

Ord.

2012-0129

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV

ORDINANCE NO. 14-12-11

An ordinance to amend the Code of Ordinances Chapter 15 Motor Vehicles and Traffic by adding Sec. 15-25 Shrubs, trees, and plantings within Parish right of ways, easements, and servitudes.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code of Ordinances, Chapter 15 Motor Vehicles and Traffic by adding Sec 15-25 Shrubs, trees, and plantings within Parish right of ways, easements, and servitudes.

Shrubs, trees, and plantings.

- 1) No shrubs, trees, and plantings on Parish right of ways, easements, and servitudes ~~shall~~ **should** be allowed to impede the vehicular sight lines of vehicles travelling on or entering onto Parish streets which are located within such right of ways, easements, and servitudes. When a question exists as to whether or not lines of sight are impeded, the benefit of the doubt shall rest with on the side of the line of sight being impeded. **After such time that** ~~When a hindrance or interference is found to exist exists due to such items,~~ the department which is the beneficiary of the right of way, easement, or servitude ~~shall remove such items~~ **has the authority to address the hindrance or interference as allowed by law.**
- 2) No shrubs, trees, and plantings ~~shall~~ **should** be allowed within Parish right of ways, easements and servitudes if they hinder or unreasonably interfere with their purpose as determined by the department which is the beneficiary of the servitude, unless authorized by ordinance. **After such time that** ~~When a hindrance or interference is found to exist exists due to such items,~~ the department which is the beneficiary of the right of way, easement, or servitude ~~shall remove such items~~ **has the authority to address the hindrance or interference as allowed by law.**
- 3) All existing shrubs, trees, and plantings contained within a divided median within a subdivision or median entrance to a subdivision shall be excluded from these provisions, provided these such items do not block vehicular travel sight lines.
- 4) **In addressing hindrances or interferences, only items which are located completely or substantially within the right of ways, easements, or servitudes may be removed as needed. Any hindrance or interference which overhangs over a right of ways, easements, or servitudes shall be trimmed to remove only the portion or portions which overhang into the servitude.**

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, LEWIS, WOODRUFF, HOGAN, COCHRAN

NAYS: WILSON, BENEDETTO, FLETCHER, FISHER-PERRIER

ABSENT: NONE

And the ordinance was declared adopted this 15th day of December, 2014, to become effective five (5) days after publication in the Official Journal.

2012-0129 Revised (11-17-14) Amend Code - Ch. 15-25 Shrubs, trees, and plantings

CHAIRMAN: [Signature]

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: 12/16/14

APPROVED: [Signature] DISAPPROVED:

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 12/17/14

AT: 2:30pm RECD BY: [Signature]