

FROST LAW, WEIGHT AND HAULING LIMITS

AN ORDINANCE OF BONNER COUNTY, IDAHO, SETTING FORTH ITS AUTHORITY; AMENDING CHAPTER 3, SECTION 310 AND CHAPTER 3, SECTION 312 AND CHAPTER 3, SECTION 315 BY PROVIDING FOR AMENDING SIGNAGE REQUIREMENTS, AMENDING SPEED RESTRICTIONS AND AMENDING ONE-TIME USE PERMITS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Bonner County Commissioners have adopted standards identified in Title 2, Chapter 3 of Bonner County Revised Code consistent with their powers established under Title 31 and Title 40 of Idaho code; and

WHEREAS, the Bonner County Commissioners desire to amend certain standards, or adopt revised standards for the purpose of clarification and bringing uniformity of certain sections of Title 2, Chapter 3 of Bonner County Revised Code; and

WHEREAS, Bonner County pursuant to law, adopted Ordinance 236, 1/29/94 and Ordinance 280, 4/5/95 and Ordinance 368, 1/14/99; and

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Bonner County, Idaho, that the following be and is hereby adopted as an ordinance of Bonner County:

SECTION I: Amending Section 310, 312 and 315 of Title 2, Chapter 3, Bonner County Revised code, by providing for amended signage requirements, amended speed restrictions and new and amended exceptions to weight limits.

2-310. Notice of imposition of speed, weight and hauling limits by Public Works Director.

- (a) When imposing the limits and restrictions of this Chapter, the Public Works Director shall cause signs to be erected on each affected road, so as to reasonably give notice to the road user. Signs shall designate the limitations of weight and speed of the vehicles subject to the restrictions.
- (b) Reasonable effort shall be made to ensure that signs are posted with red indicators when the restrictions imposed by this Chapter are in force, and that signs are posted with green indicators when the restrictions imposed by this chapter are not in force. However, if neither color indicator is in place, the restrictions imposed by this chapter shall be in force.
- (c) When possible, prior to implementing the restrictions imposed by this chapter for the first time each year, the signs will be posted with green indicators. This posting shall serve as notice that weight limits are imminent and any equipment that needs to be hauled or other hauling must be accomplished immediately. When the signs are posted with red indicators, the restrictions imposed by this chapter shall be in full effect.

2-312. Speed restrictions.

The maximum allowable speed for all trucks with a Gross Vehicle Weight of 16,000 pounds or greater traveling upon County-controlled roads shall be thirty (30) miles per hour when the restrictions of this chapter are in force. Violation of this section shall be punishable by a misdemeanor not to exceed two hundred dollars (\$200.00) plus court costs.

2-315. Exceptions to weight limits.

- (a) The vehicle weight restrictions of this Chapter shall not apply to emergency vehicles and buses operating upon the County roads. (Ord. 236, 1-29-1994)
- (b) Providers of heating fuel, septic pumping service, milk trucks, hay or feed providers and garbage trucks shall be allowed to apply for a permit that will allow the provider to haul half-loads (defined as ½ the gross vehicle weight rating GVWR, as defined in Idaho Code Title 49-108 (3)) while the restrictions imposed by this chapter are in place (except as provided for in (e) below). Permits may be issued after the requested information on each truck is provided to the Bonner County Public Works Department. Each vehicle must be permitted separately, and each vehicle must have a valid permit on-board during vehicle operations on county controlled roads.
- (c) In the event of power outages, or other damaged utilities, those utilities shall be exempt from the provisions of this chapter for the sole purpose of repairing damage. This shall in no way exempt utilities for the purpose of providing new services, hook-ups or routine maintenance.
- (d) In the event of catastrophic emergency, such as landslide endangering a household, potable water well failure, tree on house etc... the Public Works Director may issue permission for remedial action to take place on a case by case basis. Emergency permits shall not be granted based on an activity involving new construction, logging operations, deliveries to businesses (except as provided for in (b) above), contractual deadlines or other circumstances where prior planning or scheduling could have avoided the situation.
- (e) If, at the discretion of the Public Works Director, any roadway becomes adversely affected due to spring break-up or any other reason, the director may close the road to all hauling, including those vehicles excepted by this section. Under no circumstances shall emergency vehicles be restricted from any roadway.
- (f) In an effort to treat all haulers equally, no single trip permits will be issued (except as provided for in (d) above). Roads will either be available for use to all haulers, or to none. If equipment must be moved, it will be the responsibility of the owner to ensure he provides a trailer with enough axles to legally move the equipment.
- (g) During times of extreme cold weather, some roads may be opened for early morning hauling, at the direction of the Public Works Director. It shall be the responsibility of the hauler to contact the Public Works Department to determine whether or not these modified restrictions are in place.

SECTION II: SEVERABILITY

The provisions of this ordinance are hereby declared to be individually severable. Should any provision of this amendment to Chapter 3, Title 2 of Bonner County Revised Code be declared invalid by Court of competent jurisdiction, such declaration shall not effect the validity of the remaining provisions of Chapter 3, Title 2 of Bonner County Revised Code. This Ordinance supercedes any previous, conflicting ordinances or resolutions.

SECTION III: CODIFICATION OF ORDINANCE

This Ordinance shall be codified as a part of the Bonner County Revised Code.

SECTION IV: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its passage and publication in one (1) issue of the Bonner County Daily Bee newspaper.

Regularly considered, passed and approved as an ordinance of Bonner County, Idaho, done this 5 day of March, 2002, upon the following roll call vote:

**BOARD OF COUNTY COMMISSIONERS
BONNER COUNTY**

Signed by
TOM SUTTMEIER, Chairman

Signed by
BRIAN E. ORR, Commissioner

Signed by
JERRY CLEMONS, Commissioner

ATTEST:

Signed by Becky Witte, Dep Clerk **Filed March 6, 2002**
MARIE SCOTT, County Clerk