

Ord.

2002-0482

INTRODUCED BY: **ALBERT D. LAQUE, PARISH PRESIDENT**
(Department of Planning & Zoning)

ORDINANCE NO. 02-12-3

An ordinance to amend The St. Charles Parish Code of Ordinances, Appendix C, Subdivision Regulations, Section II.F, Acceptance of Improvements, to add a requirement for approval by Public Works Director of any trees or shrubs on improvements, servitudes, easements, lands or portions of land proposed to be dedicated to the Parish, and a requirement for a five (5) year maintenance bond on any trees or shrubs so approved.

WHEREAS, the Subdivision Regulations do not address existing trees or shrubs in subdivision procedures; and,

WHEREAS, existing trees and shrubs add to the aesthetic value of newly created subdivisions and developments; and,

WHEREAS, subdividers and developers endeavor to create aesthetically pleasing residential subdivisions and commercial development by allowing existing trees and shrubs to remain in the rights of way in new subdivisions; and,

WHEREAS this places liability and responsibility for maintenance of such trees and shrubs on the Parish of St. Charles; and,

WHEREAS, the St. Charles Parish Council endeavors to reduce parish liability in all instances:

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code of Ordinances, Appendix C, Section II F is hereby amended by adding the following:

- 3. If any trees or shrubs exist upon any of the improvements, servitudes, easements, lands or portions of land proposed to be dedicated to the Parish, the subdivider shall remove them or shall file with the Director of the Department of Public Works a request to allow such trees and shrubs to remain at the time of dedication. The request shall include a detailed inventory of the trees or shrubs that the subdivider proposes to leave upon such improvements, servitudes, easements, lands or portions of land to be dedicated. The Director of the Department of Public Works, at his sole discretion, may approve or disapprove any such request in whole or in part.

Should the Director of the Department of Public Works approve any such request in whole or in part, the subdivider shall file with the parish a maintenance agreement and surety bond securing to the Parish the satisfactory maintenance of and/or removal of any such trees or shrubs so approved for a period of five (5) years from the date of the bond. The amount of the bond shall be one – hundred (100) percent of the cost of the maintenance of and/or removal of any such trees or shrubs as determined by the Parish Engineer and the form of the bond shall be approved by the Parish Attorney. The bond shall be subject to cancellation only upon the written approval of the Parish President.

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

YEAS: **RAMCHANDRAN, FAUCHEUX, HILAIRE, FABRE, ABADIE, AUTHEMENT, BLACK, MARINO, MINNICH**

NAYS: **NONE**

ABSENT: **NONE**

And the Ordinance was declared adopted this 2nd day of December, 2002, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: [Signature]
 SECRETARY: [Signature]
 DLVD/PARISH PRESIDENT: December 3, 2002
 APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: Albert D. Laque
 RETD/SECRETARY: December 1, 2002
 AT: 11:25 Am RECD BY: [Signature]