

AN ORDINANCE OF THE CITY OF RIDGELAND, MISSISSIPPI, ESTABLISHING REGULATIONS FOR THE MANAGEMENT AND USE OF PUBLIC RIGHTS-OF-WAY; PROVIDING FOR PERMITTING, BORING, EXCAVATION, AND CONSTRUCTION ACTIVITIES; ESTABLISHING STANDARDS FOR WORK WITHIN THE PUBLIC RIGHTS-OF-WAY; AND FOR OTHER PURPOSES

WHEREAS, the City of Ridgeland adopted a Boring Ordinance on June 21, 2022 in order to establish regulations governing boring and associated excavation operations; and

WHEREAS, the City of Ridgeland owns, operates, and maintains public rights-of-way for the benefit of the public and is responsible for ensuring their safe, efficient, and coordinated use; and

WHEREAS, the City is charged with protecting the public health, safety, and welfare and preserving the integrity of streets, sidewalks, utilities, drainage systems, and other public infrastructure located within the public rights-of-way; and

WHEREAS, the construction, installation, boring, excavation, maintenance, and operation of facilities within the public rights-of-way, whether by utilities, telecommunications providers, video service providers, contractors, or other entities, can significantly impact traffic flow, public safety, and municipal infrastructure if not properly regulated; and

WHEREAS, the City has a substantial interest in ensuring that all such activities are conducted in a safe, orderly, coordinated, and nondiscriminatory manner, and in minimizing disruption to the public and to municipal operations; and

WHEREAS, the 2026 Mississippi Legislature, through the *Mississippi Video Service Act* (HB 1664), expressly preserved the authority of political subdivisions to manage, regulate, and protect public rights-of-way and to require compliance with generally applicable permitting and construction regulations; and

WHEREAS, the Governor signed the Bill on March 19, 2026 at which time the *Mississippi Video Service Act* became effective; and

WHEREAS, the Act further affirms that entities performing work within the public rights-of-way remain subject to reasonable local permits, approvals, inspections, and cost-based fees necessary to manage and protect such rights-of-way; and

WHEREAS, the City finds it necessary and appropriate to adopt uniform regulations governing boring, excavation, construction, and related activities within the public rights-of-way to ensure proper coordination with existing utilities, planned capital improvements, and other municipal operations; and

WHEREAS, the City further finds that such regulations should apply uniformly to all persons and entities performing work within the public rights-of-way, without discrimination, and in a manner consistent with applicable state and federal law;

THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Ridgeland, Mississippi, that this Ordinance establishing regulations for the management and use of public rights-of-way; providing for permitting, boring, excavation, and construction activities; establishing standards for work within the public rights-of-way; and for other purposes be adopted.

SECTION 1 – DEFINITIONS

For purposes of this ordinance, the following terms shall have the meanings ascribed:

- (a) **Public Rights-of-Way**: The area on, below, or above any public roadway, highway, street, sidewalk, alley, utility easement, or other public way dedicated for compatible uses.
- (b) **Boring**: Any subsurface construction method, including directional drilling, horizontal boring, augering, or similar activity, used to install facilities beneath the surface of the ground.
- (c) **Excavation**: Any activity involving the removal, disturbance, or displacement of soil, pavement, or other materials within the public rights-of-way.
- (d) **Large Geographic Permit**: Required for Boring Projects that exceed 1,500 linear feet.
- (e) **Permittee**: Any person or entity that has been issued a permit under this ordinance.
- (f) **Facilities**: Any pipes, conduits, cables, wires, ducts, poles, pedestals, vaults, or other equipment installed in the public rights-of-way.

SECTION 2 – PERMIT REQUIRED

- (a) No person or entity shall perform any boring, or associated excavation, construction, installation, maintenance, relocation, or other work within the public rights-of-way without first obtaining a permit from the City.
- (b) Each permit shall be limited to the specific work, location, and duration described in the approved application.
- (c) Emergency work may proceed without a permit only to the extent necessary to address an immediate threat to public health or safety; provided, however, that the permittee shall notify the City as soon as practicable and obtain a permit within the next business day.

SECTION 3 – PERMIT APPLICATION

(a) An application for a permit shall be submitted on forms approved by the City and shall include, at a minimum:

1. A description of the proposed work;
2. Detailed plans and specifications, including location maps;
3. Standard Notes on the plans as required by the City;
4. A traffic control plan;
5. The proposed schedule and duration of work;
6. Identification of all contractors and subcontractors;
7. Such additional information as the City reasonably requires to evaluate the application.

(b) The City may deny or condition a permit if necessary to protect public safety, prevent interference with public infrastructure, or coordinate with other projects.

