

CITY OF CROWLEY  
REGULAR MEETING  
AUGUST 11, 2009

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 11<sup>th</sup> day of August, 2009 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: J. Elliot Doré, Jeff Doré, Lyle Fogleman Jr., Vernon Martin, Mary Melancon, Laurita Pete, Steven Premeaux, and Kitty Valdetero. Alderman Todd Whiting was absent.

Alderman Jeff Doré led the Pledge of Allegiance to the flag and Alderman J. Elliot Doré gave the invocation.

**AGENDA AMENDMENTS:**

Alderwoman Mary Melancon offered a motion to amend the agenda to consider an amendment to the ordinance to authorize special event permits for the sale of alcoholic beverages. Seconded by Alderman J. Elliot Doré and duly adopted after a unanimous vote.

Alderman Vernon Martin offered a motion to amend the agenda to consider an amendment to the ordinance to provide the dollar amount of theft for misdemeanour violation and the penalty. Seconded by Alderman J. Elliot Doré and duly adopted after a unanimous vote.

**READING & APPROVAL OF MINUTES / BILLS:**

Alderman Steven Premeaux moved to dispense with the reading of the minutes of the July 14<sup>th</sup>, 2009 regular council meeting. Seconded by Alderman Vernon Martin and duly adopted.

Alderwoman Kitty Valdetero moved to approve all bills presented for payment. Seconded by Alderman Steven Premeaux and duly adopted.

**PRESENTATIONS:**

Mayor Jones presented the following proclamation to Southwest Louisiana Center for Health Services.

*Proclamation*

WHEREAS, Community Health Centers, also known as Federally Qualified Health Centers, are nonprofit, community directed providers of health care to the medically underserved in the City of Crowley; and

WHEREAS, we celebrate this year's theme, "Celebrating America's Health Center: Where Access and Quality Care begin: during National Health Center Week beginning August 9<sup>th</sup> – 15<sup>th</sup>, 2009; and

WHEREAS, Acadia Parish is the home to the newest satellite site of Southwest Louisiana Center for Health Services. The Crowley facility offers medical visits as well as dental in its 5,000 square foot office complex; and

WHEREAS, Community Health Centers ensure access to high-quality primary and preventive health care and other medical services, integrated with outreach, patient education, translation and other enabling services, for hundreds of individuals in this community; and

WHEREAS, Community Health Centers, in the midst of economic turbulence, are expanding to accommodate increased demand, treating more of our citizens, always regardless of insurance status or ability to pay; and

WHEREAS, Community Health Centers are models for managing chronic disease, reducing racial and ethnic disparities and curbing infant mortality and preventable death, upholding the highest quality of care in a cost-effective manner; and

WHEREAS, Community Health Centers serve two special populations often left outside of the mainstream American health care system, namely homeless citizens and migrant and seasonal laborers (farmworkers); and

WHEREAS, attention turns to supporting Community Health Centers, as part of the commitment of this city to the provision of accessible, high-quality health care; and

NOW, THEREFORE, I, Greg A. Jones, Mayor of the City of Crowley by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of August 9 through August 15, 2009 as

“National Health Center Week”

in City of Crowley and urge all citizens to become aware of the accessible, high-quality primary and preventive care and other services provided by Community Health Centers, also known as Federally Qualified Health Centers;

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused the Great Seal of the City of Crowley to be affixed this the 11<sup>th</sup> day of August 2009.

S/ Greg A. Jones, Mayor  
CITY OF CROWLEY, LOUISIANA

**PUBLIC HEARINGS:**

- 1) Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1396, the ordinance was read by title as follows:

AN ORDINANCE AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2008 AND ENDING AUGUST 31, 2009; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

Mr. Regan asked for proponents to the proposed ordinance no. 1396. A third and final call was made with no one coming forward to speak.

The call for opponents of the proposed ordinance no. 1396 was made and there were no comments after the third and final call.

Mayor Greg A. Jones called the public hearing on ordinance no. 1396 to a close.

2) Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1399, the ordinance was read by title as follows:

AN ORDINANCE TO AMEND AND RE-ENACT DIVISION 2, INDUSTRIAL WASTEWATER COLLECTION AND TREATMENT, OF ARTICLE II, SEWAGE DISPOSAL OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY (SECTIONS 10-40 THROUGH SECTIONS 10-75) TO PROVIDE UNIFORM REQUIREMENTS TO COMPLY WITH STATE AND FEDERAL LAWS, INCLUDING THE CLEAN WATER ACT AND THE GENERAL PRETREATMENT REGULATIONS, TO MANAGE, CONTROL, PROPERLY TREAT AND DISCHARGE WASTEWATER UNDER THE TERMS OF THE PERMITS ISSUED; TO PROVIDE DEFINITIONS, REGULATIONS AND CHARGES THEREFOR; TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

Mr. Regan asked for proponents to the proposed ordinance no. 1399. A third and final call was made with no one coming forward to speak.

The call for opponents of the proposed ordinance no. 1399 was made and there were no comments after the third and final call.

Mayor Greg A. Jones called the public hearing on ordinance no. 1399

### **MAYOR'S REPORT:**

Mayor Greg A. Jones presented the Sales Tax chart and User Fee chart that track the collection trend since fiscal 1992.

### **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 Alderwoman Laurita Pete to approve Change Order No. 9 in the amount of -\$29,681.49 (a decrease) to Merrick Construction Co. for the Historic Parkerson Avenue Redevelopment Project. Motion carried.

A motion was offered by Alderwoman Mary Melancon and seconded by Alderman Vernon Martin to approve Change Order No. 12 in the amount of \$9,487 (an increase) bringing the current total under run to \$27,330.33 for the Historic Parkerson Avenue Redevelopment Project. Motion carried.

A motion was offered by Alderman J. Elliot Doré and seconded by Alderwoman Mary Melancon to approve Partial Payment No. 14 in the amount of \$349,586.51 to Merrick Construction for the Historic Parkerson Avenue Redevelopment Project. Motion carried.

**PUBLIC SAFETY COMMITTEE:**

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

A motion was offered by Alderman Lyle Fogleman and seconded by Alderwoman Mary Melancon to authorize an application to purchase 6 broadband radios for the Police Department funded through the Louisiana Commission on Law Enforcement FY 2009 Edward Byrne Justice Assistance Grant (JAG) in the amount of \$8,135.00 with a city match of \$2,712.00. Motion carried.

**ZONING & ANNEXATION COMMITTEE:**

Chairperson – Alderman J. Elliot Doré  
Vice-Chairperson – Alderman Vernon Martin  
Members – Aldermen Kitty Valdetero, Laurita Pete and Steven Premeaux

A motion was offered by Alderman J. Elliot Doré and seconded by Alderman Steven Premeaux to approve the Planning Commission's recommendation to approve a Preliminary and Final Plat Approval for the property described as Lot 3A & 3B Limco Subdivision #1 located at 410 Odd Fellows Road owned by Glenn D Daigle. Motion carried.

A motion was offered by Alderman J. Elliot Doré and seconded by Alderwoman Laurita Pete to approve the Planning Commission's recommendation to approve a Conditional Use Permit for a Kitchen located on property described as Lot 2-3, Block 18, Duson 3<sup>rd</sup> Addition owned by Denise Guillory located at 1217 West Hutchinson Avenue. Motion carried.

A motion was offered by Alderman J. Elliot Doré and seconded by Alderwoman Kitty Valdetero to approve the Planning Commission's recommendation to approve a Preliminary and Final Plat Approval for the property described as Track 9A-1 and 9A-2 Block 1 McBride Subdivision located at 179 Forest Drive owned by Wayne Hollier. Motion carried.

A motion was offered by Alderman J. Elliot Doré and seconded by Alderwoman Kitty Valdetero to prohibit new trailer parks in the corporate limits. Motion carried.

**COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE:**

Chairperson – Alderman Jeff Doré  
Vice-Chairperson – Alderwoman Mary Melancon  
Members – Aldermen Kitty Valdetero, J. Elliot Doré and Todd Whiting

A motion was offered by Alderman Jeff Doré and seconded by Alderwoman Mary Melancon to proclaim the week of August 9 through August 15, 2009 as National Health Center Week. Motion carried.

**REVENUE & FINANCES COMMITTEE:**

Chairperson – Alderwoman Kitty Valdetero

Vice-Chairperson – Alderman Todd Whiting  
Members – Aldermen Laurita Pete, Jeff Doré and Steven Premeaux

A motion was offered by Alderwoman Kitty Valdetero and seconded by Alderman Jeff Doré to accept the lowest bid of L. K. Breaux Contractors in the amount of \$198,700 for the repairs to the Wastewater Treatment Facility. Motion carried.

**RESOLUTIONS:**

The following resolution was offered by Alderwoman Mary Melancon, duly seconded by Alderman Vernon Martin, and duly resolved and adopted.

A RESOLUTION REQUESTING DOTD TO APPROVE AN AMENDMENT AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT TO THE CITY/STATE AGREEMENT FOR THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE I-10 ACCESS ROAD, a.k.a. STATE PROJECT NO. 700-01-0114/FEDERAL AID PROJECT NO. DE-0106(500)

WHEREAS, The City of Crowley (City) entered into an Agreement dated May 31, 2006 with the State of Louisiana Department of Transportation and Development (DOTD) under the above referenced project numbers whereby the City is required to match federal funding for the project in the amount of 20% of the participating pre-construction and construction cost; and

WHEREAS, the City wishes to obtain a DOTD permit for related improvements at the intersections of the project at La Hwy 13 (North Parkerson Avenue), La Hwy 1111 (Tower Road), and I-10 near North Cherokee road; and

WHEREAS, in order to effect a timely donation of right of way parcels from affected property owners, the City finds it necessary to proceed immediately with the preparation of Right of Way Plans, Right of Way Acquisition, and Construction Plans and Specifications for the project; and

WHEREAS, the aforementioned DOTD permit requires a Traffic Impact Study, which has been prepared based in part on traffic projections which may or may not ultimately be reliable depending on the effect of a proposed new Convention Center located at the intersection of Tower Road;

NOW, THEREFORE BE IT RESOLVED by the City of Crowley Board of Alderman in regular session duly convened that the Mayor be, and he is hereby authorized, empowered, and directed to request and execute an amendment to the aforementioned City/State Agreement for State Project No. 700-01-0114/Federal Aid Project No. DE-0106(500), which said amendment will allow the City of Crowley to furnish, immediately proceed with, and pay 100% of the cost of the required surveying and engineering services for the I-10 Access Road, provided that the City's share of the total project cost of surveying, engineering, and construction shall not exceed the City's previously established 20% share of the total project cost;

BE IT FURTHER RESOLVED that said amendment to the City/State Agreement will also include the following provisions required by DOTD regarding the city maintaining the capacity of the new roadway upon commencement of operation of the proposed new Acadia Parish Convention Center in order to gain DOTD "location approval" and required permits:

- The City shall design and construct the improvements required within the Traffic Impact Study

- The City shall, within six months of the opening of the convention center, conduct traffic counts for at least two separate event types at the center and submit a proper report to DOTD
- The City shall conduct intersection turning movement counts at the new service road intersection with Tower Road every four years or whenever ten or more acres is developed along the service road and submit a proper report to DOTD

ADOPTED: August 11, 2009

---

GREG A. JONES, MAYOR

ATTEST:

---

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Jeff Doré, duly seconded by Alderwoman Kitty Valdetero, and duly resolved and adopted.

A RESOLUTION ADOPTING PROCUREMENT  
PROCEDURES RELATIVE TO THE LOUISIANA  
COMMUNITY DEVELOPMENT BLOCK GRANT  
PROGRAM

WHEREAS, the City of Crowley wishes to apply for a Fiscal Year 2010 - 2011 Louisiana Community Development Block Grant; and

WHEREAS, under the Louisiana Community Development Block Grant Program, a written procurement must be adopted which complies with the federal regulations pursuant to the Standards Governing State and Local Grantee Procurement as set forth in the Office of Management and Budget (OMB) Circular A-102, Attachment O; and

WHEREAS, the City deems it necessary and proper to comply with the requirements for maximum open and free competition for procurement transactions.

