

ORDINANCE NO. 4587

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 122 OF THE BOSSIER PARISH CODE OF ORDINANCES PROVIDING FOR REGULATIONS RELATIVE TO COMMUNITY-TYPE SEWER SYSTEMS.

BE IT ORDAINED by the Bossier Parish Police Jury in regular and legal session on this 7th day of October, 2015, that certain sections of Chapter 122, "Utilities", of the Bossier Parish Code of Ordinances, be and is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Section 122-1, be and is hereby amended to read as follows:

Sec. 122-1. Regional notification center.

The police jury avails itself of the option set forth in R.S. 40:1749.19, of the Louisiana Underground Utilities and Facilities Damage Prevention Law, and specifically, it does not participate and share in the cost of a regional notification center as provided in R.S. 40:1749.14.

ARTICLE II. SEWAGE

Section 122-31, be and is hereby amended to change certain definitions as follows:

Sec. 122-31. Definitions.

Community-Type Sewer System means system (excluding building plumbing), either publicly or privately owned, consisting of one or more of the following; a) a collection system; b) pumping facility; and c) a means of final treatment and disposal; designed for more than one residential home, and which utilizes technology approved by the Louisiana Department of Health and Hospitals, Office of Public Health (LA DHH/OPH) and which conforms with the latest adopted edition of "Standard Specifications and Details" and all Louisiana Department of Environmental Quality (LDEQ) permit requirements.

Individual Sewer System means any system of piping (excluding building plumbing), treatment device or other facility that conveys, stores, treats or disposes of sewer on the property where it originates and which utilizes the individual sewer technologies as approved by the LA DHH/OPH.

***All other definitions as provided in Section 122-31 are unchanged and shall remain in full force and effect.

Sections 122-56 and 122-57 are hereby repealed in their entirety and replaced as follows:

Sec. 122-56. Mandatory connections to community-type systems.

(a) Where a community-type system is located within three hundred (300) feet of a building site, the plumbing fixtures within any structure on said building site shall be connected to the community-type system if the owner is legally entitled to do so, taking into consideration governmental, geographic or other legally created boundaries.

(b) The three hundred (300) foot distance specified in paragraph (a) is to be determined by measuring the shortest available route from the structure to the community-type system main or lateral.

(c) The connection requirements in paragraph (a) may be waived or deferred for a specified time period if the LA DHH/OPH determines that the community-type system has an inadequate capacity or that the required connection would result in an unreasonable hardship or practical difficulty due to site conditions, restrictions, and limitations.

(d) The basis for approving a waiver or deferral, as well as the terms and conditions of such approval, shall be specified in writing and attached to any permit issued for installation

of the individual sewerage treatment system. In addition, the waiver shall be duly recorded with the Bossier Parish Clerk of Court.

(e) Owners connecting to a community-type system that is owned and operated by the Bossier Parish Police Jury and/or the Consolidated Waterworks/Sewerage District No. 1 of the Parish of Bossier, shall further be required to enter into the Parish's Standard User Agreement for Wastewater Collection and Treatment Services. Said agreement shall be established in accordance with the Parish's latest edition of the "Operations Policy Manual for Community-Type Wastewater Collection and Treatment Systems", a copy of which is on file with the Division of Engineering and Public Utilities Department.

Sec. 122-57. Where community-type system is not available.

Where community-type systems are not available, an individual system may be used subject to the following requirements:

(1) The building site area shall be in accordance with the subdivision ordinances for Bossier Parish for the unincorporated area, the unincorporated area within five miles of the Benton Metropolitan Planning Commission, and the Unified Development Code (UDC) for the unincorporated areas within five miles of the City of Bossier City.

(2) The LA DHH/OPH and the parish must approve a soil absorption system for treated effluent.

BE IT FURTHER ORDAINED, etc., that Chapter 122, Article II, of the Bossier Parish Code of Ordinances is hereby amended to add Sections 122-58 through Section 122-65, as follows:

Sec. 122-58. Plans and specifications.

(a) A professional engineer, registered in the State of Louisiana, shall prepare the plans and specifications for the installation of a community-type system and for any alterations, modifications or expansion of an existing system. Plans and specifications shall be in conformance with the latest edition of the Parish's "Standard Specifications and Details for Community-Type Systems". Plans and specifications must be submitted for review and approval prior to initiating construction in accordance with established subdivision design and development requirements. An approved LA DHH/OPH Design Summary package along with Louisiana Department of Environmental Quality approval to discharge sanitary sewer and a copy of all permits must be submitted with the plans and specifications.

(b) The owner/developer shall provide adequate right-of-way in accordance with standard plans and specifications adopted by the Parish of Bossier to allow for the future connection of the community-type wastewater collection and treatment system to a future municipal transport main. Right-of-way shall be established in accordance with the subdivision ordinances for Bossier Parish for the unincorporated area and area within five miles of the Benton Metropolitan Planning Commission, and the Unified Development Code (UDC) for the unincorporated areas within five miles of the City of Bossier City.

