



ST. JOHN

THE BAPTIST PARISH

PLANNING AND ZONING
102 E. Airline Highway, LaPlace, Louisiana, 70068
(985) 651-5565 Fax (985) 653-9808

Dirt Pit and/or Pond Permit Application

DATE REQUESTED: _____ ZONING DISTRICT: _____ COUNCIL DISTRICT: _____ COUNCIL DIVISION: _____
COUNCIL MEETING DATE, IF REQUIRED _____ APPROVED _____ DENIED _____
APPROVAL EXPIRATION DATE: _____

(OFFICE SECTION)

APPLICATION FOR: DIRT PIT POND

APPLICANT(S): _____

APPLICANT MAILING ADDRESS: _____

APPLICANT PHONE #: _____ EMAIL: _____

PROPERTY OWNER(S): _____

OWNER MAILING ADDRESS: _____

OWNER PHONE #: _____ EMAIL: _____

CONTRACTOR/MINER/EXCAVATOR NAME: _____

CONTRACTOR/MINER/EXCAVATOR ADDRESS: _____

CONTRACTOR/MINER/EXCAVATOR PHONE #: _____

PROPERTY ADDRESS: _____

SUBDIVISION: _____ LOT #: _____ SQUARE #: _____

PARCEL #: _____ PROPERTY DIMENSIONS: _____

NAME OF ROADWAY PROVIDING ACCESS TO THE SITE: _____

SIZE OF DIRT PIT AND/OR POND (Including depth and surface area) _____

OPERATION STARTING DATE: _____ OPERATION COMPLETION DATE: _____

ADDITIONAL NOTES: _____

REQUIREMENTS:

- _____ 1. Completed application signed by the applicant and property owner.
- _____ 2. Copy of the recorded deed or act of sale to the property.
- _____ 3. If the contractor/miner/excavator is a partnership, corporation or limited liability company, there shall be included with the application the names of each owner, stockholder, partner and/or member except in the case of publicly traded stock corporations. Along with each name, there shall also be included the contractor, miner, excavator and in the case of a partnership, corporation or limited liability company, the owner, stockholder, partner and/or member's physical and mailing address and telephone number.
- _____ 4. A site plan showing the size and location of the proposed dirt pit and/or pond. The edges of the dirt pit and/or pond shall be no closer than 30 feet from a neighboring property line. For dirt pits and/or ponds more than one acre in area, the edges of the dirt pit and/or pond shall be no closer than 200 feet from a neighboring property owner's existing residential house structure.
- _____ 5. CHECK ONE:
 - Ponds one acre or less in area on a single-family residential home site.* An application must be submitted and fees paid in order to obtain a permit. The pond must be dug in a manner that will allow for it to hold water. For safety reasons, the edge of the pond shall be sloped at a minimum ratio of 3:1. The edge of the pond shall be no closer than 30 feet from a neighboring property line. During construction of the one acre or less size pond, if legitimate complaints arise, the parish government may require watering in order to control dust.
 - Dirt pits and/or ponds more than one acre, but no more than five acres in area.* An application shall be submitted along with the items set forth herein below in this paragraph before a permit may be issued. The applicant must present a plan for access to a state highway or to a parish roadway. A water truck may be required to control dust. If the site is constructed with the intention to create a pond, such pond shall be constructed in a manner that will allow it to hold water and at the completion of the job, for safety reasons, the edges of the pond shall be sloped at a minimum ration of 3:1. The edge of any such dirt pit and/or pond can be no closer than 30 feet from a neighboring property line. Furthermore, to protect neighboring properties from damages to water wells, sewer systems and fountains, no such dirt pit or pond shall be located any closer than 200 feet from a

neighboring property owner's existing residential house structure. If at any time the pit becomes abandoned, there shall be no pool of water or pond unless the edges of the pool or pond are sloped at a minimum ratio of 3:1. A permit for this size operation shall be for a one-year term and must be renewed yearly thereafter during the operation. Prior to expanding the site to include excavation of more than five acres, the contractor/miner/excavator must apply for and obtain a permit for a dirt pit and/or pond more than five acres in area (below).