NOW, THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of Crowley that the Procurement Procedures of the City of Crowley relative to the Louisiana Community Development Block Grant Program which are attached to and made a part of this resolution are to be followed by the City and any employee responsible for procurement of services, supplies, equipment or construction obtained with funds from the Louisiana Community Development Block Grant Program.

THEREUPON, the above resolution was duly adopted.

---

GREG A. JONES, MAYOR

ATTEST:

---

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Steven Premeaux, duly seconded by Alderwoman Mary Melancon, and duly resolved and adopted.

A RESOLUTION ADOPTING A CITIZEN  
PARTICIPATION PLAN RELATIVE TO THE  
LOUISIANA COMMUNITY DEVELOPMENT BLOCK  
GRANT PROGRAM

WHEREAS, the City of Crowley intends to submit an application for funding under the Fiscal Year 2010-2011 Louisiana Community Development Block Grant; and

WHEREAS, the City is committed toward encouraging citizen participation in the planning, implementation and assessment of the Louisiana Community Development Block Grant Program; and

WHEREAS, the City desires to adopt a written procedure in order to be in compliance with Section 508 of the Housing and Community Development Act of 1974, as amended; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the City of Crowley do hereby approve and adopt the Citizen Participation Plan attached hereto and made part of this resolution in connection with the Fiscal Year 2010-2011 Louisiana Community Development Block Grant Program.

THEREUPON, the above resolution was duly adopted.

---

GREG A. JONES, MAYOR

ATTEST:

---

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Lyle Fogelman, duly seconded by Alderman Jeff Doré, and duly resolved and adopted.

A RESOLUTION AUTHORIZING THE PUBLICIZING FOR AND CONDUCTING OF A PUBLIC HEARING AND THE UNDERTAKING OF A HOUSEHOLD SURVEY IN THE TARGET AREA PRESCRIBED AT THE PUBLIC HEARING FOR THE CITY OF CROWLEY'S FY' 2010-2011 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, the City of Crowley deems it necessary and proper to submit an application for funding under the Fiscal Year 2010-2011 Louisiana Community Development Block Grant Program; and

WHEREAS, the initial step in the grant application process is to publicize for and conduct a public hearing in order to establish the type of project to be applied for and to identify an area of low-to-moderate income citizens which will be targeted as beneficiaries of the project; and

WHEREAS, a household survey may need to be undertaken in the prescribed target area in order to determine the exact percentage of low-to-moderate income citizens for that area.

NOW, THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of Crowley that Greg A. Jones, Mayor of said City of Crowley be, and is hereby empowered, authorized and directed to publicize for and conduct a public hearing.

BE IT FURTHER RESOLVED that he is authorized to undertake a household survey in the prescribed target area, if necessary, for the City of Crowley's FY' 2010-2011 Community Development Block Grant Application.

THEREUPON, the above resolution was duly adopted.

\_\_\_\_\_  
GREG A. JONES, MAYOR

ATTEST:

\_\_\_\_\_  
JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Steven Premeaux, duly seconded by Alderwoman Kitty Valdetero, and duly resolved and adopted.

A RESOLUTION AUTHORIZING THE CITY OF CROWLEY TO BEGIN THE PROCUREMENT PROCESS FOR ADMINISTRATIVE AND ENGINEERING SERVICES FOR THE CITY OF CROWLEY'S FISCAL YEAR 2010-2011 LOUISIANA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AFTER A PUBLIC HEARING FOR SAID PROGRAM HAS BEEN CONDUCTED

WHEREAS, the City of Crowley is interested in applying for a FY 2010-2011 Louisiana Community Development Block Grant; and

WHEREAS, the Office of Community Development makes it necessary to procure and enter into contract with administrative consultants and engineers prior to the filing of the LCDBG application;

NOW, THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of Crowley that Greg A. Jones, Mayor of said City of Crowley be, and is hereby empowered, authorized and directed to proceed with the procurement of administrative and engineering services for the City of Crowley's FY 2010-2011 LCDBG program after a public hearing for said program has been conducted.

THEREUPON, the above resolution was duly adopted.

\_\_\_\_\_  
GREG A. JONES, MAYOR

ATTEST:

\_\_\_\_\_  
JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Lyle Fogleman, duly seconded by Alderman Jeff Doré, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, ORDERING AND ISSUING A RULE TO SHOW CAUSE FOR CONDEMNATION OF PROPERTY.

WHEREAS, the City Inspector has notified the Mayor and Board of Aldermen of a violation of the Building and Safety Codes of the City of Crowley; and

WHEREAS, notice has been issued to the property owner, Julia Fontenot Carlin, by the City Inspector's office for repairs and/or demolition to be made of the improvements situated on Lots 13 & 14 and the North 25 feet of the West 100 feet of Lot 15 of Block 7 of Duson 4<sup>th</sup> Addition, having a municipal address of 902 East 7<sup>th</sup> Street, Crowley, Louisiana; and

WHEREAS, no action has been taken and the City Inspector has requested a public hearing on the condemnation of the said property;



NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that the Notice of Rule to Show Cause should be issued to Julia Fontenot Carlin for a public hearing to be held by the Mayor and Board of Aldermen on the 8<sup>th</sup> day of September, 2009 in regular session at 6:00 o'clock p.m. and that said notice be properly recorded and served upon the property owner pursuant to law;

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of August, 2009 at Crowley, Acadia Parish, Louisiana at which a quorum was present and acting throughout.

---

GREG A. JONES, MAYOR

ATTEST:

---

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman J. Elliot Doré, duly seconded by Alderman Vernon Martin, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, INTRODUCING A PROPOSED ORDINANCE AND CALLING FOR A PUBLIC HEARING CONCERNING SAME.

WHEREAS, an ordinance has been proposed to be adopted by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana; and

WHEREAS, the proposed ordinance must be introduced by its title and a public hearing must be held prior to its adoption; and

WHEREAS, the title of the proposed ordinance must be published in the official journal and the notice shall provide the time, date and place where the Board will consider its adoption;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that the following ordinance be and it is hereby introduced for consideration at the next regular meeting of the Mayor and Board of Aldermen, to-wit:

AN ORDINANCE AMENDING AND ENLARGING THE CORPORATE BOUNDARIES OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, DEFINING THE BOUNDARY OF A TRACT OF LAND CONTAINING 4.717 ACRES, MORE OR LESS, SITUATED IN SECTION 44, TOWNSHIP 9 SOUTH, RANGE 1 EAST, ACADIA PARISH, LOUISIANA, OWNED BY BOUDIN LEASING, L.L.C., WHICH IS PROPOSED TO BE INCLUDED WITHIN THE CORPORATE LIMITS OF THE SAID CITY; TO PROVIDE THAT THE PROPERTY SO ANNEXED BE RE-ZONED FROM "R-1, RESIDENTIAL-1" TO "I-2, INDUSTRIAL-2"; AND TO REDEFINE THE CORPORATE LIMITS OF THE CITY OF CROWLEY TO INCLUDE SAID PROPERTY; TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PROPOSED ADOPTION OF ORDINANCE

The Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, shall meet on the 8<sup>th</sup> day of September, 2009 at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, Louisiana, to consider the adoption of the following ordinance:

AN ORDINANCE AMENDING AND ENLARGING THE CORPORATE BOUNDARIES OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, DEFINING THE BOUNDARY OF A TRACT OF LAND CONTAINING 4.717 ACRES, MORE OR LESS, SITUATED IN SECTION 44, TOWNSHIP 9 SOUTH, RANGE 1 EAST, ACADIA PARISH, LOUISIANA, OWNED BY BOUDIN LEASING, L.L.C., WHICH IS PROPOSED TO BE INCLUDED WITHIN THE CORPORATE LIMITS OF THE SAID CITY; TO PROVIDE THAT THE PROPERTY SO ANNEXED BE RE-ZONED FROM "R-1, RESIDENTIAL-1" TO "I-2, INDUSTRIAL-2"; AND TO REDEFINE THE CORPORATE LIMITS OF THE CITY OF CROWLEY TO INCLUDE SAID PROPERTY; TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

Copies of the proposed ordinance are available for a nominal fee in the office of the City Clerk, City Hall, Crowley, Louisiana.

THUS DONE AND SIGNED on this the 11<sup>th</sup> day of August, 2009.

---

JUDY L. ISTRE, City Clerk

\*\*\*\*\*

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of August, 2009 in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

---

GREG A. JONES, MAYOR

ATTEST:

---

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Lyle Fogleman, duly seconded by Alderwoman Mary Melancon, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AUTHORIZING A LEASE TO THE ASSIST AGENCY FOR OFFICE SPACE IN THE CROWLEY ENTERPRISE CENTER LOCATED AT 11 NORTH PARKERSON AVENUE, CROWLEY, LOUISIANA; TO PROVIDE FOR THE TERMS AND

CONDITIONS PROVIDED THEREIN; AND TO PROVIDE  
FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the “Assist Agency” is a participant in the Local Work Force Investment program known as the “Louisiana One Stop Program” and has been a lessee in the Crowley Enterprise Center located at 11 North Parkerson Avenue, Crowley, Louisiana; and

WHEREAS, the “Assist Agency” is funded by annual appropriations from the State of Louisiana and the United States of America to provide assistance to low and moderate income individuals and to improve employment opportunities, education and other public services; and

WHEREAS, the “Assist Agency” has requested renewal of the annual lease on the same terms and conditions and the City of Crowley desires to renew the lease;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that they do hereby authorize, empower and direct the Honorable Greg A. Jones, Mayor of the City of Crowley, to execute a lease to the Assist Agency of approximately 3,121 square feet office space in the Crowley Enterprise Center with 50 parking spaces provided, located at 11 North Parkerson Avenue, Crowley, Louisiana, for use as office space by the Assist Agency at the rate of \$11.5283 per square foot per annum the said lease to include the following terms and conditions, to-wit:

1. A term of one year Effective on the 1<sup>st</sup> day of September, 2009 and ending on the 31<sup>st</sup> day of August, 2010;
2. Monthly payments in the amount of \$2,998.32;
3. A non-appropriation clause in favor of the lessee;
4. All other terms and conditions of the said lease shall remain the same as the prior lease of the facility;

BE IT FURTHER RESOLVED that the Honorable Greg A. Jones, Mayor, be and he is hereby authorized, empowered and directed to execute any and all necessary documents and certifications in connection with the said transaction as may be meet and proper in the premises.

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of August, 2009, in Crowley, Acadia Parish, Louisiana.

---

GREG A. JONES, MAYOR

ATTEST:

---

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman J. Elliot Doré, duly seconded by Alderwoman Mary Melancon, and duly resolved and adopted.

RESOLUTION OF THE MAYOR AND BOARD OF  
ALDERMEN OF THE CITY OF CROWLEY,  
ACADIA PARISH, LOUISIANA, AUTHORIZING  
THE ADOPTION OF THE LOUISIANA  
COMPLIANCE QUESTIONNAIRE FOR AUDIT  
ENGAGEMENTS OF GOVERNMENTAL ENTITIES  
FOR THE FISCAL YEAR 2009

WHEREAS, the Mayor and Board of Aldermen of the City of Crowley having received notice from the Legislative Auditor of the State of Louisiana, that the Compliance Questionnaire must be completed; and

WHEREAS, the Compliance Questionnaire is a required part of a financial audit of Louisiana governmental units and quasi-public; and

WHEREAS, the legal matters contained in the questionnaire parallel those matters contained in the *Laws Affecting Louisiana Government*; and

WHEREAS, the completed Compliance Questionnaire must be given to the auditors at the beginning of the audit and tested for accuracy of the responses in the questionnaire during the course of the audit;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, in regular session, duly convened, that they do hereby adopt the Louisiana Compliance Questionnaire, dated August 11, 2009 to Kolder, Champagne, Slaven & Co, in connection with the audit of the financial statements for the year ending August 31, 2009, which questionnaire is attached to this resolution; and

BE IT FURTHER RESOLVED that they do hereby authorize the execution thereof by the Honorable Judy Istre, City Clerk, Margaret Young, Administrative Assistant and the Honorable Greg A. Jones, Mayor of the City of Crowley.

