ORDINANCE

(AS AMENDED)

CITY OF NEW ORLEANS

CITY HALL: February 8, 2018

CALENDAR NO. 32,180

NO. 27702 MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS WILLIAMS, HEAD, GUIDRY, CANTRELL, RAMSEY, BROSSETT AND GRAY (BY REQUEST)

AN ORDINANCE to amend and reordain Section 26-15 of the Code of the City of New Orleans, relative to the City of New Orleans' amendments to the adopted International Building Code, 2015 Edition; to establish therein the Stormwater Code of the City of New Orleans, which includes permitting and submittal requirements, fees, plan review, and various standards relative thereto; and otherwise provide with respect thereto.

SECTION 1. The COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Section 26-15 of the Code of the City of New Orleans are hereby amended and reordained to read as follows:

"Sec. 26-15. International Building Code — Amendments.

* * *

CHAPTER 1

SCOPE AND ADMINISTRATION

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SECTION 109 - FEES

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109.6 Schedule of Permit Fees. On all buildings, structures or alterations requiring a building permit, a fee for each building permit shall be paid as required at the time of filing application, in accordance with the following schedule:

* * *

9. Review Fee. The cost to implement the stormwater management plans should be included in the total valuation of all construction work, and thus would be included in the current structure for calculating building permit fees.

* * *

SECTION 121 - STORMWATER

121.1 General. These regulations shall be known as the Stormwater Code of the City of New Orleans.

121.2 Permit Required. No building, grading, foundation or other land development permits shall be issued until all requirements of this ordinance have been met.

121.3 Intent. The stormwater management requirements established by this section are intended to:

1. Assist in the development of a resilient New Orleans by encouraging sustainable practices for site design, construction and maintenance; and
2. Reduce urban runoff and mitigate the effect of new development, redevelopment, or infill development on the existing drainage system by ensuring the preservation of permeable surfaces and requiring the installation of stormwater BMPs to slow surface flow of stormwater runoff and promote filtration, plant uptake, absorption, and infiltration into sub-soils to reduce subsidence rates.

The City is a co-permittee under the permit for Municipal Separate Storm Sewer System ("MS4") discharges. The City is obligated to comply with the Permit, including the implementation of a Stormwater Management Plan or equivalent, which requires Best Management Practices ("BMPs") for all construction activity, good housekeeping practices, and post-construction BMPs for development projects.

121.4 Definitions.

Best Management Practice (BMP): Any man-made or natural structure, system, landscape feature, channel, or improvement designed, constructed, installed, and/or used to detain, retain, infiltrate, filter, or otherwise control stormwater runoff quality, rate, or quantity.

Bioretention: The process of collecting stormwater in a treatment area consisting of soil and plant materials to facilitate infiltration and remove sediment and other contaminants through physical, chemical, and biological processes.

Construction Activity: Construction or demolition activity, clearing, grubbing, or excavation or any other activity that may result in land disturbance.

Design Storm Event: A ten-year, twenty-four-hour storm event.

Detention: Slowing, dampening, or attenuating runoff flows entering the storm drainage system by temporarily holding water in areas such as detention basins, reservoirs, on roof tops, or within the drainage system itself, and releasing the water at a desired rate of discharge.

Development: Any human-induced change to improved or unimproved property, including but not limited to: construction, installation, or expansion of a building or other structure; land division; drilling; and site alteration such as dredging, grading, paving, excavation, filling or clearing. Development includes both development of new structures and modifications, alterations, or additions to an existing structure.

Development Period: A period of two (2) years from the date of issuance of the initial permit for a development site.

Development Site: The land area where any Development activities are planned, conducted, or maintained. It includes contiguous areas of disturbance including across property lines, private streets and alleys, and other rights of way, regardless of individual parcel ownership, on any portion or part, or during any stage, of a larger common plan of development or sale.

Drainage Area: A catchment area formed by natural or man-made topography that drains to a given point.

Green Infrastructure (GI): Stormwater systems or features that mimic the natural water cycle and are used to manage the quantity and quality of runoff associated with development. The term encompasses a wide array of best management practices and methods including, but not limited to bioretention, detention, permeable pavement, and green or roofs.

