

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5251

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 7 DAY OF AUGUST , 2014

ORDINANCE TO AMEND PARISH CODE OF ORDINANCES, CHAPTER 20, ARTICLE 1, SECTION 20-011.01 PROCEDURES AND STANDARDS FOR GRANTING PERMISSION TO ENTER PARISH RIGHT OF WAY FOR GAINING ACCESS TO PROPERTY, TO PROVIDE CENTRAL WATER AND COMMUNITY SEWERAGE REQUIREMENTS WITHIN UNINCORPORATED ST. TAMMANY PARISH.

WHEREAS, the lack of regulations in St. Tammany Parish prior to 1967 permitted the platting of numerous subdivisions with narrow lots and unopened streets; and

WHEREAS, the provision of sewerage disposal and water for residences located within these areas, as they are developed is predominantly by on-site sewerage treatment systems and private water wells; and

WHEREAS, continued increases in growth, occupancy, density and nearness of residential and commercial properties located in these areas have resulted in significant amounts of treated sewerage effluent being discharged in proximity to private water wells and into the Parish’s drainage ways; and

WHEREAS, it is in the best interest of public health and the environment to require continued access to undeveloped properties and unopened streets in these areas to be conditioned upon the provision of central water and community sewerage service.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that it amends the Parish Code of Ordinances, Chapter 20, Article I, Section 20-011.01, Procedures and Standards for Granting Permission to Enter Parish Right of Way for Gaining Access to Property, to provide central water and community sewerage requirements within unincorporated St. Tammany Parish as follows, to wit:

CHAPTER 20 ROADS AND BRIDGES

ARTICLE 1 IN GENERAL

SEC. 20-011.01 Procedures and Standards for Granting Permission to Enter Parish Right of Way for Gaining Access to Property.

1. The application process may include, but is not limited to the following information: a written request for permission to enter the right-of-way, including the purpose of the request; ownership information; right-of-way dedication; wetland determination and/or wetland permits from the Corps of Engineers and other respective environmental agencies and a site plan of applicant’s property with relationship to the proposed structure or structures and the Parish road right-of-way and any other servitudes, both private and public.

2. Conditions which may be imposed on an applicant which must be incorporated within the resolution include, but are not limited to the following information:

1. Requiring additional right-of-way to be dedicated to the parish or the establishment of servitudes in cases when the right-of-way does not meet the current right-of-way widths as established in the Parish’s Subdivision Regulatory Ordinance No. 499, or requiring in cases of limited right-of-way widths the provision to allow a one way access as long as the one way access provides an entrance and a different exit (terminus) to an approved roadway.

2. Requirements which will limit the applicant and any assignees by providing a Hold Harmless Agreement and utilization of the access by (an) individual(s) until the time that the access is upgraded to parish standards and accepted into the Parish's road maintenance system.

3. Requirements which will bind the applicant or any assignees to a maintenance obligation of the access until such time as the Parish agrees to accept the portion of the right-of-way into the Parish's road maintenance system, by execution of Notice of Acknowledgment and Responsibility.

4. The applicant will be responsible for all expenses regarding improvements, relocation of utilities, engineering services, permits, damage and recordation which may be associated with the right-of-way.

5. The Parish Engineer must review and approve a road design and drainage plan prepared by a licensed Louisiana state registered engineer. The Parish Engineer may require additional off-site work to minimize the potential impact of the proposed construction with special emphasis regarding drainage. The road and drainage design must meet the road standards as established under Subdivision Regulatory Ordinance No. 499.

6. Any developer/applicant proposing to develop lots within a "dormant subdivision" or "subdivision of record" must submit for review and approval of the Parish Engineer a drainage plan that meets the detention requirements of Subdivision Regulatory Ordinance No. 499. Where applicable, such developer/applicant shall be entitled to claim a credit toward drainage impact fees due the parish under the authority of the "St. Tammany Parish Drainage Impact Fee Ordinance" (Sec. 2-009.00 Part IV (B)(8)) and, where applicable, shall be entitled to claim credit/reimbursement from any drainage impact fees that have been paid into the "Drainage Impact Fee Escrow Account" by the owner or owners of lots that are not owned by the developer/applicant but would be receiving the benefits of said storage requirements.

7. Liability insurance policy included naming of the parish as an insured party.

8. Provisions for the establishment of a Performance and Warranty letter of credit, when applicable and utilized in the same manner as performance letters of credit are utilized as per Subdivision Regulatory Ordinance No. 499.

9. Applicant and assignees enter into an agreement to delay the hard surfacing requirements for roads to a future date, when applicable, but are bound to meet those requirements either in participating in a front foot assessment or other Parish approved method at an appropriate time when the road may be reasonably allocated to adjoining property owners and/or assignees.

10. Allow the Department of Engineering to establish a time period for commencement and completion of construction and to delay the issuance of building permits unless appropriate letters of credit are accepted.

3. Any application for the opening and/or extension of any unopened parish right-of-way located within the boundaries of ~~Parish Council Districts 5, 7 or 10~~ unincorporated St. Tammany Parish shall include provisions for the concurrent installation of central water and community sewerage to the property being accessed provided said property is located within one thousand feet (1,000') of existing central water and community sewerage lines measured along the Parish right-of-way.

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

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 4 DAY OF SEPTEMBER , 2014 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

R. REID FALCONER, AIA, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JULY 31 , 2014

Published Adoption: _____ , 2014

Delivered to Parish President: _____ , 2014 at _____

Returned to Council Clerk: _____ , 2014 at _____