

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3308 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: STEFANCIK PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: MR. DEAN SECONDED BY: MR. FITZMORRIS

ON THE 1ST DAY OF JUNE, 2006

ORDINANCE TO AMEND AND RE-ENACT ST. TAMMANY PARISH CODE OF ORDINANCE 20-010.01 TO AUTHORIZE THE PARISH OF ST. TAMMANY, THROUGH THE OFFICE OF THE PARISH PRESIDENT, TO REGULATE ENTRY INTO PARISH RIGHTS OF WAY AND INTO CERTAIN WATERWAYS

WHEREAS, the Parish of St. Tammany, through the Office of the Parish President, is obliged to manage rights of way, public servitudes and other parcels of land & waterways for the benefit of the public at large, and

WHEREAS, circumstances governing the execution of this obligation are becoming more complex and burdensome by reason of the increasing number of federal and state laws applicable to this situation, and

WHEREAS, existing Parish Ordinances governing entry into Parish rights of way and certain waterways fail to adequately address issues raised by current and on-going issues and standards.

WHEREAS, there is a public need and purpose to maintain a suitable business environment in this Parish to allow private investment involvement in such enterprises that provide economic benefits and a tax basis for the public, and

WHEREAS, there is a critical need and purpose to ensure the ability and capability of private enterprise to assist with communication during times of need in emergency situations, including but not limited to declared States of Emergency for any reason whatsoever, and

WHEREAS, the Parish of St. Tammany hereby desires to create a uniform set of rules and regulations to design, monitor and ensure compliance with entry into rights-of-way and infrastructure in this Parish.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES to amend and re-enact st. Tammany Parish Code of Ordinance 20-010.01 to authorize the Parish of St. Tammany, through the Office of the Parish President, establish the following additional procedures and standards for gaining access to property and/or waterways in this Parish, whether public or private, opened or unopened, regardless of whether it exists within the Parish road maintenance system:

SECTION I:

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

SECTION II:

The Parish, through the Office of the Parish President, may adopt rules and regulations, from time to time, as necessary, to place into effect the purpose of this Ordinance.

SECTION III:

The Parish, through its appropriate departments, may establish additional procedures, guidelines, rules and regulations necessary to place into effect the purpose of this Ordinance.

SECTION IV:

The Parish may establish an application process to include, but is not limited to: requests to enter rights of way and waterways; proposals for installation of towers, equipment, cable, fiber and such related equipment or materials; schematic drawings; surveys; title examination/ proof of insurance/ ownership information; as-built drawings; site plans; wetland determinations; environmental assessments.

SECTION V:

The Parish is also empowered to impose and assess, including but not limited to: additional right-of-way dedication or donation; creation of additional servitudes; Hold Harmless/Indemnity Agreements; proof of liability insurance; proof of the Parish named as an additional-named insured; letters of credit; proof of performance bonding; maintenance agreements; responsibility for costs of relocation of utilities, engineering services, permits and the like.

SECTION VI:

The Parish, through the Office of the Parish President, shall have the right to review, approve and/or reject any application.

SECTION VII:

The Parish, through the Office of the Parish President, in conjunction with the Department of Engineering, shall have the right to review, approve and/or reject any plan submitted to the Parish.

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 immediately or as per law, which ever is earlier.