

**AN ORDINANCE OF THE RANKIN COUNTY BOARD OF SUPERVISORS
PROTECTING AGAINST DAMAGE OF CERTAIN PUBLIC ROADS AND
DECLARING SAID ROADS TO PROHIBIT CERTAIN VEHICLES FROM UTILIZING
SAID ROADS IN UNINCORPORATED RANKIN COUNTY, MISSISSIPPI**

WHEREAS, Section 19-3-40, Mississippi Code Annotated, provides that the Rankin County Board of Supervisors shall have the power to adopt any ordinance with respect to County affairs, property and finances, for which no specific provision has been made by general law and which is not inconsistent with the Mississippi Constitution, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi;

WHEREAS, Section 19-3-41, Mississippi Code Annotated, provides full jurisdiction to the Board of Supervisors of roads, ferries and bridges, except as otherwise provided by Section 170 of the Constitution, and all other matters of county police;

WHEREAS, Section 65-7-41, Mississippi Code Annotated, provides that the Board of Supervisors may protect county roads and prevent damage thereto;

WHEREAS, Section 63-5-27(5), Mississippi Code Annotated, provides that the Board of Supervisors may impose restrictions concerning wheel and axle loads upon county roads;

WHEREAS, The Board of Supervisors has determined that, as a result of truck traffic (Truck as defined herein) there is injury and damage to public roads situated in unincorporated Rankin County, identified on the attached Exhibit "A," made a part of this Ordinance incorporated herein and as amended from time to time; and

WHEREAS, this ordinance shall be made effective immediately upon passage on October 7, 2024; and

WHEREAS, in order to carry out its obligation to protect the County Roadways within unincorporated Rankin County, Mississippi, from damage resulting from certain usages of said roads, the Rankin County Board of Supervisors hereby declares Certain County Roadways to be "No Truck" roads, pursuant to the aforementioned statutes.

NOW, THEREFORE, BE IT ORDERED as follows:

SECTION I. Definitions

The following terms shall have the corresponding meaning for purposes of this ordinance as follows:

- a) *Consumer Goods or Services*: The term "Consumer Goods or Services" shall mean goods or services regularly provided for personal, family, or household purposes. For purposes of this Ordinance, the term "Consumer Goods or Services" shall not include the provision or delivery of goods or services in connection with a construction Project.

- b) **County Roadway:** The term “County Roadway” shall mean those certain public roads identified in Exhibit “A” including bridges, approaches to bridges, and any other route of travel associated therewith, within the unincorporated boundaries of the County that are designed to be used and traveled upon by any vehicle and that are under the regulatory control of the Board of Supervisors.
- c) **Damage:** The Term “Damage” shall mean any and all injury to the road surface or rights-of-way of a County Roadway, including, but not limited to, the following: (i) Diversion of the filling of any drainage ditch, culvert, or pipe parallel to or underneath a County Roadway, so as to restrain or redirect the flow of water; (ii) operation of any vehicle, machinery, or equipment that will gouge, rip, break, depress, or otherwise deface a County Roadway; (iii) repeated ingress or egress to and from a County Roadway at a particular location, that results in a buildup of rock, gravel, mud, dirt, chemicals, or other materials, which present potential hazard to other persons using the County Roadway; (iv) creation of any dam, berm, ditch, or wall that restrains the natural flow of waters and results in redirection of said waters onto the roadway or right-of-way of any County Roadway.
- d) **Project:** The term “Project” shall mean an undertaking of any nature and kind which requires transportation to and from a site of equipment, product, and/or material by any type of Truck.
- e) **Repair:** The term “Repair” shall mean the action of fixing or mending of a County Roadway to its condition prior to the occurrence of Damage caused by operating a Truck thereon.
- f) **Responsible Party:** The term “Responsible Party” shall mean the party responsible for developing the Project.
- g) **Road Manager:** The term “Road Manager” shall mean the head of the Rankin County Road Department.
- h) **Truck:** The term “Truck” shall mean a motor vehicle, having more than two axles, which is designed to haul or carry or which is being used to haul or carry products or cargo for commercial purposes in relation to a Project, and/or which is required to purchase a state-issued motor vehicle license tag or apportioned motor vehicle tag, including but not limited to tractor/trailer rigs or "eighteen wheelers," gravel trucks, dump trucks, log trucks, delivery trucks, pulpwood trucks, log motor vehicle, or other such vehicle in addition to those named above having in excess of two axles.
- i) **Utility Providers:** The term “Utility Providers” shall mean utility companies, along with their contractors, that provide typical utility services to residential properties in Rankin County.
- j) **Waste Services:** The term “Waste Services” shall mean services provided as a part of the Rankin County residential garbage collection program.

SECTION II. Prohibitions

It shall be unlawful for any Truck as defined herein to operate upon the County Roadways identified in Exhibit "A," as same are herein designated as "no Truck" roads. Failure to comply with this Ordinance shall subject the violator to criminal prosecution.

