

Motion Mr. Langston seconded Mr. Atkins to recommend that the Jury approve the revised Heavy Load Ordinance as presented:

ORDINANCE NO. 03-1106-00
**AN ORDINANCE REQUIRING A WRITTEN PERMIT TO HAUL
HEAVY LOADS/PRODUCTS ON PARISH
MAINTAINED ROADS AND BRIDGES**

WHEREAS, there have been numerous times in the past, when Jackson Parish roads, bridges, and rights-of-way have been heavily damaged by use of equipment and hauling of loads for which the roads were not intended and

WHEREAS, the Jackson Parish Police Jury (JPPJ) has only limited funds available to fulfill its obligation for the maintenance of parish roads, bridges, and rights-of-way so as to afford the general public safe access over said roads and bridges,

NOW, THEREFORE, BE IT RESOLVED, that the following Ordinance describing the requirements for a written permit, to be issued to any person, corporation, or entity, using the parish maintained roads for hauling purposes:

SECTION I VEHICLES PROHIBITED EXCEPT BY PERMIT

1. Now Therefore Be It Ordained, that it shall be unlawful for any person, corporation, or entity to operate a vehicle or combination of vehicles having a total gross weight in excess of twenty (20) tons on Jackson Parish roads and bridges maintained by the Jackson Parish Police Jury without first obtaining a Permit from the Jackson Parish Police Jury.

Exception - If a permit is requested for a Jackson Parish Road which has a bridge posted and marked lower than twenty (20) tons and where that bridge must be crossed, the request for a permit shall be denied. This permit, if issued, in no way allows applicant to exceed weight limit on any posted bridge.

2. The permit shall be issued by either the Jackson Parish Engineering/Public Works Department, or by official action of the Jackson Parish Police Jury, if, in the exercise of their discretion, they determine that the applicant should have a permit. The department shall consider the following factors in the issuance of the permit, as well as any other circumstances existing in the particular case:
 1. There is an economic necessity for the permit;
 2. There exists a necessity of transportation by public roads, or
 3. The department or the Jury considers that the best interest of the parish requires the issuance of the permit.

The permit shall be issued at no cost.

3. The permit shall be required for each job or contract to be undertaken by the applicant and the permit shall expire upon the completion of the permitted job or contract. No permit shall be issued for a period to exceed ninety (90) days. The Jackson Parish Police Jury, at its discretion, reserves the right to cancel the permit at any time.
4. The permit, or a copy thereof, shall be kept in each vehicle or piece of equipment that exceeds the weight limits established by this section.
5. Any person, corporation or entity who operates a vehicle on Jackson Parish roads and bridges having a total gross weight in excess of twenty (20) tons without having a valid, unexpired permit issued by the Jackson Parish Police Jury, shall be guilty of a misdemeanor and shall be fined not more than two hundred fifty dollars (\$250.00) for a first offense. Upon conviction of a second offense, the offender shall be fined not more than five hundred dollars (\$500.00). If the offender has been convicted under this section two (2) or more times previously, upon any subsequent conviction, the offender shall be fined not more than five hundred dollars (\$500.00) or imprisoned in the parish jail for not more than six (6) months or both.

In addition, or as an alternate to, the above, at its discretion, the Jackson Parish Police Jury may deny any permit requests of the offending party for a period of up to six (6) months from date of notice.

6. Any ordinance, or parts thereof, in conflict herewith be and is hereby repealed except in those instances where lower weight limits have been designated for specific roads and/or bridges.

SECTION II ABUSIVE USE OF PARISH ROADS PROHIBITED

1. Be it Further Ordained, that it shall be unlawful for any person, corporation, or entity to operate, or cause to be operated, any vehicle or equipment, or any combination of vehicles or equipment, on any parish road, parish right-of-way, or parish bridge within twenty-four (24) hours after a measurable rain or when said road, right-of-way, or bridge is in a wet and soft condition or at any other time, if and when:
 1. The use, or repeated use, of said equipment results in the creation of ruts four (4) inches or more in the surface of either dirt or aggregate-surfaced roads.
 2. The use, or repeated use, of said vehicles or equipment results in creating depressions or ruts in the surface of a black-topped road to a depth of one (1) inch or more.
 3. The use, or repeated use, of said vehicle or equipment results in permanent damage to the surface of a black-topped road to a depth of one (1) inch or more.

4. The use, or repeated use, of said vehicle or equipment results in any of the following on parish owned right-of-way:
 - a. The disturbance or displacement of soil that, left unrepaired, would result in the erosion of said right-of-way property.
 - b. The leaving of any trash, litter, or debris that impedes proper drainage along said right-of-way.
5. In the opinion of the Jackson Parish Police Jury or its designee, that operation or use would be harmful to Parish roads, bridges, or rights-of-way.
2. For the purpose of this section, the word “road” shall be defined as that portion of the total parish right-of-way which is surfaced with either dirt and gravel, or bituminous material over which the general motoring public travels. “Right-of-way” shall be defined as that property, or interest therein, acquired for or devoted to, a road or highway, and which is adjacent to, or alongside of, the traveled road surface, exclusive of the roadway itself.
3. Any owner or operator of any vehicle or equipment described herein violating any provision of this section shall be guilty of a misdemeanor and shall be fined not more than two hundred fifty (\$250.00) dollars or sentenced to the Parish Jail a period not to exceed two (2) months, or both.