Sec. 122-59. Inspections and certifications by the professional engineer.

A professional engineer, registered in the State of Louisiana, shall make inspections at the appropriate intervals during the installation, alteration, modifications or expansion of a community-type system and shall provide written certification to the LA DHH/OPH, the Division and the Louisiana Department of Environmental Quality, where required by law, that the installation, alteration, modification or expansion was constructed in accordance with the approved plans and specifications.

Sec. 122-60. Additional loading of existing system.

Any owner of any community-type system requesting approval for additional wastewater loading of that system shall submit to the LA DHH/OPH and the Division, written certification

by a professional engineer, registered in the State of Louisiana, that the existing system will meet all requirements of the appropriate regulatory agencies.

Sec. 122-61. Inspections of community-type systems by the Public Utilities Department.

The Utilities Department or authorized representative will inspect the community-type systems to ensure their proper functioning and performance in accordance with all applicable laws and regulations and is authorized to enter upon private premises at reasonable times and in a reasonable manner to inspect said system.

Sec. 122-62. Inspection fee required prior to start of construction.

A fee of three percent (3%) of the estimated cost of construction, including all labor, materials and equipment, shall be charged to the developer to cover the costs of inspection. The fee shall be paid to the police jury by the developer prior to the start of construction. There will be no duplication of inspection fee charges. If any inspection fee is charged to a developer by a municipality, the fee will be deducted from the inspection fee due to the police jury.

Sec. 122-63. Community-type systems required in new subdivision.

(a) Any new subdivision that has one hundred twenty-five (125) or more lots shall have a community-type sewerage system.

(b) Phased development of community sewer system trunk-lines will be allowed.

(c) All new community-type sewerage systems shall be constructed in compliance with LA DHH/OPH and Parish standards. The system should be constructed prior to approval of the final subdivision plat or if not then, the developer should post a one-hundred percent (100%) performance bond in favor of the appropriate governing body or sewerage district so that the appropriate local governing authority or sewer district would have the funds to construct the system.

Sec. 122-64. Operations and maintenance.

(a) The owner/developer shall be responsible for the full operations and maintenance (at his, her or their expense) of the sewage collection and treatment facilities in full compliance with all the requirements of this Article and with all Parish, State and Federal laws and regulations until such time as the system is accepted, through donation by owner, for operations and maintenance by the Parish.

(b) Any penalties assessed by the State, local or federal regulatory agencies resulting from the owners' operations due to lack of compliance with State, local or federal sewer treatment requirements, will be the responsibility of the owner/developer of the community-type sewer treatment plant.

Sec. 122-65. Management of facilities and transfer of ownership to the Parish.

(a) Bossier Parish intends to assume ownership and accept responsibility for the perpetual maintenance and operations of newly-installed community-type wastewater treatment systems, provided: that the system is installed in accordance with all applicable guidelines established herein, and after a favorable final inspection is completed. Bossier Parish will assume ownership, operation and maintenance at no direct cost to the Parish for transfer. Said system will be transferred to the Parish at the same time as the acceptance of the subdivision and other public infrastructure improvements. Said community system shall be subject to construction inspections by the Parish, both during and after installation to the degree necessary to assure proper operations before acceptance. Liens and debt owed on the collection and treatment system shall be paid off in full before transfer of ownership takes place.

(b) Posting of Bonds: Once the community-type sewer collection and treatment system has been properly installed, the developer and/or owner shall contact the Parish. An on-site final inspection shall be completed to ensure that the system(s) has been installed, and is operable. Final inspection shall include a written certification from the developer's engineer that

the system has been constructed and installed in accordance with the approved plans and specifications. If upon inspection, the Parish determines that such system(s) is found to not be built according to specifications, the owner/developer shall be required to make the appropriate corrections at his or her expense before final acceptance can be made. After completion of all items required in the plans and specifications, the Developer's Contractor shall submit to the Parish a maintenance bond in the amount of fifty percent (50%) of the Community System Contract amount, guaranteeing workmanship and materials of all public improvements for a minimum period of two years or until the entire system is functioning at a normal load adequate to test the performance of the system. All warranty/maintenance bonds shall be obtained from an accredited financial institution recognized to be in good standing by the Parish of Bossier. The release of warranty/maintenance bonds shall follow established Parish procedures.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon adoption.

BE IT FURTHER ORDAINED that any ordinance or parts of any ordinance in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that anyone violating the provisions of this ordinance, upon conviction, shall be fined for each offense as provided in Chapter 1, Section 1-13 of the Bossier Parish Code of Ordinances.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be included and incorporated in the Bossier Parish Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

The ordinance was offered by Mr. Benton, seconded by Mr. Brotherton. Upon unanimous vote, it was duly adopted on this 7th day of October, 2015.

RACHEL D. HAUSER
PARISH SECRETARY

JACK SKAGGS, PRESIDENT
BOSSIER PARISH POLICE JURY