

Town of Abita Springs, La.

TOWN CLERK
CLERK OF COURT
KATHY ARMAND

FINANCIAL CLERK
NIKI MENDOW

COUNCIL CLERK
LEANNE SCHAEFER

ATTORNEY
EDWARD DEANO

CERTIFIED BUILDING OFFICIAL
DAVID CHATELAIN

PUBLIC WORKS DIRECTOR
JOHNNY CLAY



MAYOR
GREG LEMONS

ALDERMEN
GINA KILPATRICK HARPER
(MAYOR PRO-TEM)

PATRICK BERRIGAN
DANIEL J. CURTIS
RYAN MURPHY
LESLIE BLITCH WELLIVER

UTILITY MANAGER
DEBRA MACLEAN

UTILITY CLERK II
LINDA MEEKER

PLANNING & ZONING DIRECTOR
CINDY CHATELAIN

THE FOLLOWING ORDINANCE WAS BOTH INTRODUCED AND MOVED FOR ADOPTION BY
ALDERMAN BERRIGAN AND SECONDED BY ALDERMAN MURPHY

ORDINANCE# 475

**AN ORDINANCE TO PROVIDE FOR THE AMENDMENTS AND ADDITIONS TO PART 3
HEALTH AND SANITATION, CHAPTER 5 SEWER TREATMENT REQUIRED MORE
PARTICULARLY SECTIONS 3-501 THROUGH SECTION 3-515 OF THE TOWN OF
ABITA SPRINGS MUNICIPAL CODE OF ORDINANCES, AND TO PROVIDE FOR
RELATED MATTERS.**

PART 3

HEALTH AND SANITATION

CHAPTER 5 SEWERAGE TREATMENT REQUIRED

SEC. 3-501

Every sewerage system whose discharge is subject to provisions of Louisiana Environmental Quality Act, as amended, or any rules and regulations effective or promulgated under authority of said Act shall be in compliance with applicable law, and shall comply with any order or directive issued by the LA DEQ or DH&H.

SEC. 3-502 Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

1. "Applicable law" means the pertinent and appropriate provisions of the State Sanitary Code, other applicable Town of Abita Springs ordinances, or state and local regulations which pertain to sewerage systems located, or to be located within the Town.
2. "Community sewerage system" means any sanitary sewerage system, also known as a sanitary sewage treatment works, which is owned, operated, and/or maintained by a political entity or private

44 person. A community sewerage system serves multiple connections and includes any individual, public,
45 profit, nonprofit, or not-for-profit sewerage system whose effluent discharge is subject to the provisions
46 of the Louisiana Environmental Quality Act, as amended, or any Rules and Regulations effective or
47 promulgated under the authority of the Act.

48
49 3. Town of Abita Springs means the Building Inspector or other designee of the Mayor to perform the
50 tasks and duties required by this Part.

51 4. "DEQ" means the Louisiana Department of Environmental Quality, Office of Water Resources or
52 its successor.

53
54 5. "DH&H" means the Louisiana Department of Health and Hospitals, Office of Public Health or its
55 successor.

56
57 6. "Individual on-site sewage disposal system" means any or all of the various components, including
58 piping and pumping and treatment facilities, comprising a system designed for the collection and/or
59 treatment and/or disposal of sanitary sewage. An on-site sewage disposal system may be owned,
60 operated, and/or maintained by a political entity or private person.

61 7. "Owner" or "Owners" means any person or persons who alone or jointly or severally with others has:

- 62 1) Legal title to any premises, facilities or equipment affected by this Section; and/or
63 2) Actual physical control of any premises, facilities or equipment affected by this Section
64 pursuant to the operation of the law, or an agreement, expressed or implied from the circumstances, with
65 the owner or owners.

66
67 8. "Political entity" means any agency, board, commission, department or political subdivision of the
68 State of Louisiana, or of the governing authority of the Town of Abita Springs, or any agent thereof.

69
70 9. "Premises" means any structure or dwelling of any construction whatsoever in which a person may
71 live, work or congregate.

72
73 10. "Private person" means any individual, group of individuals, firm, corporation, association,
74 partnership, private entity or other legal entity, or any agent thereof.

