



ST. CHARLES PARISH


PAUL J. HOGAN, PE

COUNCILMAN, DISTRICT IV

MEMORANDUM

DATE: DECEMBER 8, 2009

TO: MS. KIMBERLY MAROUSEK
PLANNING & ZONING DIRECTOR

FROM: PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV 

RE: PROPOSED ORDINANCE FILE NO. 2009-0424/SWALE DEPOSIT

The discussion at the Legislative Committee Meeting, held on December 7, 2009, indicated that the Parish Council would prefer to have the existing Ordinance enforced. The question arose as to how the fee would be collected and refunded.

Please review the existing ordinance in consultation with Mr. Sam Scholle to determine if the Ordinance is enforceable "as is" or whether it would need to be tweaked in order to make it enforceable. If tweaking is required, please provide a proposed revision for consideration. Attached is the proposed ordinance which has the existing ordinance listed under "AS WRITTEN".

Please call should you have any questions. A response is requested no later than Wednesday, January 20, 2010.

Thanks.

PJH/BJT10:ag

attachment

cc: Parish Council
Mr. V.J. St. Pierre, Jr., Parish President w/attachment
Mr. Timothy J. Vial, Chief Administrative Officer w/attachment
Mr. Sam Scholle, Public Works/Wastewater Director w/attachment
Mr. Leon C. Vial, III, Legal Services Director w/attachment

Office

St. Charles Parish
P.O. Box 302
Hahnville, LA 70057
(985) 783-5000
Fax: (985) 783-2067
<http://www.st-charles.la.us>

Residence

101 Cadow Street
P.O. Box 250
Des Allemands, LA 70030
Phone: (985) 306-0085
Fax: (985) 306-0285
Cell: (504) 915-4116
Email: phogan@st-charles.la.us

2009-0424

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
ORDINANCE NO. _____

An ordinance to amend the Code of Ordinances Chapter 7, Drainage and Flood Control, Article I., In General, Section 7-2 Open-swale drainage systems; construction specifications and administrative procedures (b) Administrative Procedures; Permitting.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Chapter 7, Drainage and Flood Control, Article I., In General, Section 7-2 Open-swale drainage systems; construction specifications and administrative procedures (b) Administrative Procedures; Permitting be amended as follows:

AS WRITTEN:

(b) *Administrative Procedures; Permitting.*

- (1) Application for related improvements or development must be submitted to the department of public works. Applicants shall submit a non-refundable application fee of one hundred dollars (\$100.00). In addition, a swale deposit shall be submitted: three hundred dollars (\$300.00) for lots up to ninety (90) feet in width and four hundred dollars (\$400.00) for lots over ninety (90) feet and up to two hundred (200) feet in width. For lots over two hundred (200) feet in width, fees will be determined on a case-by-case basis. The deposit for normal corner lots shall include an additional one hundred dollars (\$100.00).
- (2) The swale deposit shall only be returned if the swale meets all of the above standards. The applicant must submit a written request to the department of public works to inspect the swale. The department shall arrange for the inspection of the swale by a licensed professional engineer registered in the State of Louisiana, either employed by the parish or contracted by the parish for the said purpose. If the swale fails to pass inspection, the department of public works shall inform the applicant in writing of the deficiencies noted in the inspection. If the deficiencies are not corrected within thirty (30) days of the date of the notice, then the department of public works may use all or a portion of the swale deposit to correct the deficiencies and to defray the cost of additional inspections; any remaining funds shall be returned to the applicant.
- (3) Upon final approval of the swale by the engineer, the department of public works shall furnish written certification of the completed swale to the department of planning and zoning. No permanent electric meter shall be installed until the swale passes inspection. Written notice by the planning department must be given to the electric utility company before the meter is installed at the site.

REVISED:

(b) *Administrative Procedures; Inspection.*

- (1) Upon request by the applicant for final inspection of permitted improvement on property which has open swale roadside drainage, the Planning and Zoning Department shall forward a written request to the Public Works Department requesting a formal inspection of the swale to confirm that the no foreign material and/or debris exist within the swale. The Public Works Department shall provide in writing a letter and/or e-mail to the Planning and Zoning Department stating that the swale is approved and that it is free of material and/or debris. Upon receipt of the swale approval letter, the Planning and Zoning Department shall not prohibit the installation of the permanent electric meter due to issues with the swale. Should the swale be not approved, the Public Works Department report shall state the reason for disapproval and the remedial action needed for approval. The applicant shall be provided a copy of the report and shall coordinate the remedial action to be performed by the applicant. The applicant shall notify the Planning and Zoning Department in writing when the remedial work is complete and ready for re-inspection by the Public Works Department. Should the swale

fail the second inspection, the applicant shall be charged a swale re-inspection fee in the amount of one hundred dollars (\$100.00) for each inspection thereafter which fee shall be paid prior to the subsequent inspection(s). Written notice by the Planning Department must be given to the electric utility company before the meter is installed at the site.

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

And the ordinance was declared adopted this _____ day of _____, 2009, to become effective five (5) days after publication in the Official Journal.

Amend Code - Chapter 7, Section 7-2 Open Swale Drainage Systems Admin Procedures 09

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____