

## **20. RESTRICTING CERTAIN USES ON COUNTY ROADS**

### **20.1 AUTHORITY OF DIRECTOR OF PUBLIC WORKS**

**20.1.1** When, in the judgment of the Director of Public Works or the County Engineer, any county road or county bridge is incapable of handling vehicular traffic of a certain kind, weight, size, length or load, the Director of Public Works or the County Engineer shall direct that certain limitations be placed upon the use of said road or bridge in conformance with this ordinance and state law.

**20.1.2** When, in the judgment of the Director of Public Works or the County Engineer, it is deemed desirable to allow an exception to any restriction placed by the Director of Public Works or the County Engineer upon the use of a county road or county bridge, the Director of Public Works or the County Engineer shall direct the issuance of a permit allowing such use as provided for in this ordinance.

**20.1.3** The Director of Public Works or the County Engineer shall be the sole granting authority for the issuance of any and all permits required pursuant to this ordinance. The decision of the Director of Public Works or County Engineer with respect to the issuance of any such permit and any conditions attached thereto shall be in the Director of Public Works' or County Engineer's sole discretion and shall be final and non-appealable. (Ordinance 82-23, Sec. 2 as amended by Ordinance 85-2, Sec. 1 and Ordinance 95-18, Sec. 3)

### **20.2 ADOPTION OF CERTAIN STATE STANDARDS**

**20.2.1** The weight, size, load, length and type restrictions contained in the provisions of the Oregon Revised Statutes set out below shall apply equally to all county roads except as otherwise set out in this ordinance and said restrictions shall be subject to all other provisions of this ordinance:

ORS 483.504  
ORS 483.506  
ORS 483.508  
ORS 483.512  
ORS 483.514

**20.2.2** Vehicle Length Restrictions: No vehicle or attached combinations of vehicles may operate on any county road if it exceeds an overall length of sixty (60) feet. (Ordinance 82-23, Sec. 3 as amended by Ordinance 85-2, Sec. 1)

## **20.3 CERTAIN COUNTY ROADS IMMEDIATELY AFFECTED- INCLUSION OF OTHER ROADS-REMOVAL**

**20.3.1** All county roads are subject to the gross weight restrictions of this ordinance.

**20.3.2** The following county roads are closed to all loaded logging trucks:

- A. Lewis and Clark Road, sometimes known as Crown Hill Road, when traveling from West to East;
- B. Beerman Creek Road;
- C. Hillcrest Loop, East of Big Creek.
- D. Youngs River Loop, North of Tucker Creek.

**20.3.3** The Director of Public Works shall have, in his sole judgment, the power to restrict or alter the use of any other county road or county bridge not listed herein or to remove any restriction imposed herein and subsequently imposed by the Director of Public Works without the necessity of amending this ordinance and without further order from the County Board of Commissioners. (Ordinance 82-2, Sec. 4 as amended by Ordinance 95-18, Sec. 3)

## **20.4 SIGNS TO BE POSTED**

**20.4.1** Except when the Director of Public Works or County Engineer determines that an emergency exists requiring immediate implementation, no restriction placed upon the use of a county road or bridge established pursuant to this ordinance shall take effect until the tenth day following the erection of a permanent sign upon the county road or bridge affected by the restriction describing said restriction.

**20.4.2** The number, type and content of the signs required herein and the placement and location of said sign or signs shall be the responsibility of the Director of Public Works and in his sole discretion, provided however, that the content and placement of said signs shall be reasonably calculated to give notice to the public of the restrictions placed upon the use of said road or bridge.

## **20.5 PERMIT REQUIREMENTS, PROCEDURE AND FEES**

**20.5.1** All owners of log trucks operating upon any county road shall be required to obtain a permit for the operation of said log trucks upon the county roads from the Director of Public Works or the County Engineer. In issuing a permit, the Director of Public Works or County Engineer may include restrictions or conditions that in his judgment are necessary and desirable for the protection of the county roads or bridges and in the public interest.

**20.5.2** Notwithstanding any limitations or restrictions upon the use of a county road or bridge created herein or imposed by the Director of Public works or County Engineer, the Director of Public works or County Engineer may, when in his judgment the public interest will be served, issue a permit allowing any vehicle, weight, load, length or size not otherwise permitted to operate upon certain roadways or bridges of the county to operate upon said roads or bridges.

