

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5651

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: DEAN/BRISTER

PROVIDED BY: LEGAL DEPARTMENT

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. CANULETTE

ON THE 4 DAY OF AUGUST , 2016

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
ST. TAMMANY PARISH, CHAPTER 20, SECTION 20-005.00
CULVERTS TO PROVIDE FOR THE FOLLOWING REVISIONS.

WHEREAS, regulations pertaining to culverts were established by Ordinance No. 98-2893 and amended by Ordinance No. 99-3069, which were codified as Section 20-005.00 of the Code of Ordinances; and

WHEREAS, an amendment is necessary to revise certain provisions.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that Section 20-005.00 of the St. Tammany Parish Code of Ordinances is amended as follows:

SEC. 20-005.00 Culverts

A. Definitions.

1. **Person** as herein used shall include any individual or individuals, and any firm, association, partnership or corporation, or any legal entity.

2. **Road** as herein used shall include any highway or street in the Parish Road Maintenance System whether paved, improved or unimproved; the term shall include dedicated rights-of-way for proposed and/or future roads.

3. **Drainage** as herein used shall include flow areas or ditches be they natural or dedicated.

4. **Special purpose** as herein used shall include any need for construction which allows for housing or enclosures requiring a culvert necessary to provide for the flow of water.

5. **Exemption or exempted** as herein used includes any person or installation to which this Section does not apply; provided, however, that this Section shall not be construed to relieve or release any person from driveway permit requirements under State Law as pertains to installations for ingress or egress to State Highways or State roads.

6. **Gas station** as herein used includes any site where fuel pumps or islands containing such fuel pumps are used or employed to sell or dispense gas, oil, lubricants, liquid or bottled, at wholesale or retail.

7. **Store** shall include any wholesale or retail commercial establishment offering any commodity or wares for sale, or which may be dispensed therefrom with or without charge.

8. **Department of Engineering** shall be said department in St. Tammany Parish as presently created, or as hereafter may be reorganized, merged or consolidated and any successor Parish agency thereto.

9. **Culvert** shall be a device, of whatever shape or contour, designed to be covered with earth, shell, gravel or any overlay of whatsoever nature or kind, the purpose of which, in size, diameter and strength is to provide safe traverse there over and to accommodate drainage, natural or dedicated, with the least impedance thereto.

10. **Grade** shall be that incline or slant longitudinally or latitudinally, as determined by a transom or other device to allow for ramp purposes as well as to ensure the flow of water in the ditch which is traversed; for the purposes hereof, it shall further include the depth at which the culvert is to be installed.

11. **Drive-in theater** shall mean an outdoor theater with an outdoor screen which provides for ingress and egress from a Parish roadway.

12. **Entrances which generate heavy traffic** as used herein shall include, but not necessarily be limited to, such commercial or noncommercial establishments, amusement parks, and/or buildings and/or ventures which generate vehicular traffic of such high proportion and count that the entry to or exit from same constitutes traffic hazards, dangers or slowdowns.

13. **Permission for culvert and driveway required if private property to be connected to Parish road.** That in all cases where a culvert is to be installed and/or a driveway constructed between

private property and a Parish owned and/or Parish maintained roadway, application for approval of the driveway shall be submitted to the Department of Engineering who shall determine that the driveway meets current roadway and traffic safety standards and conforms to existing drainage requirements for the area. A violation of this provision shall be deemed a public safety hazard and, in addition to any other enforcement actions and/or penalties, the Parish has authority to institute appropriate and immediate court proceedings to restrain, correct, or abate such violation through the issuance of a temporary restraining order and in due course, a preliminary and permanent injunction.

B. Exemption. Department of Engineering review of culvert verification under the Parish Building Permit process shall suffice in lieu of this requirement.

C. Installation standards and specifications . All culverts shall be purchased and installed by the landowner or person required to install same in conformity with the following:

1. The driveway or approach is for the bona fide purpose of securing access to private property and is not for the purpose of parking or servicing vehicles on the road shoulder or right-of-way.

