

STATE OF LOUISIANA

PARISH OF WASHINGTON

WASHINGTON PARISH COUNCIL

ORDINANCE NO. 10-513

Introduced on February 8, 2010

Introduced by Randy Thomas

Public hearing held on February 22, 2010

MINES AND MINING OPERATIONS ORDINANCE

BE IT ORDAINED, that the Washington Parish Council hereby adopts the Mines and Mining Operations Ordinance, attached hereto and made a part hereof.

BE IT FURTHER ORDAINED, as authorized by Section 2-12(C) of the Washington Parish Home Rule Charter, that upon final approval, this ordinance shall be published in summary by identification of title and sections.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: (7) Route, Posey, Wheat, Fussell, Nassauer, Johnson and Thomas

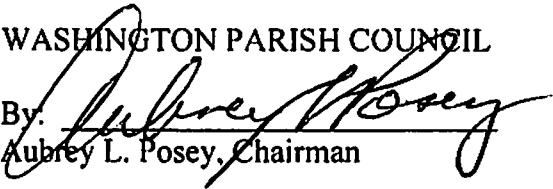
NAYS: (0)

ABSENT: (0)

ABSTAINED: (0)

The ordinance was declared adopted on the 22nd day of February, 2010.

WASHINGTON PARISH COUNCIL

By: 
Aubrey L. Posey, Chairman

Delivered to the Parish President on the 23rd day of February, 2010.

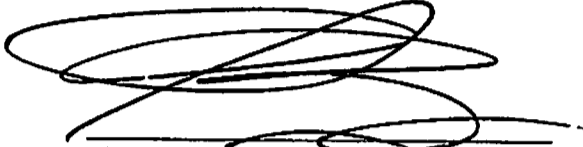
WASHINGTON PARISH GOVERNMENT

By: 
Richard N. Thomas, Jr., President

Returned to the Clerk of the Parish Council on the 23rd day of
February, 2010.

CERTIFICATION

I hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted at a regular meeting of the Council of Washington Parish, held in Franklinton, Louisiana on February 22, 2010.



Sharon Lyons, Clerk to the Council
Washington Parish

ORDINANCE NO.10-513

ORDINANCE NO. 10-513

MINES AND MINING OPERATIONS

This Section provides specific regulations which must be followed for all mining activities.

- 4-1 REGULATORY COMPLIANCE
- 4-2 APPLICATION REQUIREMENTS
- 4-3 LOCATION RESTRICTIONS
- 4-4 SLOPING AND GRADING
- 4-5 LAND LEVELING
- 4-6 ADDITIONAL REMEDY FOR VIOLATIONS
- 4-7 ADDITIONAL GUIDE FOR PERMIT COMPLIANCE

4-1 REGULATORY COMPLIANCE
All mining operations shall comply with all applicable laws which include but are not be limited to having a current water quality permit approved by the Louisiana Department of Environmental Quality, Wetlands permit(s) from the U.S. Army Corps of Engineers, if applicable, and operating within the safety guidelines set by the Mine Safety and Health Act.

4-2 APPLICATION REQUIREMENTS
The application for the mining permit shall at minimum contain the following:

- (a) A fully executed "Landowner Notice Concerning Mines and Mining Operations" containing the following information shall be executed before a notary public and included with the application:

LANDOWNER NOTICE CONCERNING MINES AND MINING

BE IT KNOWN, that on this _____ day of _____, 20____,
before the undersigned Notary Public, personally came and appeared:

_____ (*miner*), hereinafter
referred to as Miner

And

_____ (*landowner*), hereinafter
referred to as Landowner

Who declared that:

1. The parties have entered into a contract for mining operations.
2. The parties agree that the Miner has informed the Landowner that the Landowner has a right to negotiate with the Miner terms for reclamation (restoration) of the property.

3. The parties agree that the Miner has informed the Landowner that the Landowner has a right to negotiate with the Miner a term or time period the contract will be in effect.
4. The parties agree that the Miner has informed the Landowner that the Landowner has a right to negotiate with the Miner the price to be paid the Landowner for the product (sand, gravel, topsoil, etc.).

_____ Miner

_____ Landowner

Sworn to and subscribed before me, Notary Public in and for the Parish of _____ State of Louisiana, this _____ day of _____, 20____ _____ Notary Public Notary ID # _____
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- (b) Identification of the area on a vertical aerial photograph from the Parish through the Assessor's office, showing geographical and topographical conditions. Area covered by the vertical aerial photograph shall include: all land requested in the petition; all contiguous land, which is or has been or is proposed to be used by the owner or leasehold applicant for any extraction, treatment, or storage; and all public or private roads, which provide access to the proposed use. Access by way of parish roads will be considered and may be restricted as part of the application process.
- (c) A description of the adjacent properties surrounding the proposed mining area and any proposed mitigation methods to be incorporated into the activity to minimize impacts on the surrounding areas. The description shall include all residential subdivisions, residentially developed properties, and existing residential dwellings within five hundred (500) feet of the property proposed for mining. Mitigation may include proposed buffers, fencing or other methods acceptable to the Planning Commission and Parish Government.
- (d) A detailed plan for extraction of the natural resource deposits. This plan shall include:
 - (1) Boundary of entire tract showing bearing and approximate dimensions of the property involved in the application;
 - (2) The approximate dates for the initiation and termination of such operation;
 - (3) Existing geographic features of the site, wooded areas, natural waterways and public or private roads to be used for access;
 - (4) Boundaries of proposed excavation pits and overburden storage areas;

- (5) The maximum anticipated depth of the pit area(s) and the proposed slope(s) of the sides of the pits;
- (6) The type of mining operations(s) proposed (wet, dry, etc.) and an anticipated list of the type and quantity of equipment proposed to be used in connection with the use including bulldozers, cranes, washers, crushing equipment, trucks, dredgers, conveyors and other mechanical equipment; and
- (7) The hours of operation which unless otherwise limited at issuance of permit may be twenty four hours per day, seven days per week.

