

1 Introduced August 13, 2024, by Councilwoman  
2 Haggerty, seconded by Councilman DiSanti, (by  
3 request of Administration)

4  
5 **Item No. 24-08-3542**

6 **ORDINANCE NO. 4191**

7  
8 An ordinance regulating horizontal directional drilling in public rights-of-way  
9 within the City of Slidell and providing for related matters in connection therewith.

10 WHEREAS horizontal directional drilling in public rights-of-way within the City  
11 can assist in the orderly maintenance and expansion of certain utilities to city residents;  
12  
13 and

14  
15 WHEREAS it is necessary to regulate such drilling to minimize the potential for  
16 negative outcomes from such operations, including damage and disruptions resulting from  
17 cross bores.  
18

19  
20 NOW THEREFORE, BE IT ORDAINED by the Slidell City Council as follows:

- 21  
22 I. Article IV is hereby added to Chapter 25 of the City of Slidell's Code of Ordinances,  
23 to read as follows:

24 **ARTICLE IV. – HORIZONTAL DIRECTION DRILLING**

25  
26 **Section 25-78. – Definitions.**

27  
28 *Drainage canal* means Bayou Pattasat North and South Forks, W-14 and W-15  
29 Canals, WP-20 Canal, Brookwood Canal, Lakewood Canal, W. Pinewood Dr.  
30 Canal, North Village Canal  
31

32  
33 *Horizontal directional drilling or HDD* means a trenchless technology that uses  
34 equipment to drill underground horizontally for the purpose of installing pipes,  
35 conduits, cables, and similar infrastructure.  
36  
37  
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4 *Pothole or potholing* means exposure of a facility by safe excavation practices  
5 (vacuum excavation or hand digging with extreme caution) to ascertain the precise  
6 horizontal and vertical position of underground lines or facilities.  
7

8 *Public rights-of-way* means the area on, below, or above a publicly owned roadway,  
9 sidewalk, alley, waterway, or other public way within the municipal boundaries of the  
10 city.  
11

12 *Specific location* means an area not wider than the width of the underground facility  
13 as marked plus six inches on either side.  
14

15 Section 25-79. – Permit required; general permit restrictions.  
16

- 17 (a) It shall be unlawful for any person to conduct any horizontal directional  
18 drilling operations in any public right-of-way in the city without first obtaining a  
19 permit from the city's department of engineering to do so. Permitting for such  
20 operations is only available to those persons who have a franchise  
21 agreement or a comparable agreement or permission authorizing such  
22 operations in the city (each a "franchisee") and who otherwise satisfy the  
23 requirements of this article. A permit from the city for such operations is  
24 required even if the use of the public right-of-way within the city has been  
25 authorized by another public entity that owns or maintains such right-of-way.  
26 Upon issuance, a copy of the permit shall be maintained by the contractor for  
inspection at the job site.
- 27 (b) The permit required by this section may only be obtained by the franchisee or  
28 his/her/its authorized prime contractor for the operations, acting on the  
29 franchisee's behalf.
- 30 (c) The fee for each HDD permit is set forth in Appendix F of this Code.  
31
- 32 (d) No franchisee may have more than three HDD permits outstanding at any  
33 time, regardless of the contractor(s) performing work under the permit.
- 34 (e) No single HDD permit shall authorize operations more than 1,000 feet.  
35 Permitted drilling distances must be contiguous; non-contiguous drills may  
36 not be combined under a permit.
- 37 (f) Horizontal directional drilling in the city may only take place on Mondays,  
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4 Tuesdays, Wednesdays, and Thursdays between 7:00am and 4:00pm.  
5 Additionally, horizontal directional drilling may not take place on any city  
6 holiday observed on a Monday, Tuesday, Wednesday, or Thursday.

- 7
- 8 (g) No HDD permit shall authorize horizontal directional drilling within 15 feet of  
9 the top bank of any drainage canal.
- 10 (h) The requirements of this article, or any portion of them, may be waived by  
11 the City Engineer his designee when, in the opinion of the City Engineer or  
12 his designee, an emergency situation exists that makes adherence to such  
13 requirements impractical or inadvisable.

