

CHAPTER 25

STREETS, SIDEWALKS AND DRAINAGE

- Sub-Chapter A -- Streets and Roads**
- Sub-Chapter B -- Drainage**
- Sub-Chapter C -- Street Lights**

Sub-Chapter A

Streets and Roads*

SECTION 25:1. PUBLIC ROADS DEFINED

All roads or streets in this State that are opened, laid out or appointed by virtue of any act of the Legislature or by virtue of an order of any parish governing authority in any parish, or any municipal governing authority in any municipality, or which have been or are hereafter kept up, maintained or worked for a period of three (3) years by authority of any parish governing authority in its Parish or by authority of any municipal governing authority in its municipality shall be public roads or streets as the case may be. Also all roads or streets made on the front of their respective tracts of land by individuals when the lands have their front on any of the rivers or bayous within this state shall be public roads when located outside of municipalities and shall be public streets when located inside of municipalities. (LRS 48:491)

Comment -- As noted by the source note, the provisions of the above section were derived from the Louisiana Revised Statutes and not from a local ordinance. Because the provision is self-operative and adds to the matters of law herein contained, it was included in this Code for the convenience of the user.

SECTION 25:2 RECOGNITION OF PUBLIC RIGHTS OVER EXISTING STREETS AND RIGHT OF WAYS

1. By virtue of any act of the Legislature - Highways, roads and streets constructed for and by the State of Louisiana or any of its political subdivisions are public roads
2. By virtue of an order of any parish governing authority –
 - A. Highways, roads and streets constructed for and by the Parish of Lafourche or any of its political subdivisions shall be considered public roads;
 - B. The Formal Dedication of new streets constructed in the development of new subdivisions shall occur via ordinance and in accordance with Chapter 19 of the Code of Ordinance;
 - C. Recognition of dedications made prior to the 1982 adoption of the Subdivision Ordinance shall apply as follows:

§ 25:22

1. Where the dedication exists as a legal description, as a written measurement of width and length, as a referenced recorded plats noted within the minutes of the Lafourche Parish Police Jury, then those specific dimensions shall apply; Street lengths shall be indicated in the Department of Public Works listing of public streets. The remainder of the right of way dedicated in the formal document may be improved by the parish after an initial investment of the landowner bringing the section of right of way up to a minimum base standard as described in Chapter 19:352C3ii; or de-dedicated by the parish.
2. Where the dedication exists as a street name with no definite measurement of width and length, then the Department of Public Works shall measure the current improved street lengths which shall be indicated in the Department of Public Works listing of public streets. There shall be no obligation by the parish to continue the street as public.
3. By virtue of authorized maintenance for a period of (3) years – Tacit Dedication is the acknowledgment that the parish has acquired a servitude of passage for the public through the operation of law where the parish has kept up, maintained or worked for a period of three years by the authority of the parish governing authority or its predecessor the Lafourche Parish Police Jury on a road or a section or extension thereof. In order to recognize tacit dedication and to legitimize continued expenditures made on a road or street not on the Department of Public Works listing of public streets, the governing authority may accept and approve by ordinance evidence that the parish governing authority has indeed kept up, maintained, or worked on a given street for a period of (3) years. The following types of evidence may be accepted in this process.
 - A. Public Works maintenance records shall be considered evidence of maintenance when and if it details that maintenance was conducted on the segment of the street in question.
 - B. When public works maintenance records do not detail work on a specific segment of road, an affidavit signed by a current or former Department of Public Works employee may be considered evidence as long as the affidavit contains assurances that the work was conducted under the knowledge and authority of that employees supervisor. The signing employee (or former employee) must assert that they were not paid nor did they receive any additional compensation for doing this work outside of their parish wages. The signing employee must acknowledge that they are not being paid to submit the current affidavit.

- C. When an ordinance is introduced to accept a street via tacit dedication (3 above), the Department of Public Works shall provide notice to the landowner in title. Notice shall be either personally served or served via certified mail. Both the landowner in title and representatives of the Department of Public Works shall have the opportunity to interview said supervisors to confirm or deny sworn statements. Public Hearings shall be held repeatedly at Council Meetings and the item deferred until the Department of Public Works until 100% of the landowners in title have received service. When service of 100% has been achieved, the Department of Public Works shall notify the Council Clerk. Two public hearing shall be held on this proposed ordinance giving landowners in title the opportunity to object or oppose the acknowledgement of the Tacit Dedication.

SECTION 25:3 Publication of Public and Private Streets List

The Parish shall publish a listing on their website listing all known public and private streets in the parish. Bound copies shall be made available at all parish offices and at all public libraries for review and dissemination. This listing shall reflect an internal review of various street lists held by the administration. The Department of Public Works shall investigate questions and concerns submitted in writing related to specific streets and review all documents submitted as evidence related to these questions and concerns.

SECTIONS 25:4 - 25:21. RESERVED

***Comment** -- For general state law provisions relating to parish and local roads, see LRS 48:471 et seq. For procedure to be followed in laying out new roads, see LRS 48:492 et seq.