Where the owner or operator is found guilty on second occasion, within a five-year period of a first conviction, then the fine shall not be less than two hundred fifty (\$250.00) nor more than five hundred (\$500.00) dollars or sentenced to the Jackson Parish Jail a period of four months, or both.

Where the owner or operator is found guilty on a third occasion, within a five-year period of a first conviction, then, the fine shall not be less than five hundred (\$500.00) dollars or sentenced to the Jackson Parish Jail a period not to exceed six (6) months, or both.

4. Any person, corporation, or entity that, in the opinion of the Jackson Parish Police Jury or its designee, causes any damage to a parish road, bridge, or right-of-way, regardless of weight of vehicle and whether or not there is a valid, unexpired permit, shall be liable for all or part of that damage. The party causing damage shall, at its own expense, repair or restore the portion of any road so damaged to at least its original condition. Such repairs shall be made under the direction and control of the Police Jury or its designee and shall be made within fourteen (14) consecutive calendar days of completion of the job or contract or from notice from the Police Jury that repair work is required. The Jackson Parish Police Jury will be the judge of when, and how much, repair work is required. During the course of a lengthy job or contract requiring heavy hauling, multiple instances of repair work may be required.

Alternatively, the person, corporation, or entity may reimburse the Jackson Parish Police Jury for the actual cost incurred for the repair and restoration of damaged roads to their original condition. If possible, required repair work would be performed by the Jackson Parish Police Jury Road Department but, in some instances, contract work may be necessary depending upon scope and time frame of required work.

If required repair work is not performed by the responsible party within the stated 14 days or after notice is given that work is required, the Jackson Parish Police Jury will repair or cause to be repaired the damaged portion and will invoice the responsible party. It may also be necessary for the Jackson Parish Police Jury to make immediate repair in an instance regarding safety on a damaged area. Required safety work would be performed by the Police Jury and the responsible party would be invoiced for this work. All invoices should be paid to the Jackson Parish Police Jury within thirty (30) days of invoice date. If not paid, any current permit would be canceled, and no additional future permits would be issued until full payment was made. In addition, possible legal proceedings could follow.

5. In no instance should a parish road or bridge be made impassable. If so, immediate steps should be taken by responsible party to repair road.
6. In the instance where multiple parties damaged a road, the Police Jury, with input from all involved parties, will determine the portions of responsibility.
7. The Jackson Parish Police Jury may, at its discretion, require a bond to be executed by an applicant in an amount sufficient to guarantee the payment of any damages that may occur to a parish road, bridge, or right-of-way as a consequence of the transportation authorized by the permit. A certified check, cashier's check, or surety bond meeting the requirements of the Police Jury will be required.
8. The above stated policy shall be implemented and placed into effect as to all responsible parties who make use of the parish roads, bridges, and rights-of-way for the purpose of any type of construction, development, or industrial project, including but not limited to the drilling of oil or gas wells, large construction projects, poultry operations, dirt pit operations, removal of timber or any other type natural resource, etc.
9. It shall not be a defense to this section that the owner or operator of the equipment causing the damage has a valid unexpired permit issued by the Jackson Parish Police Jury.

SECTION III FARM OR OTHER MACHINERY CROSSING OR TURNING AROUND ON ROADS

1. Be It Further Ordained, that it shall be unlawful for any person to cross or turn around upon any asphalt or paved road or right-of-way with track machinery, while in the act of moving this machinery or equipment. However, no part of this section is intended to prevent the use of parish roads by any machinery for transportation or other purposes as

authorized by law.

2. This section also prohibits the misuse of parish roads by the owner or operator of other vehicles, such as four-wheel drive vehicles, all terrain vehicles, or any other recreational type vehicle when, in the opinion of the Jackson Parish Police Jury or its designee, said use is of a malicious or deliberate nature.
3. Any person violating the provisions of this section or failing to comply with any of its requirements, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined the sum of two hundred fifty (\$250.00) dollars. In addition, said violator shall be required to pay all costs and expenses involved in the case.

SECTION IV DITCHING OR CUTTING

No person shall ditch, cut or change the shape of any parish owned and maintained road, within this parish. Any person violating any provision of this section shall be guilty of committing a misdemeanor, and upon conviction shall pay a fine not exceeding one hundred (\$100.00) dollars or be confined in the parish jail for a period of not over thirty (30) days, or both, at the discretion of the court.

SECTION V EFFECTIVE DATE

This ordinance shall become effective upon its adoption.

The above ordinance was read and as read, considered section by section and finally adopted as a whole by the following vote:

YEAS: Mr. Atkins, Mr. Langston, Mr. Culpepper, Mr. Zeno, Mr. Thompson, Dr. Garrett,
Mr. Smith
NAYS: None
ABSENT: None

WHEREUPON said ordinance was declared adopted on this 14 day of January, 2002 at Jonesboro, Jackson Parish, Louisiana.

ATTEST:

POLICE JURY PRESIDENT

SECRETARY-TREASURER

CERTIFICATE

I, KENNETH PARDUE, the undersigned Secretary of the Jackson Parish Police Jury declare that the above and foregoing is a true and correct copy of an ordinance adopted by the Jury at a regular meeting held on the 14th day of January at which a quorum was present and voting.

Jonesboro, Louisiana, on the 14th day of January, 2002.

KENNETH PARDUE, SECRETARY