

CITY OF CROWLEY
REGULAR MEETING
NOVEMBER 12TH, 2013

The Mayor and Board of Aldermen of the City of Crowley, Louisiana, the governing authority of the City of Crowley, met in a regular session at 6:00 p.m. Tuesday the 12th day of November, 2013 at the regular meeting place of said Mayor and Board of Aldermen, the Council Chambers, 426 North Avenue F, Crowley, Louisiana.

Mayor Greg A. Jones presided with the following Aldermen present: Bryan Borill, J. Elliot Doré, Jeff Doré, Vernon Martin, Mary Melancon, and Steven Premeaux. Aldermen Lyle Fogleman Jr., Kitty Valdetero and Laurita Pete (illness) were absent.

Alderman Elliot Doré led the Pledge of Allegiance to the flag. Alderman Bryan Borill gave the invocation.

PUBLIC HEARINGS:

Mayor Jones opened the public hearing on proposed ordinance no. 1460, the ordinance was read by title as follows:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CROWLEY BY ADDING THERETO CHAPTER 16 TO BE KNOWN AS THE STORMWATER CODE OF THE CITY OF CROWLEY, LOUISIANA, TO PROVIDE THE GENERAL PURPOSES AND ADMINISTRATION OF THE ORDINANCE; TO PROVIDE DEFINITIONS, REGULATIONS, REQUIREMENTS, CATEGORIES AND CLASSIFICATIONS FOR DISCHARGE OF STORMWATER INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM AND WATERS OF THE CITY, STATE OF LOUISIANA OR UNITED STATES; TO PROHIBIT THE DISCHARGE OF SUBSTANCES AND STORMWATER CONTAINING ANY SUBSTANCES NOT INCLUDED WITHIN AN AFFIRMATIVE DEFENSE HEREIN ; TO PROVIDE FEES AND CHARGES FOR REGULATION, ADMINISTRATION AND PERMITS; TO PROVIDE FOR ENFORCEMENT FOR NON-COMPLIANCE, TO PROVIDE CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS; TO PROVIDE FOR HEARINGS AND APPEALS OF ORDERS, FINES OR PENALTIES ; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

Mayor Jones asked for proponents to the proposed ordinance no. 1460. A third and final call was made with no one coming forward to speak. The call for opponents of the proposed ordinance no. 1460 was made and there were no comments after the third and final call. The public hearing on ordinance no. 1460 was closed.

READING & APPROVAL OF MINUTES / BILLS:

Alderman Bryan Borill moved to dispense with the reading of the minutes of the October 8th, 2013 regular council meeting and approve them as written and distributed. Seconded by Alderman Vernon Martin and duly adopted.

Alderman Vernon Martin moved to approve all bills presented for payment. Seconded by Alderman Bryan Borill and duly adopted.

MAYOR'S REPORT:

Mayor Jones presented the Sales Tax chart and User Fee chart that track the collection trend.

STANDING COMMITTEE REPORTS:

PUBLIC WORKS COMMITTEE:

Chairperson – Alderwoman Mary Melancon
Vice-Chairperson – Alderwoman Laurita Pete
Members – Aldermen Jeff Doré, Lyle Fogleman, Jr. and Vernon Martin

A motion was offered by Alderwoman Mary Melancon and seconded by Alderman Elliot Doré to approve Partial Payment No. 2 in the amount of \$508,755.92 to Coastal Bridge Company for the FY 2012-2013 Street Improvements Project. Motion carried.

UTILITY COMMITTEE:

Chairperson – Alderman Vernon Martin
Vice-Chairperson – Alderwoman Kitty Valdetero
Members – Aldermen J. Elliot Doré, Jeff Doré, and Lyle Fogleman, Jr.

A motion was offered by Alderman Elliot Doré and seconded by Alderman Steven Premeaux to approve Partial Payment No. 3 in the amount of \$10,157.14 for the Release of Retainage to Construction Pro, Inc. for the Relocation of Sewerage Force Main on Odd Fellows Road at Parkerson Avenue. Motion carried.

PUBLIC SAFETY COMMITTEE:

Chairperson – Alderman Lyle Fogleman, Jr.
Vice-Chairperson – Alderman Bryan Borill
Members – Aldermen Vernon Martin, Mary Melancon and Steven Premeaux

A motion was offered by Alderman Bryan Borill and seconded by Alderwoman Mary Melancon to table the action to proceed with notification for condemnation of property situated as 1.00 AC IN SW OF SW SEC 3 T10-E located at South Avenue M owned by Charles Darren & Suzanne P Benoit to allow for the legal notice before proceeding. Motion carried.

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman Steven Premeaux to approve the renewal of the following 2014 applications for beer and liquor permits. Motion carried.

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| 1. | Acadia Parish Police Jury
159 Cherokee Road | 2014 Class A Retail Outlet Beer Permit |
| 2. | Naser Farhud
Alliance Raceway, Inc.
2435 North Parkerson Avenue | 2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit |
| 3. | Nelson Arceneaux
American Legion Post #506
628 West Third Street | 2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit |

4. Asian Store
Asian Buffet
2108 North Parkerson Avenue
2014 Class A Retail Outlet Beer Permit
5. Randy J. Nickel
Bayou Bend Golf Club
427 Hoyt Avenue
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit
6. William G. Miller
Bud's Den
214 North Parkerson
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit
7. John Dan Gielen
Chevron Food Mart #20
2600 North Parkerson Avenue
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit
8. Brinker Louisiana, Inc.
Chilli's Grill & Bar
827 Oddfellows Road
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit
9. Rui Qing Dhou
China Dragon
1703 North Parkerson
2014 Class A Retail Outlet Beer Permit
10. Timothy D. Wilder
City Bar
123 East 1st Street
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit
11. Ben Mitchell
Courtyard Café
422 North Parkerson
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit
12. Barbin Enterprises, Inc.
Crawfish Nest & Market
805 West 2nd Street
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit
13. Riverbend Truckstop
Crowley Casino
9002 S Hwy 13
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit
14. Chad Monceaux
Crowley Town Club
625 Crowley Rayne Highway
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit
15. Ricky Cuccio
Cuccio's Food Mart
1025 North Avenue G
2014 Class B Retail Package Beer Permit
16. Econo Inc. of Kaplan
Ecnomart #7
703 South Eastern Avenue
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit
17. Alfredo Cortes
El Dorado Mexican Restaurant, LLC
2307 North Parkerson Avenue
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit
18. Linda Ngugen
Express 90
726 East 2nd Street
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit
19. Pat Bordes
Fezzo's Seafood Steakhouse
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit

