

THE BOARD MET PURSUANT TO ITS RECESS ORDER OF MONDAY, MAY 21
THE SAME BEING PRESENT AS THEN.

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IN THE MATTER OF THE ADOPTION OF THE PIKE COUNTY, MISSISSIPPI

HAZARDOUS MATERIAL ORDINANCE

WHEREAS, it appears to this Board that the production, use, storage, disposition and transportation of hazardous materials in and through Pike County, Mississippi, should be reasonably regulated for the protection of the health and welfare of the citizens of Pike County, Mississippi and that a Pike County Hazardous Material Ordinance should be enacted in the following form:

PIKE COUNTY HAZARDOUS MATERIAL ORDINANCE

SECTION 1. TITLE

This ordinance shall be known and may be cited as the "Pike County Hazardous Material Ordinance".

SECTION 2. GENERAL

The Board of Supervisors finds that there is risk in the production, use, storage, disposition and transportation of hazardous material to its citizens, labor force, traveling public and shipping and transportation industry, and promulgates this ordinance as constituting an efficient reduction of the real risk. The Board of Supervisors believes that any burden imposed on the producer, users, storers, shippers and transportation carriers, if any, is justified.

SECTION 3. DEFINITIONS

"Person" shall mean any individual, corporation, partnership, association or governmental agency of the United States.

"Shipper" shall mean any person, corporation, partnership or other entity that sends goods by any mode of transportation.

"Carrier" shall mean and include a common, contract, or private carrier of property by any mode of transportation.

"Public Safety Official" shall mean members of the Fire and Law Enforcement Agencies of Pike County and its municipalities Magnolia, McCamb, Osyka and Summit.

"Permit" shall mean the written authorization for the transport of radioactive waste is required by Senate Bill 2707, Mississippi Legislature, 1982 Session and regulations implementing the provisions of this legislation issued by Mississippi State Board of Health.

"Preferred Route" shall mean the routes designated by the Pike County Board of Supervisors and the municipalities of Magnolia, McCamb, Osyka and Summit.

"Hazardous Material" shall mean a substance or material which has been determined by an official of the United States Government to be capable of posing an unreasonable risk to health, safety and property when manufactured, mined, used, stored, and transported, and which has been so designated.

"Fire Prevention Code" shall mean Standard Fire Prevention Code adopted by the County of Pike and the municipalities hereinafter

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SECTION 4. PREFERRED ROUTES

A. The interstate highways are adopted as preferred routes for motor vehicle transportation of hazardous material into and through Pike County and the municipalities herein, when this material is not destined for delivery within the County of Pike.

B. The principal arteries or streets within the County of Pike are adopted as preferred routes for motor vehicles transportation of hazardous material when this material is to be picked up or delivered to locations within the County or the municipalities of Magnolia, McComb, Osyka and Summit.

C. The main trunk lines of railroads are adopted as preferred routes for rail transportation of hazardous material through the County of Pike and the municipalities herein, unless it is necessary to move this material via switching lines in order to place rail cars at delivery sites within the County.

SECTION 5. APPLICATION

A. No person shall knowingly manufacture, ship, transport, use or store hazardous material, or knowingly cause to manufacture, ship, transport, use or store hazardous material in the County of Pike or in the municipalities herein, except in accordance with United States Department of Transportation or Nuclear Regulatory Commission regulations, State of Mississippi statutes, Fire Prevent Codes of the City of Magnolia, City of McComb, Town of Osyka, and Town of Summit and this ordinance.

B. The restrictions of this ordinance apply to all hazardous materials that are identified by appropriate United States Federal Agencies, State of Mississippi statutes, and the County of Pike, and the municipalities herein.

C. The provisions of the United States Department of Transportation regulations, State of Mississippi statutes and regulations, and County of Pike and the municipalities herein ordinances apply to transportation of hazardous material into, within and through the County of Pike.

D. The manufacture, use, handling, and storage of hazardous material within the County of Pike will be in accordance with the provisions of the Fire Prevention Codes, in addition to this ordinance.

E. The provisions of this ordinance shall not apply to weapons transported by the United States Government or National Guard for military or national defense or security purposes. Nothing herein shall be construed as requiring the disclosure of any defense information or restricted data so classified by the United States Government concerning said weapons.

SECTION 6. STANDARDS

A. Routing: Movement routing all vehicles to transport any hazardous material shall be confined to preferred routes, except when:

- (1.) Emergency conditions make the preferred routes unsafe.

(2.) The vehicle used to transport the hazardous material is required to enter the municipal limits before gaining access to the preferred routes.

(3.) Delivery point of hazardous material is located in an area that required the vehicle to move over other streets or roads. The shortest and/or safest route will be used.

(4.) It is necessary to stop for lodging, fuel, or vehicle repairs.

B. Reports:

(1.) When required:

All manufacturers, users, storers, transporters of, or other entity whatsoever, shall immediately report incidents or accidents involving hazardous materials whether there is evidence of release or not, to the Chief of Police in the municipality where such incident or accident occurs, or to the Sheriff of Pike County in the unincorporated areas of the County by the fastest possible means of communication and within the shortest time possible, after occurrence of such incident or accident.