4-3

LOCATION RESTRICTIONS.

Mining operations shall observe the following location restrictions:

- (a) Mining operations and activities are prohibited below the high bank of any river unless specifically approved by the U.S. Army Corps. Of Engineers and the Permit Office.
- (b) Mining operations and activities shall be set back a minimum of 100 feet from any public road, which shall remain undisturbed. Access to mining operations is allowed to cross through this setback from the public road.
- (c) Mining operations and activities shall be set back a minimum of 200 feet from the property line abutting a subdivision.
- (d) Mining operations and activities shall be set back a minimum of 200 feet from existing dwellings on abutting property not owned by the mining operation and not a part of a subdivision, unless the abutting property owners agree in writing to waive or reduce the setback requirement. Such area may be used for surface drainage if specified in the permit application and approved by the Planning Commission.
- (e) Mining operations and activities shall be set back a minimum of 50 feet from any adjacent property lines that have no commercial or residential sites, which shall remain undisturbed, unless the adjacent property owner agrees in writing to waive or reduce this requirement. Waiver agreement cannot conflict with 4-4 (sloping and grading).
- (f) Mining operations and activities of the strip mining category have no setback guidelines except to meet the requirements for embankments or "walls" with depths greater than 4 feet listed in the Sloping & Grading section below.

4-4

SLOPING AND GRADING.

In order to provide soil stability, reduce erosion, and encourage the growth of vegetation of mined property, most notably the embankment of a wet or dry mined location, it is necessary to regulate the extent of cut and fill slopes.

Aggregate Wet Mining:

On embankments of a wet mined location, starting at any given point, proceeding in either direction from that point, every 100 feet around the entire embankment, there shall be an 8 feet deep ledge dug into the embankment by 20 feet long and 1 foot above the water line which shall be in place (also known as a "bench") or a slop ratio of 3:1 must be used on preexisting natural ground level, sloping down to the current water level but not to exceed a height of 25 feet when the mining activity or permit is terminated.

Aggregate Dry Mining:

Dry mining pits shall leave the embankments of the entire perimeter of the immediate mined area with a 3:1 slop ratio with the anticipation of the pit becoming water filled. Some locations may have more than 1(one) mining pit per permitted site but these requirements are applicable to each separate pit regardless of the number of pits on that permitted site.

Wet or Dry mining overburden or flume piles that exceed 25 feet will require a slop ratio of 5:1. Temporary overburden used for future reclamation and stockpiles of sand, gravel or other saleable materials are exempt.

Strip Mining:

Strip mining may include mining pits of topsoil, subsoils of clay or clay gravel or sand. When strip mining activity ends on any permitted site, upon termination of permits, the miner shall not leave dirt embankments or "walls" with depths greater than 4 feet unless they meet the slop ratio requirements of 3:1 as described in other sections of this ordinance.

4-5

LAND LEVELING.

After permit termination, all mining sites shall have land contours will generally be leveled to rolling shapes that have no abrupt elevation changes and will generally maintain the appearance of a smooth contour. There shall be adequate provisions for drainage so that rainfall does not accumulate in small pockets. Leveling should be done to such a standard that a farm tractor and rotary cutter can safely and easily traverse the area.

4-6

ADDITIONAL REMEDY FOR VIOLATIONS.

In addition to the inspection and enforcement authorizations given to the Permit Office by this Ordinance, as described in Article 1, in cases of violations of this Section the Permit Office may upon inspection of mining property serve written notice of areas in deficiency and allow the producer Thirty days to prepare and submit a plan to cure said deficiency prior to further action such as a "Stop Work Order". If at the end of thirty days a plan has not been submitted to the Permit Office a "Stop Work Order" may be issued. If the corrective action plan is submitted within thirty days then the Permit Office will accept or reject the plan within fifteen days. If the plan is rejected the issue will be referred to the Planning Commission for further action or consideration. Additionally, enforcement and remedies may include the requirement of the mining operator to post a guarantee in the amount of two thousand dollars (\$2,000.00) per acre for the deficient portion of the land which may be forfeited in the event of failure to carry out remedial or corrective measures to cure violations of this Section or denial of future permits until such remedial or corrective measures are complete.

4-7

ADDITIONAL GUIDE FOR PERMIT COMPLIANCE.

Upon passage of this ordinance, miners of all categories shall have 60 days before any permit obtained prior to July 2008 expires. After 60 days, all permits prior to July 2008 will expire and all miners will be required to obtain a current permit applicable to each individual mined site but does not have to meet the requirements of a signed, notarized agreement between miner and landowner as required by this document.

Previously mined sites under the old \$25.00 permit fee that are active, shall have a current permit 60 days after passage of this ordinance according to the adopted fee schedule by the Washington Parish Council in July 2008.

Permits are to be renewed annually and are good for the permitted site as long as the site is actively mined. If a site is idled for more than a year and the permit is not renewed or lapses, before mining activity starts or resumes, the site will be required to be re-permitted at the new requirements set forth under this ordinance.

Penalties will apply to all mining violations regardless of type and are set forth in this ordinance and in the fee schedule previously adopted by the Washington Parish Council in July 2008.