

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Closure of a Portion of Deer Hill Road to Heavy Hauling and Limiting Maximum Weight to 25 Tons)
Order No. 37-2004)

WHEREAS, pursuant to ORS 810.030, a road authority may impose limits on any weight or dimension of vehicles or any combination of vehicles to protect any highway or section of highway from being unduly damaged, and to protect the interest and safety of the general public; and

WHEREAS, the County is the road authority over Deer Hill Road, a local access road; and

WHEREAS, the Roadmaster has presented a request from Jennings Barnes, to place a weight limit on a portion of Deer Hill Road because log trucks from adjacent property will damage the road; and

WHEREAS, the Roadmaster has recommended placing a 25 ton weight limit on a portion of Deer Hill Road because heavy truck traffic will cause damage to the road;

NOW, THEREFORE, it is hereby ordered as follows:

1. The Board of County Commissioners finds that undue harm will result to Deer Hill Road between a point 1000' from Lost Creek Road and the end of Deer Hill Road, in the event vehicles in excess of a maximum weight of 25 tons are permitted to travel on the local access road.
2. That portion of Deer Hill Road between a point 1000' from Lost Creek Road and the end of Deer Hill Road, as shown on the section map which is attached hereto as Attachment 1, and is incorporated herein by this reference, shall be closed to vehicular traffic with a maximum weight in excess of 25 tons. Permits may be issued to certain vehicles allowing them to operate in excess of the posted weight limitations.
3. The Roadmaster shall post the road conspicuously at each end of the section affected by this Order.
4. No vehicle shall operate on Deer Hill Road in excess of the posted weight limitation without having first obtained a permit from the Board of County Commissioners, which permit shall be granted upon compliance with the requirements of this Order.
5. This Order is subject to and the County shall follow the procedures adopted in Articles 3, 4

and 5 of Ordinance 86-6, the Columbia County Transportation Ordinance, which are attached hereto as Attachment 2, and are incorporated herein by this reference.

6. This Order shall be effective after the road has been posted at each end of the affected section.

Dated this 14th day of June, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 

Rita Bernhard, Chair

By: 

Anthony Hyde, Commissioner

By: 

Joe Corsiglia, Commissioner

Approved as to form:

By: 

