

**BINGHAM COUNTY
ORDINANCE 2010-06**

AN ORDINANCE TO ESTABLISH MINIMUM UNIFORM PUBLIC RIGHTS OF WAY DISTANCE REQUIREMENTS FOR COUNTY ROADS & HIGHWAYS IN ORDER TO PROMOTE PUBLIC SAFETY, REDUCE TRAFFIC AND OTHER ROAD HAZARDS, ALLOW FOR PROPER AND SAFE CONSTRUCTION, MAINTENANCE, AND REPAIR OF ROADS, ACCOMMODATE INCREASED VOLUMES OF TRAFFIC, AND PROVIDE FOR FUTURE ROAD EXPANSION.

WHEREAS, The Board of County Commissioners have determined that it is necessary to adopt this ordinance in order to promote safety for the general welfare of county residents, as well as prevent hazards to persons, property and vehicles traveling the county highways, roads and streets;

WHEREAS, the Board of County Commissioners deem that in order to promote consistent governance of road standards, public safety, traffic hazards and road maintenance, repair, and construction, it is required to establish a set of designated uniformed distance standards for public rights of way for all Bingham County roads;

WHEREAS, the Idaho Legislature has provided that the minimum width of those highways not presently existing be no less than fifty feet (50') wide, Idaho Code §40-2312. In this same section, the Idaho Legislature noted that all highways "may be as wide as required for proper construction and maintenance in the discretion of the authority in charge of the construction and maintenance." *Id.*

WHEREAS, the purpose of this Ordinance is to establish minimum standards governing Bingham County road rights of ways and not provide penalties for violations. Therefore;

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

1. **DEFINITIONS**

- a. **Arterials (County Highways)** – A primary traffic route that provides the majority of the traffic flow between communities.
- b. **Center of the Road**—one-half of the measured distance from one edge of the pavement or travel-way to the other edge of pavement or travel-way.
- c. **Bingham County Road & Bridge Department**—The county department responsible for the maintenance, construction, repair, snow removal, sanding and traffic control of the county's system of highways, roads or streets which are qualified to receive funds from the highway distribution account to local units of government pursuant to section 40-709, Idaho Code.



- d. **Collector Road**—A road or highway that provides for traffic movement within neighborhoods and between major and local roads, at a rate of less than 1,000 vehicles per day.
 - e. **Encroachment**—The unauthorized use of public rights of way such as signs, fences, buildings, parking, storing, utilities, etc.
 - f. **Local Street/Road**—A street or road that provides for direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collector and/or arterial streets.
 - g. **Major Collector** - A road or highway that provides for traffic movement within neighborhoods and between major and local roads at a rate of more than 1,000 vehicles per day.
 - h. **Public Right(s) of Way** - Any land dedicated and open to the public and under the jurisdiction of a public highway agency. The public highway agency has no obligation to construct or maintain a right of way for vehicular traffic, but it is a term used to define a specific space;
 - i. **Subdivision**—Any division of a property into lots, parcels, or sites for the purpose of sale or building development that has been approved by the Bingham County Board of Commissioners as a subdivision.
 - j. **Subdivision Road**—A street which provides for residential traffic movement within a neighborhood and between collectors and local roads.
2. **CLASSIFICATION OF ROADS**—All roads will be identified as either arterials, major collectors, collectors, local roads or subdivision roads and shall be displayed on an Official Long Range Transportation Map or an Official Functional Classification Map of the county. This classification shall be consistent with the Federal Highway Administration standards. Classifications of roads and map changes shall be updated and approved by the Bingham County Commissioners based upon a determination of need. Reclassification of roads or map updates shall not invalidate this ordinance.
3. **TABLE**—All arterials, major collectors, collectors, local roads, or subdivision roads shall comply with the minimum requirements as set forth in the following Table unless such arterial, major collector, collector, local roads, or subdivision roads be presently existing:

TABLE 1 (measured in feet)

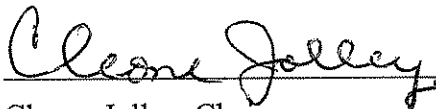
From Center of the Road to the following distances on each side:

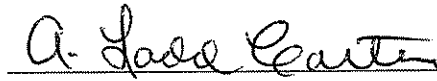
	Rights of Way
Arterials (County Highways)	50
Major Collectors (More than 1,000 vehicles per day (v.p.d.))	35
Collectors (Less than 1,000 vehicles per day (v.p.d.))	30
Local Roads	25
Subdivisions/platted town sites where structures are not on a through road	25

4. **UNCONSTITUTIONALITY**—If any part of this ordinance shall be ruled unconstitutional by a court of law, the remaining portion shall continue to be valid and in effect.
5. **EFFECTIVE ON PUBLICATION**—This Ordinance shall become effective upon its publication in the manner required by law.

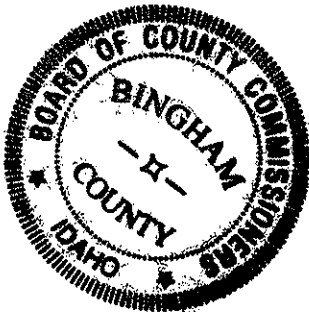
PASSED AND APPROVED this 14 day of September, 2010.

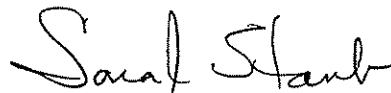
Board of Bingham County Commissioners
Bingham County, Idaho


Cleone Jolley, Chairman


A. Ladd Carter, Commissioner

Donavan Harrington, Commissioner



Attest: 
Sara J. Staub, Bingham County Clerk

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