§ 25:23

SECTION 25:22. REGULATIONS GOVERNING CONSTRUCTION OF ROAD DITCHES AND CULVERTS; INSTALLATION OF CULVERTS BY PARISH

Road ditches shall be constructed with sloped sides, having maximum angle of slope not exceeding 45 degrees off horizontal and be of sufficient depth so as to receive the acquired culvert size as determined in Ordinance 1177 and 1047. Culverts installed in public road ditches and/or across roads shall have a minimum of 12 inches of cover material. No culvert installed in public road ditches shall be smaller in equivalent opening size than that of the culvert crossing the nearest cross street. Culverts installed in public road ditches shall not be less than 15 inches in diameter or equal. Property access culverts shall not be less than 16 feet in length for streets having a riding surface of 18 feet or more in width and 24 feet in length for streets having a riding surface of 18 feet or less in width. When, by request, existing culverts are extended or new culverts are installed by Parish Council forces, it shall be the responsibility of the person or persons making the request to provide all culverts and surfacing materials. (Ord. No. 1606, 9/26/85)

Comment -- Ordinances 1047 and 1177, referred to in the above section, are early ordinances of the parish providing regulations governing the design and development of subdivisions and the streets, drainage and other public improvements contained therein. Ordinance No. 1047 applied parishwide, but Ordinance No. 1177 was only applicable in Wards 1, 2, 5 and 6. Both were codified in earlier editions of this publication. In 1982, however, the parish completely revised its subdivision regulations in a new comprehensive ordinance, Ordinance No. 1421, adopted October 13, 1982. Those regulations have been codified in Sub-Chapter D of Chapter 19 of this Code. Ordinance No. 1421 superseded the earlier regulations, and thus, the provisions of Ordinances No. 1047 and 1177 were removed from this publication. The reference in the above sections to Ordinances No. 1047 and 1177 would appear to be tying in provisions found in both specifying that the parish engineer shall specify the size, length and type of pipe and set the grade for any pipe or culvert installed in any parish road ditch or public drainage ditch. See Section 8 of Ordinance No. 1047 and Section IV-I of Ordinance No. 1177.

SECTION 25:23. SPECIFICATIONS FOR PIPES AND CULVERTS

A. The types of culverts used in parish rights-of-way must meet the standards set forth in the Louisiana Standard Specifications for Roads and Bridges Manual, 1982 Edition, Section 701 and as amended, as listed:

RCP	Reinforced Concrete Pipe
RCPA	Reinforced Concrete Pipe Arch
CMP	Corrugated Metal Pipe, Steel or Aluminum
CMPA	Corrugated Metal Pipe Arch, Steel or Aluminum
RCB	Reinforced Concrete Box Culvert
CSP	Corrugated Steel Pipe
CSPA	Corrugated Steel Pipe Arch
CAP	Corrugated Aluminum Pipe
CAPA	Corrugated Aluminum Pipe Arch
BCCSP	Bituminous Coated Corrugated Steel Pipe
BCCSPA	Bituminous Coated Corrugated Steel Pipe Arch
PCCSP	Polymeric Coated Corrugated Steel Pipe
PCCSPA	Polymeric Coated Corrugated Steel Pipe Arch
RPVCP	Ribbed Polyvinyl Chloride Pipe
SCHEDULE 20	Steel Pipes
SCHEDULE 40	Steel Pipes
SCHEDULE 60	Steel Pipes

§ 25:23

B. Schedule "80" uncoated steel casing may be approved by the Parish Department of Public Works.

C. For all types of metal, steel, or aluminum pipes, the minimum gage requirement will be sixteen (16) gage for fifteen inches (15") up to an including thirty-six inches (36"). Gage requirements for pipe sizes larger than thirty-six inches (36") will be approved by the Parish Department of Public Works.

D. All culverts must be installed by a Lafourche Parish Department of Public Works employee or by the supervision of a parish employee if a resident chooses to install the culvert themselves or hire a contractor. If a resident does not comply with this ordinance, the parish shall have the right to remove said culvert.

E. The Parish shall provide a "certificate of compliance" for all completed jobs and maintain a perpetual list of all compliant addresses.

F. The following sizes of culverts are to be used in the parish, unless otherwise specified in writing by the Director of the Department of Public Works or a certified Civil Engineer, as follows:

CULVERT SIZES BASED ON TOTAL AREA DRAINED												
DEPTH OF AREA DRAINED, IN FEET												
LENGTH	CULVERT	75	100	125	150	175	200	225	250	275	300	CULVERT
IN FEET	SIZE	TOTAL ACRES DRAINED										SIZE
100	15"	0.17	0.23	0.29	0.34	0.40	0.46	0.52	0.57	0.63	0.69	15"
200		0.34	0.46	0.57	0.69	0.80	0.92	1.03	1.15	1.26	1.38	
300		0.52	0.69	0.86	1.03	1.21	1.38	1.55	1.72	1.89	2.07	
400		0.69	0.92	1.15	1.38	1.61	1.84	2.07	2.30	2.53	2.75	
500		0.86	1.15	1.43	1.72	2.01	2.30	2.58	2.87	3.16	3.44	18"
600		1.03	1.38	1.72	2.07	2.41	2.75	3.10	3.44	3.79	4.13	
700		1.21	1.61	2.01	2.41	2.81	3.21	3.62	4.02	4.42	4.82	
800		1.38	1.84	2.30	2.75	3.21	3.67	4.13	4.59	5.05	5.51	24"
900		1.55	2.07	2.58	3.10	3.62	4.13	4.65	5.17	5.68	6.20	
1000		1.72	2.30	2.87	3.44	4.02	4.59	5.17	5.74	6.31	6.89	
1100		1.89	2.53	3.16	3.79	4.42	5.05	5.68	6.31	6.94	7.58	
1200		2.07	2.75	3.44	4.13	4.82	5.51	6.20	6.89	7.58	8.26	
1300		2.24	2.98	3.73	4.48	5.22	5.97	6.71	7.46	8.21	8.95	
1400		2.41	3.21	4.02	4.82	5.62	6.43	7.23	8.03	8.84	9.64	
1500		2.58	3.44	4.30	5.17	6.03	6.89	7.75	8.61	9.47	10.33	
1600		2.75	3.67	4.59	5.51	6.43	7.35	8.26	9.18	10.10	11.02	
1700		2.93	3.90	4.88	5.85	6.83	7.81	8.78	9.76	10.73	11.71	
1800		3.10	4.13	5.17	6.20	7.23	8.26	9.30	10.33	11.36	12.40	24"
1900		3.27	4.36	5.45	6.54	7.63	8.72	9.81	10.90	11.99	13.09	
2000		3.44	4.59	5.74	6.89	8.03	9.18	10.33	11.48	12.63	13.77	
2100		3.62	4.82	6.03	7.23	8.44	9.64	10.85	12.05	13.26	14.46	

