



DATE: 04/08/2026 TIME: 11:00 a.m. LOCATION: Executive Boardroom

COMMITTEE MEMBERS: H. Davis Cole, Chair | Joseph Peychaud, Vice Chair| Kaitlin Tymrak |
Michael Evans | Christopher Bergeron | Ann Wilson | Renelle Brown

PLUMBING MEETING AGENDA

PUBLIC MEETING

All meetings are open to the public, and we encourage your attendance.
Those interested can join in person or virtually.

Join In-Person: Executive Board Room, Second Floor
625 St. Joseph St., New Orleans, LA 70165

Join Virtually: <https://www.swbno.org/BoardMeetings>

E-Public comments will be accepted via <https://www.swbno.org/BoardMeetings>.
All e-public comments must be received at least 2 hours prior to the meeting. Comments
will be read verbatim into the record.

I. Roll Call

II. Action Item

- A. Resolution (R-064-2026) – Amending Sections 14 and 16 of the Sewerage and Water Board of New Orleans Plumbing Code Relative to Cross Connection Control and Stormwater

III. Information Item

- A. Plumbing Code 16.1

IV. Public Comment

V. Adjournment

RESOLUTION TO AMEND SECTIONS 14 AND 16 OF THE SEWERAGE AND WATER BOARD OF NEW ORLEANS PLUMBING CODE RELATIVE TO CROSS CONNECTION CONTROL AND STORMWATER

WHEREAS, Section 14 of the Plumbing Code of the Sewerage and Water Board of New Orleans, currently provides requirements to relative to Cross Connection Control; and

WHEREAS, changes to the Cross Connection Control Enforcement Response Plan required changes to Section 14 of the Plumbing Code of the Sewage and Water Board of New Orleans; and

WHEREAS, Section 16 of the Plumbing Code of the Sewerage and Water Board of New Orleans, currently provides requirements to relative to the Public Storm Drainage System, Municipal Separate Storm Sewer System (MS4); and

WHEREAS, changes to legal authority to enforce stormwater regulations for discharges to the storm drainage system less than thirty-six (36) inches required changes to Section 16 of the Plumbing Code of the Sewage and Water Board of New Orleans; and

WHEREAS, these changes to Section 14 and Section 16 of the Sewerage and Water Board of New Orleans Plumbing Code were reviewed and approved by the Plumbing Conference Committee on April 8, 2026; and

NOW THEREFORE, BE IT RESOLVED, that the Sewerage and Water Board of New Orleans hereby amends Section 14 and Section 16 of the Sewerage and Water Board of New Orleans Plumbing Code relative to Cross Connection Control and Public Storm Drainage Storm System, MS4, as approved by the Plumbing Conference Committee.

I, Randy E. Hayman, Executive Director,
Sewerage and Water Board of New Orleans, do hereby
certify that the above and foregoing is a true and
correct copy of a resolution adopted at the Regular
Monthly Meeting of said Board, duly called and held,
according to law, on April 22, 2026.

RANDY E. HAYMAN, EXECUTIVE DIRECTOR
SEWERAGE AND WATER BOARD OF NEW ORLEANS



16.1 Rules governing discharges into the public storm drain system



Plumbing Committee

April 8, 2026



Section 16.1 A(3)b

Original Language

(3) This section applies to all discharges and runoff with Orleans Parish including those areas:

b) Outside of the levee system under the control of the Orleans Levee District.

Revision requested

Delete language. However, in further discussions with the Levee District we will keep language as is.



Section 16.1 A(4)

Original Language

(4) Definitions – Refer to Section 1.1.

Revision requested

Delete language.



Section 16.1 B(3)

Original Language

Discharge shall not exceed:

- a) Biological Oxygen Demand (B.O.D.) of 45 milligram per liter (mg/l) in concentration.
- b) Total Suspended Solids (TSS) of 45 mg/l in concentration.
- c) Total Dissolved Solids (TDS) of 500 mg/l.
- d) Maximum pH of 9.0.
- e) Minimum pH of 6.0.
- f) Oil and Grease level of 15 mg/l if emulsified.
- g) 3 °C or 5 °F above the ambient temperature of the receiving canal.
- h) Chemical Oxygen Demand (COD) of 30 mg/l in concentration.
- i) Dissolved Oxygen : 4 mg/l (Minimum).
- j) Turbidity of 280 NTUs.
- k) Fecal Coliform of 400 colonies/100 ml

Revision requested

Delete language. These numerical limits are for wastewater treatment and there is no treatment for stormwater currently.

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Section 16.1 C(2)b.ii

Original Language

- b) From areas of excavation, filling, grubbing, pile driving, or drilling provided:
- i. One acre to less than five acres is covered automatically under LPDES Storm Water permit with appropriate SWPPP and BMPs in place.
 - ii. Areas five acres and greater be covered through a LPDES Storm Water Permit for Construction Activities by submitting a Notice of Intent (NOI) with appropriate SWPPP and BMPs in place.
 - iii. All construction activities less than one acre shall provide with the use of BMPs

Revision requested

Reorder from the smallest to greatest acreage impacted and add language.

