

**AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING
BORING OPERATIONS WITHIN THE CITY OF BYRAM,
MISSISSIPPI**

WHEREAS, various utility agencies including electric, gas, and telecommunications companies have certain rights and privileges to install utilities within the City of Byram right- of-way and easements; and

WHEREAS, these utility companies shall apply for Permits to install facilities within the City of Byram right-of-way and easements; and

WHEREAS, these utility companies are required by State Law to contact 811 prior to excavation or boring operations; and

WHEREAS, the federal government has funded the State of Mississippi with a substantial amount of money to improve access to broadband; and

WHEREAS, this rapid growth has become unmanageable because of the volume of directional boring work being performed within the City of Byram by fiber companies; and

WHEREAS, City of Byram employees are having to work overtime during nights and weekends to make repairs to damage caused by these boring companies; and

WHEREAS, breaks weaken infrastructure lines and reduce the intended life cycle of the lines; and

WHEREAS, there is a significant public health emergency declared to necessitate the passage of an Ordinance to establish regulations immediately in order to manage the demand placed on marking utilities and the damage being caused to the infrastructure system.

THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Byram, Mississippi, that this Ordinance establishing regulations governing boring operations with the City of Byram, Mississippi be adopted.

SECTION 1: TIME LIMITATIONS

There shall be no boring or excavation associated with directional boring projects between the hours of 2:00 P.M. and 7:00 A.M. on weekdays and no work on weekends or Holidays observed by the City of Byram. Exceptions may be considered by the Public Works Director or his designee for emergencies.

SECTION 2: LARGE GEOGRAPHIC PERMITS

Permits that are issued for large geographic areas (boring projects that exceed 1,500 linear feet) shall include a phasing plan that clearly shows the length of the boring of each phase. No phase shall extend beyond 1,500 linear feet. The boring and excavation portion of work within a phased portion of a Permit must be completed prior to moving to the next phase. The contractor is limited to no more than one phase per day and no more than two phases per week for large geographic area permitted projects.

SECTION 3: PROHIBITED STACKING OF PERMITS

No boring company or utility provider may stack Permits in an effort to circumvent the purpose of this Ordinance.

SECTION 4: LOCATING UNDERGROUND UTILITIES

Locates shall be called-in in accordance with the State of Mississippi 811 Law for each project. In order to meet the intent of Section 2 of this Ordinance, no contractor should call in locates for more than one phase per day and no more than two phases per week for permitted large geographic area projects.

SECTION 5: APPLICATION

This Ordinance applies to existing and future building permits. Any existing permit that does not currently have a phasing plan, must submit a phasing plan and call-in locates for the phased area prior to resuming boring and excavation activities. Municipal employees or contractors hired by the municipality are exempt from the requirements of this Ordinance.

SECTION 6. VIOLATIONS

All utility boring companies including their equipment operators shall be in compliance with this Ordinance.

1. Failure to abide by said ordinance shall result in the following penalties:
 - (a) A warning shall be issued for the first violation.
 - (b) A fine not exceeding \$500.00 for a second violation within one year of any prior violation.

- (c) A fine not exceeding \$1,000.00 for each violation after the second violation within one year of any prior violation.
2. Any offense shall be considered a misdemeanor and any person violating this Article is subject to being cited by any authorized law enforcement official in the City of Byram or with authority to do so in the City of Byram.
 3. Violation of this Article may result in the suspension or revocation of any city permit or license issued to the Permit holder.
 4. Each day on which an infraction of the ordinance occurs shall be considered a separate and distinct violation.
 5. If a citation is issued to an equipment operator, the boring company shall immediately stop work at that site. If the boring company does not stop work immediately, the Permit shall be revoked, and the contractor must vacate the site immediately.
 6. If the City suffers damage to its infrastructure as a result of a violation of this Ordinance prosecuted in City Court, the Byram Municipal Court may order restitution from the violator to be paid to the City.

SECTION 7. EFFECTIVE DATE

This Ordinance is necessary for the immediate and temporary preservation of the public peace, health, and safety; is adopted by unanimous vote of all members of the governing body; and shall take effect and be in force immediately upon adoption. This Ordinance should take effect immediately because there is a significant public health emergency declared, necessitating the immediate establishment of regulations in order to manage the demand placed on marking utilities and mitigate the damage being caused to the infrastructure system.

Having considered all the facts and discussions made, and after further discussion thereof, Alderman Johnson moved that the foregoing Ordinance be adopted. The motion for adoption was seconded by Alderman Mack, and the foregoing Ordinance, having been first reduced to writing, was considered and approved section by section and then as a whole and was submitted to the Board of Aldermen for a roll call vote being as follows:

Alderman Johnson
Alderman Hosey

AYE
AYE

Alderman Amos A4E
Alderman Mack A4E
Alderman Gibson A4E
Alderman Moore A4E
Alderman Harris-Allen A4E

Whereupon the Mayor declared the motion carried and the Ordinance adopted.

ORDAINED, ADOPTED AND APPROVED by the Mayor and Board of Aldermen of the City of Byram, Mississippi at its regular meeting thereof held on the 28th day of MARCH, 2024.

CITY OF BYRAM, MISSISSIPPI

BY: 
RICHARD WHITE, MAYOR

ATTEST:

BY: 
ANGELA RICHBURG, CITY CLERK

[SEAL]