Impervious Surface: Any building, pavement, structure, or other material that impedes the natural infiltration of water into the ground.

Infiltration: The penetration and movement of water through the earth's surface.

Municipal Separate Storm Sewer System ("MS4"): A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, separate from a sanitary sewer, that conveys runoff from individual parcels and public rights-of-way to storm drains, treatment facilities and/or receiving waters.

Stormwater Runoff: Any part of precipitation that flows over the land during or following a rain event.

Stormwater: Water that originates as precipitation on a particular site, basin, or watershed.

121.5 Construction Requirements. The following provides the minimum requirements for construction site stormwater pollution prevention control. Both temporary and permanent construction controls shall be used to accomplish the following minimum requirements. All projects are required to meet each of the elements below or document why an element is not applicable. Additional controls may be required by the Director when minimum controls are not sufficient to prevent erosion or transport of sediment or other pollutants from the site:

a. Mark Clearing Limits and Environmentally Critical Areas. Within the boundaries of the project site and prior to beginning land disturbing activities, including clearing and grading, clearly mark all clearing limits, easements, setbacks, all environmentally critical areas and their buffers, and all trees and drainage courses that are to be preserved within the construction area.

b. Retain Top Layer. Within the boundaries of the project site, the duff layer, topsoil, and native vegetation, if there is any, shall be retained in an undisturbed state to the maximum extent feasible. If it is not feasible to retain the top layer in place, it should be stockpiled on-site, covered to prevent erosion, and replaced immediately upon completion of the land disturbing activities to the maximum extent feasible.

c. Establish Construction Access. Limit construction vehicle access, whenever possible, to one route. Stabilize access points and minimize tracking sediment onto public roads. Promptly remove any sediment tracked off site.

d. Protect Downstream Properties and Receiving Waters. Protect properties and receiving waters downstream from the development sites from erosion due to increases in the volume, velocity, and peak flow rate of drainage water from the project site. If it is

necessary to construct flow control facilities to meet this requirement, these facilities shall be functioning prior to implementation of other land disturbing activity, including but not limited to the use of silt fencing along all site boundaries. If permanent infiltration facilities are used to control flows during construction, these facilities shall be protected from siltation during the construction phase of the project.

e. Prevent Erosion and Sediment Transport from the Site by Vehicles. Whenever construction vehicle access routes intersect paved roads, the transport of sediment onto the paved road shall be minimized. If sediment is transported onto a paved road surface, the roads shall be cleaned thoroughly at the end of each day. Sediment shall be removed from paved roads by shoveling or sweeping and shall be transported to a controlled sediment disposal area. If sediment is tracked off site, roads shall be cleaned thoroughly at the end of each day, or at least twice daily during wet weather. Street washing is allowed only after sediment is removed, and street wash wastewater shall be prevented from entering the drainage system and receiving waters.

f. Stabilize Soils. Prevent on-site erosion by stabilizing all exposed and unworked soils, including stock piles and earthen structures such as dams, dikes, and diversions. Soils shall be stabilized at the end of the shift before a holiday or weekend if needed based on the weather forecast. Soil stockpiles shall be stabilized from erosion, protected with sediment trapping measures, and be located away from storm drain inlets, waterways, and drainage channels. Before the completion of the project, permanently stabilize all exposed soils that have been disturbed during construction.

g. Protect Storm Drains. Prevent sediment from entering all storm drains, including ditches that receive drainage water from the project. Storm drain inlets protection devices shall be cleaned or removed and replaced as recommended by the product manufacturer, or more frequently if required to prevent failure of the device or flooding. Storm drain inlets made operable during construction shall be protected so that drainage water does not enter the drainage system without first being filtered or treated to remove sediments. Storm drain inlet protection devices shall be removed at the conclusion of the project. When manufactured storm drain inlet protection devices are not feasible, inlets and catch basins must be cleaned as necessary to prevent

sediment from entering the drainage system. The use of straw or hay bales shall be prohibited.