- & Oyster Bar
2111 North Cherokee Road
20. TJBR Enterprises
Firehouse Café & Concessions
723 South Parkerson Avenue
2014 Class A Retail Outlet Beer Permit
 21. Suzette Credeur
Geaux Cup
19033 Crowley Eunice Hwy
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit
 22. Norma L. Weekley
Golden D-lite of Crowley, Inc.
518 South Eastern Avenue
2014 Class A Retail Outlet Beer Permit
 23. Sacre Coeur Inc. K of C Council 5499
KC 5499
621 South Avenue E
2014 Class A Retail Outlet Beer Permit
 24. Hong Enterprises, Inc.
K & L Grocery
1510 West Hutchinson
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit
 25. Jenifer Krueger
Korkys Food Mart
1122 North Western Avenue
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit
 26. Richard Retail Investments
Lagrange Food Mart, Inc.
620 South Eastern Avenue
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit
 27. Burnell Martin
Martin's Tavern
102 North Avenue F
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit
 28. Americas Pizza Company
Pizza Hut # 12247
1900 North Parkerson Avenue
2014 Class A Retail Outlet Beer Permit
 29. John Dan Gielen
Shop Rite # 1
525 South Parkerson Avenue
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit
 30. John Dan Gielen
Shop Rite #72
2597 North Parkerson Avenue
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit
 31. Debbie Broussard
South Crowley Pantry
904 South Parkerson Avenue
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit
 32. Yvonne E. Thibodeaux
Sparkles-N-Stars, II
625 West 2nd Street
2014 Class A Retail Outlet Beer Permit
2014 Class A Retail Outlet Liquor Permit
 33. William Boulet, Jr.
Super Foods
222 East 2nd Street
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit
 34. John Dan Gielen
Tobacco Plus #14
1563 North Parkerson Avenue
2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit

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| 35. | CST Metro, LLC
Valero Corner Store #378
1764 North Parkerson Avenue | 2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit |
| 36. | Wal-Mart Louisiana, LLC
729 Oddfellows Road | 2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit |
| 37. | Winn Dixie Store #1490
2004 North Parkerson Avenue | 2014 Class B Retail Package Beer Permit
2014 Class B Retail Package Liquor Permit. |

A motion was offered by Alderman Bryan Borill and seconded by Alderman Elliot Doré to approve the following 2014 application for a new beer and liquor permit. Motion carried.

Hayel Attmed & Ali Mo Hamed K & L Grocery 1510 West Hutchinson	2014 Class B Retail Package Beer Permit 2014 Class B Retail Package Liquor Permit
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RESOLUTIONS:

The following resolution was offered by Alderman Elliot Doré, duly seconded by Alderman Bryan Borill, and adopted.

MWPP RESOLUTION

WHEREAS, the Louisiana Department of Environmental Quality has directed the City of Crowley, Louisiana to perform a Municipal Water Pollution Prevention (MWPP) audit on its Wastewater Treatment Facility located on Conrad Road and;

WHEREAS, the City of Crowley, Louisiana has prepared and reviewed the attached MWPP audit and;

WHEREAS, the MWPP audit has noted a potential problem with a significant increase in average and maximum flows being reported at the treatment facility and in the collection system and;

WHEREAS, the City's partial rehabilitation of the rock filter appears to have assisted in ultimately lowering pollutants being discharged to the receiving stream and;

WHEREAS, the City has received a low interest loan to help complete the rehabilitation of the rock filter and;

WHEREAS, the City of Crowley, Louisiana wishes to guard the public health and assure discharge compliance;

BE IT THEREFORE RESOLVED THAT the City of Crowley, Louisiana hereby informs the Louisiana Department of Environmental Quality (LDEQ) that it has set forth through the Mayor and Board of Aldermen the following actions necessary to attain and maintain permit discharge compliance contained in LPDES Permit Number LA0041254:

- 1) The City of Crowley expects to continue the rehabilitation of public leaks through an ongoing smoke testing/repair maintenance crew.
- 2) The City has a notification program for private leaks. Private individuals are notified of defects on their property and the repairs are monitored and cataloged.
- 3) With the increase of flows being experienced at the treatment facility, the City will increase its efforts toward combating I/I, and has requested a higher

flow rate in the upcoming permit based on the improvements completed and contemplated at the treatment facility.

- 4) The City will pursue the completion of the rehabilitation of the rock filter in 2014 assuming adequate funding for the project is secured.

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on the 12th day of November, 2013, in Crowley, Acadia Parish, Louisiana.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Bryan Borill, Elliot Doré, Jeff Doré, Vernon Martin, Mary Melancon and Steven Premeaux

NAYS: None

ABSTAIN: None

ABSENT: Lyle Fogleman, Laurita Pete and Kitty Valdetero

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

ORDINANCES:

The following ordinance no. 1460 has been previously introduced at a regular meeting convened on October 8th, 2013, published by title in the official journal of the City, and a public hearing held thereon on November 12th, 2013. It was offered for final adoption by Alderman Elliot Doré, seconded by Alderman Vernon Martin and duly adopted.