14 Section 25-80. – General permit application requirements; prerequisite to  
15 submission.

- 16
- 17 (a) A completed and signed HDD permit application shall be submitted to the  
18 city's department of engineering on a form provided by that department, to  
19 include any requisite attachments. Information submitted on/with the HDD  
20 permit application shall include, and the application shall otherwise include:
- 21 (1) The name and contact information, including email address, of the  
22 franchisee, and evidence of current general liability insurance covering  
23 its HDD operations in the minimum amounts of one million per  
24 occurrence / three million aggregate;
- 25 (2) The name and contact information, including email address, of the  
26 franchisee's prime contractor for the proposed work and of any  
27 subcontractor to work on the proposed work, evidence of current  
28 general liability insurance covering the HDD operations of each such  
29 contractor in the minimum amounts of one million per occurrence / three  
30 million aggregate, and evidence that the prime contractor and any  
31 subcontractor to work on the proposed work has an active commercial  
32 contractor license through the Louisiana State Licensing Board for  
33 Contractors, with a major classification in: highway, street, and bridge  
34 construction; heavy construction; or municipal and public works  
35 construction, or a specialty classification in horizontal directional drilling;
- 36 (3) A 24-hour emergency contact number for the prime contractor;
- 37 (4) Confirmation that the franchisee and any listed contractor(s) has a valid  
38 city occupational license, when applicable.  
39

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- 4
- 5 (5) A description of the proposed work;
- 6
- 7 (6) Evidence that use of the public right-of-way for HDD operations has  
8 been authorized by the public entity who owns such right-of-way, if  
9 other than the city;
- 10 (7) A description of the proposed location of the operations, the location  
11 and size of any entry and exit pits, and the proposed distance and depth  
12 of drilling operations, mapped out on a spatially accurate GIS shape file  
13 (to be supplemented by as-builts upon completion), along with a GIS  
14 shape file of franchisee's current underground infrastructure in the city;
- 15 (8) The location of all proposed boxes, vaults, or other accessory  
16 infrastructure to be placed in the public right-of-way;
- 17
- 18 (9) The location of all known underground utilities in the vicinity of the  
19 proposed work;
- 20 (10) A proposed schedule of work;
- 21
- 22 (11) A proposed erosion control plan;
- 23
- 24 (12) A proposed traffic control plan;
- 25
- 26 (13) The size of the proposed bore to be created and the equipment to be  
27 used for drilling;
- 28
- 29 (14) Maintenance records from the preceding three months for the  
30 equipment to be used in the HDD operations and copies of all licenses  
31 and certifications of the persons to operate such equipment under the  
32 HDD permit;
- 33 (15) A copy of a Louisiana Excavator Training and Education Certificate for  
34 each person participating in the proposed HDD operations, dated within  
35 12 months prior to the estimated completion date of the work;
- 36 (16) An acknowledgment that any damage caused by HDD operations shall  
37 be considered a solidary liability of the franchisee and any contractor  
38 performing such operations when the contractor is responsible for said  
39

4 damage;

5  
6 (17) An acknowledgement that the franchisee and any contractor performing  
7 HDD operations in public rights-of-way are solidarily responsible for  
8 returning the public rights-of-way to a condition materially comparable to  
9 the condition that existed prior to the HDD operations, to the satisfaction  
10 of the city;

11 (18) An acknowledgement of the franchisee's obligation to remove or  
12 relocate its infrastructure, at its cost, to accommodate any future public  
13 works projects of the city;

14 (19) The applicable permit fee set forth in Appendix F, when required; and

15  
16 (20) Such additional information as may be reasonably requested by the  
17 city's department of engineering to enable it to verify the foregoing  
18 information and the general safety of the proposed HDD operations.

19 (b) In addition to any other grounds provided for in this article, the department of  
20 engineering may deny, suspend, or revoke a HDD permit, as the case may  
21 be: if the application is incomplete or does not meet the requirements for  
22 issuance set forth in this article; if the application contains false information; if  
23 the listed franchisee or contractor(s) have undertaken HDD operations in  
24 public rights-of-way of the city without a permit after the effective date of this  
25 article; or if the listed franchisee or contractor(s) are operating in violation of  
26 any of the requirements of this article or applicable law.