h. Stabilize Channels and Outlets. All temporary on-site drainage systems shall be designed, constructed, and stabilized to prevent erosion. Stabilization shall be provided at the outlets of all drainage systems that is adequate to prevent erosion of outlets, adjacent stream banks, slopes, and downstream reaches.

i. Control Pollutants. Measures shall be taken to control potential pollutants and shall include, but not be limited to, the following measures:

    1. All pollutants, including sediment, waste materials, and demolition debris, that occur onsite shall be handled and disposed of in a manner that does not cause contamination of drainage water and pursuant to all applicable disposal laws.
    2. Containment, cover, and protection from vandalism shall be provided for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment.
    3. On-site fueling tanks shall include secondary containment.
    4. Contaminated surfaces shall be cleaned immediately following any discharge or spill incident.
    5. Application of fertilizers and pesticides shall be conducted in a manner and at application rates that will not result in loss of chemical to drainage water. Manufacturers' label requirements for application rates and procedures shall be followed.
    6. For any paint removal, paint preparation, pressure-washing or sandblasting activities that will result in particles entering the air or landing on the ground, BMP steps shall be implemented to prevent or minimize to the maximum extent practicable such particle releases into the environment. Discharge of wastes from such activities to the MS4 is prohibited.

j. Maintain BMPs. All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function. All temporary erosion and sediment controls shall be removed

within five days after final site stabilization is achieved or after the temporary controls are no longer needed, whichever is later. Trapped sediment shall be removed or stabilized on site. Disturbed soil areas resulting from removal shall be permanently stabilized.

121.6 Concrete waste management. Concrete waste from washout of ready mix trucks, concrete pumps, and other concrete equipment causes chemical and changes in runoff by increasing sediment and changing the pH. Concrete waste management is the practice of capturing all concrete wastes and protecting the drainage system from any discharge contaminated by concrete. This concrete waste includes sweepings from concrete or other concrete slurry wastes.

a. Applications. Concrete waste management requirements shall apply to all construction sites, phases, subdivisions, or developments with concrete work. This includes the use of concrete delivered by truck or other concrete coated equipment, mortar-mixing stations, or where concrete dust, debris, or slurry is created by either construction or demolition. Concrete waste management practices shall also apply to any operator of a vehicle used to deliver or apply concrete products.

1. All construction sites shall provide and identify a reasonable concrete washout facility for the use of those providing concrete or concrete-related services on that site or make arrangements for the removal of concrete waste.
2. In some cases, particularly in the case of an owner-builder construction or renovation of a single structure, the concrete provider is expected to dispose of or washout any excess concrete or debris in a manner consistent with this section even if the site does not lend itself to a separate washout facility.

b. Design criteria. Provide a minimum of six cubic feet of containment volume for every ten cubic yards of concrete to be poured. There must be a minimum freeboard of six inches for those facilities built above the ground or a minimum of 12 inches for those built below grade. Prefabricated washout facilities are allowed so long as they meet the criteria of temporary facilities in terms of capacity, protection from runoff and clean out requirements. All washout areas must:

1. Be located as far away from storm drains, ditches, or other bodies of water as is practical.
2. Provide all-weather access with sufficient controls to keep mud or debris from the streets surrounding the facility.
3. Physically restrict all runoff from the area by construction of temporary pit or bermed area of sufficient size. Artificial berms may be created from straw bales or sand bags so long as the same is staked and is double or triple-lined with polyethylene sheeting of sufficient thickness and without holes or tears.
4. Be clearly marked by signage.
5. Be lined with polyethylene sheeting of sufficient thickness and which is free from holes, tears, or defects that compromise the impermeability of the material.

c. Maintenance requirements. The washout pit shall be cleaned and maintained on a regular basis.

1. The facility must be removed or cleaned out when the facility is no longer required for work in the area or when the facility is at 75 percent capacity.
2. To remove or clean the facility, the hardened concrete should be removed and disposed of. Materials used to construct the temporary facility must also be removed and disposed of when they are no longer suitable for use or no longer needed.
3. Any holes or depressions caused by a temporary washout facility should be backfilled and repaired and the soil shall be stabilized.
4. Be cleaned up immediately in the event that any liquid or other contaminant is found outside the washout facility.
5. All concrete waste material must be properly disposed of.

