

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

BOOK 100 PAGE 471

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COUNTY COURT JOURNAL

JUNE WAGNER  
COUNTY CLERK

O R D I N A N C E

DEPUTY

0-83-20

AN ORDINANCE ESTABLISHING WEIGHT )  
AND LOAD LIMITATIONS ON CERTAIN )  
COUNTY ROADS, RESTRICTING TYPES )  
OF TRAFFIC ON CERTAIN COUNTY )  
ROADS, PROVIDING FOR PERMITS )  
AND EXCEPTIONS )

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

SECTION 1. SHORT TITLE

This ordinance shall be known as the Road Use Ordinance.

SECTION 2. AUTHORITY OF DIRECTOR OF PUBLIC WORKS

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

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

C. The County Director of Public Works shall be the sole granting authority for the issuance of any and all permits required pursuant to this ordinance. The decision of the County Director of Public Works, with respect to the issuance of any such permit and any conditions attached thereto, shall be of the County Director of Public Works' sole discretion. Permits may be appealed to the County Board of Commissioners in writing. The Board of County Commissioners shall consider the matter at a regular meeting at which the permit applicant and the County Director of Public Works are both present.

SECTION 3. ADOPTION OF CERTAIN STATE STANDARDS

The weight, size, load and type restrictions contained in the provisions of the Oregon Revised Statutes in Chapter 483 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.

SECTION 4. APPLICATION TO COUNTY ROADS

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

B. The County Director of Public Works shall have, using his or her sole judgement, the power to restrict or alter the use of any county road or bridge, or to remove any restriction imposed herein and subsequently imposed by the County Director of Public Works without the necessity of amending this ordinance and without further order from the Board of County Commissioners.

SECTION 5. SIGNS TO BE POSTED

A. Restrictions placed upon the use of a county road or bridge established pursuant to this ordinance shall take effect immediately following the erecting of a sign upon the county road or bridge affected by the restriction, describing said restriction.

B. 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 County Director of Public Works and of his or her sole discretion, provided, however, that the content and placement of said sign, or signs, shall be reasonably calculated to give notice to the public of the restrictions placed upon the use of said road or bridge.

SECTION 6. PERMIT REQUIREMENTS AND PROCEDURES

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

B. Notwithstanding any limitations or restrictions upon the use of a county road or bridge created herein or imposed by the County Director of Public Works, the County Director of Public Works may, when in his or her judgement the public interest will be served, issue a permit allowing any vehicle, weight, load or size not otherwise permitted, to operate upon certain roadways or bridges of Tillamook County.

C. In issuing a permit under this section, the County Director of Public Works may:

- 1) Grant a permit that is valid for a single trip, a number of trips or continuous operation;
- 2) Establish seasonal or other time limitations on a permit;
- 3) 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;
- 4) Require the applicant to furnish public liability and property damage insurance in an amount fixed by the County Director of Public Works;
- 5) Require the applicant to furnish indemnity insurance or an indemnity bond in an amount fixed by the County Director of Public Works;
- 6) Indemnify the County Director of Public Works and County for any damage to the road or bridge that may be caused under the permit; and
- 7) Indemnify the members, officers, employees and agents of the County Director of Public Works and the County from any claim that may arise from the granting of the permit and the use of the road or bridge under the permit.

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

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

E. A permit issued under this section shall be in writing and shall specify the following:

- 1) All county roads or bridges over which the permit is valid;
- 2) Any vehicle, combination of vehicles, load, article, property, machine or thing allowed under the permit; and
- 3) Maximum dimensions and maximum gross weights allowed under this permit.

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

G. 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.

H. Any permit issued under this section may be cancelled at any time by the County Director of Public Works upon proof satisfactory to him or her that:

- 1) The permit holder has violated any of the terms of the permit;
- 2) The permit was obtained through misrepresentation in the application thereof; or
- 3) The public interest requires cancellation.

#### SECTION 7. WEIGHING OF VEHICLES ON ROADWAY

The County Director of Public Works or any member of his or her staff or any law enforcement 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 restrictions in this ordinance or conditions of a permit, he or she 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.

