

Louisiana Water Well Laws

Department of Environmental Services

SEC. 23-101.00 Statement of Purpose

The purpose of these Rules and Regulations is to accomplish the protection of public health and the environment through the control, monitoring, and inspection of public and private sewerage and water systems in the Parish and through the enforcement of all ordinances and state and local regulations relative to such systems.

SEC.23-102.00 Statement of Authority

Notwithstanding anything to the contrary, the Parish shall be entitled to avail itself to all rights, powers, and authority conferred upon it as outlined in La. R.S. 33:4064.1 et. seq. and Act No. 146 of the First Extraordinary Session of the 2000 Legislature.

SEC.23-103.00 Statement of Policy

It is hereby declared to be the policy of the Department that:

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

The monitoring and inspection of sewerage and water systems and the approval, inspection, and monitoring of all construction necessary or incidental to the provision of sewage disposal and water promote the operation, maintenance, and connection of sewerage and water systems in a manner that provides for the protection of public health and the environment.

SEC. 23-105.00 Definitions

As used in these Rules and Regulations, the terms defined in this Section shall have the following meanings, unless the context or use thereof clearly indicates otherwise, or more explicit definitions are referenced.

"Applicable law" means the pertinent and appropriate provisions of the State Sanitary Code, other applicable parish ordinances, or state and local regulations that pertain to sewerage and water systems located, or to be located within the Parish.

"Beneficial purpose" or "beneficial use" means the use of groundwater for domestic, municipal, industrial, agricultural, recreational, or therapeutic purposes or any other advantageous use.

"Department" means the St. Tammany Parish Department of Environmental Services, its employees, and its agents.

"DEQ" means the Louisiana Department of Environmental Quality, Office of Water Resources.

"DH&H" means the Louisiana Department of Health and Hospitals, Office of Public Health.

"DOTD" means the Louisiana Department of Transportation and Development, Office of Public Works.

"Governed sewerage system" means every sewerage system in the Parish whose discharge of sanitary sewage wastewater is subject to the provisions of the Louisiana Environmental Quality Act, as amended, or any rules and regulations effective or promulgated under the authority of said Act and, when applicable, said sewerage system shall include, but not limited to, any such system owned, operated, or maintained by a private utility company or a sewerage district created by the governing authority of St. Tammany Parish.

"Governed water system" means every water system in the Parish which is comprised of a source of groundwater, treatment, if necessary, storage, distribution, and/or the appurtenances and related facilities that



make it available for use. When applicable, a governed water system shall include, but not limited to, any such system owned, operated, or maintained by a private person or political entity which uses groundwater for any beneficial purpose.

"Louisiana Water Well Rules, Regulations, and Standards" means the provisions of the Rules, Regulations, and Standards for Water Well Construction adopted by the DOTD in accordance with Title 38 of the Louisiana Revised Statutes of 1950.

"Owner" or "Owners" means any person or persons who alone or jointly or severally with others has legal title to any premises, facilities, or equipment affected by these Rules and Regulations; and or actual physical control of any premises, facilities, or equipment affected by these Rules and Regulations pursuant to an agreement, expressed or implied from the circumstances, with the owner or owners.

"Operator" or "Operators" means any person who alone or jointly or severally with others conducts, directs, manages, or supervises the operation and or maintenance of any premises, facilities, or equipment affected by these Rules and Regulations.

"Parish" means the unincorporated portion of St. Tammany Parish.

"Political entity" means any agency, board, commission, or department or political subdivision of the State of Louisiana, or of the governing authority of the Parish of St. Tammany, or any agent thereof.

"Private person" means any individual, group of individuals, firm, corporation, association, partnership, private entity, or other legal entity, or any agent thereof.

"Responsible person" means the operator or operators of a sewerage or water system, the owner or owners of a sewerage or water system, the owner or owners of the property on which a sewerage or water system is located, or any or all of them.

"Sanitary sewage" means human, domestic, or acceptable industrial waste, except refuse, including conveying liquid from residences, buildings, industrial establishments, or other places, together with such ground water, surface water, storm water, and other wastes as may be present.

