

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3888 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR MR GOULD PROVIDED BY COUNCIL ATTORNEY

INTRODUCED BY MR. BILLIOT SECONDED BY MR. BELLISARIO

ON THE 3RD DAY OF JULY 2008

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, APPENDIX B, CHAPTER 40 OF SUBDIVISION REGULATORY ORDINANCE NO. 499, SECTION 40-071.0, TO REQUIRE THE REMOVAL OF ALL ENCROACHMENTS FROM ALL PUBLIC SERVITUDES, EASEMENTS AND RIGHT OF WAYS PRIOR TO FINAL PLAT APPROVAL.

WHEREAS, encroachments on public servitudes, easements and right of ways are likely to constitute a serious impediment to the parish's ability to properly maintain and improve such servitudes, easements and right of ways; and

WHEREAS, encroachments that impede and/or interfere with the parish's ability to maintain and/or improve public servitudes, easements and right of ways present a serious threat to the public health, safety and welfare; and

WHEREAS, in order to protect the public health, safety and welfare from the risks arising from any encroachments on public servitudes, easements and right of ways located within a proposed subdivision.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends St. Tammany Parish Code of Ordinances, Appendix B, Chapter 40 of Subdivision Regulatory Ordinance 499, Section 40-071.0, to provide as follows, to wit:

APPENDIX B
CHAPTER 40 SUBDIVISIONS

Section 40-071.0 Final Approval Prior to & After Completion of Improvements

Final subdivision approval can be granted by the Planning Commission upon written request and after formal public hearings conducted before said commission in accordance with parish law and after receiving certification from the developer that the following items have been satisfactorily addressed:

1. Streets and other improvements are certified by the developer to be substantially complete insofar as to provide safe and efficient all weather access and traffic flow.
2. Drainage improvements are substantially complete and a letter from the Department of Environmental Services approving the sewer and water systems proposed.
3. A surety obligation pledged to St. Tammany Parish in the form of either and/or a funded performance or warranty letter of credit from a qualified bank or financial institution in good standing and doing business within the parish, or by providing cash and/or its equivalent to be held in receipt by the Department of Finance.
4. It shall be mandatory, prior to final subdivision approval, for the developer to remove, or cause to be removed, any encroachments from any servitudes and easements, of whatever nature or description, and from any right of ways that are dedicated, or to be dedicated, to the parish.

ORDINANCE CALENDAR NUMBER: 3888

ORDINANCE COUNCIL SERIES NO. 08-

PAGE 2 OF 2

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 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 ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____ 2008 AND BECOMES ORDINANCE COUNCIL SERIES NO. 08-.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: JULY 10, 2008
Published adoption on: _____, 2008
Delivered to Parish President: _____, 2008 @ _____
Returned to Council Clerk: _____, 2008 @ _____

INTER OFFICE



Kevin Davis
Parish President

MEMORANDUM

**ST. TAMMANY PARISH GOVERNMENT
COUNCIL OFFICE**

Date: July 2, 2008

To: Theresa L. Ford

From: Neil Hall

Re: PLACEMENT OF ITEM ON OFF THE FLOOR COUNCIL AGENDA

I am requesting the following item be placed on the July 3, 2008 Council Agenda. This item is time sensitive as President Davis wants to implement immediately.