



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpj.net

#42

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

**Manuel "Monty"
Montelongo III**
Councilmember
District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. Gorbaty, seconded by Mr. Montelongo, it was moved to adopt the following ordinance:

ORDINANCE SBPC #1759-04-16

Summary No. 3368

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE AUTHORIZING CONVEYANCE OF FORMER LOUISIANA LAND TRUST PROPERTIES UNDER THE LOT NEXT DOOR II PROGRAM – SIDE LOT PROGRAM.

WHEREAS the purpose of this ordinance is to encourage the subdivision of nonconforming lots into larger conforming lots utilizing former Louisiana Land Trust properties. The St. Bernard Parish Council finds that using former Louisiana Land Trust properties in this way will promote the public health, safety and welfare of the people of St. Bernard Parish in the following ways:

- a. It will promote the comprehensive master plan.
- b. It will eliminate nonconforming lots.
- c. It will make St. Bernard Parish more attractive for former residents to return and for new residents to locate in the parish.
- d. It will aid in the prevention and elimination of slum and blight conditions by reducing the supply of developable land.
- e. It will reduce density in Special Flood Hazard Areas.
- f. It will promote the economic recovery of the parish.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby authorize the St. Bernard Parish Government to convey the former Louisiana Land Trust properties listed in Exhibit "A" to interested owners in accordance with the Lot Next Door II – Side Lot program established by this ordinance.



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Extract #42 continued
April 19, 2016

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Clerk of Council

SECTION 2. The Parish President and the Chief Administrative Officer each is hereby authorized to execute all instruments necessary to effectuate the conveyances authorized by this ordinance, and are further authorized to execute any and all additional instruments necessary to implement the program, including instruments necessary to enforce the requirements of The Lot Next Door II program or to reacquire, claw back, or accept a reversion of any property on behalf of the St. Bernard Parish in the event that a purchaser under the program fails to comply with its requirements. It is recognized and agreed the Parish President and/or Chief Administrative Officer may nominate a designee by use of a power of attorney to transfer, sell, and auction, the properties in Exhibit "A" in accordance with the laws of Louisiana.

SECTION 3. The Lot Next Door II program shall be administered by the Community Development Department, which shall seek the cooperation of Louisiana Land Trust to assist the parish based on its experience with Lot Next Door I.

SECTION 4. The Lot Next Door II program shall observe the following minimum standards:

- I. Qualified Properties: Parcels of property eligible for inclusion in the St. Bernard Parish Government (SBPG) Side Lot Program (LND II) shall meet the following minimum criteria:
 1. The property shall be residentially zoned real property.
 2. The property shall be physically contiguous to adjacent property only.
 3. The final property shall consist of no more than one (1) lot capable of development.
 4. The property shall be conveyed to the transferees directly by SBPG.
 5. Transfers will be available to one (1) adjacent side lots on one (1) side of the transferee parcel and shall not create a combined parcel that exceeds one hundred eighty (180) linear foot of frontage.
 6. The resulting subdivision shall not create a through lot.
 7. The LND II Program is available only to those properties that did not participate in any previous LND Program.
- II. Transfer Of Property:
 1. First right of refusal shall be granted to domiciled homestead exempt properties for adjacent parcel owners as follows:



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Clerk of Council

- a. In cases where two (2) side lot neighbors agree to purchase a middle lot that falls into public ownership, the neighbors shall purchase said property such that each neighbor receives half the property.
 - b. If one adjoining neighbor opts not to purchase half the property, the other adjoining neighbor shall have the option to purchase the whole lot ((not to exceed one hundred eighty (180) foot frontage)).
 - c. Any lot or parcel acquired through the LND II Program shall be re-subdivided or deed restricted as one (1) lot for the use of the adjacent owner/occupied residential property.
 - d. Upon sale through the LND II Program the purchaser shall be required to bring their house and the acquired lot into compliance with current housing, health, and safety codes within thirty (30) days of the transfer.
2. Second right of refusal shall be granted to non-domiciled adjacent property owners agreeing to owner occupancy of the re-subdivided or deed restricted contiguous property for a future permitted structure that meets minimum housing standards within two (2) years. The building permit shall be applied for and granted within one (1) year from closing.
 3. The transferee must not own any real property (including both the contiguous lot and other property in SBP) that is subject to any non-remediated citation of violation of the state and/or local codes, covenants and/or ordinances. Remediation of any violations must occur before the transferee will be eligible for a LND II parcel.
 4. The transferee must not own any real property (including both the contiguous lot and all other property in SBP) that is tax delinquent at the time of the LND II purchase.
 5. Properties shall be conveyed at fair market value, as determined in accordance with the Community Development Block Grant program requirements and Action Plan Amendments.
- III. Deed Restrictions: Permanent deed restrictions will be placed on the lot to be acquired which will prohibit its sale separate from the parcel next door and which will prevent the construction of a separate residence on the transferred lot in perpetuity.



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Clerk of Council

1. A clear statement of the restrictions on lot use shall be provided in the initial letter of notification, the agreement to purchase document and at the act of sale.
2. Re-platting of half (1/2) lot purchases shall occur prior to transfer of title, with the costs of re-platting being an expense of the buyers.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 6. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

SECTION 7. Other Ordinances and Codes Unaffected. Nothing herein shall be interpreted to repeal or otherwise diminish the powers of the Parish or its employees, officers, or agents under any other ordinance or code, including but not limited the Zoning Ordinance, the Building Code, and the Minimum Housing Code, all of which shall apply to Lot Next Door II properties in addition to the provisions of this ordinance.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Montelongo, Lewis

NAYS: None

ABSENT: Alcon

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 19th day of April, 2016.



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Extract #42 continued
April 19, 2016

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at Large

Gillis McCloskey
Councilmember
District A

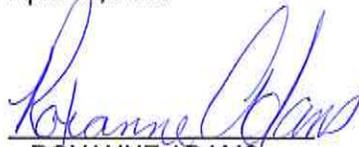
Nathan Gorbaty
Councilmember
District B

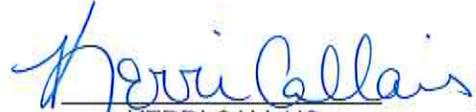
Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

**Manuel "Monty"
Montelongo III**
Councilmember
District E

Roxanne Adams
Clerk of Council


ROXANNE ADAMS
CLERK OF COUNCIL


KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President

4/27/2016 12:00pm
Date and Time

Approved _____



Vetoed _____

Parish President


Guy McInnis

Returned to Clerk of the Council

4/22/2016 12:37pm
Date and Time

Received by



ORDINANCE SBPC #1759-04-16

EXHIBIT "A"

ID	BER	Address	City	Zip
1	72603	620 COUGAR DR	ARABI	70032



St. Bernard Parish Council

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#41

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*Councilmember
at Large*

Richard "Richie" Lewis
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at Large*

Gillis McCloskey
*Councilmember
District A*

Nathan Gorbaty
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Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. Lewis, seconded by Mr. Montelongo, it was moved to adopt the following ordinance:

ORDINANCE SBPC #1758-04-16

Summary No. 3367

Introduced by: Administration on 4/5/16
Public hearing held on 4/19/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Annual Operating and Capital Budget for 2016 is hereby amended as per attached in Exhibit "A".