THUS DONE AND ADOPTED in regular session duly convened on this the 11<sup>th</sup> of August, 2009 at Crowley, Acadia Parish, Louisiana.

---

GREG A. JONES, MAYOR

ATTEST:

---

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman J. Elliot Doré, duly seconded by Alderwoman Mary Melancon, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, INTRODUCING A PROPOSED ORDINANCE AND CALLING FOR A PUBLIC HEARING CONCERNING SAME.

WHEREAS, an ordinance has been proposed to be adopted by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana; and

WHEREAS, the proposed ordinance must be introduced by its title and a public hearing must be held prior to its adoption; and

WHEREAS, the title of the proposed ordinance must be published in the official journal and the notice shall provide the time, date and place where the Board will consider its adoption;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that the following ordinance be and it is hereby introduced for consideration at the next regular meeting of the Mayor and Board of Aldermen, to-wit:

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 7-27 OF ARTICLE II OF CHAPTER 7 OF THE CRIMINAL CODE OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, TO PROVIDE THE DOLLAR AMOUNT OF THEFT FOR

MISDEMEANOR VIOLATION AND THE PENALTY THEREFOR; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PROPOSED ADOPTION OF ORDINANCE

The Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, shall meet on the 8<sup>th</sup> day of September, 2009 at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, Louisiana, to consider the adoption of the following ordinance:

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 7-27 OF ARTICLE II OF CHAPTER 7 OF THE CRIMINAL CODE OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, TO PROVIDE THE DOLLAR AMOUNT OF THEFT FOR MISDEMEANOR VIOLATION AND THE PENALTY THEREFOR; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

Copies of the proposed ordinance are available for a nominal fee in the office of the City Clerk, City Hall, Crowley, Louisiana.

THUS DONE AND SIGNED on this the 11<sup>th</sup> day of August, 2009.

---

JUDY L. ISTRE, City Clerk

\*\*\*\*\*

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of August, 2009 in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

---

GREG A. JONES, MAYOR

ATTEST:

---

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderwoman Mary Melancon, duly seconded by Alderwoman Kitty Valdetero, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, INTRODUCING A PROPOSED ORDINANCE AND CALLING FOR A PUBLIC HEARING CONCERNING SAME.

WHEREAS, an ordinance has been proposed to be adopted by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana; and

WHEREAS, the proposed ordinance must be introduced by its title and a public hearing must be held prior to its adoption; and

WHEREAS, the title of the proposed ordinance must be published in the official journal and the notice shall provide the time, date and place where the Board will consider its adoption;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that the following ordinance be and it is hereby introduced for consideration at the next regular meeting of the Mayor and Board of Aldermen, to-wit:

AN ORDINANCE TO AMEND ARTICLE II OF CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, TO ADD THERETO SECTION 3-20.1 TO AUTHORIZE SPECIAL EVENT PERMITS FOR THE SALE OF ALCOHOLIC BEVERAGES, AND TO PROVIDE THE CONDITIONS AND TERMS UNDER WHICH PERMITS MAY BE ISSUED AND THE LIMITATIONS, REGULATIONS, RESTRICTIONS AND EXCEPTIONS THEREFOR; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PROPOSED ADOPTION OF ORDINANCE

The Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, shall meet on the 8<sup>th</sup> day of September, 2009 at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, Louisiana, to consider the adoption of the following ordinance:

AN ORDINANCE TO AMEND ARTICLE II OF CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, TO ADD THERETO SECTION 3-20.1 TO AUTHORIZE SPECIAL EVENT PERMITS FOR THE SALE OF ALCOHOLIC BEVERAGES, AND TO PROVIDE THE CONDITIONS AND TERMS UNDER WHICH PERMITS MAY BE ISSUED AND THE LIMITATIONS, REGULATIONS, RESTRICTIONS AND EXCEPTIONS THEREFOR; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

Copies of the proposed ordinance are available for a nominal fee in the office of the City Clerk, City Hall, Crowley, Louisiana.

THUS DONE AND SIGNED on this the 11<sup>th</sup> day of August, 2009.

---

JUDY L. ISTRE, City Clerk

\*\*\*\*\*

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of August, 2009 in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

\_\_\_\_\_  
GREG A. JONES, MAYOR

ATTEST:

\_\_\_\_\_  
JUDY L. ISTRE, CITY CLERK

**ORDINANCES:**

The following Ordinance was offered by Alderwoman Kitty Valdetero, duly seconded by Alderwoman Mary Melancon, and duly ordained and adopted.

ORDINANCE NO. 1396

AN ORDINANCE AMENDING THE BUDGETS FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2008 AND ENDING AUGUST 31, 2009; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

WHEREAS, the proposed Amended Operating Budgets and the accompanying budget ordinance have been submitted to this Board of Aldermen for review and consideration; and

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

WHEREAS, notice of a public hearing by the City of Crowley on the proposed Amended Operating Budgets and notice of the availability of the proposed amended budgets for review have been timely published in the official journal, the Crowley Post Signal; and

WHEREAS, the public hearing having been held in accordance with the law on the 11<sup>th</sup> day of August 2009 at 6:00 o'clock p.m. at City Hall on the proposed Amended Operating Budgets have now been reviewed and considered; now.

THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in Regular Session, duly convened on the 11<sup>th</sup> day of August, 2009 that the following Amended Operating Budgets are hereby approved, adopted and finalized.

Account Name	Adopted 2008-2009 Budget	Amendment	Amended 2008-2009 Budget
<b>General Fund Budget</b>			
<b>Revenues</b>			
Grants	3,448,295	476,435	3,924,730
Intergovernmental	563,000	(30,000)	533,000
Court Fines & Fees	317,000	(15,000)	302,000
Investment Income	122,000	7,500	129,500
Other Revenues	126,650	17,000	143,650
<b>Expenditures</b>			
<b>General Administration</b>			
Salary & Fringe	689,300	(5,000)	684,300
Operational Expense	204,625	(10,000)	194,625
Telephone & Utilities	35,000	(5,000)	30,000
<b>Police</b>			

Salary & Fringe	1,949,700	(60,000)	1,889,700
Capital Outlays	167,820	8,250	176,070
Other Expense	59,650	3,600	63,250
Fire			
Salary & Fringe	1,646,690	(60,000)	1,586,690
Operational Expense	84,300	1,000	85,300
Telephone & Utilities	44,000	1,800	45,800
Code			
Salary & Fringe	301,700	(23,000)	278,700
Street			
Salary & Fringe	632,350	(65,775)	566,575
Operational Expense	112,050	(50,000)	62,050
Capital Outlays	3,584,750	477,600	4,062,350
Public Works			
Salary & Fringe	512,275	(110,000)	402,275
Repairs & Supplies	81,000	10,000	91,000
Other Expense	10,850	2,325	13,175
Non Departmental			
Economic Development	163,000	0	163,000
1 & 1/2 Cent Sales Tax Budget			
Expenditures			
Debt Service	100,000	(100,000)	0
Other Finance Uses/Operate Transfers Out			
Transfers & Appropriations	4,547,275	100,000	4,647,275
Youth Recreation Operation Budget			
Revenues			
Ad Valorem Taxes	201,453	(5,253)	196,200
Grants	55,560	(40,000)	15,560
Charges for Services	171,100	17,000	188,100
Youth Recreation Operation Budget			
Revenues			
Salary & Fringe	403,975	(51,000)	352,975
Repairs & Supplies	263,750	35,825	299,575
Operational Expense	136,750	425	137,175
Capital Outlays	60,000	(40,000)	20,000
Other Expense	37,210	5,300	42,510
Other Finance Sources/Operate Transfers In			
Transfers & Appropriations	477,500	100,000	577,500
Youth Recreation Building Maintenance Budget			
Expenditure			
Salary & Fringe	98,425	(18,500)	79,925
Repairs & Supplies	140,450	15,050	155,500
Capital Outlays	0	19,500	19,500
Other Expense	8,270	2,000	10,270
Cemetery Budget			
Revenues			
Ad Valorem Taxes	50,394	(1,269)	49,125
Expenditures			
Salary & Fringe	45,085	(6,300)	38,785
Rice City Civic Center Budget			
Expenditures			
Telephone & Utilities	26,440	(12,000)	14,440
Other Expense	15,425	6,800	22,225
Main Street Budget			
Revenues			



Other Revenue	8,500	2,325	10,825
Expenditures			
Salary & Fringe	46,990	(10,000)	36,990
Utility Fund - Sewage Budget			
Expenditures			
Utility Administrative Expenditure			
Operational Expense	96,125	(10,000)	86,125
Telephone & Utilities	98,750	(10,000)	88,750
Debt Service	290,503	(35,000)	255,503
Other Expense	7,045	7,200	14,245
Disposal Expenditure			
Operational Expense	59,400	(28,400)	31,000
Sewage Budget			
Repairs & Supplies	165,500	9,000	174,500
Operational Expense	28,900	(13,000)	15,900
Employee Benefit Plan Budget			
Revenues			
Other Revenue	50,000	(50,000)	0
Expenditures			
Operational Expense	200,925	(5,000)	195,925
Insurance Claims	817,875	(250,000)	567,875
Workmen's Compensation Budget			
Expenditures			
Operational Expense	112,350	12,150	124,500
Insurance Claims	190,000	5,000	195,000
Collision & Loss Budget			
Expenditures			
Operational Expense	10,000	4,000	14,000
Insurance Claims	98,000	(15,000)	83,000
Total Revenue Amendments		329,288	
Total Expenditure Amendment		(316,700)	
Total Transfers & Appropriations Out		100,000	
Total Transfers & Appropriations In		100,000	

BE IT FURTHER ORDAINED, the amounts shall be available for expenditures only to the extent and only as included within the amended 2008-2009 fiscal budget, however nothing shall be construed to prohibit the Governing Authority from making amendments to the budget.

BE IT FURTHER ORDAINED, the Mayor of the City of Crowley, Greg A. Jones, is hereby authorized and in his sole discretion, to make such changes within the various budget classifications as he may deem necessary.

BE IT FURTHER ORDAINED, 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 or phrases will not be affected and shall continue in full force and effect.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

THUS AMENDED, APPROVED, ADOPTED AND FINALIZED on this the 11<sup>th</sup> day of August, 2009 at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: J. Elliot Doré, Jeff Doré, Lyle Fogleman Jr., Vernon Martin, Mary Melancon, Laurita Pete, Steven Premeaux, and Kitty Valdetero

NAYS: None

ABSTAIN: None

ABSENT: Todd Whiting

---

GREG A. JONES, MAYOR

ATTEST:

---

JUDY L. ISTRE, CITY CLERK

The following Ordinance was offered by Alderwoman Kitty Valdetero, duly seconded by Alderman Steven Premeaux, and duly ordained and adopted.

ORDINANCE NO. 1397

AN ORDINANCE TO AMEND AND RE-ENACT SUBSECTION (b) OF SECTION 2-4 OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO FIX THE COMPENSATION OF THE MAYOR AND OTHER OFFICERS AND OFFICIALS OF THE CITY OF CROWLEY; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONTRARY THERETO AND/OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE 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 5<sup>th</sup> day of August, 2009 at 4:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

WHEREAS, it is necessary to fix the compensation of the Mayor and other Officers and Officials of the City of Crowley;

WHEREAS, it is the finding of the Board of Aldermen that it is appropriate to establish the following salaries;

NOW THEREFORE BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, in regular session, duly convened that:

SUBSECTION (b) OF SECTION 2-4 OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY BE AND THE SAME IS HEREBY AMENDED AND RE-ENACTED TO READ AS FOLLOWS, TO-WIT:

Section 1:

Sec. 2-4. Same-Mayor to be full time; compensation of Mayor and other officers and officials.

