

**NOTICE OF INTRODUCTION OF ORDINANCE**

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on April 26, 2018 and laid over for publication of notice:

**LIVINGSTON PARISH ORDINANCE NO. 18-16**

**AN ORDINANCE TO AMEND CHAPTER 4.5 BUILDING AND BUILDING REGULATIONS, ARTICLE I, "IN GENERAL" BY ADDING SECTION 4.5-7, "POND EXCAVATION CRITERIA AND REGULATIONS" TO THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON**

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on May 10, 2018 at six o'clock (6:00) p.m., at the Parish Council Meeting Room in the Council Chambers 20355 Government Street, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

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Sandy C. Teal, Council Clerk

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Jeff Ard, Council Chairman

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance, which was previously introduced in written form at a regular meeting of the Parish Council on April 26, 2018 a summary thereof having been published in the official journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage May 10, 2018 on motion of Shane Mack and seconded by Garry "Frog" Talbert:

LIVINGSTON PARISH ORDINANCE NO. 18-16

AN ORDINANCE TO AMEND CHAPTER 4.5 BUILDING AND BUILDING REGULATIONS, ARTICLE I, "IN GENERAL" BY ADDING SECTION 4.5-7, "POND EXCAVATION CRITERIA AND REGULATIONS" TO THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON

WHEREAS, the Livingston Parish Council has made numerous updates and revisions to Article I of Chapter 4.5 "Buildings and Building Regulations" to the Code of Ordinances, and

THEREFORE, BE IT ORDAINED by the Livingston Parish Council, governing authority of the Parish of Livingston, State of Louisiana that:

Article I of Chapter 4.5 Building and Building Regulations, Section 4.5-7 is added to the Code of Ordinances, and

BE IT FURTHER ORDAINED by the Council of the Parish of Livingston, State of Louisiana: Article I of Chapter 4.5 Building and Building Regulations, Section 4.5-7 of the Code of Ordinances of the Parish of Livingston, State of Louisiana, is hereby amended to read as follows:

**Sec. 4.5-7. POND EXCAVATION CRITERIA AND REGULATIONS**

Definition(s)

Pond - an artificially created confined body of water.

Construction or Expansion of Ponds Require A Permit

1. All ponds sought to be constructed or expanded within Livingston Parish, Louisiana shall be required to apply to the Livingston Parish Permit Office and pay the fee set for this permit by the Livingston Parish Council-President Government. No new excavation shall begin until a permit is issued.
2. The permit application shall require the following information, to-wit:
  - a. The landowner or landowners' full names, physical and mailing addresses and telephone numbers
  - b. Give a brief description of the pond's purpose. Ex. Recreational, Fishing, Aesthetics, Etc.
  - c. What will be done with the excavated material that is removed during the construction of the pond?
  - d. The anticipated size of the pond including length, width, depth, side slope
  - e. The anticipated starting date for operations and the anticipated completion date for operations at the site
  - f. If the contractor/excavator is other than the property owner please provide the name of the individual or individuals or company, physical and mailing address and telephone number.

Damages to Public Roads.

1. The pond's landowners and the contractor/excavator shall be jointly responsible for obtaining and constructing access onto a public roadway. Any damages to the public roadway at this entrance shall be paid for by the landowner and/or the contractor/excavator.
2. The contractor/excavator shall be responsible to make sure operations at the pond construction do not impact road safety and to remove any dirt or clay that is spilled or tracked onto the public roadway.

Permit Holder to Provide Access to Parish Inspectors.

As a condition of the granting of a permit to undertake pond operations, the applicant and the landowner shall grant to the parish government's inspectors and/or compliance officers access

to the site for inspections related to compliance enforcement and issuing "STOP WORK" orders at reasonable times.

Special Regulations.

1. An application shall be submitted, and fees paid to obtain a permit.
2. The edge of the pond shall be sloped at a minimum ratio of 3:1.
3. During construction or expansion, if legitimate complaints arise, the parish government may require watering to control dust.
4. All ponds shall be constructed to prevent any obstruction of, or change of, any natural drainage that adversely affects neighboring properties
5. No pond shall be constructed within fifty (50) feet of existing or proposed soil absorption, on-site, sanitary waste disposal system. No pond shall be constructed within twenty-five (25) feet of an existing or proposed holding tank, sanitary waste disposal system.
6. No pond shall be constructed within thirty (30) feet from any property line.
7. No pond shall be constructed within thirty (30) feet from the edge of a state or parish right of way.
8. Ponds that fail to meet the established criteria must go through Planning for the Parish Engineer to review.

Permit Fees.

Permit fees are set by the parish government as follows:

1. No fee will be collected if the excavated material remains on the property.
2. A one (1) time fee of two hundred fifty (\$250) dollars will be collected if the excavated material is to be removed from the property.
3. Anyone who fails to comply with any of the above ordinance shall be subject to a five hundred-dollar (\$500.00) fine

All penalty fees are to be collected by the Livingston Parish Permit Department and deposited in the general fund.

YEAS: MR. LOBELL, MR. AVERETT, MR. MACK, MR. ARD, MR. WASCOM, MR. GIRLINGHOUSE, MR. KEEN, MR. HARRIS, MR. TALBERT

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted on the 10<sup>th</sup> day of May, 2018.

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Jeff Ard, Council Chairman

ATTEST:

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Sandy C. Teal, 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.