75
76 11. "Responsible person" means the operator or operators of an on-site sewage disposal system, the
77 owners or owners of an on-site sewage disposal system, the owner or owners of the property on which an
78 on-site sewage disposal system is located, or any or all of them.

79
80 12. "Sanitary Sewage" means human, domestic, or acceptable industrial waste, except refuse, including
81 liquid from residences, businesses, buildings, industrial establishments or other places, together with such
82 ground water, surface water, storm water, and other wastes as may be present.

83
84 13. "Sewerage system" means any or all of the various components, including piping and pumping and
85 treatment facilities, comprising a system designed for the collection and/or treatment and/or disposal of
86 sanitary sewage. A sewerage system may be owned, operated, and/or maintained by a political entity or
87 private person.

88 14. “State Sanitary Code” means the rules and regulations which pertain to sewage disposal; including,
89 but not limited to those rules and regulations applicable to the collection, treatment, or disposal of sewage;
90 and which have been adopted by the LA Department of Health and Hospitals State Health Officer in
91 accordance with Title 51 of the Louisiana Administrative Code.

92

93 **SEC. 3-503 Adoption of State Sanitary Code**

94 The Town of Abita Springs hereby adopts for implementation and enforcement Chapter 5 of Part XIII
95 of Title 51 of the Louisiana Administrative Code, as it may be amended, less and except Section 511,
96 Paragraph B(1).

97 **SEC. 3-504 Community Sewerage System Required**

98 A. Municipal sewerage shall be provided in subdivisions comprised of 15 lots or more. This requirement
99 shall apply to all new subdivision developments.

100 The use of individual sewerage systems in lieu of a municipal sewerage service may be authorized and
101 will be considered under the following circumstances:

102 In subdivisions comprised of less than 15 lots with a minimum lot size of two acres or greater and a
103 minimum frontage of 125 feet, when the developer submits a comprehensive drainage plan, as well as a
104 proposal for restrictive covenants which detail requirements for perpetual maintenance of drainage.
105 Whenever the average lot size of a proposed subdivision is greater than five acres, the Town of Abita
106 Springs may waive the requirement for a community sewerage system upon demonstration by the
107 developer that the implementation of such provisions would prove to be a manifestly unreasonable
108 financial hardship.

109 **SEC. 3-505 Authority of the Town of Abita Springs**

110 The Town of Abita Springs, in order to monitor the operation of any individual, public, profit, nonprofit,
111 or not-for-profit sewerage system located in the Town of Abita Springs, may enter upon the premises of
112 any such sewerage system at a reasonable time and in a reasonable manner for the purpose of inspecting
113 any such sewerage system in order to determine that the operation of the sewerage system is conducted in
114 accordance or compliance with applicable law. The responsible person for the property upon which the
115 inspection is conducted, by reason of his/her/its operation of the sewerage system to be inspected,
116 implicitly consents to the entrance of the said authorized employee or agent upon the property, and same
117 shall not be deemed a trespass.

118 **SEC. 3-506 Required Facilities; Connection to Sewerage System**

119 A. All new or existing premises, public or private, where people live, work, or congregate shall be
120 provided with approved toilet facilities, including hand washing facilities. Such plumbing facilities shall
121 be properly connected to a municipal sewerage system, whenever available, or to an individual on-site
122 sewage disposal system which is specifically approved for the premises by the State Health Officer or his
123 duly authorized representative after determining that the installation and operation of an individual on-site
124 sewage disposal system will not create a nuisance or public health hazard. It shall be the duty of the owner,
125 manager or agent of any occupied premises, public or private, where people live, work or congregate to
126 provide the premises with an approved method of sewage disposal in compliance with the requirements
127 of this Article.

128 B. (1) Whenever the Town of Abita Springs determines that any building or structure to be constructed
129 is in proximity to the sewage collection or treatment facility of a qualified community sewerage system,
130 said building or structure shall be required to connect thereto. When a qualified community sewerage
131 system is available, and there is an approved public water supply with adequate water capacity, all
132 plumbing fixtures within any building or structure shall be connected to such approved public water supply
133 and community sewerage system.