SECTION III. Exemptions

- (1) No person shall be found guilty of operating a Truck on the County Roadways in violation of this Ordinance if such person is operating a Truck:
 - A. to deliver Consumer Goods or Services directly to a residence;
 - B. that is owned or leased by Rankin County, Mississippi; the Rankin County School District, a municipality within Rankin County, Mississippi; and any other political subdivision situated within Rankin County, Mississippi;
 - C. that is owned or leased by Waste Services or Utility Providers, as those terms are defined herein;
 - D. in the course of providing emergency services;
 - E. to deliver materials, supplies, or equipment in connection with the construction or improvement of a single-family residential home having an address upon the No Truck Road; or
 - F. during the existence of an emergency declared for Rankin County, Mississippi, pursuant to Miss. Code Ann. § 33-15-11, et seq. or an emergency declared by the Rankin County Board of Supervisors in accordance with Mississippi law.
- (2) However, the exemption provided within Subsection E of this Section is inapplicable where the Responsible Party involved in the construction or improvement of such home is concurrently the Responsible Party for the construction or improvement of more than one single-family residence on the same road or street, or within the same neighborhood or development as the home for which the exemption is sought. To remove all doubt, Subsection E of Section III is inapplicable to the construction of multiple residential homes on the no truck road or street, or within the same neighborhood or development.
- (3) Upon expiration of any emergency situation causing an emergency declaration described in Subsection F of this Section, the exemption provided therein shall be unavailable.

SECTION IV. "No Truck" Signs indicating designation

Pursuant to Miss. Code Ann. § 65-7-49, the Rankin County Road Department may erect signs on the County Roadways indicating to the traveling public their designation as "no Truck" roads. The Rankin County Road Department will use reasonable efforts to maintain signs in place or replace signs as needed. However, it shall not be a defense to this ordinance that a "no Truck"

sign was not in place where the driver of a Truck has been provided actual notice that a County Roadway is a "no Truck" road. Additionally, failure to post such notices shall not be a defense to a violation of this Ordinance. Any person found to be in possession of a no truck sign or proven to have removed or defaced a no truck sign shall, upon conviction, be fined not less than \$500 and jailed for not more than six (6) months,

SECTION V. Enforcement

- (1) Any sworn Rankin County Law Enforcement Officer shall be empowered to issue citations to the driver of any Truck or the Responsible Party of any Project acting in violation of any provision of this Ordinance.
- (2) Any Rankin County Law Enforcement Officer, having probable cause to believe that a person has violated the provisions of this Ordinance, shall provide written notice of the violation to such person. At the discretion of the Road Manager or the County Administrator, any proper representative of Rankin County may initiate proceedings enjoining further operation in violation of this Ordinance and to recover, from a Responsible Party, monetary amounts and costs necessary to Repair Damage, including all court costs and reasonable attorneys' fees.

SECTION VI. Fines for Violation

A driver operating a Truck on a County Roadway without a physical copy of a permit or a permit number, if applicable, and a Responsible Party who fails to obtain a permit for his or her Project shall be liable for fines as set forth herein:

- A. For the first violation of the provisions of this Ordinance, the driver and/or Responsible Party shall be fined the sum of \$500.00, or any greater amount as may be provided by statute.
- B. For the second violation of the provisions of this Ordinance, the driver and/or Responsible Party shall be fined the sum of \$1,000.00, or any greater amount as may be provided by statute.
- C. For a third or more violation, the driver shall be fined the sum of \$1,000.00 and upon conviction thereof, the driver shall be jailed for a period not to exceed twelve (12) months;
- D. Any Responsible Party found to be in violation of the provisions of this Ordinance shall be liable to Rankin County for monetary amounts and costs necessary to Repair Damage to County Roadways, including all court costs and attorneys' fees.

SECTION VII. Permit to Access "No Truck" Roads

- (1) Pursuant to Miss. Code Ann. § 63-5-51, persons, firms or corporations with compelling reasons to access the County Roadways identified in Exhibit "A" designated as "no Truck" roads may apply for a permit to access said "no Truck" roads in/with a Truck. The cost for the permit shall be \$500 payable to Rankin County, Mississippi.
- (2) No permit issued shall be transferrable to any other person, firm or corporation. As an additional requirement to obtaining a permit under this Section, an applicant must comply with all terms and obligations set forth on the face of the permit. A permit issued hereunder is subject to withdrawal without notice at the sole discretion of the Road Manager.
- (3) A physical copy of the permit or the permit number shall at all times remain within all Trucks traveling over and across County Roadways identified in Exhibit "A." Failure to produce a physical copy of a permit or to provide the permit number, if applicable, on request shall be considered a violation of this Ordinance as if no permit had been issued.

SECTION VIII. Effective Date

For reasons of public health, safety and welfare, this Ordinance shall be effective immediately upon passage.

Adopted this the 7th day of October, 2024.

RANKIN COUNTY BOARD OF SUPERVISORS

By: Steve Maines
BOARD PRESIDENT

ATTEST:

Mary J. Scarborough
CLERK OF THE BOARD



Exhibit "A"

Listing of No Truck Roads

Mt. Helm Road between Highway 471 and Highway 25