WHEREAS, each department shall be treated as a separate fund for the purpose of the five percent (5%) budgetary compliance in accordance with the state law; and,

WHEREAS, no monies shall be moved from one fund or department without official action taken by the Parish Council; and,

WHEREAS, all revenues generated by a specific department shall be budgeted as a revenue within that department's specific budget.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



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Extract #41 continued
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District E

Roxanne Adams
Clerk of Council

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Montelongo, Lewis

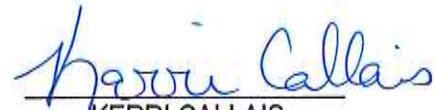
NAYS: None

ABSENT: Alcon

The Council Chair, Ms. Callais, cast her vote as **YEA**.

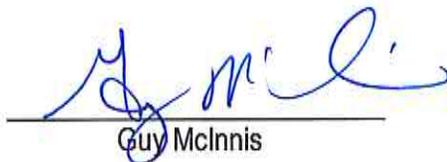
And the motion was declared adopted on the 19th day of April, 2016.


ROXANNE ADAMS
CLERK OF COUNCIL


KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President 4/22/2016 12:00pm
Date and Time

Approved ✓ Vetoed _____

Parish President 
Guy McInnis

Returned to Clerk of the Council 4/22/2016 12:37pm
Date and Time

Received by 

St. Bernard Parish Government
Summary No. 3367
ORDINANCE SBPC #1758-04-16
2016 Budget Amendment 4-19-2016

Fund	G/L ACCOUNT CODE			ACCOUNT TITLE	ENTRY AMOUNT	
	Cost Center	Project	Ledger Code		Increase	Decrease
190	3495	8866	430540	Highway Planning & Construction	Revenue	\$ 4,031,827.00
190	3495	8866	570493	CIP	Expenditure	\$ 4,031,827.00
			391000	Net Effect on Fund Balance		\$0.00
						\$0.00

This Budget Amendment is to recognize Federal Funding (CFDA #20.205 Highway Planning and Construction) and the associated expenditures.



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#40

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On motion of Mr. Luna, seconded by Mr. Lewis, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #1757-04-16

Summary No. 3366

Introduced by: Administration on 4/5/16
Public hearing held on 4/19/16

AN ORDINANCE AUTHORIZING THE EXEMPTION OF THE PROVISIONS OF ST BERNARD PARISH COUNCIL, LOUISIANA – CODE OF ORDINANCES FOR RESIDENTIAL PROPERTIES ENTERED INTO THE ST BERNARD PARISH GOVERNMENT RESIDENTIAL ELEVATION PROJECT (PERMISSIBLE OFF-STREET PARKING LOCATION ONLY).

WHEREAS, the purpose of this ordinance is to exempt the provisions of the Code of Ordinances for residential properties entered into the St. Bernard Parish Government Residential Elevation Project with regard to permissible off-street parking locations only. The St. Bernard Parish Council finds that the need to elevate repetitive loss structures outweighs any requirement of providing permissible off-street parking location(s) which may be forfeited as a result of such elevation. The St. Bernard Parish Council also finds the St. Bernard Parish Government Residential Elevation Project will promote or benefit the public health, safety and welfare of the people of St. Bernard Parish in the following ways:

- a. It will promote the comprehensive master plan of elevating structures.
- b. It is funded through FEMA & the Governor's Office of Homeland Security and Emergency Preparedness utilizing federal Hazard Mitigation Funds allocated to St. Bernard Parish as a result of Hurricane Katrina.
- c. It will focus on existing slab on grade residential developments; thereby, reducing the amount of repetitive loss structures in St Bernard Parish.
- d. It will elevate residential structures to meet or exceed BFE/ABFE/DFIRM requirements in an effort to maintain compliance with FEMA flood maps.
- e. It will aid in the prevention and elimination of repetitive loss conditions to existing residential slab on grade developments.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:



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Extract #40 continued
April 19, 2016

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Clerk of Council

SECTION 1. The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby authorize the St. Bernard Parish Government to exempt any residential property entered in the St. Bernard Parish Government Residential Elevation Project from the provisions of the Code of Ordinances as it relates to the forfeiture of permissible off-street parking areas as a result of such elevation actions established by this ordinance.

SECTION 2. St. Bernard Parish Government Residential Elevation Project program shall be administered by the Department of Recovery – Office of Hazard Mitigation Grant Program (HMGP), which shall seek the cooperation of FEMA, the Governor's Office of Homeland Security and Emergency Preparedness and the property owners' representative of Hunt, Guillot and Associates (HGA).

SECTION 3. St. Bernard Parish Government Residential Elevation Project program shall observe the following minimum standards with regard to elimination of permissible off-street parking areas as a result of structural elevation:

1. The property shall be entered into the St. Bernard Parish Government Residential Elevation Project at the time of the elevation.
2. The property shall be of slab on grade construction.
3. The property may utilize existing conditions on the site for off-street parking areas such as a durable, impermeable, all-weather material driveway(s).
4. The property, property owner or any other party with interest in the property shall not attempt development of any new off-street parking area(s) on the site which does not meet the development standard requirements of the Code of Ordinances.
5. If an attached garage is elevated with the main residential structure, then the former attached garage shall be enclosed by the removal of any doorway associated with its former use as an automotive garage and replaced with materials comparable to the existing façade of the main residential structure.
6. If an attached garage is not elevated with the main residential structure, then the former attached garage may retain any doorway associated with a former use as an attached automotive garage to promote structural access or storage.
7. The property owner may be required to provide guard rails on elevated areas formally utilized as parking pads, with or without an attached carport structure, subject to the requirements of the International Building Code.
8. The property owner may locate automobiles associated with the affected property within approved areas of the adjacent streets (rights-of-way not including sidewalk areas), where permissible.
9. These site conditions shall run in perpetuity of the property with the existence affected elevated structure.



