

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5658

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: TANNER/SHARP

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. TANNER

SECONDED BY: MR. BELLISARIO

ON THE 6 DAY OF OCTOBER , 2016

ORDINANCE TO IMPOSE A SIX (6) MONTH MORATORIUM ON THE SUBMISSION AND APPROVAL OF ANY APPLICATIONS TO ENTER A PARISH RIGHT OF WAY TO EXTEND, OPEN AND/OR CONSTRUCT ANY UNOPENED PORTION OF SUCH RIGHT OF WAY FOR THE PURPOSE OF GAINING ACCESS TO ANY UNDEVELOPED LOT IN A DORMANT SUBDIVISION OR SUBDIVISION OF RECORD.

WHEREAS, for the purpose of this ordinance, a "dormant subdivision" is a subdivision defined by Section 40-081.0 of Subdivision Regulatory Ordinance No. 499 and a "subdivision of record" is a subdivision properly recorded with the St. Tammany Parish Clerk of Court prior to July 28, 1967. (See Sec. 40-034.01 of Subdivision Regulatory Ordinance No. 499); and

WHEREAS, the continued development of one or more lots in "dormant subdivisions" and "subdivisions of record" where no comprehensive drainage plan and sewerage plan exists for the overall development of the subdivision has the potential to adversely effect the health, safety, welfare and property interests of the residents in those subdivisions and surrounding areas; and

WHEREAS, to protect and preserve the health, safety, welfare and property interests of residents from the adverse effects of absent or poor drainage infrastructure, and the potential health hazards from individual sewage systems resulting from the continued development of one or more lots in "dormant subdivisions" and "subdivisions of record" where no drainage plan or sewerage plan exists for development of the entire subdivision, it is necessary to impose a six (6) month moratorium on the submission and approval of applications to enter the parish right of way to extend, open and/or construct any unopened portion of such right of way for the purpose of gaining access to any undeveloped lot in a "dormant subdivision" or "subdivision of record" to allow sufficient time for review of present drainage conditions, drainage infrastructure, available sewerage facilities and to determine appropriate corrective and/or preventive measures for proper drainage and sewerage discharge within these older and pre-regulatory subdivisions throughout the Parish.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that it imposes a six (6) month moratorium on the receipt of the submission of, and on the approval of, applications to enter the parish right of way to extend, open and/or construct any unopened portion of such right of way for the purpose of gaining access to any undeveloped lot in a "dormant subdivision" or "subdivision of record" where no comprehensive drainage plan and sewerage plan exists for the overall development of the subdivision.

BE IT FURTHER ORDAINED that this Ordinance shall be effective immediately upon final adoption and shall remain in effect through April 6, 2017.

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.

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 NOVEMBER , 2016 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTY DEAN, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: AUGUST 25 , 2016

Published Adoption: _____, 2016

Delivered to Parish President: _____, 2016 at _____

Returned to Council Clerk: _____, 2016 at _____