

The following ordinance, which was previously introduced in written form required for adoption at a regular meeting of the Parish Council on November 13, 2014, a summary thereof having been published in accordance with law, together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage December 11, 2014, on Motion of Jim Norred and seconded by Marshall Harris:

L. P. ORDINANCE NO. 14-45

AN ORDINANCE AMENDING ARTICLE V, "MINERALS, OIL AND GAS," CHAPTER 9, "LICENSES AND BUILDING REGULATIONS," OF THE LIVINGSTON PARISH CODE OF ORDINANCES, BY ADDING SECTION 9-111 "MINING OF SAND, GRAVEL, BORROW PITS, OR OTHER AGGREGATES, OR OTHER SUBSTANCES FROM THE SOIL FOR COMMERCIAL PURPOSES."

WHEREAS, by the authority of the Livingston Parish Home Rule Charter, the Livingston Parish Council is the governing authority of the parish; and

WHEREAS, the Livingston Parish Council desires to regulate the mining of sand, gravel, borrow pits or other aggregates, or substances from the soil for commercial purposes, and

THEREFORE BE IT ORDAINED by the Livingston Parish Council, Parish of Livingston, and State of Louisiana: The Code of Ordinances of the Parish of Livingston, Louisiana, is hereby amended by adding a section, to be numbered Section 9-111, which section reads as follows:

SECTION 9-111. MINING OF SAND, GRAVEL, BORROW PITS, OR OTHER AGGREGATES, OR OTHER SUBSTANCES FROM THE SOIL FOR COMMERCIAL PURPOSES

**Section 9-111.1 Definitions**

*Aggregate* – as used here defines any mineral deposit or composition of several minerals mined for commercial use excluding petroleum oil, natural gases, or lignite coal.

*Borrow pit* – a place or premises where soil, sand, gravel, or other natural material is removed by excavation for use at another location and which leaves a depression or pit.

*Pit* – actual hole or physical depression in the soil being dug.

**Section 9-111.2 Informal Discussion**

Prior to filing application for approval, a representative is REQUIRED to have an informal discussion with the Planning Commission's Review Engineer and other parish staff and officials deemed appropriate in an effort to resolve technical matters regarding the proposed *site* prior to consideration by the Planning Commission.

All operators are required to prepare and submit the following:

- A. The Operator must submit at the time of permit application, including but not limited to: areas of property subject to flood hazards, areas of the property to be used for material or machinery storage, proposed excavation areas shown by phases and sequences of the final excavation.
- B. Operator must provide a Reclamation Plan consistent with the Best Practices of Land Use of Coastal Louisiana or in accordance with land owners wishes.
- C. Operators shall identify planned hours of operation.
- D. If a permit is issued the operators agree to allow announced and unannounced inspections of their facilities by the inspectors listed in section 9-111.5..
- E. Preliminary Site Plan

- F. Dust Control methods must be discussed in the Preliminary meeting.
- G. As a courtesy, a single representative of the Home Owners Association or group of residences may attend.

At the Planning Commission meeting a recommendation will be made to the Parish Council and forward the development to the Parish Council for approval/disapproval of permitting.

### **Section 9-111.3 Parish Permitting / Application**

The Parish Permits Department shall grant a permit if the Sand/Gravel/Borrow Pit/Aggregate application meets the conditions of Sections 9-111.4 through 9-111.9 and has been approved by the Parish Council.

It shall be unlawful to remove sand, gravel, or any other aggregate in the soil of any premises (excluding petroleum oil, natural gas or lignite coal) for commercial purposes within the parish without having first obtained a "Sand/Gravel/Borrow Pit/Aggregate Permit," from the Parish Permitting Office. The application fee shall be \$500, plus operator is responsible for parish engineer review fees.

- a. Public Notice must be given by the placement of a sign according to Sec. 13-67-2, Commercial Development Notifications.
- b. The Operator is obligated to obtain and provide copies of applicable State and Federal Permits prior to commencement of operations if required.
- c. Facilities with a proposed entrance or exit on a Parish Highway should be required to conduct a traffic study at operator's expense or post a road bond unless waived by the Director of Department of Public Works.

