

AN ORDINANCE OF THE HARRISON COUNTY BOARD OF SUPERVISORS ESTABLISHING AND REGULATING TRUCK ROUTES WITHIN HARRISON COUNTY; PROVIDING FOR ISSUANCE OF PERMITS TO UTILIIZE A NON-DESGINATED TRUCK ROUTE; AND TO PROVIDE FOR ENHANCEMENT AND FINES FOR VIOLATION OF THIS ORIDINANCE, AND FOR RELATED PURPOSES

WHEREAS, due to the growth in Harrison County during recent years, there has been a tremendous increase in the general truck traffic, as well as truck traffic relating to construction and other development projects, where trucks carry loads, exceeding the capacity of certain roads within Harrison County; and

WHEREAS, the Harrison County Board of Supervisors has determined that this increase in truck traffic has damaged roadways in Harrison County, and to the extent that the damage to the Harrison County roadways have created a danger and hazard to the public health and safety of the Citizens of Harrison County using these roadways; and

WHEREAS, the best interests of Harrison County and its Citizens, would be served if truck routes were established designating specific load limits on the roadways of Harrison County, except those designated by the Board of Supervisors as a committed truck route, and to identify same; and

WHEREAS, the Board recognizes that there are occasions when it will become necessary for a truck, exceeding the load limit as herein provided, be allowed to use roads not designated as truck routes; and

WHEREAS, the Board finds that there should be provision made for the issuance of permits to truck operators, who would be required to make multiple trips on a non-designated truck route, and whose gross weight would exceed the limits as herein set forth; and

WHEREAS, in designating the truck routes, the Board finds it should define various aspects of the Truck Ordinance, and to provide for the enforcement of same by the levy of fines and penalties, as herein set forth; and

WHEREAS, the appropriate court to enforce this truck ordinance should be the Harrison County Justice Court, and the appropriate person(s) to enforce the truck route ordinance in Harrison County is the Harrison County Sheriff's Department and any lawful officer of Harrison County; and

WHEREAS, based upon these findings, and the need to maintain and protect the roads of Harrison County, and to protect the health and safety of the Citizens of Harrison County, the Harrison County Board of Supervisors finds that it would be appropriate to

provide an Ordinance designating appropriate Truck Routes in Harrison County, and to provide for specified weight limits, special permits and enforcement of same.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI, AS FOLLOWS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and may be cited as the “**Harrison County Truck Route Ordinance.**”

SECTION 2. AUTHORITY AND PURPOSE

This Ordinance is enacted under the statutory authority of the State of Mississippi and the general police powers of the County. The purpose of this Ordinance is to prohibit any truck, whose gross weight, empty or loaded, exceeds 40,000 pounds, to travel over or upon any roadway of the County, except those designated by the Harrison County Board of Supervisors in this Ordinance, and such other roads as may be hereinafter designated by the Harrison County Board of Supervisors, which shall be designated as a committed truck route for all such vehicles.

It is the further purpose of this Ordinance to protect the roadways of Harrison County, and to protect the health and safety of the Citizens using such roadways.

SECTION 3. APPLICABILITY

This Ordinance shall apply to and be enforced in all unincorporated areas of the County.

SECTION 4. DEFINITIONS

1. Available Route: Means a street, road or roadway dedicated for and open to public motor vehicle travel.
2. Axle Load: Means the total load transmitted by all wheels on a single or tandem axle extending across the full width of the vehicle.
3. The Board: Means the Board of Supervisors for Harrison County, Mississippi, who has full jurisdiction over the roads, ferries and bridges within the County.
4. Bond: Means a Surety Bond or endorsement to the operators vehicle liability insurance policy, to cover damages done, if any, to the roadways of the County.
5. County: Means the entire unincorporated areas of Harrison County, Mississippi.
6. Gross Weight Of Vehicles: Means the sum of all axles loads of vehicles, including any trailer or trailers connected to vehicles.
7. Permit: Means that any such activity such activity such as logging, pulpwood, gravel, oil production or other heavy haul operation on a non-designated truck route has received approval for said activity.
8. Person: Means any person, firm, partnership, association, corporation, company, or organization of any kind.

