

MINUTES BOARD OF SUPERVISORS MARCH TERM, 2005
PEARL RIVER COUNTY, MISSISSIPPI

ORDER TO AMEND **HEAVY HAUL ORDINANCE** OF 1997 AND PUBLISH IN PAPER

There came on this day to be considered by the Board of Supervisors of Pearl River County, Mississippi, the matter to amend Heavy Haul Ordinance of 1997 and publish in paper.

Upon motion made by Danny Wise and seconded by Anthony Hales, the following order was adopted, to-wit:

Be It Ordered by the Pearl River County Board of Supervisors to amend the Heavy Haul Ordinance of 1997 and publish in the paper.

Ordered and adopted, this the 14th day of March, 2005.

Voting AYE: Anthony Hales, Danny Wise and Larry Davis.

Voting NAY: Robert Thigpen and Troy Stockstill.

I CERTIFY THIS IS A TRUE COPY OF THE ORIGINAL
ON FILE IN MY OFFICE.

Book 110 Page 362-367

This 31st day of March, 2005.

David Earl Cochran

Chancery Clerk, Pearl River County, Mississippi

David Earl Cochran

**AMENDMENT TO
AN ORDINANCE OF THE PEARL RIVER COUNTY BOARD OF
SUPERVISORS PROVIDING FOR THE REGULATING, HAULING
AND PERMITTING OF COMMERCIAL LOGGING, PULPWOOD, GRAVEL, CONCRETE,
SAND, CLAY, DIRT, OIL PRODUCTION, AND ALL OTHER HEAVY HAUL OPERATIONS
ON ROADS, BRIDGES AND APPROACHES WITHIN PEARL RIVER COUNTY,
MISSISSIPPI, UNDER THE CONTROL AND JURISDICTION OF
THE PEARL RIVER COUNTY BOARD OF SUPERVISORS,
AND FOR RELATED PURPOSES PREVIOUSLY ADOPTED
EFFECT 3RD DAY OF FEBRUARY, 1997**

WHEREAS, Section 170 of the Mississippi Constitution of 1890, and Miss. Code Ann., '19-3-41, et. seq., gives the Pearl River County Board of Supervisors (hereinafter the "Board") full jurisdiction over the roads, ferries and bridges within Pearl River County, except as otherwise provided by Section 170 of the Constitution; and

WHEREAS, the Board finds that from time to time it is necessary to take action to declare what is, or what may be, an unusual or uncommon load or weight which will be, or which is being conveyed on, upon, or over the roads, bridges, approaches to bridges, and appurtenances in Pearl River County, Mississippi, (hereinafter collectively referred to as "roadways") where the same is likely to damage or impair their safety, necessity and usefulness as public ways, so as to protect all such roadways, and in particular, from all damages caused by commercial logging, pulpwood, gravel, concrete, sand, clay, dirt, oil production, and other heavy haul operations; and

WHEREAS, the Board finds it is necessary to take reasonable and necessary steps to adopt and implement policy to protect the County's roadways from all damages and impairments from commercial logging, pulpwood, gravel, concrete, sand, clay, dirt, oil production, and all other heavy haul operations within the said County; and

WHEREAS, any person, firm, partnership, corporation, LLC, or other legal entity, engaged in logging, pulpwood, gravel, concrete, sand, clay, dirt, oil production, or other heavy haul operations within the County, whose vehicles enter upon or leave from any roadway within the County, except upon another connecting roadway maintained by the County or State of Mississippi, shall first obtain a permit from the Pearl River County Road Department to conduct such operations and shall post a \$25,000.00 surety bond or \$25,000.00 cash bond, or endorsement to the operators vehicle liability insurance policy to cover all damages done if any, to said roadways of Pearl River County, Mississippi. Provided, however, at the conclusion of the operations, if no damages or impairments have been done to the roadways, the surety bond or cash bond shall be returned to the person or legal entity posting said bond; and

WHEREAS, the permit will be issued for each tract location and shall contain:

1. Contractor's name, address, and telephone number(s);
2. Purchaser's name, address, and telephone number(s);
3. Land Owner's name, address, and telephone number(s);
4. Location of tract, section, township, range, road name and Board of Supervisor's District;
5. Estimated date hauling will begin;
6. Estimated date of completion; and

WHEREAS, the following shall be the operational requirements for commercial business:

