

ORDINANCE NO. 2010-12-01

**AN ORDINANCE REGULATING USE OF COUNTY HIGHWAYS
AND RIGHTS-OF-WAYS IN EDMUNDS COUNTY
AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF:**

THIS AMENDED ORDINANCE REPLACES ORDINANCE NUMBER 96-7-2

BE IT ORDAINED BY EDMUNDS COUNTY AS FOLLOWS:

ARTICLE I

TRAFFIC CONTROL DEVICES

Section 1: It shall be unlawful for any person to disobey the instructions of any official traffic-control device or sign upon any county highway or right-of-way placed in accordance with the provisions of this ordinance, unless otherwise directed by a law enforcement officer.

Section 2: It shall be unlawful for any person to willfully deface, injure, move, obstruct or interfere with any official traffic-control device or sign.

Section 3: It shall be unlawful for any person to place, maintain or display upon or in view of any county highway any unofficial sign, signal or device which purports to be or is an imitation of or resembles an official traffic-control device or sign or which purports to regulate or curtail parking or which attempts to direct the movement of traffic. Every such prohibitive sign, signal, device or marking is hereby declared to be a public nuisance, and the Sheriff is hereby empowered to remove the same or cause it to be removed without notice.

Section 4: The Board of County Commissioners shall, by resolution, determine and designate the character or type of all official traffic-control devices or signs; provided that all traffic-control devices or signs now erected and in operation are hereby designated as official traffic-control devices or signs.

Section 5: Subject to the selection of traffic-control devices or signs by the Board of County Commissioners, as to those traffic-control devices and signs required under this ordinance, the Highway Superintendent is hereby authorized, and it shall be his duty, to place and maintain or cause to be placed and maintained, all official traffic-control devices or signs.

Section 6: No provisions of this chapter for which traffic-control devices or signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, the traffic-control device or sign herein required is not in the proper position and sufficiently legible to be seen by an ordinary observant person.

ARTICLE II

PARKING RESTRICTIONS

Section 1: No person shall park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers at any place where official signs prohibit parking.

Section 2: The Board of County Commissioners shall, by resolution, establish no parking zones or areas upon one or both sides of any county highway or road when parking in such parking zones or areas would, in the opinion of the Board of County Commissioners, interfere with traffic, create a hazardous condition, or be contrary to the public interest.

Section 3: Any no parking zones or areas shall be indicated by signs placed at each end of such restricted areas or zones designated "No Parking Between Signs". Where parking is prohibited on one or both sides of any county highway or road, such no parking shall be indicated by signs placed at intervals along such county highway or road designating and reading "No Parking This Side of Highway." Any vehicle parked in violation of Article II of this Ordinance may be removed by the County Highway Department or the Sheriff's Office and the owner/driver thereof, in addition to any other penalties prescribed for violation of this Ordinance shall be required to pay the cost of towing and removal of said vehicle.

ARTICLE III

OBSTRUCTION OF HIGHWAY OR RIGHT-OF-WAY

Section 1: It shall be unlawful for any person to place, throw or deposit or cause to be placed, thrown or deposited any glass, wastepaper, dirt, dead leaves, grass, ashes or any other waste material on any of the county highways or right-of-ways.

Section 2: No person shall make or cause to be made any excavation in or under any county highway or right-of-way or remove any earth, soil, paving, gravel or material therefrom without having first obtained permission from the Board of County Commissioners and deposited with the County Treasure the sum of \$500.00 to ensure replacement and refilling of any excavation.

Section 3: It shall be unlawful for any person to park or store any equipment, machinery, trailers, boats or any other similar items on any of the county highways or right-of-ways. Any vehicle parked or stored in violation of this Section may be removed by the County Highway Department or the Sheriff's Office and the owner/driver thereof, in addition to any other penalties prescribed for violation of this Ordinance shall be required to pay the cost of towing and removal of said vehicle. This section is not intended to prohibit temporary parking for special events.

ARTICLE IV

PENALTIES

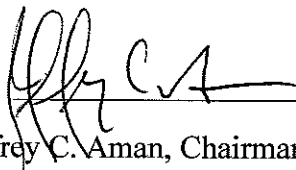
A violation of any of the provisions of this Ordinance shall be a Class 2 Misdemeanor and any person who violates a provision of this Ordinance shall be subject to a fine of up to \$500 and/or thirty (30) days in jail.

ARTICLE V

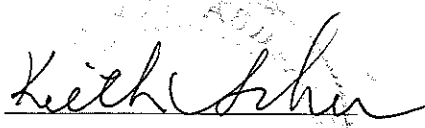
SEVERABILITY

Should any provision or section of this Ordinance be held unconstitutional or invalid, such holdings shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent of the Board of County Commissioners that this ordinance shall stand, notwithstanding the validity of any provision or section thereof.

EDMUNDS COUNTY

By:  _____
Jeffrey C. Aman, Chairman
Edmunds County Board of Commissioners

ATTEST:


Keith Schurr,
Edmunds County Auditor

First Reading: December 7, 2010

Second Reading: December 21, 2010

Approved and Adopted: December 21, 2010

Published: December 29, 2010

Effective: January 18, 2011