

514379

**Bingham County
ORDINANCE 2002-05**

**AN ORDINANCE REGULATING SIGHT-OBSTRUCTIONS IN
PUBLIC RIGHT-OF-WAYS AND SETTING STANDARDS FOR NEW
APPROACHES FROM PRIVATE PROPERTY ONTO ROADWAYS**

WHEREAS the Board of County Commissioners deems that the public safety is unduly put at risk by the location of items by private property owners in public right-of-ways and by the use of approaches to public right-of-ways which have limited sight-distance characteristics; therefore,

BE IT ORDAINED by the Board of County Commissioners, Bingham County, Idaho, that:

Section 1. It will be the responsibility of each property owner to take the action necessary to ensure that vegetation and/or other obstructions do not hinder the visibility and/or safety of motorists.

Section 2. Installation of mailboxes located in or on the public right-of-way must comply with attached Exhibit A.

Section 3: Any street that is classified on the official county map as an arterial, major collector, collector, and other County roads, except cul-de-sacs, will be controlled by distances between approaches and from intersections. All approaches and intersections will meet the sight distance standards shown on Exhibit B.

Section 4. Sight obstructions or potential obstructions (i.e., growing plants or trees) cannot be higher than three feet in height and cannot be located in or on a road right-of-way. Sight obstructions or potential obstructions located on private property, not part of a public right-of-way, shall comply with sight distances and clear zone requirements as set forth in Exhibit B. This section shall not restrict Bingham County's right to request that any or all items be removed from public right-of-way because of maintenance needs or other considerations.

Section 5.1. A permit must be approved and issued by the Bingham County Public Works Department for all new approaches prior to construction. Approaches are to be maintained to the sight distances shown on Exhibit B.

Section 5.2: The following criteria are to be met for approval of any permit application:

- A. Driveways must be designed to allow motorists to turn their vehicles around without backing out onto a county road.

- B. If property is higher or lower than the adjacent public roadway, the approach coming on to the roadway shall not have more than a 3% grade connecting it to the roadway for a distance of not less than 30 feet, and the approach leading to the roadway must allow the vehicle to stop on the 30-foot approach at the 3% grade.
- C. Approaches shall be for the bona fide purpose of securing access to property adjacent to the public roadway and not for the purpose of parking, conducting business, and/or vehicle maintenance on the public right-of-way.
- D. When deemed necessary by the Bingham County Public Works Department, the design of the construction of the approach shall include drainage pipe of a size specified on the permit (12-inch minimum).
- E. All driveway concrete must terminate at the public right-of-way line. That portion of the approach in the right-of-way may be either gravel or asphalt.

Section 5.3. The permit applicant shall furnish all material, labor and equipment involved in the construction of the approach and its appurtenances. This will also apply to curb and gutter, concrete sidewalk, etc., where required.

Section 5.4. No work on physical construction of an approach shall be started until an authorized representative of the Bingham County Public Works Department has given written notice to the permit applicant to proceed.

Section 5.5. The constructed approach shall conform to the plans approved by the Bingham County Public Works Department as a part of the permit. Adequate drawings or sketches shall be included with the application to show the design, materials, construction requirements and proposed location of the approach. The Bingham County Public Works Department shall use the most recent edition of the *Manual for Use of Public Right of Way - Standard Approach Policy* in approving approach designs.

Section 5.6. The Bingham County Public Works Department may change, amend or withdraw an approach permit or any of the conditions enumerated in granting the permit, if the construction of the approach fails to comply with the permit requirements or the requirements set forth in this ordinance.

Section 5.7. During the construction of an approach, barricades, signs and other traffic control devices shall be erected and maintained by the permit applicant. Said devices shall conform to the current issue of the *Manual on Uniform Traffic Control Devices*. Parked equipment and stored materials shall be located as far from the traveled way as feasible. Items stored within thirty (30) feet of the traveled way shall be marked and protected.

Section 5.8. Upon completion of the approach, all excess materials and debris shall be immediately removed from the public right-of-way.

Section 5.9. No revisions or additions shall be made to an approach or its appurtenances on the public right-of-way without the written permission of the Bingham County Public Works Department.

