

**AN ORDINANCE ESTABLISHING RIGHT-OF-WAY SAFETY, CLEARANCE, AND UTILITY PERMIT STANDARDS FOR COUNTY ROADS IN SCOTT COUNTY, MISSISSIPPI**

**WHEREAS**, the Board of Supervisors of Scott County, Mississippi, is charged with the responsibility of maintaining the public roads and rights-of-way within the unincorporated areas of the County; and

**WHEREAS**, the Board of Supervisors has the authority pursuant to Miss. Code Ann. § 19-3-41 and related provisions of law to regulate and protect County roads, drainage facilities, and public rights-of-way; and

**WHEREAS**, obstructions within the public right-of-way and unauthorized construction within the public right-of-way pose hazards to the traveling public and may impair the structural integrity of County roads; and

**WHEREAS**, it is in the best interest of the County to establish uniform standards governing right-of-way clearance, the protection of County-maintained drainage facilities, and utility construction along county and state roads;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Scott County, Mississippi, that the following ordinance is hereby enacted:

**Section 1. Short Title.** This ordinance shall be known as the Scott County Right-of-Way Safety Ordinance.

**Section 2. Intent.** It is the express intent of the Board of Supervisors to:

- a. Protect and maintain the structural integrity of County roads and shoulders;
- b. Ensure that roadside drainage systems remain functional and free from obstruction;
- c. Provide for orderly development of necessary utilities adjacent to County-maintained rights-of-way; and
- d. Establish minimum clearance and drainage standards applicable within County-maintained rights-of-way.

**Section 3. Applicability.** This ordinance shall apply within the unincorporated areas of Scott County and shall govern all activities, structures, buildings, utilities, vegetation, construction, and improvements located within or affecting County-maintained rights-of-way.

**Section 4. Right-of-Way Clearance and Setbacks.** New construction shall be set back a minimum of 45 feet from the center of any county road or state highway.

**Section 5. Prohibited Structures within Setback.** With the exception of utilities and fences, no building or structure shall be erected within the required setback. None of the following shall be placed within the required setback:

- a. Drainage detention/retention ponds;
- b. Septic tanks;
- c. Fuel gas pumps, underground storage tanks, or vehicle charging stations;
- d. Communication towers.

**Section 6. Right-of-Way Obstructions Prohibited.** No person shall place fences, walls, signs, landscaping materials, mailboxes, utilities, fill material, demolition debris, yard waste, or other obstructions, including parked vehicles, in county right-of-way in a manner that impedes traffic without authorization.

**Section 7. Drainage, Culvert, and Roadside Obstructions Prohibited.** No person shall obstruct, alter, fill, pipe, redirect, or interfere with any ditch, swale, culvert, cross-drain, or other County-maintained drainage facility without approval.

**Section 8. Maintenance Responsibilities.**

- a. The County shall maintain the traveled portion of County roads and drainage facilities located within the public right-of-way.
- b. Adjacent property owners shall maintain private driveways, driveway culverts (unless otherwise accepted by the County), and any private improvements within the right-of-way installed pursuant to a permit.
- c. Failure to maintain driveway culverts or drainage facilities, causing roadway damage or flooding, shall constitute a violation of this ordinance.

**Section 9. Utility Permit Required.** No person, utility provider, contractor, or entity shall install, construct, relocate, bore, trench, excavate, adjust, maintain, or remove any utility facility within a County-maintained right-of-way without first obtaining a Utility Right-of-Way Permit. This requirement shall apply to all public and private utility providers, including but not limited to:

- 1. Electric power providers;
- 2. Water and wastewater utilities;
- 3. Natural gas utilities;
- 4. Telecommunications and fiber optic providers;
- 5. Cable television providers;

6. Communication equipment installers, including cell phone and communication towers;
  7. Any other entity placing infrastructure within a County right-of-way.
- d. Routine maintenance not involving excavation, pavement disturbance, or interference with drainage facilities may be exempt upon written determination by the County Engineer.
  - e. Emergency Work.

