

# ORDINANCE

2008-O-21

## AN ORDINANCE REGULATING THE OPERATION OF BORROW PITS IN THE PARISH OF VERMILION, LOUISIANA.

BE IT ORDAINED by the Vermilion Parish Police Jury that there is a need to protect the health, welfare and safety of the citizens in regards to the operation of Borrow Pits in the unincorporated areas of the Parish of Vermilion, Louisiana.

BE IT FURTHER ORDAINED by the Police Jury of Vermilion Parish that there is also a need to preserve and protect parish roads, drainage facilities and other public property from risks posed by the operation of Borrow Pits in the Parish of Vermilion, LA;

BE IT FURTHER ORDAINED by the Police Jury of Vermilion Parish, in regular session, convened on this 18<sup>th</sup> day of August, 2008, that the Vermilion Parish Police Jury adopts Parish Ordinance No. 2008-O-21 in the following specifics:

### SECTION 1. DEFINITIONS

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

“*Borrow Pit*” means an excavation used to extract sand, gravel, clay, dirt or other material to be fill for another site.

Borrow Pit *does not* mean:

- a. Site activities subject to a valid building permit.
- b. Utility or public works improvements.
- c. Excavation in connection with a building, swimming pool, retaining wall or other structure authorized by a valid building permit.
- d. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.
- e. Septic repair and/or alteration.
- f. Cemetery graves.
- g. Temporary stockpiling or storing of materials provided that such operations do not affect adjacent properties.
- h. Accepted agricultural practices such as plowing, cultivation, construction or agricultural structures, nursery operations, tree cutting, logging operations leaving the stump and root mat intact and cultivated sod operation.
- i. Minor landscaping and sprinkler installation.

### SECTION 2. APPLICABILITY

This ordinance applies to any Borrow Pit located in the unincorporated areas of the Parish of Vermilion, Louisiana. The provisions of this Ordinance shall not apply to any Borrow Pit in existence prior to the adoption of this Ordinance, however, any Borrow Pit, including those in existence at the time of the adoption of this Ordinance shall be operated in accordance with all Federal, State and local regulations, and all permits from the State of Louisiana and/or the United States shall be obtained by the owner/operator of a Borrow Pit. Any change in the ownership of a Borrow Pit makes the provisions of this Ordinance applicable in all respects, including the requirement of a permit.

### SECTION 3. PERMIT REQUIRED

No person shall own or operate a Borrow Pit in the Parish of Vermilion, Louisiana without first obtaining a permit from the Vermilion Parish Police Jury. This application for a permit shall include the following:

- (1) The name, address and telephone numbers of the owner(s) and operator(s) of said Borrow Pit;
- (2) The exact physical location of the Borrow Pit;

- (3) A map or plat of survey of the area to be utilized as the Borrow Pit;
- (4) A statement as to the estimated volume of material to be excavated from the Borrow Pit;
- (5) A certification that the Borrow Pit will be operated in accordance with all Federal, State and Local laws and regulations and that all permits from the Louisiana Department of Environmental Quality have been obtained. Copies of any necessary State or Federal permits must be attached to the application;
- (6) Proof of general liability insurance coverage with minimum limits of \$1,000,000.00 per occurrence.

The owner(s)/operator(s) of said Borrow Pit shall file for renewal permits on an annual basis.

**SECTION 6. PARISH ROADS AND DRAINAGE CANALS**

A permit shall not be issued for the operation of a Borrow Pit unless the Parish Engineer, or his designed, certifies that the operation of the Borrow Pit will not cause damage to any Parish road beyond normal wear and tear expected from traffic the Parish roads were designed for, and that the Borrow Pit is not located within one hundred (100') feet of a public drainage ditch, canal, coulee, channel or stream.

**SECTION 7. ENFORCEMENT AND PENALTIES**

Any person found to be in violation of this Ordinance shall be subject to a maximum fine of \$500.00 and/or a term of imprisonment of thirty (30) days in the Parish jail or both. Each day in violation shall be considered a separate offense.

**SECTION 8. REPEAL OF CONFLICTING ORDINANCES**

All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

**SECTION 9. SEVERABILITY**

Should any part of this Ordinance be declared null, void, invalid, illegal or unconstitutional, the remainder of the said Ordinance shall remain in full force and effect.

**SECTION 10. EFFECTIVE DATE**

This ordinance shall become effective upon the signature of the President of the Vermilion Parish Police Jury.

YEAS: Dane Hebert, Chris Beraud, Nathan Granger, Ronald Darby, Wayne Touchet, Mark Poche`, Keith Meaux, Errol J. Domingues, Gerald Butaud, Ronald Menard, Pervis Gaspard, Cloris J. Boudreaux, T. J. Prejean, Jr., Leon Broussard

NAYS: None

ABSENT: None

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I, Chris Theriot, Administrator/Secretary-Treasurer, of the Vermilion Parish Police Jury, do hereby certify that the above is a true and exact copy of an ordinance adopted by the Vermilion Parish Police Jury, at the regular meeting of August 18, 2008, at which a quorum was present and acting.

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Chris Theriot  
 Administrator/Secretary-Treasurer  
 Vermilion Parish Police Jury