

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4487

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. HAMAUEI

ON THE 6 DAY OF JANUARY, 2011

ORDINANCE TO AMEND PARISH CODE OF ORDINANCES, SECTION 40-071.01 WARRANTY AND PERFORMANCE OBLIGATIONS TO PROVIDE AMENDMENTS WITH RESPECT TO INCREASING THE AMOUNTS AND DURATION OF WARRANTY OBLIGATIONS REQUIRED.

WHEREAS, the Parish Council has encountered an increasing financial burden in maintaining public streets and drainage infrastructure within approved subdivision which develops defects; and

WHEREAS, the Parish Council desires to hold the developers of subdivisions financially responsible for the future costs of repairs due to defects in said streets and drainage infrastructure for a longer initial period of time.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS THAT SECTION 40-071.01(2) OF THE PARISH CODE OF ORDINANCES WARRANTY OBLIGATIONS BE AMENDED AS FOLLOWS, TO WIT:

1. Warranty Obligations are established upon final acceptance of the subdivision which includes the construction of all street and drainage improvements. Said Warranty Obligation assures the parish that all construction work, completed by the developer, is in accordance with the plans and specifications of the development and free from any structural defects.

a. The amount of a Warranty Obligation shall be based upon the following current estimated repair costs for a street and supporting improvements:

Concrete Streets - ~~\$ 15.00~~ \$ 25.00 per linear foot

Asphalt Streets - ~~\$ 12.00~~ \$ 22.00 per linear foot

Gravel Streets - ~~\$ 10.00~~ \$ 20.00 per linear foot

b. The Planning Commission shall establish and set forth the amount of the Warranty Obligation as well as the duration Warranty Obligations shall be set for a minimum period of ~~one (1)~~ five (5) years to insure serviceability and structural integrity of the street and drainage infrastructure.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3 DAY OF February, 2011; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

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MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published Introduction: December 30, 2010

Published Adoption: \_\_\_\_\_, 2011

Delivered to Parish President: \_\_\_\_\_, 2011 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2011 at \_\_\_\_\_