134 (2) For the purposes of this Section, a “qualified community sewerage system” is a community
135 sewerage system: 1) which has the actual and/or anticipated capacity which will be required to realize the
136 peak sewage demand of the subject building or structure, and 2) the operation and maintenance of which
137 in accordance and compliance with all regulatory requirements; all as determined by the Town of Abita
138 Springs.

139 (3) The Town of Abita Springs, at the time of its consideration of the issuance of the building permit
140 for the subject building or structure, may waive the requirement in Subsection B(1) upon the showing by
141 the applicant that the implementation of the provisions of said Subsection would prove to be a manifestly
142 unreasonable financial hardship. In no event, however, shall a Certificate of Occupancy be issued or shall
143 any other such final action on the subject building permit occur unless and until an individual on-site
144 sewage disposal system has been specifically approved for the premises by the State Health Officer, or
145 his duly authorized representative.

146 C. (1) Prior to the issuance of a sewerage system inspection permit for any non-residential mobile home,
147 permanent building or structure, the Town of Abita Springs shall inspect the premises to determine if the
148 plumbing fixtures are properly connected to a permitted individual on-site sewage disposal system. The
149 Town of Abita Springs shall inspect individual on-site sewage disposal systems to determine that said
150 systems are not causing an apparent health or environmental problem

151 prior to the issuance of any sewerage system inspection permit for the connection or transfer of electrical
152 power service. In no event, however, shall a sewerage system inspection permit be issued or shall any
153 other such final action occur unless and until an individual on-site sewage disposal system has been
154 specifically approved for the premises by the State Health Officer or his duly authorized representative.

155 (2) Prior to the issuance of a sewerage system inspection permit for any residential mobile home,
156 permanent building or structure, the Town of Abita Springs shall inspect the premises to determine if the
157 plumbing fixtures are properly connected to an individual on-site sewage disposal system. The Town of
158 Abita Springs shall inspect individual on-site sewage disposal systems to determine that said systems are
159 not causing an apparent health or environmental problem prior to the issuance of any sewerage system
160 inspection permit for the connection or transfer of electrical power service.

161 **SEC.3-507 Manner of Inspection**

162 The Town of Abita Springs shall be authorized to inspect every sewerage system located in the Town of
163 Abita Springs. In conducting an inspection of a sewerage system, the Town of Abita Springs shall conform
164 to the relevant and appropriate practices and procedures of the DEQ and the DH&H as such practices and
165 procedures relate respectively to the inspection of said sewerage systems.

166 **SEC.3-508 Sewerage System Permit**

167 A. No sewerage system shall be used or placed in operation without approval in the form of a sewerage
168 system permit issued by the State Health Officer or his duly authorized representative. A new sewerage

169 system permit shall be required upon the initial installation of an individual on-site sewage disposal
170 system. Each time the occupancy, connection or transfer of electrical power service changes, an inspection
171 of the individual on-site sewage disposal system and the issuance of a sewerage system inspection permit
172 by the Town of Abita Springs shall be required.

173 B. The landlord, owner, manager or agent, may acquire for the period of two years on rental property,
174 an approved sewerage system permit. It shall be the duty of any of the aforementioned persons to obtain,
175 make available and provide such approved sewerage system permit to the renter of the property. It shall
176 also be the responsibility of any of the aforementioned persons to obtain renewal of such approved
177 sewerage system permit every two years thereafter.

178 **SEC. 3-509 Sewerage system inspection permit prerequisite for permanent utility service**

179 A. No electrical power utility company licensed to do or doing business in the Town of Abita Springs
180 shall install or connect permanent electrical service to any mobile home or permanent building or structure
181 until a sewerage system inspection permit has been issued. No electrical power utility company licensed
182 to do or doing business in the Town of Abita Springs shall install or connect temporary electrical service
183 to any mobile home or permanent building or structure unless a work authorization has been issued by the
184 Town of Abita Springs.