"Sewerage system" means any or all of the various components, including piping and pumping and treatment facilities, comprising a system designed for the collection and/or treatment and/or disposal of sanitary sewage. A sewerage system may be owned, operated, and or maintained by a political entity or private person.

"State Sanitary Code" means the rules and regulations which pertain to water supplies and sewage and refuse disposal; including, but not limited to those rules and regulations applicable to the collection, treatment, or disposal of sewage, and the treatment and distribution of potable water; and which have been adopted by the State Health Officer in accordance with Title 40 of the Louisiana Revised Statutes of 1950.

"Ten-State Standards" means the Recommended Standards for Water Works (1987 Edition), or the Recommended Standards for Wastewater Facilities (1990 Edition), or both, published by the Great Lakes -



Upper Mississippi River Board of State Public Health and Environmental Managers; and any modifications, additions, or revised editions to such standards as are established in the State Sanitary Code, or which are otherwise authorized by the State Health Officer.

"Water system" means a source of groundwater, treatment, if necessary, storage, distribution, and/or the appurtenances and related facilities that make it available for use. A water system may be owned, operated, and or maintained by a political entity or private person.

SEC. 23-107.00 Applicability of Rules and Regulations

Whenever relevant and appropriate, the provisions of these Rules and Regulations shall apply to any individual, public, profit, nonprofit, or not-for-profit sewerage or water system located in the Parish.

SEC. 23-109 Applicable Operating Requirements

Every sewerage and water system located within the Parish shall be operated in accordance or compliance with applicable law, which shall include, but not limited to, all applicable ordinances of the Parish of St. Tammany, and the rules and regulations of any state or local agency having jurisdiction over sewerage or water systems in the Parish.

Nothing in these Rules and Regulations shall be construed to preclude or stay a responsible person from complying with the lawful requirements of any other federal, state, or local agency having jurisdiction over the construction, operation, monitoring, and connection of sewerage and water systems.

SEC. 23-111.00 Familiarity with Rules and Regulations

Every responsible person shall know and be familiar with the provisions of these Rules and Regulations.

SEC. 23-113 Severability of Rules and Regulations

If any provisions or items of these Rules and Regulations or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of these Rules and Regulations which can be given effect without the invalid provision, items, or applications, and to this end, the provisions of these Rules and Regulations are hereby declared severable.

SEC. 23-115.00 Compliance with Rules and Regulations Required

Every responsible person shall comply with the provisions of the Rules and Regulations of the Department as set forth in this Section.

Whenever facts and circumstances exist whereby the Department determines that a responsible person has acted in a manner contrary to or inconsistent with the provisions and requirements set forth in Title 1 of the

Rules and Regulations of the Department (hereinafter referred to as the "Deficiency"), the Department shall cause to be issued to said responsible person a notice which cites the Deficiency, directs compliance with the Rules and Regulations of the Department, and prescribes a reasonable amount of time to accomplish such direction.

If no or insufficient action is taken after proper notice, the Department, upon expiration of the time prescribed in said notice, shall be authorized to impose upon said responsible person, as defined in this Section, a penalty not to exceed one hundred dollars per day for each day the Deficiency existed from date of said notice, however, the cumulative total of such penalty shall not exceed ten thousand dollars. In addition thereto, the Department may terminate or require the termination of any utility service to the subject premises.

As further provided by applicable law, the Department shall be authorized to enforce the collection of an imposed penalty, such to include the filing of an affidavit of lien on the subject property or any property found or within St. Tammany Parish which is owned by the responsible party.



Any responsible person who has been assessed a penalty may appeal the imposition of the penalty in writing to the St. Tammany Parish Council within thirty (30) days. The Council shall thereafter hear the

appeal in an open and public session at its next regular meeting. An appeal from the Council's decision shall be to the 22nd Judicial District Court for the Parish of St. Tammany within thirty (30) days of the Council's decision.

The Director of the Department shall be authorized to recommend or prescribe additional procedures or practices he deems necessary and advisable to effect the provisions of this Section.

ARTICLE II Monitoring of Sewerage and Water Systems

SEC. 23-201.00 Systems Subject to Monitoring Requirements

Every governed sewerage system and every governed water system shall be subject to and participate in the water quality monitoring program established, implemented, and administered pursuant to the provisions of this Section.

