

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3003 ORDINANCE COUNCIL SERIES NO. 04-

COUNCIL SPONSOR: BRISTER/PRESIDENT PROVIDED BY: DEPT. OF E.S.

INTRODUCED BY _____, SECONDED BY _____, ON THE _____

DAY OF _____, 2004.

TITLE: AN ORDINANCE TO AMEND THE ST. TAMMANY PARISH
CODE OF ORDINANCES, SUBDIVISION REGULATORY
ORDINANCE NO. 499, SECTION 40-036.02(B) RELATIVE TO
THE REQUIREMENT FOR COMMUNITY SEWERAGE
SYSTEMS

WHEREAS, the natural and scenic beauty of St. Tammany Parish and its proximity to the greater New Orleans metropolitan area has elevated St. Tammany Parish to the fastest growing parish in the State; and

WHEREAS, as a result of the Parish's rapid growth, construction of community (central) sewerage systems has not been able to keep pace with the growth. Consequently, the Parish has seen a proliferation of the installation of on-site sewage disposal systems; and

WHEREAS, in 1999, the LA Department of Health and Hospitals/Office of Public Health estimated that St. Tammany Parish had approximately 20,000 on-site sewage disposal systems. Reports to state and local officials of raw or poorly treated sewage in roadside ditches and waterways are common; and

WHEREAS, the discharge of untreated or poorly treated sewage has adversely impacted the water quality of the bayous, lakes, rivers, and streams within the Parish; and

WHEREAS, the prevailing factors which decrease the efficient operation of many on-site sewage disposal systems are poor soil absorption, the lack of adequate maintenance, and owners who are unfamiliar with the proper operation of such on-site systems; and

WHEREAS, sewerage systems have the potential to cause significant adverse impact on human health and on the environment and, therefore, the operation, maintenance, and connection of sewerage systems must strictly comply with the objective standards established by statutes, codes, ordinances, and rules and regulations that provide for the protection of public health and the environment; and

WHEREAS, La. R.S. 33:4064.1, et seq., sets forth that the St. Tammany Parish Government, through the Department of Environmental Services, shall be responsible for the protection of public health and the environment through the control, monitoring, and inspection of public and private sewerage and water systems and the provision and/or supervision of environmental services, all in the unincorporated portion of the Parish of St. Tammany; and

WHEREAS, the requirements for community sewerage systems in Chapter 21 are not consistent with the requirements for community sewerage systems in Subdivision Regulatory Ordinance No. 499 of the St. Tammany Parish Code of Ordinances.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Section 40-036.02(B) of Subdivision Regulatory Ordinance No. 499 of the St. Tammany Parish Code of Ordinances relative to the requirement of community sewerage systems be enacted to read as follows:

Sec. 40-036.02 Development Plan for Community Sewerage Systems

* * *

(B) Community sewerage system, when required

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

The use of individual sewerage systems in lieu of a community sewerage system may be authorized and will be considered under the following circumstances:

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

~~Any subdivision or development which is to be located in or partially in any A-3 or subsequently enumerated Suburban District or any other more relevantly restricted or progressive Residential or Planned Land Use District shall have a community sewerage system as defined herein and/or by the State Health Officer in Chapter XIII of the LA Sanitary Code, all as further provided in this Section. For the purposes of this Section, "community sewerage system" shall mean any sewerage system which consists of a collection and/or transport system which serves multiple connections, and/or a pumping facility, and/or a treatment facility; and "facility" shall mean any and all the apparatus and appurtenances which may be associated with the subject element of the community sewerage system and may mean more than one facility.~~

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____