

ORDINANCE NO. 113

An Ordinance governing the issuance of permits to use restricted county roads and fixing penalties for violations.

Be It Ordained by the Board of County Commissioners of Pacific County, State of Washington, as follows:

Section I Purpose.

It is the purpose and intent of these regulations to enable the County to maintain in a good state of repair the County's road system and to prevent damage to or the destruction of the County's access roads by prohibiting the operation of motor trucks on county access roads in the absence of a permit setting forth the conditions under which said road can be used.

Section II Definitions.

The following are definitions of terms used throughout these rules and regulations.

- (1) "County Road" means every public highway or part thereof, outside the limits of cities and towns and which has not been designated as a state highway.
- (2) "Display" means to attach the permit to the lower right hand corner of the windshield of the motor truck in such a manner that the permit can be plainly seen and read at all times.
- (3) "Driver" or "operator" means every person who drives or is in actual physical control of a motor truck.
- (4) "Motor truck" means any motor vehicle designed for or used for the transportation of commodities, merchandise, produce, freight or animals.
- (5) "Road Haul Permit" means the County's written permission to drive or operate a motor truck over a county road that has been posted "No Truck Traffic Without Permit".
- (6) "Service Vehicle" shall mean utility vehicles, garbage trucks, trucks carrying natural gas or heating fuel, U.S. mail carriers, or trucks used by cable T.V. repairmen, electricians, plumbers, or veterinarians.

Section III Roads to be Posted.

When any restriction or road limitation has been imposed by the Board of County Commissioners, the Department of Public Works shall immediately erect or cause to be erected and maintained signs designating the restriction or limitations in each end of the portion of any public highway affected thereby and no person shall be subject to the penalty provisions of this ordinance unless and until such signs are erected and maintained.

Section IV Bridges Excluded.

This ordinance is not intended to cover bridges along county roads. Persons operating motor trucks pursuant to a valid Road Haul Permit shall be required to comply with any posted limitations on bridges.

Section V Procedure for Obtaining Permit.

- (1) Any person desiring to use a county access road that has been closed to motor truck traffic may file an application with the Department of Public Works.
- (2) Upon receipt of the application, the Department of Public Works shall within five (5) working days review the application. The Department is authorized to set the conditions under which the county road may be used.
- (3) Road Haul Permits issued pursuant to this ordinance shall automatically expire on the last day of the year in which the permit was issued or expiration date of permit, whichever comes first.
- (4) In the event that a permittee objects to a condition of the Road Haul Permit, he may appeal to the Board of County Commissioners who shall review the condition, and make any modifications or revisions as it deems appropriate.

Section VI Revocation of Permit.

- (1) The Department of Public Works shall be authorized to revoke a Road Haul Permit where it determines that violations of the permit have occurred.
- (2) Nothing contained in this ordinance shall limit the County's authority to act pursuant to the provisions of RCW 47.48.010.

Section VII Enforcement Provisions - Penalties - Fines.

- (1) No person shall operate or drive any motor truck upon any county road which has been posted "No Truck Traffic Without Permit" unless there shall be displayed upon said motor truck a current Road Haul Permit.

- (2) A violation of section Section VII(1) is a traffic infraction and upon a finding thereof, there shall be assessed a basic penalty of not less than \$250.00 nor more than \$500.00.

Section VIII Exemptions.

School buses, emergency vehicles, pickups, service vehicles, and motor trucks making local deliveries of perishable goods, agricultural products or commodities essential for the health and welfare of local residents are exempt from the provisions of this ordinance.

The exemption shall not operate to relieve an operator of a vehicle from complying with applicable speed limits, weight restrictions or posted restriction on bridges.

Adopted and Passed This January 3, 1989, ~~1988~~.

Board of County Commissioners
for Pacific County

Paul H. Mackinnon
Chairman

Dave Walferbaum
Commissioner

Bill Janda
Commissioner

ATTEST:

Gerardine Kuehling
Clerk of the Board

PACIFIC COUNTY
DEPARTMENT OF PUBLIC WORKS
SOUTH BEND, WASHINGTON

Application for a Haul Road Permit and Joint Site Inspection Form
Pursuant to Ordinance No. 113

Name of Applicant: _____

Mailing Address: _____

Business Phone: _____

County Roads to be Utilized as Haul Route

Road Name & Number	Miles
_____	M.P. _____ to M.P. _____
_____	M.P. _____ to M.P. _____
_____	M.P. _____ to M.P. _____
_____	M.P. _____ to M.P. _____

Est. Quantities to be Transported-State basis of measurement-cy/tons/Mbm

Haul Period
From _____ To _____

Date of Site Inspection _____

Initial _____ Final _____ Public Works Title _____
Inspection _____ Inspection _____ Permittee Title _____

