

A public hearing was held in the the Police Jury Meeting Room, Courthouse Building, Crowley, at 6:30 P.M., on Wednesday, November 12, 2014 to receive comments on the following proposed Ordinance:

ORDINANCE #

AN ORDINANCE CORRECTING AND AMENDING ORDINANCE NO. 979. ORDINANCE 979 IS HEREBY AMENDED TO REMOVE FARMING FROM PROJECT TYPES.

SECTION 1. Ordinance No. 979 is hereby amended to read as follows: (To facilitate the interpretation of changes made to Ordinance 979, the following indicates words deleted by ~~dashes through such words~~ and indicates words added by underlining such words.

AN ORDINANCE BY THE POLICE JURY OF ACADIA PARISH, LOUISIANA AS THE GOVERNING AUTHORITY FOR SAID PARISH, REQUIRING ANY INDIVIDUAL, PARTNERSHIP, FIRM OR CORPORATION, TO SECURE A WRITTEN PERMIT FROM THE POLICE JURY, BEFORE SAID INDIVIDUAL, PARTNERSHIP, FIRM OR CORPORATION SHALL BE ALLOWED TO TRAVEL, TRANSPORT OR HAUL BY USING VEHICLES, MACHINERY, EQUIPMENT AND/OR TRAILERS EXCEEDING EIGHTY PERCENT (80%) OF WEIGHT LIMITS ESTABLISHED FOR USE ON NON-INTERSTATE HIGHWAYS AS SET OUT IN LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT (DOTD) PUBLICATION ENTITLED "LOUISIANA REGULATIONS FOR TRUCKS, VEHICLES AND LOADS," DATED 1989, AND/OR EXCEEDING THE MAXIMUM WIDTHS, HEIGHTS AND LENGTHS AS SET OUT IN SAID DOTD PUBLICATION OVER ANY PARISH MAINTAINED ROADWAY, BRIDGE, RIGHT OF WAY, ROADSIDE DITCH OR DRAINAGE CHANNEL, FOR ANY PURPOSE; PROVIDING REGULATIONS THERETO; PROVIDING FOR INSPECTION FEES AND CASH DEPOSITS, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, many parish maintained roadways, roadside ditches and other parish rights of way, have been cut, crossed, misused, and/or left in a state of disrepair by overweight vehicles, machinery and other equipment;

SECTION 1.

NOW, THEREFORE, BE IT ORDAINED BY THE POLICE JURY OF THE PARISH OF ACADIA, LOUISIANA, as the governing authority for said parish, in regular session convened, that before any individual, partnership, firm or corporation shall be allowed to travel, transport or haul over parish maintained roadways, roadside ditches and other parish rights of way, said individual, partnership, firm or corporation (hereinafter referred to as "applicant") shall secure a written permit from the Police Jury to traverse or use said roadways, roadside ditches or other parish rights of way. Such use shall be had subject to the rules and regulations herein imposed.

SECTION 2.

BE IT FURTHER ORDAINED, ETC., that the following "Definition of Terms" shall apply to this Ordinance, and shall define each of said words defined as the same may be used in this Ordinance.

"GRANTOR": The Police Jury of the Parish of Acadia, Louisiana as the governing authority for said parish.

"APPLICANT": Any individual, partnership, firm or corporation seeking a permit to travel, transport or haul by using vehicles and/or trailers exceeding eighty percent (80%) of weight limits established on non-interstate highways in Louisiana Department of Transportation & Development (hereinafter referred to as DOTD) publication "Louisiana Regulations for Trucks, Vehicles, and Loads", dated 1989, or exceeding maximum widths, heights and lengths as set out in said DOTD publications over any parish maintained roadways, roadside ditches and other parish rights of way for any purpose.

The applicant shall not allow any contractor, sub-contractor, applicant representative, or other party performing work for the applicant to apply for the permit unless specifically authorized by applicant in writing; however, applicant shall be responsible for all conditions of this permit.

"PROJECT": Any work operation, exploration, ~~farming~~, logging, or services performed for or by applicant which requires the use of roadways, roadside ditches and other parish rights of way.

"PERMIT LIMITS": The area within roadways, roadside ditches and other parish rights of way.
"GENERAL CONDITIONS": The body of directions, and requirements in its Ordinance which apply directly or indirectly to the work to be performed by the applicant.

"STRUCTURE": Any oil pipe line, gas pipe line, water pipe line, sanitary sewer line, storm sewer line, cable, rice flume, driveway or supply communication line, or any other object or line using, traversing or crossing a parish road, highway, right of way, bridges, ditches, canals, bayous, lakes or other streams or other bodies of water and parish maintained levees.