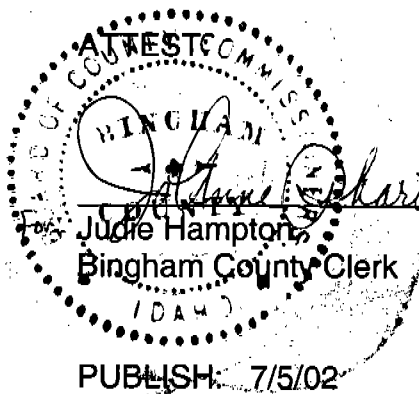
Section 5.10. The owner of property where any approach permit has been granted under this ordinance shall maintain the approach to comply with the requirements set forth by the Bingham County Public Works Department when the permit was issued.

Section 5.11. Bingham County reserves the right to require the permit applicant, its successors and assigns, to make necessary changes, additions, repairs and relocations to any approach or its appurtenances within the public right-of-way to permit the relocation, reconstruction, widening, drainage, and maintenance of the roadway and/or to provide proper protection to life and property on or adjacent to the roadway.

Section 6. A violation of this ordinance shall be deemed an infraction punishable by a fine in the amount of \$100. Each day a violation exists shall be considered a separate offense. It shall be an affirmative defense to any infraction prosecution that the property owner completed the required corrective action within (30) days following notice of the need to take corrective action by the County. No infraction prosecution shall be initiated against a property owner until (30) days following notice of the need to take corrective action by the County. Bingham County, at its option, may make demand for a property owner to comply with the provisions of this ordinance or may take action itself to correct or remove the violation, with the costs of such action being charged against the property owner and due and owing to the County upon completion of corrective action or removal work by the County.

Section 7: This Ordinance shall become effective upon its publication in the manner required by law.

PASSED AND APPROVED by the Board of County Commissioners, County of Bingham, State of Idaho, this 27th day of June, 2002.


