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**ORDINANCE TO AMEND THE CODE OF ORDINANCES REGARDING THE
ISSUANCE OF PERMITS FOR HEAVY HAUL VEHICLES AND
THE REQUIREMENTS FOR BONDS FOR HEAVY HAULING**

WHEREAS, Section 63-5-51, Mississippi Code of 1972, as annotated, authorizes municipalities to establish regulations for the control of oversized and overweight vehicles using the streets of the municipalities, such regulations including the requirement of an application for a permit, the issuance of such permit, the requirement of an appropriate road bond, and any other restrictions deemed necessary by the Governing Authorities; and

WHEREAS, Chapter 19, STREETS, SIDEWALKS AND PUBLIC WAYS, Article IV, Sections 407, 408, 409 and 410 of the Ordinances of the City of Florence authorizes that Governing Authority require such application for permit, the issuance of such permit, the requirement of security "deemed necessary" to compensate for any injury to any roadway or road structure, and any other restrictions deemed necessary by the Governing Authority; and

WHEREAS, by Order adopted May 5, 2009 by the Governing Authority, it is required that any person making application for a permit to operate or move a vehicle or combination of vehicles of a size, weight, or load that exceeds the maximum specified in Chapter 19, STREETS, SIDEWALKS AND PUBLIC WAYS, Article IV secure a Road Bond that guarantees the repair of any and all damage done by said vehicle(s) to the City streets and to bring the streets up to City specifications; and

WHEREAS, the amounts of the Road Bonds secured in accordance with the provisions of the Order adopted May 5, 2009 by the Governing Authority have proved to

be insufficient and inadequate in that same does not account for additional fees and expenses incurred by the City due to the operation of said vehicles by permittees resulting from the damage caused to City streets, with such additional fees and expenses including, but not being limited to, engineering fees and expenses and legal fees and expenses, same being incurred necessarily so as to ensure that: (1) City streets over which such vehicles travel meet City specifications; (2) the amounts of the aforementioned Road Bonds are adequate and sufficient; (3) the City's legal interests are protected; and

WHEREAS, under the current provisions of Chapter 19, STREETS, SIDEWALKS AND PUBLIC WAYS, Article IV, a permittee, himself/herself/itself, is allowed to repair the damage to the City streets caused by the operation of said vehicles itself or contract with a third party to repair said damage, with such attempted repairs proving to be insufficient to bring the streets damaged up to City specifications, with the City streets being a public safety hazard; and

WHEREAS, having found and considered all of the foregoing, the Governing Authority finds that in the interest of public safety and welfare, certain amendments should be made immediately to Chapter 19, STREETS, SIDEWALKS AND PUBLIC WAYS, Article IV.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Authority of the City of Florence, Mississippi, as follows:

Sections 407 through 421 are deleted, and inserted in lieu thereof are the following sections 407 through 413.

Section 407 - Required Special Permits for Vehicles Not in Conformity

Herewith - Purpose.

Before any party or parties may commence, on the City streets, any hauling operation in excess of ten trips within and 12 month period, including, but not limited to, the hauling of sand, gravel, dirt, or logs, in which the suspicion of the use of overweight or oversized vehicles would be created, then the party or parties, its/their successors, assigns, and invitees, shall apply via written application for a permit from the City, with said application including all pertinent information, including the description of the hauling operation, duration for which the permit is requested, exact routing on City streets, and the estimated gross weight per single axle. ("Application for Permit" form is attached as Exhibit "A" hereto)

Section 408 - Application for Permit.

Executed "application for permit" shall be submitted to the City Clerk along with application fee of \$250.00.

Section 409 - Bond.

The City Engineer and City Attorney shall determine the amount of the required bond and any other conditions required to protect the City and recommend same to the Mayor and Board of Aldermen, including but not limited to: (1) the estimate on a two-inch overlay and base repair on the streets included in the route; (2) the estimate of the fees and expenses associated with the inspection of the permittee's application; (3) the estimate