- a) The office of mayor of the city is hereby established as full time office; to the performance of the duties of such office, said official shall contribute not less than forty (40) hours per week.

- b) The following salaries are hereby fixed and established for each office as set forth hereunder, to-wit:

Office/Official	Salary
1) Mayor	\$64,088.00
2) Mayor-Pro-Tem	600.00
3) Aldermen-at-Large	\$7,500.00
4) Alderman/Alderwoman	\$6,900.00
5) City Judge	\$23,562.00
6) Chief of Police	\$66,039.00
7) City Marshall	\$25,305.00
8) Fire Chief	\$62,249.00
9) City Clerk	\$55,860.00
10) Street Commissioner	\$47,361.00
11) City Attorney	\$11,258.00
12) City Prosecutor	\$22,032.00
13) City Inspector	\$42,978.00
14) Director of Public Works	\$42,978.00
15) Director of Recreation	\$55,671.00
16) Utility/Wastewater Superintendent	\$39,780.00
17) Mayor's Administrative Assistant	\$44,931.00

- c) The governing body shall establish and provide an expense fund for the said officials commensurate with the duties of their respective office.

Section 2:

This ordinance shall become effective September 1, 2009.

Section 3:

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 or phrases will not be affected and shall continue in full force and effect.

Section 4:

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

THUS DONE AND ADOPTED on this the 11<sup>th</sup> August, 2009, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: J. Elliot Doré, Jeff Doré, Lyle Fogleman Jr., Vernon Martin, Mary Melancon, Laurita Pete, Steven Premeaux, and Kitty Valdetero

NAYS: None

ABSTAIN: None

ABSENT: Todd Whiting

\_\_\_\_\_  
GREG A. JONES, MAYOR

ATTEST:

\_\_\_\_\_  
JUDY L. ISTRE, CITY CLERK

The following Ordinance was offered by Alderman Vernon Martin, duly seconded by Alderman J. Elliot Doré, and duly ordained and adopted.

ORDINANCE NO. 1398

AN ORDINANCE ADOPTING, FINALIZING AND IMPLEMENTING THE ANNUAL OPERATING BUDGETS OF REVENUES AND EXPENDITURES FOR THE CITY OF CROWLEY FOR THE FISCAL YEAR, BEGINNING SEPTEMBER 1, 2009 AND ENDING AUGUST 31, 2010; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT THEREWITH.

WHEREAS, Greg A. Jones, in his capacity as Mayor of the City of Crowley prepared the proposed Operating Budgets for the fiscal year beginning September 1, 2009 and ending August 31, 2010, which was accompanied by a budget message and summary description of the budget and a budget adoption ordinance; and

WHEREAS, the proposed Operating Budgets and the accompanying budget ordinance have been submitted to this Board of Aldermen for review and consideration; and

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

WHEREAS, notice of a public hearing by the City of Crowley on the proposed Operating Budgets and notice of the availability of the proposed budgets for review have been timely published in the official journal, the Crowley Post Signal; and

WHEREAS, the public hearing been held in accordance with the law on the 5<sup>th</sup> day of August, 2009 at 4:00 o'clock p.m. at Council Chambers on the proposed Operating Budgets have now been reviewed and considered; now.

THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in Regular Session, duly convened on the 11<sup>th</sup> day of August, 2009 that the following Annual Operating Budgets are hereby approved, adopted and finalized.

**CITY OF CROWLEY  
2010 ANNUAL BUDGET**

GENERAL FUND

Revenues

Ad Valorem Tax	1,474,650
Franchise Taxes	994,000
Licenses & Permits	522,600
Grants	1,051,500
Intergovernmental	564,000
Charges for Services	36,230
Fines & Fees	306,000
Investment Income	105,000
Rentals	94,240
Other Revenues	<u>87,750</u>

	Total Revenues	5,235,970
<u>Expenditures</u>		
<u>General Government</u>		
<u>General Administration</u>		
	Salary & Fringe	712,335
	Repairs & Supplies	50,250
	Operational Expense	202,100
	Telephone & Utilities	35,000
	Other Expense	58,175
	Total General Administration	1,057,860
<u>Court Department</u>		
	Salary & Fringe	187,820
	Repairs & Supplies	3,850
	Operational Expense	10,550
	Transfers & Appropriations	45,000
	Telephone & Utilities	2,750
	Other Expense	6,100
	Total Court Department	256,070
<u>Public Safety</u>		
<u>Police Department</u>		
	Salary & Fringe	2,053,350
	Repairs & Supplies	177,600
	Operational Expense	273,625
	Telephone & Utilities	51,000
	Capital Outlay	149,500
	Other Expense	45,400
	Total Police Department	2,750,475
<u>Fire Department</u>		
	Salary & Fringe	1,710,060
	Repairs & Supplies	91,400
	Operational Expense	86,750
	Transfers & Appropriation	12,000
	Telephone & Utilities	44,000
	Capital Outlay	23,000
	Other Expense	16,100
	Total Fire Department	1,983,310
<u>Code Enforcement</u>		
	Salary & Fringe	301,170
	Repairs & Supplies	29,500
	Operational Expense	19,500
	Telephone & Utilities	6,750
	Other Expense	41,275
	Total Code Enforcement	398,195
<u>Public Works</u>		
<u>Street Department</u>		
	Salary & Fringe	629,200
	Repairs & Supplies	247,500
	Operational Expense	81,050
	Telephone & Utilities	229,200
	Capital Outlay	1,318,000
	Other Expense	18,300
	Total Street Department	2,523,250
<u>Public Building &amp; Drainage</u>		
	Salary & Fringe	502,260
	Repairs & Supplies	73,500
	Operational Expense	33,500
	Telephone & Utilities	41,600
	Capital Outlay	10,000
	Other Expense	10,800
	Total Public Bldg. & Drainage	671,660
<u>Non Departmental</u>		
	Operational Expense	25,000
	Transfers & Appropriations	13,000
	Economic Development	160,000

Debt Service	989,100
Total Non Departmental	1,187,100
Total General Fund Expenditures	10,827,920
Excess (Deficiency) of revenues over expenditures	(5,591,950)
<u>Other Financing Sources (Uses)</u>	
Transfers In	5,360,310
Transfers Out	3,000
Total Other Financing Source	5,357,310
Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses	(234,640)
Fund Balance Fiscal 2008	3,258,786
Estimated Fund Balance Fiscal 2009	3,336,140
Proposed Fund Balance Fiscal 2010	3,101,500

1 & 1/2 CENT SALES TAX

Revenues

Sales Tax	4,635,000
Investment Income	85,000
Total Revenues	4,720,000

Expenditures

Operational Expense	72,725
Debt Service	100,000
Total Expenditures	172,725

Excess (Deficiency) of revenues over expenditures 4,547,275

Other Financing Sources (Uses)

Transfers Out	4,547,275
Total Other Financing Sources	4,547,275

Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses 0

Fund Balance Fiscal 2008	2,149,828
Estimated Fund Balance Fiscal 2009	2,013,522
Proposed Fund Balance Fiscal 2010	2,013,522

1/2 CENT SALES TAX-SALARY

Revenues

Sales Tax	1,545,000
Investment Income	400
Total Revenues	1,545,400

Expenditures

Operational Expense	26,375
Total Expenditures	26,375

Excess (Deficiency) of revenues over expenditures 1,519,025

Other Financing Sources (Uses)

Transfers Out	1,423,010
Total Other Financing Sources	1,423,010

Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses 96,015

Fund Balance Fiscal 2008	236,013
Estimated Fund Balance Fiscal 2009	400,028
Proposed Fund Balance Fiscal 2010	496,043

1/2 CENT SALES TAX-STREET IMPROVEMENT

Revenues

Sales Tax	1,545,000
Investment Income	130,000
Total Revenues	1,675,000

Expenditures

Operational Expense	24,750
Total Expenditures	24,750

Excess (Deficiency) of revenues over expenditures 1,650,250

Other Financing Sources (Uses)

Transfers Out	766,190
Total Other Financing Sources	<u>766,190</u>
Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses	884,060
Fund Balance Fiscal 2008	3,473,743
Estimated Fund Balance Fiscal 2009	4,277,714
Proposed Fund Balance Fiscal 2010	5,161,774

#### MOTOR VEHICLE FACILITY

<u>Revenues</u>	
Charges for Services	66,000
Investment Income	500
Total Revenues	<u>66,500</u>
<u>Expenditures</u>	
Repairs & Supplies	6,700
Operational Expense	11,900
Telephone & Utilities	7,250
Other Expense	2,150
Total Expenditures	<u>28,000</u>
Excess (Deficiency) of revenues over expenditures	38,500
<u>Other Financing Sources (Uses)</u>	
Transfers Out	38,500
Total Other Financing Sources	<u>38,500</u>
Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses	0
Fund Balance Fiscal 2008	31,232
Estimated Fund Balance Fiscal 2009	35,957
Proposed Fund Balance Fiscal 2010	35,957

#### YOUTH RECREATION OPERATIONS

<u>Revenues</u>	
Ad Valorem Tax	200,475
Grants	4,000
Intergovernmental	12,000
Charges for Services	158,000
Investment Income	575
Rentals	40,000
Other Revenues	1,100
Total Revenues	<u>416,150</u>
<u>Expenditures</u>	
Salary & Fringe	420,755
Repairs & Supplies	233,250
Operational Expense	76,000
Telephone & Utilities	81,000
Debt Service	35,500
Other Expense	30,645
Total Expenditures	<u>877,150</u>
Excess (Deficiency) of revenues over expenditures	(461,000)
<u>Other Financing Sources (Uses)</u>	
Transfers In	461,000
Total Other Financing Sources	<u>461,000</u>
Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses	0
Fund Balance Fiscal 2008	(7,186)
Estimated Fund Balance Fiscal 2009	44,294
Proposed Fund Balance Fiscal 2010	44,294

#### YOUTH RECREATION BLDG. MAINTENANCE

<u>Revenues</u>	
Ad Valorem Tax	66,825
Investment Income	1,750
Total Revenues	<u>68,575</u>
<u>Expenditures</u>	
Salary & Fringe	96,160

Repairs & Supplies	135,000
Operational Expense	4,550
Debt Service	12,150
Other Expense	13,715
Total Expenditures	261,575
Excess (Deficiency) of revenues over expenditures	(193,000)
<u>Other Financing Sources (Uses)</u>	
Transfers In	193,000
Total Other Financing Sources	193,000
Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses	0
Fund Balance Fiscal 2008	155,955
Estimated Fund Balance Fiscal 2009	152,297
Proposed Fund Balance Fiscal 2010	152,297

CEMETERY

Revenues

Ad Valorem Tax	50,120
Investment Income	3,250
Total Revenues	53,370

Expenditures

Salary & Fringe	42,920
Repairs & Supplies	5,600
Operational Expense	4,750
Other Expense	100
Total Expenditures	53,370
Excess (Deficiency) of revenues over expenditures	0
Fund Balance Fiscal 2008	173,709
Estimated Fund Balance Fiscal 2009	179,064
Proposed Fund Balance Fiscal 2010	179,064

CEMETERY DEVELOPMENT

Revenues

Charges for Services	3,800
Total Revenues	3,800

Expenditures

Repairs & Supplies	3,400
Operational Expense	350
Other Expense	50
Total Expenditures	3,800
Excess (Deficiency) of revenues over expenditures	0
Fund Balance Fiscal 2008	4,619
Estimated Fund Balance Fiscal 2009	8,169
Proposed Fund Balance Fiscal 2010	8,169