ATTEST

Judie Hampton,
Bingham County Clerk
PUBLISH: 7/5/02

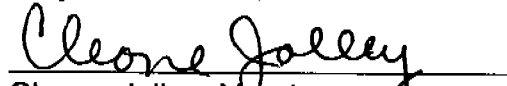
BINGHAM COUNTY COMMISSION



DeVaughn Shipley, Chairman



Wayne T. Brower, Member



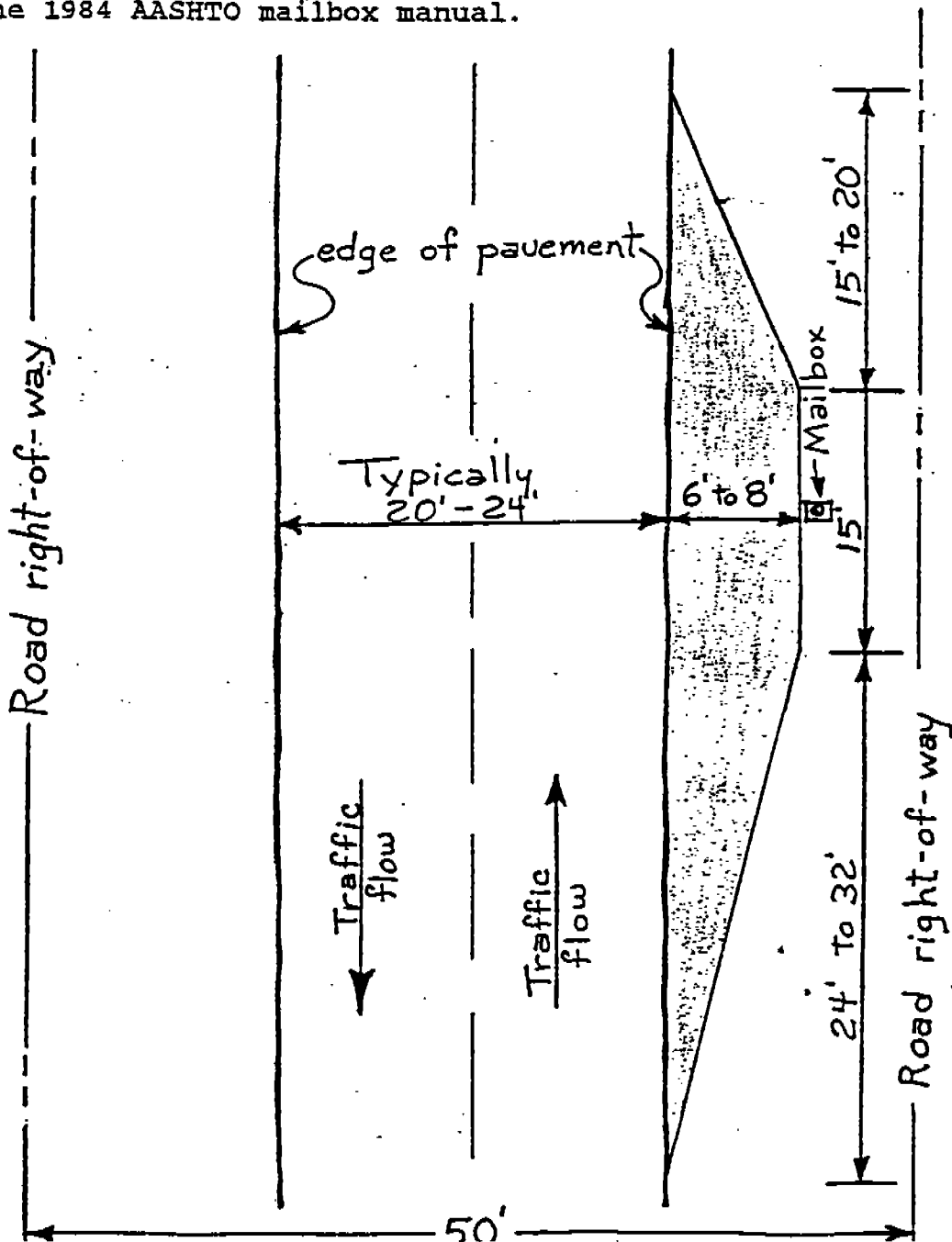
Cleone Jolley, Member

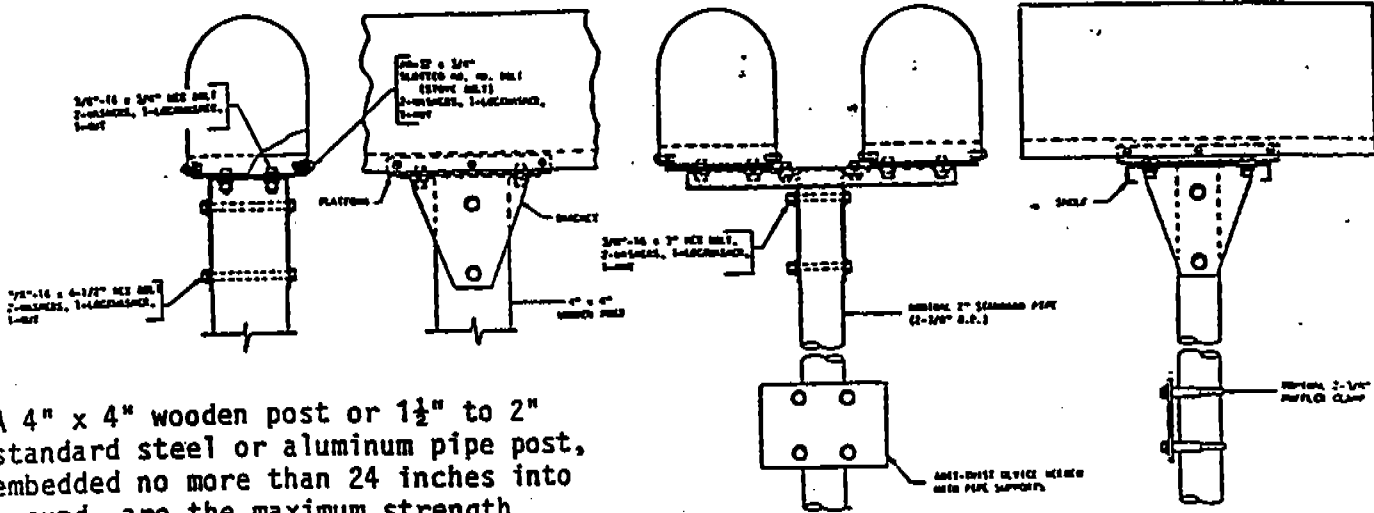
RE: Mail Box Installation

The following guide lines are for the installation of new or replacement of mailboxes.

