

**ORDINANCE NO. 885**

**AN ORDINANCE OF THE PARISH OF UNION, STATE OF  
LOUISIANA, CONCERNING DAMAGE TO ROADS AND  
BRIDGES**

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

**WHEREAS**, the Union Parish Police Jury ("UPPJ") has 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; and,

**WHEREAS**, the UPPJ desires to establish requirements for issuance of a written permit, at no cost, to any person, corporation or entity desiring to use roads or bridges that are maintained by the UPPJ for hauling purposes (a or the "Permit");

**NOW, THEREFORE, BE IT ORDAINED:**

**SECTION I - VEHICLES PROHIBITED EXCEPT BY PERMIT**

1. It shall be unlawful for any person, corporation, or entity to operate a vehicle or combination of vehicles or equipment having a total gross weight in excess of twenty (20) tons (a or the "Vehicle" or "Vehicles") on roads and bridges maintained by the UPPJ without first obtaining a Permit from the UPPJ.

This permit, if issued, in no way allows applicant to exceed weight limit on any posted bridge.

2. The permit shall be issued at no cost by the UPPJ, if, in the exercise of their discretion, they determine that the applicant should have a permit. The Road Department shall consider the following factors in the issuance of the permit, as well as any other circumstances existing in the particular case:
  - a. There is an economic necessity for the permit;
  - b. There exists a necessity of transportation by public roads; or,
  - c. The Road Department considers that the best interest of the parish requires the issuance of the permit.
  - d. The function integrity of all ditches shall be maintained at all times. Crossings of parish-maintained ditches will be across previously installed culverts, or temporary culverts installed as needed to maintain drainage. All temporary culverts are to be removed at the expiration of the permit period.
  - e. Entry and exit of Vehicles to parish roads shall be at angles to minimize damage to parish roads or bridges when possible.
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, except that poultry processors and dirt/gravel pit operators may obtain an annual permit and shall be require to use the most direct route to a state highway possible. No permit, other than for poultry processors and dirt/gravel pit operators shall be issued for a period to exceed ninety (90) days. Routine farming and ranching practices, and delivery of dirt and/or gravel, other than the annual permit for dirt/gravel pit operators, are exempt. The UPPJ, at its discretion, reserves the right to cancel a permit at any time.
4. PERMITTEE shall be required to provide advanced warning signs, barricades, flagmen, or other acceptable means of traffic warning devices to ensure that the safety of users of parish roads, rights-of-way and bridges is maintained. All warning devices or measures shall be in accordance with MUTCD standards and shall be reviewed and approved by the UPPJ.
5. The permit, or a copy thereof, shall be kept on site.

6. Any person, corporation or entity who operates a Vehicle or Vehicles on Union Parish roads and bridges having a total gross weight in excess of twenty (20) tons without having a valid, unexpired permit issued by the UPPJ 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 the UPPJ may, at its discretion, deny any permit requests of the offending party for a period of up to six (6) months from date of notice.

7. Any ordinance, or parts thereof, in conflict with this Ordinance, herewith be and are 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 Vehicles on any parish road, parish right-of-way, or parish bridge within twenty-four (24) hours after a significant rain or when said road, right-of-way, or bridges are in a wet and soft condition or at any other time, if and when:
  - a. The use, or repeated use, of said Vehicle results in the creation of ruts four (4) inches or more in the surface of either dirt or aggregate-surfaced roads.  
Exception: Roads that are not often traveled, does not have a residence located on them or are not a black top or clay gravel surface may be exempt from the four (4) inch rut violation.
  - b. The use, or repeated use, of said Vehicle results in creating depressions or ruts in the surface of a black-topped road.
  - c. The use, or repeated use, of said Vehicle results in permanent damage to the surface of a black-topped road.
  - d. The use, or repeated use, of said Vehicle results in any of the following on parish right-of-way:
    - 1) The disturbance or displacement of soil that, left unrepaired, would result in the erosion of said right-of-way property.
    - 2) Leaving trash, litter, or debris of any kind or nature that impedes proper drainage, maintenance or upkeep along said right-of-way.
  - e. The use or repeated use of a parish road that does not involve the operator taking the most direct route to a state-owned highway and staying on the state highway system while in Union Parish.
  - f. In the opinion of the Union Parish Police Jury or its designee, that operation or use would be harmful to Parish roads, bridges, or rights-of-way.
  - g. There may be periods after a significant rainfall that Vehicles may be allowed to haul on parish roads with authorization from the Union Parish Road Superintendent or one of his agents.
2. For the purpose of this section, the word "road" shall be defined as that portion of the total right-of-way which is surfaced with either dirt or gravel, or bituminous material or other surfacing 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 Union 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, the fine shall not be less than five hundred (\$500.00) dollars or sentenced to the Union Parish Jail a period not to exceed six (6) months, or both.