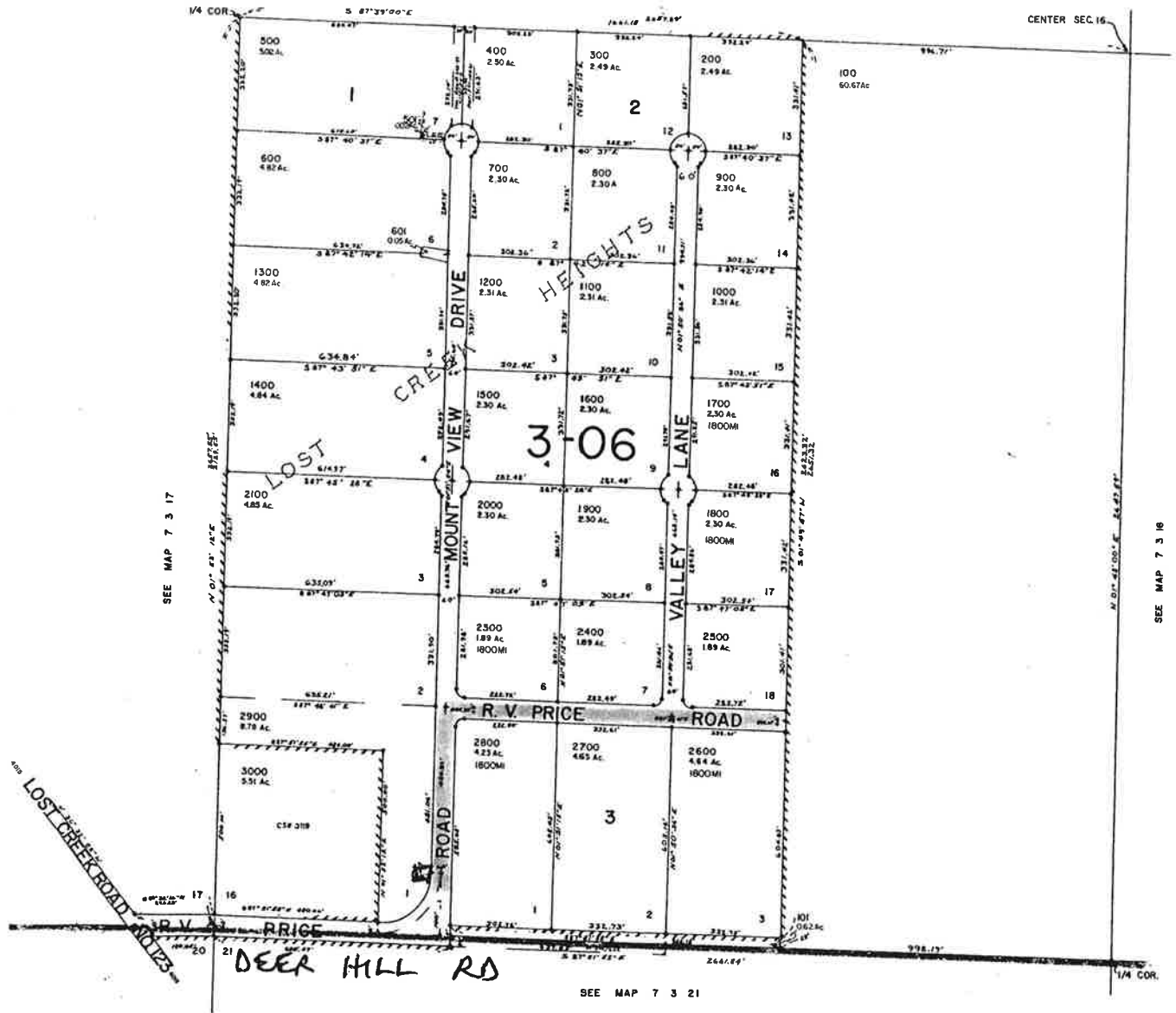
County Counsel's Office

SW 1/4 SEC. 16 T. 7 N. R. 3 W. W.M.
COLUMBIA COUNTY

THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY
Scale: 1" = 200' Current Revision Date: 8 / 7 / 98

CS# 141
CS# 319

SEE MAP 7 3 16



SEE MAP 7 3 21

be unduly damaged. An order may be entered in the Commissioners Journal if approved by a majority of the Commissioners upon application of the Roadmaster. The order shall be in the format attached as Exhibit A to this ordinance. A sign giving notice of the weight limitations shall be maintained in a conspicuous manner and placed at each end of the highway or section of highway affected thereby, by the Roadmaster.

In accordance with the terms and provisions of Article 3, permits may be issued to certain vehicles allowing them to operate in excess of the posted weight limitations.

Operating a vehicle in violation of the size or weight limit imposed in accordance with this ordinance shall be punishable as provided in Article 5.

ARTICLE 3. PERMITS

Section 3.01 Permits.

No vehicle shall operate on a Columbia County road in excess of the posted weight limitation without having first obtained a permit from the Board of County Commissioners, which permit shall be granted upon compliance with the requirements of this ordinance.

Section 3.02. Application for Permits.

Applications for permits shall be in writing and shall specify:

(1) The vehicle, combination of vehicles, machine or thing for which the permit is requested;

(2) The particular roads or highways for which the permit is requested;

(3) The weight limits on the roads and the loaded, gross vehicle weight;

(4) Whether the permit is necessary for a single trip, number of trips or continuous ~~operation~~ ^{operation};

(5) The name and address of the operator and owner of the vehicle for which the permit is sought;

(6) The public interest which will be served by granting the variance; and

(7) That the weight of the vehicle cannot be reduced as provided in ORS 818.210.

Section 3.03. Issuance of Permits.

A permit issued under this section shall be in writing and shall specify:

(1) The vehicle, combination of vehicles, machine or thing allowed to operate by the permit;

(2) Maximum dimensions and maximum weights allowed under the permit;

(3) All highways or streets over which the permit is valid;

(4) Whether the permit is necessary for a single trip, number of trips or specific period of time not to exceed 3 months; and

(5) The name and address of the operator and owner of the vehicle for which the permit is sought.

A permit issued under this section may:

(1) Establish any additional terms, limits or conditions on a permit that are necessary or desirable for the protection of the highways and streets and the public interest.

(2) Require the applicant to furnish public liability and property damage insurance in an amount fixed by the Roadmaster.

(3) Require the applicant to furnish indemnity insurance or an indemnity bond, in an amount fixed by the Roadmaster, to:

(A) Indemnify the road authority for any damage to the highways or streets that may be caused under the permit; and

(B) Indemnify the members, officers, employes and agents of the the road authority from any claim that might arise out of the granting of the permit and the use of the highways under the permit.

(4) Require a demonstration by the applicant to establish that operation under a permit would:

(A) Stay on the right side of the center line of the traveled way at all times; and

(B) Allow sufficient room in the opposing traffic lane for the safe movement of other vehicles.

Section 3.04. Fees.

A fee for the issuance of a variance permit shall be charged in the amount of \$7.00. Such fee shall be waived if permit application is for operation of a vehicle owned by the federal government or a public body.

ARTICLE 4. TEMPORARY REVOCATION OF PERMITS.

The Board of County Commissioners, acting through the Roadmaster, may at certain times temporarily revoke any permits issued under this ordinance and declare posted roads closed to vehicles operating in excess of the posted weight limitation. Any revocation decision shall be made by the Roadmaster based upon his judgment and discretion, and may be effective immediately if necessary to protect the County roads.

ARTICLE 5. PENALTIES.

Violations of this ordinance are punishable, upon conviction in the District Court in accordance with ORS 818.340, 818.420 or 818.430, as appropriate. The Roadmaster shall have authority to cite a violator under the motor vehicle code of Oregon.

The failure to secure a permit in violation of Article 3 of this ordinance shall be punishable by a fine of \$50.00 per violation.

Violators of this ordinance shall be jointly and severally liable to the County for all damage done to any County road or bridge as a result of the violation.

ARTICLE 6. WEIGHMASTER.

The head of the County Road Department is hereby designated Roadmaster and Weighmaster of Columbia County. Weighmaster has the authority provided in ORS 810.530. The Weighmaster and any Road Department employee designated by the Weighmaster shall have the authority to take enforcement action provided for in ORS 810.530 upon receipt of a letter from the Sheriff which states that the proper enforcement procedures have been fully explained to and are understood by the Weighmaster designee.