§ 25:23

2200		3.79	5.05	6.31	7.58	8.84	10.10	11.36	12.63	13.89	15.15	
2300		3.96	5.28	6.60	7.92	9.24	10.56	11.88	13.20	14.52	15.84	
2400		4.13	5.51	6.89	8.26	9.64	11.02	12.40	13.77	15.15	16.53	
2500		4.30	5.74	7.17	8.61	10.04	11.48	12.91	14.35	15.78	17.22	
2600		4.48	5.97	7.46	8.95	10.45	11.94	13.43	14.92	16.41	17.91	
2700		4.65	6.20	7.75	9.30	10.85	12.40	13.95	15.50	17.05	18.60	
2800		4.82	6.43	8.03	9.64	11.25	12.86	14.46	16.07	17.68	19.28	
2900		4.99	6.66	8.32	9.99	11.65	13.31	14.98	16.64	18.31	19.97	
3000		5.17	6.89	8.61	10.33	12.05	13.77	15.50	17.22	18.94	20.66	
3100		5.34	7.12	8.90	10.67	12.45	14.23	16.01	17.79	19.57	21.35	
3200	24"	5.51	7.35	9.18	11.02	12.86	14.69	16.53	18.37	20.20	22.04	36"
3300		5.68	7.58	9.47	11.36	13.26	15.15	17.05	18.94	20.83	22.73	
3400		5.85	7.81	9.76	11.71	13.66	15.61	17.56	19.51	21.46	23.42	
3500		6.03	8.03	10.04	12.05	14.06	16.07	18.08	20.09	22.10	24.10	
3600		6.20	8.26	10.33	12.40	14.46	16.53	18.60	20.66	22.73	24.79	
3700		6.37	8.49	10.62	12.74	14.86	16.99	19.11	21.24	23.36	25.48	
3800		6.54	8.72	10.90	13.09	15.27	17.45	19.63	21.81	23.99	26.17	
3900		6.71	8.95	11.19	13.43	15.67	17.91	20.14	22.38	24.62	26.86	
4000		6.89	9.18	11.48	13.77	16.07	18.37	20.66	22.96	25.25	27.55	
4100		7.06	9.41	11.77	14.12	16.47	18.82	21.18	23.53	25.88	28.24	
4200		7.23	9.64	12.05	14.46	16.87	19.28	21.69	24.10	26.52	28.93	
4300		7.40	9.87	12.34	14.81	17.28	19.74	22.21	24.68	27.15	29.61	
4400		7.58	10.10	12.63	15.15	17.68	20.20	22.73	25.25	27.78	30.30	
4500		7.75	10.33	12.91	15.50	18.08	20.66	23.24	25.83	28.41	30.99	
4600		7.92	10.56	13.20	15.84	18.48	21.12	23.76	26.40	29.04	31.68	
4700		8.09	10.79	13.49	16.18	18.88	21.58	24.28	26.97	29.67	32.37	
4800		8.26	11.02	13.77	16.53	19.28	22.04	24.79	27.55	30.30	33.06	
4900		8.44	11.25	14.06	16.87	19.69	22.50	25.31	28.12	30.93	33.75	
5000	24"	8.61	11.48	14.35	17.22	20.09	22.96	25.83	28.70	31.57	34.44	42"
5100		8.78	11.71	14.63	17.56	20.49	23.42	26.34	29.27	32.20	35.12	
5200		8.95	11.94	14.92	17.91	20.89	23.88	26.86	29.84	32.83	35.81	
5300		9.13	12.17	15.21	18.25	21.29	24.33	27.38	30.42	33.46	36.50	
5400		9.30	12.40	15.50	18.60	21.69	24.79	27.89	30.99	34.09	37.19	
5500		9.47	12.63	15.78	18.94	22.10	25.25	28.41	31.57	34.72	37.88	
5600		9.64	12.86	16.07	19.28	22.50	25.71	28.93	32.14	35.35	38.57	
5700		9.81	13.09	16.36	19.63	22.90	26.17	29.44	32.71	35.98	39.26	
5800		9.99	13.31	16.64	19.97	23.30	26.63	29.96	33.29	36.62	39.94	
5900		10.16	13.54	16.93	20.32	23.70	27.09	30.48	33.86	37.25	40.63	
6000		10.33	13.77	17.22	20.66	24.10	27.55	30.99	34.44	37.88	41.32	
6100		10.50	14.00	17.50	21.01	24.51	28.01	31.51	35.01	38.51	42.01	
6200		10.67	14.23	17.79	21.35	24.91	28.47	32.02	35.58	39.14	42.70	
6300		10.85	14.46	18.08	21.69	25.31	28.93	32.54	36.16	39.77	43.39	

