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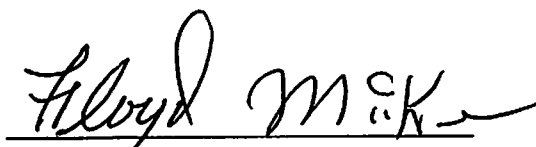
**IN THE MATTER OF AMENDING THE ORDINANCE FOR CLAY COUNTY  
SUPERVISOR DISTRICTS 1, 2, & 4 PROVIDING FOR TERMS AND CONDITIONS  
FOR USING COUNTY ROADS FOR HAULING HEAVY LOADS AND PROVIDING  
PENALTIES FOR VIOLATION OF THE TERMS AND CONDITIONS PROVIDED  
HEREIN**

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There came on this day for consideration the matter of amending the ordinance for Clay County Supervisor Districts 1, 2, & 4 providing for terms and conditions for using county roads for Hauling Heavy Loads and providing penalties for violation of the terms and conditions provided herein.

After motion by Shelton Deanes and Luke Lummus this Board doth vote unanimously to amend the Heavy Hauling Ordinance for Supervisor Districts 1, 2 & 4 providing for terms and conditions for using county roads for Hauling Heavy Loads and providing for violation of the terms and conditions provided in the amended ordinance as attached hereto, and furthermore, Supervisor Districts 3 & 5 do not elect to adopt the said amended ordinance as attached hereto.

SO ORDERED this the 24th day of July, 2014.

  
\_\_\_\_\_  
President

**AN AMENDED ORDINANCE FOR CLAY COUNTY SUPERVISOR  
DISTRICTS 1, 2, AND 4 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 secondary roads in Clay County, Mississippi, from damage due to the hauling of heavy loads over such roads.

2. This ordinance does not apply to ordinary wear and tear to roads arising from regular traffic over the roads of Clay County during the regular course of business but is enacted to protect secondary county roads from damage from the hauling of multiple heavy loads as a result of specific and limited duration contract jobs such as timber hauling, dirt hauling, hauling involving oil, gas and mineral production, and gravel hauling.

**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. **Secondary county road(s)** shall mean all public county road(s) in Clay County, Mississippi, excluding State Aid roads.

5. **Driver** shall mean the person operating the vehicle used in hauling the heavy load.

6. **Heavy loads** shall mean loads that would exceed 50,000 pounds or more, including vehicle and load which are being hauled as a result of specific and limited duration contract jobs

such as timber hauling, dirt hauling, hauling involving oil, gas and mineral production, and gravel hauling.

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. At least two weeks 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 submit an application 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. The permit shall identify the name and address of the owner of any tract of timber being cut under the permit and shall identify the location of the tract of timber being cut.

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 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 privity 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. A map highlighting the designated route shall be furnished to the Applicant. Such permit and map must be in each permitted vehicle of the Applicant at all times during the exercise of the permit.

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.

15. During the exercise of the permit, should damage be done to a county road, the Applicant shall be responsible for payment of all repairs necessary to restore the road to its condition prior to the damage.

16. No heaving hauling shall be permitted during wet conditions that would substantially increase the likelihood of damage to county roads. In such event, the Applicant shall contact the Supervisor of the district in which the permit applies to confirm when hauling activities will be allowed to resume.

#### **SECTION 5: INSURANCE**

1. Applicant shall be required to show proof of vehicular liability insurance in not less than \$100,000/\$300,000 limits for any vehicle to be used in such hauling to obtain a permit.

#### **SECTION 6: ENFORCEMENT**

Enforcement of this ordinance shall be under the jurisdiction of the Justice Court of Clay County, Mississippi.

#### **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 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).

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 ONE THOUSAND DOLLARS (\$1,000.00) and the Applicant, if different from the driver, shall also be fined the sum of ONE THOUSAND DOLLARS (\$1,000.00). A second violation may result in the suspension of any further permits.

#### **SECTION 8: APPLICABILITY**

This amended ordinance is enacted only for Clay County Supervisor Districts 1, 2 and 4. This amended ordinance shall not apply to Clay County Supervisor Districts 3 and 5 which shall remain under the heaving hauling ordinance currently in effect prior to the adoption of this amended ordinance.

#### **SECTION 8: EFFECTIVE DATE**

This ordinance shall become effective immediately upon passage.

The above ordinance called for vote upon motion by Supervisor Shelton Dawes, seconded by Supervisor Luke Lunnus, with votes being cast as follows:

Supervisor

Vote

Floyd McKee

(NAY)

Lynn Horton

(AYE)

R. B. Davis

(NAY)


Shelton Deanes

(AYE)

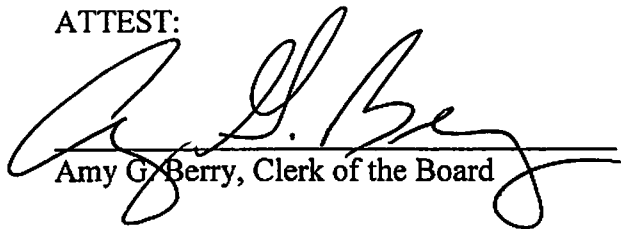
Luke Lummus

(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 July 24, 2014.

  
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Floyd McKee, President

ATTEST:

  
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Amy G. Berry, Clerk of the Board

