

## MADISON COUNTY HEAVY HAUL POLICY

BE IT ORDAINED by the Board of Supervisors of the County of Madison that there be an ordinance establishing a permit procedure for carrying overweight loads on the highways and roads of Madison County; establishing penalties for violations of said ordinance; and establishing an effective date.

I. Short Title.

This ordinance shall be known as the "Vehicle Maximum Load Capacities and Heavy Hauling Permit Ordinance."

II. Legislative Intent.

WHEREAS, it is the express intent of the Board of Supervisors and of this ordinance to exercise the police powers of the County to regulate the maximum load weight carried by vehicles on the County's roadways for the protection and promotion of the public health, safety and welfare.

WHEREAS, the Board of Supervisors has become aware of the increased usage of its roadways by vehicles of substantial weights, and;

WHEREAS, use of the roadways of the County by vehicles of substantial weight causes significant damage to, and impairs the usefulness and condition of, said roadways and is likely to continue to do so, and;

WHEREAS, the costs incurred by Madison County to repair and maintain the roadways, and bridges, within the County due to such usage and results in an undue burden upon the taxpayers of Madison County, and;

WHEREAS, pursuant to Mississippi Code Annotated § 65-7-43 and § 65-7-45, the Board of Supervisors of Madison County has the authority to enact such ordinances as necessary and in the best interest of the public to establish and maintain maximum motor vehicles load or weight limits to be conveyed on or over the roads, bridges or approaches of any bridges in the County, and;

WHEREAS, pursuant to Mississippi Code Annotated § 63-5-51, the Board of Supervisors of Madison County has the authority to enact such ordinances as necessary and in the best interest of the public to establish a permitting procedure for overweight motor vehicles traveling over the roads, bridges or approaches of any bridges in the County.

THEREFORE, it is hereby ordained as follows:

III. Applicability

This ordinance shall apply to and be enforced within the unincorporated boundaries of Madison County, Mississippi.

IV. Definitions.

The following words, phrases or terms, as used in this Ordinance, unless context indicates otherwise, shall have the following meaning;

A. Gross Vehicle Weight: The total combined weight of a motor vehicle, including all fixtures and equipment and any loads which it is carrying or otherwise transporting.

B. Heavy Haul Permit: A permit issued by the Road Manager authorizing a vehicle to operate on a Roadway in excess of the maximum Gross Vehicle Weight designated for such Roadway.

C. Motor Vehicle: Any machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners, slides or the like, and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, tractors and the like.

D. Road Manager: Means the department head of the Madison County Department of Road Management.

E. Roadways: Includes all public roads, streets, highways, parkways, bridges, approaches to bridges, and any other route of travel, in Madison County, that are designed to be used and traveled upon by any motor vehicle.

V. Restrictions:

The maximum Gross Vehicle Weight per any vehicle upon the Roadways in Madison County, Mississippi, unless otherwise exempted, shall not exceed the maximum weight as established by the Madison County Board of Supervisors.

VI. Exceptions:

A. Vehicles carrying agricultural or dairy products going from and to the field or market are permitted to operate over any Roadway provided, however, there are no alternate routes of travel. These haulers shall be excused from the requirement of securing a Heavy Haul Permit if it exceeds the Gross Vehicle Weight limits. However, such vehicles must have a delivery ticket, or other document, on board designating the destination of the vehicle. Further, such vehicles must contact the Road Manager to obtain approval of the best haul route.

B. Delivery vehicles making one time deliveries or multiple daily trips are permitted to operate over any Roadway, unless it exceeds the Gross Vehicle Weight limits, in which case the operator must receive approval from the Road Manager. Such vehicles must have a delivery ticket, or other document, on board designating the destination of the vehicle.

C. Any vehicle operated by Madison County, Mississippi may be operated over any Roadway, regardless of its Gross Vehicle Weight.

D. Vehicles operated by a public utility, or operated by a contractor while engaged in the repair, maintenance or construction of public utilities or the construction of roads or road improvements for Madison County, Mississippi may be operated over any Roadway, regardless of Gross Vehicle Weight provided; however, permission is first obtained from the Road Manager.

E. Vehicles operated for solid waste disposal, under contract with Madison County, may utilize any Roadway for the purpose of complying with the contractual agreement. Said vehicles may only travel the Roadways to pick up and dispose of solid waste collected in Madison County. Vehicles traveling the Roadways for purposes other than to pick up and dispose of solid waste collected in Madison County must abide by the maximum Gross Vehicle Weight limits or obtain the appropriate permit to exceed such limits.

#### VII. Permits:

A. No person may operate a vehicle upon a Roadway in excess of the maximum Gross Vehicle Weight unless such person has first obtained a heavy haul permit, for such operation, in accordance with this ordinance.

B. All requests for Heavy Haul Permits must be submitted to the Road Manager not less than three (3) days in advance of the operation of the subject vehicles traveling the Roadways with a Gross Vehicle Weight in excess of allowed maximum weight.

