

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 March 27, 2014, and laid over for publication of notice:

L.P. ORDINANCE 14-06

AN ORDINANCE TO AMEND CHAPTER 2, "ADMINISTRATION", ARTICLE II, "FEES, CHARGES, ETC.", SECTION 2-25, "LICENSES AND BUSINESS REGULATIONS", PART (F); AND ALSO TO AMEND ARTICLE V, "MINERALS, OIL AND GAS", OF CHAPTER 9 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, "LICENSES AND BUSINESS REGULATIONS," SECTION 9-109, "NOTIFICATION OF ROAD USE", SECTION 9-122, "DEFINITIONS", SECTION 9-123, "INTENT", SECTION 9-124, "PURPOSE", AND SECTION 9-125, "PETITION FOR LOCATION; CONSENT OF PROPERTY OWNERS".

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, April 24, 2014, 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.

Lisa Frederick, Council Clerk

Ricky Goff, 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 March 27, 2014 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 April 24, 2014 on Motion of Joan Landry and seconded by Jim Norred.

L.P. ORDINANCE 14-06

AN ORDINANCE TO AMEND CHAPTER 2, "ADMINISTRATION", ARTICLE II, "FEES, CHARGES, ETC.", SECTION 2-25, "LICENSES AND BUSINESS REGULATIONS", PART (F); AND ALSO TO AMEND ARTICLE V, "MINERALS, OIL AND GAS", OF CHAPTER 9 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, "LICENSES AND BUSINESS REGULATIONS," SECTION 9-109, "NOTIFICATION OF ROAD USE", SECTION 9-122, "DEFINITIONS", SECTION 9-123, "INTENT", SECTION 9-124, "PURPOSE", AND SECTION 9-125, "PETITION FOR LOCATION; CONSENT OF PROPERTY OWNERS".

WHEREAS, the Livingston Parish Council desires to make amendments to the Livingston Parish Code of Ordinances for clarification on oil, gas and mineral drilling and/or operation and also the inclusion of the Livingston Parish Office of Homeland Security and Emergency Preparedness as stated;

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

CHAPTER 2, "ADMINISTRATION", ARTICLE II "FEES, CHARGES, ETC.", SECTION 2-25, "LICENSES AND BUSINESS REGULATIONS", part (F) of the Code of Ordinances is hereby amended as follows by deleting and adding the following:

Section 2-25. Licenses and business regulations.

- (f) *Road use for mineral production.* The fee in connection with notification of road use for oil, gas or mineral production/operations shall be one hundred dollars (\$100.00) per mile of parish road to be utilized.

CHAPTER 9, "LICENSES AND BUSINESS REGULATIONS," ARTICLE V, "MINERALS, OIL AND GAS", SECTION 9-109, "NOTIFICATION OF ROAD USE", of the Code of Ordinances is hereby amended as follows by deleting and adding the following:

Section 9-109. Notification of Road Use.

- (a) *Public utility service.* Each company, firm, corporation, partnership, individual or other entity desiring to use roads maintained by the Livingston Parish Council, in an attempt to provide for any type of public utility of any nature whatsoever, shall, before commencement of any attempt at providing service normally provided by said utility, notify the Livingston Parish Office of Homeland Security and Emergency Preparedness of its intent to use the road maintained by the Parish Council. Said notification shall be made by obtaining a "Notification of Road Use Form" from the Livingston Parish Office of Homeland Security and Emergency Preparedness, completing said form and returning said document, along with any requirements set forth in the Livingston Parish Regulations Booklet, to the Livingston Parish Office of Homeland Security and Emergency Preparedness. The notification shall advise the Livingston Parish Office of Homeland Security and Emergency Preparedness of the site of the proposed activities, and shall specify the route or routes to be used in doing any type of work desired by the utility involved. To facilitate the notification required, the Livingston Parish Department of Public Works shall photograph and inspect the route before and after the activities in question, to determine the extent of damages, if any, to the road as a result of the activities involved.

The Livingston Parish Office of Homeland Security and Emergency Preparedness shall charge said company, firm, corporation, partnership, individual or other entity fee specific in section 2-25(f) for each individual "Notification of Road Use Form" obtained from the Livingston Parish Office of Homeland Security and Emergency Preparedness, which shall be paid through the Livingston Parish Permits Department.

Additionally, a bond, as required by section 2-26, shall be posted, in the amount of one hundred, fifty thousand dollars (\$150,000.00) per mile, in favor of the Livingston Parish Council in the event there are damages caused by the particular activities of the utility company involved in obtaining the “Notification of Road Use Form” in accordance with section 2-26.