SEC. 23.202.00 Louisiana Pollution Discharge Elimination System (LPDES), Permit Required

Every governed sewerage system shall obtain a LPDES permit in accordance and compliance with applicable law, and shall comply with the provisions set forth in the LPDES permit, or any order or directive issued by the LA DEQ that relates to the LPDES permit.

SEC. 23-203.00 Monitoring of Governed Sewerage Systems

Every governed sewerage system shall make available to the Department for its review, upon the Department's request, all monitoring data required to be furnished to the DEQ as set forth in the water discharged permit issued by the DEQ for the treatment works for the system. Such monitoring data shall be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). For inspection purposes, copies of all such monitoring reports shall be kept on-site at, or in reasonable proximity to the permitted facility for a period of at least three (3) months from the date of the sample measurement or report of such measurement.

SEC. 23-205.00 Monitoring of Governed Water Systems

Every governed water system shall make available to the Department for its review, upon the Department's request, all monitoring data effected as a consequence of the system's sampling plan approved by the DH&H pursuant to the federal Safe Drinking Water Act, as amended, or any rules and regulations effective or promulgated under the authority of said Act or under such authority delegated to the DH&H by the U.S. Environmental Protection Agency. Additionally, every governed water system shall make available to the

Department for its review, upon the Department's request, all monitoring data effected as a consequence of the system's compliance with rules and regulations effective or promulgated under the authority of the Parish or under any such authority as mandated by local, state, or federal law. For inspection purposes, copies of all such monitoring data provided shall be kept on-site at, or in reasonable proximity to the monitored facility for a period of at least three (3) months from the date of the sample measurement or report of such measurement.

SEC. 23.207.0 Other Means of Compliance

The Parish President is hereby authorized and directed to negotiate with the responsible person for any governed sewerage system or governed water system a Memorandum of Understanding and/or Agreement, the effect of which shall be to assure compliance with the provisions of this Section.

ARTICLE III - Inspection of Sewerage and Water Systems

SEC. 23-301.00 Authority of the Department

The Department, in order to monitor the operation of any individual, public, profit, nonprofit, or not-for-profit sewerage or water system located in the Parish, may authorize any employee or agent of the Department to enter upon the premises of any such sewerage or water system at a reasonable time and in a reasonable manner for the purpose of inspecting any such sewerage or water system in order to determine that the operation of the sewerage or water system is conducted in accordance or compliance with applicable law. The responsible person for the property upon which the inspection is conducted, by reason of his/her/its operation of the sewerage or water system to be inspected, impliedly consents to



the entrance of the said authorized employee or agent upon the property, and same shall not be deemed a trespass.

Any inspection of a sewerage or water system conducted pursuant to the provisions of this Section is for the use and benefit of the Department and shall not be considered as an affirmation that the operation of the inspected sewerage or water system is in accordance or compliance with applicable law.

SEC. 23-303.00 Frequency and Manner of Inspection

The Department shall be authorized to inspect every governed sewerage system and every governed water system in the Parish. Incidental to the inspection of a governed water system, the Department, in the interest of public health and safety, and in cooperation and agreement with the responsible person for such system and the fire chief for the Fire Protection District in which the system is located, may inspect the fire hydrants which are a part of the system for the purposes of determining the operability of said fire hydrants. In conducting an inspection of a governed sewerage system or a governed water system, the Department shall conform to the relevant and appropriate practices and procedures of the DEQ and the DH&H as such practices and procedures relate respectively to the inspection of said sewerage or water systems.

The Department may provide for an immediate inspection of any sewerage or water system:

Upon the voluntary request of the responsible person for the system to be inspected; or whenever there is positive and reliable information that the operation of a sewerage or water system is not in accordance or compliance with applicable law.