9. Posting Restriction: Means that any said roadway which may have either a deficient bridge or roadway in regards to its ability to allow heavy truck traffic to safely travel said available route, shall be posted accordingly.
10. Road Manager: Means the Board's designee, who oversees the County's road system.
11. Single Axle: Means all wheels, whose centers are included within two parallel transverse vertical planes not more than forty inches apart, extending across the full width of the vehicle.
12. Tandem Axle: Means two or more consecutive axles; the centers of which may be included between parallel vertical planes spaced more than forty inches and not more than 96 inches apart, extending across the full width of the vehicle. Axles, which are 40 inches or less apart shall be, considered being single axles.
13. Truck: Means any motor vehicle whose gross weight exceeds 40,000 pounds.
14. Truck Route: Means a street, road or roadway designated and posted, over and along which trucks may travel.

SECTION 5. TRUCK ROUTES ESTABLISHED

It shall be unlawful for any truck, whose gross weight, empty or loaded, exceeds 40,000 pounds to travel over or upon any roadway of the County, except those designated by the Board of Supervisors of Harrison County, Mississippi as a committed truck route for such vehicles.

Those roads designated as truck routes within Harrison County are as follows:

Road Name	From	To
Whittman Road	Pass Christian City limits	Kiln/Delisle Road
Vidalia Road	Kiln Delisle Road	Hancock County Line
Kiln Delise Road	Dupont Plant entrance/exit	Hancock County Line
Edwin Ladner Road	Kiln Delisle Road	Vidalia Road
J. P. Ladner Road	Edwin Ladner Road	Vidalia Road
Menge Avenue	Pass Christian City Limits	I-10
Firetower Road	I-10	Vidalia Road
Lobouy Road	Firetower Road	North to End of Road
Bells Ferry Road (West End)	Twin L Dirt Pit	West to Menge Avenue
Bells Ferry Road (East End)	Cliburn Road	East to Red Creek Road
28 th Street	Red Creek Road	Beatline Road
Beatline Road	Long Beach City Limits	I-10
County Farm Road	I-10	Hwy 53
Wolf River Bridge	County Farm Road	Cable Ridge Road
Cable Ridge Road	Vidalia Road	Hwy 53
Saucier Lizana Road	Hwy 53	Old Hwy 49
Old Hwy 49	Saucier Lizana Road	North to Angel Road
Old Hwy 49	Saucier Lizana Road	South to Hwy 49
Angel Road	Old Hwy 49	Hwy 49

Talley Shaw Road	Hwy 53	Stone County Line
Yankee Town Road	Saucier Lizana Road	Old Hwy 49
Old Hwy 49	Yankee Town Road	North to W. Adams Road
Old Hwy 49	Yankee Town Road	South to Desota Park Road
West Adams Road	Old Hwy 49	Hwy 49
Desota Park Road	Old Hwy 49	Hwy 49
East Wortham Road	Hwy 49	Hwy 67
Turan Road	Williams Dirt Pit	South to Saucier Fairley Rd
Saucier Fairley Road	East Wortham Road	Hwy 67
Three Rivers Road	Biloxi City Limits	Hwy 67
South Carrbridge Road	Hwy 67	Blackwell Farm Road
Blackwell Farm Road	South Carrbridge Road	North Carrbridge Road
North Carrbridge Road	Blackwell Farm Road	Bethel Road
Bethel Road	Hwy 67	Hwy 15
Airey Tower Road	Hwy 67	Stone County Line
Lorraine Road	Biloxi City Limits	Hwy 67
Lamey Bridge Road	Hwy 67	D'Iberville City Limits
Hudson Krohn Road	Biloxi City Limits	Lamey Bridge Road
CC Road	Hwy 15	Jackson County Line
Canal Road	Gulfport City Limits	Hwy 53
East Dubuisson Road	Firetower Road	East End of Road
Placide Road	East Dubisson Road	North End of Road

SECTION 6. EXCEPTIONS

Any truck may be operated over any roadway, unless there is a posting restriction for a specific weight limit, for the delivery of goods to a resident or place of business. This is acceptable as long as the truck leaves the designated truck route at the nearest intersection of the point of destination and does not involve multiple trips daily. Said truck shall have a delivery ticket, or other document noting the destination of the truck, to justify the use of the non-designated truck route roadway. Any truck needing to make a delivery of goods to a resident or place of business, which is located on a roadway with a posted weight restricting, or make multiple trips daily, may do so upon receipt of approval from the County Road Manager or his designee.