One acre to less than five “**acres that are not part of a larger common plan of development**” is covered automatically under LPDES Storm Water permit with appropriate SWPPP and BMPs in place.

Addition of City Ordinances





16.1.G Penalty for Violation of Rules

Current Language

16.1.G.2

New Orleans City Code Sections.

Sec. 54-154.1. Obstruction of catch basins or other elements of the drainage system at construction or demolition sites.

Sec. 66-282. - Littering, dumping, and dumping of specific materials.

Sec. 66-285. - Dumping refuse, etc., in yards, etc

Sec. 66-287. - Sweeping from premises and sidewalks to be taken up.

Sec. 66-287.1. - Use of leaf blowers to transfer or direct debris to public drains prohibited.

Revision requested

Add sections language for 54-154, 54-155, 66-281, 66-281.1, 66-281.2 to provide additional authority of the ≤ 36 " drainage pipes.

Add language to all the city ordinances referenced in this section.

With the addition of these ordinances and the respective language would cause a further change to the language to be revised to reflect that SWBNO can fine over \$1,000.



Illicit Discharges, Industrial & High Risk and Representative Monitoring Program

SECTION 16

16.1 RULES GOVERNING DISCHARGES INTO THE PUBLIC STORM DRAIN SYSTEM MS4

A. General

- (1) The public storm water drainage system exists primarily to allow the removal of storm water runoff from public and private land surfaces, and will be referred to herein as the “storm water drainage system.” The storm water drainage system is also referred to as the Municipal Separate Storm Sewer System (MS4). Preventing runoff pollution from entering Lake Pontchartrain and adjacent receiving water is manifestly in the public interest.
- (2) The rules contained in this Section relating to discharges and runoff into the public storm water drainage system of Orleans Parish are supplemental to all other rules and regulations of the Sewerage and Water Board of New Orleans (SWBNO) governing said storm water drainage system, runoff, discharges, and tie-ins thereto. Additionally, all discharges shall conform to regulations as set forth by the Louisiana Department of Health (LDH), the Louisiana Department of Environmental Quality (LDEQ), the New Orleans Health Department (NOHD), and the United States Environmental Protection Agency (EPA).
- (3) This section applies to all discharges and runoff within Orleans Parish including those areas:
 - a) within the levee system that are drained and pumped by the SWBNO
 - b) outside of the levee system under the control of the Orleans Levee District
 - c) outside of the levee system under the control of the Board of Commissioners of the Port of New Orleans
 - d) inside or outside of the levee system under the control of the Department of Transportation and Development.
- (4) Definitions – Refer to Section 1.1.

B. Prohibited Discharges

(1) General Prohibitions

Discharge or runoff to the Storm Water Drainage system shall not contain:

- a) toxins in toxic amounts (See B.3.m. below).
- b) pollutants in quantities that would cause a violation of State water quality standards.
- c) floatable debris, oils, scum, foam, or grease in other than trace amounts.

- d) non-storm water discharges except in accordance with these rules and regulations.
- e) pollutants, water, or wastes which results in the degradation or loss of State-designated beneficial uses of receiving waters except when authorized by the State.
- f) material which will interfere with the operation or performance of the stormwater drainage system and the ability to transport, convey, move, pump, or discharge storm water.
- g) any intentional disposal of grass clippings, leaves or other vegetation into any gutter, street, sidewalk, or other drainage device that connects with or drains into the MS4.
- h) offensive odors.
- i) significant coloration.
- j) objectionable coatings on the sides or deposits on the bottoms of any conveyance, such as, but not limited to dirt, sand, oil, grease, tar, or wax.
- k) wastes which contain phenols or other taste or odor producing substances that may affect the taste or odor of the receiving stream.
- l) wastes which contain foaming or frothing agents of a persistent nature.
- m) wastes which contain pathogenic bacteria or the indicator organisms of pathogenic bacteria in quantities greater than the densities prescribed by other agencies as the maximum limit for safe recreational contact waters.
- n) wastes which contain radioactive materials exceeding the standards of the Nuclear Regulatory Commission.
- o) wastes which contain unusual concentrations of total dissolved solids (such as sodium chloride or sodium sulfate).
- p) discharge of culinary waste, catering, crawfish boils.
- q) wastes which contain any substance considered or found to be toxic to aquatic life, such as but not limited to hydrocarbons such as gasoline, kerosene, and mineral spirits.
- r) discharge which contains oil or grease.
- s) wastes which contain litter or garbage or the runoff from garbage collection and waste cooking oil containers or areas.
- t) discharge from motor homes, trailers, or portable toilets.
- u) discharge from washing machines, and all gray water.
- v) discharge containing motor vehicle fluids such as from radiator flushing or engine cleaning.
- w) discharge containing sand, cement, gravel, or mortar from transit mix trucks or portable mixers or other material associated with clearing, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the Maximum Extent Practicable.
- x) discharge containing paint (oil-based or water-based).
- y) discharge containing animal feces of any kind.
- z) discharge from commercial car/truck washing.

