

Ord.

2009-0219

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
LARRY COCHRAN, COUNCILMAN, DISTRICT V
DENNIS NUSS, COUNCILMAN, DISTRICT VII
(DEPARTMENT OF PUBLIC WORKS)**

ORDINANCE NO. 11-4-15

An ordinance to amend the Code of Ordinances by revising Chapter 21, Article I, Section 21-1(e), and adding Section 21-1(f) regarding the installation of culverts in subdivisions/areas not accepted by the Parish with designed open swale/ditch drainage systems.

WHEREAS, numerous residents of subdivisions that were designed and accepted by the Parish with open swale/ditch drainage systems have expressed a desire to have their ditches closed in with the installation of subsurface drainage systems; and,

WHEREAS, numerous residents in other areas of the Parish with open swale/ditch drainage systems have also expressed a desire to have their ditches closed in with the installation of subsurface drainage systems; and,

WHEREAS, in order to respond to these requests and still maintain the integrity of the overall drainage systems, it is necessary that the Parish establish procedures for said installations; and,

WHEREAS, 2010 House Bill No. 941 Act # 719 Section 1. R.S. 33:4883 makes stipulations regarding installment and payment for culvert installations.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Chapter 21, Article I, Section 21-1(e) is hereby amended and Section 21-1(f) added to read as follows:

(e) Prohibitions. No culvert permits shall be issued, other than for driveway and walkway crossings, in any subdivision designed and constructed based on an engineering design with an open swale/ditch drainage system that was accepted by St. Charles Parish after January 1, 1992, nor in Davis Plantation Park Subdivision Phase I & II, Lagatutta Estates Subdivision, Willowdale Subdivision, and Willowridge Subdivision, Phase I, unless the following procedures have been complied with.

- (1) The owners of all of the lots in the subdivision must petition the Department of Public Works to request that subsurface drainage be allowed to be installed in the subdivision. Said petition shall include a copy of the Subdivision Restrictions to ensure that subsurface drainage is allowed in the subdivision per the restrictions. It shall be unlawful to allow for the installation of culverts in any subdivision in violation of the respective subdivision restrictions.
- (2) The subdivision owners shall obtain a Department of Public Works approved engineering firm to provide an estimated cost of the design and construction services required to install the subsurface drainage system for said subdivision. The subdivision owners will defray all cost associated with the engineering design and construction services. Said engineering services shall include, but is not limited to, the sizing of culverts, invert elevations, inspection costs, driveway replacements, relocating conflicting utilities, and all necessary drawings and documents stamped by a Louisiana Professional Engineer, along with an estimate of the sub surfacing cost of each lot. Approval of the engineering design by the Public Works Department is required in order to move forward.
- (3) The subdivision property owners shall be informed that the entire subdivision must agree to the subsurfacing and that payment for all cost, including engineering, materials, Public Works Department cost (Project Management), and installation shall be the responsibility of each subdivision property owner. This work is being done at the request of the subdivision property owners and does not necessarily mean that it is being done to address a drainage problem but to make the subdivision more aesthetically pleasing and improve the property values. The subdivision property owners shall have the option to pursue this work under the provisions of the front foot assessment program authorized by state law, provided all cost are paid by the property owners.

- (f) Converting open swale to subsurface in other areas not accepted by the Parish.
- 1) The owners of all of the lots in either a subdivision, or areas considered as a connected drainage system, must petition the Department of Public Works to request that subsurface drainage be allowed to be installed in the identified area(s). The "connected drainage area" will be determined at the time of the petition request and is defined as all inlet, exit, and interconnecting flows. Said petition shall include a copy of the Subdivision Restrictions to ensure that subsurface drainage is allowed in the subdivision per the restrictions. It shall be unlawful to allow for the installation of culverts in any subdivision in violation of the respective subdivision restrictions.
 - 2) The subdivision or identified area(s) owners shall obtain a Department of Public Works approved engineering firm to provide an estimated cost of the design and construction services required to install the subsurface drainage system for said subdivision or area(s) considered as a connected drainage system. Said engineering services shall include, but is not limited to, the sizing of culverts, invert elevations, inspection costs, driveway replacements, relocating conflicting utilities, and all necessary drawings and documents stamped by a Louisiana Professional Engineer, along with an estimate of the sub surfacing cost of each lot. Approval of the engineering designs is necessary from the Public Works Department in order to move forward.
 - 3) The subdivision property owners or areas considered as a connected drainage system shall be informed that either the entire subdivision or the identified connected drainage area owners must agree to the sub surfacing and that payment for all cost, including engineering, materials, Public Works Department cost (Project Management) inspection costs, and installation shall be the responsibility of the each property owner. This work is being done at the request of the property owners and does not necessarily mean that it is being done to address a drainage problem but to make the subdivision more aesthetically pleasing and improve the property values. The property owners shall have the option to pursue this work under the provisions of the front foot assessment program authorized by state law, provided all cost are paid by the property owners.

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

YEAS: SCHEXNAYDRE, AUTHEMENT, RAYMOND, TASTET, BENEDETTO, HOGAN, COCHRAN, LAMBERT, NUSS

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 4th day of April, 2011, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
 SECRETARY: [Signature]
 DLVD/PARISH PRESIDENT: April 5, 2011
 APPROVED: _____ DISAPPROVED: _____
 PARISH PRESIDENT: [Signature]
 RETD/SECRETARY: April 6, 2011
 AT: 4:00 pm RECD BY: [Signature]