121.7 Permeable and Pervious Paving Materials. Permeable and pervious paving may be used in place of impervious paving materials in appropriate locations:

a. *Types of Permeable Pavement.* The types of permeable pavement facilities and permitted uses are tabulated below. The Director may allow additional types of permeable pavement as new technologies or uses become available.

Type/Application	Driving Lane	Parking Stall	Sidewalk
Porous Asphalt		●	●
Pervious Concrete		●	●
Permeable Interlocking Unit Pavers	●	●	●
Other Unit Pavers*		●	●
Permeable Articulating Concrete Blocks	●	●	●
Porous Flexible Paving			●
Porous Bound Aggregate			●
Plastic Grid Pavers**		●	●
* Spaced minimum ¼" to allow for infiltration. ** must meet ADA requirements			

b. *Contributing Drainage Area.* The maximum contributing drainage area to permeable pavement surface area ratio is 4:1 unless otherwise approved by the Director. Stormwater runoff from pervious areas often contribute sediment and lead to clogging and increased maintenance requirements for permeable pavement, and should be avoided to the extent possible. At least 90% of the area draining to permeable pavement shall be impervious, not including the permeable pavement area itself.

c. Infiltration Rates. All permeable paving installations shall be subject to infiltration testing after installation. Testing shall be conducted according to the ASTM International C1701 or C1781 standards, as appropriate. All types of permeable pavement shall maintain a minimum infiltration rate of 200 inches per hour.

121.8 Post-Construction. A stormwater management plan is required in any of the following circumstances;

a. These regulations shall apply to the entire Development Site during the Development Period:

1. New construction of five thousand (5,000) or more square feet of impervious surface on a development site; or

2. Substantial improvement of a site with five thousand (5,000) or more square feet of impervious surface on a currently developed site;
3. Any site of one (1) acre or more in size; or
4. Any site where the principal use is stormwater management.

b. A stormwater plan shall be required for any addition or replacement of impervious surface which results in five thousand (5,000) or more square feet of impervious surface on a development site.

121.9 Exemptions. The following types of development are exempt from the Stormwater Management Standards:

a. Single- and two-family dwellings, and any residential dwelling of six (6) units or less.
b. Maintenance activities, such as top-layer grinding (grind and overlay), repaving when aggregates or gravels are not exposed, or reroofing when the structure or existing roof drainage is not altered.
c. Interior remodeling projects and tenant improvements that do not constitute a substantial improvement.

An applicant may apply for a full or partial exemption of the stormwater management regulations via the fee-in-lieu process.

121.10 Standards. Stormwater management plans shall demonstrate that the following standards have been met:

a. The first one and one quarter (1.25) inches of stormwater from each drainage area on a development site shall be managed (detained or retained, and filtered) on the same development site. The site may be entitled to a 10% bypass volume, provided that the total required volume is still managed and fee in lieu payments are made on any bypass volume in excess of 10%;
b. The post-development peak stormwater runoff rate from a development site shall not exceed the pre-development peak stormwater runoff rate from that development site for a 10-year, 24-hour design storm, and;
c. The quality of the first one and one quarter (1.25) inches stormwater leaving the site post-development shall be treated to demonstrate the following:

1. For new development, a reduction in the total suspended solids load by 60%, based on the average annual rainfall, as compared to no treatment by BMPs.
2. For substantial improvements, a reduction in the total suspended solids load by 40%, based on the average annual rainfall, as compared to no treatment by BMPs.
3. Discharges shall not exceed the prohibitions outlined in Section 16.1 Rules Governing Discharges into the Public Storm Drain System MS4 of the Municipal Code of the Sewerage and Water Board of New Orleans.