185
186 B. If an electrical service connection is made absent any authorization by the Town of Abita Springs,
187 the Town of Abita Springs may provide written notification to the appropriate electrical power utility
188 company to terminate electrical service. The electrical power company shall provide for termination of
189 unauthorized electrical service within 48 hours of receiving notification from the Town of Abita Springs.
190 If no or insufficient action is taken after proper notification, the Town of Abita Springs shall take any and
191 all steps which it is empowered to take pursuant to the Town of Abita Springs Code of Ordinances in order
192 to require compliance with this Article.

193 **SEC. 3-510 Apartment complexes, mobile home parks**

194 A. All persons who own or operate apartment complexes of four or more units and mobile home parks
195 with four or more units shall be required to obtain a sewerage system permit from the State Health Officer
196 or his duly authorized representative verifying that the sewage treatment plant associated with the complex
197 or mobile home park is an approved system and in compliance with all applicable provisions of the State
198 Sanitary Code.

199 B. All owners or operators of complexes or mobile home parks as defined in this Section shall apply to
200 the Town of Abita Springs for a sewerage system permit.

201 C. The owner or operator of complexes or mobile home parks may acquire for the period of two years
202 on rental property, an approved sewerage system permit. It shall be the duty of any of the aforementioned
203 persons to obtain, make available and provide such approved sewerage system permit to the renter of the
204 property. It shall also be the responsibility of any of the aforementioned persons to obtain renewal of such
205 approved sewerage system permit every two years thereafter.

206
207 **SEC. 3-511 Sewerage System Inspection Permit Fee**

208 In order to defray the costs associated with the inspection on-site sewage disposal systems serving all new
209 or existing buildings or structures, shall be assessed in an amount to be established by Resolution of the

210 Abita Springs Board of Aldermen, sewerage system inspection permit fee is hereby assessed for the
211 issuance of each sewerage system inspection permit. Such sewerage system inspection permit fee shall be
212 in addition to any other applicable fee collected by the Town of Abita Springs.
213

214 **SEC. 3-512 Violations – Complaints regarding violations**

215 Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written
216 complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Clerk of the
217 Town of Abita Springs. The clerk shall record properly such complaint, immediately investigate and
218 take action thereon as provided in this chapter.

219 **SEC. 3-513 - Penalties for violations.**

220 Violations of the provisions of this chapter of failure to comply with any of its requirements shall be
221 provided ninety (90) days to become compliant and to cure any order of violation. After the Ninety (90)
222 days have expired and the violator is not compliant the Town may disconnect the services for water
223 and/or issue a misdemeanor summons and upon conviction thereof the violator shall be fined not less
224 than \$100.00 nor more than \$300.00 or imprisoned for not more than 30 days or both, and in addition
225 thereto shall pay all costs and expenses involved in the case, however, the maximum of aggregated fines
226 are not to exceed \$1,000.00. Each day, such violation continues shall be considered as a separate offense.

227 **Sec. 3-514. - Enforcement.**

228 This chapter shall be enforced by the Mayor, Town of Abita Springs, or by their designee.

229 **Sec. 3-515. - Special exceptions.**

230 If conditions exist where hardship ensues by applying minimum requirements as established by the
231 Louisiana Department of Health and Human Resources, the Mayor or the Board of Alderman of the
232 Town of Abita Springs may request additional information on the proposed use of the property by
233 requesting necessary studies by an independent consultant or institute at the expense of the applicant or
234 legal property owner. If it is determined that a hardship does exist by applying the minimum
235 requirements as approved by the Louisiana Department of Health and Human Resources, the Mayor
236 with the approval of the Board of Aldermen may grant a variance from the requirements of this
237 ordinance as carried out by whatever means they deem necessary.

238
239 And the amendment was declared adopted this, 20th day of December, 2016. This ordinance becomes
240 effective March 1, 2017.

241
242 YEAS: 4, Alderman Berrigan, Kilpatrick-Harper, Murphy, and Blich Welliver
243 NAYS: 0
244 ABSENT: 1, Alderman Curtis
245 ABSTAIN: 0
246

247 _____
248 ATTEST:
249 **Kathy Armand, Clerk**

Honorable Greg Lemons, Mayor