

YAMHILL COUNTY CODE

TITLE 7: COUNTY ROADS

Chapter 7.15: Yamhill County Roads Vehicle Weight Limit Variance Procedures Code

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LEGISLATIVE HISTORY

7.15.01 Authority to Issue Variance Permits; Effect of Permit; Violation of Permit.

a) Issuing Variance Permits.

- (i) The Director of the Department of Public Works or the Yamhill County Roadmaster (individually or collectively referred to in this ordinance as the “permit authority”) may issue a variance permit if the permit authority determines that the public interest will be served by issuance of the variance permit and adequate justification has been established to exceed weight limits imposed by the Board under ORS 810.030. In making a determination that adequate justification has been established, the permit authority shall consider the following factors:
1. Economic benefit to agriculture or commerce as compared to the potential detriment to the posted road.
 2. Amount of damage which could reasonably occur to the posted road as a result of issuance of the variance permit.
 3. The inconvenience to the traveling public if it is necessary to interrupt use of the road in order to make repairs which could reasonably occur as a result of use of the road by the over weight vehicle.
- (ii) Subject to Section 7.15.02, a variance permit issued under this section shall allow any vehicle, combination of vehicles, load article, property, machine or thing to move over a county road without violation of a weight limit imposed by Board Order under authority of ORS 810.030.
- b) The fee for issuance of a variance permit under this section is \$8. No fee shall be charged for issuance of a permit to the Federal Government, agencies of the State of Oregon, school districts, cities or counties.
- c) A permit issued under this section is subject to all of the provisions under Section 7.15.03 and to any limits under Section 7.15.02.
- d) Prohibitions and penalties relating to use of a variance permit issued under this section are provided under ORS 818.340 and 818.350, 1997 replacement part, which are incorporated into this ordinance by reference.

- e) Violation of the conditions of a variance permit issued under this section is subject to civil penalties as provided under ORS 818.410, 1997 replacement part, which is incorporated into this ordinance by reference.
[ADOPTED VIA ORDINANCE NO. 644 eff 04/09/98]

7.15.02 Limits on Authority to Issue Variance Permit. A permit authority shall not issue a variance permit under Section 7.15.01 for any vehicle or load that can readily or reasonably be dismantled or disassembled as determined by the permit authority.
[ADOPTED VIA ORDINANCE NO. 644 eff 04/09/98]

7.15.03 Requirements, Conditions and Procedures for Issuance of Variance Permit; Duration; Cancellation. This section establishes requirements, conditions and procedures for issuance of variance permits under Section 7.15.01, as follows:

- a) In issuing a permit, the permit authority may:
- (i) Grant a permit that is valid for a single trip or a specific number of trips.
 - (ii) Establish seasonal or other time limitations on a permit.
 - (iii) Establish any additional terms, limits or conditions on a permit that are necessary or desirable for the protection of the county road and the public interest.
 - (iv) Require the applicant to furnish public liability and property damage insurance in an amount fixed by the Director of Public Works.
 - (v) Require the applicant to furnish an indemnity assurance agreement, indemnity insurance or an indemnity bond, in a form and an amount fixed by the Director of Public Works, to:
 - 1. Indemnify Yamhill County for any damage to county roads that may be caused under the permit; and
 - 2. Indemnify the members, officers, employees and agents of Yamhill County from any claim that might arise out of the granting of the permit and the use of county roads under the permit.
- b) A permit shall be in writing and shall specify:
- (i) All county roads over which the permit is valid.
 - (ii) Any vehicle, combination of vehicles, load, article, property, machine or thing allowed under the permit.
 - (iii) Maximum dimensions and maximum weights allowed under the permit.
- c) A permit authority shall not issue a permit under this section:
- (i) That is valid for longer than one year.
 - (ii) Until any insurance, indemnification assurance agreement or bond required under this section is filed with and accepted by the Board, Director of Public Works, the County Roadmaster or County Counsel.
 - (iii) Until the permit authority has investigated any representations made in the application for the permit.
- d) An application for a permit issued under this section shall be in writing and shall specify:
- (i) The vehicle, combination of vehicles, load, article, property, machine or thing for which the permit is requested;
 - (ii) The particular county road for which the permit is sought; and
 - (iii) Whether the permit is sought for a single trip or specific number of trips.
- e) This section does not authorize any movement or operation of a vehicle, combination of vehicles, load, article, property, machine or thing until a permit is issued.
- f) The permit authority may appoint any county officers, employees or agents to be present at and during the movement. The presence of any person so appointed and any interference or suggestion made by that person shall not be considered supervision of the movement and shall not relieve the permit holder, or the permit holder's insurers or sureties, from liability for any damage done by the movement. If, in the opinion of the person appointed to be present at and during the movement, any of the terms and conditions of the permit are not being complied with, that person may order the movement to be stopped.
- g) Any permit may be canceled at any time by the permit authority or road authority upon proof satisfactory to it that:

- (i) The permit holder has violated any of the terms of the permit;
- (ii) The permit was obtained through misrepresentation in the application therefor;
- (iii) Movement of the overweight vehicle has caused damages to the posted road to a degree greater than that reasonably anticipated by the permit authority; or
- (iv) The public interest requires cancellation.

[ADOPTED VIA ORDINANCE NO. 644 eff 04/09/98]

7.15.04 Severability. A determination by a court of competent jurisdiction that any section, clause, phrase or word of this ordinance, or its application, is invalid or unenforceable for any reason shall not affect the validity of the remainder of the ordinance or its application and all portions not so stricken shall continue to remain in full force and effect.

[ADOPTED VIA ORDINANCE NO. 644 eff 04/09/98]

LEGISLATIVE HISTORY

Adopted via Ordinance No. 644 on 04/09/1998, effective 04/10/1998