

AN ORDINANCE TO REQUIRE A  
PERMIT AND TO PROVIDE UNIFORM STANDARDS FOR  
CONCRETE AND ASPHALT DRIVEWAYS AND  
OTHER IMPROVEMENTS INTERSECTING WITH PUBLIC  
ROADS MAINTAINED BY PIKE COUNTY, MISSISSIPPI

WHEREAS, the Pike County Board of Supervisors is charged with responsibility for maintenance of public roads and highways, as set forth in Mississippi Code Annotated, Sections 19-2-5, 19-2-7, 65-7-43, 65-7-63, and other relevant code sections; and

WHEREAS, the Pike County Board of Supervisors is aware that some asphalt and concrete driveways are being constructed, which intersect with public roads maintained by Pike County, Mississippi, in violation of Section 65-7-7, Mississippi Code Annotated, and that these asphalt and concrete driveways are being constructed at high elevations, without tapering, and in some instances without culverts; and

WHEREAS, the Pike County Board of Supervisors finds that there exists, throughout portions of the County, problems associated with asphalt and concrete driveways that intersect with public roads in the County. The nature of such problems being: drainage problems, interference with the cleaning of ditches, and the overflowing of water onto County roads and other residents' properties, all of which pose a danger to motorists; and

WHEREAS, the Pike County Board of Supervisors is conscious of the fact that asphalt and concrete differ from gravel and rocks, in that asphalt and concrete cannot be easily removed or repaired. After thorough discussion, the Pike County Board of Supervisors has found it necessary for the public health, safety, and general welfare of the resident citizens of Pike County, Mississippi and for the motoring public to institute uniform standards and a system requiring the issuance of a permit before asphalt and concrete driveways, intersecting with public roads maintained by Pike County, Mississippi, may be

constructed.

On Motion by Venton Ray Adams, seconded by Tazwell Bowsky, the following Ordinance was duly adopted:

From and after the date of this Ordinance, any person or firm desiring to construct an asphalt or concrete driveway that intersects with a County road must first be issued a permit for such intersecting driveway, by the Road Superintendent of Pike County, Mississippi, prior to construction. This permit may be obtained at the Pike County Road Barn, 1150 Highway 51 North, Magnolia, Mississippi 39652. The person or firm submitting a request for permit, deemed acceptable by the Pike County Road Superintendent, will be granted written authorization to construct an asphalt or concrete driveway that intersects with a County road.

The Pike County Road Superintendent will notify the Pike County Board of Supervisors of any violations of this Ordinance and may present evidence of said violation. The Board of Supervisors will consider any notifications and any evidence presented by the Road Superintendent. Any person or firm found to be in violation of this Ordinance will be notified by letter, by the Pike County Road Superintendent, that the person or firm has fifteen (15) days, within which to repair or remove said construction. If after the expiration of the allotted time for repair or removal of the asphalt or concrete driveway no action has been taken, the Pike County Road Superintendent will notify the Board Attorney for the Pike County Board of Supervisors of such inaction. Thereafter, the Board Attorney may seek injunctive relief or any other just relief. Expenses of such litigation shall be paid by the violating person or firm.

This Ordinance is solely directed to connecting driveways constructed of asphalt or

concrete and does not apply to connecting driveways constructed of dirt, clay, or other soil  
naturals.

The Clerk of the Board of Supervisors is directed to cause this Ordinance to be  
published in the newspaper having general circulation in Pike County, Mississippi.

ORDERED AND ADJUDGED, on this the 31<sup>st</sup> day of March, 2004.

PIKE COUNTY BOARD OF  
SUPERVISORS

BY: Carroll Fortenberry  
CARROLL FORTENBERRY, VICE  
PRESIDENT

Record of Votes:

Tazwell Bowsky, District 1, voting Yea

Lexie Elmore, District 2, voting Yea

Aubrey Matthews, District 3, voting Absent

Venton Ray Adams, District 4, voting Yea

Carroll Fortenberry, District 5, voting Yea

ATTEST:

DOUG TOUCHSTONE, CHANCERY CLERK  
PIKE COUNTY, MISSISSIPPI, CLERK  
OF THE BOARD

BY: \_\_\_\_\_