ORDINANCE NO. 1460

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CROWLEY BY ADDING THERETO CHAPTER 16 TO BE KNOWN AS THE STORMWATER CODE OF THE CITY OF CROWLEY, LOUISIANA, TO PROVIDE THE GENERAL PURPOSES AND ADMINISTRATION OF THE ORDINANCE; TO PROVIDE DEFINITIONS, REGULATIONS, REQUIREMENTS, CATEGORIES AND CLASSIFICATIONS FOR DISCHARGE OF STORMWATER INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM AND WATERS OF THE CITY, STATE OF LOUISIANA OR UNITED STATES; TO PROHIBIT THE DISCHARGE OF SUBSTANCES AND STORMWATER CONTAINING ANY SUBSTANCES NOT INCLUDED WITHIN AN AFFIRMATIVE DEFENSE HEREIN ; TO PROVIDE FEES AND CHARGES FOR REGULATION, ADMINISTRATION AND PERMITS; TO PROVIDE FOR ENFORCEMENT FOR NON-COMPLIANCE, TO PROVIDE CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS; TO PROVIDE FOR HEARINGS AND APPEALS OF ORDERS, FINES OR PENALTIES ; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

WHEREAS, this ordinance has been duly introduced and notice of this ordinance and notice of public hearing having been published; and

WHEREAS, a public hearing having been held in accordance with law on the 12th day of November, 2013, at 6:00 p.m. at City Hall, Crowley, Louisiana; and

WHEREAS, the Board of Aldermen find that this ordinance is necessary to allow the City to comply with Federal and State laws and regulations by EPA and DEQ regarding stormwater discharges and to prevent the discharge of contaminated stormwater runoff from industrial, commercial and residential construction sites into the Municipal Separate Storm Sewer System (MS4); and

WHEREAS, the Board of Aldermen has considered the comments and suggestions of the Citizen Advisory Committee and those received from the public;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY, PARISH OF ACADIA, STATE OF LOUISIANA, IN REGULAR SESSION DULY CONVENEED, THAT:

SECTION 1: The Code of Ordinances of the City of Crowley be and the same is hereby amended to add thereto Chapter 16 to read as follows, to-wit:

Chapter 16. Stormwater Code.

Article I – GENERAL PROVISIONS.

Sec. 16.1. Title.

This chapter shall be known as the “Stormwater Code of the City of Crowley, Louisiana” and may be cited and referred to herein by section and may be generally referred to by the name “Stormwater Code”.

Sec. 16.2. Purpose.

The purpose and objectives of this chapter are as follows:

(1) To maintain and improve the quality of surface water and groundwater within the City of Crowley.

(2) To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential and construction sites into the Municipal Separate Storm Sewer system (MS4) and natural waters affected by the City of Crowley.

(3) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers and other contaminants into the storm sewers and natural waters of the City of Crowley.

(4) To encourage the recycling of used motor oil and safe disposal of other hazardous consumer products.

(5) To facilitate compliance with state and federal standards and permits by owners and operators of industrial and construction sites within the City of Crowley.

(6) To enable the City of Crowley to comply with federal and state laws and regulations applicable to stormwater discharges.

Sec. 16.3. Administration.

Except as otherwise provided herein, the City Inspector shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the City Inspector may be delegated to other city personnel by the Mayor.

Sec. 16.4. – 16.30. – Reserved.

ARTICLE II. ABBREVIATIONS AND DEFINITIONS.

Sec. 16.31. Abbreviations.

- (1) BMP – Best Management Practices
- (2) BTEX – Benzene, Toluene, Ethylbenzene and Xylene
- (3) CFR – Code of Federal Regulations
- (4) COC – City of Crowley
- (5) EPA – US Environmental Protection Agency
- (6) HHW – Household hazardous waste
- (7) mg/l – Milligram per liter
- (8) MS4 – Municipal Separate Storm Sewer System
- (9) NOI – Notice of Intent
- (10) NOT – Notice of Termination
- (11) NPDES – National Pollution Discharge Elimination System
- (12) ppb – Parts per billion
- (13) PST – Petroleum Storage Tank
- (14) RST – Registered Storage Tank
- (15) RPE – Registered Professional Engineer
- (16) RQ – Reportable Quantity
- (17) SWPPP – Stormwater Pollution Prevention Plan
- (18) TPH – Total Petroleum Hydrocarbon
- (19) USC – United States Code

Sec. 16.32. Definitions.

- (1) *Agricultural stormwater runoff.* Any stormwater runoff from cultivated crops, pastures, and other nonpoint source of agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.3 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.
- (2) *Back washing.* The rinsing and/or cleaning of cartridge or sand filters.
- (3) *Best management practices (BMP).* Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the United States. BMP's also include treatment requirements, operating procedures and practices to control plant site runoff.
- (4) *Cellar dirt.* Construction site waste materials such as natural rock and soil overburden.
- (5) *City.* City of Crowley, Louisiana.
- (6) *City Engineer.* The person appointed by the Mayor and confirmed by the Board of Aldermen to the position of city engineer or his/her duly authorized representative.

- (7) *City Inspector.* The person appointed by the Mayor and confirmed by the Board of Aldermen to the position of city inspector or his/her duly authorized representative.
- (8) *Commencement of construction.* The disturbance of soils associated with clearing, grading, excavating activities or other construction activities.
- (9) *Commercial.* Pertaining to any business, trade, industry or other activity engaged in for profit.
- (10) *Compliance officer.* The compliance officer is City Inspector or his/her duly authorized representative.
- (11) *Contaminated.* Pertaining to containing a harmful quantity of any substance.
- (12) *Contamination.* Pertaining to the presence of or entry into a public water supply system, the MS4, waters of the state or waters of the United States of any substance which may be deleterious to the public health and/or quality of the water.
- (13) *Cosmetic cleaning.* Pertaining to cleaning done for cosmetic purposes. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning or any cleaning otherwise regulated under federal, state or local laws.
- (14) *Director of Public Works.* The person appointed by the mayor and confirmed by the Board of Aldermen to the position of Director of Public Works or his/her duly authorized representative.
- (15) *Director of Wastewater.* The person appointed by the Mayor and confirmed by the Board of Aldermen to the position of Director of Wastewater or his/her duly authorized representative.
- (16) *Discharge.* Any addition or introduction of any pollutant, stormwater or any other substance whatsoever into the Municipal Separate Storm Sewer System (MS4) or into waters of the United States.
- (17) *Discharger.* Any person who causes, allows, permits or is otherwise responsible for a discharge, including but without limitation any operator of a construction site or industrial facility.
- (18) *Domestic sewage.* Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, office buildings, industrial sites and institutions that is free from industrial waste.
- (19) *Environmental Protection Agency (EPA).* The United States Environmental Protection Agency, the regional office thereof, any federal department, agency or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.
- (20) *Extremely hazardous substance.* Any substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification.
- (21) *Facility.* Any building, structure, installation, process or activity from which there is or may be a discharge of a pollutant.
- (22) *Final stabilization.* Stabilization of least seventy (70) per cent of the site as defined in part IX of the general permit [sic].
- (23) *Fire code.* The “Fire Prevention and Protection Code” Chapter 8 of the City Code.

