

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting Rules )  
and Regulations for Construction )  
of Access Approaches to Public )  
and County Roads in Columbia )  
County, Oregon )  
\_\_\_\_\_ )

ORDINANCE NO. 91-4

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 91-4.

SECTION 2. PURPOSE.

The purpose of this ordinance is to adopt rules and regulations for construction of access approaches to public and county roads in Columbia County, Oregon.

SECTION 3. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035 and 374.305 to 374.330.

SECTION 4. ACCESS PERMITS REQUIRED.

No person shall construct any access approach to any county road in Columbia County, Oregon, or to any public road under county jurisdiction, without first, purchasing and obtaining an access permit from the Columbia County Road Department.

SECTION 5. ACCESS PERMIT FORMS.

The form of access permit shall be as provided by order of the Board of County Commissioners for Columbia County, Oregon. For the purposes of this ordinance, and unless and until revised by order of the Board, the form of access permit shown as Exhibit "A", which is attached hereto and incorporated herein by this reference, is adopted as the official access permit form for Columbia County, Oregon.

SECTION 6. ACCESS PERMIT FEES.

The fee for access permits issued by the Columbia County Road Department shall be as provided by order of the Board of County Commissioners for Columbia County, Oregon. For the purpose of this ordinance, and unless and

until revised by order of the Board, the fees for access permits shall be as follows:

Permanent Access Permits           \$ 50.00;  
(1 inspection)

Temporary Access Permits         \$100.00.  
(2 inspections)

SECTION 7. SPECIFICATIONS.

The specifications for construction of access approaches shall be determined by the Columbia County Roadmaster/Public Works Director or his designee subject to the minimum standards set forth on the access permit form.

SECTION 8. RULES AND REGULATIONS.

The following general provisions shall govern the construction of access approaches:

- A. All applicants for an access permit shall post a \$500.00 cash deposit which shall not be returned until a permanent access approach is constructed and paved in accordance with the rules and regulations adopted pursuant to this ordinance, or any temporary access approach is removed to the satisfaction of the Roadmaster.
- B. No access approach or other facility shall be constructed upon the highway right-of-way until a signed copy of this permit is returned to the applicant, whereupon he has 30 days to complete construction.
- C. If this access approach does not meet minimum standards specified on the permit within 30 days, necessary corrections will be made at applicant's expense.
- D. The applicant shall be responsible and liable for all accidents or damage to any person or property resulting from the construction, maintenance, repair, operation or use of said access approach.
- E. Any subsequent improvement of the access approach shall be done only under authority of a new permit.
- F. The entire expense of construction and maintenance of said access approach shall be born by the applicant. No work shall be done and no equipment shall be used by the applicant on the shoulders of the County road at any time unless applicant shall have first secured approval from the Columbia County Roadmaster.
- G. Where standard warning signs, such as "Look Out For Log Trucks" are required, such signs shall be furnished and placed by the applicant.

These general provisions may be modified or deleted by order of the Board and new provisions may be adopted by order of the Board of County Commissioners.

SECTION 9. INSURANCE AND BONDING.

The Board and/or the Roadmaster/Public Works Director, or his designee, may require an applicant to furnish public liability and property damage insurance in such amounts as determined by the Board and/or the Roadmaster, not to exceed \$1 million for all claims out of each accident or occurrence. Such insurance shall indemnify Columbia County, its Board of County Commissioners, Road Department, and all other county officers, agents and employees from any claim which might arise on account of the issuance of said permit and the use of the access approach constructed pursuant to such permit. In addition, the Board and/or Roadmaster/Public Works Director, or his designee, may require the applicant to furnish indemnity insurance or an indemnity bond in a sum fixed by the Board and/or Roadmaster indemnifying for any damage caused to the road or highway or roads that may be caused by the issuance of said permit or the use of said access approach, or indemnifying the Board and/or Road Department against and costs or damages that may be incurred by reason of the failure of said applicant to comply with the terms of any such access permit.

SECTION 10. EXPENSES BORNE BY APPLICANT.

All construction under any access permit issued by the Roadmaster/Public Works Director shall be under the supervision of the Roadmaster, or his designee, and at the expense of the applicant. After completion of the construction of the access approach, it shall be maintained at the expense of the applicant and in accordance with any rules and regulations adopted by the Board and the access permit.

SECTION 11. REMOVAL OR REPAIR OF ACCESS APPROACHES.

- A. Upon failure of an applicant to construct, maintain or remove an access approach in accordance with rules and regulations adopted pursuant to this ordinance and the conditions of any access permit issued pursuant to this ordinance, the County may, after the expiration of 30 days following the transmittal of a written notice to the applicant, at applicant's expense, remove the access approach or reconstruct, repair or maintain the access approach in accordance with or as required by such rules and regulations and the conditions of the permit. This expense may be recovered from the applicant by county in any court of competent jurisdiction.
- B. Notwithstanding subsection A above, if the Board of County Commissioners or the Roadmaster/Public Works Director, or his designee, determines that a traffic or pedestrian hazard is created by the noncompliance which causes imminent danger, it may:
  - 1) Order the access approach removed, repaired or maintained to eliminate the hazard, within 24 hours after delivery of written notice to the applicant, and to the owner of the property on which the non-compliance occurred.
  - 2) If the hazard is not eliminated within the period set under paragraph 1) of this subsection, eliminate the hazard and recover the expenses of any removal, repair or maintenance from

the applicant in any court of competent jurisdiction.

SECTION 12. ENFORCEMENT.