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Clerk of Council

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 5. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Montelongo, Lewis

NAYS: None

ABSENT: Alcon

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President 4/22/2016 12:00pm
Date and Time

Approved ✓

Vetoed _____

Parish President
Guy McInnis

Returned to Clerk of the Council 4/22/2016 12:37pm
Date and Time

Received by Jennifer Lemoine



St. Bernard Parish Council

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#39

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On motion of Mr. Montelongo, seconded by Mr. Luna, it was moved to adopt the following ordinance:

ORDINANCE SBPC #1756-04-16

Summary No. 3365

Introduced by: Administration on 4/5/16
Public hearing held on 4/19/16

AN ORDINANCE TO AMEND CHAPTER 5; BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, PROVISIONS TO CREATE A NEW ARTICLE IX; STORMWATER, TO THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends CHAPTER 5 "BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES" to create "ARTICLE IX; STORMWATER" to amend as attached in Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



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Roxanne Adams
Clerk of Council

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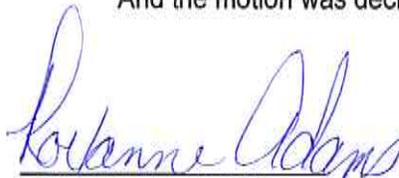
YEAS: McCloskey, Gorbaty, Luna, Montelongo, Lewis

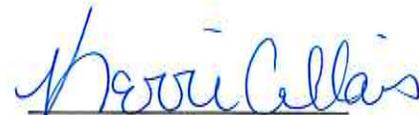
NAYS: None

ABSENT: Alcon

The Council Chair, Ms. Callais, cast her vote as YEA.

And the motion was declared **adopted** on the 19th day of April, 2016.


ROXANNE ADAMS
CLERK OF COUNCIL


KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President 4/22/2016 12:00pm
Date and Time

Approved ✓

Vetoed _____

Parish President


Guy McInnis

Returned to Clerk of the Council

4/22/2016 12:37pm
Date and Time

Received by

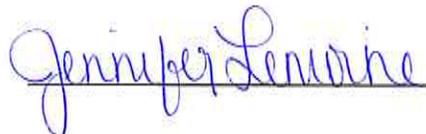


EXHIBIT "A"
SUMMARY NO. 3365
ORDINANCE SBPC #1756-04-16

CHAPTER 5 - BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES, PROVISIONS

ARTICLE IX. - STORMWATER
DIVISION 1. - GENERAL PROVISIONS

Sec. 5-191. - Title.

This article shall be known as the "Stormwater Ordinance of the St. Bernard Parish Government" and may be cited and referred to herein as "this article."

Sec. 5-192. - Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the parish and protect the environment within the parish, to the maximum extent practicable as required by federal and state law, through the regulation of certain activities and discharges that may impact stormwater discharges to the parish's storm drainage system. Among other things, this article regulates (a) illicit discharges of pollutants, and illicit connections, to the parish's municipal separate storm sewer system; (b) certain stormwater discharges in connection with construction activities; (c) certain land clearing activities that may impact stormwater discharges; and (d) post-construction erosion and sedimentation control. The objectives of this article are:

- (1) To maintain and improve the quality of surface water and groundwater within the parish;
- (2) To prevent the discharge of contaminated stormwater runoff into the parish's municipal separate storm sewer system and natural waters affected by the parish;
- (3) To prohibit illicit discharges of pollutants, and illicit connections, to the parish's municipal separate storm sewer system and natural waters affected by the parish;
- (4) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural waters of the parish;
- (5) To facilitate compliance with state and federal standards and permits by owners and operators of construction sites within the parish;
- (6) To enable the parish to comply with all federal and state laws and regulations applicable to stormwater discharges, including those requirements imposed upon the parish under its Louisiana Pollutant Discharge Elimination System Municipal Separate Sewer System discharge permit; and
- (7) To establish the legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this article.

Sec. 5-193. - Applicability.

This article shall apply to all water entering the MS4 generated on any lands within the parish unless explicitly exempted by the director of public work or his designee.

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Sec. 5-194. - Administration.

Except as otherwise provided herein, the public works director or his designee shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the public works director may be delegated in writing by the public works director to other parish personnel.

Secs. 5-195. - Reserved.

DIVISION 2. - ABBREVIATIONS AND DEFINITIONS

Sec. 5-196. - Abbreviations.

BMPs—Best management practices.

CFR—Code of Federal Regulations.

EPA—U.S. Environmental Protection Agency.

LDEQ—Louisiana Department of Environmental Quality.

LPDES—Louisiana Pollutant Discharge Elimination System.

OSP—Office of Safety and Permits

mg/l—Milligram per liter.

MS4—Municipal separate storm sewer system.

NPDES—National Pollutant Discharge Elimination System.

PPM—Parts per million.

PST—Petroleum storage tank.

SWPPP—Stormwater pollution prevention plan.

Sec. 5-197. - Definitions.

Agricultural stormwater runoff. Any stormwater runoff from cultivated crops, pastures, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in LAC 33:IX.2313 or discharges from concentrated aquatic animal production facilities as defined in LAC 33:IX.2313.

Best management practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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Cellar dirt. Construction site waste materials such as natural rock and soil overburden.

Commercial. Pertaining to any business, trade, industry, or other activity engaged in for profit.

Construction activity. Activities subject to an LPDES permit for construction activities. Currently LPDES permits for construction activities are required for construction projects resulting in land disturbance of one acre or more. Construction activities include, but are not limited to, clearing, grading, and excavating.

Contaminated. Pertaining to containing a harmful quantity of any substance.

Contamination. Pertaining to the presence of or entry into a public water supply system, the MS4, or waters of the state of any substance which may be deleterious to the public health and/or quality of the water.

Discharge. Any addition or introduction of any pollutant, stormwater, wastewater, or any other substance whatsoever into the MS4 or into waters of the state.

Discharger. Any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

Domestic sewage. Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, office buildings, industrial sites, and institutions, that is free from industrial waste.

Environmental Protection Agency (EPA). The United States Environmental Protection Agency.

Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Final stabilization. Stabilization of at least 70 percent of the site.

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

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

Harmful quantity. The amount of any substance that will cause pollution of waters of the state.

Hazardous household waste. Any material generated in a household by a consumer which, except for the exclusion provided in LAC 33:V.105.D.2.a, would be classified as a hazardous waste under LAC 33:V.

Hazardous substance. Any substance listed in Table 302.4 of 40 CFR 302.

Hazardous waste. Any substance identified or listed as a hazardous waste by LDEQ pursuant to LAC 33:V.

Illicit connection. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4, including, but not limited to, any conveyance that allows any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the MS4 and

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any connections to the MS4 from indoor drains and sinks, regardless of whether such drains or connections have been previously allowed, permitted, or approved.

Illicit discharge. Any discharge to the MS4 that is not composed entirely of stormwater, unless otherwise exempt.

Industrial waste. Solid waste generated by a manufacturing, industrial, or mining process, or which is contaminated by solid waste generated by such a process.

Land clearing permit. Permit to conduct clearing, grading, excavation, or other land disturbance activities without a building permit.

LPDES permit. A Louisiana Pollutant Discharge Elimination System permit issued by LDEQ that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis. As used herein, LPDES permit also includes any National Pollutant Discharge Elimination (NPDES) permit issued by EPA that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

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

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural and manmade channels, and storm drains) that:

- (1) Is located within the parish;
- (2) Is owned or operated by the parish;
- (3) Is designed or used for collecting or conveying stormwater;
- (4) Discharges to waters of the state; and
- (5) Does not include any publicly owned treatment works, or lawful connections thereto, which in turn discharge to waters of the state.