Roadway Condition: _____

Surety Bond - Gravel & BST Roads shall be _____ per mile _____ length= _____

ACP Roads shall be _____ per mile _____ length= _____

Department of Public Works _____ Permittee _____
Pacific County

Original to Dept. of Public Works - Copy to Permittee

HAUL ROAD PERMIT S- _____
Pursuant to Ordinance No. 113

Effective as of the _____ day of _____, 19____, Pacific County,
Department of Public Works, South Bend, Washington, 98586, hereinafter
designated as "COUNTY" grants to:

and his subcontractors and suppliers,

hereinafter designated as the "PERMITTEE", and to Permittee designates
the right and permission to utilize the following County roads:

for the purposes of overriding the posted Restriction on _____

_____, per Res. _____, and amendments thereof if any.
This permit shall not operate to relieve an operator of a vehicle from
complying with applicable speed limits, weight restrictions or posted
restriction on bridges, and from obtaining state licenses or permits,
subject to the following GENERAL PROVISIONS and CONDITIONS, and any
SPECIAL PROVISIONS attached which are hereby made a part of the Permit.
The SPECIAL PROVISIONS hereinafter contained shall supersede any
conflicting provisions of the GENERAL PROVISIONS.

CONSIDERATION: Agreement between County and PERMITTEE for extraordinary
use of road.

DATE OF EXPIRATION: _____

GENERAL PROVISIONS AND CONDITIONS

I. ASSUMPTION OF RISK AND LIABILITY OF PERMITTEE:

- (a) The County has made no representation as to the present or future conditions of its roads or the character of the traffic on any of its roads, and PERMITTEE assumes all risks of damage to property of or injury to PERMITTEE, or anyone acting under Permittee's authority granted by this permit in connection with the exercise of rights under this permit.
- (b) Any improvements to or widening of the road shall be considered incidental, unless otherwise authorized in a supplement to this Permit, and shall remain in place. Any such improvement must be authorized by county permit.
- (c) The PERMITTEE agrees and covenants to indemnify, defend, and save harmless the COUNTY against and from any loss, damage, costs, charges, liability, claims, demands or judgments, whether to persons or property, arising out of any act, action, neglect, omission or default on the part of the PERMITTEE or anyone acting under Permittee's authority granted by this permit. In case any suit or cause of action shall be brought against COUNTY on account of any act, action, neglect, omission or default on the part of the PERMITTEE, or anyone acting under Permittee's authority granted by this permit the PERMITTEE agrees and covenants to pay all costs, charges, attorney fees and other expenses and any and all judgments that may be incurred by or obtained against COUNTY, including all such costs incurred by COUNTY to enforce this provision.
- (d) The PERMITTEE understands and agrees that although this is a public road subject to normal traffic use, PERMITTEE, by virtue of extraordinary use of the road as outlined herein, assumes responsibility for extraordinary damage and maintenance expenditures on the road, all of which costs are to be reimbursed by PERMITTEE as outlined in II.

- II. MAINTENANCE OF HAUL ROADS: The County will defray the expense of routine maintenance of haul roads designated in the permit; and will maintain separate records of all items, accounts and expenditures on said roads.
- (a) The "additional" maintenance shall be defined as those costs which exceed \$1,500.00 per mile per year per road for surface maintenance and repair.
- (b) The PERMITTEE (contractor) will reimburse the County for the actual costs of additional maintenance upon receipt of the properly certified invoices, and make reimbursement payments to the County upon billing.
- III. This permit is revokable at the County's option, in accordance with the provisions of RCW 47.48.010, where continued use of roads under Permit will endanger public traffic thereon, in the interest of public safety. The PERMITTEE is responsible for obtaining a new permit if additional hauling is needed, after expiration of current permit.
- IV. A copy of this permit shall accompany each load and will be shown upon demand by representative of Pacific County, or any law enforcement agency.
- V. The County reserves the right to require copies of other permits and a certified statement from the permittee for purposes of prorating damages to other permittees.
- VI. COMPLIANCE WITH LAWS AND REGULATIONS: PERMITTEE shall comply with all laws and regulations, Federal, State or local.
- VII. TERMINATION AND SUSPENSION:
- (a) All rights hereunder shall terminate automatically upon written notice given by either party to the other. The termination of this Permit shall not prejudice the County's right to collect damages incurred theretofore or thereafter accruing on account of PERMITTEE's use of the road.
- (b) Any failure to exercise a right to terminate this permit in case of default shall not constitute a waiver of the defaulting party's obligation to perform strictly in accordance with the terms of this Permit. Any such right to terminate shall remain in full force and effect and may be exercised so long as such default continues.
- VIII. Special Provisions (listed below).

IN WITNESS WHEREOF, the County has executed this Permit and PERMITTEE has accepted the same as of the day and year hereinabove first written.

APPROVED BY:

FOR PACIFIC COUNTY
DEPARTMENT OF PUBLIC WORKS

_____, the undersigned, hereby accepts this Permit, subject to the terms and conditions as herein set forth.

DATED this _____ day of _____, 19_____.

FOR: _____
PERMITTEE