- A. In addition to any other remedies which may be permitted by law, this ordinance may be enforced by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance.
- B. Upon issuance of a letter of authority signed by the Board of County Commissioners pursuant to Section 11 of the Columbia County Enforcement Ordinance, the Columbia County Roadmaster/Public Works Director shall be authorized to, have jurisdiction of and may enforce violations of this ordinance. His authority and jurisdiction is subject to the primary authority of the Board of County Commissioners. He may issue a citation or warning to any person who violates this ordinance.

SECTION 13. SEVERABILITY CLAUSE.

If, for any reason, any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion of the ordinance shall be deemed a separate, distinct and independent portion and such holdings shall not affect the validity of the remaining portions thereof.

SECTION 14. EMERGENCY CLAUSE.

This ordinance, being immediately necessary for the health, safety and welfare of the citizens of Columbia County, an emergency is declared to exist, and it shall become effective on April 3, 1991.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 3rd DAY OF April, 1991.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: John K. Knight  
Office of County Counsel

By: Michael J. Speer  
Chairman

By: [Signature]  
Commissioner

Attest:

By: Cherin May  
Recording Secretary

By: John R. Peterson  
Commissioner

First Reading: 04-03-91  
Second Reading: 04-03-91  
Effective Date: 04-03-91

APPLICATION AND PERMIT TO CONSTRUCT ACCESS APPROACH  
COLUMBIA COUNTY ROAD DEPARTMENT  
VOID IF NOT CONSTRUCTED WITHIN 30 DAYS

EXHIBIT "A"

NAME \_\_\_\_\_ PERMIT NO. \_\_\_\_\_

ADDRESS

HEREBY DECLARES THAT HE HAS LAWFUL AUTHORITY TO APPLY FOR THIS PERMIT,  
AND MAKES APPLICATION FOR A PERMIT TO CONSTRUCT AND MAINTAIN A TEMPORARY/  
PERMANENT ACCESS APPROACH CONNECTING THE SAID PROPERTY WITH THE \_\_\_\_\_ SIDE  
OF COUNTY ROAD \_\_\_\_\_ IN SECTION \_\_\_\_\_ TOWNSHIP \_\_\_\_\_ NORTH RANGE \_\_\_\_\_  
WEST \_\_\_\_\_.

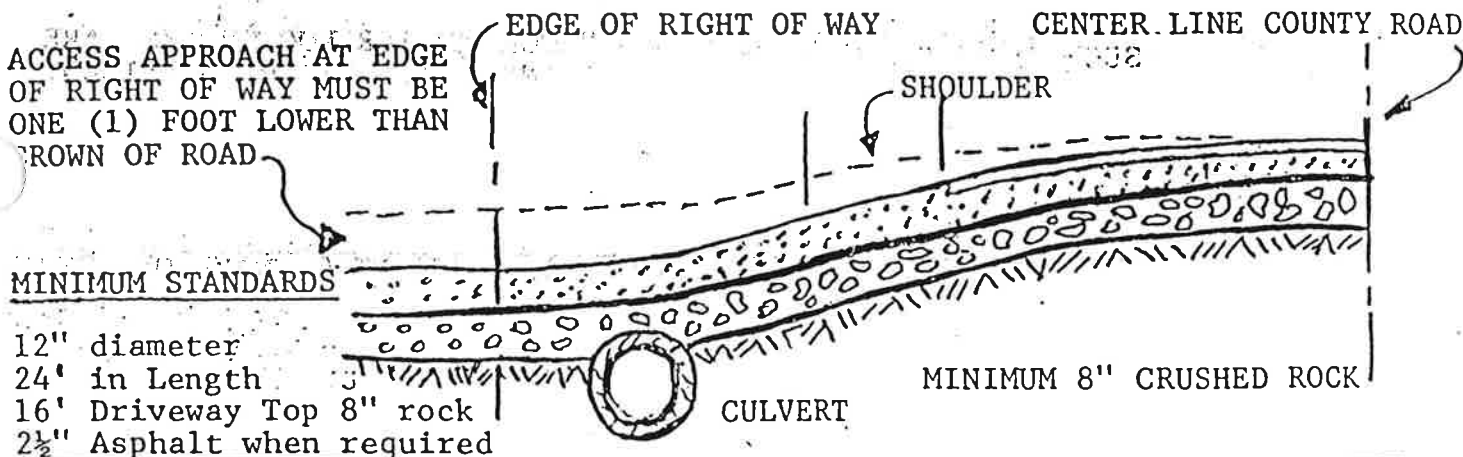
THE APPLICANT HEREBY AGREES TO FULLY AND FAITHFULLY COMPLY WITH ALL PRO-  
VISIONS AND REGULATIONS GOVERNING CONSTRUCTION AND MAINTENANCE OF ACCESS  
APPROACH AS SPECIFIED HEREIN AND ON THE REVERSE HEREOF.

DATE \_\_\_\_\_

SIGNATURE OF APPLICANT OR NAME OF COMPANY  
BY \_\_\_\_\_

PHONE: \_\_\_\_\_

S P E C I F I C A T I O N S  
(to be completed by Road Department)



THE ACCESS APPROACH:	TYPE OF ROAD SURFACE _____	TOP WIDTH _____
SURFACE THICKNESS _____	PIPE REQUIRED _____	DIAMETER _____
LENGTH _____	KIND _____	MINIMUM DEPTH COVER _____
OTHER (SPECIFY) _____		

COUNTY ROAD SURFACE:	TYPE _____	WIDTH _____	CURBS _____
SHOULDER WIDTH _____	R/W WIDTH THIS SIDE _____		

DATE \_\_\_\_\_ PERMIT ONLY APPROVED BY \_\_\_\_\_

COLUMBIA COUNTY ROADMASTER  
PHONE: 397-5090

ACCESS APPROACH COMPLETED AND APPROVED BY \_\_\_\_\_  
COLUMBIA COUNTY ROADMASTER

(OVER)