(2.) The body of the report shall indicate the:

(a) Location of the accident/incident.

(b) Name and type of the hazardous material involved.

(c) Availability of shipping documents and papers on the cargo, including bills of lading, shipping invoices, etc.

C. Transport Vehicle:

The operator of a vehicle used to transport hazardous material shall, before operating said vehicle into, within or through the County of Pike or any municipality herein, inspect such vehicle and determine that:

(1.) The brakes are in good working order;

(2.) The steering mechanism is in good working order;

(3.) All electrical wiring is in good working order;

(4.) The vehicle is in a safe condition to transport hazardous material;

(5.) All emergency features are installed and operative, as required by Federal Department of Transportation, State of Mississippi statutes, and regulations and applicable ordinances of the County of Pike and the municipalities herein;

(6.) That hazardous material placarding, as required by Federal Department of Transportation, is properly displayed.

D. Operator Qualifications:

No person shall operate a vehicle used to transport hazardous material without first having met driver or operator training requirements, as outlined in Federal Department of Transportation regulation, State of Mississippi statutes and Pike County municipal ordinances.

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E. Radioactive Material Waste Material Permit:

No person shall transport radioactive waste material into, within, or through Pike County, without a permit issued by the Mississippi Emergency Management Agency, (formerly Mississippi Civil Defense Council), if said material is regulated under the provisions of the State of Mississippi statute (Senate Bill 2707, Mississippi Legislature, 1982 Session) and regulations issued by the Mississippi State Board of Health.

F. Insurance:

Manufacturers, users, storers, transporters, and disposers of hazardous material shall have evidence of sufficient liability insurance to protect the County of Pike, the municipalities within Pike County, and the general public at large from possible death, injury or damage to any person or property due to manufacture, use, storage, transportation or disposal of this material.

G. Hold Harmless:

Manufacturers, users, storers, transporters and disposers of hazardous material shall be required to and by coming into Pike County, the same hereby agree to hold the County of Pike and the municipalities within Pike County free and harmless from all claims, actions, or proceedings in law or equity arising out of death, injury or damage to persons or property, arising from hazardous material incidents/accidents, within the County of Pike or the municipalities within Pike County, including all costs of defending same; provided however, that nothing contained herein shall be construed as a waiver of the County's or a municipality's governmental immunity.

H. Cleanup and Decontamination:

Manufacturers, users, storers, transporters and disposers of hazardous material shall be responsible for the cost of cleanup of hazardous material accident sites, to include professional personnel deemed necessary by the County of Pike and/or the municipalities of Pike County and State of Mississippi officials to provide necessary guidance of proper cleanup operations must meet the requirements of the United States Environmental Protection Agency, Bureau of Pollution Control, Department of Natural Resources, State of Mississippi and County of Pike and the municipalities herein.

SECTION 7. ENFORCEMENT

Fire Departments, State and County Law Enforcement Agencies and Municipal Police Departments are expressly authorized to enforce the provisions of this ordinance.

SECTION 8. DISCLAIMER

Nothing in this ordinance shall be construed in any way as modifying, altering, repealing or affecting laws regulating weight limit and load size on any street or road lying within the County of Pike or any Fire Codes relative to Fire Prevention.

SECTION 9. HAZARDOUS MATERIAL OPERATIONS PLAN

A. A contingency plan for handling hazardous material incidents shall be adopted and maintained in accordance with provisions of the Ordinance establishing the Pike County Civil Defense Council, 1974, Code of Ordinances, County of Pike.

B. All County and municipal departments and agencies are requested to perform those functions assigned by the Hazardous Material Response Plan, Pike County Civil Defense Council, and to maintain a current state of readiness at all times.

SECTION 10. PENALTIES FOR VIOLATIONS

Violations of the provisions of this ordinance or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its provisions shall, upon conviction thereof, be fined not more than \$500.00 and imprisoned for not more than ninety (90) days or both. Each day any such violation occurs shall be a separate offense. Nothing herein contained shall prevent the County of Pike or the municipalities in Pike County from taking such lawful action as is necessary to prevent or remedy any violation.

SECTION 11. SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in effect.

SECTION 12. EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage.

NOW, THEREFORE, upon motion of Supervisor Paul Guy, seconded by Supervisor Freddie Wall, that the above written Pike County Hazardous Material Ordinance be adopted, the vote was as follows:

Supervisor Rayleen Hall - For

Supervisor Doyle Forman - Absent

Supervisor Paul Guy - For

Supervisor Tommy Paulk - For

Supervisor Freddie Wall - For

The motion having carried, it is hereby ordered and adjudged that the Pike County Hazardous Material Ordinance, as set forth hereinabove, be and the same is hereby passed, enacted, and adopted. It is further ordered and adjudged that this ordinance shall become effective thirty (30) days from this date.

SIXTH DAY

TUESDAY

MAY 29, 1984


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SO ORDERED AND ADJUDGED, this, the 29th day of May, A.D., 1984.


PRESIDENT

THE BAORD DOES HEREBY RECESS UNTIL THURSDAY, MAY 31, 1984,
AT 9:00 O'CLOCK A. M.


PRESIDENT