C. Heavy Haul Permits shall be issued at the discretion of the Road Manager upon written application and good cause shown. Said application shall set forth the name, address and telephone number of the applicant; a description of the general activities being performed by the subject vehicle/; the description of the vehicle/s to be permitted including make, model, year and license number; the nature of any cargo or loads being carried; the anticipated weight of the vehicle and its cargo or load; the anticipated of trips to be made including location of job sites and/or places of delivery; the Roadways to be used.

D. After review of the applicant's written application, the Road Manager is authorized to issue written permits specially authorizing the operation of vehicles exceeding Gross Vehicle Weight limits. In issuing the permit, the Road Manager may

limit the roads to be traveled; limit the number of trips permitted each day; set forth time of day restrictions during which the permitted vehicle/s are allowed travel the Roadways; and set forth such other reasonable limitations necessary to ensure against undue damage to the roadways, as deemed appropriate.

E. The Road Manager may require the applicant for the Heavy Haul Permit to post a bond, or letter of credit, callable upon a branch of bank, financial institution or insurance provider in Madison County, Mississippi sufficient to compensate Madison County, Mississippi for any damage to any Roadway caused by applicant's vehicles operating with weight limits in excess of the permitted Gross Maximum Weight.

VIII. Temporary Restrictions: The Road Manager may temporarily prohibit the operation of any vehicles, or may impose weight limits different than those set forth herein, when temporary conditions are such that a road may be damaged by use by vehicles of certain weight or size unless such use is restricted. Signs setting forth the temporary restrictions will be posted stating that use of the road is restricted.

IX. Appeals: Any applicant wishing to contest the denial of a Heavy Haul Permit, or any restriction imposed upon an issued permit, may file a written appeal with the Madison County Board of Supervisors. Upon receipt of a notice of appeal, the issue will be scheduled for hearing at a regularly scheduled hearing of the Board of Supervisors. Should a majority of the Board of Supervisors find that the Heavy Haul Permit should not be denied, or any restrictions on such permit are not appropriate, the Board may direct a permit be issued or restrictions thereon amended.

IX. Enforcement:

A. Procedure

1. The County Road Manager or any d officer of the County are empowered to issue citations to any driver or transport company operating any vehicle in violation of any provision of this ordinance.

2. The County Road Manager or any designated officer having probable cause to believe that a person or entity has violated this ordinance shall initiate the prosecution of the party alleged to be in violation of this ordinance.

3. The County Road Manager is empowered to issue stop work orders, to any driver or transport company, directing the immediate cessation of all activity on the Roadways of any vehicle operating in violation of any provision of this ordinance.

X. Penalties

A. Any person violating any provision of this ordinance, for which no penalty is otherwise specifically provided for, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred

dollars (\$200.00) for a first offense. For any second offense occurring within a three (3) year period of time, a fine in the amount of not less than two hundred-fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), and/or a period of incarceration not to exceed thirty (30) days shall be imposed. For any third or subsequent offense occurring within a three (3) year period of time there shall be assessed a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and/or a period of incarceration not to exceed one hundred and eighty (180) days. No portion of any fines assessed may be suspended. Each violation of any provision of this ordinance shall be deemed a separate offense.

B. In addition to paragraph A of this section, any person or entity found to be in violation of this ordinance shall be liable to the county for all damages to any roadway as a result of said violation.

XI. Notice Required:

The County Road Manager shall see that a notice of weight limit restrictions is posted at conspicuous places on such roadways affected at intervals of not less than two (2) miles and at the approaches to any bridges affected; however, failure to post such notices shall not be a defense to a violation of this ordinance.

XII. Conflict:

Any other ordinances of Madison County, Mississippi, which are conflicting or inconsistent with this ordinance, are hereby repealed to the extent of any inconsistencies or conflicts.

XIII. Severability:

Severability is intended throughout and within the provisions of this ordinance. If any provision, including any exception, part, phrase or term or the application thereof to any person or circumstance is held invalid by a Court of appropriate jurisdiction, the application to other persons or circumstances shall not be affected thereby, and the validity of this ordinance in any and all other respects shall not be affected thereby. The Board of Supervisors of the County do not intend a result that is absurd, impossible to execute or unreasonable. It is intended that this ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional as Constitutionally permitted construction is intended and shall be given. The Board of Supervisors of the County does not intend to violate any provisions of the Constitution of the United States of America or the Constitution of the State of Mississippi.

XIV. Ordinance Cumulative:


This Ordinance shall be cumulative and in addition to any other laws in force.

XV. Effective Date:


The Board of Supervisors of the County do hereby unanimously find that it is necessary for the immediate preservation of the public peace, health and safety that this maximum vehicle load ordinance be made effective and be in full force and effect upon proper publication in a newspaper of this County for three (3) consecutive weeks.

	Yeas	Nays	Absent
Supervisor John Bell Crosby	Not Present and Not Voting		
Supervisor Ronny Lott	X		
Supervisor Gerald Steen	X		
Supervisor Karl Banks	X		
Supervisor Paul Griffin	X		

SO ORDAINED and adopted by the Board of Supervisors of the County of Madison, Mississippi on this the 4 day of April, 2012.

  
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JOHN BELL CROSBY, PRESIDENT  
Madison County Board of Supervisors

*Affect:*

  
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Chancery Clerk