SECTION 4 – CONSTRUCTION STANDARDS

All work within the public rights-of-way shall comply with the following:

(a) Applicable federal, state, and local laws, regulations, and codes;

(b) City construction standards, including but not limited to:

1. Any and all improvements, such as asphalt or concrete pavement, curbs, gutter, walks, drainage ditches, embankments, shrubs, trees, grass sod, irrigation, fences, other utilities, etc., if damaged, shall be restored to original or better condition.
2. No above-ground utility marker poles will be installed in the right-of-way as part of this project.
3. No contractor shall park on any sidewalk or trail at any time and shall follow the standard traffic control drawing included in the permit set of drawings.
4. Boring and excavation hours are limited to between 7 AM and 2 PM. Other construction activities including setting boxes, pulling wire through conduit, backfilling, and repairing surfaces may continue during normal contractor hours as regulated in Ridgeland's Noise Ordinance.
5. Contractor shall locate and pothole all water and sewer service lines in the path of a bore.
6. Contractor shall locate and pothole all water and sewer mains that are in the path of a bore.
7. Contractor shall adjust the depth of bores to avoid conflicts and contractor shall locate and pothole water and sewer mains running parallel to a bore if they are within 36" of the bore path.
8. Maintain at least 36" separation between bore path and existing parallel water or sewer mains to allow room for maintenance and repair work damage to water and sewer lines.

9. Contractor shall provide Certification that proper Notice of the Work in Accordance with Section 12 of Ridgeland's Boring Ordinance has been met prior to commencement of construction activities.
 10. Contractor is responsible for removing 811 flagging upon completion of project.
- (c) The permittee shall coordinate work with existing utilities and planned municipal projects as required by the City.

SECTION 5 – TIME LIMITATIONS

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

SECTION 6 – LARGE GEOGRAPHIC PERMIT

- (a) Permits issued for large geographic areas (projects involving boring or excavation exceeding one thousand five hundred (1,500) linear feet) shall include a phasing plan clearly identifying the limits and length of each phase of work.
- (b) No individual phase of work shall exceed one thousand five hundred (1,500) linear feet without prior written approval of the Public Works Director, which may be granted based on site-specific conditions, operational considerations, or to minimize disruption to public infrastructure, traffic, or municipal services.
- (c) All boring and excavation activities within an approved phase shall be substantially completed, including backfill and temporary surface restoration, prior to commencement of work on a subsequent phase, unless otherwise authorized by the Public Works Director.
- (d) Unless otherwise approved by the Public Works Director, work shall be limited to no more than one (1) active phase at any given time, and no more than two (2) phases shall be initiated within any seven (7) day period.

SECTION 7 – PROHIBITED STACKING OF PERMITS

- (a) No person or entity shall obtain, request, or utilize multiple permits for the same or related project, or for contiguous or adjacent work areas, for the purpose of avoiding or circumventing the requirements, limitations, or phasing provisions of this Ordinance.
- (b) The City may treat multiple permits as a single project or permit for purposes of enforcement, phasing limitations, and compliance where such permits are determined to be part of a common or coordinated scope of work.

- (c) The Public Works Director may deny, condition, or revoke permits that are determined to be part of an attempt to circumvent the requirements of this Ordinance.

SECTION 8 – LOCATING UNDERGROUND UTILITIES

- (a) All permittees shall comply with applicable state law regarding the notification and location of underground utilities, including the Mississippi 811 system, prior to commencing any work within the public rights-of-way.
- (b) For projects subject to Section 2 (Large Geographic Permits), utility locate requests shall be limited in a manner consistent with the approved phasing plan.
- (c) Unless otherwise approved by the Public Works Director, no permittee shall request or maintain active utility locates for more than one (1) phase in a single day and no more than two (2) phases within any seven (7) day period.
- (d) The City may require re-notification or additional locate requests if work is delayed, extended, or not completed within the timeframes established by state law or permit conditions.
- (e) Failure to comply with this section shall constitute a violation of the permit and may result in suspension of work, revocation of the permit, or other enforcement actions.
- (f) REMOVAL OF UTILITY LOCATE MARKINGS

1. Upon completion of all permitted work, the permittee shall remove or cause to be removed all temporary utility locate markings within the public rights-of-way and adjacent areas, including but not limited to flags, stakes, whiskers, and other above-ground indicators, to the extent such removal does not conflict with applicable state law or ongoing utility operations.
2. Such removal shall occur within **five (5) calendar days** following completion of construction activities in the applicable phase or project area.
3. Failure to remove such markings within the required timeframe shall constitute a violation of this ordinance and may result in enforcement action, including but not limited to fines, stop-work orders on future phases, or withholding of final permit approval.

SECTION 9 – RESTORATION

- (a) The permittee shall restore all disturbed areas to a condition equal to or better than the pre-existing condition within 30 days of the completion of the boring/excavation work.

(b) Restoration shall be completed in accordance with City standards and within the timeframe specified in the permit. Failure to complete the restoration within the required performance period may result in the work being performed by the City of Ridgeland and billed to the contractor.

