

## **ROAD ENCROACHMENT PERMIT REGULATIONS**

**(Fences, structures, signs and landscaping)**

1. Approved permits cover public right of way under the jurisdiction of the Wasco County Court and are not valid upon any Federal, State or City right of way.
2. Any questions concerning permits or the permit process should be directed to the Wasco County Public Works at (541) 506-2640. Any modification to these permit regulations will require prior approval. Once a permit has been issued, The Public Works must be notified a minimum of 48 hours prior to starting any work within the County right of way. Failure of notification will invalidate the permit.
3. As provided in ORS 758.010 the Public Works Department, acting on behalf of the Wasco County Court, may designate where facilities may be located within the public road right of way, and may order the location of such facilities changed if deemed expedient.
4. If the applicant fails to commence installation of the facility covered by the permit within 120 days from the date the permit is approved, the permit shall be deemed null and void and all privileges thereunder forfeited.
5. Permits may be terminated or suspended when the applicant is found to have obtained a permit through misrepresentation of the facts or when terms of the permit are being violated or public safety is threatened.
6. Hold Harmless Clause – The applicant agrees that their performance under this permit is at their own risk and that they shall indemnify Wasco County, its agents and employees, and hold them harmless from any and all liability for damages, costs, losses and expenses resulting from, arising out of, or in any way connected with this permit, or from the applicant's failure to perform fully hereunder. The applicant further agrees to defend Wasco County, its agents and employees, against all suits, actions or proceedings brought by any third party against them for which the applicant would be liable hereunder.
7. Permit applications must be accompanied by a set of plans and/or map. The plan or map must depict and locate the work to be done so that someone unfamiliar with the work can determine the location and nature of the installation.
8. By acceptance of this permit, the applicant shall be responsible for all damages caused by any operations associated with the permit work. All damaged areas shall be restored to an "as good as or better than" condition as existed prior to the permit work, and said responsibility shall survive the suspension or termination of this permit.

9. A traffic control plan is required for all permit work that takes place within the County roadway. The plan shall be approved by the County prior to performing any work.
10. The applicant shall state whether the permitted use is temporary or permanent.
11. The applicant shall at all times keep the facilities authorized by the permit in a good state of repair.
12. The applicant agrees to bear the entire expense of maintaining the facilities. The applicant is permitted to make minor repairs, provided that any maintenance work does not interfere with or interrupt traffic upon or along the County roadway. No maintenance work shall be done and no equipment shall be used by the applicant on the County roadway at any time, unless the applicant has secured specific approval from the County.
13. It is strictly forbidden to spray with selected herbicides, cut or trim trees or shrubs growing on a County right of way unless written permission has first been obtained from the Public Works Department.
14. The facilities shall be installed so that all posts and sign projections are located behind the roadside ditch (away from the road) or outside the shoulder area in fill sections. In all cases, any fences, signs or structures shall be installed in locations that do not restrict sight distance on the road.
15. In the event that County maintenance or construction activities require utilization of the public right of way or that the facility installed becomes a safety hazard, this permit may be rescinded and the facility removed at the applicant's expense. The County will make a reasonable effort to provide the applicant with prior notification of any such activity, but assumes no responsibility.
16. Upon completion of the work, the applicant shall notify the Wasco County Public Works for final "as built" approval. This inspection is required and failure to obtain this final approval will invalidate the permit.