(2) Prohibitions of Pesticides, Herbicides, and Fertilizer.

Person shall not use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

Person shall not dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter the MS4 or waters of the United States.

C. Provisional Discharges

(1) General

Non – Storm Water discharges may be allowed to enter the storm water drainage system provided that the discharge is permitted or approved by a State or Federal Authority or provided the discharge is adjudged by the General Superintendent of Operations (GSO) or their designee to be necessary to prevent the public sewerage system from being unnecessarily or excessively burdened.

It shall be expressly understood that permission for a provisional discharge may be revoked, the connection to the storm water drainage system terminated, the water service terminated, and/or any action taken to cease or terminate any discharge at any time the GSO or their designee adjudges that such action is necessary to protect the receiving stream or the storm water drainage system as described in this Section.

(2) Construction and construction area discharges and runoff are provisionally allowed:

- a) From freshly tarred roofs or freshly tack coated asphalt pavements.
- b) From areas of excavation, filling, grubbing, pile driving, or drilling provided:
 - i. All construction activities less than one acre shall provide with the use of BMPs what is necessary to protect the environment /storm drains and streets from pollution of any kind.
 - ii. One acre to less than five acres that are not part of a larger common plan of development is covered automatically under LPDES Storm Water permit with appropriate SWPPP and BMPs in place.
 - iii. Areas five acres and greater be covered through a LPDES Storm Water Permit for Construction Activities by submitting a Notice of Intent (NOI) with appropriate SWPPP and BMPs in place.

(3) State or Federal Permitted or Approved discharges allowed to the Storm Water Drainage System:

- a) United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) permitted discharge or NPDES Multi Sector Storm Water General Permit (MSGP) or a Permit for a discharge associated with Industrial activity or Construction activity.
- b) Louisiana Department of Environmental Quality (LDEQ) Louisiana Pollutant Discharge Elimination System (LPDES) permitted discharge including but not limited to an industrial process discharge, a discharge associated with a packaged treatment plant or oxidation pond, or ground water remediation discharge.
- c) Louisiana Department of Health (LDH) approved or permitted discharge including but not limited to septic tank or percolation field runoff.
- d) Runoff from firefighting activities or hazardous material spill cleanup activities as allowed or approved by the New Orleans Fire Department, State of Louisiana Fire Marshall, LA State Police, and /or the office of Emergency Management.

(4) Other Non – Storm Water Discharges Provisionally Allowed:

- a) Potable water only discharges including:
 - i. Fire hydrant or water line flushing.
 - ii. Fire sprinkler systems testing.
 - iii. Water main chlorinating and testing.
 - iv. Drainage system structures maintenance flushing.
 - v. Vacuum producing aspirator water provided no pollutant is present.
 - vi. Carbon Tower Filter backwash.
 - vii. Tennis court watering.
 - viii. Outside swimming pool water and filter backwash (see Section 15.5 of the Plumbing Code)
 - ix. Building surface rinse (water only).
 - x. Display fountain drift and runoff.
 - xi. Dye testing of the sewerage and/or drainage systems.
 - xii. Charity car wash with proper BMPs in place (Must protect the nearest storm drain).

- b) Natural waters provisionally allowed:
 - i. Lagoon or lake runoff.
 - ii. Swamp, riparian habitat, or wetlands runoff.
 - iii. Foundation, footing, weephole, or sump groundwater.
 - iv. Communication or electrical manhole or vault discharge.

- c) Irrigation water provisionally allowed:

- i. Lawn and garden runoff.
 - ii. Nursery runoff.
 - iii. Landscape runoff.
- d) Cooling, Heating, and Condensate waters provisionally allowed when the discharge contains potable water only and no chemical treatment has occurred. The discharge shall be free of pollutants:
- i. Air Conditioning cooling tower or condenser bleed-off, drift, and pan cleaning discharges.
 - ii. Air Conditioning chiller bleed-off.
 - iii. Compressor condensate.
 - iv. Steam boiler blow-down.
 - v. Hot Water heater discharge.
 - vi. Pasteurization water.
 - vii. Air Conditioning condensate.
 - viii. Dehumidifier condensate.
 - ix. Well water used for cooling, pasteurization, or other commercial or industrial process provided the discharge is permitted by the EPA or LDEQ.
- e) Residential motor vehicle wash-water allowed provided:
The vehicle is a privately owned and operated; and washed on the owner's residential property on a pervious surface, like grass or rocks that does not allow any water to enter the storm drain system.
- f) Wash water from concrete or pavement curing or grouting. No solids or concrete can enter the drainage system.
- g) Wash water from performed dye testing for sewer and drainage maintenance and operation.