**20.5.3** In issuing a permit under this section, the Director of Public Works or County Engineer may:

- A. Grant a permit that is valid for a single trip, a number of trips or a continuous operation.
- B. Establish seasonal or other time limitations on a permit.
- C. Establish any additional terms, limits or conditions on a permit that are necessary or desirable for the protection of the road or bridge and the public interest.
- D. Require the applicant to furnish public liability and property damage insurance in an amount fixed by the Director of Public Works or County Engineer.
- E. Require the applicant to furnish indemnity insurance or an indemnity bond in an amount fixed by the Director of Public Works or County Engineer.
- F. Indemnify the Director of Public Works, County Engineer and county for any damage to the road that may be caused under the permit; and

- G. Indemnify the members, officers, employees and agents of the Director of Public Works, County Engineer and county from any claim that might arise out of the granting of the permit and the use of the road or bridge under the permit.

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

- A. All county roads or bridges over which the permit is valid.
- B. Any vehicle, combination of vehicles, load, article, property, machine or things allowed under the permit.
- C. Maximum dimensions and maximum gross weights allowed under the permit.

**20.5.5** The Director of Public Works or County Engineer shall not issue a permit under this section that is valid for longer than one (1) year.

**20.5.6** An application for a permit issued under this section shall be in writing and shall specify the following:

- A. The vehicle, combination of vehicles, load, article, property, machine or thing for which the permit is requested;
- B. The particular county roads and bridges for which the permit is sought;
- C. Whether the permit is sought for a single trip, number of trips or continuous operation.

**20.5.7** A person violates a permit issued under this section and is subject to the penalties set out herein if the person misrepresents any size or weight required to be specified when applying for a permit under this section.

**20.5.8** Any permit issued under this section may be canceled at any time by the Director of Public Works or County Engineer upon proof satisfactory to him that:

- A. The permit holder has violated any of the terms of the permit;

- B. The permit was obtained through misrepresentation in the application therefor; or
- C. The public interest requires cancellation. (Ordinance 82-23, Sec. 6 as amended by Ordinance 85-2, Sec. 1 and Ordinance 95-18, Sec. 3)

## **20.6 WEIGHING OF VEHICLES ON ROADWAY**

The Director of Public Works or any member of his staff or any police officer may stop, measure and weigh any vehicle by means of either portable or stationary measures and scales. If said individual finds the vehicle to be in violation of any restriction in this ordinance or conditions of a permit, he shall require the operator to move the vehicle to a suitable place and remain standing until a citation and complaint has been issued and until such portion of the load is removed that is necessary to eliminate any violation. (Ordinance 82-23, Sec. 7)

## **20.7 FEES**

No fee shall be required under this section for issuance of a permit. (Ordinance 82-23, Sec. 8)

## **20.8 CARRYING PERMIT IN VEHICLE**

The driver or chauffeur of any vehicle for which a permit has been issued pursuant to this ordinance shall have said permit in his immediate possession when operating said vehicle upon a county road and shall display the same upon demand by any state or county official. (Ordinance 82-23, Sec. 9)

## **20.9 EXCEPTIONS**

The provisions of this ordinance do not apply to any vehicle or other equipment being used by the Federal Government or the State of Oregon or County in the construction, maintenance, or repair of a county road or while located at the immediate site of such construction, maintenance or repair. (Ordinance 82-23, Sec. 10)

## **20.10 PENALTIES**

**20.10.1** The operation of any vehicle is prima facie evidence that the owner of said vehicle caused or permitted it to be so operated and the owner shall be liable for any penalties imposed herein.

**20.10.2** (This subsection repealed by Ordinance 96-15)

**20.10.3** Violation of any of the weight provisions adopted herein or

any permit issued pursuant to this ordinance and regarding weight restrictions, shall be punishable by a fine based upon the excess weight by which any gross weight exceeds the applicable gross weight authorized by this ordinance or permit and computed in the same manner as provided in ORS 483.996(1)(a) through ORS 483.996(1)(f), provided however, that any penalty assessed herein shall not be in lieu of, but shall be in addition to any penalty set forth in Section 20.10.1 above for violation of a permit.

**20.10.4** (This section deleted by Ordinance 96-15)

**20.10.5** In addition to the penalties set out herein, any owner or operator found to be in violation of any provisions of this ordinance shall be jointly and severally liable to the County of Clatsop for all damage done to a county road or bridge as a result of the violation. (Ordinance 82-23, Sec. 11)