- A. New Mailboxes: new mailboxes and the fill material shall be installed by the owner at his/her own expense.
- B. Replacement/Relocation of Mailboxes: replacement/relocation mailboxes and fill material shall be placed by the owner at his/her expense. To encourage the replacement/relocation of existing mailboxes, Bingham County may provide the required fill material when time allows.

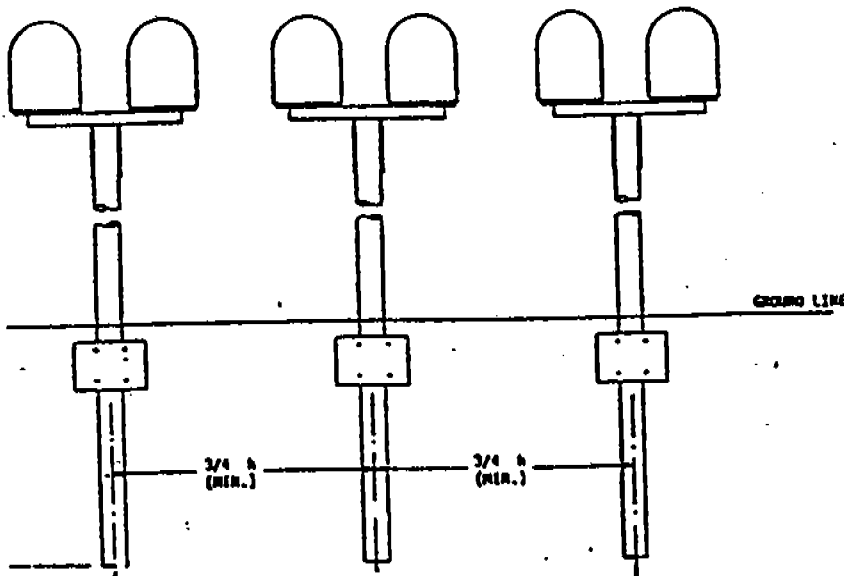
The following mailbox location guide lines are copied from the 1984 AASHTO mailbox manual.





A 4" x 4" wooden post or 1½" to 2" standard steel or aluminum pipe post, embedded no more than 24 inches into ground, are the maximum strength supports that are recommended. The support post should break at the base if impacted by a moving vehicle, to reduce possible injury to passengers and/or damage to the vehicle.

The mailboxes should be securely fastened to the supports to prevent the mailbox from detaching and penetrating the windshield upon impact from a vehicle.

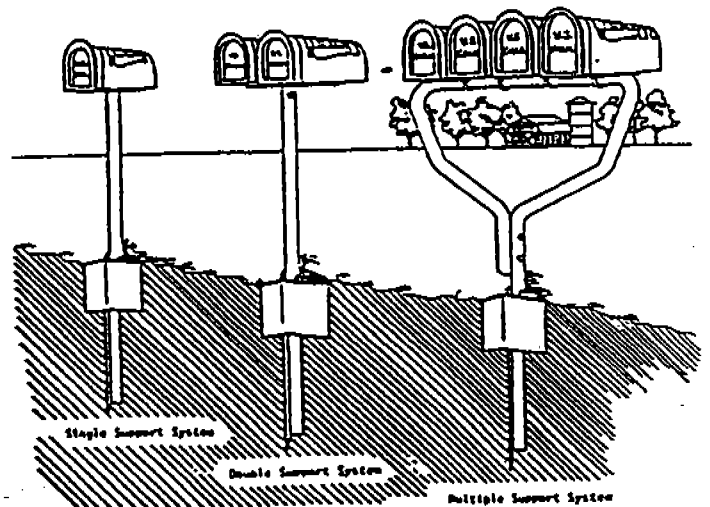


SPACING FOR MULTIPLE POST INSTALLATION

If a row of mailbox posts are installed, they should be separated by a distance of at least 3/4 of their height to eliminate a ramping effect that can cause a small car to roll over on impact.