D. Submission of Plans, Specifications, and Data

- (1) The Chief of Environmental Affairs (CEA) or their designee may require any or all plans, specifications, laboratory analyses, or other pertinent information relating to the discharge (proposed or existing) of non-storm water or storm water runoff, treatment or processing facilities, flow monitoring facilities, etc.
- (2) All such requested information must be provided by an authorized representative of the discharger and include the following statement:

‘I certify under penalty of law that the information and all attachments provided were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.’

- (3) The analytical procedures, where applicable, shall follow those procedures set forth in Standard Methods for the Examination of Water and Wastewater, latest edition, or EPA regulation 40 CFR Part 136, as amended, or as set forth by the Chief of Environmental Affairs.
- (4) All information submitted will, by nature of the administering agency, become public record. Information which is considered to constitute trade secrets or information of confidential nature must be so identified to receive confidential treatment. However, in no case will confidential information be construed to include any and all information as to the contents of the connection discharge, or runoff.
- (5) All reports submitted in reference to this section shall be signed as follows: By a responsible corporate officer, if the discharger submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy, or decisions-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents had been assigned or delegated to the manager in accordance with corporation procedures.
- (6) Anyone subject to reporting requirements shall maintain records of all information resulting from any monitoring activities by this section. Such records shall include for all samples:
 - a) The date, exact place, method, and time of sampling and the names of
 - b) the person or persons taking the samples:
 - c) The dates analyses were performed;
 - d) Who performed the analyses;
 - e) The analytical techniques/methods used; and
 - f) The results of such analyses.
 - g) Assurance that test procedures for the analysis of pollutants conform to procedures required pursuant to 304 (h) of the Clean Water Act and EPA regulation 40 CFR part 136 as amended

- (7) Anyone subject to the reporting requirements established in this section shall be required to retain for a minimum of three (3) years any records or monitoring activities and results and shall make such records available for inspection and copying by the SWBNO. This period of retention shall be extended during the course of any unresolved litigation.

E. Requirements to Develop SWPPP or Slug/Spill Prevention Plans

SWBNO may sample and analyze the discharge or runoff and conduct surveillance activities in order to identify noncompliance with standards. Additionally, SWBNO may evaluate whether a discharger needs a plan to control pollution in their discharges. For purposes of this subsection, a slug loading is any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. If the SWBNO decides that a pollution control plan or SWPPP is needed, the plan shall contain, at a minimum, the following elements:

- a) Description of discharge practices, including non-routine batch discharges;
- b) Description of stored chemicals;
- c) Procedures for immediately notifying the SWBNO of slug discharges, with procedures for follow-up written notification within five (5) days; and
- d) Procedures to prevent adverse impact from accidental spills including:
 - i. inspection and maintenance of storage areas;
 - ii. handling transfer, loading and unloading operations,
 - iii. control of plant site-run-off;
 - iv. worker training;
 - v. building of containment structures or equipment;
 - vi. measures for containing toxic organic pollutants (including solvents);
 - vii. measures and equipment for emergency response.

F. Notice of Potential Problems, Including Slug Loading

All dischargers shall notify the SWBNO Environmental Affairs Office immediately of all discharges that could cause problems to the MS4, including any slug loadings.

G. Penalty for Violation of Rules

(1) General

The CEA or their designee shall lay before the Special Counsel of the Board any cases of the violation of these or other rules that may be herein provided, and the Special Counsel

may cause the proper charges to be made and vigorously prosecute the offenders in such cases to the full extent of the law.

In addition to the legal sanctions as specified at Section 16 of the Plumbing Code, which can result in, a) the termination of water service, b) closure of connection or discharge into the public receiving stream or c) the modification, suspension or revocation of a discharge permit, the SWBNO can also invoke the provisions of 19 U.S.C. Section 1001 relating to false statements and Section 309 (C) (2) of the Clean Water Act governing false statements, representations or certifications in reports required under the Act.

The SWBNO will use the Storm Water Enforcement Response plan to enforce Section 16.1.

(2) Civil Penalties

In addition to any other remedy provided for by law or by this Code, anyone who is found to have violated or who willfully or negligently failed to comply with a provision of this section, and the orders, rules, regulations and permits issued hereunder, shall be fined in an amount not to exceed One Thousand Dollars (\$1,000.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, SWBNO may recover reasonable Attorney's fees, court costs, court reporters fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Code or the orders, rules, regulations, and permits issued hereunder. In addition to Storm Water Enforcement plan other remedy provided for by law is as follows:

New Orleans City Code Sections.

Sec. 54-154.1. Obstruction of catch basins or other elements of the drainage system at construction or demolition sites.

Sec. 66-282. - Littering, dumping, and dumping of specific materials.

Sec. 66-285. - Dumping refuse, etc., in yards, etc

Sec. 66-287. - Sweeping from premises and sidewalks to be taken up.

Sec. 66-287.1. - Use of leaf blowers to transfer or direct debris to public drains prohibited.

Sec. 54-154. - General obstruction of catch basins with trash or refuse.

