

STATE OF MISSISSIPPI
COUNTY OF MONTGOMERY
CITY OF WINONA

AN ORDINANCE BY THE CITY OF WINONA PROVIDING FOR THE
REGULATION OF MINING, LOGGING, PULPWOOD, GRAVEL, OIL & GAS
PRODUCTION, SOLID WASTE HAULING, COMMERCIAL ENTERPRISES AND
OTHER HEAVY HAULING OPERATIONS ON CITY ROADS, BRIDGES AND
APPROACHES WITHIN THE CITY OF WINONA, SUBJECT TO THE
JURISDICTION OF THE CITY OF WINONA BOARD OF ALDERMEN, AND
RELATED PURPOSES

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF WINONA, MISSISSIPPI, AS FOLLOWS:

WHEREAS, the Board finds that from time to time it is necessary to take action to declare what is, or what may be, an unusual or uncommon load or weight which will be, or which is being conveyed, on or over the roads bridges, approaches to bridges and appurtenances in the City (hereinafter collectively referred to as "roadways") where the same is likely to damage or impair their usefulness as public ways, so as to protect such roadways, and in particular, from damage caused by mining, logging, pulpwood, gravel, oil and gas production, solid waste hauling, commercial enterprises which ship or receive heavy loads, and other heavy haul operations; and,

WHEREAS, the Board finds it necessary to take reasonable and necessary steps to adopt and implement policy to protect the City's roadways and bridges from damage and impairment from mining, logging, pulpwood, oil and gas production, solid waste hauling, commercial enterprises which ship and/or receive heavy loads, and other heavy haul operations (hereafter called "Haul Operators") within the County; and,

WHEREAS, the Board of Aldermen of the City of Winona, Mississippi, recognizes that roadway damage occurs as a result of heavy hauling by large trucks, and finds as fact that the use of City roads by large trucks hauling or transporting heavy loads increases the likelihood of damages to the City roads as well as the resultant endangerment to the general public's use of the roads which may cause personal and property damages from motor vehicle accidents; and,

WHEREAS, such action in establishing limitations and restrictions as to hauling of unusual or uncommon loads or weights on or over county roads and bridges is deemed necessary to protect the county roads and bridges from injury and impairments; and,

WHEREAS, such regulations are required in order to maintain safe roads and bridges, in the City of Winona; and

WHEREAS, any person, firm, partnership or corporation, or other legal entity, engaged in mining, logging, pulpwood, gravel, oil and gas production, solid waste collection or disposal, commercial enterprises which ship and/or receive heavy loads or other heavy haul operations within the City, except upon another connecting roadway maintained by another City or the County or the State of Mississippi, shall first obtain a permit from the City of Winona to conduct such operations and shall post a minimum of \$25,000.00 performance/surety bond, or endorsement to the operators vehicle liability insurance policy, to cover damages done, if any, to the roadways of the City of Winona. Provided however, at the conclusion of the operation, if no damage or impairment has been done to the roadways, the performance/surety bond shall be returned to the person or legal entity posting same; and if damages exceed the amount of the bond or endorsement, the haul operator shall be liable for same.

BY ORDER OF THE CITY OF WINONA BOARD OF ALDERMEN this policy was adopted the 15th day of August, 2023.

NOW, THEREFORE BE IT RESOLVED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WINONA, MISSISSIPPI, AS FOLLOWS:

SECTION I. That the City of Winona Board of Aldermen does declare it to be policy of the City of Winona to strictly regulate Haul Operators whose vehicles enter upon or leave from any roadway within the City, except upon another connecting roadway maintained by another city, county or the State of Mississippi; including those roadways which are in various stages of maintenance, reconstruction, and/or construction within the City.

SECTION II. The City Road Manager is hereby authorized and directed, in his sole discretion, to suspend and/or delay mining, logging, pulpwood, gravel, oil and gas production, solid waste hauling, commercial enterprises which ship and/or receive heavy loads and/or other heavy haul operations going on or off roadways of the City and on roads which are under maintenance, reconstruction, and/or construction where he deems such operations are causing or may cause damage to such construction projects.

