

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3199

ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

COUNCIL SPONSOR: MR. DEAN

PROVIDED BY: LEGAL COUNSEL

INTRODUCED BY: MR. BURKHALTER

SECONDED BY: MR. CANULETTE

ON THE 5<sup>TH</sup> DAY OF JANUARY 2006

ORDINANCE CONCURRING IN TANGIPAHOA PARISH COUNCIL ORDINANCE NO. 05-64, AUTHORIZING TANGIPAHOA PARISH SEWERAGE DISTRICT NO. 1 TO COLLECT AND TREAT SEWERAGE FROM PUBLIC AND PRIVATE ENTITIES IN ST. TAMMANY PARISH, IN PARTICULAR THE BEDICO CREEK DEVELOPMENT, BY AMENDING AND REENACTING ST. TAMMANY PARISH CODE OF ORDINANCES, SECTION 21-401.10 COMMUNITY SEWERAGE SYSTEM REQUIRED, DESIGNATING THE EXISTING PROVISIONS THEREOF AS SUBSECTION (A) AND ENACTING A NEW SUBSECTION (B), AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Tangipahoa Parish Council has adopted T.P. Ordinance No. 05-64, attached hereto, which authorizes Sewerage District No. 1 of Tangipahoa Parish to accept sewerage from public and private entities located in St. Tammany Parish, provided the governing body for St. Tammany Parish grants its approval, and to treat this waste at Tangipahoa Parish Sewerage District No. 1 facilities in Tangipahoa Parish, Louisiana; and

WHEREAS, the Tangipahoa Parish Council has, in addition, authorized Sewerage District No. 1 to enter into contracts with public and private entities for the treatment of sewerage, and any other contractual provisions necessary to effectuate this service; and

WHEREAS, Bedico Creek Utilities, a private utility company regulated by the Louisiana Public Service Commission, is responsible for providing sewer and water services to the Bedico Project, located in unincorporated St. Tammany Parish, and is proposing to enter into an agreement with Tangipahoa Parish Sewerage District No. 1 for the purpose of connecting the Bedico Creek development into the new regional sewerage treatment facility of Tangipahoa Parish Sewerage District No. 1 (see attached documents of June 21, 2005 and December 15, 2005); and

WHEREAS, utilization of a regional sewerage treatment facility is in the best interest of the public health, safety and welfare.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it concurs in Tangipahoa Parish Council Ordinance No. 05-64, authorizing Sewerage District No. 1 of Tangipahoa Parish to accept sewerage from public and private entities located in St. Tammany Parish, specifically the Bedico Creek development and its sewerage treatment and water provider, Bedico Creek Utilities, to treat this waste at Tangipahoa Parish Sewerage District No. 1 facilities in Tangipahoa Parish, Louisiana, and to enter into such contract as is necessary to effectuate this service.

THE PARISH OF ST. TAMMANY HEREBY FURTHER ORDAINS that the St. Tammany Parish Code of Ordinances, SEC. 21.401.10, Community Sewerage System Required, is hereby amended and reenacted to redesignate the existing provisions as Subparagraph (A) and enact subparagraph (B) as follows:

**SEC. 21.401.10 COMMUNITY SEWERAGE SYSTEM REQUIRED**

(A) Community sewerage shall be provided in subdivisions comprised of 15 lots or more. This requirement shall apply to all new subdivision developments.

The use of individual sewerage systems in lieu of a community sewerage system may be authorized and will be considered under the following circumstances:

In subdivisions comprised of less than 15 lots with a minimum lot size of two acres or greater and a minimum frontage of 125 feet, when the developer submits a comprehensive drainage plan, as well as a proposal for restrictive covenants which detail requirements for perpetual maintenance of drainage. Whenever the average lot size of a proposed subdivision is greater than five acres, the DES may waive the requirement for a community sewerage system upon demonstration by the developer that the implementation of such provisions would prove to be a manifestly unreasonable financial hardship.

(B) In that development known as Bedico Creek, Bedico Creek Utilities, a private St. Tammany utility company regulated by the Louisiana Public Service Commission, is responsible for providing sewer and water services to the Bedico Development that is located in unincorporated St. Tammany Parish. The Tangipahoa Parish Council has adopted T.P. Ordinance No. 05-64, which authorizes Sewerage District No.1 of Tangipahoa Parish to accept sewerage from public and private entities located in St. Tammany Parish, provided the governing body for St. Tammany Parish grants its approval, and to treat this waste at Tangipahoa Parish Sewerage District No. 1 facilities in Tangipahoa Parish, Louisiana. Bedico Creek Utilities is authorized by St. Tammany Parish to enter into an agreement with Tangipahoa Parish Sewerage District No. 1 for the purpose of connecting the Bedico Creek development into the new regional sewerage treatment facility of Tangipahoa Parish Sewerage District No. 1, provided that Bedico Creek Utilities shall own both the sewer and water lines, shall maintain the sewer and water lines, and shall own and maintain the sewer lift stations and all related sewer facilities within the Bedico Creek Development.

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: