

ORDINANCE NO. 2018-01

**AN EMERGENCY ORDINANCE CONCERNING LOAD LIMITS
PLACED ON COUNTY ROADS BY THE BOARD OF
COUNTY COMMISSIONERS, AND ESTABLISHING
RELATED PENALTIES AND ENFORCEMENT PROVISIONS.**

THIS ORDINANCE shall be enacted under the emergency powers of the Powder River County Commissioners, as set forth in Mont. Code Ann. Sec. 7-5-104. This emergency has come about by the ever increasing, severe damage done to local county roads by the increasing traffic of heavy vehicles used on those roads. This emergency has also been caused by the soft road conditions which are the result of recent snow melt, and the high water content of the beds of the county roads in Powder River County.

THEREFORE, the Board of County Commissioners of Powder River County does hereby ordain, declare, and adopt as follows:

Sec. 1-1. Ordinance Effective on County Roads in Portions of Powder River County.

The provisions of this Ordinance shall be effective on, and shall be enforced by the Powder River County Sheriff's Office (and the Montana Department of Transportation, Motor Carrier Services) on, the following county roads located in Powder River County, Montana:

- A. All county maintained roads located in Powder River County.

Sec. 1-2. General Penalty for violation of Ordinance.

Except as otherwise specified herein, any person who violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine **not to exceed \$100.00**, plus mandatory court surcharges.

Sec. 1-3. Load Limits placed on County Roads.

The maximum load limits which shall be allowed upon the county roads specified above during the ninety (90) day effective period of this emergency ordinance shall be as follows:

- A. **Steering Axle:** A maximum weight limit of 500 pounds per inch tire width shall be allowed on the steering axle of commercial motor vehicles, not to exceed a maximum weight limit of 10,000 total pounds per steering axle.
- B. **All other Tires:** All other tires on any such commercial motor vehicle shall each be limited to a maximum weight limit of 350 pounds per inch tire width.

Sec. 2-1. Duration of this Emergency Ordinance.

As set forth in Mont. Code Ann. Sec. 7-5-104, this emergency ordinance shall become effective on the date of its passage and approval, and it shall remain effective for ninety (90) days thereafter, unless terminated by the Board of County Commissioners on an earlier date.

Sec. 3-1. Enforcement Powers.

The Sheriff of Powder River County and all duly authorized Deputy Sheriffs of Powder River County shall have the power to enforce this ordinance, together with the officers of the Motor Carrier Services, Montana Department of Transportation.

Sec. 4-1. Special Permits.

- A. Should it become apparent that an undue hardship shall result from the terms of this ordinance, the Board of County Commissioners may, in its discretion, allow a special permit to be issued to the owner or operator of a commercial motor vehicle which does not comply with the load limits stated herein.

- B. All written requests for such a special permit shall be considered by the Board of County Commissioners, and shall be acted upon, within ten (10) days of its receipt by the Board.
- C. In the alternative, the County Road Department Foreman shall be authorized to issue such a special permit when good cause and undue hardship is shown, and said special permit may be issued by him within ten (10) days of his receipt of written proof of such undue hardship.

PASSED, APPROVED, AND ADOPTED by the Board of County Commissioners on final reading this _____ day of March, 2018.

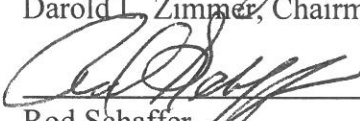
EFFECTIVE for 90 days hereafter following this final reading on the 23rd day of ~~March~~, 2018.
April

DATED this 23rd day of April, 2018.


POWDER RIVER COUNTY COMMISSIONERS:



Darold L. Zimmer, Chairman



Rod Schaffer



Donna Giacometto

ATTEST:



County Clerk and Recorder