27 (c) Prior to the submission of a HDD permit application, the applicant shall  
28 request, and participate in, a development meeting with the city's department  
29 of engineering, at which time the scope and requisite details of the proposed  
30 HDD operations will be discussed.

31 **Section 25-81. – Integration with the Louisiana Underground Utilities and Facilities**  
32 **Damage Prevention Law.**

33  
34 (a) No person utilizing horizontal directional drilling in public rights-of-way in the  
35 city shall serve a notice of intent to excavate with the requisite regional  
36 notification center prior to obtaining a permit under this article for such  
37 operations. Further, after obtaining a permit under this article, but before  
38 serving a notice of intent to excavate with the regional notification center, the  
39 excavator shall mark the specific location of the proposed route or area of

4 excavation using white paint and white flags in a manner sufficient to be  
5 clearly seen by other facility operators during the mark-by time.

- 6
- 7 (b) The person serving notice of intent to excavate for HDD operations with the  
8 regional notification center shall be one of the contractors disclosed on the  
9 HDD permit application. The HDD permit number obtained from the city shall  
10 be submitted to the regional notification center as part of the notice. The  
11 regional notification center ticket number shall, in turn, be provided to the  
12 city's department of engineering and department of public operations by the  
13 noticing contractor, via email, within twelve hours of obtaining same.
- 14 (c) In no event shall HDD operations commence before the mark-by time has  
15 expired.

16 **Section 25-82. – General conduct of horizontal directional drilling.**

- 17
- 18 (a) Prior to commencing HDD operations, the contractor shall be responsible for  
19 placing clearly marked and legible signage at the entry and exit points of the  
20 work area which includes the name of the franchisee for whom the HDD  
21 operations are being performed and the name and telephone number of the  
22 prime contractor for the HDD operations. This signage shall remain in place  
23 during all such HDD operations and shall be removed once the operations  
24 are complete.
- 25 (b) If a suspected city facility is not marked at the conclusion of the mark-by  
26 time, then, prior to commencing HDD operations, the contractor shall contact  
27 the city's department of public operations to have the facility marked, or to  
28 obtain information from the city to enable the contractor, using reasonable  
29 and prudent means, to determine the approximate location of the utility or  
30 facility, or to confirm no facility is known to be present.
- 31 (c) Prior to commencing HDD operations, the contractor shall pothole every  
32 known or marked underground facility intersecting the bore path.
- 33 (d) The accurate path of HDD operations shall be verified by the contractor in  
34 real time using walk-over electronic tracking of the drill bit or comparable  
35 technology approved by the department of engineering. Further, prior to  
36 commencing HDD operations, the contractor shall pothole along the marked  
37 bore path, minimally, at intervals of every 25% of the length of the path to  
38 allow the contractor to visually verify the accurate path of the drill bit/bore.  
39 When intersecting or running parallel to any underground water, sewer,

4 electrical, or gas utility, the bore path must maintain a vertical and horizontal  
5 minimum distance of three feet.

- 6
- 7 (e) Slurry and other waste produced during HDD operations must be properly  
8 disposed of by the contractor; such waste may not be dumped in waterways,  
9 drains, or public rights-of-way.
- 10 (f) Upon completion of the work under a HDD permit, the department  
11 engineering must inspect and clear the work. Any permit passage shall not  
12 absolve the franchisee or any contractor on the HDD operations from  
13 responsibility for any damage caused by such operations.
- 14 (g) The franchisee and its contractors for the requisite HDD operations shall be  
15 solidarily responsible for the repair and restoration of all public rights-of-way  
16 impacted by the operations to a condition materially comparable to the  
17 condition that existed prior to the HDD operations, to the satisfaction of the  
18 city.