(24) *Fire protection water.* Any water and any substance or materials contained therein used by any person other than the fire department to control or extinguish a fire.

(25) *Garbage.* Putrescible animal and vegetable waste materials from the handling, preparation, cooking or consumption of food, including waste materials from markets, storage facilities and the handling and sale of produce and other food products.

(26) *Grading permit.* Permit to commence grading or other land disturbance activity prior to obtaining a building permit.

(27) *Harmful quantity.* The amount of any substance that will cause pollution of water in the state.

(28) *Hazardous household waste (HHW).* Any material generated in a household by a consumer which, except for the exclusion provided in 40 CFR Part 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 302.

(29) *Hazardous substance.* Any substance listed in Table 302.4 of 40 CFR 302.

(30) *Hazardous waste.* Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

(31) *Industrial waste.* Any waterborne liquid or solid substance that results from any process of industry, manufacturing, production, trade or business.

(32) *Mobile commercial cosmetic cleaning.* Any power washing, steam cleaning and other mobile cosmetic cleaning operation, of vehicles and/or exterior surfaces, engaged in for commercial purposes.

(33) *Motor vehicle fuel.* Any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend and any other fluid used in a motor vehicle.

(34) *Municipal landfill or landfill.* An area of land or an excavation in which municipal solid waste is placed for permanent disposal and which is not a land treatment facility, a surface impoundment, an injection well or a pile.

(35) *Municipal Separate Storm Sewer System (MS4).* The system of conveyances gutters, ditches, manmade channels or storm drains owned and operated by the City and designated or used for collecting or conveying stormwater and which is not used for collecting or conveying sewage.

(36) *Municipal solid waste.* Solid waste resulting from or incidental to municipal, community, commercial, institutional or recreational activities and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and other solid waste other than industrial waste.

(37) *NPDES general permit for stormwater discharges associated with industrial activity or industrial general permit.* The Industrial General Permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41304 on September 9, 1992, and any subsequent modifications or amendments thereto.

(38) *NPDES general permit for stormwater discharges from construction sites or construction general permit.* The construction general permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41217 on September 9, 1992, and any subsequent modifications or amendments thereto.

(39) *NPDES permit.* A permit issued by EPA (or by the state under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of

the United States, whether the permit is applicable on an individual, group or general area-wide basis.

(40) *Nonpoint source*. Any source of any discharge of a pollutant that is not a “point source”.

(41) *Notice of Intent (NOI)*. The notice of intent that is required by either the industrial general permit or the construction general permit.

(42) *Notice of Termination (NOT)*. The notice of termination that is required by either the industrial general permit or the construction general permit.

(43) *Oil*. Any kind of oil in any form, including but not limited to synthetic, animal, vegetable, petroleum, fuel oil, and pressure, sludge, oil refuse and oil mixed with waste.

(44) *Operator*. The person or persons who, either individually or taken together, meet the following two criteria: (a) have operational control over the facility specifications (including the ability to make modifications in specifications); and (b) have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

(45) *Owner*. The person who owns a facility or part of a facility.

(46) *Person*. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state and local entities.

(47) *Petroleum product*. A petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil and #1 and #2 diesel.

(48) *Petroleum storage tank (PST)*. Any one or combination of above ground or underground storage tanks that contain petroleum products and any connecting underground pipes.

(49) *Point source*. Any discernible, confined and discrete conveyances, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

(50) *Pollutant*. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. The term “pollutant” does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated pasture land or farm land.

(51) *Pollution*. The alteration of the physical, thermal, chemical or biological quality of or the contamination of any water in the state that renders the water harmful, detrimental or injurious to humans, animal life, vegetation or property or to the public health, safety or welfare or impairs the usefulness of public enjoyment of the water for any lawful or reasonable purpose.

(52) *Registered landscape architect (RLA)*. A person who has been duly licensed and registered to practice landscape architecture.

(53) *Registered professional engineer (RPE)*. A person who has been duly licensed and registered by the state board of registration for professional engineers to engage in the practice of engineering in the State of Louisiana.

(54) *Release.* Any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the Municipal Separate Storm Sewer system (MS4) or the waters of the United States.

(55) *Reportable quantity (RQ).* For any “hazardous substance”, the quantity established and listed in Table 302; for any “extremely hazardous substances”, the quantity established in 40 CFR Part 302; for any “extremely hazardous substance”, the quantity established in 40 CFR Part 355 and listed in Appendix A thereto.

(56) *Rubbish.* Nonputrescible solid waste, excluding ashes, that consist of (a) combustible waste materials, including paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves and similar materials; and (b) noncombustible waste materials including glass, crockery, tin cans, aluminum cans, metal furniture and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

(57) *Sanitary sewer or sewer.* The system of pipes, conduits and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, to the city sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

(58) *Septic tank waste.* Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

(59) *Service station.* Any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.

(60) *Sewage or sanitary sewage.* The domestic sewage and/or industrial waste that is discharged into the city sanitary sewer system and passes through the sanitary sewer system to the city sewage treatment plant for treatment.

(61) *Site.* The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

(62) *Solid waste.* Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from community and institutional activities.

(63) *State.* State of Louisiana.

(64) *Stormwater.* Stormwater runoff, snow melt runoff, surface runoff and drainage.

(65) *Stormwater discharge associated with industrial activity.* The discharge from any conveyance(s) which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas directly related to manufacturing, processing or raw materials storage areas at an industrial plant which is within one of the categories of facilities listed in 40 CFR 122.26(b)(14) and which is not excluded from EPA’s definition of the same term.

(66) *Stormwater Pollution Prevention Plan (SWPPP).* A plan required by either the construction general permit or the industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

(67) *Uncontaminated.* Not containing a harmful quantity of any substance.