SEC. 23.305.00 Report of Deficient Condition

Whenever an inspection of a sewerage or water system discloses that the system is not being operated in accordance or compliance with applicable law, the Department shall cause to be served upon the responsible person a written notice of the condition, and such notice shall direct the responsible person to perform at his or her and its expense all work necessary to assure that the operation of the system is in accordance or

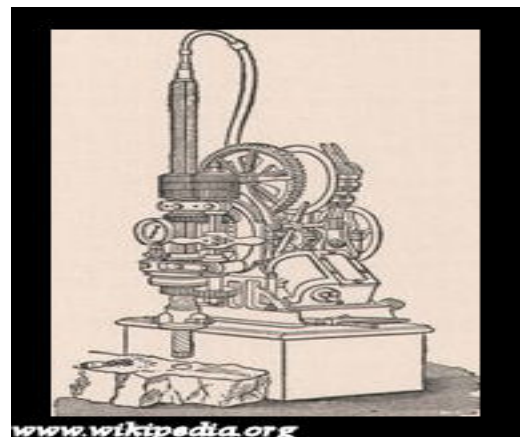
compliance with applicable law, and give the responsible person an opportunity within a specified period of time to remedy the deficient condition, and otherwise to conform with applicable law.

SEC. 23-307.00 Remedial Action

Upon the expiration of the time prescribed in the written notice issued pursuant to Section 23-305.00, a reinspection of the sewerage or water system shall be conducted to determine if the deficient condition noted during the original inspection has been remedied. If the deficient condition still exists, the Department shall perform all necessary work to remedy the deficient condition and assess the responsible person for the reasonable cost of such work. Should the responsible person fail to pay such costs, the Department shall file an affidavit of lien on the property or system specifically identifying the property or system affected, and the amount of any and all costs, fees, and delinquent payment charges to date of filing and that may be accruing. Any lien which was filed against real property and not paid timely shall be added to the annual ad valorem tax bill of the owner or owners of such property.

SEC. 23-309.00 Assessment of Fees

Effective July 1, 1992, in order to defray the costs associated with the inspection of sewerage and water systems, a recurring monthly fee is hereby assessed on every governed water system with 50 or more service connections. The amount of the monthly fee shall equal Thirty Cents (\$.30) times the total number of service connections served by the system during the month. A water system service connection is intended to mean the separate and/or ultimate distribution point (e.g.; premises, dwelling unit, etc.) of potable water and may be commonly known as a "customer", "beneficiary", or "subscriber" of the water system.



On or before the last day of the month immediately succeeding the month in which the monthly fee is assessed, the responsible person for the governed water system shall send to the Department a statement showing the total number of service connections served by the system during the month in which the monthly fee was assessed as evidenced by the records maintained by the responsible person and, along therewith, the responsible person shall remit the said monthly fee due and payable to the Department at its business office in Mandeville, LA. If a dispute arises, such remittance may be adjusted upon mutual agreement of the Department and the responsible person.

If the Department disputes the aforesaid statement submitted by the responsible person, then, within ten (10) days after receipt thereof, the Department shall provide a written notice to the responsible person setting forth in detail each item in dispute and the reason the Department disputes same. Promptly after receipt of such written notice, the Director and the responsible person, or a duly authorized representative thereof, shall meet and attempt to resolve by mutual agreement all disputes prior to the time of the next succeeding monthly statement and remittance. If the Department and the responsible person are unable to resolve any disputed item as herein provided, either may pursue any remedy afforded it at law or in equity.

Any monthly fee, or portion thereof, not paid in full on or by the date due and payable for such payment, shall be considered past due and delinquent and a penalty of ten percent (10%) of the amount due shall be added should an attorney be required to collect said fee.

The Parish President is hereby authorized and directed to negotiate with the responsible person for any governed water system a Memorandum of Understanding and/or Agreement, the effect of which shall be to assure compliance with the provisions of this Section.

The fee assessed to conduct an immediate inspection of a governed sewerage system or governed water system shall be reasonable and commensurate with the cost of the inspection and, if applicable and at the discretion of the Department, may be in addition to the monthly fee assessed on a governed water system.

The fee assessed to conduct an immediate inspection of any other sewerage or water system shall be Thirty Dollars (\$30.00). If sampling for the purpose of laboratory analysis is essential to the inspection, the actual cost of the laboratory analysis shall be added to the fee.

Whenever an immediate inspection of a sewerage or water system is to be conducted as a result of a voluntary request of the responsible person for the system, the fee assessed shall be due and payable in full to the Department prior to the conduct of the inspection.