19 **Section 25-83. – Reporting and consequences of cross bores.**

- 20
- 21 (a) Any cross bores shall be reportedly immediately to the city's department of  
22 public operations and its department of engineering. The franchisee and any  
23 contractors involved in the HDD operations resulting in the cross bore shall  
24 work cooperatively with the city to timely resolve any adverse effects from the  
25 cross bore. Further work shall immediately cease under any HDD permit for  
26 involving the franchisee or any of its contractors involved in the HDD  
27 operations resulting in the cross bore until such time as the department of  
28 engineering authorizes the recommencement of such work, and then only  
29 under the terms and conditions of such authorization.
- 30 (b) The franchisee and any contractor performing operations under a HDD  
31 permit shall be solidarily liable for any damage caused by such operations  
32 when the contractor is responsible for said damage.
- 33 (c) If a franchisee, directly or through any one of its contractors under one or  
34 more HDD permit(s), is responsible for a cross bore into third party  
35 infrastructure in the city on three occasions within any 12-month period, the  
36 city may refuse to authorize further HDD operations or permits for, or on  
37 behalf of, said franchisee for a period of up to six months. Responsibility for a  
38 cross bore shall be presumed when the franchisee, directly or through any  
39 one of its contractors under one or more HDD permit(s), knew or should have

4 known, through the exercise of reasonable caution, of the location of the  
 5 underground infrastructure that was cross bored. Further, if a franchisee,  
 6 directly or through any one of its contractors under a HDD permit, is  
 7 responsible for a cross bore into city infrastructure, it shall pay a civil fine to  
 8 the city of \$750.00 for each such cross bore. No subsequent HDD permit  
 9 shall be issued in favor of the franchisee absent payment of such fine.

10 (d) If any single contractor is responsible for a cross bore into third party  
 11 infrastructure in the city on three occasions within any 12-month period,  
 12 regardless of what franchisee it is performing work for, it shall not be allowed  
 13 to conduct further HDD operations in the City for a year. Responsibility for a  
 14 cross bore shall be presumed when the contractor, directly or through any  
 15 one of its workers or subcontractors (or its workers) under one or more HDD  
 16 permit(s), knew or should have known, through the exercise of reasonable  
 17 caution, of the location of the underground infrastructure that was cross  
 18 bored.

19 (e) In addition to enforcing any civil remedies provided for in this section, the city  
 20 is entitled to pursue all other criminal and civil remedies available to it,  
 21 including pursuant to Section 1-12 of the Code, available administrative  
 22 adjudication remedies, and for any injunctive relief. In addition to any other  
 23 method of service allowed by law, service of any city citation or other process  
 24 related to a violation of this article may be made by registered or certified  
 25 mail, or commercial courier, to the relevant party at his/her/its address listed  
 26 on the HDD permit or the address for the respective entity reflected in the  
 27 records of the Louisiana Secretary of State.

28 II. Appendix F, Section 1.1.1 of the City of Slidell's Code of Ordinances is hereby  
 29 amended to add the fee for HDD permits, as follows:

30 **Appendix F. Fees**

31 **Part 1. Development Fee Schedule.**

32 **Section 1.1 – Building Permit Application Fees**

33 **1.1.1 Development Permit Fees.**

* * *	
HDD	( <i>Horizontal</i> ) \$0.75 per linear drill foot (minimum \$100.00), when not



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4 *Directional Drilling)* | provided for through franchise agreement

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6 \* \* \*

7  
8 IT IS HEREBY FURTHER ORDAINED that if any provision of this Ordinance  
9 shall be held to be invalid, such invalidity shall not affect other provisions herein which can  
10 be given effect without the invalid provision, and to this end the provisions of this  
11 Ordinance are hereby declared to be severable.  
12

13  
14  
15 This ordinance shall take effect upon adoption.  
16

17  
18 **ADOPTED** this 27<sup>th</sup> day of August, 2024.

19  
20 

21 Megan Haggerty  
22 President of the Council  
23 Councilwoman, District C

24   
25 Greg Cromer  
26 Mayor

27  
28 

29 Thomas P. Reeves  
30 Council Administrator

DELIVERED	8/30/24
3:45 pm	to the Mayor
RECEIVED	9/5/24
2:00 pm	from the Mayor