

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 14, 2016, and laid over for publication of notice:

L. P. ORDINANCE NO. 16-14

AN ORDINANCE TO RESCIND AND REENACT 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 and/or GRAVEL FOR COMMERCIAL PURPOSES.”

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on May 12, 2016, 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

John Wascom, 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 14, 2016 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 on May 12, 2016 on motion of Shane Mack and seconded by Maurice “Scooter” Keen:

L.P. ORDINANCE NO. 16-14

AN ORDINANCE RESCIND AND REENACT ARTICLE V, “MINERALS, CHAPTER 9, “LICENSES AND BUILDING REGULATIONS,” OF THE LIVINGSTON PARISH CODE OF ORDINANCES, BY ADDING SECTION 9-111 “MINING OF SAND and/or GRAVEL 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 rescinding L.P. Ordinance 14-45 adopted on December 11, 2014 and reenacting the following, to be numbered Section 9-111, which section reads as follows:

SECTION 9-111. MINING OF SAND and/or GRAVEL FOR COMMERCIAL PURPOSES

Section 9-111.1 Definitions

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

Mining - extraction of valuable minerals or other geological materials from the earth

Sand - the more or less fine debris of rocks, consisting of small, loose grains, often of quartz

Gravel - a loose aggregation of small water-worn or pounded stones often of quartz

Commercial – act of buying, selling, and/or trading of goods and services

Operator - a person or company that engages in the mining of sand and/or gravel

Section 9-111.2 Permit Application

Any operator seeking a permit to mine sand and/or gravel for commercial purpose shall prepare and submit a permit application. The permit application shall include:

- A. A Site Plan - The site plan shall be of the entire parcel or piece of property of proposed gravel and/or sand pit. It shall detail all proposed excavation boundary areas. It shall detail the proposed berm locations and any existing

residential and/or commercial buildings located within five hundred (500') feet of any proposed excavation area. Existing geographic features of the site, wooded areas, natural waterways and public or private roads to be used for access. The site plan shall be to scale. A google map to scale shall be adequate.

- B. A Reclamation Plan consistent with the Best Practices of Land Use of Coastal Louisiana or in accordance with land owner(s) wishes.
- C. A Business or Operation Plan – The Business or Operation Plan shall include the approximate dates for the initiation and termination of such operation, approximate number of employed personnel, planned hours of operations, approximate amount of gravel and/or sand to be excavated or transported, dust control measures, proposed plant locations, proposed truck loading locations, area to be excavated, equipment used to perform operation, and all proposed entrances and exits.

Section 9-111.3 Parish Permitting / Application

The Parish Permit Department shall grant a permit if the Sand and/or Gravel Pit 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 mine, sand and/or gravel for commercial purposes within the parish without having first obtained a “Sand and/or Gravel Permit,” from the Parish Permit Department. The application shall be reviewed by the Parish Planning Department. The application fee shall be five hundred dollars (\$500.00), plus operator is responsible for parish engineer review fees.

- a. Public Notice must be given by the placement of a sign according to Section 13-67.2, Commercial Development Notifications.
- b. If the associated gravity drainage district engineer decides that there should be a gravity drainage impact study, then a study must be submitted at the operator’s expense.
- c. All federal and state laws and regulations shall be followed.
- d. The Operator of the Sand and/or gravel pit shall be responsible for any damage to a parish road beyond normal wear and tear.

Section 9-111.4 Requirements

1. Operators must create and maintain a minimum fifty (50') foot setback or buffer zone on any adjacent property line.
2. In addition to the fifty (50') foot setback, if the adjacent property line abuts an existing named subdivision, then the setback shall be no less than two hundred (200') lineal feet from any residential house within the named subdivision.
3. Operators must create and maintain a minimum one hundred (100') foot setback or buffer zone from any public road.
4. Excavations may not be conducted within the setback/buffer area; however, fences and other buffering structures may be constructed within the setback/buffer area.
5. Operators shall construct a minimum eight (8') foot elevated from ground service vegetative earthen berm within the setback when both of the below conditions exist
 - a. The adjacent property line abuts a named subdivision
 - b. When an existing residential house is within two hundred fifty (250) lineal feet from the adjacent property line.
6. If a berm is required, the base of the berm shall be a minimum distance of twenty (20) feet from the adjacent property line, and no heavy equipment such as dump trucks or excavation equipment shall be allowed between the berm and the adjacent property line unless construction of, demolition of, or servicing of the berm is taking place.
7. If water runoff from the berm causes flooding the operator must redirect the water from the berm onto his site.
8. 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.

Hours of Operation:

- a. Hours of operation for loading and/or transporting gravel or sand shall be Monday through Friday from 2:30 a.m. to 4:30 p.m. when the adjacent property line of the gravel and/or sand pit abuts a named subdivision.
- b. Plant production hours shall be Monday through Friday from 5:00 a.m. to 4:30 p.m. when the adjacent property line of the gravel and/or sand pit abuts a named subdivision.
- c. There shall be no loading, transporting, or plant production of gravel and/or sand on any major holiday; such as New Year's Day, Good Friday, Memorial Day, July 4th,

Labor Day, Thanksgiving Day, Christmas Eve, or Christmas Day when the adjacent property line of the gravel and/or sand pit abuts a named subdivision.

- d. Hours of operation for loading and/or transporting gravel or sand shall be from 2:30 a.m. to 5:00 p.m. when the adjacent property line of the gravel and/or sand pit does not abut a named subdivision.
- e. Plant production hours shall be from 5:00 a.m. to 5:00 p.m. when the adjacent property line of the gravel and/or sand pit does not abut a named subdivision.

Section 9-111.5 Inspection and Enforcement Authority

1. Inspection of premises authority is authorized for the Parish Building Official or designee.
2. The enforcement authority is authorized for the Office of Emergency Preparedness Director and/or the Livingston Parish Sheriff's Office.
3. 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 Department 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 thirty (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. GIRLINGHOUSE, MR. KEEN, MR. HARRIS, MR. MACK,
MR. LOBELL, MR. WASCOM, MR. ARD, MR. AVERETT

NAYS: MR TALBERT

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted on the 12th day of May 2016.

ATTEST:

John Wascom, Council chairman

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.