

ST. TAMMANY PARISH COUNCIL
ORDINANCE

ORDINANCE CALENDER NO. 4091 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: MR. HAMAUEI PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. HAMAUEI SECONDED BY: MR. BELLISARIO

ON THE 4TH DAY OF JUNE, 2009.

ORDINANCE TO AMEND AND REENACT ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 14 NUISANCES, ARTICLE I IN GENERAL, SECTION 14-002.00 ILLUSTRATIVE ENUMERATION, TO PROHIBIT UNFENCED AGRICULTURAL AND DECORATIVE PONDS, OXIDATION PONDS, AND PITS THAT MAY HOLD RAINWATER, WHICH ARE LOCATED ON RESIDENTIAL LOTS LESS THAN ONE HUNDRED AND FIFTY FEET IN WIDTH.

WHEREAS, a two-year-old child recently drowned after falling into a deep hole that became filled with rainwater after being dug to burn trees; and

WHEREAS, in order to protect the public health, safety and welfare, and particularly to protect small children from the risk of drowning in an unfenced pond or pit that is located in a subdivision or developed area of St. Tammany Parish.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, particularly Chapter 14 Nuisances, Article I In General, Section 14-002.00 Illustrative Enumeration, is amended and reenacted to prohibit unfenced agricultural and decorative ponds, oxidation ponds, and pits that may hold rainwater, when located on lots less than one hundred and fifty feet in width, and to provide as follows:

CHAPTER 14 NUISANCES
ARTICLE I In General
SEC. 14-002.00 Illustrative Enumeration

The following acts and/or omissions and the maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, these enumerations shall not be deemed nor construed to be conclusive, limiting or restrictive:

(A) Noxious weeds and other rank vegetation.

(B) Accumulation of rubbish, trash, refuse, junk discarded or abandoned major appliances, such as refrigerators, freezers, ranges, or other machinery, metal, tin and/or other discarded or abandoned materials, metals, lumber or other things, on any vacant lot, or any portion of any occupied lot, neutral ground, street, sidewalk, drainage way or any public or private right of way. (Amended by Ord. No. 05-1175, adopted 08/04/2005)

(C) Any condition which provides harborage for rats, mice, snakes and other vermin.

(D) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.

(E) All noises and sounds, including animal noises, that are unreasonably loud and intrusive, raucous, jarring or disturbing and which essentially interfere with the right of privacy within ones home or unreasonably interfere with the use of ones residential property, which is defined to include single-family, duplex or multifamily dwellings, nursing homes, outpatient surgical facilities and similar facilities.

(F) All noises or sounds that are unreasonably loud and intrusive, raucous, jarring or disturbing and which actually cause, or imminently threaten to cause, material and substantial disruption of the activities of such places as schools, courts, churches or businesses.

(G) All obnoxious and/or dangerous odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.

(H) The carcasses of animals or fowl not disposed of within a reasonable time after death.

(I) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.

(J) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

(K) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

(L) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

(M) Contractor s rubble, defined for the purposes hereof as the residue from construction, building demolition or razing of parts or the whole of structures and the residue of "do it yourself" repairs or other like operations including excavation.

(N) Building debris which is defined for the purposes hereof as plaster, roofing, concrete, brickbats, sand, discarded electrical wiring, lumber, pipes and fixtures resulting from construction repair, renovation or remodeling of any building, structure or appurtenance thereto.

(O) Camps, buildings and structures determined to be unsafe or dangerous by the St. Tammany Parish Chief Building Official.

(P) The placing of fill material comprised in whole or in part of asphaltic and/or asbestos roofing shingle on any lot, place or area situated on Lake Pontchartrain or any waterway which has a current flow and is designated as a river or bayou on any official map of the State of Louisiana or any other body of water, depression or bed, whether or not there is a current flow present or water present within its bank, when such stream is identifiable on any official map of the State of Louisiana and the directional course of said stream indicates a discharge of water into Lake Pontchartrain, to deposit or place, or to permit the deposition or placement on such lot, place or area, or upon any river bank or seashore said lot, place or area any fill material comprise, either entirely or partly, of asphaltic and/or asbestos roofing shingles.

(Q) Tree cuttings and other associated debris in public or private drainage ways, drainage servitudes, ditches or natural or man-made canals.

(R) The placing, throwing, sweeping, depositing or blowing of grass clippings, pine needles, pine cones, shrubs, brush, cut timber, the trimmings or clippings from hedges, shrubs, and/or other landscaping plants or trees, or any other yard debris, onto a public road or into any natural or manmade drainage channel, canal, easement, or roadside ditch. Any individual and/or company that is engaged in the business or regular activity that is commonly referred to as a landscape maintenance or grass cutting business shall be responsible to collect and properly dispose of all clippings, trimmings and/or other yard debris, rather than causing it, or allowing it to become, deposited on the roadway or into the drainage channel, canal, easement or roadside ditch.

(S) Any agricultural pond, decorative pond, oxidation pond, or pit that may hold rainwater, when located within the boundaries of a residential lot that is less than one hundred and fifty feet in width and not completely enclosed within a permanent and solidly constructed fence or wall of not less than four (4') feet in height and equipped with a self-closing and self-latching device for keeping the gates or doors closed and locked at all times when an adult is not present at the immediate site of the pond or pit.

REPEAL: The amendments set forth in this Ordinance shall not be considered to repeal any existing Ordinances or parts of Ordinances in conflict herewith. However, should any provision of an existing Ordinance be in conflict herewith, including the provisions of Section 3.03AT of the St. Tammany Parish Land Use Zoning Ordinance, the amendments set forth in this Ordinance shall govern.

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 _____, 2009 AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: _____, 2009

Published adoption: _____, 2009

Delivered to Parish President : _____, 2009 at _____

Returned to Council Clerk: _____, 2009 at _____