant landowner or land operator. Enforcement of violations will generally be in accordance with the options provided herein. However, the City may take other action against any person when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant person, except where prohibited by law.

(A) Suspension of Permit: Any land owner or land operator who violates the provisions of this ordinance or a permit issued by the City of Broussard for land disturbance activities may have the permit suspended immediately.

(B) Disconnection of City services and utilities for violations.

If any land owner or land operator who violates the provisions of this ordinance or a permit issued by the City of Broussard for land disturbance activities , or allows or causes pollutants to be discharged into the MS4, and:

- (1) Such person is using City of Broussard provided potable water, is subject to disconnection of such person's service line from the City of Broussard water distribution system and/or the MS4 and the same shall only be reconnected at the expense of the violator; or
- (2) If such person does not use City of Broussard provided potable water, the City is authorized to terminate any and all utilities and services provided by the City and the same shall be reconnected at the expense of the violator after the approval of the City.
- (3) The City shall notify the violator of the violation of the provisions of this Ordinance and shall afford such person a reasonable opportunity to present evidence to the City that he is in compliance with this Ordinance. If such person does not present such evidence, the City shall disconnect City services and/or utilities after giving at least 24 hours notice in writing.
- (4) No public sewer connection or water connection disconnected hereunder shall be reconnected until the condition causing the disconnection has been corrected, the correction is of a permanent nature, and the correction has been documented and submitted to the City for review. The final decision for reconnection shall be made by the City of Broussard.

8.2 Administrative Actions.

Administrative actions are enforcement actions taken without the involvement of a court.

8.2.1 Notice of Violation (NOV). When the City finds that a landowner or land operator has violated, or continues to violate, any provision of a permit or this Ordinance or any conditions thereunder the City may serve upon that violator a written Notice of Violation (NOV) for each violation of any provision of the permit or this Ordinance. The NOV 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 within seven (7) days of the receipt of this NOV, a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City.

8.2.2 Administrative Orders. Administrative Orders are enforcement documents which direct violators to undertake remedial actions or to cease specified activities. Nothing in this section

shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation

(1) If the violator fails to correct a violation within seven (7) days of receiving a Notice of Violation, the City of Broussard may issue an Administrative Order for the correction of this violation. There are three types of administrative orders which shall be used:

(a) **Stop Work or Cease and Desist Orders** – When the City finds that a landowner or land operator has violated, or continues to violate, any provision of a permit or this Ordinance, or that past violations are likely to recur, the City may issue an order to the violator directing it to Stop Work and Cease and Desist all such violations and directing the violator to immediately take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge, and to immediately comply with all applicable requirements under the permit, this Ordinance, a previous order issued, or any other applicable standard or requirement.

(b) **Consent Orders** - Consent orders combine the force of an Administrative Order with the flexibility of a negotiated settlement. The City of Broussard may enter into Consent Orders, which are written assurances of voluntary compliance, or other similar documents establishing an agreement with any person found in non-compliance with a permit or this Ordinance or other applicable standards and requirements. The Consent Order is an agreement between the City of Broussard and the violator normally containing three elements:

- i) Compliance schedules, for actions such as, but not limited to, the installation of the required technology to meet permit limits;
- ii) Stipulated fines or remedial actions; and
- iii) Signatures of an appropriate representative of the City of Broussard and any authorized representative of the violator.

Such documents will include specific action to be taken by the violator to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as all enforcement orders issued pursuant to this Ordinance and shall be binding upon all parties to the document.

(c) **Compliance Orders** – When the City finds that a landowner or land operator has violated, or continues to violate, any provision of a permit this Ordinance or any other standard or requirement, the City may issue an order to the violator directing that the land disturbance activity come into compliance within a specified time. If the violator does not come into compliance within the time provided, all City services and utilities may be discontinued. A Compliance Order is issued unilaterally and its terms need not be discussed with the violator in advance. The Compliance Order will usually be issued when compliance cannot be resolved without significant construction, repair, or process changes. Compliance Orders also may contain other requirements to address the non-compliance, including (but not limited to) additional self-monitoring and management practices designed to minimize the amount of pollutants discharged. A Compliance Order does not relieve the landowner or land operator of liability for any violation, including any continuing violation. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

8.2.3 Nothing in this section shall be interpreted as requiring an administrative hearing prior to any order under this section.