1. Permits will be available to contractors from the Pearl River County Road Department during regular working hours.
2. No commercial hauling operations shall begin until the permit has been issued.
3. Pearl River County Road Manager will assign routes that trucks (loaded or empty) will **only** be allowed to travel;
4. No permits will be issued until the required surety bond, cash bond, or insurance information has been provided. If any subcontractors are employed, their insurance information is also required.
5. A copy of the permit will be kept in each commercial hauling truck and at the site of the operation;
6. Permits will expire after one year. (If commercial hauling is incomplete, another permit must be requested.)
7. If operations cease for five or more days, all ditches and roads shall be cleared of debris.
8. The County Road Manager or other county representative will make an inspection and video tape of the assigned route prior to any commercial hauling. In addition, the contractor will notify the County Road Manager upon completion of work, for an inspection of the site. Inspection will be completed within three (3) working days of notification.
9. Any operations not originating in Pearl River County, that will require use of any Pearl River County roads, will be required to obtain a permit with the same conditions of all the other requirements of this ordinance.
10. The commercial Haulers shall be responsible for all damages and costs to roads caused by the operation of their vehicles to all the county roads.
11. All damages must be paid within forty-five (45) days before any new permit will be granted to the commercial hauler. If all damages are not paid within forty-five (45) days, then all subsequent permits will be suspended until all damages are paid.

WHEREAS, the County Road Manager, acting for and on behalf of the Board, shall be given the authority to temporarily suspend travel over the County roadways of the County, including such times when they are in various stages of maintenance, reconstruction and/or construction, by commercial logging, pulpwood, gravel, concrete, sand, clay, oil production and/or all other heavy haul operations in order to avoid damage, or impairment to such roadways; and

WHEREAS, such temporary suspension imposed by the Road Manager shall be in effect until the next regularly scheduled meeting of the said Board of Supervisors, where such temporary suspension shall be considered by the said Board. Upon consideration of the temporary suspension, the said Board shall terminate suspension, or shall extend such temporary suspension for such period of time the said Board deems necessary for the preservation and protection of such roadway(s) or shall make such temporary suspension permanent; or shall take such other action(s) or make such orders as the said board may deem appropriate and necessary for the preservation and protection of all of the road ways within the County; and

WHEREAS, failure to obtain such permit and post the bond or liability endorsement as herein required, or failure to cease operations upon written notice from the Road Manager, or upon order of the said Board, shall be deemed a violation of this Amendment and such violation shall constitute a misdemeanor. The person, firm, partnership or corporation, or other legal entity found to be in violation of this Amendment shall be punished by a fine not to exceed One Thousand (\$1,000.00) Dollars for each day of violation, and, each day of violation shall be considered a separate offense. The penalty for not obtaining a permit, bond, or liability endorsement, and/or violation of this ordinance is as follows:

First Offense	\$100.00
Second Offense	\$500.00
Third Offense	\$1000.00

Separability and validity clause: Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

Repeal of conflicting ordinances or parts thereof: All ordinances or resolution or orders adopted heretofore by the Board of Supervisors of Pearl River County, Mississippi, which are in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed.

Effective date of ordinance: This ordinance shall become effective 30 callender days from after its adoption 2005.

Section 2205. Adoption clause: Adopted this the 14th day of MARCH, A.D., 2005, at the regular meeting of the Board of Supervisors of Pearl River County, Mississippi.

NOW THEREFORE, be it Ordered that the Ordinance enacted during the February Term 1997, on the 7th day of February, 1997 as found in Minute Book 85 page 438-440 be amended as set forth herein.

The Clerk of the Board of Supervisors of Pearl River County, Mississippi, is directed to publish this amendment three (3) times.

The effective date of this amendment shall be the 14th day of April, A.D., 2005.

WITNESS OUR SIGNATURES, this the 14th day of March, A.D., 2005.

Larry Davis
LARRY DAVIS, President of the
Pearl River County Board of Supervisors

David Earl Johnson
DAVID EARL JOHNSON, Clerk of the
Pearl River County Board of Supervisors



**SURETY BOND FOR PEARL RIVER COUNTY ROADS OR
ENDORSEMENT TO AUTOMOBILE LIABILITY POLICY**

Policy No.: _____ 366 _____ Dated: _____

Issued To: _____

Address: _____

City: _____ County: _____ State: _____ Zip: _____

is hereby endorsed and the property damage liability limit is increased to \$25,000 insofar as Pearl River County, Mississippi, is concerned. It is understood and agreed that the property damage coverage to the roadways, bridges, culverts, shoulders, approaches, or other appurtenances of the roads under the jurisdiction of the Pearl River County Board of Supervisors by the equipment of said insured up to \$25,000 regardless of whether said damage was the result of an accident or not. This endorsement covers any such damage to said roads, highways, and structures caused by the operation of said equipment when hauling loads which are in excess of the legal weight and dimensions.

It is further understood and agreed that, should the above mentioned policy limits the liability for damage to hauls of a specified length, all such provisions are hereby specifically waived and full liability is assumed for any damage to any part of a Pearl River County, Mississippi Road street, bridge, right-of-way or easement by any of the equipment owned, leased or operated by said Insured, if said equipment and load is in excess of legal size or weight, regardless of the length of the haul. We agree to give the County Road Manager and Engineering Department of Pearl River County, as the duly authorized representative of Pearl River County, Mississippi at least ten (10) days notice of the cancellation of this policy or of any change in said policy which could affect this endorsement.