6400		11.02	14.69	18.37	22.04	25.71	29.38	33.06	36.73	40.40	44.08	
6500		11.19	14.92	18.65	22.38	26.11	29.84	33.57	37.30	41.04	44.77	
6600		11.36	15.15	18.94	22.73	26.52	30.30	34.09	37.88	41.67	45.45	
6700		11.54	15.38	19.23	23.07	26.92	30.76	34.61	38.45	42.30	46.14	
6800		11.71	15.61	19.51	23.42	27.32	31.22	35.12	39.03	42.93	46.83	
6900		11.88	15.84	19.80	23.76	27.72	31.68	35.64	39.60	43.56	47.52	
7000		12.05	16.07	20.09	24.10	28.12	32.14	36.16	40.17	44.19	48.21	
7100		12.22	16.30	20.37	24.45	28.52	32.60	36.67	40.75	44.82	48.90	
7200	30"	12.40	16.53	20.66	24.79	28.93	33.06	37.19	41.32	45.45	49.59	48"
7300		12.57	16.76	20.95	25.14	29.33	33.52	37.71	41.90	46.09	50.28	
7400		12.74	16.99	21.24	25.48	29.73	33.98	38.22	42.47	46.72	50.96	
7500		12.91	17.22	21.52	25.83	30.13	34.44	38.74	43.04	47.35	51.65	
7600		13.09	17.45	21.81	26.17	30.53	34.89	39.26	43.62	47.98	52.34	
7700		13.26	17.68	22.10	26.52	30.93	35.35	39.77	44.19	48.61	53.03	
7800		13.43	17.91	22.38	26.86	31.34	35.81	40.29	44.77	49.24	53.72	
7900		13.60	18.14	22.67	27.20	31.74	36.27	40.81	45.34	49.87	54.41	
8000		13.77	18.37	22.96	27.55	32.14	36.73	41.32	45.91	50.51	55.10	
8100		13.95	18.60	23.24	27.89	32.54	37.19	41.84	46.49	51.14	55.79	
8200		14.12	18.82	23.53	28.24	32.94	37.65	42.36	47.06	51.77	56.47	
8300		14.29	19.05	23.82	28.58	33.34	38.11	42.87	47.64	52.40	57.16	
8400		14.46	19.28	24.10	28.93	33.75	38.57	43.39	48.21	53.03	57.85	
8500		14.63	19.51	24.39	29.27	34.15	39.03	43.90	48.78	53.66	58.54	
8600		14.81	19.74	24.68	29.61	34.55	39.49	44.42	49.36	54.29	59.23	
8700		14.98	19.97	24.97	29.96	34.95	39.94	44.94	49.93	54.92	59.92	
8800		15.15	20.20	25.25	30.30	35.35	40.40	45.45	50.51	55.56	60.61	
8900		15.32	20.43	25.54	30.65	35.76	40.86	45.97	51.08	56.19	61.29	
9000	15.50	20.66	25.83	30.99	36.16	41.32	46.49	51.65	56.82	61.98		
9100	15.67	20.89	26.11	31.34	36.56	41.78	47.00	52.23	57.45	62.67		
9200	15.84	21.12	26.40	31.68	36.96	42.24	47.52	52.80	58.08	63.36		
9300	16.01	21.35	26.69	32.02	37.36	42.70	48.04	53.37	58.71	64.05		
9400	16.18	21.58	26.97	32.37	37.76	43.16	48.55	53.95	59.34	64.74		
9500	16.36	21.81	27.26	32.71	38.17	43.62	49.07	54.52	59.97	65.43		
9600	16.53	22.04	27.55	33.06	38.57	44.08	49.59	55.10	60.61	66.12		
9700	16.70	22.27	27.84	33.40	38.97	44.54	50.10	55.67	61.24	66.80		
9800	16.87	22.50	28.12	33.75	39.37	45.00	50.62	56.24	61.87	67.49		
9900	17.05	22.73	28.41	34.09	39.77	45.45	51.14	56.82	62.50	68.18		
10000	17.22	22.96	28.70	34.44	40.17	45.91	51.65	57.39	63.13	68.87		
	30"	36"			42"			48"				

§ 25:24

1. In order to insure proper drainage, if a resident does not comply with the above requirements, the parish has the right to remove the incorrectly sized culvert at owners expense, except for a main driveway culvert which will be at the parish's expense.

2. In order to insure proper drainage, if a resident does not comply with the above requirements, the parish has the right to remove the incorrectly sized culvert at owners expense. If the culvert is under a main driveway, the replacement of the driveway shall be at the parish's expense. The culvert size shall not exceed twenty-five (25') feet.

(Ord. No. 2000, 11/13/91; as amended by Ord. No. 2086, 1/13/93; and Ord. No. 2139, 7/14/93; Ord. No. 3571, 3/22/05; Ord. No. 3638, 6/28/05; Ord. No. 3650, 7/26/05)

Comment -- The enacting clause of Ordinance No. 2000 stated that it was amending Ordinances 1606, 1047, 1177 and 1228. Ordinance No. 1606 has been codified herein as Section 25:22. Ordinances No. 1047 and 1177 were codified in Chapter 19, but they have been superseded by other ordinances. For an explanation, see the Comment Note following Section 25:22. Ordinance No. 2086 revised the list of approved types of culverts the Parish will accept as set out in Paragraph A above. It also added the material set out in Paragraph C to the section. Ordinance No. 2139 added Schedule 20, Schedule 40 and Schedule 60 Steel Pipe to the list of pipes the parish can accept into its system.