"GEOPHYSICAL EXPLORATION": The prospecting, exploring or obtaining information by means of torsion balance, seismic explosions, mechanical devices, or otherwise, for oil, gas or other minerals.

"GENERAL CONDITIONS": The body of directions, and requirements in this Ordinance which apply directly or indirectly to the work to be performed by the applicant.

"SPECIFICATIONS": The body of directions and requirements in this Ordinance, pertaining to the methods of manner of performing the work, and to the quantity of materials and quality of materials used in a structure.

"PLANS": All official drawings or reproductions or drawings attached to the permit application, pertaining to the work to be performed by the applicant.

"MAPS": All maps or other drawings to be furnished the Grantor by the applicant including but not limited to map(s) or written description of the travel road to be taken by all heavy loads and/or equipment, either hauled by the applicant or a sub-contractor.

"GUARANTEE DEPOSIT": The deposit, in the form of a "Certified Check" made payable to the Police Jury of the Parish of Acadia, State of Louisiana, as a guarantee that the Applicant will perform his work within the permit limits in a manner satisfactory to the Grantor.

"PARISH INSPECTOR": Person or persons authorized by and representing the grantor to travel on and inspect the condition of the permit limits prior to and after completion of the project. The applicant shall be responsible to coordinate said inspections with grantor's authorized representative and inspector.

"NOTIFICATION": The Parish Road Manager shall be given 24 hours advance notice before commencement of logging operations on each separate track of land to be harvested, and upon completion of logging operations, the Parish Road Manager shall be notified within 24 hours of the movement of the logging company.

Certified notices mailed to contractors shall be considered enforceable as per the regulations of said Ordinance.

It is expressly understood by all parties that the applicant shall be responsible for advising his Contractors, sub-contractors, and employees of the conditions of this permit.

SECTION 3.

BE IT FURTHER ORDAINED, ETC., that the General Conditions, which apply to this Ordinance, shall be as follows:

GENERAL CONDITIONS:

- A) **SUBLETTING:** The Applicant shall not sublet the whole or any part of the work to be performed by him without advising the subcontractor in writing of the conditions of this ordinance; provided, however that applicant will remain responsible for conditions set out herein.
- B) **FEDERAL, STATE AND LOCAL LAWS:** The Applicant is required to be familiar with Federal, State and Local Laws and is required to secure all necessary licenses, etc., and shall carry out his work in accordance with all such laws and regulations.
- C) **TRESPASS:** Under no circumstances will the Grantor be responsible for any trespass upon property outside the permit limits, or any injury thereto.
- D) **BARRICADES AND LIGHTS:** The Applicant shall erect suitable barricades and lights necessary to protect the public. Said barricades and lights will be erected in compliance with DOTD standards and/or publications.
- E) **TRAFFIC:** The Applicant shall provide for and maintain local and through traffic at all times pertinent hereto.
- F) **INSURANCE:** The Applicant shall carry at his own expense Public Liability and Property Damage Insurance with a responsible company.
- G) **PERMIT LIMIT REPAIRS:** All damages to Grantor's roadways, roadside ditches and/or rights of way, caused by applicant or applicant's contractors, sub-contractors, suppliers, employees, or equipment utilized by any of them, shall be repaired by applicant at no cost to Grantor. The repairs shall restore the roadways, roadside ditches and/or rights of way to a condition equal to or better than the condition at the time of inspection prior to the issuance of the permit. The extent and estimate of the amount of said damages shall be determined by Grantor's representative/inspector and applicant's representative. Grantor's inspector shall have final determination of the damage extent and costs after review of said damages with the representative of applicant.

Grantor reserves the right to require applicant to make such repairs at any time during the course of the project.

Grantor shall retain the guarantee received deposit from applicant until final acceptance by Grantor of all repairs set out above.

If applicant fails to complete the required repairs within 45 days after notification in writing by Grantor, or Grantor's representative, then Grantor shall have the option of performing the repair work itself or having a third-party do the work. If this option is exercised by Grantor, the guarantee deposit funds can be used by Grantor to defray all costs to accomplish the needed repairs.

- H) **CLEANING UP:** Upon completion of the project, the Applicant is to remove from the Grantor's property all materials, equipment, etc., left from the project, and is to thoroughly clean up and leave the Grantor's property in good condition.