The inverted "coat-hanger" multiple mailbox support system, shown at the far right, is recommended whenever more than 2 mailboxes are to be placed on a single post. Testing has shown this to be the safest, least damaging, multiple support system. Cost is around \$146.30 for a small 4 box system. More information can be obtained by

contacting: F & J Associates
 P.O. Box 788
 Ennis, MT 59729



RECOMMENDED ADDRESS POST AND MAILBOX LOCATION

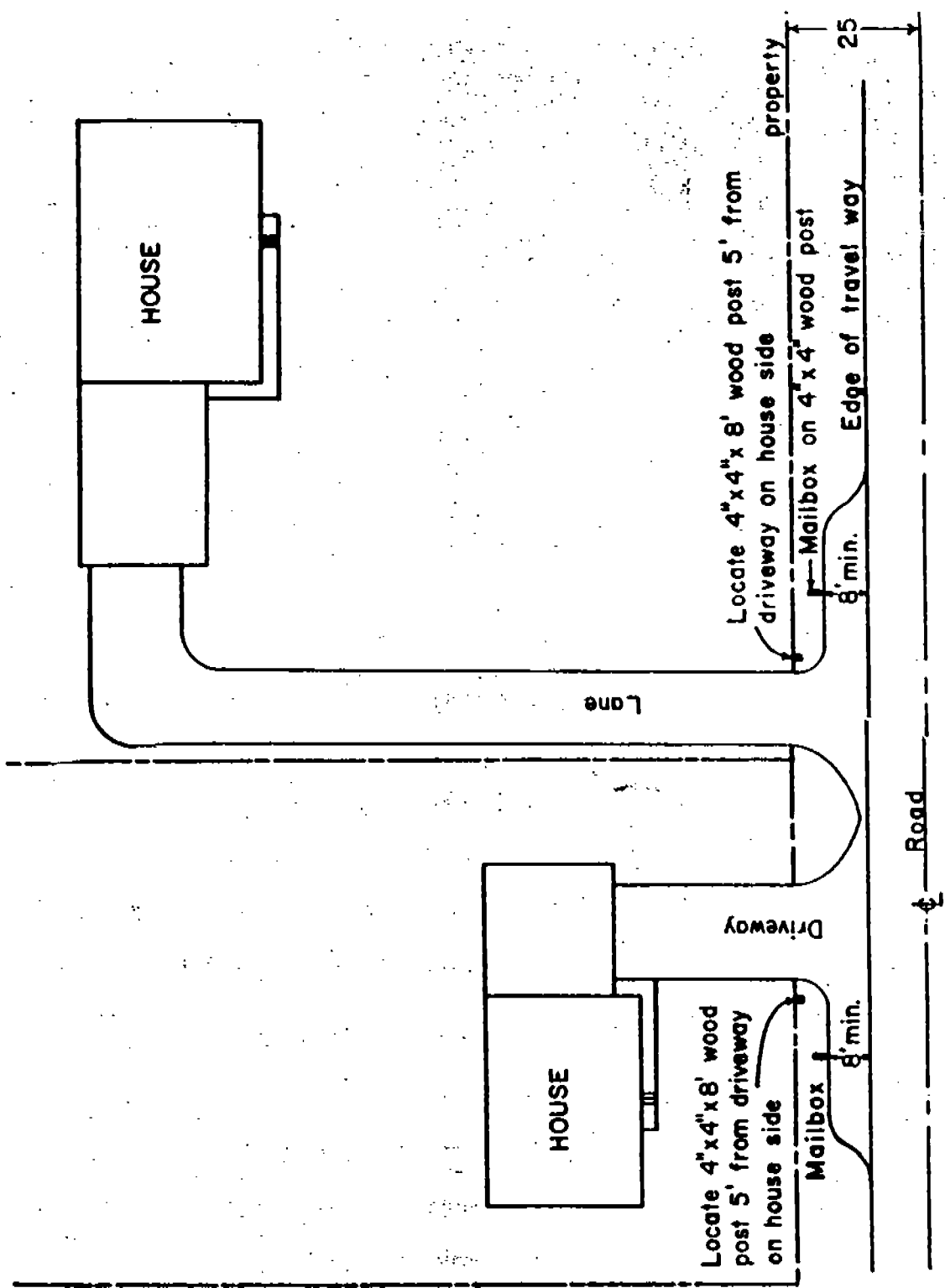
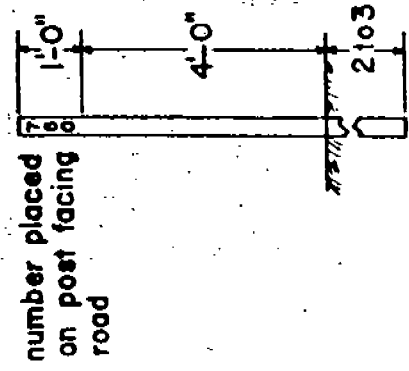
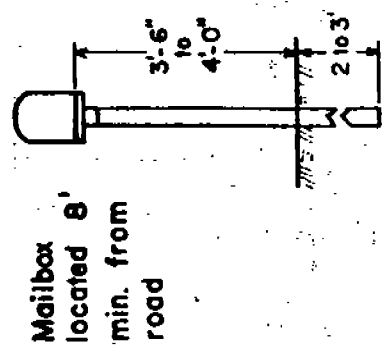
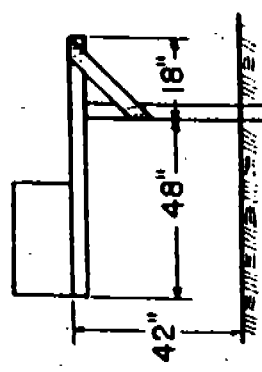