INDUSTRIAL INDUCEMENT

Revenues

Investment Income	18,000
Total Revenues	18,000

Expenditures

Operational Expense	350
Total Expenditures	350
Excess (Deficiency) of revenues over expenditures	17,650
Fund Balance Fiscal 2008	515,085
Estimated Fund Balance Fiscal 2009	532,835
Proposed Fund Balance Fiscal 2010	550,485

RICE CITY CIVIC CENTER

Revenues

Charges for Services	8,000
Rentals	10,500
Total Revenues	18,500

Expenditures

Salary & Fringe	20,035
-----------------	--------



	Repairs & Supplies	17,300
	Operational Expense	4,850
	Telephone & Utilities	21,500
	Debt Service	7,735
	Other Expense	14,805
	Total Expenditures	86,225
	Excess (Deficiency) of revenues over expenditures	(67,725)
<u>Other Financing Sources (Uses)</u>		
	Transfers In	67,725
	Total Other Financing Sources	67,725
	Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses	0
	Fund Balance Fiscal 2008	4,292
	Estimated Fund Balance Fiscal 2009	9,583
	Proposed Fund Balance Fiscal 2010	9,583
 <u>MAIN STREET</u>		
<u>Revenues</u>		
	Grants	5,000
	Charges for Services	8,500
	Other Revenues	40
	Total Revenues	13,540
<u>Expenditures</u>		
	Salary & Fringe	38,940
	Repairs & Supplies	9,150
	Operational Expense	5,225
	Telephone & Utilities	2,400
	Other Expense	18,575
	Total Expenditures	74,290
	Excess (Deficiency) of revenues over expenditures	(60,750)
<u>Other Financing Sources (Uses)</u>		
	Transfers In	60,750
	Total Other Financing Sources	60,750
	Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses	0
	Fund Balance Fiscal 2008	25,379
	Estimated Fund Balance Fiscal 2009	33,138
	Proposed Fund Balance Fiscal 2010	33,138
 <u>UTILITY FUND - SEWAGE</u>		
<u>Revenues</u>		
	Ad Valorem Taxes	233,888
	Charges for Services	1,751,575
	Investment Income	50,000
	Total Revenues	2,035,463
<u>Expenditures</u>		
<u>Sewage Utility Administration</u>		
	Salary & Fringe	85,370
	Repairs & Supplies	5,500
	Operational Expense	113,250
	Telephone & Utilities	96,300
	Debt Service	265,683
	Depreciation	980,846
	Other Expense	7,850
	Total Sewage Administration	1,554,799
<u>Disposal Department</u>		
	Salary & Fringe	28,525
	Repairs & Supplies	88,000
	Operational Expense	51,000
	Other Expense	10,050
	Total Disposal Department	177,575
<u>SEWER DEPARTMENT</u>		
	Salary & Fringe	129,250
	Repairs & Supplies	180,500

Operational Expense	29,100
Other Expense	650
Total Sewer Department	<u>339,500</u>
<u>INFLOW / INFILTRATION</u>	
Salary & Fringe	120,065
Repairs & Supplies	11,000
Operational Expense	6,100
Other Expense	250
Total Inflow / Infiltration	<u>137,415</u>
<u>Sewer Cleaner Department</u>	
Salary & Fringe	31,005
Repairs & Supplies	3,750
Operational Expense	2,600
Other Expense	165
Total Sewer Cleaner Department	<u>37,520</u>
Total Utilities Expenditures	2,246,809
Excess (Deficiency) of revenues over expenditures/Depreciation	(211,346)
<u>Other Financing Sources (Uses)</u>	
Transfers Out	604,525
Transfers In	<u>673,525</u>
Total Other Financing Sources	69,000
Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses	(142,346)
Current Assets	413,500
Current Liabilities	425,000
Excess (Deficiency)	(980,846)
Fund Balance Fiscal 2008	11,044,988
Estimated Fund Balance Fiscal 2009	11,159,129
Proposed Fund Balance Fiscal 2010	10,178,283

#### INDUSTRIAL PLANT

<u>Revenues</u>	
Total Revenues	0
<u>Expenditures</u>	
Total Expenditures	0
Excess (Deficiency) of revenues over expenditures	0
Fund Balance Fiscal 2008	20,004
Estimated Fund Balance Fiscal 2009	20,004
Proposed Fund Balance Fiscal 2010	20,004

#### EMPLOYEE BENEFIT PLAN

<u>Revenues</u>	
Charges for Services	930,000
Investment Income	1,000
Other Revenues	50,000
Total Revenues	<u>981,000</u>
<u>Expenditures</u>	
Operational Expense	216,000
Insurance Claims	765,000
Total Expenditures	<u>981,000</u>
Excess (Deficiency) of revenues over expenditures	0
Fund Balance Fiscal 2008	295,026
Estimated Fund Balance Fiscal 2009	515,039
Proposed Fund Balance Fiscal 2010	515,039

#### WORKMEN'S COMPENSATION

<u>Revenues</u>	
Charges for Services	281,950
Investment Income	5,000
Total Revenues	<u>286,950</u>
<u>Expenditures</u>	
Operational Expense	122,900
Insurance Claims	164,000

Other Expense	50
Total Expenditures	286,950
Excess (Deficiency) of revenues over expenditures	0
Fund Balance Fiscal 2008	441,614
Estimated Fund Balance Fiscal 2009	313,926
Proposed Fund Balance Fiscal 2010	313,926

COLLISION & LOSS

Revenues

Investment Income	7,250
Total Revenues	7,250

Expenditures

Operational Expense	15,000
Insurance Claims	92,250
Total Expenditures	107,250
Excess (Deficiency) of revenues over expenditures	(100,000)

Other Financing Sources (Uses)

Transfers In	100,000
Total Other Financing Sources	100,000
Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses	0
Fund Balance Fiscal 2008	0
Estimated Fund Balance Fiscal 2009	0
Proposed Fund Balance Fiscal 2010	0

SALES TAX BOND SINKING FUND-1997 STREET IMP.

Revenues

Investment Income	33,000
Total Revenues	33,000

Expenditures

Operational Expense	1,000
Debt Service	498,190
Total Expenditures	499,190
Excess (Deficiency) of revenues over expenditures	(466,190)

Other Financing Sources (Uses)

Transfers In	466,190
Total Other Financing Sources	466,190
Excess (Deficiency) of revenues and other financing sources over expenditures and other financing uses	0
Fund Balance Fiscal 2008	895,188
Estimated Fund Balance Fiscal 2009	929,526
Proposed Fund Balance Fiscal 2010	929,526

BE IT FURTHER ORDAINED, the amounts shall be available for expenditures only to the extent and only as included within the 2009-2010 fiscal budget, however nothing shall be construed to prohibit the Governing Authority from making amendments to the budget.

BE IT FURTHER ORDAINED, the Mayor of the City of Crowley, Greg A. Jones, is hereby authorized and in his sole discretion, to make such changes within the various budget classifications as he may deem necessary.

BE IT FURTHER ORDAINED, 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 or phrases will not be affected and shall continue in full force and effect.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

THUS APPROVED, ADOPTED AND FINALIZED on this the 11<sup>th</sup> day of August, 2009 at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: J. Elliot Doré, Jeff Doré, Lyle Fogleman Jr., Vernon Martin, Mary Melancon, Laurita Pete, Steven Premeaux, and Kitty Valdetero

NAYS: None

ABSTAIN: None

ABSENT: Todd Whiting

---

GREG A. JONES, MAYOR

ATTEST:

---

JUDY L. ISTRE, CITY CLERK

The following Ordinance was offered by Alderman Vernon Martin, duly seconded by Alderwoman Mary Melancon, and duly ordained and adopted.

ORDINANCE NO. 1399

AN ORDINANCE TO AMEND AND RE-ENACT DIVISION 2, INDUSTRIAL WASTEWATER COLLECTION AND TREATMENT, OF ARTICLE II, SEWAGE DISPOSAL OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY (SECTIONS 10-40 THROUGH SECTIONS 10-75) TO PROVIDE UNIFORM REQUIREMENTS TO COMPLY WITH STATE AND FEDERAL LAWS, INCLUDING THE CLEAN WATER ACT AND THE GENERAL PRETREATMENT REGULATIONS, TO MANAGE, CONTROL, PROPERLY TREAT AND DISCHARGE WASTEWATER UNDER THE TERMS OF THE PERMITS ISSUED; TO PROVIDE DEFINITIONS, REGULATIONS AND CHARGES THEREFOR; TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

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

WHEREAS, a public hearing having been held in accordance with law on the 11<sup>th</sup> day of August, 2009 at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

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

SECTION 1: Chapter 10, Division 2. Industrial Wastewater Collection and Treatment, Sections 10-40 through 10-75 are hereby amended and re-enacted to read as follows, to-wit:

**DIVISION 2. INDUSTRIAL WASTEWATER COLLECTION AND TREATMENT**

**Sec. 10-40. General provisions.**

40.1 Purpose and policy.

This division sets forth uniform requirements for users of the wastewater collection and treatment system for the City of Crowley, Louisiana and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Register Part 403).

The objectives of this division are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- (4) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- (5) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (6) To enable the City of Crowley to comply with its National Pollution Discharge Elimination System and/or Louisiana Pollution Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject; and
- (7) To provide for equitable distribution of the cost of the municipal wastewater system.

This division provides for the regulation of all users of the Publicly Owned Treatment Works through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This division shall apply to the City of Crowley, Acadia Parish, Louisiana and to persons outside the city who are, by contract or agreement with the city or otherwise, users of the city POTW. Except as otherwise provided herein, the superintendent of the publicly owned treatment works of the city shall administer, implement and enforce the provisions of this division. Any powers granted to or duties imposed upon the superintendent may be delegated by the superintendent to a duly authorized City employee.

#### 40.2 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated:

*Act or the Act.* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

*Approval authority or administrator.* The Secretary of the Louisiana Department of Environmental Quality.

*Authorized or duly authorized representative of the user.*

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater contribution permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

*Best Management Practices or BMPs.* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 41.1. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

*Biochemical oxygen demand (BOD).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter, mg/l).

*Building sewer.* A sewer conveying wastewater from the premises of a user to the POTW.

*Bypass.* The discharge of wastewater into the city's sewage collection system which is not pretreated as required by this ordinance or by wastewater contribution permit issued by the city.

*Categorical Industrial User.* An Industrial User subject to a federal categorical Pretreatment Standard or categorical Standard or categorical Pretreatment Standard.

*Chemical Oxygen Demand or COD.* A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

*City.* The City of Crowley, Louisiana or the mayor and board of aldermen of Crowley, Louisiana.

*Cooling water.* The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

*Composite sample.* The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

*Control authority.* The term "control authority" shall refer to the "Approval Authority", defined hereinabove, or the superintendent if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

*Daily Maximum Limit.* The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

*Direct discharge.* The discharge of treated or untreated wastewater directly to the waters of the State of Louisiana.

*Environmental Protection Agency, or EPA.* The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

*Existing Source.* Any source of discharge that is not a "New Source."

*Federal Categorical Pretreatment Standard or Pretreatment Standard or Categorical Pretreatment Standard.* Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of and which appears in 40 CFR Chapter I, Subchapter N, Parts 405--471.

*Grab sample.* A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes

*Holding tank waste.* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

*Indirect discharge.* The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b), (c) or (d) of the Act into the POTW (including holding tank waste discharged into the system).

*Industrial user.* A source of Indirect Discharge.

*Instantaneous maximum allowable discharge limit.* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and duration of the sampling event.

*Interference.* A discharge, which alone or in conjunction with a discharge or discharges from other sources, causes the inhibition or disruption of the POTW treatment processes or operations and which contributes to a violation of any requirements of the city's NPDES and/or LPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act

(SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Subtitle D of SWDA) applicable to the method of disposal or use employed by the POTW.