Dirt pits and/or ponds more than five acres in area. This will be considered as a commercial site and as such, the permit application must be reviewed and recommended for approval by the permit office, reviewed and recommended for approval by the St. John the Baptist Parish Director of Public Works, reviewed and recommended for approval by the St. John the Baptist Parish Utilities Board and then and only then be submitted to the St. John the Baptist Parish Council for final approval of the permit, by resolution and which approval shall not be unreasonably withheld. Prior to placing this permit application on the St. John the Baptist Parish Council agenda, the applicant shall first have written approval from the St. John the Baptist Parish Director of Public Works and the approval of the St. John the Baptist Parish Utilities Board. Once a permit is issued, the following requirements must be upheld. A water truck must be maintained on the site and must be used daily to control dust except in the event of substantial periods of rain. If the site is constructed with the intention to create a pond, at completion of the job, such pond shall be constructed in a manner that will allow it to hold water and for safety reasons, the edges of the pond shall be sloped at a minimum ratio of 3:1. At all times, the edges of any such dirt pit and/or pond can be no closer than 30 feet from a neighboring property line. Furthermore, to protect neighboring properties from damages to water wells, sewer systems and foundations, no such dirt pit or pond shall be located any closer than 200 feet from a neighboring property owner's existing residential house structure. If any time the pit becomes abandoned, there shall be no pool of water or pond unless the edges of the pool or pond are sloped at a minimum ration or 3:1. A permit for this size operation shall be for a one-year term and must be renewed yearly thereafter during the operation of the dirt pit. In addition to the other requirements for a permit, the applicant shall also submit along with the permit application the following, to-wit:

- Site plan that includes the legal description and survey of the entire property;
- A diagram of the proposed dirt pit or pond at completion;
- A written letter of approval from the St. John the Baptist Parish Director of Public Works;
- Approval from the St. John the Baptist Parish Utilities Board;
- A resolution of the St. John the Baptist Parish Council granting the permit;
- Certification from the Parish Planning and Zoning Director that said property is zoned either Rural or I1, I2 or I3.

- _____ 6. **Payment of permit fees. (Made payable to St. John the Baptist Parish Council)**
- a. **For ponds of one acre or less on a single residential home site; the permit fee shall be set at a one- time fee of \$50.00.**
 - b. **For dirt pits and/or ponds more than one acre but no more than five acres; the permit fee shall be \$100.00 per year during each year of operations or construction.**
 - c. **For dirt pits and/or ponds more than five acres; the permit fee shall be \$20.00 per acre (total proposed acres on plan), per year during each year of operation or construction.**

ADDITIONAL REQUIREMENTS AND REGULATIONS:

The permit must be posted at the entrance site of the dirt pit and/or pond where the applicant accesses the site from a public roadway.

The dirt pit and/or pond's landowners and the contractor/miner/excavator shall be jointly, severally and in solido, responsible for obtaining and constructing access onto a public roadway. If the public roadway is surfaced, there must be an apron connecting the applicant's private roadway to the public roadway constructed in a manner that will prevent damage to the roadway. Any damages to the public roadway at this entrance shall be paid for by the landowner and/or the contractor/miner/excavator, jointly and severally.

The contractor/miner/excavator shall be responsible to make sure operations at the dirt pit/pond construction do not impact road safety and to remove any dirt or clay that is spilled or tracked onto the public roadway.

If at any time there is a change in ownership as to the landowner and/or the contractor/miner/excavator, the current owner shall notify new owner of these requirements and regulations.

As a condition of the granting of a permit to undertake dirt pit/pond operations, the applicant and the landowner shall grant to the parish government's inspectors and/or compliance officers complete access to the site for regular inspections, code enforcement, posting violations and issuing stop work orders at all reasonable times.

In the event that the permit holder/holders fail to comply with the said requirements, the parish government, in addition to any other remedies provided for herein or by other general law, shall be entitled to "stop all work" at the site and suspend the dirt pit/pond operations permit.

Applicant(s) Signature

Date

Property Owner(s) Signature

Date

DIVISION 6. DIRT PITS, PONDS AND BORROW PITS

Sec. 113-600. Definitions.

Dirt pit means a hole, shaft or cavity in the ground created or expanded with the intent to mine dirt or clay from the site for transport off of the site.

Pond means an artificially created confined body of water.