EXHIBIT B

Sight Distance

Operating Speed	Stopping Sight Distances (in feet)						
	Street Grade in Percent						
	Upgrades			Level	Downgrades		
	9%	6%	3%	0%	-3%	-6%	-9%
25 mph	140	145	150	150	155	160	165
30 mph	180	190	200	200	210	220	230
35 mph	215	225	235	240	255	270	290
40 mph	270	280	290	300	320	340	370
45 mph		340	350	365	390	420	
50 mph		410	420	440	470	510	
55 mph		460	475	500	540	590	

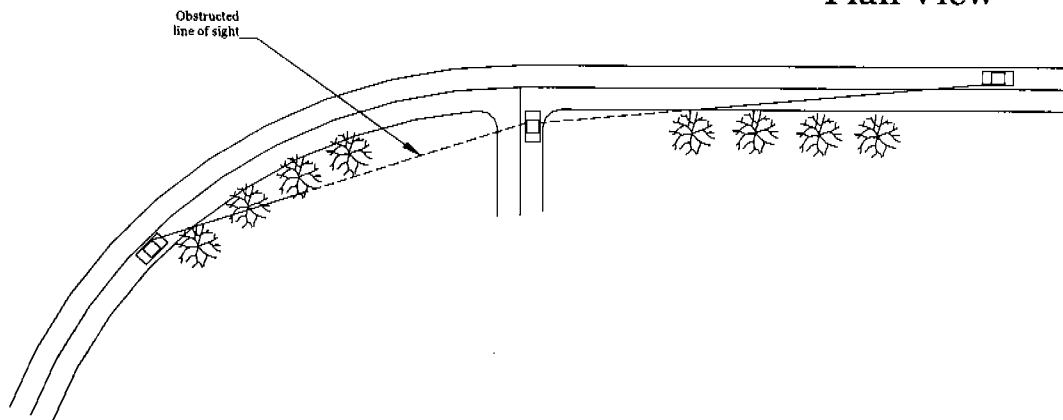
Distances for approaches from intersections and spacing between approaches

Non-signalized Access Spacing Guidelines for Driveways			
Street Functional Classification	Minimum Spacing between approaches and from intersections		
	Minimum Use (private driveway)	Minor Generator (Cul-de-sac)	Major Generator or business approach
Expressway	Not permitted	Not permitted	Not Permitted
Principal Arterial	225	360	450
Minor Arterial	160	240	320
Collector	140	210	250
Other	105	175	210