(68) *Used oil (or used motor oil).* Any oil that has been refined from crude oil, animal or vegetable matter or a synthetic oil that as a result of use, storage or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties

but that may be suitable for further use and is recyclable in compliance with state and federal law.

(69) *Water in the state (or water).* Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

(70) *Water quality standard.* The designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed acceptable and achievable by the state.

(71) *Waters of the United States.* All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow tide; all interstate waters including interstate wetlands; all other waters the use, degradation or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of “waters of the United States” at 40 CFR 122.2; but not including any waste treatment systems, treatment ponds or lagoons designed to meet the requirement of the federal Clean Water Act.

(72) *Wetland.* An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

(73) *Yard waste.* Leaves, grass clippings, yard and garden debris, tree limbs, branches and brush that result from landscaping maintenance and land-clearing operations.

Sec. 16.33 – 16.50. – Reserved.

Article III. USER REQUIREMENTS.

Sec. 16.51. General Provisions.

(1) No person shall introduce or cause to be introduced into the Municipal Separate Storm Sewer System (MS4) any discharge that is not composed entirely of stormwater.

(2) It is an affirmative defense to any enforcement action for violation of subsection (1) of this section that the discharge was composed entirely of one or more of the following categories of discharges:

(a) A discharge authorized by and in full compliance with an NPDES permit (other than the NPDES permit for discharges from the MS4);

(b) A discharge or flow resulting from the fire fighting by the fire department;

(c) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;

(d) Agricultural water runoff;

(e) A discharge or flow from water line flushing but not including a discharge from water line disinfection by superchlorination or other means unless it contains no harmful quantities of chlorine or any other chemical used in the line disinfection;

(f) A discharge or flow from lawn watering, landscape irrigation or other irrigation water;

- (g) A discharge or flow from a diverted stream flow or natural spring;
- (h) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
- (i) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(2) to the MS4);
- (j) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;
- (k) A discharge or flow from air conditioning condensation that is not mixed with water from a cooling tower, emissions scrubber, emission filter, or any other source of pollutant;
- (l) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
- (m) A discharge or flow from individual residential car washing;
- (n) A discharge or flow from a riparian habitat or wetland;
- (o) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, solvent, emulsifier, dispersant or any other harmful cleaning substance;
- (p) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;

(3) No affirmative defense shall be available under subsection (2) of this section if the discharge or flow in question has been determined by the Compliance Officer to be a source of a pollutant or pollutants to the waters of the United States or to the MS4, written notice of such determination has been provided to the discharger and the discharge has occurred more than ten (10) days beyond such notice. The correctness of the Compliance Officer's determination that a discharge is a source of a pollutant may be reviewed in any administrative or judicial enforcement proceeding.

Sec. 16.52. Specific prohibitions and requirements.

(1) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in Section 16.51.

(2) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the city to violate a water quality standard, the city's NPDES permit, or any state-issued discharge permit for discharges from its MS4.

(3) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:

- (a) Any used or unused cooking oil, motor oil, hydraulic oil, transmission oil, brake fluid, antifreeze or any other motor vehicle fluid;
- (b) Any industrial waste;
- (c) Any hazardous waste, including hazardous household waste;
- (d) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;

- (e) Any garbage, rubbish or yard waste;
- (f) Any wastewater from a commercial carwash facility; from cleaning or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop or maintenance facility; or from any washing, cleaning or maintenance of any business, commercial, industrial or public service vehicle, including trucks, buses, tractors, trailers, farm, construction, industrial or heavy equipment by a business, commercial, industrial or public entity;
- (g) Any wastewater from the washing, cleaning, de-icing or other maintenance of aircraft;
- (h) Any wastewater from commercial floor, rug or carpet cleaning;
- (i) Any effluent from a cooling tower, condenser, compressor, emission scrubber, emission filter or the blowdown from a boiler;
- (j) Any runoff or wash down from any animal pen, kennel or fowl or livestock containment areas;
- (k) Any discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
- (l) Any fire protection water containing oil or hazardous substances or material;
- (m) Any water from a water curtain in a spray room used for painting vehicles or equipment;
- (n) Any contaminated runoff from a vehicle wreckage;
- (o) Any substance or material that will damage, block or clog the MS4;
- (p) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contamination by a leaking PST, or any discharge of pumped, confined or treated wastewater from the remediation of such PST release, unless the discharge satisfies all of the following criteria:
 - (i) Compliance with all state and federal standards and requirements;
 - (ii) No discharge containing harmful quantity of any pollutant;
 - (iii) No discharge containing more than fifty (50) parts per billion of benzene, five hundred (500) parts per billion combined total quantities of benzene, toluene, ethylbenzene and xylene (BTEX); or fifteen (15) mg/l of total petroleum hydrocarbons (TPH);
- (q) The following nonstormwater sources may be discharged from the MS4 provided that they have not been determined by the city to be substantial sources of pollutants to the MS4. The operator must utilize best management practices to limit discharge of the following nonstormwater sources:
 - (i) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent or any other harmful cleaning substance;
 - (ii) Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant or any other cleaning substance; or any wastewater from the wash down or other

cleaning of any pavement where any spill, leak, or other release of oil, motor fuel or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;

(iii) Any ready mixed concrete, concrete, mortar, ceramic or asphalt base material or hydro mulch material and/or any wastewater from the cleaning of commercial vehicles or equipment containing or used in transporting or applying such material.

(4) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.

(5) No person shall connect a line conveying sanitary sewage, domestic or industrial to the MS4 or allow such a connection to continue.

(6) No person shall cause or allow any pavement wash water from a retail, commercial, manufacturing or industrial facility to be discharged into a MS4 unless such wastewater has passed through a properly functioning and maintained grease, oil and sand interceptor before discharging into the MS4.

Sec. 16.53. New and Used oil regulation.

(1) No person shall:

(a) Discharge new or used oil into the MS4 or a sewer, drainage system, surface water, groundwater or water course;

(b) Knowingly mix or comingle new or used oil with solid waste that is to be disposed in a landfill or knowingly directly dispose of new or used oil on land or in a landfill;

(c) Apply used oil to a road or land for dust suppression, weed abatement or other similar use that introduces used oil into the environment.

