

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3167

ORDINANCE C. S. NO. _____

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. GOULD

SECONDED BY: MR. THOMPSON

ON THE 6TH DAY OF OCTOBER, 2005

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, APPENDIX B, BY AMENDING AND REENACTING SECTION 40-074.01, PARISH ENFORCED SUBDIVISION RESTRICTIONS AND/OR COVENANTS, OF THE ST. TAMMANY PARISH SUBDIVISION REGULATORY ORDINANCE 499, TO REQUIRE THAT THE SUBDIVISION GARBAGE COLLECTION SERVICE SHALL BE PROVIDED BY A SINGLE GARBAGE COLLECTION COMPANY.

WHEREAS, St. Tammany Parish recognizes that protective covenants are essential to the sound development of proposed residential areas. Covenants properly prepared and legally sound contribute to the establishment of the character of the neighborhood and to the maintenance of value levels through the regulation of type, size and placement of buildings, lot sizes, reservation of easements, and prohibition of nuisances and other land uses that might affect the *desirability of a residential area*; and

WHEREAS, St. Tammany Parish recognizes that it is in the best interest of public health, safety and welfare to endeavor, whenever possible, to reduce the level of traffic and the emissions resulting from motor vehicles, particularly within residential subdivisions, to avoid unnecessary and intrusive noises, offensive odors and the proliferation of litter; and

WHEREAS, by requiring new subdivisions to have a single garbage collection company servicing the subdivision, the following benefits will result: a reduction in the level of traffic and problems associated with traffic; a reduction in the level traffic related emissions within the subdivision; avoidance of unnecessary and intrusive noises at varying times; a reduction in offensive odors that may result from untimely collections; reduction in the amount of wear and tear on streets; provide greater accountability for litter that can result from poor collection practices; and generally allow for greater control by, and accountability to, the residents of such subdivisions.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Section 40-074.01 Parish Enforced Subdivision Restrictions and/or Covenants of St. Tammany Parish Subdivision Regulatory Ordinance 499 is hereby amended and reenacted to enact a new paragraph h, and to reenact existing paragraph h as paragraph i, as follows:

Section 40-074.01 Parish Enforced Subdivision Restrictions and/or Covenants

h. Garbage collection service for all residences within the subdivision shall be provided by a single garbage collection company, to be selected by the developer, until such time as a homeowners' association is in place or fifty-one (51%) percent of the lots are occupied, whichever comes first. In the event that fifty-one (51%) percent of the lots are occupied, and a homeowners' association is not in place, selection of the single garbage collection company shall be by majority vote of the residents of the subdivision.

i. The aforementioned restrictions shall be recited in each title or deed in addition to the required listing on the final subdivision plat.

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:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____, 2006 AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: _____, 2005

Published adoption: _____, 2006

Delivered to Parish President : _____, 2006 at _____

Returned to Council Clerk: _____, 2006 at _____