

## LP ORDINANCE 09-28

The following ordinance was submitted to the Council as an initiative petition in open meeting held June 11, 2009, and signed petitions were filed with the Council on August 10, 2009. The Livingston Parish Council ordered a canvass of the signatures through the office of the Parish Registrar of Voters in accordance with Section 6-01 of the Home Rule Charter of Livingston Parish.

The Registrar of Voters certified the signatures as sufficient and correct and the Livingston Parish Council scheduled a public hearing for Thursday, October 8, 2009, at 6:00 p.m.

SECTION 1. The Code of Ordinances of the Parish of Livingston, Louisiana, is hereby amended as follows:

### **Under Sec. 13-54.1. Street Standards:**

Delete the second sentence under Paragraph A, which reads, *“No unpaved roads/streets (private or public) will be accepted into the road maintenance system unless approved by the Parish Council.”*

SECTION 2. The Code of Ordinances of the Parish of Livingston, Louisiana, is further amended as follows:

Make revisions to Paragraph B, section 1, ,point A and B, Section 3, point A and B, as follows:

### **Under Sec. 13-54.1. Street Standards:**

Add revisions to Paragraph B, as follows:

#### B. Design and Construction criteria.

- (1) The riding surface of all public streets/roads where open ditches are used for drainage shall be a minimum of 20 feet wide.
  - a. With 3 inch hot asphaltic concrete wearing surface (1.5 inch and 1.5 inch layers) on 10” soil cement base at least twenty-one (21) feet wide: or
  - b. With 3 inch hot asphaltic concrete wearing surface (1.5 inch and 1.5 inch layers) on compacted eight-inch crushed limestone base at least twenty-one (21) feet wide; or
- (2) All streets with curb, gutter and/or enclosed drainage systems shall be at least twenty-seven (27) feet wide from back of curb to back of curb or twenty (20) feet with subsurface drainage and no curbs.
  - a. With 3 inch hot asphaltic concrete wearing surface (1.5 inch and 1.5 inch layers) on 10” soil cement base at least twenty-one (21) feet wide: or
  - b. With 3 inch hot asphaltic concrete wearing surface (1.5 inch and 1.5 inch layers) on compacted eight-inch crushed limestone base at least twenty-one (21) feet wide; or

Add Paragraph C, as follows:

#### C. Criteria for accepting existing roads into the Parish Maintenance System.

1. Must have five (5) residential structures in place fronting said road.  
Gravel or asphalt roads with open ditches are to have sixty foot (60’) right-of-way, gravel roads with closed drainage are to have fifty foot (50’) right-of-way and asphalt roads with curb and gutter and subsurface drainage are to have fifty foot (50’) right-of-way.
3. Gravel roads must have twenty foot (20’) surface with three inches (3”) washed gravel or crushed limestone. Asphalt roads must meet parish standards as described in Sec. 13-54.1., Paragraph B.
4. Dead-end streets shall have a cul-de-sac or T-turnaround that meets the parish standards as described in Sec. 13-54.1., Paragraph B, Subsection 8.
5. Pictures of the road and residential structures must be presented to the full Livingston Parish Council.
6. Complete ownership of land and mineral rights within the Right-of-Way shall be deeded to Livingston Parish. If the mineral rights have been transferred or alienated such as to prevent ownership from vesting in the Livingston Parish, the Council may, in its discretion, refuse to accept such streets into the Parish system.
7. Acceptance into the Parish System must be approved by the Parish Council.
8. Minimum of 1056’ road length required.
9. Property owners must provide to parish a complete survey of road right of way to be dedicated to parish.

SECTION 3. The Code of Ordinances of Livingston Parish, Louisiana, is further amended as follows:

### **DELETE THE FOLLOWING SECTIONS:**

Delete these two sections (14-13 and 14-13.1) entirely which reads as follows:

### **Under Sec. 14-13. Acceptance for maintenance-Procedure.**

The following procedure shall be used for acceptance of roads into the parish maintenance system:

- (1) Petition containing seventy-five (75) percent of property owners of legal age, as verified by parish records, shall be submitted to the office of the parish council. Names must be listed on

- petition with current address.
- (2) The current petition form (to be obtained from the office of the parish council) shall be executed and turned into the parish council office before acceptance by majority vote of the parish council.
  - (3) If it is found that any person signing the petition does not meet the criteria contained in paragraph one in this section, petition shall become null and void. Any person who falsely signs the petition may be subject to prosecution.
  - (4) The parish council reserves the right to accept or reject any petition.
  - (5) Road must have a minimum of two (2) or more addressable units or structures.
  - (6) Road must be formally named before acceptance into the parish maintenance system.
  - (7) This section shall not apply to subdivisions that have not been accepted into the parish system. (Ord. of 10-27-73; Res. of 7-22-78; Mo. of 1-18-87; Ord. No. 05-09, § 1, 4-14-05; Ord. No. 07-75, 12-13-07)

**Under Sec. 14-13.1. Same—Unalienated oil, gas and mineral rights prerequisite; exceptions.**

Prior to acceptance of any road or street into the parish road system for maintenance and upkeep by the Livingston Parish Police Jury, an appropriate inquiry shall be made as to the status of the ownership of the oil, gas and minerals beneath such road or street, and if the police jury determines that the oil, gas and minerals beneath same have been transferred or alienated such as to prevent ownership from vesting in the police jury, the police jury may, in its discretion, refuse to accept such streets for maintenance and upkeep as part of the parish road system. (Res. of 5-10-88)

**ADD THE FOLLOWING SECTION:**

Add the following new Section 14-13.2. which reads as follows:

**Sec.14-13.2. Criteria for accepting existing roads into the Parish Maintenance System.**

1. Must have five (5) residential structures in place fronting said road.
2. Gravel or asphalt roads with open ditches are to have sixty foot (60') right-of-way, gravel roads with closed drainage are to have fifty foot (50') right-of-way and asphalt roads with curb and gutter and subsurface drainage are to have fifty foot (50') right-of-way.
3. Gravel roads must have twenty foot (20') surface with three inches (3") washed gravel or crushed limestone. Asphalt roads must meet parish standards as described in Sec. 13-54.1., Paragraph B.
4. Dead-end streets shall have a cul-de-sac or T-turnaround that meets the parish standards as described in Sec. 13-54.1., Paragraph B, Subsection 8.
5. Pictures of the road and residential structures must be presented to the full Livingston Parish Council.
6. Complete ownership of land and mineral rights within the Right-of-Way shall be deeded to Livingston Parish. If the mineral rights have been transferred or alienated such as to prevent ownership from vesting in the Livingston Parish, the Council may, in its discretion, refuse to accept such streets into the Parish system.
7. Acceptance into the Parish System must be approved by the Parish Council.
8. Minimum of 1056' road length required
9. Property owners must provide to parish a complete survey of road right of way to be dedicated to parish.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: MR. HARRIS, MR. McCOY, MR. MINCEY, MRS. WALE, MR. WATSON

NAYS: NONE

ABSTAIN: MR. RUSHING, MR. SHARP, MR. WAGNER, MR. WHEAT

ABSENT: NONE

And the Ordinance was declared adopted at a special meeting held this 13th day of October 2009.

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Jimmie McCoy, Council Chairman

ATTEST:

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Mary E. Kistler, Council Clerk

APPROVED BY

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Mike Grimmer, Parish President

