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ALBERTA...
M. S. Cunningham

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF LINCOLN
Ordinance No. 83

AN ORDINANCE PROVIDING TERMS AND CONDITIONS FOR ROAD APPROACHES
AND ACCESS TO COUNTY ROADS, AND DECLARING AN EMERGENCY.

The Board of County Commissioners for Lincoln County,
Oregon, does ordain as follows:

SECTION I: DEFINITIONS.

- A. County means Lincoln County, Oregon.
- B. Engineer means the Lincoln County Engineer or his duly authorized representative.
- C. Applicant means the person having the legal right to apply for a Road Approach Permit. Such legal right is vested only in the Owner or Lessee of the property abutting the County road or the holder of an easement or similar right to construct and use an approach road upon the abutting property.
- D. Road approach means that section of the County right-of-way between the outside edge of the shoulder or curb line and the right-of-way line.

SECTION II: PERMITS.

A. Any person seeking to construct a road approach to a County road shall apply for and obtain a permit from the County before commencing any construction or activity on a County road right-of-way.

B. All permits issued pursuant to this Ordinance shall be subject to the provisions of this Ordinance and any special provisions imposed in the permit by the County. In the case of conflict between the general provisions of this Ordinance and special provisions in a permit, the special provisions shall

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Page

control.

SECTION III: ALLOCATION OF COST.

A. The entire expense of constructing a road approach shall be borne by the applicant unless such costs are assumed by the County under the terms and conditions of a permit issued pursuant to this Ordinance.

B. In the event of reconstructing or widening of any County road requires the removal, alteration or reconstruction of a road approach constructed pursuant to this Ordinance, the cost of such removal or replacement will be borne by the County. Any widening or other improvement of a road approach at the applicant's request shall be done only under authority of a new permit and at the expense of the applicant.

C. The entire cost of maintaining the road approach from the outside edge of the shoulder or curb line to the right-of-way line shall be the responsibility of the applicant.

SECTION IV: LIABILITY AND CONTROL.

A. The applicant shall be responsible and liable for all accidents, damage or injury to any person or property resulting from the construction, maintenance, repair, operation or use of the road approach for which the applicant may be legally liable, and the applicant shall indemnify and hold harmless the County and all officers, employes or agents of the County against any and all damages, claims, demands, actions, causes of action, costs and expenses which they may sustain by reason of the acts of the applicant or his agents in connection with the construction, main-

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to be avoided.

SECTION VI: DESIGN.

A. Road approaches shall be designed so as to allow movement on and off the road of vehicles which can be reasonably expected to utilize the approach without undue conflict with other traffic.

B. The Engineer may require engineering diagrams of the road approach when, in his descretion, it is necessary for safety or maintenance of County roads.

C. The Engineer may condition a road approach permit by requiring any design, which in his descretion, he feels is necessary for safety or County road maintenance, including hard surfacing.

SECTION VII: USE OF ROAD APPROACH.

Whenever the use of a road approach is causing mud or any other debris to be deposited on a County road, the engineer may require corrective measures.

SECTION VIII: EFFECTIVE PERIOD -- CANCELLATION.

A. Unless otherwise provided in the permit, a permit issued pursuant to this Ordinance shall be in effect for an indefinite period of time.

B. Failure of the applicant to comply with any of the terms and conditions of the permit, this Ordinance or corrective measures required by the Engineer shall be sufficient cause for cancellation of the permit and removal of the approach by the County at the applicant's expense, as provided in ORS 374.320.

Page

4 -- ORDINANCE # 83

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1 C. The permit and the privileges granted herein and
2 the obligations of the applicant created thereby shall be binding
3 upon the successors and assigns of the applicant.

4 D. If the applicant fails to complete the road approach
5 provided for in a permit issued pursuant to this Ordinance within
6 the period specified in the permit, the permit shall be deemed
7 null and void.

8 E. The construction, maintenance, operation and use of
9 a road approach are subject to the paramount control of Lincoln
10 County over County roads and no right or privilege granted by the
11 permit shall be deemed or construed to be beyond the power or
12 authority of the County to control the County Road System.

13 SECTION IX: TEMPORARY ROAD APPROACHES.

14 Temporary permits for construction, maintenance and
15 use of a road approach for a specific period of time may be issued
16 by the Engineer. The Engineer may require a deposit of not more
17 than \$300.00 per approach to guarantee removal of the approach
18 by the applicant upon the expiration of the permit.

19 SECTION X: BOND OR DEPOSIT.

20 Whenever the Engineer deems it necessary, the
21 applicant may be required to post a bond or other suitable
22 security, in an amount determined by the Engineer, to insure
23 compliance with the terms of a road approach permit or the
24 provisions of this Ordinance.

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1 SECTION XI: ISSUANCE OF PERMITS.

2 The Engineer may issue permits provided for by this
3 Ordinance. If the Engineer, in his descretion, determines that
4 a permit is of more than routine significance he may refer the
5 permit to the County Board of Commissioners for final approval.

6 SECTION XII: EMERGENCY CLAUSE.

7 That this Ordinance being necessary for the immediate
8 preservation of the public peace, health and safety, an emergency
9 is declared to exist, and this Ordinance takes effect on it's
10 adoption.

11 DATED this 10th day of May, 1978.

12 LINCOLN COUNTY BOARD OF COMMISSIONERS

13 *Jack W. Postle*
14 Jack W. Postle, Chairman

15 *Albert R. Strand*
16 Albert R. Strand

17 Andy Zedwick (absent)
18 Andy Zedwick

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Page

6 -- ORDINANCE # 83