(a)It shall be unlawful for any person to obstruct the city's catch basins, drainage canals, or other elements of its public drainage system with trash or refuse.(b)Obstruction of catch basins, drainage canals, or other elements of its public drainage system is the intentional dumping, depositing or throwing into any drainage canal, catch basin, drainage canal right-of-way, or public property impressed with a servitude for drainage, any trash, garbage, refuse, debris or other object of solid waste, that obstructs or significantly interferes with the free flow of drainage through the city's

drainage systems.(c)Whoever violates this section shall be fined up to \$5,000.00 for each violation. If a person found in violation of this section can demonstrate the inability to pay the penalty imposed, that person shall be ordered, in lieu of a monetary penalty, the performance of up to 100 hours of community service by picking up litter and trash on public roads, streets, catch basins and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries.

(Code 1956, § 42-34; M.C.S., Ord. No. 27872, § 1, 9-20-18)

Cross reference— Obstruction of draining systems with trash or refuse, § 66-281.

Sec. 54-154.1. - Obstruction of catch basins or other elements of the drainage system at construction or demolition sites.

(a)It shall be unlawful for any person performing work at a construction or demolition site to obstruct, dump, deposit or throw any article, material, or hazardous liquid into the city's drainage system, including any drainage canal, catch basin, drainage canal right-of-way, or public property impressed with a servitude for drainage.(b)Whoever violates this section shall be fined \$5,000.00 for each violation. If a person found in violation of this section can demonstrate the inability to pay the penalty imposed, that person shall be ordered, in lieu of a monetary penalty, the performance of up to 100 hours of community service by picking up litter and trash on public roads, streets, catch basins and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries.(c)For purposes of this section, a construction or demolition site means a parcel of land whereby there is construction, destruction, substantial rehabilitation, alteration or repair, to any physical structure located thereon, including houses, commercial buildings, industrial facilities, including the adjacent rights-of-way.

(Ord. No. 21,323, § 1, 11-6-03; M.C.S., Ord. No. 27872, § 1, 9-20-18)

Cross reference— Obstruction of catch basins or other elements of the drainage system at construction or demolition sites, § 66-281.1.

Sec. 54-155. - Specific discharging of hazardous liquids into catch basins.

(a)It shall be unlawful for any person to discharge into the city's catch basins, drainage canals, or other elements of its public drainage system any hazardous liquids.(b)Discharging of hazardous liquids in the catch basins, drainage canals, or other elements of the public drainage system is the intentional depositing or pouring into any drainage canal, catch basin, drainage canal right-of-way, or public property impressed with a servitude for drainage, any hazardous liquid including but not limited to: cooking oil and fats, motor oil, antifreeze, solvents, truck and automotive fluids, paint, paint thinners, and gasoline.(c)Whoever violates this section shall be fined up to \$5,000.00 for each violation. If a person found in violation of this section can demonstrate the inability to pay

the penalty imposed, that person shall be ordered, in lieu of a monetary penalty, the performance of up to 100 hours of community service by picking up litter and trash on public roads, streets, catch basins and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries.

(Code 1956, § 42-35; M.C.S., Ord. No. 27872, § 1, 9-20-18)

Cross reference— Discharging in draining systems hazardous liquids, § 66-281.2.

Sec. 66-281. - Obstruction of draining systems with trash or refuse.

(a)No person shall intentionally dump, deposit or throw into any drainage canal, catch basin, drainage canal right-of-way, or public property impressed with a servitude for drainage, any trash, garbage, refuse, debris or other object of solid waste, that obstructs or significantly interferes with the free flow of drainage through the city's drainage systems.(b)Any person who violates subsection (a) shall pay up to a \$5,000.00 fine for each violation.(c)If a person found in violation of this section can demonstrate the inability to pay the penalty imposed, that person shall be ordered, in lieu of a monetary penalty, the performance of up to 100 hours of community service by picking up litter and trash on public roads, streets, catch basins and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries.(d)The community service provided in subpart (c) shall be performed under the supervision and direction of the director of sanitation or as designated by the court.

(M.C.S., Ord. No. 27872, § 1, 9-20-18)

Editor's note— Prior to reenactment by M.C.S., Ord. No. 27872, § 1, adopted Sept. 20, 2018, M.C.S., Ord. No. 17,201, § 2, adopted Sept. 21, 1995, repealed § 66-281, which prohibited litter and derived from § 28-56 of the 1956 Code.

Cross reference— General obstruction of catch basins with trash or refuse, § 54-154.

Sec. 66-281.1. - Obstruction of catch basins or other elements of the drainage system at construction or demolition sites.