Whenever an immediate inspection of a sewerage or water system is conducted as a result of the positive and reliable information received by the Department that the operation of the sewerage or water system is not in accordance or compliance with applicable law, the fee assessed shall be due and payable in full to the Department upon presentation of a written notice to the responsible person. Any amount not paid at that time shall be considered past due and a delinquent payment charge of one and one half percent per month (eighteen percent annual percentage rate) will be added to any past due amount. However, a fee shall not be



assessed if any such inspection reveals to the satisfaction of the Department that the system is being operated in accordance or compliance with applicable law, or there exists a condition of such degree or a circumstance as not to warrant the assessment of a fee. Before referral under Section 23-311.00, the Parish President may compromise the amount of the fee assessed pursuant to a provision

of this Section and which is due and payable to the Department.

SEC. 23-311.00 Fee Recovery

Whenever relevant and appropriate, the Department shall notify in writing the responsible person of the fee assessed either by mail or hand delivered in person. Upon passage of the date such fee is due and payable to the Department and without receipt of such fee in full, the Department shall submit to legal counsel to pursue

collection of the fee. Should suit be commenced to enforce collection of any money owing the Department, in addition to the principal amount due, delinquent payment charges, reasonable attorney's fees, judicial interest from the date the amount became due, plus all costs of the legal proceedings shall be added. Should the Department complete the work directed in a notice of direction as provided in Section 23-307.00, the assessed fee and any delinquent payment charge shall be added to the cost of such work. Any fee collected pursuant to a provision of this Section shall be paid to the Department and placed into a special fund, the use of which shall be for the administration of the provisions of this Article that relates to the inspection of sewerage and water systems.

ARTICLE IV Connection of Sewerage and Water System

SEC. 23-401.00 Authority of the Department

As further provided in this Section, the Department shall have authority over all construction necessary or incidental to the provision of sewage disposal and water in the unincorporated portion of St. Tammany Parish. Plans and specifications for sewerage and water systems to be constructed in said portion of St. Tammany Parish shall be submitted to and approved by the Department prior to initiating such construction, and the conduct of such construction shall be subject to inspection by the Department. Copies of any amendments to plans and specifications for such systems shall also be submitted to the Department, and the Department shall approve such amendments prior to operation of such systems.

SEC. 23-402.00 Connection to Sewerage (Sewage) System Required

Any private person or political entity who/which owns, leases, or otherwise maintains or possesses control of any property which is situated in the unincorporated portion of St. Tammany Parish, and on which there is located a residence, camp, trailer coach, or any other building, structure, or establishment wherein people customarily or occasionally live, work, or congregate, shall connect any such premises to a sewerage system as may be required for the premises by applicable law.

SEC. 23-402.01 Determination and Notice of Deficiency

Whenever facts and circumstances exist whereby the Department of Health and Hospitals, Office of Public Health (the DH&H) determines that the failure to properly or timely connect a subject premises to a sewerage system would likely pose a danger or threat to public health or the environment, the Department, upon receipt of such written determination, shall be authorized to issue a notice to the private person or political entity whose action or inaction has been determined to be the cause of such deficiency. Said notice shall identify the deficiency, direct its correction, and prescribe a reasonable amount of time to accomplish such correction.

SEC. 23-402.02 Authority to Impose Penalty and Enforce Collection

If no or insufficient action is taken after proper notice of direction to correct said deficiency, the Department, upon expiration of the time prescribed in said notice, shall be authorized to impose upon said private person or political entity a penalty not to exceed one hundred dollars per day for each day the deficiency existed from date of said notice, however, the cumulative total of such penalty shall not exceed ten thousand dollars. In addition thereto, the Department may terminate or require the termination of any utility service to the subject premises.

As further provided by applicable law, the Department shall be authorized to enforce the collection of an



imposed penalty, such to include the filing of an affidavit of lien on the subject property or any property found or within St. Tammany Parish which is owned by the subject private person or political entity. Any private person or political entity who or which has been assessed a penalty may appeal the imposition of the penalty in writing within thirty (30) days to the St. Tammany Parish Council which shall hear the appeal in an open and public session at its next

regularly scheduled meeting. Any subsequent and final appeal shall be to the 22nd Judicial District Court for the Parish of St. Tammany within thirty (30) days of the Council's decision.

