

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

An Ordinance Authorizing Columbia)
County to Post Weight Limits,)
Establish Permit Process and)
Otherwise Regulate and Restrict)
the Use of County Roads by Certain)
Vehicles and to Provide Penalties)
for Violation of the Activities.)

No. 86-3

TRANSPORTATION ORDINANCE

This matter having come on regularly at this time to be heard; and

WHEREAS, It appears to the Board of Commissioners that, pursuant to ORS 810.010 et seq., the governing body of the County may restrict or prohibit the operation of certain types of vehicles on County roads to protect County roads from being unduly damaged; and

WHEREAS, It further appears to the Board that the protection and maintenance of County roads is in the interest and safety of the general public; and

WHEREAS, the Board of County Commissioners, pursuant to ORS 818.200, has the authority to establish a permit process; and

WHEREAS, ORS 818.200 et seq. sets forth the specifications and requirements to be included in any type of permit process, now therefore,

THE BOARD OF COMMISSIONERS OF COLUMBIA COUNTY ORDAINS AS FOLLOWS:

ARTICLE 1. PURPOSE

The purpose of this ordinance is to authorize Columbia County's Board of Commissioners, through its Roadmaster, to post weight limits on County roads, establish a permit process to regulate use on these roads, to allow temporary revocation of said permits if the Roadmaster so advises and provide penalties for the violation thereof.

ARTICLE 2. RESTRICTIONS ON USE OF COUNTY ROADS.

By order of the Board of Commissioners, it may periodically prohibit the operation on County roads of any vehicle having a gross weight in excess of 5 tons on any County road which would

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;
- (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, employees 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.

ARTICLE 7. EMERGENCY CLAUSE.

This ordinance being necessary for the immediate protection and maintenance of County roads and for the public safety and welfare, an emergency is declared to exist and this ordinance shall take effect upon its passage.

ARTICLE 8. PRIOR ORDINANCE REPEAL.

This ordinance supersedes Ordinance 83-3 and all orders issued thereunder, which are hereby repealed.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY,

THIS 5th day of February, 1986.

BOARD OF COUNTY COMMISSIONERS
OF COLUMBIA COUNTY, OREGON


Commissioner


Commissioner

vacant

Commissioner

EXHIBIT A - TRANSPORTATION ORDINANCE

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

IN THE MATTER OF CLOSURE OF)
ROAD) No. _____
TO HEAVY HAULING; LIMITING)
MAXIMUM WEIGHT TO _____) ORDER
POUNDS)

WHEREAS, a majority of the Board of County Commissioners finds that undue harm will result to _____ Road between _____ and _____, in the event vehicles in excess of a maximum weight of _____ are permitted to travel on the county road, because _____; and

WHEREAS, The Roadmaster has presented this Application and Order to restrict the use of said road in accordance with the requirements of the Columbia County Transportation Ordinance, now therefore

THE BOARD OF COMMISSIONERS OF COLUMBIA COUNTY ORDERS AS FOLLOWS:

1. The road known as _____ shall be closed to vehicular traffic with a maximum weight in excess of _____.

2. The Roadmaster shall post the road conspicuously at each end of the section affected by this order, and endorse this order accordingly.

3. This order shall be effective upon recording in the Commissioners' Journal, after the fact of posting has been properly endorsed.

DATED this _____ day of _____, 1986.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Commissioner

Commissioner

ENDORSEMENT

I certify that on _____ at _____ am/pm, I posted _____ Road in accordance with this order.

Roadmaster