Sec. 16.54. Swimming pool regulation.

(1) Requirements for two types of discharges:

(a) *Filter back washing:*

(1) Backwash water may be disposed of and filters may be rinsed on the pool/spa owner's property. This shall be done in an area that will fully absorb the water and contain all runoff.

(2) Water from back washing in a pool or spa containing chlorine <1 mg/l, total suspended solids <mg/l, pH in the range of 7 to 8, no harmful quantities of muriatic acid or other chemical used in the treatment or disinfection of the water, free of color, algae, and other contaminants may be discharged off the owner's property to the MS4 into subsurface drainage.

(b) The following restrictions apply to backwash water discharges discharge activities:

(1) Discharges may not be drained onto a neighbor's property or across a sidewalk;

(2) Discharge water may not cause erosion or transport sediment;

(3) Discharges may not be drained into unpaved alleys;

(4) Discharges may not cause an accumulation of water along the curb line gutter of a paved street;

(5) Backwash water discharge unable to meet the restrictions outlined above must be discharged to the sanitary sewer system with approval from the Director of Wastewater and the City Inspector.

(2) *Swimming pool/spa draining:*

(a) Water from draining a pool or spa containing chlorine <1 mg/l, total suspended solids <45 mg/l, pH in the range of 7 to 8, no harmful quantities of muriatic acid or other chemical used in the treatment or disinfection of the water, free of color, algae and other contaminants may be discharged off the owner's property to the MS4 into sub surface drainage.

(b) The following restrictions apply to swimming pool and spa discharge activities:

(1) Discharges may not be drained onto a neighbor's property or across a sidewalk;

(2) Discharge water may not cause erosion or transport sediment;

(3) Discharges may not be drained into unpaved alleys;

(4) Discharges may not cause an accumulation of water along the curb line gutter of a paved street;

(5) Swimming pools or spas water discharge unable to meet the restrictions outlined above must be discharged to the sanitary sewer system in the event no subsurface drainage is available. To discharge to the sanitary sewer prior approval from the Director of Wastewater and the City Inspector must be obtained.

Sec. 16.55. Discharge from solid and liquid waste containers/receptacles (dumpster areas).

(1) For all new construction of commercial facilities requiring suitable cleaning and supplies such as high pressure pumps, hot water, steam and detergents necessary for the effective cleaning of equipment and receptacles of solid waste collection must meet the following requirements:

(a) Liquid waste generated by cleaning operations cannot be discharged into the MS4 without a valid NPDES permit from the Louisiana Department of Environmental Quality (LDEQ).

(b) Liquid waste generated by cleaning operations not meeting criteria in subsection (a) above, must be discharged to the sanitary sewer. Stormwater runoff must be prevented from entering the sanitary sewer by means approved by the Compliance Officer or designated representative of the City of Crowley.

(c) Discharge entering the sanitary sewer must meet local discharge limits found in the city wastewater collection ordinance. Discharges unable to meet these discharge limits must be pretreated on site to reduce pollutant concentration prior to discharging to the sanitary sewer and the owner or operator must comply with all regulations, permitting requirements, reporting, fees, assessments and surcharges applicable.

Sec. 16.56 – 16.70. – Reserved.

ARTICLE IV. STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES.

Sec. 16.71. General requirements.

The operator shall certify all state requirements have been met by signing a certification statement as part of the grading application and/or building permit application. Refer to current specific NPDES permit for site applicability and NOI requirements.

(1) All operators of construction sites shall use best management practices to control and reduce the discharge to the MS4 and to waters of the United States of sediment, silt, earth, soil and other material associated with the clearing, grading, excavation and other construction activities to the maximum extent practicable. Such best management practices may include but not be limited to the follow measures:

(a) Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include but are not limited to: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation and other appropriate measures;

(b) Use of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible;

(c) Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site;

(d) Prevention of the discharge of building materials, including cement, lime, sand, concrete, and mortar, to the MS4 or waters of the United States;

(e) Identify and implement best management practices and measures to prevent and contain spills of paints, solvents, fuels, septic waste and other hazardous chemicals and pollutants associated with construction and to assure prompt cleanup and disposal of any such spills in compliance with state, federal and local requirements;

(f) Implementation of proper waste disposal and waste management techniques, including but not limited to covering waste materials and minimizing ground contact with hazardous chemicals, pollutants, trash and debris;

(g) Identify and immediately implement best management practices for timely maintenance of vegetation, erosion and sediment control measures in good and effective operating condition;

(h) Installation of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but not be limited to the following: Stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices, infiltration of runoff on site; and sequential systems which combine several practices. Operators of construction sites are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated.

(2) Personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site (meeting criteria of current NPDES permit) that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures and locations where vehicles enter or exit the site in accordance with the current NPDES permit or SWPP plan.. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspections, best management practices shall be revised as appropriate and as soon as is practical.

(3) The city may require any plans and specification that are prepared for the construction of site improvements to illustrate and describe the best management practices

required by subsection (1)(a) above that will be implemented at the construction site. The city may deny approval of any building permit, site development plan or any other city approval necessary to commence or continue construction or to assume occupancy on the grounds that the management practices described in the plans or observed upon the site inspection by the Compliance Officer are determined not to effectively control and/or reduce the discharge of sediment, silt, earth, soil and other materials associated with clearing, grading, excavation and other construction activities to the maximum extent practical.

(4) Any owner of a site of construction activity whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this section.

(5) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the city to violate a water quality standard, the city's NPDES permit or any state-issued discharge permit for discharges from its MS4.

(6) Based on the results of the inspections required by subsection (2), the site description and/or the pollution prevention measures shall be revised as appropriate but in no case later than one calendar day following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within one calendar day following the inspection.

(7) Upon final stabilization of the construction site, the owner or the duly authorized representative thereof, shall submit written certification to the city that the site has been finally stabilized. The city may withhold an occupancy or use permit for any premises constructed on the site until certification of final stabilization has been filed and the city has determined following any appropriate inspection that final stabilization has in fact occurred and that any and all required permanent structural controls have been completed.