2. All driveways, approaches or other improvements on the right-of-way, after having been constructed, shall at all times be subject to inspection and the right is reserved to require such changes, additions, repairs and relocations to be made as may at any time be considered necessary to permit the relocation, reconstruction, widening and maintaining of the highway and/or road and/or to provide proper and safe protection to life and property on or adjacent to the roadway; that the cost of making such changes, additions, repairs and relocations shall be borne by the property owner.

3. No driveway, approach or other improvement constructed on the right-of-way shall be relocated or its dimensions altered without the written permission of the Department of Engineering.

4. The property owner agrees to hold harmless the Parish of St. Tammany, the Department of Engineering, and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this Section.

5. The location, design and construction of the driveway or driveways described above shall be in accordance with the following rules and regulations:

1. The frontage of any parcel of property adjacent to a public road shall be considered to be confined between lines drawn from the intersection of the property lines with the right-of-way lines of the road to the roadway surface or to the curbing, if any, and perpendicular to the axis of the road; or if the axis is a curve, to the center of curvature; or a combination of the two (2). Those lines shall be known as boundaries.

2. Generally no more than two (2) combined entrances and/or exits shall be allowed any parcel of property the frontage of which is less than two hundred (200) feet. Additional entrances or exits for parcels of property having a frontage in excess of two hundred (200) feet shall be permitted only after showing of actual convenience and necessity. When frontage is fifty (50) feet or less, only one combined entrance and exit shall be permitted.

3. All culverts positioned within the drainage system shall be constructed of concrete, bituminous coated corrugated metal (16 gauge minimum) or plastic in accordance with Louisiana Department of Transportation and Development Standard Specifications for Roads and Bridges (Silver Book, 1992 Edition or latest edition thereto).

4. The minimum length of any culvert installed shall be as follows: ~~5.~~ **Residential** - 20 feet **Commercial** - 30 feet

~~5.~~ ~~6.~~ Any culvert installed shall be required to provide an adequate turning radius , to protect the integrity of the culvert and drainage structure.

~~6.~~ ~~7.~~ The area between driveways shall remain unimproved and open for drainage flow. This area shall be considered restricted and may be filled only as hereinafter provided.

~~7.~~ ~~8.~~ The distance between the inner edges of entrance and exit shall be not less than ten (10) feet where they intersect either the right-of-way line or the road surface.

~~8.~~ ~~9.~~ No entrance or exit shall be so constructed that any part of such entrance or exit shall be less than five (5) feet from the boundaries as defined above.

9. ~~10.~~ The grade of entrance and exit shall slope downward away from the road surface at a rate of not less than one-quarter (1/4) inch in one foot or not more than one inch per foot for a distance of not less than ten (10) feet; provided, that when curbing or curb and gutter is removed, the entrance and exit shall be constructed of concrete and the grade of entrance and exit shall conform to the grade of sidewalks, if any, and a neat junction between the apron of the entrance and exit and the sidewalk shall be made. The curbing shall be returned into the entrance and exit on a radius of not less than three (3) feet nor more than fifteen (15) feet.

10. ~~11.~~ The construction of parking areas on the road right-of-way is specifically prohibited. Those places of business requiring parking space for their customers shall provide same on their own premises.

11. ~~12.~~ No driveways parallel to the road shall be constructed on the right-of-way in front of gasoline pumps or other structures requiring an outside drive. Such pumps and structures are to be located a minimum distance of ten (10) feet from the right-of-way line in order that the outside drive shall not encroach on the right-of-way. (A fifteen-foot setback is recommended.)

12. ~~13.~~ Drainage in highway side ditches shall not be altered or impeded and the applicant must provide, at his expense, suitable and approved drainage structures at entrances and exits.

13. ~~14.~~ The same material may be used for driveways that is used to surface the premises unless the character of traffic or adjacent improvements require concrete.