SECTION 25:24. PROCEDURE FOR COST SHARING PROJECTS

A. Procedures

1. Residents that are interested in participating in a cost sharing program shall contact their Council Member.

2. The Council Member will set-up a meeting with the residents of the street.

3. If approximately sixty (60%) percent of the property owners express interest in the program, the Council Member will then contact the Parish President and the Public Works Department Head and they will agree upon an engineer for the project in house, if possible, to provide a preliminary cost per linear foot to residents of the street. This cost will be a ceiling cost.

4. The Lafourche Parish Council, in conjunction with the Council Members, will then attempt to contact all residents of the proposed street by U.S. Mail to inform them that a petition is being circulated for the cost sharing program. This letter will also schedule a second meeting to present the linear front foot ceiling cost as estimated by the engineer. This letter will serve as their first notice.

5. If at that time the residents want to proceed, a petition will be signed to move the program ahead.

6. If the minimum of sixty (60%) percent of the total street front footage property owners sign the petition, the petition will then be brought to the Department of Public Works for review and then forwarded to the Roads, Drainage and Bridges Committee with a recommendation. It will then be put on a priority list. Once funding becomes available, the cost sharing process shall proceed.

7. The Clerk of Court's Office will then certify every signature and address to make sure it is correct on the petition.

8. Once the petition has been accepted by the Parish Council, a **certified letter, which will serve as their second notice**, will be sent to all property owners along the said street stating the time and place where the public hearing will be held concerning the street paving project and their estimated front foot dollar amount with the ceiling cost.

9. NOTICE OF INTENTION TO CONSTRUCT STREET IMPROVEMENTS AND TO LEVY ASSESSMENTS

After the streets which will be improved as a result of the construction of the Project have been selected by the Consulting Engineer (the “Engineer”) and the Parish Council, and reviewed by the Bond Attorney, the Bond Attorney will prepare a resolution for adoption by the Parish Council which gives notice of a public hearing at which property owners can raise objections, file petitions and/or question the Parish Council with regard to the proposed project. The notice must be published once a week for three consecutive weeks in a newspaper published in the Parish, with the first publication at least fifteen (15) days prior to the public hearing.

10. PUBLIC HEARING

The Parish Council then conducts the public hearing and unless a petition is filed in opposition to the Project which is signed by property owners owning more than one half of the total front feet of property abutting the streets to be improved, then the Parish Council, in its discretion, may order the construction of the Project by adopting a resolution prepared by the Bond Attorney.

11. Once the public hearing has been held, a second petition showing fifty-one (51%) percent of the residents are still in favor, then the Lafourche Parish Council would resolve to proceed with the project appropriating their local portion and authorizing the Engineer to proceed with final plans and specifications.

12. PREPARATION OF FINAL PLANS AND SPECIFICATIONS, ADVERTISEMENT AND RECEIPT OF BID PROPOSALS - Once the resolution setting forth the cost has been completed and the Engineer has been authorized to prepare the Final Plans and Specifications, the Engineer will proceed with the final design of the project. Once the final Plans and Specifications have been completed and approved by the Owners, the Lafourche Parish Council or its staff must advertise and receive sealed bids for the construction of the project. The notice must be published once a week for three (3) consecutive weeks, with the first publication to be at least thirty (30) days before the receipt of sealed bids. The consulting engineer executes the engineer contract for each project.

13. AWARDING THE CONSTRUCTION CONTRACT - Once the bids have been received and the Consulting Engineer has evaluated these proposals in a statement entitled “Final Engineering Report” setting forth the appropriate maximum assessment for the project and a final total project budget for the project, the Bond Attorney then prepares a resolution for adoption by the Parish Council awarding the contract to the responsible bidder who has submitted the lowest sealed bid for the construction of the project.

14. ACCEPTANCE OF ENGINEER’S STATEMENT OF COST OF IMPROVEMENTS - The Consulting Engineer prepares a statement of cost of improvements prepared by the Engineer which shows in detail the total cost of the Project and the cost to be assessed against each abutting lot or parcel or real estate to be benefited by the Project. The Bond Attorney reviews the statement by checking the accuracy of the various calculations of the Engineer as well as verification of the Assessment List against the plats which identify

§ 25:24

the individual lots proposed to be assessed. If there are any discrepancies, they are resolved with the Engineer and the Abstractor. Bond Attorney then shall prepare a resolution for the Parish Council to adopt which accepts the Final Assessment Report. A Notice of Proposed Assessment must be mailed to each owner of a lot or parcel of real estate proposed to be assessed, and the Assessment Ordinance (hereinafter described) cannot be adopted until thirty (30) days after the mailing of the Notice. The property owners have fifteen (15) days in which to inform the Parish Council of any discrepancies in the proposed assessment. Usually, the Engineering Report is accepted at the same meeting at which the construction contract is awarded.

15. ASSESSMENT ORDINANCE - Bond Attorney will prepare an assessment ordinance which levies the assessment against each lot or parcel or real estate to be benefitted by the proposed improvements, which ordinance must be recorded in the mortgage records within seven (7) days of adoption. A Notice of Assessment letter, which is their third notice, is mailed to each property owner which advises that he has thirty (30) days from the date of adoption of the Assessment Ordinance to pay the assessments in cash; otherwise the assessments will be payable in annual installments over a ten (10) year period. Once this time has elapsed, the parish will pass the ordinance levying the final amount to be borrowed by the Parish against the properties for the project. Thence the Bond Attorney will proceed to negotiate for the sale of the bonds and delivery of the money to the parish.

