

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO.: 7560

ORDINANCE COUNCIL SERIES NO.: 24-_____

COUNCIL SPONSOR: MR. COUGLE

PROVIDED BY: CIVIL DIVISION

INTRODUCED BY: MR. IMPASTATO

SECONDED BY: MR. BURKE

ON THE 4TH DAY OF APRIL, 2024

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ST. TAMMANY PARISH, LOUISIANA, PART I, CHAPTER 35 - ROADS AND BRIDGES, ARTICLE I -IN GENERAL, TO ADD SECTION 35 – 35: DIRECTIONAL BORING OPERATIONS, IN ORDER TO PROTECT UNDERGROUND UTILITIES

WHEREAS, directional boring is a common method of installing underground utilities within St. Tammany Parish; and

WHEREAS, improper directional boring has posed a significant risk to public safety and has damaged existing underground utilities in the parish, including but not limited to gas, electric, water, and telecommunication lines. These risks have resulted in numerous service disruptions, costly repairs, and created potential hazardous situations for workers and the public; and

WHEREAS, it is the priority of St. Tammany Parish Government to protect and preserve the health, safety, and welfare of its residents; and

WHEREAS, it is necessary to require a permit before commencing any work involving directional boring to protect the health, safety and welfare of St. Tammany Parish residents.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, Part I, Chapter 35 – Roads and Bridges, Article I – In General, be amended to add Section 35-35 – Directional Boring Operations, to provide as follows:

Sec. 35-35. Directional Boring Operations

- A. Permit Required. No person or entity shall, as of the effective date of this article, conduct, participate or be involved in directional boring operations within a St. Tammany Parish right-of-way without first obtaining a permit from the Department of Permits and Inspections. Directional Boring is defined as the trenchless method of installing underground utilities.
- B. Permit Application. The permit application shall include the following:
- (1) A detailed description of the proposed directional boring project, including the following information:
 - (a.) Contractor name and contact information;
 - (b.) Subcontractor’s name and contact information, if applicable;
 - (c.) Parish road name;
 - (d.) Location of work;
 - (e.) Depth and anticipated path of the bore;
 - (f.) Location of all known underground utilities in the vicinity of the proposed work;
 - (g.) Date work to be done; and
 - (h.) Estimated completion date.
 - (2) A safety plan addressing the specific measures to be employed to protect underground utilities with a certification therein to adhere to the best practices and safety guidelines outlined in the Common Ground Alliance publication titled “Best Practices Guide;”

- (3) A copy of a current Louisiana 811 Excavator Training and Education Certificate for any person conducting, participating or involved in the proposed directional boring operations;
- (4) The 811-ticket number shall be submitted to the Department of Permits and Inspections prior to commencement of any boring operations to verify contact with Louisiana One Call and to ensure that the affected utility providers within the proposed work area have been notified before starting boring operations;
- (5) Permit Certification. A signed certification attesting to the following:
- (a) All affected utility providers within the proposed work area have been contacted to request and ascertain the location of all underground utilities in the proposed work area. The locations thereof will be verified prior to commencing work;
 - (b) All underground utilities shall be marked and boring operations shall maintain a safe clearance from those marked utilities at all times;
 - (c) Any contractor or subcontractor conducting, participating or involved with directional boring operations shall have a St. Tammany Parish construction license;
 - (d) Potholing or exploratory drilling shall be undertaken every fifty (50) to one hundred (100) feet at intersections and when crossing marked underground utilities prior to the start of directional boring operations in order to protect utility lines;
 - (e) If any contact with an underground utility is suspected or occurs, work shall immediately cease and the affected utility provider and Director of the Department of Public Works shall be immediately notified in writing;
 - (f) Appropriate methods for monitoring and detecting potential contact with underground utilities shall be employed during the boring process, which may include but not be limited to electronic guidance systems or physical probes;
 - (g) All vehicles associated with the directional boring operation shall be clearly marked with the company name prominently displayed at all times;
 - (h) All persons conducting, participating, or involved in boring operations shall:
 - 1. Wear a high-visibility vest, or similar garment, clearly displaying the name of the company for whom the work is being conducted and the name of the contractor undertaking the directional boring operations;
and
 - 2. Have readily available on site a copy of the Louisiana One Call permit and the franchise agreement with the parish.
 - (i) Prior to and during boring operations, clearly marked signage shall be placed at the entry and exit points of the work area, which includes the name and contact information of the contractor performing the directional boring and the company for whom the work is being conducted;
 - (j) The person, entity, and/or contractor performing the directional boring operation shall return the right-of-way in which they are performing work to the same condition it was prior to the commencement of the boring operations, and shall be liable for any all damages to utilities, structures, and/or property damaged by their boring operations;
 - (k) The Department of Public Works will be notified at least two days before the boring operations are started;
 - (l) If property is damaged during the installation, construction or maintenance of boring operations, the permittee shall replace and restore the property to a condition reasonably comparable to the condition existing immediately prior to the commencement of work. The permittee shall give immediate notice to the owner of the underground utility whose pipe has been damaged and report the damage to Louisiana 811. The permittee shall be responsible for any and all costs and expenses incurred in restoring, correcting, repairing or replacing the

damaged line or facility. If damage occurs more than once in the work area, the permittee shall pay a penalty of \$1000 for the second occurrence of damage, \$1500 for the third occurrence, \$2000 for the fourth occurrence of damage and \$3000 for each subsequent incident of damage;

- (m) No directional boring operations will be undertaken after dark, an hour after dawn, an hour prior to dusk or on Sundays;
- (n) Failure to follow any requirement herein is grounds for immediate revocation of the permit.

C. Emergency Excavation. The notice required in this article shall not apply to any person conducting emergency excavation wherein an emergency Louisiana 811 ticket was filed and approved.

(1.) Oral or electronic notice of the emergency excavation shall be given as soon as practicable to the Department of Public Works and to each operator having underground utilities located in the area and, if necessary, emergency assistance shall be requested from each operator in locating and providing immediate protection to its underground utilities.

(2.) The excavator shall certify in the notice required that the situation poses an imminent threat or danger to life, health, or property or is the result of an unplanned utility outage and requires immediate action and that the excavator, or owner or operator has a crew on site.

(3.) There is a rebuttable presumption that the excavator failed to give notice as required if the excavator failed to give any notice to the Department of Public Works within the following time periods:

- (a.) Within two hours from the discovery of the need for an emergency excavation;
- (b.) In the case of gubernatorially declared state of emergency due to a weather or homeland security-related event, within twelve hours of the beginning of the emergency excavation; or
- (c.) In case of a wildfire, within twenty-four hours after control of the emergency.

(4.) Emergency excavation notices are valid for as long as the emergency situation exists. The type of work and location shall remain consistent with the work described in the emergency excavation notice. If the type of work and location become inconsistent with the emergency excavation notice, then a new excavation notice is required.

D. Permit Exception. A permit shall not be required when the directional boring operations are undertaken by an operator or contractor who has undertaken contractor prequalification and ongoing monitoring by and through ISNetwork.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____ 2024; AND BECOMES ORDINANCE COUNCIL SERIES NO. 24-.

ARTHUR LAUGHLIN, COUNCIL CHAIR

ATTEST:

KATRINA BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published introduction: MARCH 27, 2024

Published adoption on: _____, 2024

Delivered to Parish President: _____, 2024 @ _____

Returned to Council Clerk: _____, 2024 @ _____