



ST. CHARLES PARISH

PAUL J. HOGAN, PE

COUNCILMAN AT LARGE, DIVISION B

P.O. BOX 302 • HAHNVILLE, LA 70057

(985) 783-5000 • Fax: (985) 783-2067

www.stcharlesparish-la.gov

MEMORANDUM

DATE: FEBRUARY 24, 2017

TO: MR. ROBERT RAYMOND
LEGAL SERVICES DIRECTOR

FROM: PAUL J. HOGAN, PE
COUNCILMAN-AT-LARGE, DIVISION B

RE: LEGAL OPINION REQUEST
LO-2017-0003

Please review the following code provisions and provide a legal opinion as to the questions below:

Off-street parking in general:

9. At intersections of driveways and alleys with streets, no fence hedge, wall, sign, or other structure shall be erected, placed, or allowed to grow in such a manner as to impede vision between a height of two and one-half (2½) feet and ten (10) feet above the established driveway or alley grade level.
- (a) No shrubs, trees, and plantings on parish right-of-ways, easements, and servitudes 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.
7. Shrubs and trees.
 - a) No shrubs or trees shall be positioned to block any vehicular travel sight line.
1. Do these provisions allow for obstructions to be trimmed, removed, or addressed by whatever means necessary by the parish with respect to items blocking lines of sight or impeding vision, if they are located within a dedicated street right-of-way?

FEBRUARY 24, 2017
PAGE 2

2. Do these provisions allow for obstructions to be trimmed, removed, or addressed by whatever means necessary by the parish with respect to items blocking lines of sight or impeding vision, if they are located within a non-dedicated street right-of-way?
3. Do these provisions allow for obstructions to be trimmed, removed, or addressed by whatever means necessary by the parish with respect to items blocking lines of sight or impeding vision, if they are located within drainage, sewer, or any other non-street right-of-ways?

Your timely response to this request is as always greatly appreciated.

Thank you.

PJH/TKC549

cc: Parish Council
Parish President Larry Cochran



LARRY COCHRAN
PARISH PRESIDENT

ROBERT L. RAYMOND
DIRECTOR OF
LEGAL SERVICES

ST. CHARLES PARISH

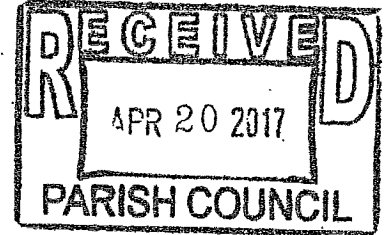
DEPARTMENT OF LEGAL SERVICES

14108 RIVER ROAD, DESTREHAN, LA 70047

(985) 783-5013 • Fax: (985) 307-0861

Website: www.stcharlesparish-la.gov

April 19, 2017



TO: PAUL J. HOGAN, PE, COUNCILMAN-AT-LARGE
ST. CHARLES PARISH COUNCIL

FROM: ROBERT L. RAYMOND, DIRECTOR
DEPARTMENT OF LEGAL SERVICES

RE: LO-2017-0003 Shrubs and Trees/Off Street Parking in General

Your Memorandum of February 24, 2017, as initially submitted, did not provide the codal references to the excerpts of the Code you cited. As such, your questions could not be answered. Thereafter, and at my request, you provided the citations of the Code from which you lifted the three separate excerpts.

Here is my response.

1. Appendix A, St. Charles Parish Code of Ordinances, Section VIII.A.9. does not allow the Parish to trim or remove obstructions on private property absent an agreement authorizing such. The St. Charles Parish Code of Ordinances at Chapter 15, §15-25 does provide St. Charles Parish the authority necessary to remove shrubs, trees and plantings from a dedicated street right-of-way if a vehicular site line is impeded by the shrubs, trees or plantings, subject to any specific legal requirements.
2. Re: St. Charles Parish Code of Ordinances Chapter 15, Section 15-25.
I am uncertain as to what you mean by a non-dedicated street right-of-way
3. Re: St. Charles Parish Code of Ordinance, Appendix A, Zoning Ordinance, Section 4, General Provision 1.
If the obstruction interferes with the purpose for which the non-street right-of-way is intended, then St. Charles Parish may legally address the subject of the interference.

Further, in several of your questions, you use the phrase "by any means necessary" to address certain situations. I would advise St. Charles Parish to use those means allowed by law or contract, and not use "any means necessary" to address certain situations.

RLR:dh
cc Larry Cochran

Sec. 15-25. - Shrubs, trees, and plantings.

- (a) No shrubs, trees, and plantings on parish right-of-ways, easements, and servitudes 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 a hindrance or interference is found to exist, the department which is the beneficiary of the right-of-way, easement, or servitude has the authority to address the hindrance or interference as allowed by law.
- (c) 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.

5. *Fences:* Fences shall comply with the following requirements:

- a. Fence height measurements shall include the chain wall in cases where a fence is positioned on top a chain wall.
- b. Residential fences erected within the required front yard setback shall not exceed four (4) feet in height above the finished grade of the fenced property adjacent to the fence.
- c. No fence shall be erected so as to block vehicular travel sight lines as defined in AASHTO (American Association of State Highway and Transportation Official Manual).

Off-street parking in general:

9. At intersections of driveways and alleys with streets, no fence hedge, wall, sign, or other structure shall be erected, placed, or allowed to grow in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the established driveway or alley grade level.

- (a) No shrubs, trees, and plantings on parish right-of-ways, easements, and servitudes 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.

7. Shrubs and trees.

- a) No shrubs or trees shall be positioned to block any vehicular travel sight line.