#### SECTION 8. FEES

No fee shall be required under this ordinance for issuance of a permit.

SECTION 9. CARRYING PERMIT IN VEHICLE

The operator of any vehicle for which a permit has been issued pursuant to this ordinance shall have said permit in his or her immediate possession when operating said vehicle upon a county road and shall display the same upon demand by any state or county official.

SECTION 10. EXCEPTION FOR GOVERNMENT VEHICLES

The provisions of this ordinance do not apply to any vehicle or other equipment used by the United States Government or the State of Oregon or Tillamook County in the construction, maintenance or repair of a county road or while located at the immediate site of such construction, maintenance or repair.

SECTION 11. PENALTIES

A. 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.

B. Violation by any operator or owner of any vehicle or combination of vehicles of any of the provisions of this ordinance, or of any permit issued pursuant to this ordinance, is punishable upon conviction, by a fine of not less than \$50.00 nor more than \$500.00. A citation may be issued by any law enforcement officer.

C. Violation of any of the weight provisions adopted herein, or any weight restriction permit issued pursuant to this ordinance, shall be punishable by a fine based upon the excess weight, according to the following formula:

If the excess weight is:

- a) One thousand pounds or less; by a fine of \$2.00. No additional bail shall be required if the fine is paid on or before the appearance date set out in the citation.
- b) More than 1,000 pounds, but not in excess of 2,000 pounds; by a fine of not less than \$15.00.
- c) More than 2,000 pounds, but not in excess of 3,000 pounds; by a fine of not more than one cent per pound for each pound of the excess weight.

- d) More than 3,000, but not in excess of 5,000 pounds; by a fine of not more than two cents per pound for each pound of the excess weight.
- e) More than 5,000 pounds; by a fine of not more than seven cents per pound for each pound of the excess weight.
- f) More than 7,500 pounds; by a fine of not less than seven cents, nor more than 10 cents for each pound of the excess weight.

Any penalty assessed therein shall not be in lieu of, but shall be in addition to any penalty set forth in Section 11 B. above, for violation of a permit.

D. Any operator of any vehicle who fails or refuses to follow the direction of a law enforcement officer, the County Director of Public Works or member of his or her staff, or stop and submit the vehicle to measurement or weighing when ordered or directed to do so, shall be punished, in addition to any penalties provided herein, by a fine of not less than \$100.00 nor more than \$500.00.

E. In addition to the penalties set out herein, any owner or operator found to be in violation of any provision of this ordinance shall be jointly and severally liable to Tillamook County for all damages done to a county road or bridge as a result of the violation.

#### SECTION 12. CONFORMITY WITH THE LAW

This ordinance shall not substitute for, nor eliminate the necessity to, comply with any and all laws or rules of the State of Oregon or its agencies, or any ordinance, rule or regulation of Tillamook County.

#### SECTION 13. INCONSISTENT PROVISIONS

This ordinance shall supercede, control and repeal any inconsistent provision of any county ordinance as amended, or any other regulation made by Tillamook County.

SECTION 14. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 15. EFFECTIVE DATE

This ordinance shall take effect 90 days after adoption.

First Public Hearing: July 6, 1983.

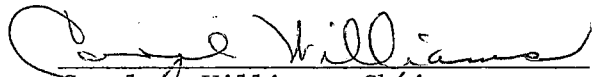
Second Public Hearing: July 20, 1983

Adopted this 20<sup>th</sup> day of July, 1983.

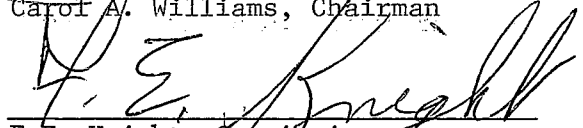
VOTE

BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

aye

  
Carol A. Williams, Chairman


aye

  
F.E. Knight, Commissioner

aye

  
Gerald A. Woodward, Commissioner

ATTEST:

  
Lynn Rosik  
County Legal Counsel