

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3885 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: BINDER/DAVIS PROVIDED BY: ENG. / COUNCIL OFFICE

INTRODUCED BY: _____ SECONDED BY: _____

ON THE 3RD DAY OF JULY, 2008.

ORDINANCE TO AMEND AND REENACT ORDINANCE C.S. NO. 07-1510, ADOPTED FEBRUARY 01, 2007, AND 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 (h) THERETO, REGULATING THE PLACEMENT OF NEW UTILITY HOUSING STRUCTURES AND, IN SECTION 20-010.07(d), TO PROVIDE PENALTIES FOR NONCOMPLIANCE.

WHEREAS, by Ordinance C.S. No. 07-1510, the St. Tammany Parish Council amended the Code of Ordinances, Chapter 20, Roads and Bridges, Sec. 20-010.03, Location and Placement (of Utilities); and

WHEREAS, Section 20-010.03 provides for the regulation of public and private utilities in parish rights-of-way relative to new developments/subdivisions and relocation of existing utilities; and

WHEREAS, Sec.20-010.03 provides detailed requirements for the location of public and private utility equipment and collection and/or distribution lines; and

WHEREAS, the proper general maintenance and safety conditions of parish rights-of-way may be compromised by the placement of oversized above ground utility structures; and

WHEREAS, oversized above ground utility structures have the potential to detract from green spaces and general aesthetics of a given area.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that Ordinance C.S. No. 07-1510, adopted February 01, 2007, and 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 amended to regulate the placement of new utility housing structures 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.

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.

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).

h) After August 15, 2008, with the exception of utility poles, placement of new above ground utility housing structures larger than three (3) cubic feet is prohibited within the parish rights-of-way.

Above ground structures less than three (3) cubic feet in size shall be no more than two (2) feet from the right-of-way line and shall not obstruct right-of-way maintenance.

The proposed placement of structures less than three (3) cubic feet in size in the right-of-way of a tacit dedication or in any right-of-way less than 50 feet wide shall be submitted to the Department of Engineering and shall be subject to the review and approval by the Director of the Department of Engineering. Failure to comply with this provision shall be subject to the penalties set forth in Sec. 20-010.07(d).

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. 20-010.07 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.

d) \$250.00 for non-compliance or failure to submit proposal.

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.

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:

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THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____, 2008 AND BECOMES ORDINANCE COUNCIL SERIES NO.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: _____, 2008

Published Adoption: _____, 2008

Delivered to Parish President: _____, 2008 at _____

Returned to Council Clerk: _____, 2008 at _____