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

Nonpoint source. Any source of any discharge of a pollutant that is not a point source.

Oil. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, and pressure, sludge, lubricant, grease, oil refuse, and oil mixed with waste.

Operator. The person or persons who, either individually or taken together, have the day-to-day operational control over those activities at a facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner. The person who owns a facility.

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Person. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity; or an employee or legal representative or agent thereof. This definition includes all federal, state, and local entities.

Petroleum product. A petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a motor fuel, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

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

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

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

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

Public works director. The person appointed by the parish president to the position of public works director.

Release. Any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4 or the waters of the state.

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

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

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

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

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

Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, community, agricultural, and institutional operations and activities.

State. State of Louisiana.

Stormwater. Stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater discharge associated with industrial activity. The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant that is within one of the categories of facilities listed in LAC 33:IX.2511.B.14; provided such discharge is not excluded from LDEQ's definition of stormwater discharge associated with industrial activity in LAC 33:IX.2511.B.14.

Stormwater pollution prevention plan (SWPPP). A plan required by an LPDES permit that describes and ensures the implementation of best management practices that are to be used to identify and eliminate or reduce the pollutants in stormwater discharges associated with construction or industrial activity at a facility.

Uncontaminated. Not containing a harmful quantity of any substance.

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

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Waters of the state. All groundwater and surface waters within the State of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending therefrom three miles into the Gulf of Mexico. This includes all surface waters that are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the State of Louisiana otherwise defined as waters of the United States in 40 CFR 122.2, and tributaries of all such waters. Waters of the state does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251, et. seq.

Water quality standard. A definite numerical criterion value or general criterion statement or policy statement promulgated by LDEQ to enhance or maintain water quality and to provide for, and fully protect, the designated uses of the waters of the state.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation

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typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, bottomland hardwood forest, and similar areas.

Yard waste. Vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including tree and shrubbery leaves and limbs, grass clippings, and flowers.

Secs. 5-198. - Reserved.

DIVISION 3. - REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

Sec. 5-199. - Best management practices.

The public works director or his designee may adopt requirements identifying best management practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the state. The owner or operator of a commercial or industrial establishment within the parish shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or waters of the state through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge or that has an illicit connection may be required to implement, at such person's sole expense, additional structural and non-structural BMPs to properly address such illicit discharge and/or illicit connection. Any BMPs adopted by the public works director or his designee pursuant to this section shall be incorporated in any stormwater pollution prevention plan developed by a discharger within the parish in order to comply with the requirements of any applicable LPDES permit issued to such discharger.

Secs. 5-200. - Reserved.

DIVISION 4. - ILLICIT DISCHARGES AND CONNECTIONS

Sec. 5-201. - Illicit discharges—General.

- (a) No person shall introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of stormwater. This prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, variance, or order issued to the discharger and administered under the authority of EPA or an LPDES permit, waiver, variance, or order issued to the discharger and administered under the authority of LDEQ, provided that the discharger is in full compliance with all requirements of the permit, waiver, variance, or order and other applicable laws and regulations.
- (b) It is an affirmative defense to any enforcement action for violation of subsection (a) that the discharge was composed entirely of one or more of the following categories of discharges:
 - (1) A discharge authorized by, and in full compliance with, an LPDES permit issued to the discharger;

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- (2) A discharge or flow resulting from fire fighting activities by the fire department;
 - (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;
 - (4) Agricultural water runoff;
 - (5) A discharge or flow from water line flushing or other potable water sources, but not including a discharge from water line disinfection by superchlorination or other means unless it contains no harmful quantities of chlorine (e.g., typically less than one PPM chlorine) or any other chemical used in the line disinfection;
 - (6) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
 - (7) A discharge or flow from a diverted stream flow or natural spring;
 - (8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 - (9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(20) to the MS4;
 - (10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain (not including groundwater dewatering systems);
 - (11) A discharge or flow from air conditioning condensation that is not mixed with water from a cooling tower, emissions scrubber, emission filter, or any other source of pollutant;
 - (12) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
 - (13) A discharge or flow from individual residential car washing, non-commercial car washing, or limited fund-raising car washing;
 - (14) A discharge or flow from a riparian habitat or wetland;
 - (15) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
 - (16) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
 - (17) A discharge or flow from swimming pools (if dechlorinated—typically less than one PPM chlorine);
 - (18) A discharge or flow from dye testing, provided verbal notification thereof is provided to the public works director or his designee prior to initiation of the dye testing; and
 - (19) A discharge or flow specified in writing by the public works director or his designee as being necessary to protect public health and safety.
- (c) No affirmative defense shall be available under subsection (b) if the discharge or flow in question has been determined by the public works director or his designee to be a source of a pollutant or pollutants to the waters of the state or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than ten days beyond such notice. The correctness of the determination by the public works director or his designee that a discharge is a source of a

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pollutant or pollutants to the waters of the state or to the MS4 may be reviewed in any administrative or judicial enforcement proceeding.

Sec. 5-202. - Illicit discharges—Specific prohibitions and requirements.

- (a) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in section 5-201.
- (b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes, or contributes to causing, the parish to violate a water quality standard or the parish's LPDES permit for discharges from its MS4.
- (c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce, or cause, allow, or permit to be introduced, any of the following substances into the MS4:
 - (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
 - (2) Any industrial waste;
 - (3) Any hazardous waste, including hazardous household waste;
 - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (5) Any garbage, rubbish, or yard waste, including grass clippings;
 - (6) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle or equipment, including a truck, bus, or heavy equipment, by a business or public entity;
 - (7) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
 - (8) Any wastewater from commercial floor, rug, or carpet cleaning;
 - (9) Any effluent from a cooling tower, condenser, compressor, emission scrubber, emission filter, or the blowdown from a boiler;
 - (10) Any runoff or wash down from any animal pen, kennel, or fowl or livestock containment area;
 - (11) Any discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
 - (12) Any fire protection water containing oil or hazardous substances or materials;
 - (13) Any water from a water curtain in a spray room used for painting vehicles or equipment;
 - (14) Any contaminated runoff from a vehicle wrecking;
 - (15) Any substance or material that will damage, block, or clog the MS4;
 - (16) Any release from a PST, or any leachate or runoff from soil contamination by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of such PST release, unless the discharge satisfies all of the following criteria:

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- a. Compliance with all state and federal standards and requirements;
 - b. No discharge containing harmful quantity of any pollutant; and
 - c. No discharge containing more than fifty parts per billion of benzene; five hundred parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene, (BTEX); or fifteen mg/l of total petroleum hydrocarbons (TPH);
- (17) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
- (18) Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil or petroleum product or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed; and
- (19) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material.
- (d) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, land disturbance, or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.

Sec. 5-203. - Illicit connections.