Trucks associated with a logging, pulpwood, gravel, oil production or other heavy haul operation, making multiple trips daily, on any non-designated truck route roadway, may use such roadway upon receipt of a permit from the County's Road Manager.

Any truck may be operated over a non-designated truck route, if owned and operated by the County, a public utility, contractor or materialman while engaged in the repair, maintenance or construction of roads, road improvements for the County, or utilities within the County. If these vehicles need to travel a posted roadway, and are in excess of the posted weight restriction, to perform the necessary repair, maintenance or construction, may make such request to the Road Manager, or his designee for permission to cross such roadway, as provided in this Ordinance.

Emergency vehicles may use any roads within the County's road system.

Trucks associated with a Trash Disposal Company, under contract with County, may utilize any roadway for the purpose of complying with the contractual agreement. Said trucks shall utilize the non-designated truck routes only to pick up trash. They may not travel such roads to serve as a shortcut to reduce the travel distance between established truck routes. These trucks shall also observe the posted roadways and make necessary arrangements to provide appropriate vehicles to cross such roadways to be in compliance with this Ordinance.

Trucks may be permitted to use a non-designated truck route roadway if it is being used as detour route for associated work on an established truck route. The Road Manager or his designee shall determine the detour route.

SECTION 7. PERMIT

No person shall operate a truck within the County, who would be required to make multiple trips on a non-designated truck route road, and whose gross weight exceeds 40,000 pounds, unless such person shall have first obtained a permit from the Road Manager, or his designee, for such operation.

All such permit requests to utilize a non-designated truck route road, shall be submitted at least thirty (30) days in advance of such proposed activities, unless good cause is shown why a shorter period is necessary.

The Road Manager, or his designee, shall inspect the road(s) requested to travel and determine whether said road(s) would withstand the repetitive passage of heavy loaded trucks.

The Road Manager may request that a Bond be posted sufficient to cover damages, if any, to the roadways requested to be used.

The Road Manager's decision may be appealed to the Board, which shall be heard at any of its regular scheduled meetings. The person(s) appealing the Road Manager's decision shall inform the Road Manager of the appeal, and the Road Manager shall be responsible for having the appeal placed on the Board's next available agenda and notifying the person filing the appeal of the meeting date, time and location.

The Board, upon hearing the appeal may affirm the decision of the Road Manager; deny same or modify the Road Manager's decision.

SECTION 8. ENFORCEMENT PROCEDURE

The Harrison County Sheriff's Department, and any lawful officers, are hereby empowered to issue uniform traffic citations, court summonses, arrests, or to issue written corrective notices to drivers, owners and/or agents violating any provision of this Ordinance, and may serve or execute all warrants and other process issued by the Harrison County Justice Court in enforcing the provisions of this Ordinance.

Violation of the provision of this Truck Ordinance shall constitute a misdemeanor, by the driver, and may be punished by fine as follows, in the sole discretion of the Harrison County Justice Court, as follows:

1. First Offense.....\$50.00
2. Second Offense within twelve (12) consecutive months.....\$100.00
3. Third or subsequent offense, within twelve (12) consecutive\$500.00
months

SECTION 9. PUBLICATION

The Clerk of this Board is hereby authorized and directed to publish this Ordinance in a newspaper having general circulation in Harrison County, Mississippi. Further, the Clerk is hereby authorized and directed to furnish certified copies of this Ordinance to the Harrison County Justice Court, the Harrison County Sheriff's Department and the Harrison County Law Library, and any lawful officer of the County requesting same.

SECTION 10. CONFLICTING ORDINANCES REPEAL

Any conflicting Harrison County Ordinance, and amendments, adopted prior to this Ordinance, are hereby repealed and replaced by this Ordinance.

SECTION 11. SEVERABILITY

If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision an to that end the provisions of this Ordinance are hereby declared to be severable.

SECTION 12. EFFECTIVE DATE

A certified copy of this Ordinance shall be filed with the Clerk of the Board of Supervisors, and shall become effective and in full force and effect, upon publication of same as herein provided, with proof of publication filed with the Clerk of the Board.

All Ordered and Ordained on this the ____ day of _____, 2004.

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