16. SALE OF CERTIFICATES - To the extent that assessments are not paid in cash within thirty (30) days of the adoption of the assessment ordinance, the Parish shall issue Paving Certificates to provide funds to pay for the construction of the Project. The Bond Attorney will consult with the Parish Council to determine whether the Paving Certificates shall be sold at a private or public sale. Factors to consider include value of the property being assessed, the amount by which such property shall be benefitted by the project, the size of issue, interest of the financial community in the Paving Certificates, cost of an official statement and the need for an appraisal. If sold at a public sale, the Bond Attorney shall prepare proceedings providing for the publication of a Notice of Sale. For the sale of the Paving Certificates, we shall prepare the proceedings providing for the issuance, sale and delivery of the Paving Certificates. Bond Attorney will also make application to the State Bond Commission for approval of the sale, issuance and delivery of the Paving Certificates.

17. DELIVERY OF THE PAVING CERTIFICATES - Bond Attorney shall prepare the documents and proofs necessary for the delivery of the Paving Certificates. This includes the necessary certifications to be furnished by the Parish Council, including certificates required by the Internal Revenue Service to obtain and/or maintain the tax-exempt status of the Paving Certificates, and the certifications to be furnished by the bank which will serve as the paying Agent/Registrar for the Paving Certificates. Upon delivery of the Paving Certificates, we shall release our legal opinion pertaining to the legality and tax-exempt status of the Paving Certificates. Usually, the Paving Certificates are not delivered until thirty (30) days after the ordinance providing for the issuance of Paving Certificates has been published in the official journal as, under the Louisiana Constitution, no one has a right to contest the issuance of the Paving Certificates or the method of payment after said period has expired. In order that the thirty (30) day preemptive period will expire as soon as possible, Bond Attorney may request that the Parish Council adopt an ordinance which provides for the issuance of the Paving Certificates in an "not exceeding" principal amount at the time the assessment ordinance is adopted, and then prepare a supplemental ordinance for adoption after the thirty (30) day payment period for the assessments has expired which supplemental ordinance sets the specific amount of the Paving Certificates and accepts the best bid for the purchase of the Paving Certificates.

B. Definitions.

1. *Ceiling Cost* - a cost not to exceed the amount given by the engineer per linear foot.
2. *Project* - one street or a group of streets within a given subdivision.

C. General Information.

1. The Council Member representing the project area is the liaison person between the parish and the residents.
2. The Lafourche Parish Council will incur funds on an annual basis for the projects. The Council's portion of funding is approved when the budget is adopted.
3. A certain percentage is set for each project to include the engineering fees whether the engineering is done with or without in-house engineering. The Lafourche Parish Council decides on the percentage the parish will pay on a project.
4. A priority list will be comprised of first come first in line for projects rotating from district to district with no district receiving two (2) consecutive projects if other districts have projects waiting.
5. If a resident becomes delinquent in paying their installments, the Parish can demand payment of the balance according to State Statutes, 33:3688, 33:3689, 33:3689.1 - .17.

(Ord. No. 2298, 4/12/95)

Comment - A blank copy of a petition is attached to the original Ord. No. 2298.

SECTIONS 25:25 - 25:29. RESERVED

SECTION 25:30. USE OF PRODUCTS FROM INCINERATION PROCESSES RESTRICTED

A. No product, by-product, aggregate, or residue of any incineration process shall be used for road bed or street construction or maintenance or for any other landfill purposes on public property unless such product, by-product, aggregate, or residue of an incineration process shall have first been declared to be environmentally safe by the Office of Solid and Hazardous Waste of the Louisiana Department of Environmental Quality. Similarly, no such product, by-product, aggregate or residue of an incineration process may be used on private property within the boundaries of Lafourche Parish for landfill, house foundations or construction, or any other purpose, unless it has been similarly declared to be environmentally safe for such use. A vendor, donor, or owner selling, donating, or giving a product, by-product, aggregate, or residue of an incineration process for any use shall provide the vendee, donee, or recipient, proof of that safety declaration and failure to do so by such vendor, donor, or owner shall be a violation of this section for each individual sale, donation, or giving transaction.

B. No person shall purchase, sell, or offer for sale as a gift, or to donate, or accept as a donation of any product, by-product, aggregate, or residue of an incineration process for use in the Parish of Lafourche.

§ 25:40

C. Any person who violates the provisions of this section shall, upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00), or by both such imprisonment and fine, at the discretion of the court.

(Ord. No. 1886, 6/14/89; as amended by Ord. No. 1892, 8/9/89)

Comment -- Ordinance No. 1886 was originally adopted as an emergency ordinance. Ordinance No. 1892 contained basically the same provisions, but was adopted following the Council's regular ordinance procedure.