- I) **DRAINAGE:** The Applicant shall provide for and maintain proper drainage at all times during the operation. No obstructions to culverts, bridges, pipe drains, roadside drainage, ditches, canals, bayous, and all other existing drainage owned and operated by the Jury will be permitted. Specifically, all temporary and permanent drainage structures used by applicant will be fabricated and constructed using engineering practices acceptable to DOTD. The placement of logs, dirt, or other obstruction to drainage in roadside ditches or other drainage channels is strictly prohibited. Prior to placement of culvert pipe necessary for applicant's operations, the applicant shall obtain from the parish road foreman or superintendent the proper culvert pipe size to assure adequate drainage at crossing. Installation and maintenance of the culvert pipe shall be the applicant's responsibility and the minimum length of any culvert traversed by larger than one-half (1/2) ton trucks shall be a minimum length of 30 feet. The minimum size culvert pipe shall be 15 inches in diameter.
- J) **REFUND:** Upon completion of the project, the Police Jury will make a final inspection of affected roadways, roadside ditches and/or other parish rights of way affected by this permit, and submit a written report to the Secretary of the Grantor. No refund of money will be made to the Applicant without the written approval of the Police Jury or authorized representative. If grantor's employees, or authorized representative discovers any drainage obstruction installed by applicant, the grantor may remove said obstruction and retain the costs for performing the work from the "GUARANTEE DEPOSIT."
- K) **MAPS:** The Applicant shall be requested to furnish with the application all maps, details, plans, drawings, etc., necessary to illustrate the nature of the proposed work.
- L) **TREES AND SHRUBS:** The falling or trimming of trees and shrubs on the highways or public roads, or other rights of way is expressly prohibited.
- M) **ROADWAY:** The Applicant shall at his own expense resurface and/or repair the sub-base or base of any roadway used in his operation with the same type of material (width and thickness) as existed prior to Applicant's work. The final condition of all repaired roads after completion of work shall be subject to the approval of the Police Jury or its authorized representative before a refund will be made to the Applicant.

Mud or dirt which is carried onto a roadway by vehicular traffic, thereby causing a change of the roadway riding surface, is not allowed under the provisions of this Ordinance.

SECTION 4.

BE IT FURTHER ORDAINED, that prior to the issuance by the Police Jury of a permit, as required by this ordinance, the Applicant shall make a Guarantee Deposit in the form of a certified check or surety bond made payable to the Acadia Parish Police Jury. This deposit shall serve as a guarantee that the Applicant shall make all repairs as designated by Grantor's inspector and may be used by Grantor as set out previously if applicant fails to timely make such repairs. This Guarantee Deposit shall be in the amount of 10% of the project costs or a minimum of \$5,000.00/100 (five thousand dollars). If the above Deposit fee is insufficient to cover the cost of repairs, applicant shall be liable to Grantor for remaining costs.

If the above deposit fee is insufficient to cover the cost of repairs, Applicant shall be liable to Grantor for the remaining cost.

SECTION 5.

BE IT FURTHER ORDAINED that the issuance of a permit shall also be conditioned upon the payment of an inspection fee to the Acadia Parish Police Jury in the amount to be determined by the Police Jury or its authorized representative.

SECTION 6.

BE IT FURTHER ORDAINED that any individual, partnership, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and shall upon conviction by a court of competent jurisdiction be fined not more than \$500.00. Each violation and/or each day of operation without a permit shall be considered a separate offense.

SECTION 7.

BE IT FURTHER ORDAINED that this Ordinance shall become effective after its adoption by this body and its publication in the official journal of the parish.

SECTION 8.

BE IT FURTHER ORDAINED, that any individual, partnership, firm or corporation requiring a permit under this Ordinance may apply for a special Farm Operation Permit. However, the special permit will not allow vehicles and equipment to exceed the maximum weight designated in Louisiana Department of Transportation & Development (DOTD) publication "LOUISIANA REGULATIONS FOR TRUCKS, VEHICLES AND LOADS," dated 1989 and will not allow for any machinery, vehicle nor equipment which exceeds 16' in width to cross any bridge over a parish maintained right of way unless special provisions are approved in said special Farm Operation Permit to assure the protection of any bridge, guard rails, signs, hand rails or other structure from damages caused by use of said farm machinery, vehicles or equipment.

SECTION 9.

BE IT ORDAINED FURTHER, ETC., that if any clause, phrase, sentence, or provision of this Ordinance be declared unconstitutional, or otherwise null or void, such declaration shall not affect any other portion; and all the other parts, clauses, phrases, sentences and provisions of this Ordinance shall be several and shall remain unaffected thereby.

SECTION 10.

BE IT ORDAINED FURTHER, ETC., that all Ordinances in conflict herewith be and the same are hereby repealed, including Ordinance No. 487.

No comments were received.

THERE BEING NO FURTHER COMMENTS THE PRESIDENT ADJOURNED THE PUBLIC HEARING.

SECRETARY