

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4042 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR BINDER/DAVIS PROVIDED BY: PRESIDENT/LEGAL

INTRODUCED BY: MR. BILLIOT SECONDED BY: MR. STEFANCIK

ON THE 2ND DAY OF APRIL 2009

ORDINANCE TO AMEND THE ST. TAMMANY PARISH CODE OF ORDINANCES, SECTION 2-009.00 PARISH FEES AND SERVICE CHARGES, TRANSPORTATION AND DRAINAGE IMPACT FEES.

WHEREAS, the Parish of St. Tammany is the fastest growing parish in the State of Louisiana; and

WHEREAS, the rapid growth has negatively impacted the capacity of the major street and storm water drainage networks within St. Tammany Parish; and

WHEREAS, it is the desire of the citizens of St. Tammany Parish to maintain adequate road capacity and storm water drainage as components in the preservation of the quality of life enjoyed by the citizens of the Parish; and

WHEREAS, the Parish of St. Tammany has determined that it is within the best interest of the citizens of St. Tammany Parish to establish mandatory transportation and drainage impact fees to maintain the capacities of the major street and storm water drainage networks within St. Tammany Parish; and

WHEREAS, due to the state of the local and national economy there exists a hardship on local contractors and developers in meeting all requirements of the Mandatory Impact Fee Ordinance; and

WHEREAS, it is the desire of the St. Tammany Parish Government to respond to the hardships of our community.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the St. Tammany Parish Code of Ordinances, Section 2-009.99 Parish fees and Service Charges, by making certain deletions and additions as follows:

(B.) Development

IV. Mandatory Impact Fees

A. Transportation Impact Fee

4. Time of fee obligation and payment.

a. After the effective date of the ordinance codified herein, any person or government body that causes the commencement of Traffic-Generating Development within unincorporated St. Tammany Parish shall be obligated to pay a road impact fee, pursuant to the terms of this Transportation Impact Fee Ordinance. The fee shall be determined and paid in accordance with the following schedule:

(1) Residential Subdivisions- at the time of Final Plat Approval or within 90 days of recordation of Final Plat if the appropriate security is posted as approved by the Director of Engineering and the Director of Finance. ~~A second 90 day period may be granted if deemed appropriate by the Director of Engineering~~

~~and the Director of Finance. If deemed appropriate by the Director of Engineering and the Director of Finance a second, third or fourth ninety (90) day period may be granted.~~

(2) Commercial Subdivisions - at the time of Final Plat approval if the size of the end user is known, else at the time of the issuance of a building permit. The payment at Final Plat Approval may be deferred for a period of 90 days of recordation of Final Plat if the appropriate security is posted as approved by the Director of Engineering and the Director of Finance. ~~A second 90 day period may be granted if deemed appropriate by the Director of Engineering and the Director of Finance. If deemed appropriate by the Director of Engineering and the Director of Finance a second, third or fourth ninety (90) day period may be granted.~~ If the end user is unknown, or the square footage of the end user is altered, the balance of the fee shall be paid at the time of the issuance of a building permit.

(3) Individual Commercial or Residential Structures - at the time of issuance of a building permit for the development.

b. If any credits are due pursuant to subsection 8, they shall also be determined at the time of payment. The fee shall be computed separately for the amount of construction activity covered by the permit, if the building permit is for less than the entire development. If the fee is imposed for a Traffic-Generating Development that increases traffic impact because of a change in use, the fee shall be determined by computing the difference in the fee schedule between the new Traffic-Generating Development and the Existing Traffic-Generating Development. The obligation to pay the impact fee shall run with the land.

B. Drainage Impact Fee

4. Time of fee obligation and payment.

a. After the effective date of the ordinance codified herein, any person or government body who undertakes development requiring a building permit within unincorporated St. Tammany parish shall be obligated to pay a drainage impact fee, pursuant to the terms of this Drainage Impact Fee Ordinance. The fee shall be determined and paid in accordance with the following schedule:

(1) Residential Subdivisions- at the time of Final Plat Approval or within 90 days of recordation of Final Plat if the appropriate security is posted as approved by the Director of Engineering and the Director of Finance. ~~A second 90 day period may be granted if deemed appropriate by the Director of Engineering~~

~~and the Director of Finance. If deemed appropriate by the Director of Engineering and the Director of Finance a second, third or fourth ninety (90) day period may be granted.~~

(2) Commercial Subdivisions - at the time of Final Plat approval if the size of the end user is known, else at the time of the issuance of a building permit. The payment at Final Plat Approval may be deferred for a period of 90 days of recordation of Final Plat if the appropriate security is posted as approved by the Director of Engineering and the Director of Finance. ~~A second 90 day period may be granted if deemed appropriate by the Director of Engineering and the Director of Finance. If deemed appropriate by the Director of Engineering and the Director of Finance a second, third or fourth ninety (90) day period may be granted.~~ If the end user is unknown, or the square footage of the end user is altered, the balance of the fee shall be paid at the time of the issuance of a building permit.

(3) Individual Commercial or Residential Structures - at the time of issuance of a building permit for the development.

b. If any credits are due pursuant to subsection 8, they shall also be determined at that time. The fee shall be computed separately for the amount of construction activity covered by the permit, if the building permit is for less than the entire development. If the fee is imposed for a change in use, the fee shall be determined by computing the difference in the fee schedule between the new development and the existing development. The obligation to pay the impact fee shall run with the land.

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

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: MARCH 26, 2009

Published adoption on: _____, 2009

Delivered to Parish President: _____, 2009 @ _____

Returned to Council Clerk: _____, 2009 @ _____