121.11 Design Requirements. Stormwater BMPs shall be designed as described in the latest version of the "City of New Orleans Green Infrastructure Toolkit". Alternate design methods may be considered as part of the stormwater management plan review as approved by the Director.

a. Stormwater management plans shall be supported by a combination of stormwater BMPs, in the following order of priority:
    1. Create conditions that allow retention and infiltration of stormwater runoff on-site through the use of pervious paving, bioretention areas, green roofs, and other methods that allow water to evapotranspirate or infiltrate into soil.
    2. Additional stormwater runoff that cannot be infiltrated should be detained, stored, and filtered through the use of BMPs.
    3. Runoff in excess of the holding capacity of the BMPs shall exit the site through surface or subsurface drainage.
b. All stormwater management facilities shall be designed to provide an emergency overflow system, and incorporate measures to provide a non-erosive velocity of flow along its length and at any outfall.
c. All BMPs must be designed to drain from a full condition within a maximum of twenty-four (24) hours to prevent breeding of mosquitos and other waterborne pests.

121.12 Submittal Documents. Submittal documents shall be prepared by or under the direct supervision of a Louisiana Registered Landscape Architect or a Louisiana Registered Civil Engineer within the purview of the State of Louisiana licensing law provisions. Said documents shall be imprinted with their seal designating them as the professional of record. Where special

conditions exist, the Director is authorized to require additional documents to be prepared by a registered design professional. The Director may waive the requirements of documents if he finds that the nature of the work applied for is such that documents are not necessary to obtain compliance with the adopted codes. Submittal documents shall be submitted in two or more sets with each permit application and shall include the following:

a. Project Description. Brief summary of existing conditions and proposed stormwater management design.

b. Existing Site & Stormwater Drainage Plan. A site assessment detailing the current drainage conditions on the property. This shall include:

    1. Location and boundaries of all existing property lines, lot names, easements or servitudes, or other land divisions for the development site;
    2. Location and boundaries of all adjacent rights-of-way, streets, private roads, drainage rights-of-way, or other features;
    3. Existing drainage areas delineated with flow lines indicating direction of flow;
    4. All above ground and subsurface infrastructure and invert elevations, including but not limited to existing drain lines, culverts, catch basins, headwalls, manholes, and existing BMPs;
    5. Location of all existing roof and yard drains, downspouts, or other features and their connections to BMPs
    6. Existing topographic and any significant topographic features at a maximum of 1' elevation intervals. If the site is less than 2% slope, NAVD88 point elevations are required at a minimum of every 25' and at the property line.
    7. Soil conditions;
    8. All existing buildings, structures, land covers and site features, including but not limited to curb cuts, interior streets, driveways, parking and loading areas, landscaped areas, and lawns.

c. Infiltration Test Results. All plans shall include the results of at least one (1) infiltration test per BMP, signed and sealed by a registered professional engineer or landscape architect licensed in the State of Louisiana, conducted according to the City of New Orleans Infiltration Rate Evaluation Guidelines.

d. Proposed Site & Stormwater Drainage Plan. A detailed representation of the proposed drainage site design. This shall include:

1. Location and boundaries of all property lines, lot names, easements or servitudes, or other land divisions for the development site;
2. Location and boundaries of all adjacent rights-of-way, streets, private roads, drainage rights-of-way, or other features;
3. Proposed drainage areas delineated with flow lines indicating direction of flow;
4. All proposed above ground and subsurface infrastructure and invert elevations, including but not limited to drain lines, culverts, catch basins, headwalls, manholes, and BMPs;
5. Location of all proposed roof and yard drains, downspouts, or other features and their connections to BMPs
6. Proposed topographic and any significant topographic features at a maximum of 1' elevation intervals. If the site is less than 2% slope, NAVD88 point elevations are required at a minimum of every 25' and at the property line.
7. All proposed buildings, structures, land covers and site features, including but not limited to curb cuts, interior streets, driveways, parking and loading areas, landscaped areas, and lawns.
8. Sections and details of all proposed BMPs showing depth, dimensions, compositional layers, drainage media, overflows, connections into and out of all drainage related features.

e. Calculations. Calculations for pre and post-development runoff rate, required detention volume and capacity of BMPs, and empirically estimated pollutant load calculations completed and provided using the latest version of the City of New Orleans Green Infrastructure Calculator. If the proposed BMPs are not included in the calculator, the same calculation methods shall be used and provided in Excel format.