In the event of an emergency whereby it becomes necessary to restore interrupted utility service or to address an immediate threat to life, safety, or property affecting public safety or continuity of service, such work may commence without prior authorization, provided:

1. The County shall be notified as soon as practicable; and
  2. A completed permit application shall be submitted as soon as practicable by the permittee.
- f. Application Requirements.  
Applications for a Utility Right-of-Way Permit shall include:
    1. Applicant and contractor contact information;
    2. Location, description, and purpose of the proposed work;
    3. Construction plans showing horizontal alignment, depth of burial, and relation to drainage facilities in sufficient detail to evaluate proposed activities and their pre- and post-construction impacts on county roads and rights-of-way;
    4. Traffic control plan, if applicable;
    5. Proposed construction schedule.

Plans affecting State Aid Roads may be required to bear the seal of a Mississippi-licensed professional engineer.

The County may require a performance bond, letter of credit, or other surety sufficient to ensure restoration of the right-of-way. The permittee shall provide proof of general liability insurance naming Scott County as an additional insured.

- g. Construction Standards.

All work within the County right-of-way shall:

1. Avoid obstruction or alteration of drainage ditches, culverts, or cross-drains;
2. Maintain minimum cover depth as determined by the County Engineer;

3. Avoid open cutting of paved roadways unless expressly authorized;
  4. Utilize boring beneath paved roadways where practicable;
  5. Restore all disturbed pavement, shoulders, and ditches to equal or better condition than existed prior to construction, as determined by County Engineer.
  6. All traffic control shall comply with the Manual on Uniform Traffic Control Devices (MUTCD).
- h. Restoration and Inspection.
1. The permittee shall restore all disturbed areas to County standards, as provided by County Engineer.
  2. The County shall have the right to inspect all work prior to backfilling and upon completion.
  3. If restoration is inadequate, the County may perform corrective work and assess costs to the permittee.

#### **Section 10. Enforcement and Penalties.**

- a. Notice of Violation.  
If a violation exists, written notice shall be provided that describes the violation and requires corrective action within a specified time period.
- b. Corrective Actions  
The County may order corrective actions reasonably necessary to remedy violations of this ordinance, including but not limited to:
1. Issuing a stop-work order;
  2. Requiring removal of unauthorized facilities;
  3. Restoring the right-of-way and assessing all costs to the responsible party;
  4. Seeking injunctive relief or damages as authorized by law.
- c. If corrective action is not taken within the specified time by the responsible party, the County may take reasonable actions, including but not limited to:
1. Remove unauthorized access points or obstructions;
  2. Clear drainage facilities;
  3. Restore the right-of-way to a safe condition; and
  4. Assess the costs of such work against the responsible party.

d. Civil Penalties.

In addition to the costs of work required to correct violations, any person violating this ordinance may be subject to a fine not to exceed Two Hundred Fifty Dollars (\$250.00) per violation, plus court costs. Each day a violation continues shall constitute a separate offense.

e. Additional Remedies.

The County may seek injunctive relief, damages, abatement, or other remedies authorized by law.

**Section 11. Conflict.** Where this ordinance conflicts with other ordinances of Scott County or other duly authorized entities, the more restrictive provision shall control unless otherwise provided by law.

**Section 12. Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is held invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions.

**Section 13. Cumulative Effect.** This ordinance and each section herein shall be cumulative and in addition to any other ordinance or applicable law.

**Section 14. Effective Date.** This ordinance shall take effect thirty (30) days after first publication as required by law.

The above and foregoing Ordinance was first reduced to writing, and offered by Supervisor Crotwell, who moved its adoption, which motion was seconded by Supervisor McGee, and which Ordinance was duly considered and adopted with the vote on the final passage thereof as follows:

District 1 Supervisor, Michael Robinson voted: Aye  
District 2 Supervisor, Joe McGee voted: Aye  
District 3 Supervisor, Steven Crotwell voted: Aye  
District 4 Supervisor, Johnny Harrell voted: Aye  
District 5 Supervisor, Tommy Harrison voted: Aye

WHEREUPON, the President declared the motion as having been passed and the Ordinance approved as adopted this the 4<sup>th</sup> day of May, 2026.

BOARD OF SUPERVISORS OF SCOTT COUNTY

By: Michael Robinson

Michael Robinson, President



Attest:

Tom Miles, Chancery Clerk

TOM MILES, CHANCERY CLERK  
SCOTT COUNTY, MISSISSIPPI  
MY COMMISSION EXPIRES  
JANUARY 3, 2028