

**APPLICATION AND PERMIT FOR HAULING HEAVY LOADS ON
COUNTY ROADS IN CLAY COUNTY, MISSISSIPPI**

The undersigned APPLICANT hereby petitions the Board of Supervisors of Clay County, Mississippi, for a permit to haul heavy loads consisting of logs, sand and gravel, oil and gas, garbage, cement, heavy equipment, and any other load that would exceed 50,000 pounds or more (including vehicle and load) over all county roads owned and operated by the Clay County, Mississippi Board of Supervisors. The APPLICANT hereby agrees as follows:

The APPLICANT, prior to commencing hauling operations over Clay County roads in any one Supervisor's District, shall construct or cause to be constructed any entry ramps along the roads permitted and shall install any necessary culverts under the ramps for adequate drainage and same shall not be altered or changed without the approval of the Clay County Board of Supervisors or its authorized representative. These entry ramps and culverts will be designated on each application as said application is approved. These entry ramps and culverts shall be designated on this application as required by Clay County.

In consideration for the right of the APPLICANT to construct its facilities and to haul loads in excess of the design weight limit of 50,000 pounds over the county roads as described above in Clay County, Mississippi, for exploration for such resources as timber, sand and gravel, oil and gas, garbage, cement, and heavy equipment, restrictions as promulgated by the Board of Supervisors of Clay County, Mississippi, the APPLICANT agrees to abide by the terms of this permit and the orders as authorized by the Clay County Board of Supervisors on this the 7th day of February, 2011.

The APPLICANT shall be responsible for all ramps and culverts constructed by him. The APPLICANT shall be responsible for any damages to public roads used which are caused by his operations. The APPLICANT will hold harmless the County of Clay from any liability caused by his operations and possible interference with the normal flow and safety of traffic.

The APPLICANT is advised that all bridges in Clay County are not adequate for the maximum loads authorized by law and does hereby assume the risk of injuries or damages resulting from the failure of any bridge that is designated as being adequate for a weight more than 50,000 pounds. The APPLICANT shall be responsible for any damage to such bridge and shall hold Clay County harmless for any injury or damage caused by the failure of such bridge.

The APPLICANT acknowledges that neither the APPLICANT nor the Owner shall receive any subsequent hauling permit until any and all damages provided in this Application are fully paid and/or satisfied.

The APPLICANT hereby further agrees that particular care will be taken to keep mud clods and other debris off the county roads, especially at the point of entry. The APPLICANT agrees to pay for any cost of cleaning such material from the roadway where same has become a hazard to the traveling public.

**AN ORDINANCE PROVIDING FOR TERMS AND CONDITIONS
FOR USING COUNTY ROADS FOR HAULING HEAVY LOADS
AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE
TERMS AND CONDITIONS PROVIDED HEREIN**

BE IT RESOLVED by the Clay County Board of Supervisors as follows:

SECTION 1: PURPOSE

1. The Board of Supervisors of Clay County, Mississippi, does hereby determine that certain restrictions and requirements are necessary for the protection of the county roads in Clay County, Mississippi.
2. This ordinance is adopted for that purpose.

SECTION 2: DEFINITIONS

As used in this ordinance, the following words and terms shall be defined as follows:

1. **Applicant** shall mean the person, company or entity which applies for a permit to haul heavy loads over any county road.
2. **Clerk** shall mean the Chancery Clerk of Clay County, Mississippi.
3. **County** means the Clay County, Mississippi, acting by and through its duly elected Board of Supervisors.
4. **County road** shall mean any public road in Clay County, Mississippi, over which the County has supervision.
5. **Driver** shall mean the person operating the vehicle used in hauling the heavy load.
6. **Heavy loads** shall mean loads consisting of logs, sand and gravel, oil and gas, garbage, cement, heavy equipment, and any other load that would exceed 50,000 pounds or more, including vehicle and load.
7. **Justice Court** shall mean the Clay County, Mississippi, Justice Court.
8. **Owner** shall mean the person, company or entity which owns the vehicle used for heavy hauling.

9. **Permit** shall mean a permit granted to any applicant desiring to haul heavy loads over any county road.

10. **Permitted route** shall mean those county roads which shall be designated in the permit over which the Applicant shall be authorized to travel.