Sec. 16.72. Site applicability.

Construction activity, including clearing, grading and excavation activities, which result in the disturbance of one or more acres of total land area shall comply with the requirements of this chapter. This also applies to building construction (including residential) on lots less than one acre.

Sec. 16.73 – 16.90. – Reserved.

ARTICLE V. GRADING PERMIT.

Sec. 16.91. Purpose.

The purpose of this section is to regulate grading property within the incorporated area of the City of Crowley to safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses with nutrients, sediments or other earthen materials generated on or caused by surface runoff on or across the permit area; and to ensure that the intended user of a graded site is consistent with applicable city ordinances.

Sec. 16.92. Exemptions.

The following described activities shall not require a grading permit in order to perform clearing, excavation or related earthwork:

- (1) If building permit is obtained, no grading permit is required.
- (2) Utility or public works improvements do not require a grading permit.
- (3) Excavation in connection with a building, swimming pool, retaining wall or other structure authorized by a valid building permit.

(4) Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

(5) Septic repair and/or alteration.

(6) Cemetery graves.

(7) Temporary stockpiling or storing of materials provided that such operations do not affect adjacent properties and all drainage and erosion control requirements.

(8) Accepted agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations, tree cutting, logging operations leaving the stump and root mat intact, and cultivated sod operation.

(9) Minor landscaping and sprinkler installation.

Sec. 16.93. Permitting procedures.

Unless otherwise stated no person(s) shall perform any clearing, excavation or earthwork within the City of Crowley without first having obtained a grading permit or building permit from the planning department.

The grading permit is applicable but is not limited to the following activities:

(1) Excavating, cutting, filling, grading, draining or paving of lots, parcels or other areas.

(2) Altering, rerouting, deepening, widening obstructing or changing in any way an existing drainage system or feature.

(3) Development for: residential, commercial, institutions, industrial, utility or other activities.

(4) Commencing any other development or excavation which may: significantly increase or decrease the rate and/or quantity of surface water runoff; degrade the quality of water; adversely affect any sinkhole, water course or water body.

Sec. 16.94. Responsibility not waived.

The grading permit exceptions listed in section 16.92 do not relieve the owner, developer, contractor or other legal representative of the responsibility of installing and properly maintaining the proper erosion/sedimentation control measures or other liability resulting from such activities.

Sec. 16.95. Site plan and/or conceptual grading plan requirements.

(1) An approved site sketch is required to obtain a grading permit. The site sketch shall contain in addition to such basic information as owner name and address, date, tax map and parcel number the following:

(a) The actual shape, location and dimension of the lot to be built upon

(b) The shape, size and location of all existing and proposed buildings or other structures

(c) The location and approximate dimension of all points of access to a public street or road

(d) The location of all driveways and entrances

(e) Locations of areas subject to flooding, if applicable

(2) An approved site plan is required to obtain a grading permit. The site plan shall contain, as a minimum, the following items or information, as applicable.

- (a) Total land area
- (b) Existing and proposed topography of existing land and impervious areas shown
- (c) Elevations of all existing and proposed streets, alleys, utilities, sanitary and stormwater sewers and exiting buildings and structures
- (d) All existing and proposed impervious area
- (e) Natural or artificial watercourses
- (f) Limits of floodplains, if applicable
- (g) All existing and proposed slopes, terraces or retaining walls
- (h) All existing and proposed stormwater drainage structures or features
- (i) All stormwater structures/features immediately upstream and downstream of the site
- (j) Erosion and siltation control plans
- (k) Drainage calculations when required
- (l) Drainage easement when required

Sec. 16.96. Plan submittal, review and approval process for grading permits.

If site, drainage, grading and erosion plans for the purpose of obtaining a grading permit are required, they shall be submitted to the planning department. They are to be submitted no less than ten (10) days prior to the intended date to begin site alterations. The issuance of all other permits is based upon approval of submitted plans.

The grading permit is valid for a period of one year from the date of issuance. Extensions will be considered based on circumstances.

Sec. 16.97. Grading permit fees.

The fee for the grading permit is intended to assist the City of Crowley in recovering some of the expenses associated with the permitting process. These costs consist primarily of administration, inspection and enforcement activities and shall be approved and set by the city council.

The fee schedule for grading permits is as follows:

Grading/excavation/earthworks projects

Areas less than or equal to one (1) acre	\$50.00
Areas greater than one (1) acre, for each additional acre or fraction thereof	\$25.00

Sec. 16.98. Erosion and sedimentation control.

Developers and/or properly owners shall use appropriate erosion and sedimentation control measures to ensure that erosion or adverse conditions caused by erosion or

sedimentation, is eliminated or held to an acceptable minimum and does not cross to an adjoining property, right of way or stream.

Sec. 16.99 – 16.120. – Reserved.

ARTICLE VI. COMPLIANCE MONITORING.

Sec.19.121. Right of entry: inspection and sampling.

The city shall have the right to enter the premises of any person discharging stormwater to the municipal separate storm sewer system (MS4) or to waters of the United States to determine if the discharger is complying with all requirements of this chapter and with state or federal discharge permit, limitation or requirements. Dischargers shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and for the performance of any additional duties. Dischargers shall make available to the city, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports and other documents related to compliance with this chapter and with any state or federal discharge permit.

(1) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that upon presentation of suitable identification city personnel will be permitted to enter without delay for the purpose of performing his/her responsibilities.

(2) The city shall have the right to set up on the discharger's property, or require installation of such devices as are necessary to conduct sampling and/or metering of the discharger's operation.

(3) The city may require any discharger to the MS4 or waters of the United States to conduct specified sampling, testing, analysis and other monitoring of its stormwater discharges and may specify the frequency and parameters of any such required monitoring.

(4) The city may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy and certified prior to installation and calibrated and recertified annually.

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

(6) Unreasonable delays in allowing the city access to the discharger's premises shall be a violation of this chapter.

Sec. 16.122. – 16.140. – Reserved.

ARTICLE VII. PENALTIES AND ENFORCEMENT

Sec. 16.141. Notice of noncompliance.