SECTIONS 25:31 -25:39. RESERVED

SECTION 25:40. USE OF PARISH ROADS, BRIDGES AND OTHER FACILITIES IN EXPLORATION, DRILLING AND TRANSPORTATION OF OIL, GAS AND OTHER MINERALS; PERMITS REQUIRED; BONDS; VIOLATIONS, PENALTIES

A. All persons, firms, corporations, etc., are hereby required to obtain the following permit from the Lafourche Parish Council to use roads, bridges, drainage and other facilities of the Lafourche Parish Council in the exploration for drilling for and/or transportation of oil, gas and minerals, etc.:

A permit is hereby granted to _____ to use roads, bridges, drainage, and other facilities of the Lafourche Parish Council "relative to the following project:

This permit is hereby granted with the provision that if any damage is caused to the roads, bridges, drainage, and other facilities of the Lafourche Parish Council in the carrying out of the said project, the Grantee binds and obligates himself to pay for or fully repair the same; that the Grantee is required to maintain general liability, including property damage, insurance from third party (non-owned) companies with limits of at least \$1,000,000.00 or more per occurrence and have their agent name the Lafourche Parish Council as additional insured under their policy and include a blanket waiver of subrogation, and additional insured as may be required by contract. Also, to provide proof of such insurance to the Parish with thirty (30) days written notification, if the policy is to be canceled or substantially changed, or non-renewed, before its expiration date. Additionally, Grantee has the option, instead of providing proof in insurance, to post a surety bond or an irrevocable letter of credit in the amount of \$100,000.00 to the Lafourche Parish Council to insure the Parish against any damages to its property. In the event it becomes necessary to expand Parish and State facilities in the areas where your pipelines and other facilities exist, it will be the responsibility of your company to move the pipeline and other facilities at your cost.

Thus granted and signed this _____ day of _____, 19____.

Department of Public Works
LAFOURCHE PARISH COUNCIL

(Ord. No. 1013, 7/14/65; as amended by Ord. No. 1191, 3/24/77; Ord. No. 1311, 6/23/80; Ord. No. 1334, 11/12/80; Ord. No. 1652, 2/27/86; Ord. No. 1727, 12/10/86; and Ord. No. 1819, 5/11/88)

Comment -- Ordinance No. 1013 superseded Ordinance No. 926 which also required permits for mineral exploration.

Ordinance No. 1191 increased the size of the surety bond required from \$10,000 to \$50,000. Ordinance No. 1652 authorized the filing of an "irrevocable letter of credit" in lieu of a surety bond. Ordinance No. 1727 authorized the filing of a cash deposit. Ordinance No. 1819 provided for the filing of a certificate of insurance in the amount of \$1,000,000 in lieu of the bond or a letter of credit.

Ordinance No. 1334 repealed a criminal penalty provision contained in the original ordinance. It was replaced in another section of this Code with a companion ordinance. See Section 15:12 for a new related provision providing criminal penalties.

For provisions related to the above section dealing with permits for pipelines, see Section 5:100 et seq., this Code.

SECTIONS 25:41 - 25:99. RESERVED

Sub-Chapter B

Drainage

SECTION 25:100. ROADSIDE DITCHES

A. Permanent Parish Servitudes:

All permanent parish servitudes shall state that it is an irrevocable offer for dedication and maintenance to Lafourche Parish, or the public utility company or special district having jurisdiction, the perpetual use by the public for proper purposes including, but not limited to, drainage, removal of sewage, utilities or parish uses easements, that are shown on the subdivision plats, no trees, shrubs, or plants may be planted, nor shall any building, fence, structure, or other improvement be constructed or installed within or over any servitude or right-of-way as to prevent or unreasonably interfere with any purposes for which the servitude or right-of-way was granted. The Parish has the authority to clean, sweep and/or dig roadside ditches in Lafourche Parish and provide for penalties for those who interfere with said parish work.

B. The Sheriff of this Parish is hereby specifically requested to assist in the enforcement of the provisions of this Section.

C. Any person who violates the provisions of this Section shall upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the Court.

(Ord. No. 3486, 9/28/04; Ord. No. 3652, 8/9/05)

SECTION 25:101. Permit Requirements

A permit will be required to install any and all culverts, bridges and or catch basin. Permit fees are intended on covering some of the cost in implementing the permit and inspection processes. Installation fees for culverts and/or catch basins to be installed by the Lafourche Parish Department of Public Works will be required. The following fees are required at the time the permit application is submitted:

Permit Fees:

Driveway or road entrance culvert or bridge not to exceed forty feet (40) in width - \$25.00

All additional culverts and catch basins - \$25.00

Bridges - \$250.00

Installation Fees:

Culverts less than 37” in diameter - \$1.50 per linear foot

Culverts greater than 37” in diameter - \$2.00 per linear foot

(Ord. No. 3847, 6/27/2006; Ord. No. 3943, 10/24/2006)

SECTION 25:102. RESERVED

SECTION 25:103. Completion Requirements

All requests for culvert installation shall be completed within sixty (60) days of payment of permit fees.

(Ord. No. 3847, 6/27/2006; Ord. No. 3943, 10/24/2006)

SECTION 25:104. Installation Requirements

The Department of Public Works will install catch basins without additional charge. A landowner may hire at his/her own expense a third party contractor to install any culverts or catch basins. Installation shall be in accordance with size and depth determinations made by the Department of Public Works. Third Party contractors will be required to comply with specification dictated by the Department of Public Works to ensure flow capacity. Any work orders which have been submitted before the effective date of this ordinance should be grandfathered in and all culverts and catch basins installed without any permit fees.

(Ord. No. 3847, 6/27/2006; Ord. No. 3943, 10/24/2006)

SECTIONS 25:105 - 25:149. RESERVED

Sub-Chapter C

Street Lights

SECTION 25:150. STREET AND ROAD LIGHTING, GENERAL PARISH POLICY ESTABLISHED

A. There shall exist a Lafourche Parish Council Road Lighting Policy which allows for the energizing of street lights according to guidelines set forth herein.