SECTION 3: APPLICATION REQUIREMENTS

1. Prior to hauling heavy loads over any county roads owned and operated by the Clay County, Mississippi Board of Supervisors, such hauler (hereinafter referred to as the "Applicant") shall petition the Board of Supervisors of Clay County, Mississippi, for a permit to haul such heavy load and shall not commence such hauling until such permit is granted. The Permit shall be a separate document to be issued by the Clerk and/or the Supervisor in whose district such hauling will occur.

2. The Applicant, prior to commencing hauling operations over Clay County roads in any one Supervisor's District, shall construct or cause to be constructed any entry ramps along the roads permitted and shall install any necessary culverts under the ramps for adequate drainage and same shall not be altered or changed without the approval of the Clay County Board of Supervisors or its authorized representative. These entry ramps and culverts will be designated on each application as said application is approved. These entry ramps and culverts shall be designated on this application as required by Clay County.

3. In consideration for the right of the Applicant to construct its facilities and to haul loads in excess of the design weight limit of 50,000 pounds over the county roads as described above in Clay County, Mississippi, for exploration for such resources as timber, sand and gravel, oil and gas, garbage, cement, and heavy equipment, restrictions as promulgated by the Board of Supervisors of Clay County, Mississippi, the Applicant agrees to abide by the terms of the permit and the provisions contained in this ordinance.

4. The Applicant shall be responsible for all ramps and culverts constructed by him. The Applicant shall be responsible for any damages to public roads used which are caused by his operations. The Applicant will hold harmless the County of Clay from any liability caused by his operations and possible interference with the normal flow and safety of traffic.

5. By receipt of the permit, the Applicant acknowledges that all bridges in Clay County are not adequate for the maximum loads authorized by law and the Applicant will assume the risk of injuries of damages resulting from the failure of any bridge that is designated as being inadequate for a weight more than 50,000 pounds. The Applicant shall be responsible for any damage to such bridge and shall hold Clay County harmless for any injury or damage caused by the failure of such bridge.

6. By receipt of the permit, the Applicant acknowledges that neither the Applicant nor the Owner shall receive any subsequent hauling permit until any and all damages provided in this Application are fully paid and/or satisfied.

7. By receipt of the permit, the Applicant shall further agree that particular care will be taken to keep mud clods and other debris off the county roads, especially at the point of entry. The APPLICANT agrees to pay for any cost of cleaning such material from the roadway where same has become a hazard to the traveling public.

8. By receipt of the permit, The Applicant further agrees that, in the event that timber is being cut to be hauled over county roads, pursuant to the county road, it shall remove all of said timber, trees, limbs, and/or treetops from the county right-of-way and from county road ditches. The Applicant agrees to pay the county for any cost of cleaning such timber, trees, limbs, and/or treetops from the county right-of-way and/or ditches in the event said items are not removed by the Applicant.

9. By receipt of the permit, the Applicant agrees that, except as herein stated, no right exists for the hauling of heavy loads over the county roads of Clay County, Mississippi as described herein without this Application and Permit being approved by the Supervisor of the Districts within which such hauls are to take place and/or the designated representative of such Supervisor.

11. A Permit Fee of \$100.00 shall be required for each job in each Supervisor's District is required and payment will be made to Clay County, Mississippi. A copy of the permit is to be displayed and carried in each permitted vehicle.

12. Should damage be done to a county road, county property or county bridge during the exercise of a granted permit, no further permit shall be issued to the Applicant or any party in privy with the Applicant until all such damages are paid for the roads, property and bridges so damaged.

13. The permit shall specify the permitted route for the Applicant. The Applicant shall not be allowed to travel over any county road not designated as a permitted route. Should any applicant violate this provision, the driver and Applicant shall be in violation of this ordinance.

14. For timber cutting, the Supervisor in whose district such timber is cut shall have the authority to designate the areas to be used as the loading zone for the Applicant.

SECTION 5: INSURANCE AND BOND

1. Proof of public liability insurance of the Applicant in limits acceptable to the County may be required as a condition of the grant of the permit. The amount of liability insurance coverage required shall be not less than \$100,000.00 per occurrence. Also, applicant shall be required to show proof of vehicular liability insurance, with no exclusion for damage to roads/road beds, in not less than \$100,000/\$300,000 limits for any vehicle to be used in such hauling to obtain a permit.