SECTION III. It is the specific intention of the City of Winona that such suspension and/or delay of mining, logging, pulpwood, gravel, oil and gas production, solid waste hauling, commercial enterprises which ship and/or receive heavy loads, and other heavy haul operations shall be temporary in nature and when such operations are suspended and/or delayed, they shall be restored as quickly as possible, based upon the Road Manager's opinion concerning the advisability of using such roadways. Provided however, such temporary suspension imposed by the Road Manager shall be in effect until the next regular or recess session scheduled of the Board, where such temporary suspension shall be considered by the Board. Upon consideration of the temporary suspension, the Board shall terminate such temporary suspension; or shall extend such temporary suspension for such period of time it deems necessary for the preservation and protection of such roadways; or shall make such temporary suspension permanent; or shall take such other action, or make such orders as the Board may deem appropriate for the preservation and protection of the roadways within the City.

SECTION IV. Haul Operators within the City, whose vehicles enter upon or leave from any roadway within the City, except upon another connecting roadway maintained by another city, county or the State of Mississippi, shall first obtain a permit from the City of Winona to conduct operations on City roadways. The permit shall outline the specific route/roadways the Haul Operator(s) will use for the permitted activity. The Haul Operator shall post a minimum of \$25,000.00 performance/surety bond, or endorsement to the operators vehicle liability insurance policy, to cover damages done, if any, to the roadways of the City of Winona. If the Road Manager determines that no damage or impairment has been done to the roadways, the performance/surety bond or liability endorsement shall be returned to the person or legal entity posting same, and if damages exceed the amount of the posted bond or endorsement, the Haul operators shall be liable for same.

SECTION V. Upon completion of the operations in the area covered by the permit, the Haul Operator(s) shall notify the Road Manager who will conduct an inspection of the covered area within seven (7) days to determine if the roadways have sustained any damage or been attributable returned done to the legal haul roadways. If the inspection determines that no damage has been done to the roadways, the performance/surety bond or liability endorsement will be canceled or returned to the legal entity posting the same. If it is determined that damage has occurred, the Haul Operator will be notified and given ten (10) days to satisfactorily repair the damage at the sole expense of the Haul Operator. In the event that the Haul Operator does not repair such damages within the specified period, the repairs will be completed by the City and all costs of such repairs shall be reimbursed to the City by the Haul Operator and/or its surety.

SECTION VI. Failure to obtain such permit and post the bond or liability endorsement as herein required, or failure to cease operations upon written notice from the Road Manager, shall be deemed a violation of this Ordinance and such violation shall constitute a misdemeanor. The person, firm, partnership or corporation, or other legal entity found to be in violation of this ordinance shall be punished by fine of one hundred dollars (\$100.00) per vehicle per trip for each day of violation; and each day of violation shall be considered a separate offense.

SECTION VII. Failure to adhere to the specified route described in the permit shall result in a fine of five hundred dollars (\$500.00) per vehicle per trip and one thousand dollars (\$1,000.00) for any subsequent offense of which shall be deemed a misdemeanor. Each incident of vehicle violation and each day of violations shall be considered a separate offense. The presence of either a partially loaded or fully loaded vehicle on a roadway shall be evidence of a violation.

SECTION VIII. That the Clerk of the City of Winona be, and she is hereby directed to immediately cause publication of this Ordinance in The Winona Times as required by law.

SECTION IX. That this Ordinance shall be in full force and effect from and after thirty (30) days of its adoption.

The above and foregoing Ordinance, having been first reduced to writing, was read and considered section by section, then as whole; the motion to adopt the foregoing Ordinance being made by Alderman Austin, which was duly seconded by Alderman Harris, the vote section by section and a whole being as follows:

1. Section 1-22:

Alderman Mickey Austin voted "Aye";
Alderman Travis Johnson voted "Aye";
Alderman Sylvia Clark voted "Aye";
Alderman Linda Purnell voted "Aye";
Alderman Charles Harris voted "Aye"

2. As a whole:

Alderman Mickey Austin voted "Aye";
Alderman Travis Johnson voted "Aye";
Alderman Sylvia Clark voted "Aye";
Alderman Linda Purnell voted "Aye";
Alderman Charles Harris voted "Aye"

Thereupon, the Mayor declared the motion carried and said Ordinance adopted on this the 15th day of August 2023.



Aaron Dees, Mayor

ATTEST:

Monica Turner, City Clerk