

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR No. 3482 ORDINANCE COUNCIL SERIES NO. 07-

COUNCIL SPONSOR: MR. GOULD PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: _____ SECONDED BY: _____

ON THE _____ DAY OF _____, 2007.

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 20 ROADS AND BRIDGES, ARTICLE I, SECTION 20-010.03 LOCATION AND PLACEMENT (OF UTILITIES), TO ADD PARAGRAPH (g) THEREOF, REQUIRING UTILITY COMPANIES, WITHIN THIRTY (30) DAYS OF A WRITTEN REQUEST, TO IDENTIFY THE LOCATION AND DEPTH OF A SUBSURFACE UTILITY LINE WITHIN A PARISH RIGHT OF WAY AND, IN SECTION 20-010.07(c), TO PROVIDE PENALTIES FOR NONCOMPLIANCE.

WHEREAS, in order to protect the public health, safety and welfare, it is imperative that the Parish be able to timely and accurately identify the location and depth of subsurface utility lines that have been placed by utility companies within a parish right of way.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, Chapter 20 Roads and Bridges, Article I, Section 20-010.03 Location and Placement (Of Utilities) and Section 20-010.07 Penalties are hereby amended and reenacted to provide as follows:

SEC. 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. f)~~ 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.

g) When the Division of Utility Regulation and Enforcement of the Department of Public Works makes a written request for a utility company to identify the location and depth of a subsurface utility line that has been placed within a parish right of way, the utility company shall provide the requested information in writing, and mark the location and depth of the utility line on an "as built" drawing, within thirty (30) days of the date of the written request. Failure to timely comply with this provision shall be subject to the penalties set forth in Sec. 20-010.07(c).

SEC. 20-010.04 Prior Approval For Exemption

Any deviation/exemption from the prescribed standards contained herein, must be approved prior to construction and/or installation by the Division of Utility Regulation and Enforcement of the Department of Public Works.

SEC. 20-010.05 Enforcement

It shall be the responsibility of the Division of Utility Regulation and Enforcement of the Department of Public Works to review and inspect the site after completion. In the event that damage is caused to the right-of-way through activity of the utility company or their agents, the Division of Utility Regulation and Enforcement of the Department of Public Works shall notify the utility company in writing by certified letter. The cost of repairing the damage shall be the sole responsibility of the utility company. Approval shall be required from the Division of Utility Regulation and Enforcement of the Department of Public Works of all specifications, as well as, contractor who will perform any corrective action required as stated in this Section. This Section does not apply to exceptions listed under Section 20-010.02.

SEC. 20-010.06 Violations

Any individual, corporation, their agents and/or contractors not conforming with the provisions of Sections 20-010.01-20-010.08 shall be subject to the penalty provisions as herein contained. Each day's offense shall be construed to be a separate and individual offense.

SEC. 20-010.07 Penalties

Violation of these sections shall constitute a misdemeanor punishable as follows:

a) \$500.00 per day, commencing five (5) working days after notification of damage if reasonable efforts have not been made to repair damage, until such time that repairs are completed to the satisfaction of the Division of Utility Regulation and Enforcement of the Department of Public Works. Five (5) working days shall not apply to exceptions listed under Section 20-010.02(3);

b) \$250.00 for lack of notification.

Each day of violation shall constitute a separate offense. Nothing herein contained shall prevent the Parish from taking such other lawful actions as necessary to prevent or remedy the violation.

c) \$500.00 per day, commencing on the thirty-first (31) day following the date of written request, for failing to respond to a written request for a utility company to identify the location and depth of a utility line that has been placed within a 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 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 _____, 2007 AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: December 28, 2006
Published Adoption: _____, 2007
Delivered to Parish President: _____, 2007 at _____
Returned to Council Clerk: _____, 2007 at _____