*Local Limit or Technically Based Limit or TBLL.* Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

*Louisiana Pollution Discharge Elimination System or LPDES Permit.* A permit issued by the Louisiana Department of Environmental Quality.

*Medical Waste.* Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

*Monthly Average.* The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

*Monthly Average Limit.* The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

*Minor industrial user.* Any industrial user of the city's wastewater disposal system who is not a significant industrial user or nonsignificant industrial user and has a discharge with, or the potential for, a high concentration of conventional pollutants or other constituents.

*National Pollution Discharge Elimination System or NPDES Permit.* A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

*New Source.*

- (1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility or installation is constructed at the site at which no other source is located; or
  - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraph (1)b., c. above but otherwise alters, replaces, or adds to existing process or production equipment.



- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- a. Begun, or caused to begin as part of a continuous onsite construction program:
    1. Any placement, assembly, or installation of facilities or equipment, or
    2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Noncontact cooling water.* Water used for cooling which does not come into contact with any raw material, intermediate product, waste product, or finished product.

*Nonsignificant industrial user.* Any industrial user of the city's wastewater disposal system who is not a significant industrial user or a minor industrial user and who has a discharge comprised of domestic wastewater only.

*Pass through.* A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Crowley's NPDES and/or LPDES permit including an increase in the magnitude or duration of a violation.

*Person.* Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, federal, state or local governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

*pH.* The measure of the acidity or alkalinity of a solution, expressed in standard units.

*Pollutant.* Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

*Pollution.* The manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

*Pretreatment or treatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

*Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

*Pretreatment standard or standards.* Pretreatment standards shall mean prohibited discharge standards, Categorical Pretreatment Standards, and local limits.

*Publicly Owned Treatment Works (POTW).* A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned in this instance by the city. This definition includes any device or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any sewers that convey wastewater to a treatment plant. For the purposes of this division, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

*POTW treatment plant.* That portion of the POTW designed to provide treatment to wastewater.

*Septic Tank Waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage.* Human excrement and gray water (household showers, dishwashing operations, etc.).

*Shall* is mandatory; may is permissive or discretionary.

*Significant Industrial User (SIU).*

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

(1) An Industrial User subject to categorical Pretreatment Standards; or

(2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in Section 44.20.2, together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a User meeting the criteria in subsection 2 of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating

any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

*Slug load.* Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section 41 of this division or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

*Standard Industrial Classification (SIC).* A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

*State.* State of Louisiana.

*Storm water.* Any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Suspended solids or Total suspended solids.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

*Superintendent.* The person designated by the city to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

*Toxic pollutant.* Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307 of the Act (33 U.S.C. 1317) or other acts.

*Upset.* An inhibition or disruption of the treatment plant, its treatment processes or operations, which is a cause or significantly contributes to a decrease in the quality of the effluent being discharged from the treatment plant or a decrease in the performance of the treatment plant processes or operations.

*User.* Any person who contributes, causes or permits the contribution of wastewater into the city's POTW.

*Wastewater.* The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

*Wastewater contribution permit.* As set forth in section 44.2 of this division.

*Waters of the state.* All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

These definitions shall be considered amended after adoption of this division by the promulgation of rules or regulations by the administrator or under the provisions of the Act.

#### 40.3 Abbreviations.

The following abbreviations shall have the designated meanings:

TABLE INSET:

BOD	--	Biochemical Oxygen Demand
BMP	--	Best Management Practice
BMR	--	Baseline Monitoring Report
CFR	--	Code of Federal Regulations
CIU	--	Categorical Industrial User
COD	--	Chemical Oxygen Demand
EPA	--	Environmental Protection Agency
gpd	--	Gallons Per Day
IU	--	Industrial User
l	--	Liter
LDEQ	--	Louisiana Department of Environmental Quality
LPDES	--	Louisiana Pollution Discharge Elimination System
mg	--	Milligrams
mg/l	--	Milligrams per Liter
NPDES	--	National Pollutant Discharge Elimination System
O&M	--	Operation and Maintenance
POTW	--	Publicly Owned Treatment Works
RCRA	--	Resource Conservation and Recovery Act
SIC	--	Standard Industrial Classification
SIU	--	Significant Industrial User
SNC	--	Significant Noncompliance
SWDA	--	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS	--	Total Suspended Solids
USC	--	United States Code

(Ord. No. 1161, § 1, 8-9-94)

**Sec. 10-41. Regulations.**

41.1 General discharge prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to Federal Categorical Pretreatment Standards or any other federal, state or local pretreatment standards or requirements. No user shall contribute the following substances to any POTW:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using test methods specified in 40 CFR 261.21. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) per cent nor any single reading over ten (10) per cent of the lower explosive limit (LEL) of the meter.
- (2) Solid or viscous substances which may cause obstruction of the flow in the POTW resulting in interference with the operation of the wastewater treatment facilities but in no case will any user discharge solids greater than one-half-inch in any dimension.
- (3) Any wastewater having a pH less than 6.0 unless the POTW is specifically designed to accommodate such wastewater or unless specific written authorization is given by the city, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW. The city reserves the right, at its own discretion, to

establish upper pH limits and such upper pH limits will be described in the industrial users' wastewater contribution permit.

- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or that may cause acute worker health and safety problems or are sufficient to prevent entry into the sewers for maintenance and repair.
- (6) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (7) Any substance which will cause the POTW to violate its NPDES and/or LPDES permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES and/or LPDES permit.
- (9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F) unless the POTW treatment plant is designed to accommodate such temperature.
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration, quantities, or flow during normal operation.
- (11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
- (12) Any wastewater which causes a hazard to human life or creates a public nuisance.
- (13) Any visible free animal or vegetable oil and grease which would cause the POTW interference, pass through, or treatment upset, or total animal or vegetable oil and grease exceeding one hundred (100) milligrams per liter. This local limit will be monitored by the industrial user and/or by the city

when deemed appropriate by the city through a wastewater contribution permit.

- (14) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (15) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (16) Any trucked or hauled pollutants, unless specifically authorized by the superintendent.
- (17) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Superintendent;
- (18) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (19) Medical Wastes, except as specifically authorized by the Superintendent in an individual wastewater contribution permit;
- (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (21) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

#### 41.2 Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division. The federal pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405--471 are hereby incorporated. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

- (1) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- (3) A user may obtain a variance from a Categorical Pretreatment Standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.
- (4) A user may obtain a net gross adjustment to a Categorical Standard in accordance with 40 CFR 403.15.

- (5) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

#### 41.3 Specific pollutant limitations.

The city has developed technically based local limits in accordance with the Federal Pretreatment Regulations. The limits, as listed below, are daily maximum concentration limits in milligrams per liter (mg/l) allowable for industry's discharges to the sanitary sewage collection system. The city will apply the concentration limits uniformly to each permitted industrial user of the city's POTW unless there is a particular categorical limitation established in the federal guidelines which is more stringent than any of the limitations listed below. The city may, at its own discretion, choose to allocate only certain pollutant parameters listed in the table below to specific industrial users. The city retains full authority, upon the approval of EPA and/or LDEQ, to increase or decrease these local limits; and, establish local limits for additional pollutant parameters not herein listed. Limits imposed on industrial users may be in the form of daily maximums and/or specific period (i.e., monthly) average. The limits listed below apply at the point where the wastewater is discharged to the POTW. At his discretion, the superintendent may impose mass limitations in addition to or in place of the concentration based limitations below.

TABLE INSET:

Pollutant	Daily Maximum Concentration Limits (mg/l)
Arsenic	2.26
Cadmium	0.74
Copper	3.66
Cyanide	0.22
Lead	0.83
Mercury	0.0043
Nickel	20.22
Silver	0.002
Total Chromium	5.00
Zinc	6.37
Phenol	181.13

Grease, oil, and sand traps, interceptors or hold-haul tanks shall be provided for the proper handling of waste containing grease in amounts above the limits herein, and/or other material deemed harmful to the treatment plant and/or collection system. However, interceptors and traps are not required for private living quarters or dwellings. All interceptors and traps shall meet the standards prescribed in the rules and procedures established by the required regulatory agencies. All interceptors and trap basins shall be located so as to be readily and easily accessible for easy cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction and equipped with easily removable covers or grates. Where installed, all grease, oil, and sand traps and/or interceptors shall be maintained by the owner or occupant at his own expense, in continuously efficient operation at all times.

Storage, handling, disposal and transportation of the waste material removed from pretreatment facilities shall be done according to all applicable federal, state, and local regulations that pertain to the type and/or class of waste generated.

Any industry with grease and sand trap pretreatment tanks shall keep accurate records as to when the tank was cleaned, who performed the cleaning, and the method and location of disposal of the contents removed. These records shall be made available to the

superintendent or his representative upon request. This information shall be kept on file by the user for a minimum of three (3) years.

#### 41.4 State requirements.

State requirements and limitations on discharges shall apply when more stringent than federal requirements and limitations or those in this division.

#### 41.5 City's right of revision.

The city reserves the right to establish, by ordinance or in wastewater contribution permits, more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in section 40.1 of this division.

#### 41.6 Dilution of discharge prohibited.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the city or state unless expressly authorized by an applicable Categorical Pretreatment Standard or requirement. The superintendent may impose mass limitations (pounds per day) on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

41.7 The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 41.1.

(Ord. No. 1161, § 1, 8-9-94)

### **Sec. 10-42. Pretreatment of wastewater.**

#### 42.1 Pretreatment.

Users shall provide necessary wastewater treatment as required to comply with this division and shall achieve compliance with all Federal Categorical Pretreatment Standards, local limits and the prohibitions set out in Section 41.1 of this ordinance within the time limitations as specified by the EPA, LDEQ, or the superintendent, whichever is more stringent. Any industrial user required to pretreat wastewater to a level acceptable to the POTW shall provide, operate and maintain adequate treatment facilities at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this division. Review and/or approval of the pretreatment system by the city shall not be construed as approval of the applicability, adequacy or structural integrity of the pretreatment system nor is any warranty of any kind to be implied. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or state authority upon request.

#### 42.2 Accidental discharges/slug control plan.

Each user, whether new or existing, shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense.



The superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or the action to control slug discharges. The superintendent may require any user to develop, submit for approval, and implement such a plan. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the superintendent of any accidental or slug discharge, as required by this section;
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, employee training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written notice: Within five (5) days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this division or other applicable law.

Notice to employees: A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

#### 42.3 Hauled wastewater procedures.

The discharge of hauled wastewater into the POTW at any location must be approved by the superintendent prior to any such discharge. If, at the city's discretion, such waste is allowed, the following shall apply:

- (1) Septic tank waste may be introduced into the POTW only at locations designated by the superintendent, and at such times as are established by the superintendent. Such waste shall not violate section 10-41 of this division or any other requirements established by the city. The superintendent may require septic tank waste haulers to obtain wastewater contribution permits.
- (2) The superintendent shall require haulers of industrial waste to obtain wastewater contribution permits. The superintendent may require generators of hauled industrial waste to obtain wastewater contribution permits. The superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this division.
- (3) Industrial waste haulers may discharge loads only at locations designated by the superintendent. No load may be discharged without prior consent of the superintendent. The superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The superintendent may

require the industrial waste hauler to provide a waste analysis of any load prior to discharge, such waste analysis to be provided at the hauler's expense.

- (4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

#### 42.4 Provisions for fraud and false statements.

The reports and other documents required to be submitted or maintained under this division shall be subject to the provisions of 18 U.S.C. Section 1001 relating to fraud and false statements, the provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representation or certification, and the provisions of Section 309(c)(6) regarding responsible corporate officers.

(Ord. No. 1161, § 1, 8-9-94)

### **Sec. 10-43. Fees.**

#### 43.1 Purpose.

It is the purpose of this section to provide for the recovery of costs from users of the city's POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the city's schedule of charges and fees.

#### 43.2 Charges and fees.

The city may adopt charges and fees which may include:

- (1) Fees for wastewater contribution permit application including the cost of processing such applications;
- (2) Annual permit fees for significant industrial users and industrial waste haulers;
- (3) Fees for monitoring, inspecting and surveillance procedures, including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (4) Fees for reviewing accidental discharge procedures and construction;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal (by the city) of pollutants otherwise subject to Federal Pretreatment Standards;
- (7) Fees for dumping septage or for waste haulers discharging to the city's POTW;
- (8) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this division and are separate from all other fees chargeable by the city.

All pretreatment program costs shall be apportioned to each user on a pro-rata basis for all outside costs or charges incurred by the city and shall be paid as invoiced.

(Ord. No. 1161, § 1, 8-9-94)

**Sec. 10-44. Administration.**

44.1 Wastewater discharges.

It shall be unlawful to discharge without a city permit to any natural outlet within the City of Crowley, Louisiana or in any area under the jurisdiction of said city, and/or to the POTW any wastewater except as authorized by the superintendent in accordance with the provisions of this division. The POTW has the legal authority to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions could cause the POTW to violate its NPDES permit.

44.2 Wastewater contribution permits.

44.2.1 Wastewater Contribution Permits. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater contribution permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain a wastewater contribution permit within ninety (90) days after the effective date of this division.

44.2.2 Permit application. Significant industrial users required to obtain a wastewater contribution permit shall complete and file with the city, an application in the form prescribed by the city. Existing users shall apply for a wastewater contribution permit within thirty (30) days after the effective date of this division, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. All minor industrial users and nonsignificant industrial users shall complete and file with the city, an application in the form prescribed by the city, for verification of discharge status. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a. Name, address and location, (if different from the address):
- b. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c. Wastewater constituents and characteristics including but not limited to those mentioned in section 41.3 of this division as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, part 136, as amended;
- d. Time and duration of contribution;
- e. Average daily and maximum daily wastewater flow rates, including daily, monthly and seasonal variations if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, and location and elevation;
- g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

- h. For existing users where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- i. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

- 1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - 2. No increment referred to in paragraph 1. shall exceed six (6) months.
  - 3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, as a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than six (6) months elapse between such progress reports to the superintendent.
- j. Each product produced by type, amount, process or processes and rate of production;
  - k. Type and amount of raw materials processed (average and maximum per day);
  - l. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
  - m. Any other information as may be deemed by the city to be necessary to evaluate the permit application.
  - n. All wastewater contribution permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or

persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

The city will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue a wastewater contribution permit subject to terms and conditions provided herein.

44.2.3 Permit modifications. Within nine (9) months of the promulgation of a Federal Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a Federal Categorical Pretreatment Standard, has not previously submitted an application for a wastewater contribution permit as required by 44.2.2, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable Federal Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the superintendent within one hundred eighty (180) days after the promulgation of any applicable Federal Categorical Pretreatment Standard the information required by paragraphs h. and i. of section 44.2.2.

44.2.4 Permit conditions. Wastewater contribution permits shall be expressly subject to all provisions of this division and all other applicable regulations, user charges and fees established by the city. Permits shall contain the following:

- a. A statement that indicates wastewater contribution permit duration, which in no event shall exceed five (5) years;
- b. A statement that the wastewater contribution permit is nontransferable without prior notification to the city in accordance with section 34.2.6 of this division, and provisions for furnishing the new owner or operator with a copy of the existing wastewater contribution permit;
- c. Effluent limits based on applicable pretreatment standards;
- d. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
- e. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, and local law.

The wastewater contribution permit may contain, but not be limited to, the following:

- a. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- b. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.

- c. Requirements for installation and maintenance of inspection and sampling facilities;
- d. Compliance schedules;
- e. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;
- f. Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- g. Requirements for notification of slug discharge as per 42.2;
- h. Other conditions as deemed appropriate by the city to ensure compliance with this division.
- i. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- j. Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.

44.2.5 Permit duration. Permits shall be issued for no more than five (5) years . A permit may be issued for a period of less than a year or may be stated to expire on a specific date. The significant industrial user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in section 41 are modified or other just cause exists. The user shall be informed by the superintendent of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Minor industrial users shall complete the application process annually and nonsignificant industrial users every three (3) years for verification of discharge status.

44.2.6 Nontransferability of permits. Wastewater contribution permits are issued to a specific user for a specific operation. A wastewater contribution permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without giving at least thirty (30) days notice to the superintendent and the superintendent approves the wastewater contribution permit transfer. Failure to provide advance notice of a transfer shall render the wastewater contribution permit void as of the date of the facility transfer. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit for a period of ninety (90) days during which time the user shall comply with all regulations for application for a new permit.

44.3 Reporting requirements.

44.3.1 Baseline reports. Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision made under 40 CFR 403.6(a)(4), whichever is later, existing users subject to Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall submit to the superintendent a report containing

the information listed below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become subject to Categorical Pretreatment Standards subsequent to, the promulgation of an applicable Categorical Pretreatment Standard shall submit a report to the superintendent which contains the information listed below. A new source shall report the method of pretreatment it intends to use to meet the applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged. Users described above shall submit information set forth below.

- a. Identifying information: Name and address of facility, including the name of the operator and owner;
- b. Permits: List of all environmental control permits held by or for facility;
- c. Description of operations: A brief description of the nature, average rate of production, SIC number, schematic process flow diagram indicating points of discharge to the POTW from the regulated processes;
- d. Flow measurement: The measured average and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e);
- e. Measurements of pollutants: (1) the Categorical Pretreatment Standards applicable to each regulated process; (2) the results of sampling and analysis identifying the nature and concentration and/or mass where required by the standard or by the superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set forth in f. below. Sample collection shall be as follows:
  1. Except as indicated in subsection 2 below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
  2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

3. For sampling required in support of baseline monitoring and 90-day compliance reports [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 44.3.3 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

f. Analytical requirements: All pollutant analysis and sampling techniques shall be performed in accordance with the techniques prescribed in 40 CFR Part 136. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

44.3.2 Compliance date report. Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements.

This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified chemist or professional engineer.

44.3.3 Periodic compliance reports. All Significant Industrial Users must, at a frequency determined by the Superintendent submit no less than twice per year (June and December or on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in section 44.2.2e. At the discretion of the superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are to be submitted.

The superintendent may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the reports required (baseline monitoring, compliance date, and periodic compliance reports) shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain



the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All sampling and analysis shall be performed in accordance with procedures established by the administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by EPA.

When in the course of the self-monitoring sampling program an industrial user discovers through the laboratory analyses that the facility is not in compliance, the industrial user shall notify the POTW within twenty-four (24) hours of discovery of noncompliance and resample the wastewater discharge. The new analyses shall be submitted to the superintendent within thirty (30) days after discovering the occurrence of noncompliance. Each monitoring report submitted to the superintendent shall contain the certification statement as indicated in section 44.2.2.(n) in this division and be signed by an authorized representative of the industrial user.

44.3.4 Reports of changed conditions. Each user must notify the superintendent of any planned significant changes to the user's operation or system which might alter the nature, quality, or volume of its wastewater.

- a. The superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater contribution permit application under section 44.2.2 of this division.
- b. The superintendent may issue a wastewater contribution permit under section 44.2 of this division or modify an existing wastewater contribution permit in response to changed conditions or anticipated changed conditions.
- c. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) per cent or greater, and the discharge of any previously unreported pollutants.

44.3.5 Hazardous waste discharge report. Any user who discharges to the POTW any waste which, if otherwise disposed of, would be classified as a hazardous waste under 40 CFR Part 261 shall notify the city, the EPA Regional Waste Management Division Manager, and the Louisiana hazardous waste authority in writing. The city shall be notified prior to any such discharge and give approval before the hazardous waste may be discharged into the city's waste treatment system.

All notifications shall include, but not be limited to, the following:

- a. The name of the hazardous waste as set forth in 40 CFR Part 261 and the EPA hazardous waste number;
- b. The type of discharge (batch, continuous, or other);
- c. An identification of the hazardous constituents contained in the discharge;
- c. An estimate of the mass and concentration of the hazardous constituents in the wastestream to be discharged during that calendar month and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

The city will not authorize any hazardous waste discharge into the city's collection system until such time as the user has demonstrated that, at a minimum, the above notification procedures have been performed.

44.3.6 Report of Potential Slug Discharge. Significant Industrial Users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

44.3.7 If sampling performed by a User indicates a violation, the User must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

#### 44.4 Monitoring facilities.

The city shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public right of way area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the city.

All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge

#### 44.5 Inspection and sampling.

Persons or occupants of premises where wastewater is created or discharged shall allow the city, state authority, or the U.S. EPA or their representatives ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination or in the performance of any of their duties. The city, state authority and U.S. EPA shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(1) All categorical industrial users and significant industrial users shall install, at the users' own expense, an adequate sampling port at a location agreed upon by the city and the industrial user. The city shall inspect the facilities of each categorical industrial user and significant industrial user at least once per year to, at a minimum, ascertain whether the purposes of this division and all other requirements are being complied with, collect wastewater samples, establish surcharge, etc.

- (2) All other industrial users not described in 44.5.(1) above may be required to install, at the users' own expense, an adequate sampling port at a location agreed upon by the city and the industrial user. The city may inspect the facilities of these other industrial users to verify the discharge, collect wastewater samples, establish surcharge, and ascertain whether the purposes of this division and all other requirements are being complied with.

#### 44.6 Record keeping requirements.

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 41.7. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Superintendent

Any user subject to reporting requirements established in this division shall retain, and make available for inspection and copying all records of information resulting from any monitoring activity required and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Such records shall include: (1) the time, date, exact place and method of sampling, (2) who performed the sampling, (3) the date and who performed the analyses, (4) the analytical techniques/methods used, and (5) the results of the analyses.

These records shall remain available for a period of at least three (3) years. This period shall be extended during the course of any litigation regarding the user, or the city, or where the user has been specifically notified of a longer retention time by the superintendent.

#### 44.7 Search warrants.

If the superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of Crowley designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the superintendent may seek issuance of a search warrant from the city court of Crowley.

#### 44.8 Confidential information.

44.8.1 Access to data. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the users. Any such claim must be asserted at the time of submission in the manner prescribed on the wastewater contribution permit application form.

When requested by the person furnishing the report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this division, the National

Pollutant Discharge Elimination System (NPDES) Program, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the city as confidential, shall not be transmitted to any governmental agent by the city until and unless a ten-day notification is given to the user.

44.8.2 Publication of users in significant noncompliance. The city shall annually publish in the Crowley Post Signal or its official journal a list of the users which were in significant noncompliance with any applicable Pretreatment Requirements or Standards during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months. The term significant noncompliance shall mean:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 40.2;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 40.2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- c. Any other violation of a Pretreatment Standard or Requirement as defined by Section 10-41 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater contribution permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance; or
- h. Any other violation(s) which the city determines will adversely affect the operation or implementation of the local pretreatment program.

The definition of significant noncompliance as described above may be subject to change depending upon the most current definition of significant noncompliance established by the U.S. EPA Region 6 office. The City of Crowley reserves the right to alter, modify and use, at the time of annual evaluation, the definition of significant noncompliance as established by the U.S. EPA Region 6 at the time of such annual evaluations.

(Ord. No. 1161, § 1, 8-9-94)

## **Sec. 10-45. Enforcement.**

### 45.1 Notification of violation.

Whenever the city finds that any user has violated, or continues to violate, this division, wastewater contribution permit, any prohibition, limitation or requirements contained herein, or any other pretreatment standard or requirement, the city may serve upon such person a written notice of violation stating the nature of the violation. Within thirty (30) days of the date of the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the city by the user.

Submission of this plan in no way relieves the user of liability for any violation occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

### 45.2 Consent orders.

The superintendent may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such document shall have the same force and effect as administrative orders and will be judicially enforceable.

