

OKANOGAN COUNTY, STATE OF WASHINGTON

ORDINANCE NO. 2015-11

AN ORDINANCE RELATING TO CHAPTER 12.16, CATTLEGUARDS WITHIN
OKANOGAN COUNTY ROADS:

WHEREAS, cattleguard installations on county roads are required by R.C.W. 36.55.020 to be franchised through the county and allows for promulgation of standards therefore, and,

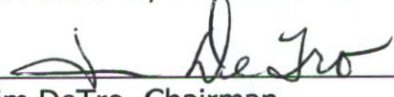
WHEREAS, the Board of Okanogan County Commissioners officially adopted a standard for installation of cattleguards by Resolution 56-78, Resolution 40-78, Resolution 43-2003, Ordinance # 2008-07 and,

WHEREAS, Okanogan County Department of Public Works has identified necessary changes and,

NOW, THEREFORE IT IS HEREBY ORDAINED, by the Okanogan Board of County Commissioners that OCC 12.16 (Cattleguards) enacted by Resolution #40-78, Resolution 56-78, Resolution 43-2003, Ordinance # 2008-5 be repealed in its entirety and replaced by the following (Attachment "A").

DATED at Okanogan, Washington this 1 day of December 2015.

BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON



Jim DeTro, Chairman



Ray Campbell, Vice Chairman



Sheilah Kennedy, Member

ATTEST:





Laleña Johns, Clerk of the Board

Chapter 12.16

CATTLEGUARDS

Sections:

- 12.16.010 Franchises.
- 12.16.020 Ownership.
- 12.16.030 Materials.
- 12.16.040 Width.
- 12.16.050 Length.
- 12.16.060 Load-carrying capacity.
- 12.16.070 By-pass gates.
- 12.16.080 Wings.
- 12.16.090 Installations and maintenance.
- 12.16.095 Renewal.
- 12.16.100 Exceptions.
- 12.16.110 Cancellations.
- 12.16.120 Severability.

12.16.010 Franchises.

- A. Cattleguard installations on County Roads and/or rights-of-way must be franchised through Okanogan County Department of Public Works. (Ord. 2015-__ att. A, 2015)
- B. The charges for said installation shall be those under the current Department of Public Works' fee schedule as adopted by resolution and approved by the Board of County Commissioners.
- C. Existing cattleguards that do not meet minimum width requirements, but that are in good condition will be franchised for a period of two years.
- D. Unfranchised guards constitute an illegal obstruction of the road and will be subject to removal by the county.
- E. Wood cattleguards shall not be franchised. (Ord. 2008-5 Att. A, 2008).

12.16.020 Ownership.

- A. Ownership of cattleguards shall be vested in the franchisee.
- B. It is the policy of the county to not own cattleguards. (Ord. 2008-5 Att. A, 2008).

12.16.030 Materials.

Cattleguards shall be constructed of steel. Bases shall be constructed of concrete blocks or treated timber. Construction shall be of a standard type as approved by the county engineer. (Ord. 2008-5 Att. A, 2008).

12.16.040 Width.

A. In no case shall the width of the guard be less than the average width of the traveled portion of the roadway.

B. On high volume roadways, cattleguard widths may be required per the County Engineer to accommodate the full width of the traveled way plus the full width of the usable shoulder. (Ord. 2015 __ Att. A, 2015)

C. In the event the roadway is reconstructed or upgraded, the franchisee will be required to furnish adequate material to accommodate any additional width requirement.

12.16.050 Length.

Eight foot minimum length on all installations is required. (Ord. 2008-5 Att. A, 2008).

12.16.060 Load-carrying capacity.

A. Minimum standard strength shall be to accommodate an H-20 loading.

B. Heavy duty guards or exceeding an H-20 load carrying capacity will be acceptable. (Ord. 2008-5 Att. A, 2008).

C. Existing cattleguards not meeting H-20 loading may be allowed to remain in place per the the decision of the County Engineer. (Ord. 2015 __ Att. A, 2015)

12.16.070 By-pass gates.

By-pass gates are required at all installations. (Ord. 2008-5 Att. A, 2008).

12.16.080 Wings.

A. Wings are required at all installations.

B. The type of wing shall be approved by the County Engineer. (Ord. 2008-5 Att. A, 2008).

12.16.090 Installations and Maintenance.

A. When an approved guard is furnished under a valid franchise, Okanogan County Department of Public Works will make the installation in order to assure a proper alignment. (Ord. 2015 __ Att. A, 2015)

B. The county will maintain properly installed guards under a valid franchise. In the event that a cattleguard needs to be cleaned or repaired, franchisee shall promptly notify the Okanogan County Department of Public Works by phone. (Ord. 2015 __ Att. A, 2015)

C. The franchisee will maintain wings and appurtenant facilities.

D. In the event an installation is damaged so as to cause an unsafe condition, and that damage is not the result of county operations, the county may, at its option, facilitate necessary repairs and bill the franchisee for the said repairs. If the county chooses not to repair the damage, the franchisee will be notified and required to repair the damage to current standards and within the stated time frame.

E. In the event wings or appurtenant facilities are not maintained in a safe condition, the county may, at its option, facilitate necessary repairs and bill the franchisee for the cost of said repairs.

F. The county will not maintain legally franchised guards which are not in compliance with these standards. Existing maintenance of substandard guards will cease upon termination of the existing franchise period, unless the standards promulgated herein are met and approved in accordance with existing county standards. (Ord. 2015 ___ Att.A, 2015)

G. County Engineer shall be responsible for implementation and compliance of all cattleguards on a yearly basis. (Ord. 2015 ___ Att.A, 2015)

12.16.095 Renewal.

Renewal of an existing franchise will be dependent on whether the existing guard meets current standards, subject to OCC 12.16.100 Exceptions. (Ord. 2008-5 Att. A, 2008).

12.16.100 Exceptions.

A. Exceptions to a greater standard are acceptable under any conditions.

B. Exceptions to a lesser standard may be granted only at the approval of the Board of County Commissioners. (Ord. 2008-5 Att. A, 2008).

12.16.110 Cancellations.

A. Any franchise granted under this chapter may be canceled by the Board of County Commissioners upon ninety days' written notice. (Ord. 2008-5 Att. A, 2008).

B. The subject cattleguard will be posted for 20 days prior to removal with letters sent to adjoining land owners. Okanogan County Department of Public Works is responsible for mailing letters and posting the subject cattleguard. The posting and letter will reveal a date of removal from the county roadway. (Ord. 2015- ___ Att. A, 2015)

12.16.120 Severability.

If any provision of this chapter or its application to any person, property or road is held invalid, the validity of the remainder of the chapter or the application of the provision to other persons property, or roads shall not be affected. (Ord. 2008-5 Att. A, 2008).