- (a) The construction, use, maintenance, and continued existence of illicit connections to the MS4 are prohibited. No person shall connect a line conveying sanitary sewage, domestic, commercial, or industrial wastewater to the MS4; nor shall any person use, maintain, or allow such a connection to continue.
- (b) Illicit connections include, but are not limited to floor drains and/or lines conveying wastewater from washing machines, sanitary sewers, commercial vehicle washing, and steam cleaning to the MS4.
- (c) The prohibitions provided in this section expressly include, without limitation, any illicit connection made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time initially connected. A person is considered to be in violation of this article if the person connects to a previously existing illicit connection or allows such a connection to continue.

Secs. 5-204. - Reserved.

DIVISION 5. - STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Subdivision I. - General

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Sec. 5-205. - General requirements.

Any person applying for a building permit from the OSP for a project involving the disturbance of one acre or more, or that is part of a development involving the disturbance of one acre or more, shall certify that (a) a site specific SWPPP has been developed for the site in accordance with OSP requirements and any land clearing, grading, excavation, or other land disturbance activities at the site shall be in accordance with such SWPPP, and (b) all state LPDES permit requirements related to stormwater discharges associated with construction activities will be met. Refer to current specific LPDES permit for site applicability and other requirements.

- (1) All operators of construction sites one acre or above or part of a development that is over one acre shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the state, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, land disturbance, and other construction activities to the maximum extent practicable. Such best management practices may include, but are not limited to, the following measures:
 - a. Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;
 - b. Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of sediments and pollutants from the site to the extent feasible;
 - c. Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of sediments and other windblown waste from the site;
 - d. Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the state;
 - e. Providing general good housekeeping measures to (i) prevent litter, construction debris, and construction chemicals exposed to stormwater from becoming pollutant sources for stormwater discharges, (ii) prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and (iii) assure proper cleanup and disposal of any such spills in compliance with state, federal, and local requirements;
 - f. Implementation of proper waste disposal and waste management techniques, including providing waste containers and covers for waste materials, minimizing ground contact with hazardous chemicals and trash, and providing appropriate sanitary facilities for site workers and visitors;
 - g. Timely maintenance of vegetation, erosion, and sediment control measures and other best management practices in good and effective operating condition; and

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- h. Installation of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but are not limited to, stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on site; and sequential systems that combine several such practices. Operators of construction sites are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated.
- (2) Clearing, grading, excavation, and other land disturbance activities, except that is necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and stabilized. Final stabilization measures shall be initiated as soon as practical upon the completion of construction activities.
 - (3) A copy of the SWPPP shall be provided to the OSP upon request, and shall be available for review on the construction site at all times during construction. The SWPPP shall include:
 - a. A description of the nature of the construction activity;
 - b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g., grubbing, clearing, grading, excavation, utilities, and infrastructure installation, etc);
 - c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by clearing, grading, excavation, and/or other activities;
 - d. A description of appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in stormwater discharges, as more fully described in subsection (1) above;
 - e. A description of interim and permanent stabilization practices for the site; and
 - f. A description of design requirements. (Clearing, grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site, to the satisfaction of the public works director or his designee.)
 - (4) The construction phase erosion and sediment controls should be designed to retain sediment on-site to the maximum extent practicable. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. Soil stockpiles must be stabilized or covered during times of inactivity or upon completion of construction activities.
 - (5) Personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site in accordance with the applicable LPDES permit. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure

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that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspections, best management practices shall be revised as appropriate, and as soon as is practicable.

- (6) The parish may require any plans and specifications that are prepared for the construction of site improvements to fully illustrate and describe the best management practices required by subsection (1)(a) above that will be implemented at the construction site. The parish may deny approval of any building permit or other parish approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the best management practices described in the plans or observed upon site inspection by the parish are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable. The parish also may revoke any previously issued building permit or other parish approval necessary to commence or continue construction, or to assume occupancy, on the grounds that any certification made pursuant to the initial paragraph of this section is false.
- (7) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this division.
- (8) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing any best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the parish to violate a water quality standard or the parish's LPDES permit for discharges from the MS4.
- (9) Based on the results of the inspections required by subsection (5), the site plans and specifications, BMPs, and the SWPPP shall be revised as appropriate, but in no case later than one calendar day following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within one calendar day following the inspection. The SWPPP shall be retained on the premises of the construction site at all times and made available to the parish upon request. Upon inspection by the parish, the parish either shall approve that portion of the work completed or shall notify the operator to the extent that the work fails to comply with the SWPPP.
- (10) Upon final stabilization of the construction site, the owner, or the owner's duly authorized representative, shall submit written certification to the parish that the site has been finally stabilized. The parish may withhold an occupancy or use permit for any premises constructed on the site until certification of final stabilization has been filed and the parish has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

Sec. 5-206. - Site applicability.

Persons engaging in construction activities, including clearing, grading, excavation, and other land disturbance activities, that result in the disturbance of one acre or more, or that are part of a development involving the disturbance of one acre or more, shall comply with the requirements of this division.

EXHIBIT "A"
SUMMARY NO. 3365
ORDINANCE SBPC #1756-04-16

Secs. 5-207. - Reserved.

Subdivision II. - Post-Construction Erosion and Sedimentation Control

Sec. 5-208. - Post-construction erosion and sedimentation control.

Owners and operators, including developers and property owners, shall use and maintain appropriate erosion and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to an acceptable minimum so that soil and other pollutants are not discharged to the MS4 or waters of the state nor onto an adjoining property or right-of-way. For example, vegetation, erosion, and sediment control measures, including the following installed structural measures, if any, should be used and maintained: stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices; infiltration of runoff on site; and sequential systems that combine several such practices.

Secs. 5-209. - Reserved.

DIVISION 6. - COMPLIANCE MONITORING

Sec. 5-210. - Right of entry: Inspection and sampling.

The parish shall have the right to enter the premises of any person discharging stormwater, wastewater, or any pollutant to the MS4 or to waters of the state within the parish to determine if the discharger is complying with all requirements of this article and with state or federal discharge permits, limitations, or requirements. Dischargers shall allow the parish ready access to all parts of the premises for the purposes of observation, inspection, sampling, monitoring, testing, surveying, examination and copying of records, and for the performance of any applicable additional duties. Dischargers shall make available to the parish, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this article and with any state or federal discharge permit. No person shall obstruct, hamper, or interfere with any parish representative while carrying out his official duties.

- (1) Parish personnel shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. Where a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards or other personnel so that, upon presentation of suitable identification, parish personnel will be permitted to enter without delay for the purpose of performing their responsibilities.
- (2) The parish shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary in the opinion of the authorized parish personnel to conduct sampling and/or monitoring of the discharger's operations and discharges.

EXHIBIT "A"
SUMMARY NO. 3365
ORDINANCE SBPC #1756-04-16

- (3) The parish may require any discharger to the MS4 or waters of the state to conduct specified sampling, testing, analysis, and other monitoring of its stormwater discharges and may specify the frequency and parameters of any such required monitoring.
- (4) The parish may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the parish and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
- (6) Unreasonable delays in allowing the parish access to the discharger's premises shall be a violation of this article.
- (7) If parish personnel have been refused access to any part of the premises from which stormwater, wastewater, or any pollutant is discharged, and parish personnel are able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the public works director or his designee may seek issuance of a search warrant from any court of competent jurisdiction.