This endorsement is includes, but not limited to cover any and all equipment owned, leased or operated by said Insured when used to transport loads which exceed the limits of the size and weight as specified in the Law of Mississippi, and/or violates the Pearl River County ordinance regulating, an ordinance of the Pearl River County Board of Supervisors providing for the regulating, hauling and permitting of logging, pulpwood, gravel, concrete, sand, clay, dirt, oil production, and all other heavy haul operations on roads, bridges and approaches within Pearl River County, Mississippi, under the control and jurisdiction of the Pearl River County Board of Supervisors, and for related purposes.

Additionally, this endorsement shall cover the Insured's subcontractors, its agents, servants, and employees.

Attached to and forming a part of Policy No. _____ issued by _____

The above numbered policy expires: _____

Carrier

Insured By: _____ (Agent)

_____ (Address)

_____ (Phone No.)

_____ (Fax No.)

**PERMIT APPLICATION FOR COMMERCIAL LOGGING,
PULPWOOD, GRAVEL, CONCRETE, SAND, CLAY, DIRT,
OIL PRODUCTION, AND/OR OTHER HEAVY HAUL OPERATIONS**

Date Issued: _____

367

.....◆◆◆.....
**IMPORTANT: THIS PERMIT MUST BE PRESENT AT THE SITE TO WHICH IT IS ISSUED AND
 IN ALL TRUCKS. WHEN OPERATIONS ARE COMPLETE, CONTRACTOR WILL NOTIFY
 THE COUNTY ROAD MANAGER FOR INSPECTION OF THE SITE. INSPECTION WILL
 BE COMPLETED WITHIN THREE (3) WORKING DAYS OF NOTIFICATION.**
◆◆◆.....

CONTRACTOR NAME: _____

ADDRESS: _____

PHONE: _____ CELL PHONE: _____ FAX: _____

PURCHASER NAME: _____

ADDRESS: _____

PHONE: _____ CELL PHONE: _____ FAX: _____

LAND OWNER NAME: _____

ADDRESS: _____

PHONE: _____ CELL PHONE: _____ FAX: _____

LOCATION OF TRACT: DISTRICT NO.: _____

TOWNSHIP: _____ SECTION: _____ RANGE: _____

DATES:

ESTIMATED STARTING: _____ ESTIMATED ENDING: _____

ACTUAL COMPLETION: _____ REPORTED BY: _____

ASSIGNED ROUTE: _____

The Applicant will ensure that all operations shall be done in such a manner to cause the least possible interference with the normal flow and safety to traffic. The Applicant further understands that all areas of ingress and egress will be dressed and finished in such a manner that the site will be in as good or better condition after operations are completed. Damage to the roadway, bridges, culverts, shoulders, approaches or other appurtenances of the roads under the jurisdiction of the County shall be repaired by Applicant at its sole expense whether caused by accident or not. In the event the Applicant does not repair such damages, the County Engineer, or his duly authorized representative, will inspect the work area, and notify the Applicant of repairs needed to correct the damage. And if the Applicant fails to make the repairs, such repairs will be completed by the County and all costs of such repairs reimbursed to the County by the Applicant and/or its surety. Failure to comply with the above requirements will result with the Applicant being denied future permits.

The Applicant has provided the County with proof of a Surety Bond in the Sum of \$25,000 to cover its operations, its agents, servants, and employees and all Subcontractors of Applicant, including its agents, servants, and employees, to ensure the repair of all damages herein set forth.

PERMIT APPROVAL

By order of the Board of Supervisors, dated the 3rd day of February, 1997, and amended on the 14th day of March, 2005, of Pearl River County, Mississippi, the permit for logging, pulpwood, gravel, oil production, and/or other heavy haul operations applied for the above is granted, subject to the terms and conditions set forth in said order, and the application executed by the Applicant.

 SIGNATURE OF APPLICANT

DATE: _____

 SIGNATURE OF PEARL RIVER COUNTY
 REPRESENTATIVE ISSUING PERMIT

DATE: _____

MINUTES BOARD OF SUPERVISORS MARCH TERM, 2005
PEARL RIVER COUNTY, MISSISSIPPI

ORDER TO ADOPT JUNKYARD ORDINANCE AND PUBLISH IN PAPER

There came on this day to be considered by the Board of Supervisors of Pearl River County, Mississippi, the matter to adopt Junkyard Ordinance and publish in paper.

Upon motion made by Danny Wise and seconded by Anthony Hales, the following order was adopted, to-wit:

Be It Ordered by the Pearl River County Board of Supervisors to adopt Junkyard Ordinance and publish in the paper.

Ordered and adopted, this the 14th day of March, 2005.

Voting AYE: Anthony Hales, Danny Wise and Robert Thigpen.

Voting NAY: Troy Stockstill.

Abstain: Larry Davis.