SEC 23-402.03 Authority to Prescribe Standards

The DH&H shall be authorized to recommend or prescribe additional procedures or practices it deems necessary and advisable to effect the provisions of Section 23-402.00 et seq.

SEC. 23-403.00 Submittal of Detailed Plans and Specifications

Prior to the start of construction or modification of a governed sewerage system or governed water system, detailed plans and specifications shall be submitted by the responsible person for the system to be constructed or modified and shall be reviewed and, contingent upon any revisions to such plans and specifications as may be required to meet compliance, approved by the Department in accordance and compliance with applicable law which shall include the Ten-State Standards and the Louisiana Water Well Rules, Regulations, and Standards.

As such relates to the provisions of this Section, whenever there is a participatory and coordinated effort between the Department and the District Engineer of the Office of Public Health of the LA Department of Health and Hospitals, the Department shall affirm any approval granted by the said state entity when the subject plans and specifications for sewerage and water systems to be constructed or modified are in accordance and compliance with applicable law.

Upon the expiration of one year from the date on which such approval was granted and the proposed construction or modification is not complete, any approval or affirmation thereof by the Department of the subject plans and specifications shall be void. Accordingly, prior to the conduct of any proposed or subsequent construction or modification, the responsible party shall again comply with the provisions of this Section. However, upon written application to, and at the discretion of the Department, a conditional or

absolute waiver of the effect of the provisions of this article may be issued. With regard to any restorative compliance effort required herein, no additional fees shall be attached thereto.



Any review and subsequent approval of the plans and specifications for the construction or modification of a governed sewerage system or governed water system is for the use and benefit of the Department and shall not be considered as an affirmation that the construction, modification, or operation of the sewerage or water system is or will be in accordance or compliance with applicable law which shall

include the Ten-State Standards and the Louisiana Water Well Rules, Regulations, and Standards.

SEC. 23-404.00 Governed Water Systems, Fire Suppression Capacity

Whenever a governed water system is to be constructed or modified, the construction and modification of such system shall provide for an adequate water flow for fire suppression purposes as outlined in the National Fire Protection Association Standard 1142 (Standard on Water Supplies for Suburban and Rural Fire Fighting, 1999 Edition, Chapters 1-5) and include fire hydrants which shall be located and installed as required by applicable law and these Rules and Regulations. A copy of National Fire Protection Association Standard 1142 (Standard on Water Supplies for Suburban and Rural Fire Fighting, 1999 Edition, Chapters 1-5) shall be appended to this Section and made a part thereof.

For the purposes of the provisions of this Section, a governed water system shall mean a public water supply as defined in Chapter XII of the State Sanitary Code, the rates and tariffs for which are established by the LA Public Service Commission.

There shall be established a mean water flow capacity classification for the fire hydrants connected to a governed water system, such to be determined initially and subsequently on an annual basis by a licensed professional engineer, an Operator, as defined in La. R.S. 40:1141(D), who possesses a valid and current

Water Distribution (Class IV) certification issued by the LA Department of Health and Hospitals and Office of Public Health (“LA DHH/OPH), or appropriate personnel from the affected Fire Protection District, all in a manner consistent with the practices of the Department which relate to the submittal of detailed plans and specifications and/or as-built drawings. Any such determination shall be made for the sole use and benefit of the Department and water service provider, and shall not be considered in any manner whatsoever as a warranty or guarantee of the water flow capacity of a governed water system or its availability for connection thereto.

To determine the mean water flow capacity classification for the fire hydrants connected to a governed water system, the water service provider shall submit to the Department a detailed as-built drawing of said system which shall include an inventory and location of all fire hydrants that are connected thereto. Each fire hydrant shall be readily accessible for its intended use and in good operating order. The mean water flow capacity classification shall be determined by measuring the water flow of each fire hydrant connected to the governed water system and dividing the sum of such measurements by the total number of fire hydrants.

