

**THIS ORDINANCE WAS AMENDED BY ORDINANCE NO. 5764
AT THE MAY 24, 2016 LPC REGULAR MEETING.**

The following ordinance was introduced by Mr. Joe Fertitta, in regular session convened on May 13, 2014.

PROPOSED ORDINANCE

The following ordinance, having been previously introduced and published, was offered for final adoption by Mr. Joe Fertitta, seconded by Mr. John Arnold.

ORDINANCE NO. 5464

ORDINANCE AMENDING ORDINANCE NOS. 4326, 4462, 4753 AND 4862 AS IT PERTAINS TO DRAINAGE AS WELL AS AMENDING AND RE-ENACTING ARTICLE III - DRAINAGE, OF CHAPTER 36 OF THE LAFOURCHE PARISH CODE OF ORDINANCES.

BE IT ORDAINED, by the Lafourche Parish Council, which convened in Regular Session on May 27, 2014 that:

SECTION 1.

WHEREAS, for clarity of this ordinance, Article III - Drainage of Chapter 36 of the Lafourche Parish Code of Ordinances shall be included in its entirety;

WHEREAS, this ordinance is amending and re-enacting Article III. Drainage as follows:

Sec. 36-57. Permit requirements.

(b) A flat fee of ~~\$50.00~~ **75.00** which includes: *~deleting \$50.00 and replacing it with **\$75.00***

(4) ~~\$140.00~~ **50.00** permit fee for landscaping culverts *~deleting \$140.00 and replacing it with **\$50.00***

(4a) Rental Property - any person owning rental property next to each other with different addresses will only be required to purchase (1) one landscape culvert. *~adding this statement under (4)*

Sec. 36-61. Obstruction of drainage prohibited; violation, penalties.
*adding the words **violation, penalties** to the caption.*

Sec. 36-61. Obstruction of drainage prohibited; violation, penalties.
~ under (b) - changing (b) to read as follows:

(b) Whoever violates this section shall **either** be:

1. fined not less than \$25.00 nor more than \$10,000.00 per day or imprisoned for a period of not more than 30 days or both; each obstruction shall constitute a separate offense

2. made a party to civil litigation filed by the Parish of Lafourche

Sec. 36-63. Obstruction of drainage prohibited; violation, penalties.
~deleting the caption and this entire section; repeat of Sec. 36-61.

Sec. 36-64. Interference with drainage prohibited.
~deleting the caption and this entire section; repeat of Sec. 36-62.

Sec. 36-653-36-86. Reserved.
*~deleting 5 of 36-65 and replacing with **3** creating 36-63 to follow correct numerization with the deletion of Sec. 36-63 and Sec. 36-64.*

ARTICLE III. DRAINAGE

Sec. 36-56. Roadside ditches.

(a) Permanent parish servitudes. All permanent parish servitudes shall state that it is an irrevocable offer for dedication and maintenance to the parish, or the public utility company or special district having jurisdiction, for 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 the 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 30 days, or by a fine of not more than \$500.00, or by both such imprisonment and fine, at the discretion of the court.

Sec. 36-57. Permit requirements.

(a) A permit will be required to install any and all culverts, bridges and/or catchbasins in the parish. Permit fees are intended on covering some of the cost in implementing the permit and inspection processes. The following fees are required at the time the permit application is submitted:

(b) A flat fee of ~~\$50.00~~ 75.00 which includes:

(1) One residential driveway culvert per legal size lot (shall not include any existing driveways);

(2) An inspection by the field office before and after up to 40 feet per driveway;

(3) Return funds to residents that paid the \$200.00 fee (reimburse the difference) and have the parish install the culvert; and

(4) ~~\$150.00~~ 50.00 permit fee for landscaping culverts.

(4a) Rental Property - any person owning rental property next to each other with different addresses will only be required to purchase (1) one landscape culvert.

Sec. 36-58. Driveway culverts in new development.

In any new developments which are made in the parish, the developer, builder, and/or homeowner shall install driveway culverts only at their (the developers, builder's and/or homeowner's) expense with the inspection and that it be permitted by the parish department of public works.

Sec. 36-59. Completion requirements.

All culvert installation shall be completed by the owner within 90 days of payment of permit fees.

Sec. 36-60. Installation requirements.

A landowner shall hire at his own expense a third party contractor to install any culverts or catchbasins. 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 specifications dictated by the department of public works to ensure flow capacity. Any work orders which have been submitted before the effective date of the ordinance from which this section is derived should be grandfathered in and all culverts and catchbasins installed without any permit fees.

Sec. 36-61. Obstruction of drainage prohibited; violation, penalties.