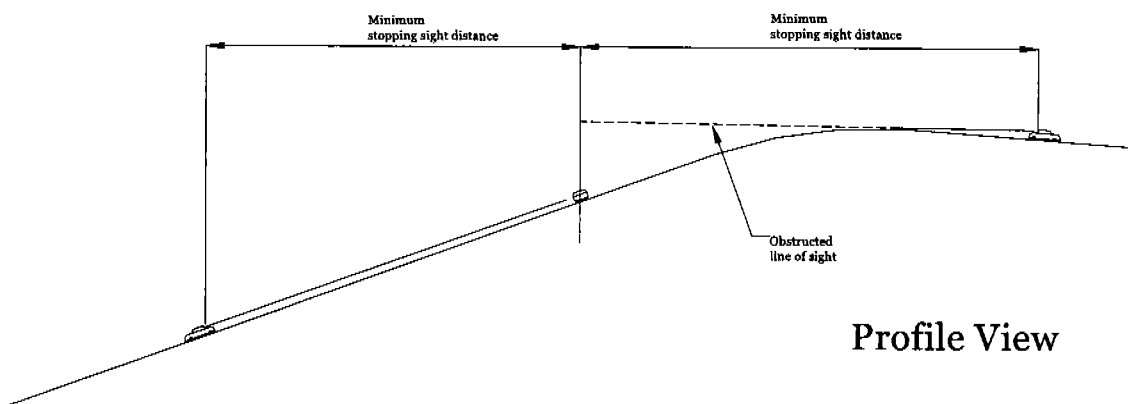
The road classification of different county roads may change from time to time. This will depend on growth and needs of the county. The official classification will be the status of the road as it is classified on the Official County Map. The official county map is the base map maintained on the county records. This map is updated to the state on a regular basis.