(c) The City may require additional restoration or corrective work if initial restoration is deemed inadequate.

SECTION 10 – FEES

(a) The City may assess permit, inspection, restoration, utility location, and traffic control fees as necessary.

(b) The Community Development Department may charge the following fees as deemed reasonable by the Mayor and Board of Aldermen:

1. Boring Permit Fee: \$30
2. Large Geographic Permit: \$20 per Phase
3. Utility Locate Fee: \$15
4. Large Geographic Permit Utility Locate Fee: \$25 per Phase
5. Restoration Fee: Billed for Actual Cost of Materials, Equipment, and Labor, if performed by the City.
6. Traffic Control Fee: Billed for Actual Cost of Materials, Equipment, and Labor, if provided by the City of Ridgeland

SECTION 11 – BONDING AND INSURANCE

(a) The City may require a performance bond or other financial security in an amount reasonably related to the scope and cost of the work.

(b) The permittee shall maintain insurance coverage as required by the City, including general liability and automobile liability coverage. Contractor must provide proof of insurance prior to the issuance of a Permit.

SECTION 12 – WORK COORDINATION AND LIMITATIONS

(a) The City may:

1. Require advance notice of work;
2. Limit the number of active permits;
3. Sequence construction activities;

4. Restrict work to certain times or locations.

(b) Such limitations shall be reasonably necessary to prevent disruption of public services and to protect public safety.

(c) ADVANCE NOTICE TO RESIDENTS:

1. The permittee shall provide advance written notice to all affected property owners and occupants located within or adjacent to the project area prior to the commencement of any boring, excavation, or related construction activities.
2. Such notice shall be provided no less than fourteen (14) calendar days and no more than twenty-one (21) calendar days prior to the start of construction, unless otherwise approved by the Public Works Director due to project-specific conditions.
3. The notice shall include, at a minimum:
 - (i) A general description of the work to be performed;
 - (ii) The anticipated start date and estimated duration of the work;
 - (iii) The name of the contractor and/or permittee;
 - (iv) A local or toll-free telephone number and, if available, an email address for a responsible representative who can respond to questions or complaints; and
4. Notice shall be delivered by one or more of the following methods:
 - (i) United States Mail;
 - (ii) Door hangers placed at each affected property; or
 - (iii) Such other method approved by the Public Works Director that reasonably ensures actual notice to affected residents.
5. The permittee shall certify to the City prior to commencement of work, that the required notice has been provided in accordance with this section.

SECTION 13 – ENFORCEMENT

(a) The City may issue stop-work orders for violations of this ordinance or permit conditions.

(b) The City may suspend or revoke permits for noncompliance.

(c) The City shall not issue a permit to any contractor or permittee that is not in good standing with the City. A contractor or permittee shall not be considered in good standing if it has any outstanding fees, charges, or restoration costs owed to the City, or has failed to comply with the terms or conditions of any previously issued permit.

(d) Any person or entity violating this ordinance shall be subject to penalties as provided by law.

SECTION 14 – 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 Ridgeland or with authority to do so in the City of Ridgeland.
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.

SECTION 15 – SEVERABILITY

If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions.

SECTION 16 – REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict; however, it is the intent of the governing authorities that this Ordinance shall supersede and replace any prior ordinances regulating boring and excavation within the public rights-of-way.

SECTION 17 – EFFECTIVE DATE

This ordinance is necessary for the immediate preservation of the public peace, health, and safety of and is adopted by unanimous vote of all members of the governing body and shall take effect and be in force immediately upon adoption. The reasons the same should take effect immediately are there is a significant public health emergency declared to necessitate the passage of an

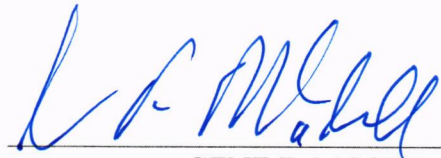
Ordinance to establish regulations immediately in order to manage the demand placed on marking utilities and the damage being caused to the infrastructure system.

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting of the governing authorities of the City of Ridgeland Mississippi on

Motion of Alderman Ken Heard, seconded by Alderman Chuck Gautier, and the roll being called, the same by the following votes:

Alderman D.I. Smith	voted	<u>AYE</u>
Alderman Ken Heard	voted	<u>AYE</u>
Alderman Chuck Gautier	voted	<u>AYE</u>
Alderman Kevin Holder	voted	<u>AYE</u>
Alderman Brian Ramsey (via telephone)	voted	<u>AYE</u>
Alderman Bill Lee (via telephone)	voted	<u>AYE</u>
Alderman Wes Hamlin	voted	<u>AYE</u>

APPROVED, this day the 21st of April, 2026.



GENE F. MCGEE, MAYOR

ATTEST:


ANGELA RICHBURG, CITY CLERK