f. Implementation Methods & Cost Estimate. The estimated and itemized cost of construction, materials and two (2) years of maintenance of all proposed stormwater BMPs, and an implementation overview including designer's specifications for construction to protect BMPs, avoid soil compaction, and prevent BMP failure.

g. Operations & Maintenance Plan. Site-specific operations and maintenance schedule for each BMP including routine maintenance, frequency of inspections, indications of failure, corrective actions (repair and replacement), and a sample inspection report for the site.

h. Stormwater Pollution Prevention Plan. Narrative and plans demonstrating appropriate erosion and sediment control during construction.

i. Landscape Plan. When plants, trees, or shrubs are utilized in BMP design.

121.13 Procedure

a. *Application Procedure.* Applications shall be submitted to the Department of Safety and Permits with all submittal documents outlined in this section.

b. *Completeness Review.* Upon receipt and review of all documents, the Department of Safety and Permits shall notify the applicant if additional materials are needed to complete the review.

c. *Review of Plans.* The Department of Safety and Permits shall notify the applicant of any deficiencies in the proposed plan. Failure of the applicant to respond to deficiencies within a period of six (6) months will result in expiration of the application.

d. *Issuance of Building Permit.* Once a plan has demonstrated compliance with the requirements of this section to the satisfaction of the Director or his representative, a building permit may be issued.

e. *Stormwater Pollution Prevention Plan (SWPPP).* Upon issuance of a building permit until a certificate of occupancy is issued, the stormwater pollution prevention plan must be implemented on site.

f. *Changes to Approved Plans.* No departure or deviation shall be made from the plans, specifications or description after issuance of the permit unless new information is submitted, approved by the Director of the Department of Safety and Permits and incorporated in the permit. No person shall modify, remove, fill, landscape, or alter any stormwater BMPs without the written approval of the Director of the Department of Safety and Permits.

g. *Post-Construction Certification.* Prior to the issuance of a Certificate of Occupancy, post-construction certification must be obtained in accordance with this chapter.

h. Annual inspection. Re-certification of all stormwater BMPs and associated infrastructure is required on an annual basis in accordance with this chapter.

i. *Expiration.* Every approved stormwater management plan shall become invalid:

1. If the work authorized by the permit is not commenced within six (6) months after its issuance, or
2. If the work authorized by the permit is suspended for more than six (6) months after its issuance, or
3. If the work authorized by the permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. One or more extensions of time, for periods of not more than ninety (90) days each, may be allowed for the permit. The extension must be requested in writing and justifiable cause demonstrated to the Director. When an extension is granted it shall be in writing by him.

121.14 Fee-in lieu

a. *Submittal Requirements.* A request for payment of the fee in-lieu of compliance must be filed with the Director of Safety and Permits and must include:

1. Documentation of impracticality of on-site compliance including existing and proposed site and stormwater drainage plans.
2. Calculations for the required volume, existing and proposed runoff rate, and existing and proposed pollutant loads prepared by a registered landscape architect licensed by the Louisiana Horticulture Commission or a registered professional engineer licensed by the Louisiana Professional Engineering and Land Surveying Board (LAPELS).
3. The estimated and itemized cost of construction, materials and annual maintenance of stormwater BMPs that could be feasible on-site.

b. *Approval Standards.* In reviewing fee-in-lieu of compliance applications, the Director of Safety and Permits shall consider the following standards:

1. Stormwater management within the site is achieved to the maximum extent feasible;
2. The cost of materials, construction, and maintenance that would be required to comply on site; and

3. The topography, soil, vegetation, drainage, spatial limitations, unusually shaped pieces of land, unusual servitude requirements, or superseding regulatory requirements are such that full compliance is impractical.

c. *Payment.* Fee payments, in lieu of compliance, shall be based on the per cubic foot volume of stormwater requiring management as provided herein, at the rate established in Section 2-1105 of the Code of the City of New Orleans.

d. *Condition.* The fee in-lieu payment is intended to offset the 1.25" detention volume standard. In no event shall the post-development peak run-off rate exceed the pre-development run-off rate for the 10-year 24-hour design storm.