### 45.3 Show cause hearing.

The city may order any user who causes or contributes to violation of this division or any order issued hereunder or causes or contributes to violation of its wastewater contribution permit or allows an unauthorized discharge to enter the POTW to show cause before the mayor and board of aldermen why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the mayor and board of aldermen regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the mayor and board of aldermen why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The mayor and board of aldermen may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:

- (1) Issue in the name of the mayor and board of aldermen notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take the evidence;

- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the mayor and board of aldermen for action thereon.

At any hearing held pursuant to this division, testimony taken 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 charge thereof.

After the mayor and board of aldermen have reviewed the evidence, the city may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed on existing treatment facilities, devices or other related appurtenances and are being properly operated. Further orders and directives as are necessary and appropriate may be issued.

#### 45.4 Compliance orders.

When the superintendent finds a user has violated or continues to violate any provision of this division, a wastewater contribution permit, orders issued hereunder, or any other pretreatment standard or requirement, the superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time or sewer services shall be discontinued until the user has demonstrated being in compliance. A compliance order may not extend the compliance deadline established for a federal pretreatment standard or requirement nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or prerequisite for, taking any other action against the user.

#### 45.5 Cease and desist orders.

When the superintendent finds that a user has violated, or continues to violate any provision of this division, a wastewater contribution permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to: (1) immediately comply with all requirements and (2) take such appropriate remedial or preventative actions as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### 45.6 Emergency suspension.

The city shall suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment services and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City of Crowley shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen (15) days of the date of occurrence.

#### 45.7 Revocation of permit.

The superintendent may revoke a wastewater contribution permit for good cause including, but not limited to, the following reasons:

- (1) Misrepresentation or failure to fully disclose all relevant facts in the wastewater contribution permit application;
- (2) Failure of the user to provide prior notification to the superintendent of any significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;
- (4) Violation of conditions of the wastewater contribution permit, this division, or any pretreatment standard or requirement;
- (5) Falsifying self-monitoring reports or tampering with monitoring equipment;
- (6) Failure to meet effluent limitations;
- (7) Failure to pay fines or sewer charges;
- (8) Failure to meet compliance schedules;
- (9) Failure to complete a wastewater survey or the wastewater contribution permit application;
- (10) Failure to provide advance notice of the transfer of a permitted facility.

#### 45.8 Termination of discharge.

In addition to the provisions of section 45.7 of this division, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater contribution permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (4) Violation of the pretreatment standards in section 10-41 of this division.
- (5)

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 45.3 of this division why the proposed action should not be taken. Exercise of this option by the superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. No. 1161, § 1, 8-9-94)

#### **Sec. 10-46. Legal action.**

If any person discharges sewage, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this division, federal or state

pretreatment requirements, or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court(s) of this state.

#### 46.1 Injunctive relief.

Whenever a user has violated or continues to violate any pretreatment standard or requirement, provisions of this division, a wastewater contribution permit or order issued hereunder, the superintendent may petition any court of competent jurisdiction through the city's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater contribution permit, order, or other requirement imposed by this division on actions of the user. Such other action as appropriate for legal and/or equitable relief may also be sought by the city. A petition for injunctive relief need not be a bar against, or a prerequisite for taking any other action against a user.

#### 46.2 Civil penalties.

Any user who is found to have violated, or continues to violate, an order of the city council or who willfully or negligently failed to comply with any provisions of this division, a wastewater contribution permit, or the orders, rules, regulations and permits issued hereunder, shall be fined not more than one thousand dollars (\$1,000.00) per violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this division or the orders, rules, regulations, and permits issued hereunder.

Filing a suit for civil penalties shall not be a bar against or a prerequisite for taking any other actions against a user.

#### 46.3 Criminal prosecution.

Any person that willfully or negligently violates any provision of this division, or a wastewater contribution permit, orders issued hereunder, or any other pretreatment requirement or standard, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) per violation per day or imprisonment for not more than six (6) months, or both.

Any user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage, shall, upon conviction, be guilty of a misdemeanor and be subject to penalty of at least five hundred dollars (\$500.00) per violation, per day, or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this division, or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) per violation, per day or by imprisonment for not more than six (6) months, or by both.

#### 46.4 Remedies nonexclusive.

The remedies provided in this division are not exclusive. The superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the superintendent may take other action against any user when the



circumstances warrant. Further, the superintendent is empowered to take more than one (1) enforcement action against any noncompliant user.

(Ord. No. 1161, § 1, 8-9-94)

**Sec. 10-47. Affirmative defenses to discharge violations.**

47.1 Upset.

- (1) For the purposes of this section, "upset" is defined as an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards but the user must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and the user can identify the cause(s) of the upset;
  - b. The facility was, at the time of the upset, operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
  - c. The user has submitted the following information to the superintendent within twenty-four (24) hours of becoming aware of the upset (oral communications must be followed with written submissions within five (5) days): (a) A description of the indirect discharge and cause of noncompliance, (b) the period of noncompliance, including the exact times and dates or, if not corrected, the anticipated time noncompliance is expected to continue, and (c) steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (3) In any enforcement proceedings, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
- (5) The user shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in situations where among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

47.2 Bypass.

- (1) For the purposes of this section, "bypass" is defined as the intentional diversion of wastestreams from any portion of a user's treatment facility. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of

a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (2) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass, if possible. A user shall submit oral notice of an unanticipated bypass that exceeds the applicable pretreatment standards to the POTW within twenty-four (24) hours and written notice within five (5) days from the time it becomes aware of the bypass. Written notices shall contain a description of the bypass and its causes, the duration of the bypass, including exact dates, times, and, if not corrected, the anticipated time the bypass is expected to continue, and steps taken or planned to reduce, eliminate and prevent recurrences of the bypass. The superintendent may waive the written requirements if the oral notice was received within twenty-four (24) hours, on a case-by-case basis.
- (3) Bypass is prohibited, and the superintendent may take enforcement action against a user for a bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There was no feasible alternatives to the bypass, such as the use of an auxiliary treatment facility, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent bypass which occurred during normal periods of equipment downtime or preventive maintenance;
  - c. The user submitted notices as required under paragraph 47.2(2) of this section;
  - d. The superintendent may approve an anticipated bypass, after considering its adverse effects, if the superintendent determines that it will meet the three (3) conditions as set forth in this section.

(Ord. No. 1161, § 1, 8-9-94)

**Sec. 10-48. Severability.**

If any provision, paragraph, word, section or article of this division is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

(Ord. No. 1161, § 1, 8-9-94)

**Sec. 10-49. Conflict.**

All other ordinances or parts of other ordinances inconsistent or conflicting with any part of this division are hereby repealed to the extent of such inconsistency or conflict.

(Ord. No. 1161, § 1, 8-9-94)

**Sec. 10-50. Effective date.**

This division shall be in full force and effect from and after its passage, approval and publication, as provided by law.

(Ord. No. 1161, § 1, 8-9-94)

Secs. 10-51--10-69. Reserved.

### **ARTICLE III. SOLID WASTE DISPOSAL**

#### **Sec. 10-70. Disposal to comply with state board of health rules.**

All disposal of garbage and other refuse within the city shall be by methods specifically approved by the state board of health, unless otherwise provided herein.

(Code 1965, § 12-1)

#### **Sec. 10-71. Containers required; specification; definitions; use.**

- (a) No owner, lessee or occupant of any public or private premises shall permit to accumulate upon such premises any garbage, solid waste, debris or other refuse except in containers which shall meet the following specifications and definitions:
- (1) Container. A receptacle with a capacity greater than twenty (20) gallons but no more than thirty-two (32) gallons constructed of plastic metal or fiberglass having handles of adequate strength for lifting, and having a tight fitting lid capable of preventing entrance into the container by vectors. The mouth of the container shall have a diameter greater than or equal to that of the base. The weight of a container and its contents shall not exceed seventy-five (75) pounds. Such container shall be kept covered at all times except when garbage or refuse is being deposited therein or removed therefrom.
  - (2) Bin. A metal receptacle (commonly known as a dumpster) designed to be lifted and emptied mechanically for use at commercial businesses and industrial establishments; which bins are provided to commercial and industrial units by contract through the Acadia Parish Police Jury with a designated contractor.
  - (3) Solid waste. Unwanted or discarded materials with insufficient liquid content to be freeflowing that results from domestic, industrial, commercial, agricultural, governmental, and community operations which require proper storage, collection, transportation and disposal to prevent environmental pollution inimical to public health, safety and welfare. Solid waste does not include sewerage, earth or material used to fill land in accordance with construction codes, mining residues, slag, dissolved or suspended solids in industrial waste effluents, which are not acceptable for disposal in sanitary sewerage treatment systems. Synonym: Refuse.
  - (4) Garbage. All normal and usual household and institutional waste products that are placed in approved containers for collection purposes and are usually a mixture of putrescible, nonputrescible, combustible and incombustible materials, such as organic wastes from food preparation and consumption, wrapping and packaging materials, metal, glass and plastic containers and other items. This definition also applies to similar waste products from commercial establishments such as restaurants, cafeterias, schools and hospitals.
- (b) It shall be unlawful for any person to willfully damage or destroy any garbage container or bin as required in this section belonging to any other person or the contractor for the Acadia Parish Police Jury.
- (c) It shall be unlawful for any person, firm or corporation to dump or deposit any garbage, refuse or any other waste matter as defined herein into any container or bin

that is not owned by said person and/or has not been designated or assigned to said person, firm, commercial establishment or industrial unit.

(Code 1965, § 12-5; Ord. No. 1136, § 1, 10-9-90)

**Sec. 10-72. Refusal to service nonconforming containers.**

The contractor as designated by the Acadia Parish Police Jury is not required to handle, empty or collect garbage or otherwise service garbage containers or bins not in compliance with the requirements of this article.

(Code 1965, § 12-8; Ord. No. 1136, § 2, 10-9-90)

**Sec. 10-73. Disposal of animal offal and carcasses.**

Animal offal and carcasses of dead animals shall be removed from the city and disposed of by methods approved by the parish health officer.

(Code 1965, § 12-4)

**Cross references:** Animals and fowl, ch. 4.

**Sec. 10-74. Depositing on streets, banquettes.**

- (a) Streets. No person shall place or cause to be placed in or on the public streets of the city, between the curbs or drain ditches thereof, any trash, debris or garbage, whether or not same is in receptacles or containers.
- (b) Banquettes. No person shall place or cause to be placed in or on the banquettes of any street or avenue of the city any trash, debris or garbage, whether or not same is in receptacles or containers, save and except the banquette directly adjoining property owned, leased, rented or occupied by such person or such person's employer.

(Code 1965, § 12-13)

Cross references: See also § 9-20 et seq.

**Sec. 10-75. Rodent, insect and nuisance control.**

The methods of disposing of garbage and other refuse shall include the maximum practicable rodent, insect and nuisance control at any place of disposal.

(Code 1965, § 12-2)

**Secs. 10-76--10-85. Reserved.**

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 there 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 or phrases will not be affected and shall continue in full force and effect; and

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

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of August, 2009 at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: J. Elliot Doré, Jeff Doré, Lyle Fogleman Jr., Vernon Martin, Mary Melancon, Laurita Pete, Steven Premeaux, and Kitty Valdetero

NAYS: None

ABSTAIN: None

ABSENT: Todd Whiting

---

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 Alderwoman Mary Melancon and seconded by Alderwoman Kitty Valdetero the meeting was adjourned at 6:40 p.m.

---

GREG A. JONES, MAYOR

ATTEST:

---

JUDY L. ISTRE, CLERK

Presented rough draft to Mayor on August 12, 2009 at 5:30 p.m.

Presented for Mayor's signature on August 20, 2009 at 9:00 a.m.

Mayor signed & returned to City Clerk on August 21<sup>st</sup>, 2009 at 9:30 a.m.