of the reasonable engineering fees and expenses the City may incur in inspecting the City streets over which said overweight and/or oversize vehicles will travel or have traveled; (4) the estimate of the reasonable legal fees and expenses that the City may incur in enforcing the provisions of this Article; (5) and an estimate of any and all other reasonable fees and expenses that would likely be incurred given the particulars of the permittee's application, exact routing on the City streets, and, if the permittee has previously been issued a permit under this Article or under similar provisions of the ordinances of another jurisdiction, then the permittee's past conduct in regards to operating overweight and/or oversize vehicles. Said bond shall be secured by permittee in the amount including conditions as prescribed by the Mayor and Board of Aldermen. Should permittee fail to reimburse/advance the City for expenses incurred by the City: (1) in the repairing the City streets; or (2) from the inspection of permittee's application; or (3) for engineering fees for the inspection of the City streets over which said overweight and/or oversize vehicles will travel or have traveled; or (4) for legal fees to enforce the provisions of this Article; or (5) for any other reasonable fees incurred by the City in which the incurrence thereof was proximately caused by the issuance of a permit under the provisions of this Article. Said Surety Company and the permittee thereby bind themselves, their heirs, legal representatives, successors and/or assigns, jointly and severally, to so perform. The obligation undertaken by permittee and Surety Company is a condition precedent to the issuance of said permit. (Road

Bond Sample form attached as Exhibit "B" hereto)

Section 410

Unless permittee has at least five years experience in the type of work to be performed, permittee is prohibited from repairing, or attempting to repair, any damage done to the City streets by the movement of said overweight and/or oversize vehicles upon the City streets. Permittee is otherwise required to use vendors that do have at least five years experience in the type of work to be performed. If permittee elects to thusly engage in remediation without its bond being called, at the outset of work to be rendered by permittee: (a) tender plans and construction schedule, rendered by a Mississippi Licensed Civil Engineer(s) of permittee, to be submitted to/approved by the City; and, when thereafter sought by the City (b) tender the sum of the estimated and calculated sums, as calculated and estimated by the City, unto the City for legal/engineering fees.

Section 411 - Issuance of Permit

The City Clerk shall issue "Permit" upon receipt of appropriate road bond, approval of City Engineer, City Attorney, and Mayor and Board of Aldermen, said permit setting forth details and restrictions upon the permittee such permit a condition precedent to use of such streets. ("Permit" form attached as Exhibit "C")

Section 412 - Violations

Any person, firm, corporation, or any other legal entity that violates the

provision of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of up to One Thousand Dollars (\$1,000.00) for each violation. Each day in which such violation shall continue shall constitute a separate offense and violation. Depending upon the severity of the damage as assessed by the City, and the nature and the extent of either the plan for remediation or the effecting remediation, if either or both of same are deemed by the City to be unacceptable, then the City, through the Mayor, or designate of the Mayor: (1) may revoke and/or suspend the permit of the permittee, although such suspension/ revocation shall in no wise affect the status of the bond as posted; and/or (2) may call the bond of the permittee.

If this Ordinance is not enacted immediately, then the City street(s) now damaged as a result of the moving of oversize and/or overweight vehicles during the course of hauling operations will most likely not be repaired to City specifications, with such street(s) being a public safety hazard. Therefore, this Ordinance shall become effective upon the unanimous vote of all members of the Governing Authority.

The City Clerk is instructed to immediately publish this Ordinance one time in the *Rankin County News*, as the Ordinance is regarded as addressing an emergency, in that it be effective upon publication.

THE MOTION TO ADOPT THE FOREGOING ORDINANCE having been made by Alderperson *Boyer* and seconded by Alderperson *Helm*, and the Ordinance having been put to a roll call

vote, the results being as follows:

VOTING:

APPROVED:

AYE

AYE

AYE

AYE

AYE

DISAPPROVED:

NAY

NAY

NAY

NAY

NAY

Pam Clark

ALDERWOMAN PAM CLARK

ALDERMAN JOHN HELMS

ALDERWOMAN KELLEY MARTIN

ALDERMAN BOBBIE MOUDY

ALDERMAN LARRY POYNOR

The motion having received the affirmative vote of a majority of members of the Board present, the Mayor therefore declared the motion so carried and the Ordinance ordained this the 14 day of FEBRUARY 2013.

Bob Morris
BOB MORRIS, MAYOR
CITY OF FLORENCE, MISSISSIPPI

ATTESTED BY:

Linda Wigley
LINDA WIGLEY, CITY CLERK

CITY OF FLORENCE, MISSISSIPPI

PREPARED BY:
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CITY OF FLORENCE
APPLICATION FOR PERMIT
EXCESS WEIGHT VEHICLES ON CITY STREETS

DATE: _____

NAME AND ADDRESS OF APPLICANT: _____

TELEPHONE NO. _____

OPERATION FOR WHICH PERMIT IS REQUESTED: _____

DURATION FOR WHICH PERMIT IS REQUESTED:
START DATE: _____
END DATE: _____

EXACT ROUTE USING CITY STREETS: _____

ESTIMATED GROSS WEIGHT PER SINGLE AXLE: _____

SIGNATURE OF APPLICANT

EXHIBIT "A"

**BOND FOR OPERATION OF OVERWEIGHT VEHICLE
ON CITY STREETS IN CITY OF FLORENCE, MISSISSIPPI**

**STATE OF MISSISSIPPI
COUNTY OF RANKIN
CITY OF FLORENCE**

KNOW ALL MEN BY THESE PRESENTS,

That we, _____, of _____, hereinafter called Principal, and _____, a Surety Company duly licensed to do business in the State of Mississippi, hereinafter called Surety, are held firmly bound unto the City of Florence, Mississippi, as Obligee in the amount of _____ DOLLARS (\$ _____), for the payment whereof Principal and Surety bind themselves, their heirs, legal representatives, successors and assigns jointly and severally, firmly by these presents:

WHEREAS, Principal has made application to City of Florence, Mississippi for a permit to move heavy overweight loads over City streets; and

WHEREAS, the obligation undertaken by Principal and Surety herein is a condition precedent to the issuance of such permit.

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that should the Principal cause damage to any public street, road, highway, bridge or any other drainage structure, including culverts, within the City of Florence, Mississippi, which damage results or arises out of the use, operation or movement by Principal, its employees or agents, of a vehicle weighing in excess of the weight limit for such public street, road, highway or bridge as established by the Mayor and Board of Aldermen of said City, and Principal fails to reimburse City for: costs to repair and return said streets to City specifications; for costs for the inspection of Principal's application; for the costs and expenses incurred by the City in the inspection of the City streets in which Principal will move or has moved heavy overweight loads; for the legal fees incurred by the City in enforcing its Ordinances regarding the issuance of permits for the movement of heavy overweight loads over City streets; and for any other reasonable and necessary expenses incurred by the City in regards to the issuance by the City to the Principal of a permit to move heavy overweight loads over City streets, then Principal and the Surety hereon agree, bind and obligate themselves to pay to the City of Florence, Mississippi all loss or damages up to and including the amount of such Bond.

This Bond shall be effective on and from the date of its approval by the Mayor and Board of Aldermen of the City of Florence, Mississippi, and shall continue in full force and

effect for a period of ____year(s), at which time this obligation shall become void, provided however, should any public street, road, highway or bridge within the scope of this agreement sustain any loss or damage resulting from use, operation or movement by Principal of an overweight vehicle then this obligation shall not expire but shall remain in full force and effect and the City of Florence, Mississippi may institute suit under this bond at any time prior to four (4) years from the date of the expiration of the ____ year(s) term of this bond set forth hereinabove.

In the event of suit hereunder, venue shall lie in Rankin County, State of Mississippi. This agreement shall be interpreted according to the laws of the State of Mississippi.

SIGNED this ____ day of _____ 20____,

BY: _____
PRINCIPAL

(Print Name)

Title _____

Address: _____

BY: _____
SURETY

(Print Name)

Title _____

Address: _____

STATE OF _____

COUNTY OF _____

I hereby certify, that on this day, before me, a Notary Public, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____, in his/her capacity as _____ of _____, who executed and delivered the within foregoing instrument, on the day and year therein mentioned.

GIVEN under my hand and official seal, this the ____ day of _____, 20____.

My Commission Expires:

NOTARY PUBLIC

STATE OF _____

COUNTY OF _____

I hereby certify, that on this day, before me, a Notary Public, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____, in his/her capacity as _____ of _____, who executed and delivered the within foregoing instrument, on the day and year therein mentioned.

GIVEN under my hand and official seal, this the ____ day of _____, 20____.

My Commission Expires:

NOTARY PUBLIC

Approved this _____ day of _____, 20____.