(a) No person shall willfully obstruct any natural or artificial drainage canal, creek, bayou, or small river, or any public or private drainage.

(b) Whoever violates this section shall ~~either be: fined not less than \$25.00 nor more than \$10,000.00 per day or imprisoned for a period of not more than 30 days, or both.~~ Each obstruction shall constitute a separate offense.

1. fined not less than \$25.00 nor more than \$10,000.00 per day or imprisoned for a period of not more than 30 days, or both; each obstruction shall constitute a separate offense

2. made a party to civil litigation filed by the Parish of Lafourche

(c) Failure on the part of anyone who has felled or cut trees in such a manner that the tops obstruct any drainage or has placed any other obstruction in any drainage to remove the obstruction shall constitute prima facie evidence of willful intent within the meaning of this section.

(d) The term "drainage," as used in this section, means any natural drain or any artificial drain which has been used for the purposes of drainage for at least ten years

Sec. 36-62. Interference with drainage prohibited.

(a) No person shall dump or discharge or permit to be dumped or discharged into any waters or drains of the state any trees or other objects, substances, or materials which might interfere with the drainage.

(b) Whoever violates this section shall be fined not less than \$25.00, nor more than \$10,000.00 per day, or imprisoned for a period of not more than 30 days, or both.

~~Sec. 36-63. Obstruction of drainage prohibited; violation, penalties:~~

~~(a) No person shall willfully obstruct any natural or artificial drainage canal, creek, bayou, or small river, or any public or private drainage.~~

~~(b) Whoever violates this section shall be fined not less than \$25.00 nor more than \$10,000.00 per day or imprisoned for a period of not more than 30 days or both. Each obstruction shall constitute a separate offense. Failure on the part of anyone who has felled or cut trees in such manner that the tops obstruct any drainage or has placed any other obstruction in any drainage to remove the obstruction shall constitute prima facie evidence of willful intent within the meaning of this section.~~

~~(c) The term "drainage," as used in this section, means any natural drain or any artificial drain which has been used for the purposes of drainage for at least ten years.~~

~~Sec. 36-64. Interference with drainage prohibited:~~

~~(a) No person shall dump or discharge or permit to be dumped or discharged into any waters or drains of the state any trees or other objects, substances, or materials which might interfere with the drainage.~~

~~(b) Whoever violates this section shall be fined not less than \$25.00, nor more than \$10,000.00 per day, or imprisoned for a period of not more than 30 days, or both.~~

Secs. 36-65 3—36-86. Reserved.

THEREFORE BE IT ORDAINED, that the Lafourche Parish Council convened in Regular Session on May 27, 2014, and does hereby approve the amendments to this Ordinance;

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance shall be forwarded to MUNICODE; Director of Plans and Permit; the Department Head of DPW; and the Office of the Parish Administrator.

BE IT FURTHER ORDAINED, that

SECTION 2. If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not effect other provisions, items or application of this ordinance which can be given affect without the invalid provisions, items or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All Ordinances by the Lafourche Parish Council conflicting with or inconsistent with the provisions of these regulations are hereby repealed.

SECTION 4. This Ordinance shall be published in the Official Journal of the Lafourche Parish Council in the manner provided by law.

SECTION 5. This Ordinance, having been submitted in writing, having been read and adopted by sections at a public meeting of said Council, was then submitted to an official vote as a whole, the vote thereon being as follows:

YEAS: Mr. Jerry Jones
Mr. Michael Delatte
Mr. Joseph "Joe" Fertitta
Mr. John Arnold
Mr. Phillip Gouaux
Mr. Jerry LaFont
Mr. Daniel Lorraine

NAYS: None

ABSENT: Mr. Aaron Caillouet
Mr. Lindel Toups (out of room at time of vote)

SECTION 6. This Ordinance shall become effective on the tenth day after final publication.

/s/ Daniel Lorraine
DANIEL LORRAINE, CHAIRMAN
LAFOURCHE PARISH COUNCIL

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

* * * * *

Delivered to the Parish President on

May 29, 2014, at 7:30 a.m.

APPROVED: **X**

UNAPPROVED: _____

VETOED: _____

/s/ Charlotte A. Randolph
Lafourche Parish President

Returned to the Council Clerk on

June 2, 2014, at 2:00 p.m.

* * * * *

I, CARLEEN B. BABIN, Council Clerk for the Lafourche Parish Council, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5464, enacted by the Assembled Council in Regular Session on May 27, 2014, at which meeting a quorum was present, and was finally adopted on June 2, 2014.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 11TH DAY OF JUNE, 2014.

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

DATE PUBLISHED: JUNE 18, 2014

DATE EFFECTIVE: JUNE 28, 2014