

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 25, 2019, and laid over for publication of notice:

L.P. ORDINANCE 19-12

AN ORDINANCE TO AMEND CHAPTER 13, "PLANNING AND DEVELOPMENT," ARTICLE V, "FLOOD DAMAGE PREVENTION", SECTION 13-76, "METHODS OF REDUCING FLOOD LOSSES," PART (4), BY ESTABLISHING CRITERIA FOR ADDING FILL DIRT TO INDIVIDUAL LOTS, TRACTS, PARCELS OF LAND, IN AND FOR THE PARISH OF LIVINGSTON.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, May 9, 2019, at six (6:00) o'clock p.m., at the Parish Council Chambers, Governmental Building, 20355 Government Boulevard, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

Sandy C. Teal, Council Clerk

Shane Mack, Council Chair

(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 required for adoption at a regular meeting of the Parish Council on April 25, 2019 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 9, 2019, on Motion of _____ and seconded by _____:

L.P. ORDINANCE 19-12

AN ORDINANCE TO AMEND CHAPTER 13, "PLANNING AND DEVELOPMENT," ARTICLE V, "FLOOD DAMAGE PREVENTION", SECTION 13-76, "METHODS OF REDUCING FLOOD LOSSES," PART (4), BY ESTABLISHING CRITERIA FOR ADDING FILL DIRT TO INDIVIDUAL LOTS, TRACTS, PARCELS OF LAND, IN AND FOR THE PARISH OF LIVINGSTON.

WHEREAS, on September 13, 2001, the Livingston Parish Council adopted L.P. Ordinance 01-16, "An Ordinance to Amend and Reenact Article IV, Chapter 13, Subdivision Regulations, of the Livingston Parish Code of Ordinances and Related Matters Thereto;" and

WHEREAS, the Livingston Parish Council has enacted numerous amendments to Chapter 13 of the Code of Ordinances to make necessary and desirous updates and revisions to that section of the Code setting out Subdivision regulations; and

WHEREAS, the Livingston Parish Council on February 20, 2012 desired to add Article V, "Flood Damage Prevention", Section 13-76 "Methods of reducing flood losses";

WHEREAS, the Livingston Parish Council now finds it necessary to make further amendments to establish criteria when adding fill dirt on individual lots, tracts, and parcels of land in the Parish of Livingston;

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

SECTION 13-3 of ARTICLE I of CHAPTER 13 of the Code of Ordinances, **Section 13-76, "Methods of reducing flood losses", Part (4)** is hereby amended by adding subsections (A), (B) and (C) as follows:

Sec. 13-76. - Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;*
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;*
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;*
- (4) Control filling, grading, dredging and other development which may increase flood damage;*

A. A proposed Certificate of Elevation shall be submitted for any structure to be built or placed on a lot, prior to any permit being issued, which shall include, but not limited to the following information:

1. Address
2. Contractor
3. Proposed elevation
4. Base flood elevation
5. Lowest natural ground for the property
6. Explanation of how the elevation of the proposed structure is going to be achieved (fill, piers, chain wall, etc....)

B. Individual Lots, Tracts, Parcels, etc....

1. Fill shall be limited to 24" or less on lots smaller than ½ acre (21,780 sq. ft.)
Should more fill need to be placed, one of the following will need to be provided:

- a. Documentation to show there is an equal volume of storage provided below natural ground on the same property as the volume of fill used on site **above the 24” limitation.**
 - b. Drainage calculations, by a licensed civil engineer in the state of Louisiana, for the property **proving** that by allowing additional fill there are no adverse effects to the adjacent waterways, properties, landowners, structures, and floodplain for the 100-year design storm.
2. Fill shall be limited to 36” or less on lots a ½ acre or above (21,780 sq. ft.) Should more fill need to be placed, one of the following will need to be provided:
- a. Documentation to show there is an equal volume of storage provided below natural ground on the same property as the volume of fill used on site **above the 36” limitation.**
 - b. Drainage calculations, by a licensed civil engineer in the state of Louisiana, for the property **proving** that by allowing additional fill there are no adverse effects to the adjacent waterways, properties, landowners, structures, and floodplain for the 100-year design storm.
3. Fill shall be limited to the foundation structure(s) and shall not extend more than 24” horizontally beyond the limits of the foundation before it slopes.
4. Side slope of the fill under the structure(s) shall not be steeper than a 3’ Horizontal to a 1’ vertical slope
5. Fill shall not be placed closer than 8’ to any property line in order to facilitate the collection and transportation of any increased runoff via swales if required
6. Compaction tests shall be required when the footer of the proposed structure does not extend at least 12” into undisturbed soil.
- a. There shall be 1 compaction test per 12” lift per 1,000 sq. ft. of fill
 - b. The fill shall meet one of the following standards:
 - i. 90% modified proctor
 - ii. 95% standard proctor
7. If a structure(s) must be elevated over 24” or 36” respectively, then piers and or chain-wall shall be utilized to make up the difference in elevation. **This foundation design must be stamped by a licensed civil engineer or architect in the state of Louisiana.**

~~C. Residential lots with greater than 36” of fill, Subdivisions and Commercial~~

~~1. Any residential lot that requires more than 36” of fill must have a drainage impact study completed in accordance with Sec 13-57.~~

~~2. Any subdivision or commercial development must have a drainage impact study in accordance with Sec. 13-57 and have zero impact on any adjacent properties.~~

(5) *Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands.*

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed. If any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

The effective date of this ordinance shall be as prescribed by law.

Upon being subjected to a vote, the vote thereon was as follows:

YEAS:

NAYS: NONE

ABSTAIN: NONE

ABSENT:

And the ordinance was declared adopted on the ____ day of _____.

Shane Mack, Council Chair

ATTEST:

Sandy C. Teal, Council Clerk

INTRODUCED _____ ADOPTED _____

DELIVERED TO PRESIDENT _____, _____ o'clock __. M.

APPROVED BY PRESIDENT _____ Date _____

VETOED BY PRESIDENT _____ Layton Ricks Date _____

RECEIVED FROM PRESIDENT _____ Layton Ricks Date _____

RECEIVED FROM PRESIDENT _____, _____ o'clock __. M.