121.15 Enforcement of Regulations. No Certificate of Occupancy may be issued for any development site until certification of stormwater management features has been obtained. Failure to implement the stormwater management plan is cause for the withholding of the Certificate of Occupancy. The applicant shall maintain all stormwater BMPs and associated infrastructure in perpetuity in accordance with the associated maintenance plan or program. The site owner or authorized agent shall inspect all stormwater BMPs and associated infrastructure on a monthly basis, and shall keep records indicating all maintenance actions required and taken during each month. These records may be requested by the Department of Safety and Permits at any time. Failure to maintain compliance with the approved stormwater management plan is cause for the application of fines and penalties, as allowed under City Code. All landscape and stormwater management BMPs and associated infrastructure shall be maintained in conformance with the approved plan, are subject to periodic inspection by the Department of Safety and Permits and shall be recertified annually as specified below. Failure to maintain or certify the stormwater management features is cause for revocation of the certificate of occupancy and/or the application of fines and penalties, as established in this Ordinance.

121.16 Fees. There shall be a fee of two hundred and fifty ($250) dollars for annual certification of stormwater management plans. There shall be a penalty of five hundred ($500) dollars for annual recertification of stormwater management plans that have passed the expiration date. Failure to submit plans 30 days after expiration shall subject a property to administrative adjudication with daily penalty of five hundred ($500) dollars.

121.17 Post-Construction Certification.

a. Prior to the issuance of a Certificate of Occupancy, the following shall occur to ensure compliance with the stormwater regulations:

1. Submission of digital as-built plans showing the final design specifications for all stormwater management facilities and practices, the field location, size, depth of all measures, controls, and planted vegetation, and devices, as installed.
2. A landscape architect or professional engineer, as applicable, licensed in Louisiana shall provide an affidavit, under seal, attesting the stormwater management measures have been installed in accordance with all approved plans and specifications, and in compliance with all other applicable standards.
3. Post a performance bond in the amount of twenty-five (25) percent of the cost of construction, materials, and two (2) years of maintenance of all stormwater management BMPs and associated infrastructure to be held for two (2) years from the issuance of the Certificate of Occupancy. The bond shall be in the form provided by the City.
4. Record the as-built drawing, affidavit, and executed performance bond in the Office of the Clerk of the Civil District Court for the Parish of Orleans and shall submit evidence of such recordation to the Department of Safety and Permits.

b. *Initial Certification.* Stormwater BMPs and associated infrastructure are subject to an initial certification period of twenty-four (24) months, starting from the date that the Department of Safety and Permits issues a Certificate of Occupancy for a property with an approved Stormwater Management Plan.

c. *Biennial Certification.* Re-certification of all stormwater BMPs and associated infrastructure is required on a biennial basis.

1. No more than thirty (30) days prior to recertification, a landscape architect or professional engineer, as applicable, licensed in Louisiana shall conduct an inspection of all BMPs and associated infrastructure, and shall certify, under seal, that the stormwater measures BMPs and associated infrastructure are in compliance with the recorded as-built stormwater management plans and designs, and with all other applicable standards.
2. The property owner shall be eligible to apply for re-certification not more than three months prior to the expiration of the previous certification.

3. The property owner or operator shall retain detailed records of any maintenance performed on, or changes made to, stormwater management BMPs and associated infrastructure for review on an as-needed basis.

d. *Transfer of Property.* The recordation of the stormwater plan as required herein shall constitute a real right in or over the immovable and shall be effective as to third persons as provided by law."

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS MARCH 8, 2018

JASON ROGERS WILLIAMS
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON MARCH 9, 2018

APPROVED:
~~DISAPPROVED~~: MARCH 15, 2018

MITCHELL J. LANDRIEU
MAYOR

RETURNED BY THE MAYOR ON MARCH 16, 2018 AT 11:25 A.M.

LORA W. JOHNSON
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Cantrell, Guidry, Head, Ramsey, Williams - 5

NAYS: 0

ABSENT: Brossett, Gray - 2

RECUSED: 0

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THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
CLERK OF COUNCIL