

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF FLOWOOD REGULATING LOGGING OPERATIONS
AND MINING OF DIRT, GRAVEL AND SAND

WHEREAS, logging operations and mining of sand, gravel and dirt cause damage to the public streets and highways of the City of Flowood over and beyond normal wear and tear: and

WHEREAS, the public health, safety and welfare requires that the roads be repaired and that the repairs be made by the user thereof; and

WHEREAS, the Mayor and Board desire to implement a procedure to assure repair of said roadways.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Flowood as follows:

Section 1: All persons lawfully operating a logging operation, or mining operation of sand, dirt or gravel (hereinafter "Operator") in the City of Flowood shall obtain a Travel Permit prior to beginning operations from the City Clerk of the City. All such operations presently in existence must obtain a new permit pursuant to the provisions of this ordinance within thirty (30) days from its passage.

Section 2: All operators shall, prior to being issued a permit, submit to the Public works director of the City a proposed travel route for hauling materials. The route will be reviewed and either approved or altered by the Public Works Director and the route finally approved, either as submitted or altered by the Public Works Director, shall be the only route available for use by the operator. The operator shall keep a record of the number of trips taken over the approved route which report shall include the truck size or type, name of driver, weight of load, type of load and date of trip. The records so maintained shall be open for review and inspection by the City during regular business hours.

Section 3: Upon approval of the route the Public Works Director shall calculate the number of miles to be traveled by the operator and the operator must post a payment bond in the amount of \$10,000.00 per mile prior to obtaining a permit, which bond shall assure payment by the operator of all damages caused by or contributed to by the operators use thereof. The bond proceeds shall be payable to the City of Flowood, Mississippi.

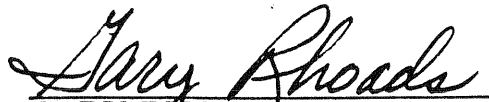
Section 4: The operator shall be liable to the City for all damages cause to the roadways over the approved route, which damages shall include but not be limited to the cost of materials and labor necessary to repair any damages so made. Upon notice to the operator for repairs to be made the operator shall repair the damaged roadway within 30 days. If the operator elects not to make the repairs himself the City will make the repairs, or contract for the repairs to be made, and charge the operator the actual cost of the materials and labor to make said repairs.

Section 5: Any person violating the terms of this ordinance shall be guilty of a misdemeanor and be punished by a fine not to exceed \$1,000.00, or imprisoned for a term of thirty (30) days or both.

Section 6: This Ordinance shall be in addition to the requirements of the Mississippi Surface and Reclamation Law, Miss. Code Ann. Section 53-7-1 (1972).

SO ORDAINED this the 16 day of July, 1991.

MAYOR


GARY RHOADS

Attest:


Myra Dew, City Clerk