

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDER NO. 4120 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: MR. GOULD PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. STEFANCIK SECONDED BY: MR. ARTIGUE

ON THE 6TH DAY OF AUGUST 2009.

ORDINANCE TO IMPOSE A SIX (6) MONTH MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS AND OCCUPANCY PERMITS FOR STRUCTURES THAT ARE CONNECTED TO OR WILL BE PROVIDED SEWER SERVICE BY UTILITIES, INC. OF LOUISIANA, UTILIZING THE LIFT STATION LOCATED AT THE ENTRANCE OF CRESTWOOD ESTATES.

WHEREAS, Utilities, Inc. of Louisiana (herein after "UIL") operates a sewage collection system and lift station located at the entrance of Crestwood Estates (the "Crestwood Estates Lift Station"). For quite some time, the residents of Crestwood Estates have reported their concerns about the system to the Department of Environmental Services (herein after "DES"), particularly the odors emanating from the system. Further, on June 3, 3009, the system overflowed; and

WHEREAS, by letter of June 22, 2009 (copy attached as Exhibit "A"), "DES" sent notice to "UIL" that the Department understands that the lift station, as it is currently configured, is operating at maximum capacity. Further, while improvements to the system have begun, and further improvements are planned, represented by the plans and specifications for Phase II of the project that have been received by DES and recently approved, on July 21, 2009, a construction time line for Phase II of the sewerage improvements has not been provided; and

WHEREAS, while the Crestwood Estates Lift Station appears to operate as intended the majority of the time, DES is concerned that the addition of new customers, and in particular the Palmetto Greens Apartments, may cause additional failures of the Crestwood lift station. It is important to the DES that the improvements be installed and functioning prior to Palmetto Greens receiving occupancy; and

WHEREAS, it is in the best interest of the public's health, safety and welfare that no further structures be permitted to connect to, or be provided service by, the "UIL" sewage collection system that utilizes the lift station located at the entrance of Crestwood Estates until the necessary improvements to the system are installed and functioning.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that, in accordance with Section 2-14 of the Home Rule Charter, the Parish Council imposes a six (6) month emergency moratorium on the issuance of building permits and on the issuance of occupancy permits for any structure to be connected to, or to be provided service by, the "UIL" sewage collection system that utilizes the lift station located at the entrance of Crestwood Estates.

BE IT FURTHER ORDAINED that this Ordinance shall be effective immediately upon final adoption and shall remain in effect through March 4, 2010.

BE IT FURTHER ORDAINED that the moratorium imposed may be vacated, in whole or in part, by Resolution of this governing body pursuant to Chapter 5, Article II, Section 5-056.00 of the Parish Code of Ordinances.

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.

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PAGE 2 OF 2

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

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: July 30, 2009

Published Adoption: _____, 2009

Delivered to Parish President: _____, 2009 at _____

Returned to Council Clerk: _____, 2009 at _____