Secs. 5-211. - Reserved.

DIVISION 7. - PENALTIES AND ENFORCEMENT

Sec. 5-212. - Notice of noncompliance.

- (a) It is unlawful for any person to violate any provision, or fail to comply with any of the requirements, of this article. The public works director or his designee shall deliver to the owner, operator, contractor, and/or representative of any premises, or to any person responsible for an illicit connection, prohibited discharge, maintenance of a threatened discharge, failure to implement BMPs in accordance with this article, or any other violation of this article a notice of noncompliance. The notice of noncompliance shall be delivered in accordance with section 5-214.
- (b) The notice of noncompliance shall identify the provision of this article that has been violated. The notice of noncompliance shall state that continued noncompliance may result in additional enforcement actions, including the recovery of any costs incurred by the parish. The notice of noncompliance shall identify a compliance date that must be met and may require without limitation:
 - (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall be terminated;

EXHIBIT "A"
SUMMARY NO. 3365
ORDINANCE SBPC #1756-04-16

- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) Payment of a fine to cover administrative and remediation costs; and
 - (5) The implementation of source control or treatment BMPs.
- (c) The public works director or his designee shall designate the time within which any illicit connection shall be removed. In setting the time limit for compliance, the public works director or his designee shall take into consideration:
- (1) The quantity and complexity of the work;
 - (2) The consequence of delay;
 - (3) The potential harm to the environment, to public health, and to public and private property; and
 - (4) The cost of remedying the damage.
- (d) If violations are not corrected within the time period set by the public works director or his designee, the violator shall be reported to the OSP. The OSP shall then stop all necessary inspections required for a building permit and/or certificate of occupancy. OSP inspections shall not recommence until the public works director or his designee has approved all required changes, including installation and maintenance of BMPs and updates to the SWPPP, or determined that any other violation that was noted in the notice of noncompliance has been adequately addressed. Moreover, as necessary in order to properly address any violations of this article, the parish may, inter alia, terminate the building permit and/or certificate of occupancy for the relevant site; disconnect any illicit connections to the MS4; and/or discontinue water service to the relevant site.

Sec. 5-213. - Cease and desist orders.

The public works director or his designee may issue a cease and desist order. A cease and desist order shall be delivered in accordance with section 5-214. A cease and desist order may direct the owner, operator, contractor, representative, and/or other person responsible for the violation of this article to take any of the following actions:

- (1) Immediately discontinue any prohibited discharge to the parish's MS4.
- (2) Immediately discontinue any other violation of this article.
- (3) Clean up the area affected by the violation.
- (4) Immediately cease any activity which may lead to a violation of the parish's LPDES permit or applicable water quality standards.

Sec. 5-214. - Delivery of notice.

Any notice of noncompliance, cease and desist order, or penalty assessment pursuant to the requirements of this article shall be subject to the following requirements:

- (1) The notice shall state that the recipient has a right to appeal the matter as set forth in section 5-216.

EXHIBIT "A"
SUMMARY NO. 3365
ORDINANCE SBPC #1756-04-16

- (2) The notice shall state that the recipient may be liable for all costs incurred by the parish in correcting the violation.
- (3) Delivery shall be deemed complete upon either personal delivery to the recipient or delivery to the recipient by the United State Postal Service, via certified mail, return receipt requested, postage prepaid.

Sec. 5-215. - Penalties.

Any person violating any provision of this article may be punished by a fine imposed by the public works director according to the following schedule:

First offense: \$250.00 per day per offense.

Second offense: \$500.00 per day per offense.

Third offense and thereafter: \$1,000.00 per day per offense.

Every day any violation continues shall constitute a separate violation for purposes of this article. Unpaid fines shall, after 30 calendar days, be assessed an additional penalty of one percent of the unpaid balance, and interest shall accrue thereafter at a rate of 12 percent per year. A lien against the violator's property may be sought for unpaid fines that are final and no longer subject to review or revision. Fines shall be payable to St. Bernard Parish Government, Attention: Director, Department of Public Works, Chalmette, Louisiana 70043.

Sec. 5-216. - Administrative appeals.

- (a) Administrative appeals. A party who has been issued a notice of noncompliance, a cease and desist order, or fine may administratively appeal the same by filing a written petition with the public works director within 15 days of receipt of the notice of noncompliance, cease and desist order, or fine. The petition shall be filed by hand delivery or by mail directed to: Public Works Director, 1125 East St. Bernard Highway, Chalmette, Louisiana 70043. The following information, at a minimum, shall be contained in the petition:
 - (1) The name, address, telephone number, and signature of the party filing the appeal, and the name of the owner and operator of the facility if the appeal is being filed by an interested party other than the owner and operator of the facility.
 - (2) The name, address, and telephone number of the regulated facility and a facility contact person if different from the party filing the appeal.
 - (3) A description of the matter being appealed.
 - (4) An indication of the appellant's status as an interested party.
 - (5) A statement giving specific reasons why the appellant believes the decision of the public works director or his designee in issuing the notice of noncompliance or the cease and desist order or in imposing the fine is incorrect or does not comply with this article.
 - (6) New or different documents, drawings, plans, or other material the appellant believes supports appellant's position.

EXHIBIT "A"
SUMMARY NO. 3365
ORDINANCE SBPC #1756-04-16

- (b) Hearing. The public works director or his designee shall (a) issue notice of the hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing, and (b) conduct the hearing and take evidence. If the public works director' designee conducts the hearing, such designee shall transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the public works director for action thereon. At any hearing held pursuant to this section, testimony must be under oath. Hearing testimony shall be recorded stenographically if the party who has filed the appeal pays the costs of the same; otherwise, there shall be no recorded transcript of the proceedings. After the public works director has reviewed the evidence, he may issue an order to the person who received the notice of noncompliance or cease and desist order or fine regarding the matter appealed; such order may affirm, modify, or rescind the original notice of noncompliance, cease and desist order, or assessment. Decisions of the public works director following any administrative hearing shall be final, shall be in writing, and shall be based on the full and complete written administrative record compiled by the department of public works with opportunity for input from the party requesting the appeal.

Sec. 5-217. - Judicial review.

A party aggrieved by any notice of noncompliance, cease and desist order, or fine issued or imposed by the public works director or his designee shall have the right of judicial review. Proceedings for judicial review must be instituted by filing a petition in the 34th Judicial District Court in and for the Parish of St. Bernard, Louisiana, within 30 days after receipt of notice of the notice of noncompliance, cease and desist order, or fine from the public works director or his designee or, if an administrative hearing is requested, within 30 days after receipt of the decision rendered by the public works director following such administrative hearing.

Sec. 5-218. - Compromise/mitigation of fines.