The director of planning and development or his designee shall deliver to the owner, contractor and/or representative of any premises or to any person responsible for an illicit connection, prohibited discharge, maintenance of a threatened discharge, failure to implement BMPs in accordance with this chapter or any other violation of this chapter a notice of noncompliance. The notice of noncompliance shall be delivered in accordance with section 16.143.

The notice of noncompliance shall identify the provision of this chapter which has been violated. The notice of noncompliance shall state that continued noncompliance may result in additional enforcement actions, including the recovery of any costs incurred by the city.

The notice of noncompliance shall identify a compliance date that must be met.

Sec. 16.142. Cease and desist orders.

The director of planning and development may issue a cease and desist order. A cease and desist order shall be delivered in accordance with section 16.143. A cease and desist order may direct the owner, contractor and/or representative responsible of this chapter, to take any of the following action:

- (1) Immediately discontinue any prohibited discharge to the city's stormwater conveyance system
- (2) Immediately discontinue any other violation of this chapter
- (3) Clean up the area affected by the violation
- (4) The director of planning and development may direct by a cease and desist order that any person immediately cease any activity which may lead to a violation of receiving water limitations
- (5) The director of planning and development may terminate the building permit for the site.

Sec. 16.143. Delivery of notice.

Any notice of noncompliance, cease and desist order or other enforcement order pursuant to the requirements of this chapter shall be subject to the following requirements:

- (1) The notice shall state that the recipient has a right to appeal the matter as set forth in section 16.145.
- (2) The notice shall state that the recipient or the property owner, or both, may be liable for all enforcement costs incurred by the city in correcting the violation.
- (3) Delivery shall be deemed complete upon either personal delivery to the recipient or deposit in the US Mail, certified mail return receipt requested, proper postage prepaid.

Sec. 16.144. Penalties.

Any person violating any provision of this chapter shall be punished by a fine imposed by the director of planning and development according to the following schedule:

First offense	\$250.00 per day per offense
Second offense	\$500.00 per day per offense
Third offense and thereafter	\$1,000.00 per day per offense

Sec. 16.145. Administrative appeals.

(1) *Initiating an appeal.* An appeal may be initiated by filing a petition with the director of planning and development once information attempts to resolve the customer's compliant have failed. The following information shall be contained in the petition:

(a) The name, address and telephone number of the interested party filing the appeal and the name of the owner and/or customer if the appeal is being filed by an interested party other than the owner and/or customer.

(b) The property address and a facility contact person if different from the owner.

(c) The decision, enforcement action or other action being appealed and the decision of the action.

(d) An indication of the appellant's status as an interested party.

(e) A statement giving specific reason why the appellant believes the decision of the director of planning and development is incorrect or does not comply with the rules and regulations found in this chapter.

(f) New or different documents, drawings, plans or other material appellant believes supports the case.

(2) *Hearing.* The city council may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee to:

(a) Issue in the name of the city council notices of hearings requested the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(b) Take the evidence.

(c) Transmit a report of the evidence and hearings, including transcripts and other evidence, together with recommendations to the city council for action thereon.

At any hearing held pursuant to this article, testimony must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the city council has reviewed the evidence, it may issue an order to the user responsible for the violation, following a specified time period, that corrective action be completed, and/or penalties be paid. Further orders and directives as are necessary and appropriate may be issued.

A party or person aggrieved by the city council decision shall the right of judicial review of such determination in Fifteenth Judicial Court

Sec. 16.146. – 16.170. – Reserved.

ARTICLE VIII. CITIZEN PARTICIPATION.

Sec. 16.171. Citizen reports of violations.

(1) All citizens are encouraged to report to the city any spills, releases, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the United States and any other violation of this chapter of which they become aware.

(2) Calls received by the first call system will be referred to the compliance officer. All citizen reports received by telephone, in writing and in person will be kept on file for a period of three (3) years. When necessary, complaints will be referred to the department of environmental quality, department of health and hospital or other appropriate local, state or federal agency.

Sec. 16.172. – 16.190. – Reserved.

ARTICLE IX. MISCELLANEOUS PROVISIONS.

Sec. 16.191. Charges and fees.

Customers shall be charged a fee of two dollars and thirty cents (\$2.30) each month for reimbursement of the costs of constructing, operating and maintaining the city's MS4 and for reimbursement of costs of implementing a "stormwater management program" as required by EPA and the state, and those other cost of implementing this chapter, which costs may include although are not limited to the following:

(1) Fees for monitoring, inspection and surveillance procedures including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by discharges.

(2) Fees for spills and release reports and responding to spills and releases of oil, hazardous and extremely hazardous substances and other pollutants.

(3) Fees for the discharges of stormwater into the city's separate storm sewer system.

(4) Other fees as the city may deem necessary to carry out the requirements contained in this chapter. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines and penalties chargeable by the city.

(5) The two dollar and thirty cent (\$2.30) fee for customers shall be assessed to each commercial or residential property individually for each meter. The Director of Finance may apply the fee to structures individually if multiple structures use one meter. The fee is limited to one assessment per structure.

SECTION 2: If any provision, part, word, section, subsection, sentence, clause or phrase of this ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and do hereby declare the provisions hereof to be severable, then in that event, only that particular provision, part, word, section, subsection, sentence, clause or phrase shall be deemed unconstitutional or invalid and the remaining provisions, parts, words, sections, subsections, sentences, clauses and phrases will not be affected and shall continue in full force and effect;

SECTION 3: All ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on this the 12th day of November, 2013, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Bryan Borill, Elliot Doré, Jeff Doré, Vernon Martin, Mary Melancon and Steven Premeaux

NAYS: None

ABSTAIN: None

ABSENT: Lyle Fogleman, Laurita Pete and Kitty Valdetero

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

OTHER BUSINESS:

There being no further business to come before the Council upon motion duly made by Alderman Steven Premeaux and seconded by Alderman Elliot Doré meeting was adjourned at 6:16 p.m.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on November 13, 2013 at 11:30 a.m.

Presented for Mayor's signature on November 13, 2013 at 2:30 p.m.

Mayor signed & returned to City Clerk on November 14th, 2013 at 9:00 a.m.

Publish in newspaper on November 21st, 2013