14. ~~15.~~ All entrances and exits shall be so located that vehicles approaching or using them will be able to obtain adequate sight distance in both directions along the road in order to maneuver safely and without interfering with traffic.

15. ~~16.~~ No entrance or exit at the intersection of two (2) Parish roads shall be within the area between lines drawn perpendicular to the center line, or axis, of the road from points on the right-of-way lines, a distance of twenty-five (25) feet from the intersection of said right-of-way lines; provided, that this distance may be reduced at the discretion of the Department of Public Works to fifteen (15) feet in the case of a roadway intersecting a street; further provided that no part of any entrance or exit be within the radius of any intersecting highway or street; further provided that at intersections where additional right-of-way has been secured for the roadway back of the prolongation of the normal right-of-way lines in order to provide for the channelization of traffic, or more adequate sight distance, no part of any entrance or exit shall be permitted to encroach on such additional right-of-way. The areas described above shall be considered as restricted and may be filled only as hereinafter provided.

16. ~~17.~~ No entrance or exit at or near a roadway intersection where one or both of the roadways has a median divider or neutral ground, at crossings in esplanades, at bridges or other points of special hazard, shall be so located that any part of such entrance or exit shall be within the following restricted areas:

a. ~~18.~~ Those portions of the right-of-way shown as restricted areas on the Department of Engineering (or State Highway Department) standard drawings of approaches and restricted areas which may be secured by a person at his expense as required.

b. ~~19.~~ Those portions of the right-of-way that, because of their proximity to special traffic facilities, any entrance or exit constructed thereon would, in the opinion of the Department of Engineering, constitute an undue delay and confusion.

17. ~~20.~~ The area between entrance and exit, and those portions of the right-of-way which have been defined hereinabove as restricted areas, may be filled in only when the following requirements have been fully complied with, and upon adoption of a resolution by the governing authority.

18. ~~21.~~ Letter addressed to the Parish Engineer requesting permission to enter the parish right of way for the purpose of installing subsurface drainage.

19. ~~22.~~ Drainage design of the subsurface system certified by a licensed Louisiana State registered Engineer. The following design criteria must be satisfied:

a. ~~23~~: Drop inlets must be constructed for every fifty (50) feet of pipe.

b. ~~24~~: Largest pipe that can fit in existing ditch must be used for design, including the driveway culvert.

c. ~~25~~: Surface drainage shall be provided so that all surface water on the filled-in areas shall be carried away from the roadbed in a suitable manner. The drainage opening underneath the filled-in area shall be adequate to carry the water in the roadway side ditches.

d. ~~26~~: Elevations, top of casting and pipe inverts must be shown on the drawings to demonstrate compliance with the given design criteria.

20. ~~27~~: Signed and notarized Hold Harmless agreement.

21. ~~28~~: Copy of liability insurance coverage naming the Parish as an additional insured party.

22. ~~29~~: Data relative to the proposed location, relocation, design and construction of driveways as may be required by the Department of Public Works shall be furnished by the applicant. The applicant shall make any and all changes or additions necessary to make the proposed driveways or approaches satisfactory to the said Department.

23. ~~30~~: Signing for warning and protection of traffic in instances where excavations are made in the shoulder of the roadway, or in the roadway surfacing, or where workmen, equipment or materials are in close proximity to the roadway surfacing, shall be in accordance with requirements set forth by the Louisiana Department of Transportation & Development (LA DOTD) Manual on Uniform Traffic Control Devices (MUTCD).