The public works director may at any time compromise and/or mitigate the amount of fines assessed for a violation of this article based upon an affirmative good faith showing by the violator that one or more of the following mitigating factors is applicable:

- (1) There were no significant previous violations and the facility has historically been in compliance.
- (2) The cause of the violation was due to an act of God, war, or third parties not associated with the facility.
- (3) The nature and gravity of the violation was not significant.
- (4) There have been good faith efforts by the violator to prevent future violations.
- (5) Payment of the full fine amount will create a real and verifiable danger of rendering the facility incapable of future operation.
- (6) There are other pertinent factors which, in the opinion of the public works director, are probative of the fact that the violation did not endanger the public safety, health, or welfare and did not jeopardize the integrity of the MS4.

Sec. 5-219. - Violations deemed a public nuisance.

EXHIBIT "A"
SUMMARY NO. 3365
ORDINANCE SBPC #1756-04-16

In addition to the enforcement processes and penalties otherwise provided in this article, any condition caused or permitted to exist in violation of any of the provisions of this article may be a threat to public health, safety, and welfare. In which event, the public works director may declare such violation a public nuisance and may thereafter summarily correct such violation and abate or restore the affected property at the violator's expense. The public works director may also seek injunctive relief under section 5-220 to abate, enjoin, or otherwise compel the cessation of such public nuisance.

Sec. 5-220. - Injunctive relief.

If a person has violated or continues to violate the provisions of this article, the public works director or his designee may petition for a temporary restraining order and/or a preliminary and/or permanent injunction restraining the person from activities that would create further violations and/or compelling the person to comply with this article and/or perform abatement or remediation of the violation.

Sec. 5-221. - Remedies not exclusive.

The remedies set forth in this article are not exclusive of any other remedies available under any applicable federal, state, or local law; and the parish may pursue such individual or cumulative remedies as it deems appropriate to address violations of this article.

Secs. 5-222. - Reserved.

DIVISION 8. - CITIZEN PARTICIPATION

Sec. 5-223. - Citizen reports of violations.

- (a) All citizens are encouraged to report to the parish any spills, releases, illicit discharges, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the state, and any other violation of this article of which they become aware.
- (b) All citizen reports received by telephone, in writing, and in person will be kept on file for a period of three years. When necessary, complaints will be referred to the other appropriate local, state, or federal agencies.



St. Bernard Parish Council

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#38

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Nathan Gorbaty
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

**Manuel "Monty"
Montelongo III**
*Councilmember
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. Gorbaty, seconded by Mr. Lewis, it was moved to adopt the following ordinance:

ORDINANCE SBPC #1755-04-16

Summary No. 3364

Planning Commission made **NO RECOMMENDATION** on 3/22/16
Introduced by: Administration on 4/5/16
Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-009**, PETITION OF STERLING J. CARDON, JR. FOR A ZONING CHANGE FROM "R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (TWO-FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 2200 TRIO STREET, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-009**, Petition Sterling J. Cardon, Jr. for a Zoning Change from "R-1 (Single Family Residential) to "R-2 (Two-Family Residential) zoning district" with the condition to allow the third apartment to be rented for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Culotta Subdivision designated as Lot 47 and Trio Subdivision designated as Lot 48.

Property Location: 2200 Trio Street, Chalmette, LA 70043.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



St. Bernard Parish Council

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Extract #38 continued
April 19, 2016

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

Manuel "Monty" Montelongo III
Councilmember
District E

Roxanne Adams
Clerk of Council

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Montelongo, Lewis

NAYS: Luna

ABSENT: Alcon

The Council Chair, Ms. Callais, cast her vote as YEA.

And the motion was declared **adopted** on the 19th day of April, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President 4/22/2016 12:00pm
Date and Time

Approved Vetoed _____

Parish President
Guy McInnis

Returned to Clerk of the Council 4/22/2016 12:37pm
Date and Time

Received by



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
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#37

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. Montelongo, seconded by Mr. Gorbaty, it was moved to adopt the following ordinance:

ORDINANCE SBPC #1754-04-16

Summary No. 3363

Planning Commission recommended **APPROVAL** with conditions on 3/29/16
Introduced by: Administration on 4/5/16
Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-008**, PETITION OF GERALD FORSTELL OF CHALMETTE REFINERY, LLC FOR A CONDITIONAL USE PERMIT IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 500 W. ST. BERNARD HIGHWAY, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-008**, Petition of Gerald Forstell of Chalmette Refinery, LLC for a Conditional Use Permit in an I-2 (Heavy Industrial) zoning district for the following described property:

Parcels A1, A2, A3, B2 and Tract E of Section 5 and 6 of Township 13 South, Range 12 East of St. Bernard Parish, bounded by Paris Road, St. Bernard Highway, the Mississippi River and Parcel B3.

Property Location: 500 W. St. Bernard Highway, Chalmette, LA 70043.

The Planning Commission recommends APPROVAL with the following conditions:

1. No building permits or licenses for this project shall be issued until final development plans are approved and recorded. Site plan approval shall become null and void in one (1) year from the date of approval if the activities have not commenced and the site plan shall be considered to be disapproved per Section 22-10-1.3(h) of the Zoning Code.
2. The applicant shall comply with all state and federal requirements including, but not limited to, the provisions of existing and/or permits for site operations.
3. Tree planting along the entire extent of the front property line fronting on E. St. Bernard Hwy occupied by Chalmette Refinery.

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

**Manuel "Monty"
Montelongo III**
Councilmember
District E

Roxanne Adams
Clerk of Council



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Kerri Callais
*Councilmember
at Large*

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Extract #37 continued
April 19, 2016

Richard "Richie" Lewis
*Councilmember
at Large*

Parish President



Guy McInnis

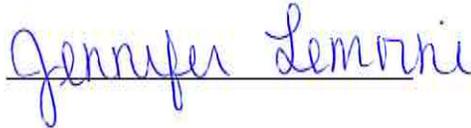
Gillis McCloskey
*Councilmember
District A*

Returned to Clerk of the Council

4/22/2016 12:37pm
Date and Time

Nathan Gorbaty
*Councilmember
District B*

Received by



Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

**Manuel "Monty"
Montelongo III**
*Councilmember
District E*

Roxanne Adams
Clerk of Council



St. Bernard Parish Council

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#36

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Nathan Gorbaty
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

**Manuel "Monty"
Montelongo III**
*Councilmember
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. Montelongo, seconded by Mr. Lewis, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #1753-04-16

Summary No. 3362

Planning Commission recommended **APPROVAL** on 3/22/16
Introduced by: Administration on 4/5/16
Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-007**, PETITION OF RALPH MENESSES FOR A ZONING CHANGE FROM "R-2, (TWO FAMILY RESIDENTIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 400 E. SOLIDELLE STREET, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-007**, Petition of Ralph Menesses for a Zoning Change from "R-2, (Two Family Residential)" to "C-2, (General Commercial)" zoning district for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Versailles, Square 149, designated as Lot 16.