(a)It shall be unlawful for any person performing work at a construction or demolition site to obstruct, dump, deposit or throw any article, material, or hazardous liquid into the city's drainage system, including any drainage canal, catch basin, drainage canal right-of-way, or public property impressed with a servitude for drainage.(b)Any person who violates subsection (a) shall be fined \$5,000.00 for each violation.(c)If a person found in violation of this section can demonstrate the inability to pay the penalty imposed, that person shall be ordered, in lieu of a monetary penalty,

the performance of up to 100 hours of community service by picking up litter and trash on public roads, streets, catch basins and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries.(d)The community service provided in subpart (c) shall be performed under the supervision and direction of the department of sanitation or as designated by the court.(e)For purposes of this section, a construction or demolition site means a parcel of land whereby there is construction, destruction, substantial rehabilitation, alteration or repair, to any physical structure located thereon, including houses, commercial buildings, industrial facilities, and the surrounding rights-of-way.

(M.C.S., Ord. No. 27872, § 1, 9-20-18)

Cross reference— Obstruction of catch basins or other elements of the drainage system at construction or demolition sites, § 54-154.1.

Sec. 66-281.2. - Discharging in draining systems hazardous liquids.

(a)No person shall intentionally discharge dump, deposit or empty into any drainage canal, catch basin, drainage canal right-of-way, or public property impressed with a servitude for drainage any hazardous liquid including but not limited to: cooking oil and fats, motor oil, antifreeze, solvents, truck and automotive fluids, paint thinners, and gasoline.(b)Any person who violates subsection (a) shall pay up to a \$5,000.00 fine for each violation.(c)If a person found in violation of this section can demonstrate the inability to pay the penalty imposed, that person shall be ordered, in lieu of a monetary penalty, the performance of up to 100 hours of community service by picking up litter and trash on public roads, streets, catch basins and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries.(d)The community service provided in subpart (c) shall be performed under the supervision and direction of the director of sanitation or as designated by the court.

(M.C.S., Ord. No. 27872, § 1, 9-20-18)

Cross reference— Specific discharging of hazardous liquids into catch basins, § 54-155.

Sec. 66-282. - Littering, dumping, and dumping of specific materials.

(a)Littering. No person shall dump, leave, throw, discard, eject, emit, or otherwise permit the intentional or accidental dumping, leaving, throwing, discarding, ejection, emission, or escape of any glass or metallic objects, trash, refuse, garbage, or other solid waste as defined by the rules and regulations of the state department of environmental quality or as defined in section 138-2, from the body of any person or pedestrian, or from any vehicle, upon any public place within the city limits, upon any private property within the city, upon property owned or controlled by the city, or in the waters within the city, whether from a vehicle or otherwise including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park,

highway, road, street or alley.(b)Dumping. No person shall dump, leave, throw, discard, eject, emit, or otherwise permit the intentional or accidental dumping leaving, throwing, discarding, ejection, emission, escape of any glass or metallic objects, trash, refuse, garbage, or other solid waste as defined by the rules and regulations of the state department of environmental quality or as defined in section 138-2, from a vehicle upon any public place within the city limits, upon any private property within the city, upon property owned or controlled by the city, or in the waters within the city, whether from a vehicle or otherwise including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley.(c)Dumping or littering; specific materials. No person shall dump, leave, throw, discard, eject, emit, or otherwise permit the intentional or accidental dumping, leaving, throwing, discarding, ejection, emission, escape of any vehicle parts, construction debris, furniture, used oil, or other hazardous wastes, as defined by the rules and regulations of the state department of environmental quality or as defined in section 138-2, upon any public place within the city limits, upon any private property within the city, upon property-owned or controlled by the city, or in the waters within the city, whether from a vehicle or otherwise including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley.(d)Presumption of violation.(1)Whenever solid waste is thrown, deposited, dropped, or dumped from any vehicle not carrying passengers for hire, the presumption shall be that the operator of the vehicle has violated this section, but that presumption may be rebutted.(2)If established that dumped, left, or deposited solid waste was in the possession by a person immediately before the act of dumping, the presumption shall be that the possessor has violated this section, but that presumption may be rebutted.(3)Proof of ownership of solid waste found upon public or private property shall create the presumption that the owner of the solid waste violated this section, but that presumption may be rebutted.(4)The owner of solid waste being prosecuted for a violation of this section may allege as an affirmative defense that such person legally contracted with another person to deposit the solid waste at a place designated by the state or any of its agents, political subdivision, units of local government or school districts for the disposal of solid waste.(5)The owner of solid waste being prosecuted for a violation of this section may allege as an affirmative defense that he contracted to have the solid waste taken to a recycling center, or approved composting operation.(6)A person may be found in violation of this section, although the commission of the offense did not occur in the presence of a law enforcement officer, if the evidence presented indicates that the person has committed the offense.(e)Penalties—Littering. Any person who violates subsection (a) shall be punished as follows:(1)For a first offense, a fine of not less than \$500.00 and community service of not less than six seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries and(2)For a second offense, a fine of not less than \$500.00, community service of not less than ten seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries.(3)For a third conviction and each subsequent offense, a fine of not less than \$500.00 and community service of not less than 20 seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries, and imprisonment for not more than 180 days.(f)Penalties—Dumping. Any person who violates subsection (b) shall be punished as follows:(1)For a first offense, a fine of not less than \$1,500.00 and community service of not less than ten seven-hour days of collecting and picking up litter and trash on public roads, streets and

highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries;(2)For a second offense, a fine of not less than \$3,000.00 and community service of not less than 15 seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries, and imprisonment for not more than 180 days; and(3)For a third and each subsequent offense, a fine of not less than \$5,000.00 and community service of not less than 20 seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries, and imprisonment for not more than 180 days.(g)Penalties—Dumping or littering; specific materials. Any person who violates subsection (c) shall be punished as follows:(1)For a first offense, a fine of not less than \$500.00, community service of not less than ten seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries, and imprisonment for not more than 30 days;(2)For a second offense, a fine of not less than \$500.00, community service of not less than 15 seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries, and imprisonment for not more than 60 days;(3)For a third offense, a fine of not less than \$500.00, community service of not less than 20 seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries, and imprisonment for not more than 180 days.(h)Inability to pay penalties. If a person convicted of a violation under this section can demonstrate the inability to pay a penalty imposed by the court, that person shall be ordered, in lieu of the penalty, to perform community service of not less than one seven-hour day of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries per \$50.00 of the penalty imposed.(i)Community service. The community service of collecting and picking up litter and trash on public roads, streets and highways and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries performed by such persons shall be performed under the supervision and direction of the director of sanitation or as designated by the court; the director may delegate such authority to the sanitation rangers or other appropriate personnel. The court may elect to substitute two seven-hour days of community service for each one day of imprisonment.(j)Exceptions. No violation of this section has occurred if the dumping, leaving, throwing, discarding, ejection, emission, escape of any glass or metallic objects, trash, refuse, garbage, vehicle parts, construction debris, furniture, used oil, or other solid or hazardous waste is:(1)Done on property designated by the state or any of its agencies, political subdivisions, units of local government or school districts for the disposal of litter and the litter is disposed of on that property in accordance with the applicable rules and regulations of the state department of environmental quality, does not violate any other statute or city ordinance, and does not create a public health or safety hazard, a public nuisance or a fire hazard;(2)Done by a person who is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or the act is done under the personal direction of the owner or tenant, and the material is disposed of on that property in accordance with the applicable rules and regulations of the state department of environmental quality, does not violate any other statute or city ordinance, and does not create a public health or safety hazard, a public nuisance, or a fire hazard; and(3)Placed into a receptacle intended by the owner or tenant in lawful possession of that

property for the deposit of the same, and the material is disposed of on that property in accordance with the applicable rules and regulations of the state department of environmental quality, does not violate any other statute or city ordinance, and does not create a public health or safety hazard, a public nuisance, or a fire hazard.(k)Affidavits. A violation of this section may be prosecuted based upon an affidavit completed on a form provided by the superintendent of police for such purpose, containing the sworn statement of any citizen of the age of majority, deposing that the citizen witnessed a violation of this section, and particularly describing the offender and any vehicle or watercraft involved. Such affidavits shall be preaddressed and returnable to the appropriate enforcement office.(l)Prosecutions for violations of this section may, at the discretion of the city attorney:(1)Be civil in nature and be conducted in an administrative hearing pursuant to chapter 6 of this Code; or(2)Be criminal in nature and conducted in the municipal courts. If a prosecution is civil in nature as described in (1) above, the standard of proof for a finding of guilty shall be by a preponderance of the evidence; community service and incarceration shall not be imposed, and all appeals of a finding of guilty shall be to the civil district court for the Parish of Orleans pursuant to chapter 6 of this Code.

(Code 1956, § 28-18; M.C.S., Ord. No. 17,201, § 1, 9-21-95; Ord. No. 20,261, § 1, 8-2-01; Ord. No. 20,861, § 4, 9-19-02; M.C.S., Ord. No. 22204, § 1, 4-20-06; M.C.S., Ord. No. 22601, § 2, 4-19-07; M.C.S., Ord. No. 28884, § 2, 12-16-21; M.C.S., Ord. No. 29176, § 1, 10-6-22)

State Law reference— Administrative adjudication of public health, housing, fire code, environmental and historic district violations, R.S. 13:2575.

Sec. 66-285. - Dumping refuse, etc., in yards, etc.

No person shall keep, throw or deposit any offal, filth, foul or offensive matter, corrupt or putrid matter, shells, hay, straw, kitchen stuff, paper, cloth, vegetable matter or any substance whatsoever that may be offensive to smell or injurious to health, or liable to become so, in any yard, lot, space, building, gutter, drain or canal or shall permit the same to be done or to remain.

(Code 1956, § 28-2)

Sec. 66-287. - Sweeping from premises and sidewalks to be taken up.

The owner, his agent or occupant, of all premises shall be responsible to take up or cause to be taken up all aggregate sweeping of garbage, trash, litter, grass cuttings, leaves and all other waste materials from the premises, sidewalks and abutting property including the space between the property line and the curblin in front, extending 1½ feet from the curblin into the street or roadway and in the rear and alongside thereof of such premises owned or occupied so that such sweepings shall not under any circumstances reach the drains, gutters, streets or roadways. The owner, his agent, or occupant shall be responsible to have all sweepings placed into containers

sufficient to prevent such sweeping from being scattered by the wind and placed out on the days designated for collection.