As such relates to the functionality of, and the approximation of the water flow capacity for each fire hydrant connected to the subject system, the governed water system shall maintain each fire hydrant in good operating order. The barrel of each fire hydrant shall be painted chrome yellow and the top and nozzle caps of each fire hydrant shall be painted to signify the classification of its relative water flow capacity according to the uniform color scheme for such as set forth below, and affix a blue colored, raised reflective marker on the roadway in proximity to each fire hydrant; and the conduct of such action to its resolution shall be subject to inspection by the Department.

The procedure to measure the water flow capacity of a fire hydrant shall conform to the relevant instructions for such as set forth in Appendix B of American Water Works Association (AWWA) Standard C502, as amended from time to time, and Appendix B of American Water Works Association (AWWA) Standard

C503, as amended from time to time. The classification of a fire hydrant rated in terms of its relative capacity shall conform to the relevant provisions for such as set forth in Appendix B of AWWA Standard C502 and



Appendix B of AWWA Standard C503. The uniform color scheme of a fire hydrant to signify the approximate capacity of water flow shall conform to the relevant provisions for such as set forth in Appendix B of AWWA Standard C502 and Appendix B of AWWA Standard C503.

A copy each of Appendix B of AWWA Standard C502 and Appendix B of AWWA Standard C503 shall be appended to this

Section and made a part thereof. There shall be a fire hydrant at each street intersection unless intersections are less than 500 feet apart and all intermediate hydrants shall be located not more than 500 feet apart. All fire hydrants shall be located in right of way or utility servitude.

Fire hydrants shall have at least three outlets per hydrant; one shall be a steamer connection to allow fire apparatus to provide water from the hydrant to the apparatus and there shall be at least two 2.5-inch outlets with National Standard Threads.

Fire hydrants shall remain free of any and all manner of obstruction that could interfere with accessibility or visibility. All fire hydrants shall have a 5-foot minimum clearance from the center of the hydrant outward in all directions. Whenever facts and circumstances exist whereby the Department determines that any private person or owner has acted in a manner contrary to or inconsistent with the provisions and requirements set forth in this Section (hereinafter referred to as the “Deficiency”), the Department shall cause to be issued to said private person or owner a notice which cites the Deficiency, directs compliance with the Rules and Regulations of the Department, and prescribes a reasonable amount of time to accomplish such direction.

If no or insufficient action is taken after proper notice, the Department, upon expiration of the time prescribed in said notice, shall be authorized to impose upon said private person or owner, as defined in this Chapter, a penalty not to exceed one hundred dollars per day for each day the Deficiency existed from date of said notice.

The Department shall be authorized to perform all necessary work to remedy the deficient condition and assess the private person or owner for the reasonable cost of such work. Should the private person or owner fail to pay such costs, the Department shall be authorized to enforce collection by filing an affidavit of lien on the property specifically identifying the property affected, and the amount of any and all costs, fees, and delinquent penalties which may be accruing. Any lien which was filed against real property and not paid timely shall be added to the annual ad valorem tax bill of the owner or owners of such property. Any private person or owner who has been assessed a penalty may appeal the imposition of the Department's penalty in writing to the St. Tammany Parish Council within thirty (30) days. The Council shall thereafter hear the appeal in an open and public session at its next regular meeting. An appeal from the Council's decision shall be to the 22nd Judicial District Court for the Parish of St. Tammany within thirty (30) days of the Council's decision.

As a condition of any environmental utility service agreement that is executed or amended pursuant to the relevant provisions of said Code of Ordinances and this Section, fire hydrants connected to the governed water system shall conform with the provisions set forth in this Section. In addition thereto, the operation and maintenance of the governed water system, which shall include affixing and maintaining a blue colored, raised reflective marker on the roadway in proximity to each fire hydrant, shall be in accordance with the provisions of applicable law and these Rules and Regulations.

The Department to the extent which is reasonable and practical shall enforce the provisions set forth in Paragraph E of the Environmental Services Section of the Supplemental Code, Chapter 5 (Buildings and

Construction) of the Code of Ordinances of St. Tammany Parish, Louisiana, all in a manner set forth in an environmental utility service agreement which may be executed or amended pursuant to the relevant provisions of said Code of Ordinances and this Section.