2. Prior to the grant of a permit, a performance bond may also be required in the discretion of the Supervisor in whose district the heavy hauling shall occur.

SECTION 6: ENFORCEMENT

The Supervisor, Sheriff and Constables of Clay County, Mississippi, are charged with enforcement of any granted permit and, should any violation occur.

SECTION 7: PENALTIES

1. For the first violation of the provisions of this ordinance, the driver of any vehicle in violation hereof shall be fined the sum of TWO HUNDRED FIFTY DOLLARS (\$250.00) and the Applicant, if different from the driver, shall also be fined the sum of TWO HUNDRED FIFTY DOLLARS (\$250.00).

2. For a second violation of the provisions of this ordinance, the driver of any vehicle in violation hereof shall be fined the sum of FIVE HUNDRED DOLLARS (\$500.00) and the Applicant, if different from the driver, shall also be fined the sum of FIVE HUNDRED DOLLARS (\$500.00).


3. For a third violation of the provisions of this ordinance, the driver of any vehicle in violation hereof shall be fined the sum of ONE THOUSAND DOLLARS (\$1000.00) and, in the discretion of the Justice Court Judge, may be imprisonment in the County jail for a period of not more than thirty (30) days, and the Applicant, if different from the driver, shall also be fined the sum of ONE THOUSAND DOLLARS (\$1000.00) and, in the discretion of the Justice Court Judge, may be imprisonment in the County jail for a period of not more than thirty (30) days .

SECTION 8: EFFECTIVE DATE

The above ordinance called for vote upon motion by Supervisor Shelton Deanes, seconded by Supervisor Lynn Horton, with votes being cast as follows:

| <u>Supervisor</u> | <u>Vote</u> |
|-------------------|-------------|
| Lynn Horton | "Aye" |
| R. B. Davis | "Aye" |
| Shelton Deanes | "Aye" |
| Floyd McKee | "Aye" |
| Luke Lummus | "Aye" |

Said motion having been passed unanimously, said Ordinance was duly adopted by the Board of Supervisors of Clay County, Mississippi, at its regular meeting of November 8, 2012.



Luke Lammitt

Luke Lammitt, President
CLAY COUNTY, MISSISSIPPI
ATTORNEY

Amy G. Berry

Amy G. Berry, Clerk of the Board

The APPLICANT further agrees that, in the event that timber is being cut to be hauled over county roads, pursuant to the county road, it shall remove all of said timber, trees, limbs, and/or treetops from the county right-of-way and from county road ditches. The APPLICANT agrees to pay the county for any cost of cleaning such timber, trees, limbs, and/or treetops from the county right-of-way and/or ditches in the event said items are not removed by the APPLICANT.

A general description of the operations of the APPLICANT is as follows:

OWNER OF TRACT: _____

LOCATION OF TRACT: _____

ROADS HAULED ON: _____

OWNER OF TRUCK(S): _____

The APPLICANT understands and agrees that, except as herein stated, no right exists for the hauling of heavy loads over the county roads of Clay County, Mississippi as described within this application without this Application and Permit being approved by the Supervisor of the Districts within which such hauls are to take place and/or the designated representative of such Supervisor.

It is further understood that the Supervisor, Sheriff and Constables of Clay County, Mississippi are charged with enforcement of this permit and should any violation occur, the undersigned APPLICANT understands that, until all damages are paid for the roads and bridges so damaged, no further permit will be issued either to the APPLICANT or to the owner of the trucks/vehicles.

The APPLICANT understands that a \$100.00 Permit Fee for each job in each Supervisor's District is required and payment should be made to Clay County, Mississippi. A copy of the permit is to be displayed and carried in each permitted vehicle.

This the _____ day of _____, 20_____

APPLICANT

ADDRESS _____

CITY, STATE, ZIP _____

TELEPHONE _____

CELL PHONE _____

VEHICLE TAG NUMBER / COUNTY _____

DRIVER'S LICENSE NUMBER / STATE _____

APPROVED, this the _____ day of _____, 20_____.

SUPERVISOR, DISTRICT _____
CLAY COUNTY, MISSISSIPPI

DATE: _____