4. Any person, corporation, or entity that, in the opinion of the UPPJ 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 the damage. The party causing damage shall, at its own expense, repair or restore the portion of any road so damaged to at least condition prior to the damage. Such repairs 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 UPPJ will determine 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 UPPJ for the actual cost incurred for the repair and restoration of damaged roads to their condition prior to the damage. If possible, required repair work would be performed by the UPPJ 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 fourteen (14) days or after notice is given that work is required, the Union 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 Union 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 Union 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 at the expense of the responsible party.

When superintendent permits a logger and that logger is traveling the approved route designated by the superintendent then he is not responsible for the normal wear and tear of the road.

5. In no instance should parish roads or bridges be made impassable. If so, immediate steps should be taken by responsible party to repair the road or bridge.
6. In the instance where multiple parties caused damage to a road or bridge, the Police Jury, with input from all involved parties, will determine the portions of responsibility.
7. 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 or industrial project, including but not limited to large construction projects, poultry operations, dirt/gravel pit operations or removal of timber.
8. 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 UPPJ.

### **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, paved, or clay gravel road or right-of-way with track machinery, while in the act of moving, loading or unloading 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 Union Parish Police Jury or its designee, said use is of a malicious or deliberate nature causing damage to parish roads, bridges or road right of ways.
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 road, ditch, right-of-way or bridge maintained by the UPPJ. Any person violating any provision of this section shall be guilty of committing a misdemeanor, and upon conviction shall pay a fine not exceeding two hundred fifty (\$250.00) 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.

Culverts are required when drainage is an issue.

#### **SECTION V - NO AFFECT ON ORDINANCE #708; NO PERMIT NECESSARY FOR CONSTRUCTION, REPAIR, IMPROVEMENT OR MAINTENANCE TO PUBLIC ROADS**

Nothing in this ordinance shall be construed as amending, repealing or modifying Ordinance No. 708, previously enacted by the Union Parish Police Jury.

No permit shall be required hereunder with respect to any vehicles and/or equipment used in the construction, repair, improvement or maintenance to any Union Parish public road.

#### **SECTION VI - EFFECTIVE DATE**

Ordinance 881 passed on April 3<sup>rd</sup>, 2018 has been rescinded on the 12<sup>th</sup> day of July, 2018.

This ordinance shall become effective on the 1<sup>st</sup> day of August, 2018.

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


YEAS: Sawyer, Parker, Taylor, Hutto, Kennedy, Smith, Jones and Watley

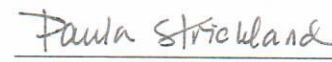
NAYS: Futch

ABSENT: None

**WHEREUPON** said ordinance was declared adopted on this 12<sup>th</sup> day of July, 2018 at Farmerville, Union Parish, Louisiana.

ATTEST:

  
JERRY W. TAYLOR  
President  
Union Parish Police Jury

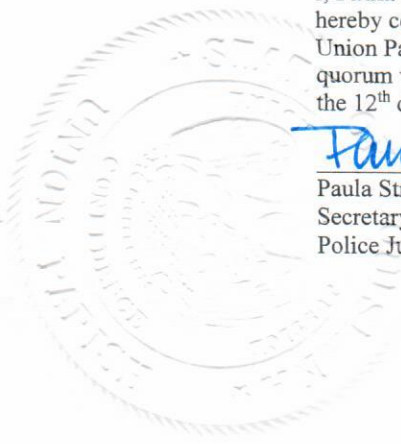
  
PAULA STRICKLAND  
Secretary/Treasurer  
Union Parish Police Jury

**CERTIFICATE**

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**STATE OF LOUISIANA  
PARISH OF UNION**

I, **Paula Strickland**, Secretary/Treasurer of the Police Jury of Union Parish, Louisiana, do hereby certify that the above foregoing is a true and correct copy of an ordinance adopted by the Union Parish Police Jury at a special meeting held on the 12<sup>th</sup> day of July, 2018 at which a quorum was present and voting. Given under my Official Signature and Seal of Office on this the 12<sup>th</sup> day of July, 2018.



*Paula Strickland*

Paula Strickland  
Secretary/Treasurer  
Police Jury of Union Parish, Louisiana