MAYOR, CITY OF FLORENCE, MISSISSIPPI

ATTESTED BY:

LINDA WIGLEY
CITY CLERK
CITY OF FLORENCE, MS

PERMIT

EXCESS WEIGHT VEHICLES ON CITY STREETS

CITY OF FLORENCE, MISSISSIPPI

- I. _____, is hereby authorized to operate vehicles of excess weight for the purpose of _____,
- _____
- on the streets of the City of Florence, using those routes and only those routes described in the application for this permit, which routes are described as follows:
- _____
- _____
- _____
- II. A Road Bond in the sum of \$ _____ is required by the Governing Authorities and has been received by the City Clerk, said Road Bond amount being set by the Governing Authorities at its _____ (regular or special called) meeting on the _____ day of _____, 20____.
- III. No hauling trucks or noisy equipment will be in operation before 7:00 a.m. nor after dark, and hauling trucks will not disturb school bus routing.
- IV. Should mud, limbs or other debris be placed in the streets by virtue of such operations, or by its employees, servants or contractors, successors and/or assigns, permittee agrees to promptly remove such a menace to safety from city streets.
- V. All hauling trucks shall obey the speed limits set on the City streets, which are:

Exhibit "C"

V. All hauling trucks shall obey the speed limits set on the City streets, which are:

VI. This permit is required by Chapter 19, STREETS, SIDEWALKS AND PUBLIC WAYS, Article IV, Sections 407 through 412 in the Code of Ordinances of the City of Florence, and also under authority of Section 63-5-51, Mississippi Code of 1972, as annotated, and shall be subject to enforcement in the City of Florence Municipal Courts and Rankin County Courts, as necessary.

VII. At the outset of work to be rendered by permittee:

(A) Tender of calculated sums to the City for Legal/Engineering fees is to be made;

(B) Plans rendered by a Mississippi licensed Civil Engineer(s) of Permittee will need to be submitted to/ approved by City;

DATE OF ISSUE: _____

DATE OF EXPIRATION: _____

MAYOR, CITY OF FLORENCE

AGREED TO:

PERMITTEE OR AGENT

4-16-2019

19-025

A Motion was made by Alderman Grantham, seconded by Alderman Norris to authorize and direct the city attorney and city engineer to work with Rankin County to determine if a heavy haul bond is necessary for any heavy hauling on Highway 469 and White Road in Florence, MS. The Motion was carried by a unanimous vote.

A Motion was made by Alderman Gunn, seconded by Alderman Helms to set a public hearing for May 7, 2019 at 6:30 p.m. for consideration of a set-back variance for Studio Sole Dance located at 2999 Hwy. 49 South Florence, MS. The Motion was carried by a unanimous vote.

A Motion was made by Alderman Grantham seconded by Alderman Banks to approve the claims docket. The Motion was carried by a unanimous vote.

A Motion was made by Alderman Gunn, seconded by Alderman Helms to approve the Minutes of April 2, 2019. The Motion was carried as follows:

Alderman John Banks voted:	Aye
Alderman Brian Grantham voted:	Aye
Alderman Trey Gunn voted:	Aye
Alderman John Helms voted:	Aye
Alderman Todd Norris voted:	(Abstain)

A Motion was made by Alderman Helms, seconded by Alderman Gunn to consider the need for an executive session to discuss a personnel matter in the police department involving the position of dispatcher and in the city clerk department involving the position of city clerk. The Motion was carried by a unanimous vote.

A Motion was made by Alderman Grantham, seconded by Alderman Norris to go into executive session for the above stated purpose at 7:00 p.m. The Motion was carried by a unanimous vote.

Upon the recommendation of Chief Thomas, a Motion was made in executive session by Alderman Helms, seconded by Alderman Norris to hire Jessica George as a part time dispatcher at \$9.00 per hour with (6) months- probation, then raise to \$9.50 per hour and upon completion of state certification raise to \$10.00 per hour, pending a successful background check and drug and alcohol testing. The Motion was carried as follows:

Alderman John Banks voted:	Aye
Alderman Brian Grantham voted:	Aye
Alderman Trey Gunn voted:	Aye
Alderman John Helms voted:	Aye
Alderman Todd Norris voted:	Aye

Upon the recommendation of Mayor Morris, a Motion was made in executive session by Alderman Helms, seconded by Alderman Gunn, to hire Carley Moore as city clerk for the city of Florence, effective May 20, 2019 at a salary of \$65,000.00 annually. The Motion was carried as follows:

Alderman John Banks voted:	Aye
Alderman Brian Grantham voted:	Aye
Alderman Trey Gunn voted:	Aye
Alderman John Helms voted:	Aye
Alderman Todd Norris voted:	Aye