- (b) *Oil, gas and minerals; exploration, production or other operations.* Each company, firm, corporation, partnership, individual or other entity desiring to use roads maintained by the Livingston Parish Council in an attempt to produce, test for or investigate the possibility of production of oil, gas or other minerals within the Parish shall, before the commencement of any attempt at exploration, production or other operations pertaining to said minerals, notify the Livingston Parish Office of Homeland Security and Emergency Preparedness of its intent to use the Parish Council roads. Said notification shall be made by obtaining a “Notification of Road Use Form” from the Livingston Parish Office of Homeland Security and Emergency Preparedness, completing said notification from and returning said document, along with any requirements set forth in the Livingston Parish Regulations Booklet, to the Livingston Parish Office of Homeland Security and Emergency Preparedness. The notification shall advise the Livingston Parish Office of Homeland Security and Emergency Preparedness of the site of the proposed activities and shall specify the route to be used by vehicular traffic in the mineral activities involved. To facilitate the notification required, the Livingston Parish Department of Public Works shall photograph and inspect the route before and after the activities in question, to determine the extent of damages, if any, to the road as a result of the activities involved.

The Livingston Parish Office of Homeland Security and Emergency Preparedness shall charge said company, firm, corporation, partnership, individual or other entity fee specific in section 2-25(f) for each individual “Notification of Road Use Form” obtained from the Livingston Parish Office of Homeland Security and Emergency Preparedness, which shall be paid through the Livingston Parish Permits Department.

CHAPTER 9, “LICENSES AND BUSINESS REGULATIONS,” ARTICLE V, “MINERALS, OIL AND GAS”, SECTION 9-122, “DEFINITIONS”, of the Code of Ordinances is hereby amended as follows by deleting and adding the following:

Section 9-122. Definitions.

The following definitions shall apply in this division:

Hydrocarbons and/or petroleum and its distillates: An organic compound, consisting of the elements carbon and hydrogen, to include hydrocarbons and petroleum and its distillates that may be chemically or otherwise combined or contaminated with portions of other chemical compounds.

Oil or gas business: Any operation or business that has as its principal function the processing, handling, storage, distribution, disposal, burning, injection or selling liquid or gaseous hydrocarbons and/or petroleum and its distillates. Businesses or operations that are engaged in the principle activity of underground exploration for hydrocarbons are excluded.

CHAPTER 9, “LICENSES AND BUSINESS REGULATIONS”, ARTICLE V, “MINERALS, OIL AND GAS”, SECTION 9-123, “INTENT”, of the Code of Ordinances is hereby amended as follows by deleting and adding the following:

Section 9-123. Intent.

The intent of this division is to establish the authority of Livingston Parish to require and grant permits to any person or business who intends to conduct oil or gas operations in the unincorporated areas of Livingston Parish.

CHAPTER 9, “LICENSES AND BUSINESS REGULATIONS,” ARTICLE V, “MINERALS, OIL AND GAS”, SECTION 9-124, “PURPOSE”, of the Code of Ordinances is hereby amended as follows by adding numeral six (6) as follows:

Section 9-124. Purpose.

- (6) Assure compliance with the Livingston Parish Regulations Booklet.

CHAPTER 9, "LICENSES AND BUSINESS REGULATIONS," ARTICLE V, "MINERALS, OIL AND GAS", SECTION 9-125, "PETITION FOR LOCATION; CONSENT OF PROPERTY OWNERS", of the Code of Ordinances is hereby amended as follows by deleting and adding the following:

Section 9-125. Petition for location; consent of property owners.

- (a) Any person or business desiring to conduct oil or gas operations/production in the unincorporated areas of Livingston Parish, prior to the issuance of any permit by the Parish, and prior to commencing shall submit the contractual agreement between the property owner(s) and said person or business, state the name(s) of the owner(s) and the exact location of the facility. This agreement shall give the assent of the majority of property owners within three hundred (300) feet, to be measured along the street or road fronts, of the proposed location.
- (b) The Livingston Parish Office of Homeland Security and Emergency Preparedness shall have the discretion to grant or to refuse to grant the permit to operate. Justification for permit denial is noncompliance of any of the purposes/regulations listed in section 9-124.

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: MS. COLLINS, MR. BLACKWELL, MR. PARENT, MS. WALE, MR. HARRIS, MS. LANDRY, MR. NORRED, MR. GOFF

NAYS: NONE

ABSENT: MR. SHARP

And the ordinance was declared adopted on the 24th of April, 2014.

Ricky Goff, Council Chair

ATTEST:

Lisa Frederick, Council Clerk

INTRODUCED MARCH 27, 2014 ADOPTED APRIL 24, 2014

DELIVERED TO PRESIDENT APRIL 25, 2014, _____ o'clock ____M.

APPROVED BY PRESIDENT _____
Layton Ricks Date

VETOED BY PRESIDENT _____
Layton Ricks Date

RECEIVED FROM PRESIDENT _____, _____ o'clock ____M.