Residential house means a structure or dwelling providing living accommodations for one or more persons.

Sec. 113-601. Construction, operation or expansion of dirt pits and ponds require a permit.

- (a) All dirt pits and/or ponds sought to be constructed within the parish shall be required to submit an application to the parish permit office and pay the fee set for this permit by the parish council in section 113-610. No new excavation shall begin until a permit is issued.
- (b) The permit application required by this article shall require the following information, to-wit:
 - (1) The landowner of landowners' full names, physical and mailing addresses and telephone number.
 - (2) The property description for the location of the dirt pit and/or pond.
 - (3) The official name or designation of the roadway providing access to the site of the dirt pit and/or pond.
 - (4) The anticipated size of the dirt pit and/or pond including both its anticipated depth and surface area.
 - (5) The anticipated starting date for operations and the anticipated completion date for operations at the site.
 - (6) The contractor/miner/excavator's complete name. If the contractor/miner/excavator is a partnership, corporation or limited liability company, there shall be included with the application the names of each owner, stockholder, partner and/or member except in the case of publicly traded stock corporations. Along with each name, there shall also be included the contractor, miner, excavator and in the case of a partnership, corporation or limited liability company, the owner, stockholder, partner and/or member's physical and mailing address and telephone number.

Sec. 113-602. Permit posting.

The original permit or a copy thereof must be posted by the applicant at the entrance site of the dirt pit and/or pond where the applicant accesses the site from a public roadway.

Sec. 113-603. Damages to public roads.

- (a) The dirt pit and/or pond's landowners and the contractor/miner/excavator shall be jointly, severally and in solido, responsible for obtaining and constructing access onto a public roadway. If the public roadway is surfaced, there must be an apron connecting the applicant's private roadway to the public roadway constructed in a manner that will prevent damage to the roadway. Any damages to the public roadway at this entrance shall be paid for by the landowner and/or the contractor/miner/excavator, jointly and severally.
- (b) The contractor/miner/excavator shall be responsible to make sure operations at the dirt pit/pond construction do not impact road safety and to remove any dirt or clay that is spilled or tracked onto the public roadway.

Sec. 113-604. Notification of change in ownership.

If at any time there is a change in ownership as to the landowner and/or the contractor/miner/excavator, the current owner shall notify new owner of this article.

Sec. 113-605. Permit holder to provide access to parish inspectors.

As a condition of the granting of a permit to undertake dirt pit/pond operations, the applicant and the landowner shall grant to the parish government's inspectors and/or compliance officers complete access to the site for regular inspections, code enforcement, posting violations and issuing stop work orders at all reasonable times.

Sec. 113-606. Compliance enforcement.

In the event that the permit holder/holders fail to comply with the requirements of this article, the parish government, in addition to any other remedies provided for herein or by other general law, shall be entitled to "stop all work" at the site and suspend the dirt pit/pond operations permit.

Sec. 113-607. Special regulations.

