

ORDINANCE NUMBER 1 of 2013

AN ORDINANCE TO ADOPT REGULATIONS INTENDED TO REDUCE SILTATION, HAZARDOUS MATERIAL, AND HAZARDOUS WASTE FROM ENTERING CANE RIVER LAKE; PROVIDING FOR COOPERATION WITH OTHER GOVERNMENTAL AGENCIES, AND ADVERTISEMENT.

WHEREAS, the Cane River Waterway District is a body politic and corporate subdivision of the State of Louisiana, created by Acts 1982, No. 391, R.S. 34:3261, et. seq. for the object and purpose of establishing, operating and maintaining a navigable waterway known as the Cane River Waterway; and

WHEREAS FURTHER, the Cane River Waterway Commission was created as an instrumentality of the state of Louisiana for the purpose of establishing, operating and maintaining the Cane River Waterway; and

WHEREAS FURTHER, included in the powers delegated to the Cane River Waterway Commission (sometimes hereinafter Commission) is to adopt regulations to preserve the health, welfare and safety of the recreational and commercial users of Cane River Lake; and

WHEREAS FURTHER, included in the specific powers granted to the Commission is the authority to effectuate and maintain proper depths of water to accommodate the business of the Commission; and

WHEREAS FURTHER, the Commission finds that the water quality and depth of water in the Cane River Waterway (sometimes hereinafter "Waterway") is being impacted by siltation and runoff from property adjoining the Waterway; and

WHEREAS FURTHER, the goal and intent of the Commission is to reduce the pollution of the Waterway with nutrients, sediments, or other earthen material generated on or caused by surface runoff, to maintain and improve the quality of the Waterway and to preserve the depth of the Waterway; and

WHEREAS FURTHER, the Commission desires to require and facilitate compliance with state and federal standards as they may apply to the Waterway; and

WHEREAS FURTHER, the Commission desires to work and cooperate with the City of Natchitoches, the governing authority of the Parish of Natchitoches, and the respective Planning and Zoning Commission of the City and Parish to provide for and adopt regulations that will protect the Waterway; and

WHEREAS FURTHER, the Commission further desires to work with Department of Environmental Quality and the Army Corp of Engineers to provide enforcement to protect the Waterway; and

NOW THEREFORE BE IT ORDAINED by the Cane River Waterway Commission that no person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the Cane River Waterway:

- a.) Any hazardous waste, including hazardous household waste;
- b.) Any garbage, rubbish, and tree(s) that will interfere, damage, cause harm to a vessel and/or person, or create an unsafe condition for the proper navigation of the Cane River Waterway;
- c.) Any used motor oil, antifreeze, or any other motor vehicle fluid;
- d.) Any industrial waste;
- e.) Any domestic sewage or septic tank waste, grease tap waste, or grit trap waste;
- f.) Any wastewater from washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity;
- g.) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
- h.) Any wastewater from commercial floor, rug, or carpet cleaning;
- i.) Any effluent from a cooling tower, condenser, compressor, emission scrubber, emission filter, or the blowdown from a boiler;
- j.) Any runoff or wash down from any animal pen, kennel, or fowl, or livestock containment area;
- k.) Any discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical use in line disinfection;
- l.) Any fire protection water containing oil or hazardous substances or materials;
- m.) Any water from a water curtain in a spray room used for painting vehicles or equipment;

- n.) Any contaminated runoff from a vehicle wrecking;
- o.) Any potentially contaminated runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored.

BE IT FURTHER ORDAINED, no person shall connect a line conveying sanitary sewage, domestic, or industrial, to the Cane River Waterway, or allow such a connection to continue.

BE IT FURTHER ORDAINED, no person shall clear, grade, excavate or undertake other construction activities on the bank of or in the vicinity of the Cane River Waterway except where said person adheres to the best management practices, as set forth herein.

BE IT FURTHER ORDAINED, all property owners and contractors shall use best management practices to control and reduce the discharge, to the Cane River Waterway, of sediment, silt, earth, soil, and other material associated with the clearing grading, excavation, and other construction activities to the maximum extent practicable. Such best management practices shall include the following measures:

- a) Ensuring that existing vegetation is preserved where feasible, and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;
- b) Use of structural practices to divert flows from exposed soils, stored flows, or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible;
- c) Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site;
- d) Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the Cane River Waterway;
- e) Providing general good housekeeping measures to prevent and contain spills of paints, solvent, fuel, septic water, and other hazardous chemicals and pollutants associated with construction, and to assure proper cleaning and disposal of any such spills in compliance with state, federal, and local requirement;
- f) Implementation of proper waste disposal and waste management techniques, including covering waste materials and minimizing ground contact with hazardous chemicals and trash;

- g) Timely maintenance of vegetation, erosion and sediment control measures, and other best management practices in good and effective operating condition; and
- h) Installation of structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soil to the degree attainable. Such installed structural measures may include, but not be limited to, the following: Stormwater detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices, infiltration of runoff on site; and sequential systems which combine several practices. Operators of construction sites are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site and are not responsible for maintenance after stormwater discharges associated with construction activity have terminated;
- i) Personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site (meeting criteria of current permits) that have not been finally stabilized, areas used for storage of material that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site in accordance with the current permits. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to the Cane River Waterway. Based on the results of the inspections, best management practices shall be revised as appropriate and as soon as is practicable;
- j) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this section;
- k) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing best management practice control measures, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the Cane River Waterway to violate a water quality standard;

BE IT FURTHER ORDAINED, the Commission shall cooperate with the City and Parish of Natchitoches to integrate the above requirements into the land use requirements and building permitting process; and

WHEREAS FURTHER, duly authorized agents designated by the Cane River Waterway Commission shall inspect, monitor, and enforce the measures of this ordinance.

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

If any portion of this Ordinance is declared to be invalid or unconstitutional in any manner, the invalidity shall be limited to that particular section or provision, and shall not affect the remaining portions of the ordinance, which shall remain valid and enforceable, it being the intention of the Cane River Waterway Commission that each separate provision shall be deemed independent of all other provisions herein.

This Ordinance shall go into effect upon publication and in accordance with law.

Said Ordinance having been introduced on the 20 day of August, 2013, at a regular meeting of the Cane River Waterway Commission held at 244 Cedar Bend Road, City of Natchez, Louisiana.

Ordinance considered, on motion by Mrs. Vienne and seconded by Mr. Wiggins, to adopt the ordinance, a record vote was taken and the following

Result was had:

YEAS: 4

NAYS: 0

ABSENT: 1

Whereupon, the presiding officer declared the above Ordinance duly passed on this the 17 day of September, 2013.

Gerald Longlois, Chairman