B. Parish supported road lights may only be installed or maintained along publicly owned roadways.

C. With the available funding, a lighting system will be prioritized and maintained as follows:

1. At intersections of state and/or federal highways;
2. At intersections of state and/or federal highways and bridges;
3. At intersections of state and/or federal highways and parish streets; and/or
4. At intersections of parish streets and/or railroad tracks;

(Ord. No. 1917, 1/25/90; as amended by Ord. No. 2103, 4/14/93)

Comment -- Originally, Paragraph C of the above included a sub-paragraph e. which provided a priority "Along public roadways at a distance of no closer than 500 linear feet apart in residential and commercial areas." Ordinance No. 2103 deleted that provision.

SECTION 25:151. STREET AND ROAD LIGHTING, FIXTURE SPECIFICATIONS

A. Except as provided in Paragraph B hereof, the standard lighting fixture shall be a 70 watt high pressure sodium light. If the rate structure for a 70 watt high pressure sodium light is not available, the energizing company must show proof of its attempt to secure a reduced rate from the Public Service Commission for the above mentioned light fixture. If the energizing company is not able to secure a reduced rate from the Public Service Commission, it may replace the 70 watt high pressure sodium light with a 175 watt mercury vapor lamp.

B. Where unique circumstances exist, which warrant special consideration, the lighting fixture may be either a 250 or 400 watt high pressure sodium or mercury vapor lamp mounted with a ten (10') foot arm extension. This shall be approved by the Council.

(Ord. No. 1917, 1/25/90)

SECTION 25:152. STREET AND ROAD LIGHTING, NEW SUBDIVISIONS

A. New subdivision developments must comply with existing subdivision regulations. The illumination of new subdivision lights, however, will be subject to the provisions set forth herein.

B. Light Standards: (Specially for all underground subdivisions only)

Lafourche Parish Coastal Energy and Environment Department shall not be responsible for maintenance of any street light facilities until at least one (1) building or house occupies the property adjoining the street light circuit serving the property.

C. Construction

1. Light standards may be located on either side of the street right-of-way, or in the easement designated for this purpose. It also may be located in the center of the median of the boulevard. There shall be one (1) standard at each intersection of streets and spacing of standards shall not be in excess of 250', and not less than 150' except without special permission from the Lafourche Parish Subdivision Regulations Planning Commission.

2. Lafourche Parish Coastal Energy and Environment Department specifications are as follows for new developments requesting to be accepted into the Parish:

Two (2) light fixture standards shall be as follows:

- A. Pole – shall be of fiberglass or spun aluminum material;
 - Minimum of 12-18' height above the street.
 - Direct burial or concrete base accepted.
 - Black or green in color-if fiberglass.
 - 10' extension arm. Two (2) arms facing street if located in the median.

B. Light – shall be 100 watt HPS-High Pressure Sodium “Cobra Head” fixture.

- C. Wiring – shall be #12/2pr gauge, exterior type with a ground and include a tracer wire to distinguish position.
 - Depth below ground shall be no less than 3'.

3. Decorative Lighting: If a decorative light is a desire, then an escrow account should be established for the lighting, paid for by contractors during the Permit process to the amount of \$300.00 per light. This would be for future maintenance on the light. Once the escrow account has been established, then the contractor may proceed with the desired lighting.

If an escrow is not established and residential contractor has intentions of Lafourche Parish Government taking over authority of lighting, then the Standard must be as stated above in Item No. 2.

(Ord. No. 1917, 1/25/90; amended by Ord. No. 3975, 12/12/2006)

§ 25:154

SECTION 25:153. STREET AND ROAD LIGHTING, MARKING OF STREET LIGHTS

Louisiana Power and Light and S.L.E.C.A. shall identify and mark all street lights paid for by the Lafourche Parish Council. (Ord. No. 1917, 1/25/90; as amended by Ordinance No. 2103, 4/14/93)

Comment -- Ordinance No. 2103 added S.L.E.C.A to the above section.

SECTION 25:154. STREET AND ROAD LIGHTING, VARIANCES

A. Variances to the policy will be considered in order to protect the safety and welfare of Lafourche Parish, i.e., elderly, handicapped, bedridden or residents with severe health conditions, dangerous curves, corner of parish streets where stop signs are located to prevent hazardous conditions, and at locations in residential areas where hazardous conditions affect the safety and security of parish residents. The request shall be made in writing to the Lafourche Parish Coastal, Energy and Environment Department by residents, Council Members and Parish President.

B. Variances shall be subject to the approval of the Coastal, Energy and Environmental Department Representative. Residents, Council Members, and the Parish President shall have the option to forward their disapproved lights to the Council Clerk who will place the disapproved light applications on the Council agenda for review, consideration and final determination.

C. Upon their approval, written authorization shall be forwarded to the appropriate utility company stipulating the exact location or an accurate address for the installation or the illumination of a light in the case of an existing facility. Said authorization shall be signed by the Coastal, Energy and Environmental Department Representative and notification will be submitted to the respective Council Member by the Lafourche Parish Coastal, Energy and Environmental Department.

(Ord. No. 1917, 1/25/90; as amended by Ord. No. 2103, 4/14/93; Ord. No. 3975, 12/12/2006)

Comment -- Ordinance No. 2103 made a number of primarily technical and procedural revisions to the above section. For example, Paragraph B originally read "Variances shall be subject to the approval of the Lafourche Parish Council." Paragraphs A and C were also revised.