Sight Distance

Plan View



Profile View

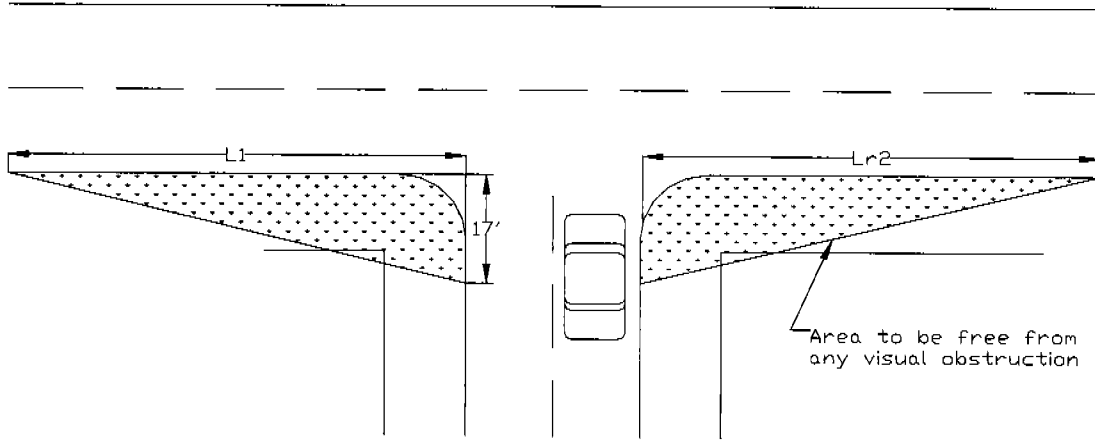


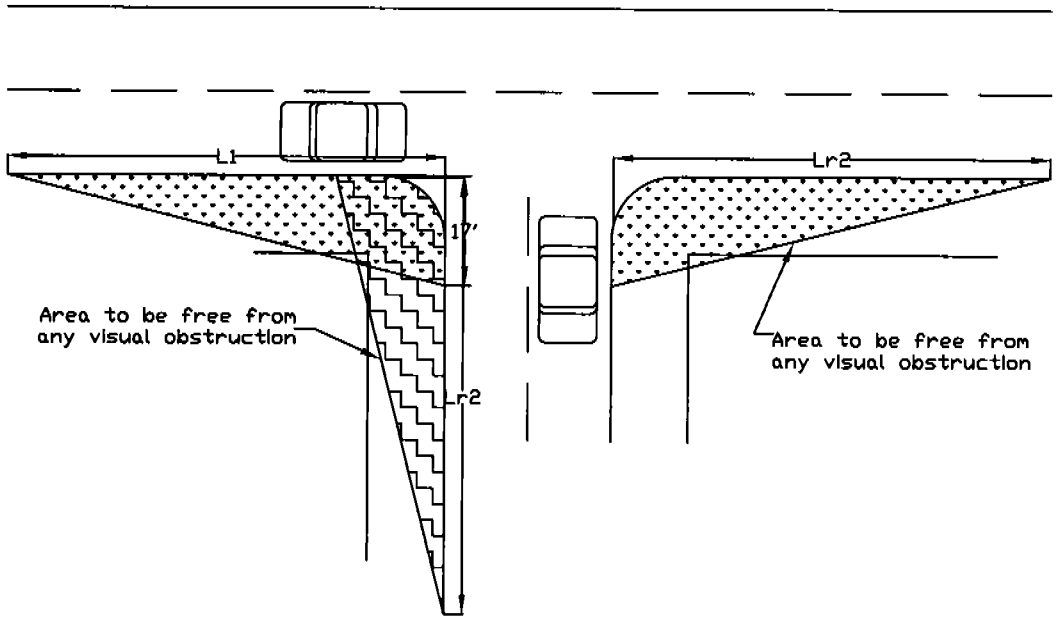
Visibility Triangle

Measured 17 feet from the road edge on intersecting roads and approaches

Posted Speed (mph)	L1 (ft) Clear Distance to the left	Lr2 (ft) Clear Distance to the right – 2 lane roadway	Lr4 (ft) Clear Distance to the right – 4 lane Roadway
30	270	190	140
35	340	230	165
40	430	280	210
45	540	340	250
50	650	400	300
55	760	460	350

EXHIBIT B





Bingham County
ORDINANCE 2002-05

AN ORDINANCE REGULATING
SIGHT-OBSTRUCTIONS IN
PUBLIC RIGHT-OF-WAYS AND
SETTING STANDARDS FOR NEW
APPROACHES FROM PRIVATE
PROPERTY ONTO ROADWAYS

The provisions of the ordinance are summarized as follows:

Sections 1 through 4 of the ordinance: Require property owners to take the action necessary to ensure that vegetation and/or other obstructions do not hinder the visibility and/or safety of motorists; Establish criteria pertaining to the installation of mailboxes located in or on a public right-of-way; Set forth the sight-distance standards that are required to be met for all approaches to public roadways and intersections. This restriction pertains to any street that is classified on the official county map as an arterial, major collector, collector, and other County roads, except cul-de-sacs; Place limits on the height and location of sight obstructions or potential obstructions located on private property and prohibits locating such obstructions on a road right-of-way and reserves the right to require that any and all items of private property be removed from county right-of-ways.

Sections 5.1 through 5.11 establish a permit system for the construction and design of approaches to public rights-of-ways. Section 5 sets forth the criteria to be met for approval of a permit, requires the permit applicant to furnish all materials, prohibits work on the project without prior approval of the Bingham County, requires drawings, designs and construction information to be submitted with the permit application, requires the work to conform to the plans approved in the permit, allows Bingham County to change, amend or withdraw the permit or its conditions for failure to comply with the permit requirements, requires the permit holder to erect and maintain traffic control devices during construction and locate vehicles and materials a safe distance from the roadway, requires removal

of excess materials and debris from the area after construction, prohibits revisions or additions to an approach without the written permission of Bingham County, requires the property owner to maintain the approach to comply with the permit, and reserves the right of Bingham County to require the permit applicant to make necessary changes, additions, repairs and relocations to any approach to allow for relocation, reconstruction, widening, drainage, and maintenance of the roadway and/or to provide proper protection to life and property on or adjacent to the roadway.

Section 6 makes violation of the ordinance an infraction punishable by a fine in the amount of \$100. Each day a violation exists shall be considered a separate offense. It shall be an affirmative defense to any infraction prosecution that the property owner completed the required corrective action within (30) days following notice of the need to take corrective action by the County. No infraction prosecution shall be initiated against a property owner until (30) days following notice of the need to take corrective action by the County. Bingham County, at its option, may make demand for a property owner to comply with the provisions of this ordinance or may take action itself to correct or remove the violation, with the costs of such action being charged against the property owner and due and owing to the County upon completion of corrective action or removal work by the County.

Section 7 makes the Ordinance effective upon its publication.

PASSED AND APPROVED by the Board of County Commissioners, County of Bingham, State of Idaho, on the 27th day of June, 2002.

The full text of the ordinance and its exhibits is available at the Bingham County Clerk's Office at 501 N. Maple, Blackfoot, Idaho from 8:00 a.m. to 5:00 p.m.

BINGHAM COUNTY COMMISSIONERS
DeVaughn Shipley, Chairman
Wayne T. Brower, Member
Cleone Jolley, Member

ATTEST:
Judie Hampton,
Bingham County Clerk

Publish: 7/05/02

514379

BINGHAM COUNTY

RECORDED AT THE REQUEST OF

2002 JUL -1 AM 10:03

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE DEP

e-mailed to news
6/28/02