### **Section 9-111.4 Requirements**

1. Operators must create and maintain a one hundred twenty-five (125') foot setback or buffer zone on any adjacent side to a subdivision or residential house.
2. Operators shall construct a minimum twelve (12) foot vegetative berm along the interior border of any adjacent subdivision or residential houses. The berm must be positioned at the farthest point from the residential side at the interior end but within the interior of the 125 foot buffer zone.
3. If water runoff from the berm causes flooding the operator must redirect the water from the berm onto his site.
4. If the associated gravity drainage district and the parish engineer agree that there should be a gravity drainage impact study, then a study must be submitted at the operator's expense.
5. Excavations shall be set back 100 feet from any public road.
6. Excavations shall be set back 100 feet from and along any property line abutting a subdivision.
7. Excavations shall be set back twenty-five (25') feet from any adjacent property lines that have no commercial or residential sites within 200 feet.

8. Excavations may not be conducted within the setback/buffer area; however, fences and other buffering structures may be constructed within the setback/buffer area.
9. Road access and clear areas shall be maintained by the owner/operator/extractor sufficient to provide ready access to fire and emergency equipment.
10. The operator must display and maintain a business sign at the nearest roadway entrance to the pit throughout operation. It must display at a minimum: the name of the Operator, contact information, and who to contact in case of an emergency.
11. Days and Hours of Operation:
  - a. Daily Operations shall be allowed Monday thru Saturday.
  - b. Hours of Operation shall be 5:00am to 6:00pm.
  - c. Operator may ask for a temporary (short term, not to exceed thirty (30) days) waiver from the Parish Planning Department for a specific day or time period on a case by case basis.
  - d. Maintenance of the equipment, plant, and facilities may take place outside of the hours and days stated in 9-111.4 #10(a)(b). Maintenance shall be defined as those tasks, actions, and activities that are performed for the purpose of maintaining equipment and facilities in satisfactory operating condition. During the maintenance time period, the operator will not be dredging, washing, screening, or loading trucks (i.e., Operations).

#### **Section 9-111.5 Inspection and Enforcement Authority**

1. Inspection of premises authority and enforcement authority is authorized for: the Parish Building Official, Office of Emergency Preparedness Director and the Livingston Parish Sheriff's Office.
2. In cases of violations of these ordinances, the Parish of Livingston may, following inspection, serve written notice by certified mail with a return receipt requested, or by hand of areas of deficiency and allow the Operator to prepare and submit a plan to cure said deficiency prior to further action, such as, issuance of a "Stop Work Order." If at the end of thirty (30) days, a plan has not been submitted to the Parish of Livingston, a "Stop Work Order" may be issued. If the corrective action plan is submitted within thirty (30) days, then the Parish Permit Office shall review and approve it or offer alternative proposals. If the plan is rejected, the matter will be referred to the Parish Council for further action or consideration.

#### **Section 9-111.6 Reserved**

This section is reserved.

#### **Section 9-111.7 Exclusions of Existing Operators**

1. Existing pits in operation and producing aggregate are exempt from this Ordinance except for 9-111.7 #2 stated below.
2. Existing operators must provide pit location(s), operator information and site map to the Planning Department within 30 days of passage of these ordinances.

#### **Section 9-111.8 Reserved**

**Section 9-111.9 Enforceability**

If any one portion of this Section or its subsequent sections is ruled unenforceable, the remainder will still remain enforceable.

The above and foregoing addition to the Code of the Parish of Livingston was read in full and was thereupon submitted to a vote, and the vote thereon was as follows:

YEAS: MR. NORRED, MS. FRANZ, MR. HARRIS, MS. LANDRY, MS. COLLINS, MR. SHARP, MR. BLACKWELL, MR. GOFF

NAYS: NONE

ABSENT: MR. PARENT

And the ordinance was declared adopted on the 11<sup>th</sup> day of December 2014.

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Ricky Goff, Council Chairman

ATTEST:

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Lisa T. Frederick, Council Clerk

INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_

DELIVERED TO PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ .M.

APPROVED BY PRESIDENT \_\_\_\_\_  
Layton Ricks Date

VETOED BY PRESIDENT \_\_\_\_\_  
Layton Ricks Date

RECEIVED FROM PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ .M.