8.3 Civil and Criminal Litigation. If administrative actions do not provide satisfactory resolution of noncompliance, then civil and/or criminal litigation may be used.

8.3.1 Consent Decrees. Consent decrees are agreements between the City of Broussard and the violator reached after a lawsuit has been filed. To be binding, the decree must also be signed by the judge assigned to the case. Consent decrees may be used when the violator is willing to acknowledge and correct the noncompliance and the City of Broussard and the violator agree on the penalty.

8.3.2 Injunctions and Injunctive Relief. The purpose of this Ordinance being to promote the health, recreation, safety and welfare of the public, any discharge by a person contrary to the provisions of this Ordinance is declared to be a public nuisance and the City of Broussard may apply to any court of competent jurisdiction, and may obtain an injunction restraining such violation of a permit, this Ordinance or any order or other standard or requirements. Such proceedings shall be guided by the rules of other injunction proceedings. The City of Broussard's Attorney is authorized to file suit for an injunction whenever there is reasonable cause to believe an ongoing violation of this Ordinance, a authorization to discharge, order issued, or any other standard or requirement exists. When the City finds that a landowner or land operator has violated, or continues to violate, any provision of a permit, this Ordinance or any order or other pretreatment standard or requirement, the City may petition the courts through the City of Broussard's Attorney for the issuance of a temporarily or permanent injunction, as appropriate, which restrains or compels the specific performance of the authorization to discharge, order, or other requirement imposed by these rules and regulations on activities of the violator. The City of Broussard's Attorney may also seek such other action as is appropriate for legal and/or equitable relief, including (but not limited to) a requirement for the violator to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a violator.

8.3.3 Civil Penalties and Cost Recovery. Civil penalties may be assessed against any landowner or land operator who has violated or continues to violate, any provision of a permit, this Ordinance or any other pretreatment standard or requirement notwithstanding any other enforcement action taken by the City of Broussard pursuant to Sections 8.1 or 8.2 hereof.

8.3.3.1 A landowner or land operator who has violated, or continues to violate, any provision of a permit, this Ordinance or any other pretreatment standard or requirement shall be liable to the City of Broussard for civil penalties. Additionally, the City, through the City of Broussard's designated attorney, has the authority to seek civil penalties not exceeding the amount of one thousand dollars (\$1,000) on a per violation per day basis. Each day of a violation shall constitute a separate offense.

8.3.3.2 The City, through the City of Broussard's Attorney, may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including (but not limited to) sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Broussard. These expenses, costs and attorneys' fees shall be in addition to any other cause of action for personal injury or property damage available under state law.

8.3.3.3 Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of 1.8 percent per month. A lien against the violator's property will be sought for unpaid charges, fines, and penalties

8.3.3.4 Violators desiring to dispute such fines must file a written request for the City of Broussard to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the City may convene a hearing on the matter. In the event the violator's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the violator. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine..

8.3.3.5 Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a violator.

8.3.4 Criminal Prosecution

8.3.4.1 Any landowner or land operator found to have willfully or maliciously violated any provision of this Ordinance, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars (\$1000) for each violation and/ or imprisonment for not more than thirty (30) days for each violation, or both. Each day of violation shall constitute a separate offense.

8.3.4.2 An landowner or land operator who willfully or maliciously introduces any substance into the MS4 which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a fine not exceeding one thousand dollars (\$1000) for each violation and/ or imprisonment for not more than thirty (30) days for each violation, or both. Each day of violation shall constitute a separate offense. This criminal penalty shall be in addition to any other cause of action for clean up, remediation, personal injury or property damage available under state law.

8.3.4.3 A landowner or land operator who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method or results required under this Ordinance shall, upon conviction, be punished by a fine not exceeding one thousand dollars (\$1000) for each violation and/ or imprisonment for not more than thirty (30) days for each violation, or both. This criminal penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.