- (a) *Requirements for ponds or one acre or less in area on a single-family residential home site.* An application shall be submitted and fees paid in order to obtain a permit. The pond must be dug in a manner that will allow for it to hold water. For safety reasons, the edge of the pond shall be sloped at a minimum ratio of 3:1. The edge of the pond can be no closer than 30 feet from a neighboring property line. During construction of the one acre or less size pond, if legitimate complaints arise, the parish government may require watering in order to control dust.
- (b) *Requirements for dirt pits and/or ponds more than one acre but no more than five acres in area.* An application shall be submitted along with the items set forth herein below in this paragraph before a permit may be issued pursuant to this article. The applicant must present a plan for access to a state highway or to a parish roadway. A water truck may be required to control dust. If the site is constructed with the intention to create a pond, such pond shall be constructed in a manner that will allow it to hold water and at the completion of the job, for safety reasons, the edges of the pond shall be sloped at a minimum ratio of 3:1. The edge of any such dirt pit and/or pond can be no closer than 30 feet from a neighboring property line. Furthermore, to protect neighboring properties from damages to water wells, sewer systems and foundations, no such dirt pit or pond shall be located any closer than 200 feet from a neighboring property owner's existing residential house structure. If at any time the pit becomes abandoned, there shall be no pool of water or pond unless the edges of the pool or pond are sloped at a minimum ratio of 3:1. A permit for this size operation shall be for a one-year term and must be renewed yearly thereafter during the operation. Prior to expanding the site to include excavation of more than five acres, the contractor/miner/excavator must apply for and obtain the permit required by subsection (c) of this section.
- (c) *Requirements for dirt pits and/or ponds more than five acres in area.* This will be considered as a commercial site and as such, the permit application must be reviewed and recommended for approval by the permit office, reviewed and recommended for approval by the parish director of public works, reviewed and recommended for approval by the parish utilities board and then and only then be submitted to the parish council for final approval of the permit, by resolution and which approval shall not be unreasonably withheld. Prior to placing this permit application on the parish council agenda, the applicant shall first have written approval from the parish director of public works and the approval of the parish utilities board. Once a permit is issued, the following requirements must be upheld. A water truck must be maintained on the site and must be used daily to control dust except in the event of substantial periods of rain. If the site is constructed with the intention to create a pond, at completion of the job, such pond shall be constructed in a manner that will allow it to hold water and for safety reasons, the edges of the pond shall be sloped at a minimum ratio of 3:1. At all times, the edges of any such dirt pit and/or pond can be no closer than 30 feet from a neighboring property line. Furthermore, to protect neighboring properties from damages to water wells, sewer systems and foundations, no such dirt pit or pond shall be located any closer than 200 feet from a neighboring property owner's existing residential house structure. If any time the pit becomes abandoned, there shall be no pool of water or pond unless the edges of the pool or pond are sloped at a minimum ration or 3:1. A permit for this size operation shall be for a one-year term and must be renewed yearly thereafter during the operation of the dirt pit. In addition to the other requirements for a permit, the applicant shall also submit along with the permit application the following, to-wit:
- (1) Site plan that includes the legal description and survey of the entire property;
 - (2) A diagram of the proposed dirt pit or pond at completion;
 - (3) Approval from the parish director of public works;
 - (4) A letter of approval from the parish utilities department;
 - (5) A resolution of the parish council granting the permit;

- (6) Certification from the parish planning and zoning director that said property is zoned either Rural or I1, I2 or I3.

Sec. 113-608. Reserved.

Sec. 113-609. Existing dirt pits and/or ponds.

Dirt pits that are currently lawfully operating, meaning dirt has been removed from the site for commercial purposes, as of the effective date of this chapter, will be exempt from all requirements of this article, excepting that these existing sites shall be required to submit an application to the permit office and receive an exempt permit. This exempt permit shall be kept on site. The application shall contain the following information: Name of landowner, mailing address and phone number, name and phone number of contractor/excavator, location of pit (access road), total acreage of site (total on deed, even if plans do not include the use of all acreage), and total anticipated size of pit. This information will be for permit office use only, but will be available to the public as required by law.

Sec. 113-610. Permit fees.

See section 14-113(g).

Sec. 113-611. Penalties.

- (a) Any person who violates the provisions of this chapter, as set forth hereinabove, shall be guilty of a misdemeanor criminal offense punishable as provided in this Code.
- (b) Each day that a violation of this chapter exists shall constitute a separate offense.

Sec. 113-612. Exemptions.

- (a) The provisions of this chapter shall not apply to a residential subdivision development when said development is duly approved through the subdivision process provided for in the this Code and where said ponds or retention areas are included in the approved subdivision plans.
- (b) The provisions of this chapter shall not apply to any existing golf course facilities or industrial plan sites duly permitted through the state permitting process, or batture properties located within the Mississippi River levee system.

Sec. 14-113. Zoning.

The fees and charges required by or referenced in chapter 113 of this Code are as follows:

- (1) Zoning fees:
 - g. Permit fees for dirt pits and ponds. Permit fees are set by the parish government as follows:
 - 1. For ponds of one acre or less on a single residential home site; the permit fee shall be set at a one-time fee of \$50.00.
 - 2. For dirt pits and/or ponds more than one acre but no more than five acres; the permit fee shall be \$100.00 per year during each year of operations or construction.
 - 3. For dirt pits and/or ponds more than five acres; the permit fee shall be \$20.00 per acre (total proposed acres on plan), per year during each year of operation or construction.