

ROAD USE RESTRICTIONS**32.105 AUTHORITY.**

Pursuant to ORS 810.010, and except as otherwise prohibited, the Polk County Public Works Director is designated as the co-road authority with the Polk County Board of Commissioners for all Polk County roads outside the boundaries of an incorporated city. [Ord. 98-11]

32.110 DEFINITIONS.

As used in Sections 32.105 to 32.125, unless the context requires otherwise:

- (1) "Board" means the Polk County Board of Commissioners.
- (2) "Road Authority" means the Polk County Public Works Director, unless prohibited by law, in which case it means the Polk County Board of Commissioners.
- (3) "Vehicle" means any device in, on, or by which any person or property is or may be transported or drawn on a County road, and includes vehicles propelled or powered by any means. [Ord. 87-13, Sec. 1]

32.115 IMPOSING USE RESTRICTIONS; VIOLATION; LIABILITY.

(1) The Road Authority by order may impose restrictions described in this section on Polk County roads as the Road Authority determines necessary:

- (a) To protect any road or a portion of a road from being unduly damaged; or
 - (b) To protect the interest and safety of the general public.
- (2) Restrictions imposed under this section may include any one or more of the following:
- (a) Prohibiting operation of any or all vehicles, or classes or kinds of vehicles.
 - (b) Imposing limits on any other restrictions the Board determines necessary to achieve the purposes of this section. However, the Road Authority shall not impose speed restrictions under this paragraph.
- (3) Restrictions or limitations imposed under this section are effective when appropriate signs giving notice of the restrictions or limitations are erected. Signs giving such notice shall be maintained in a conspicuous manner and shall be placed at each end of the road or portion of road affected by the order, and at such other places as necessary to inform the public.
- (4) As provided under ORS 818.130, but subject to exemptions under ORS 818.140, violation of posted restrictions or limitations on use of a road is a Class "C" Traffic Infraction, and may subject the offender to civil liability under ORS 818.410 for all damage done as a result of the

violation. [Ord. 87-13, Sec. 1]

32.120 DESIGNATING TEMPORARY SPEED LIMITS.

(1) The Board, with respect to the Polk County roads, may designate speeds for vehicles on any portion of a road:

- (a) On which temporary conditions constituting a danger to the public exist; or
- (b) Above, below, or on which construction or maintenance work is being carried on so close to the roadway as to be a danger to passing traffic or to be endangered by passing traffic.

(2) A designation imposed under this section is effective when specified in writing by a majority of the Board members and appropriate signs giving notice of the designation are erected. Signs giving such notice shall be maintained in a conspicuous manner and shall be placed at each end of the portion of road affected by the order, and at such other places as necessary to inform the public.

(3) The operation of a vehicle in excess of any speed designated under this section is prima facie evidence of violation of the basic speed rule under ORS 811.100 and 811.105 constituting a Class "B" Traffic Infraction. [Ord. 87-13, Sec. 1; amended by Ord. 89-9, Sec. 1]

32.125 EMERGENCY ACTIONS.

(1) In the event of circumstances which constitute an immediate danger to the public or an immediate threat of undo damage to a Polk County road, the Polk County Public Works Director or Roadmaster may proceed to erect signs imposing restrictions and limitations under Section 32.115, or speed designations under Section 32.120, or both. As soon as practicable, the Public Works Director or Roadmaster shall notify the Board of this action, stating the reasons.

(2) A majority of the Board members in writing may ratify, modify, or terminate the emergency action.

(3) The penalties and liabilities specified in Sections 32.115 and 32.120 apply with respect to emergency actions under Subsection (1) of this section. [Ord. 87-13, Sec. 1; amended by Ord. 89-9, Sec. 2]

Cross References: Bridges on various roads, Order No. 90-19

Collins Road Bridge, Order No. 89-23

Load Limited Bridges, Order No. 93-25