Property Location: 400 E. Solidelle Street, Chalmette, LA 70043.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



St. Bernard Parish Council

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Extract #36 continued
April 19, 2016

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

**Manuel "Monty"
Montelongo III**
Councilmember
District E

Roxanne Adams
Clerk of Council

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Montelongo, Lewis

NAYS: None

ABSENT: Alcon

The Council Chair, Ms. Callais, cast her vote as YEA.

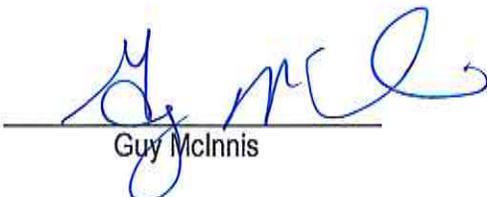
And the motion was declared **adopted** on the 19th day of April, 2016.


ROXANNE ADAMS
CLERK OF COUNCIL


KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President 4/22/2016 12:00pm
Date and Time

Approved ✓ Vetoed _____

Parish President 
Guy McInnis

Returned to Clerk of the Council 4/22/2016 12:37pm
Date and Time

Received by Jennifer Lenoire



St. Bernard Parish Council

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#35

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

**Manuel "Monty"
Montelongo III**
Councilmember
District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. Lewis, seconded by Mr. Gorbaty, it was moved to adopt the following ordinance:

ORDINANCE SBPC #1752-04-16

Summary No. 3361

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-006**, PETITION OF JTS PROPERTIES, LLC FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO-FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 1108 – 10 LEBEAU ST., ARABI, LA 70032.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-006**, Petition of JTS Properties, LLC for a Zoning Change from "R-1, (Single Family Residential)" to "R-2, (Two-Family Residential)" zoning district for the following described property:

Two certain lots of ground situated in the Parish of St. Bernard, Friscoville Subdivision, Sq. 102, designated as lots 34 and 35.

Property Location: 1108 – 10 LeBeau St., Arabi, La 70032.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
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Extract #35 continued
April 19, 2016

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

Manuel "Monty" Montelongo III
Councilmember
District E

Roxanne Adams
Clerk of Council

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

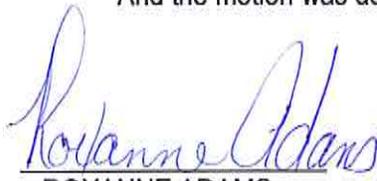
YEAS: McCloskey, Gorbaty, Luna, Montelongo, Lewis

NAYS: None

ABSENT: Alcon

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 19th day of April, 2016.

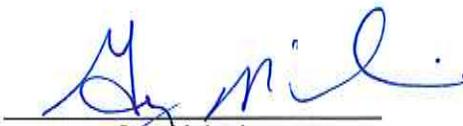

ROXANNE ADAMS
CLERK OF COUNCIL


KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President 4/22/2016 12:00pm
Date and Time

Approved ✓

Vetoed _____

Parish President 
Guy McInnis

Returned to Clerk of the Council 4/22/2016 12:37pm
Date and Time

Received by 



St. Bernard Parish Council

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www.sbp.net

#34

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Nathan Gorbaty
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

**Manuel "Monty"
Montelongo III**
*Councilmember
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. Lewis, seconded by Mr. Montelongo, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #1751-04-16

Summary No. 3360

Planning Commission recommended **APPROVAL** on 3/22/16

Introduced by: Administration on 4/5/16

Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-005**, PETITION OF KEVIN WILLIAMS FOR A ZONING CHANGE FROM "C-1, (NEIGHBORHOOD COMMERCIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 7820 E. ST. BERNARD HIGHWAY, VIOLET, LA 70092.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-005**, Petition of Kevin Williams for a Zoning Change from "C-1, (Neighborhood Commercial)" to "C-2, (General Commercial)" zoning district for the following described property:

One (1) certain parcel of land situated in the Parish of St. Bernard, Poydras Plantation, Square No. 5.

Property Location: 7820 E. St. Bernard Highway, Violet, LA 70092.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



St. Bernard Parish Council

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Extract #34 continued
April 19, 2016

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

Manuel "Monty" Montelongo III
Councilmember
District E

Roxanne Adams
Clerk of Council

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Gorbaty, Luna, Montelongo, Lewis

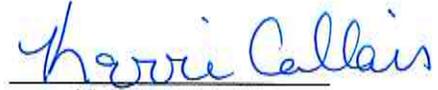
NAYS: None

ABSENT: Alcon

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 19th day of April, 2016.


ROXANNE ADAMS
CLERK OF COUNCIL


KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President 4/22/2016 12:00pm
Date and Time

Approved 

Vetoed _____

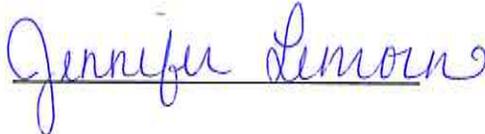
Parish President


Guy McInnis

Returned to Clerk of the Council

4/22/2016 12:37pm
Date and Time

Received by





St. Bernard Parish Council

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www.sbpq.net

#33

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

**Manuel "Monty"
Montelongo III**
Councilmember
District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 19, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. Lewis, seconded by Mr. Gorbaty, it was moved to adopt the following ordinance:

ORDINANCE SBPC #1750-04-16

Summary No. 3369

Planning Commission recommended **APPROVAL** on 3/22/16
Introduced by: Administration on 4/5/16
Public hearing held on 4/19/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-004**, PETITION OF PETITION OF ALBERT ALVEREZ FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "R-2, (TWO FAMILY RESIDENTIAL)" FOR THE PROPERTY LOCATED AT 2104 WALKERS LANE, MERAUX, LA 70075.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-004**, Petition of Albert Alvarez for a Zoning Change From "R-1, (Single Family Residential)" To "R-2, (Two Family Residential)" zoning district for the following described property:

A certain piece or portion of ground situated in the Parish of St. Bernard, Walkers Lane Subdivision, Section 2, designated as lot 22.

Property Location: 2104 Walkers Lane, Meraux, LA 70075.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



St. Bernard Parish Council

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Extract #33 continued
April 19, 2016

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

Manuel "Monty" Montelongo III
Councilmember
District E

Roxanne Adams
Clerk of Council

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

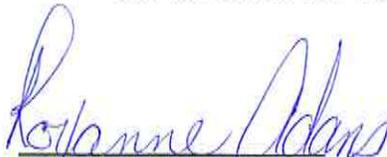
YEAS: McCloskey, Gorbaty, Luna, Montelongo, Lewis

NAYS: None

ABSENT: Alcon

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 19th day of April, 2016.


ROXANNE ADAMS
CLERK OF COUNCIL


KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President 4/22/2016 12:00pm
Date and Time

Approved ✓ Vetoed _____

Parish President 
Guy McInnis

Returned to Clerk of the Council 4/22/2016 12:37pm
Date and Time

Received by 