(Code 1956, § 28-19)

Sec. 66-287.1. - Use of leaf blowers to transfer or direct debris to public drains prohibited.

(1) Definitions.

Leaf blower. A mechanical, battery-operated or gasoline-powered device which projects pressurized air forward to cause movement of leaves, grass or other debris commonly associated with grass cutting, lawn care, gardening or yard maintenance activities.

Public drain. Includes catch basins or gutters located parallel to public rights-of-way, open segments of city subsurface drainage conduits, flood control and water path canals or drains located on public property and incorporated into the public infrastructure for wastewater management or scipening.

(2) Use of leaf blower to impede or restrict drainage or water flow prohibited. Use of leaf blower for private or commercial use in any manner which causes or results in the transfer, movement or directing of grass, leaves, yard debris, debris derived from yard maintenance, lawn care or any activities whereby debris is accumulated and projected to public drains or results in impeded water flow of public drains or restricts the public designated purpose of such drains is prohibited by law. Violators shall be subject to citation or administrative adjudication by duly authorized code enforcement officers or duly authorized law enforcement officers.

(M.C.S, Ord. No. 21912, § 1, 4-7-05)

(3) FALSIFYING INFORMATION

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this section, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code, shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two (2) years, or by both. See Section 309 of the Clean Water Act.

H. Power and Authority of Enforcement

(1) The SWBNO's duly authorized Environmental Affairs staff, bearing identification and credentials, shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, to determine compliance to the provisions of this Code. Should a violation of this Code be found, the polluter shall be served with written notice stating the nature of such violation and providing a time limit for the satisfactory correction thereof.

(2) Where an actual or potential threat to health or welfare exists, the SWBNO shall immediately and effectively halt all discharges. The SWBNO shall have the authority to take the same action against anyone who shall continue to be in non-compliance beyond the prescribed time limit. Anyone in violation of this Code shall become liable to the SWBNO by reason of such violation.

I. Administration Enforcement Remedies

1. Notice of Violation

When the CEA finds that a user has violated, or continues to violate, any provision of these rules and regulations, or order issued hereunder, or any other storm water standard or requirement, they may institute an administrative adjudication proceeding against said user according to the policy of the SWBNO, subjecting the user to fines, penalties or other sanctions as may be applicable. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

The administrative adjudication proceedings as set forth in the policy of the SWBNO, including the appeals therefrom, will be held in compliance with the Louisiana Administrative Procedure Act.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user. Additionally, nothing in this Section shall limit the authority of the CEA to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

2. Consent Orders

The CEA may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for

noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document.

3. Emergency Suspensions

The GSO may deem it necessary to take emergency action, which includes, but is not limited to, interruption or termination of service without notice, to stop or prevent any discharge which presents or may present an imminent threat to the health or welfare of humans, which reasonably appears to threaten the environment. However, an administrative hearing shall be held within five (5) days of the emergency action taken.

4. Compliance Orders

When the CEA finds that a user has violated, or continues to violate, any provision of these rules and regulations, or order issued hereinunder, or any other storm water standard or requirement, the CEA may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified period of time. Compliance orders also may contain other requirements to address the noncompliance, including additional management practices designed to minimize the amount of pollutants discharged to the storm drainage system. A compliance order may not extend the deadline for compliance established for a storm water standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for taking any other action against the user.

5. Cease-and-Desist Orders

When the GSO finds that a user has violated, or continues to violate, any provision of these rules and regulations, or order issued hereunder, or any other storm water standard or requirement, or that the user's past violations are likely to recur, the GSO may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- a. Immediately comply with all requirements; and
- b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- c. A hearing shall be held within fifteen (15) days of the GSO's issuance of a cease-and-desist order.

J. Stormwater Charges and Fees.

The SWBNO may adopt charges and fees which include:

- (1) Fees for reimbursement of costs of setting up and operating the SWBNO's MS4 Stormwater program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures;
- (4) Fees for stormwater permit applications;
- (5) Fees for filing appeals;
- (6) Fees for removal (by the SWBNO) of pollutants otherwise subject to federal Clean Water Act standards;
- (7) Fees for stormwater discharge permit;
 - a. Based on sampling and analytical cost.
- (8) Fees for construction inspections.

Plumbing Code

M. Rehearing

N. Appeals

O. Judgement Settlements

If a customer is issued a judgement with a fine amount, the customer has thirty (30) days to submit a request for settlement to the SWBNO Backflow Prevention Section. A settlement request will be processed and approved at the discretion of the SWBNO Legal Department, Backflow Prevention Section Supervisor, and the Chief of Environmental Affairs. A decision will be mailed to the customer.

P. Procedure not Exclusive