24. ~~31~~: Drive-in theaters and other enterprises which generate heavy traffic:

a. ~~32~~: All applications for entrance and exit facilities to drive-in theaters, as well as to any other enterprise which generates a heavy concentration of traffic, shall be accompanied by a plan drawing and an area sketch drawn to scale.

b. ~~33~~: The position of the screen is to be such that the picture is not visible from the main roadway.

c. ~~34~~: The ticket office is to be located so as to provide a storage area between it and the right-of-way line for an equivalent of fifteen (15) percent of the rated vehicle capacity of the theater. The total storage area inside and outside of the ticket office shall be the equivalent of thirty (30) percent of the rated vehicle capacity of the theater. The parking or storage of vehicles on the road or within the limits of the road right-of-way will not be permitted.

d. ~~35~~: The entrance and exit shall be clearly defined by signs installed off the road right-of-way.

e. ~~36~~: Manual control, either by deputized officers of the Sheriff s Department or by theater personnel off the roadway, shall be used at the exits to regulate traffic when the theater is emptying. Undue delay to through traffic on the road will not be permitted.

D. Exemptions .

1. St. Tammany Parish and/or its contractors or assigns may remove and/or replace culverts in association with a drainage and/or road project.

2. When initiated by a property owner outside of a drainage and/or road project, St. Tammany Parish's Department of Public Works may install an owner-provided culvert; provided, however, that the Department of Public Works has satisfactorily determined that the Department's installation of the culvert benefits the public drainage. The property owner shall supply an applicable culvert at owner's expense. St. Tammany Parish's Department of Public Works will install the owner-provided culvert and cover same with aggregate when scheduling allows and in conjunction with other maintenance to be undertaken in the subject area. Any necessary cuts to a hard surface (i.e.: concrete, asphalt) to install

the culvert may be performed by Public Works and replaced with aggregate (i.e.: crushed rock, gravel). Otherwise, Owner is responsible for replacement and/or repair of hard surfaces.

D. Interpretation .

1. Nothing herein shall be construed to create, cause or place in St. Tammany Parish, nor in any of its officials, agents, servants or employees, any liability or responsibility for any claim for personal injury or property damage or whatsoever, save and except as a direct result of their actionable negligence.

2. Nothing herein shall be construed as estoppel or prohibition against any removal or realignment of any culvert(s) installed hereunder as may be from time to time required by the Parish; nor shall same prevent, release, prohibit or hinder any action by the Parish which may be required to enforce the provisions of this Section, or as same may be hereafter amended, or for any injunctive relief or damages and costs.

3. Any installation which is ordered to be removed or realigned by the Parish Engineer shall be at the sole expense of the property owner or the person installing same, or to their successors in title and any, each, and every culvert installation, whether or not a permit is required, shall be at the sole risk of the property owner or installer. This removal or realignment shall include repair of any damage or disturbance caused to the road ditch or shoulder.

E. Violations; penalties .

1. It shall be unlawful and shall constitute a Misdemeanor punishable as is included in Section 1-008.00 of the Code of Ordinances of St. Tammany Parish (and each and every day of violation shall constitute a separate offense) to violate any of the provisions of this Section.

2. It shall be similarly unlawful and punishable for any Parish employee to singularly or in concert with others violate or aid and abet or conspire with any other person or persons to violate any of the provisions hereof. It shall also be illegal for any Parish employee to specify or direct any person installing culvert(s) to a particular manufacturer, retailer, wholesaler or installer of culvert, pipe, and/or surface materials; or to use Parish equipment or materials in the preparation for, installation of, or surfacing of culverts other than that required in performance of their inspection duties.

3. Additionally, any Parish employee who violates any of the provisions hereof shall be subject to dismissal from Parish employment.

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 1 DAY OF SEPTEMBER , 2016 ; AND BECOMES ORDINANCE

COUNCIL SERIES NO _____.

MARTY DEAN, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JULY 28 , 2016

Published Adoption: _____, 2016

Delivered to Parish President: _____, 2016 at _____

Returned to Council Clerk: _____, 2016 at _____

Ordinance Administrative Comment

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, ST. TAMMANY PARISH, CHAPTER 20, SECTION 20-005.00 CULVERTS TO PROVIDE FOR THE FOLLOWING REVISIONS.

The Department of Public Works has requested amendments to the Culvert Ordinance to align the Ordinance with current practices.