

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3173

ORDINANCE C.S. NO. _____

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: _____

SECONDED BY: _____

ON THE ____ DAY OF _____, 2005

ORDINANCE AMENDING AND REENACTING ST. TAMMANY PARISH CODE OF ORDINANCE, SECTION 20-010.00, PLACEMENT OF PUBLIC AND PRIVATE UTILITIES IN PARISH RIGHTS-OF-WAY, AND SECTION 20-010.01, PROCEDURES AND STANDARDS FOR GRANTING PERMISSION TO ENTER PARISH RIGHTS OF WAY FOR GAINING ACCESS TO PROPERTY, TO REQUIRE ALL NEW SUBDIVISIONS AND SUBDIVISIONS OF RECORD TO HAVE UTILITIES INSTALLED UNDERGROUND.

WHEREAS, St. Tammany Parish recognizes that it is in the best interest of public health, safety and welfare to endeavor, whenever possible, to have public and private utilities installed underground; and

WHEREAS, by requiring new subdivisions and, where applicable, existing subdivisions of record to have utilities installed underground, the following benefits will result: a reduction in the frequency and duration of any interruption of service; faster recovery in the event of natural disasters, such as hurricanes; a reduction in the amount of damage and/or severity of injuries that may result from vehicles striking telephone poles or appurtenances within the rights-of way; and to maintain the aesthetic nature of St. Tammany Parish.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, Section 20-010.01 Public & Private Utilities In Parish Rights-of-way Relative To New Developments/Subdivisions And Relocation Of Existing Utilities is hereby amended and reenacted as follows:

Section 20-010.00 Location/Placement of Public & Private Utilities In Parish Rights-of-way Relative To New Developments/Subdivisions And Relocation Of Existing Utilities

(a) **Regulated:** All public and private utility equipment and collection and/or distribution lines shall be located as detailed in attachment A to this Section. (**NOTE:** Attachment A is on file with the original Ordinance in the office of the ~~Secretary of the Police Jury~~ Clerk of the Parish Council.)

(b) **Exemptions:** Any deviations/exemptions from the prescribed standards must be approved prior to construction and/or installation by the Parish Engineer or his designated representative. Exemptions shall be allowable for subdivisions of record.

(c) **Violations:** Any individual, corporation, their agents and/or contractors not conforming with the provisions of this Section shall be subject to the penalty provisions as herein contained. Each day's offense shall be construed to be a separate and individual offense.

(d) **Enforcement:** The enforcement responsibility of the provisions of this Section shall reside with the Department of Public Works.

(e) **Penalties:** Violation of this Section shall constitute a misdemeanor punishable under the provisions of Section 1-008.0 of this Code of Ordinances. Each day of violation shall constitute a separate offense.

Section 20-010.01 Procedure for Placement of Public & Private Utilities In Parish Rights-of-way

The purpose of [the following] Sections 20-010.01-20-010.08 shall be to establish the procedure for placement of public and private utilities within Parish right-of-ways or proposed Parish right-of-ways, as well as, the *notification* process for same. It is further understood that for the purpose of this Section, Cable T.V. services shall be considered a utility, and as such, shall be bound by the *guidelines* of these Sections.

Further, except as provided in Section 20-011.01(C), installation of underground utilities shall not include central water and community sewerage in those cases where the Department of Engineering and Department of Environmental Services has determined that such installation is not warranted due to nonexistent community or regional sewerage or water facilities.

Any other provision notwithstanding, all new subdivisions, and any "dormant subdivision" or "subdivision of record" where a developer applies for permission to enter the parish right of way for the purpose of gaining access to property pursuant to the provisions of Section 20-011.01, et seq., must have utilities installed underground and conform to all other requirements of Sections 20-010.00 through Section 20-011.01.

Section 20-010.02 Notification of Parish Officials

All utility companies shall be required to notify the Division of Utility Regulation and Enforcement of the Department of Public Works, in writing, 48 hours prior to entering any Parish right-of-way for the purpose of installing and/or repairing any utility. If [the] Parish is equipped to be notified through DOTTIE System, notification through same shall suffice.

Written notification shall include but not be limited to the following information:

- a) Company Name
- b) Sub-contractor (if applicable)
- c) Parish Road Name
- d) Location of work
- e) Date work to be done
- f) Description of work to be done
- g) Estimated completion date (if requested)

1) Emergency Notification: In the event of any emergency, it shall be the responsibility of the utility company to notify the Division of Utility Regulation and Enforcement of the Department of Public Works within three (3) working days after such emergency. Notification of emergency work shall include all information listed above.

2) DOTTIE Notification: It is expressly understood that notification to the Division of Utility Regulation and Enforcement of the Department of Public Works does not relieve the utility company of their obligation to notify DOTTIE of any activity within the right-of-way.

3) Exception:

- i) Notification shall not be required for the installation or repair of aerial lines (excluding vertical structures and support poles). However, it shall be incumbent upon the utility company performing such work to notify the Division of Utility Regulation and Enforcement of the Department of Public Works of any damage caused to the road or drainage structure within three (3) working days. In the event that damage is caused and notification is not received as specified above, penalties shall be assessed beginning on the fourth (4th) day.
- ii) Notification shall not be required for sewer and water taps on the backside of the ditch that are clearly outside of the drainage and roadside structure, and would not impair the flow line of the ditch or enter the road bed itself. However, proper backfill is still required.

Section 20-010.03 Location and Placement

All public and private utility equipment and collection and/or distribution lines shall be located as detailed in attachment A (of Ordinance No. 90-1331), as well as, the requirements listed below.

- a) It shall be unlawful to cut any Parish roadway for the purpose of installing any utility. When crossing lanes, utilities shall be bored or jacked and installed through a casing in accordance with LDOTD (Louisiana Department of Transportation and Development) specifications, as follows:

- 1) High Pressure Transmission lines shall be a minimum of 72 inches (72") below road crown.
 - 2) All other line shall be a minimum of 36 inches (36") below the road crown, or a minimum of 24 inches (24") below the ditch bottom, whichever is deeper.
 - b) All underground utilities paralleling lanes shall be a minimum of 24 inches (24") below the surface or invert of ditch, whichever is deeper.
Exception: Telecommunication and Cable TV service lines may be buried a minimum of 8 inches (8") below the back side of the ditch only. This exception is conditioned upon and shall apply to a utility company only if the Parish receives a Hold Harmless Agreement from that utility company and that same is approved by the Division of Utility Regulation and Enforcement of the Department of Public Works. Said agreement shall hold the Parish, its employees, as well as any person performing work for the Parish, harmless for any damage caused to these lines, as well as, any cost incurred for same.
 - c) All aerial lines paralleling lanes shall be a minimum of sixteen (16') feet above road crown. Aerial audio/video lines crossing lanes shall be eighteen (18') feet high. All other crossing lanes shall be twenty (20') feet high.
 - d) All utilities paralleling lanes shall be placed on the back side of the ditch as shown on Attachment "A". (See Ordinance No. 90-1331)
 - e) Trenches shall be backfilled and tamped or compacted with acceptable materials in accordance with LDOTD standards (Gold Book) and shall be maintained as required.
6. Placement of customer fuel lines within Parish right-of-way is prohibited. Customer fuel lines in place prior to 12/16/98 shall be considered grandfathered.

REPEAL: The amendment, which is limited in its scope and application to the particular subparagraph and section, shall not be held to repeal any previously existing ordinance or parts of ordinances.

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 Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: 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: