

Ordinance No. : 09-03  
Amended June 26, 2017

**Jefferson County Road and Bridge Standards, Easement, and Right-of-Way Ordinance**

Title 3 Chapter 8 of Jefferson County Code

AN ORDINANCE ESTABLISHING ALLOWANCES, STANDARDS AND PROHIBITIONS FOR JEFFERSON COUNTY ROADS, BRIDGES, EASEMENTS, AND RIGHT-OF-WAYS, OBSTRUCTIONS IN ROADS, EASEMENTS, AND RIGHT-OF WAYS, AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, REFERENCES USED TO ESTABLISH THIS ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE THEREON.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, IDAHO:

Section

- (1) Purpose
- (2) Definitions
- (3) Roads and Bridge Standards
- (4) Easements and Right-of-Ways
- (5) Enforcement and Administrative Procedure
- (6) Violation and Penalty
- (7) References
- (8) Adoption and Effective Date

**Section (1) Purpose**

The purpose of this ordinance is to establish road specifications as well as establishing standards and the proper use of County easements and right-of-ways to ensure a safe traveling environment for the motoring public on roadways in Jefferson County and to prevent a potentially hazardous situation from existing upon County roads, easements, and right-of-ways that endangers the motoring public or impedes the County and various utility companies from conducting maintenance work on roads or in county right-of-ways and easements.

**Section (2) Definitions**

- A. Purpose: To give this Ordinance its most reasonable application, the words or phrases used throughout the Ordinance, shall be interpreted so as to give them the meaning they have in common usage, unless specifically defined below.
- B. Rules of Construction: Whenever appropriate to the context, words used in the present tense include the future tense; words used in the singular include the plural and words used in the plural include the singular. The word "shall" is mandatory and the word "may" is permissive.
- C. Words and Terms Defined: For use in this Ordinance, certain words and terms or phrases are defined as follows:

Access	An approach that allows the passage to a road, street, highway, alley, or any other public arterial.
Acceleration Lane	A lane that allows for acceleration before entering the primary flow of traffic to ensure a safe and smooth transition into the primary flow of traffic.
Compaction Test	(See subsection A, 5 of section 3)
Deceleration Lane	A lane that allows for deceleration after exiting the primary flow of traffic to ensure a safe and smooth transition from the primary flow of traffic.
Dedicated	The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public upon the acceptance by the county.
Easement	A grant by a property owner to persons or to the public to use land for specific purposes. Generally measured 15 feet perpendicular from the edge of the asphalt. Also, a right acquired by prescription.
Private Streets	A right of way which provides access to adjacent properties under separate ownership and which is not dedicated to or officially accepted by a public entity, but not including a driveway.
Right-of-way	A strip of land dedicated or reserved to person or to the public for specific purposes and may contain public utilities or other service areas. Generally measured 15 feet perpendicular from the edge of the asphalt.
Vision Triangle	Minimum clear sight distance at all intersections, including but not limited to the intersection of roads, driveways, and railroads. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of two (2) adjacent roadways forty feet (40') along each roadway and connecting the two (2) points with a straight line.

### Section 3 Road and Bridge Standards

A. Roads dedicated to the county as of, or after the effective date of this ordinance must meet the following requirements:

- (1) The right-of-way/area shall be 60 feet.
- (2) All roads shall have a 30 foot paved travel width, with 2 foot shoulders for a total of 34 foot top, or 8 inches deep 12 inches wide cement curb for a total of a 32 foot top.
- (3) Existing ground to be excavated to a depth of 12 inches.
- (4) Road to consist of at least 18 inches of compacted pit run gravel. 3 inches of compacted state spec  $\frac{3}{4}$  inch crushed gravel and 2 inches of compacted hot asphalt. Gravel certifications to be on file with Road & Bridge before  $\frac{3}{4}$  is delivered.
- (5) The pit run and  $\frac{3}{4}$  inch shall be compacted to at least 95%. Compaction tests shall be done every 100 feet. A copy of the compaction test shall be required to be on file with the Jefferson County Road and Bridge Department before the road will be accepted by the County.

(6) The hot asphalt shall be compacted between 92% and 96%. A copy to the compaction test shall be required to be on file with the Road and Bridge Department before the road is to be accepted.

(7) Center line to edge of oil shall be a 2% slope. Slope from top to existing grade shall be 6:1.

(8) All cul-de-sacs shall have a right-of-way and 100 foot diameter paved surface with 2 foot shoulders.

(9) All approaches and intersections shall intersect the existing road on or about the same grade and on or about a 90 degree angle with minimum 20 foot radius.

(10) Grade, centerline, and shoulder shall be marked and attested by a licensed firm, before the road will be accepted by the County.

(11) All signage shall be the responsibility of the developer and must be in place before accepted by the County. The developer shall contact the Road and Bridge Department for the specific signs for the road(s).

(12) Dedicated roads become public and shall be maintained by the county once the Road and Bridge Supervisor or designee has approved and accepted the road in writing. The Road and Bridge Supervisor or designee shall have 15 days to notify the developer and various county entities in writing.

B. Private roads are prohibited in the county unless the private road feeds 3 dwellings or less, there are no requirements for private roads.

C. Any bridge built and dedicated on or after the effective date of this ordinance shall meet the following requirements:

(1) Notification to canal company and/or water agency shall be given..

(2) Design must meet at least a water design load.

(3) Bridge width must be face of curb to face of curb, 6 feet wider than the road top.

(4) Footing for gravel bed must be a minimum of 3 feet below the stream bed.

(5) Footing for soil bed must be a minimum of 5 feet below the stream bed.

(6) Wing walls must be set at 30 degrees from centerline of channel. Tapered to match fill and must be at least 8 feet from bridge to end of wing wall.

(7) Curb must be at least 12 inches high by 12 inches wide.

(8) Must have all local, state and/or federal (if in a flood way according to FEMA maps) permits from Idaho Water Resources and/or Army Corp of Engineers (404 permit may be needed to disturb bank of water way)

D. For more regulations regarding roads, intersections, alleys, street and related items please review the Jefferson County Subdivision Ordinance.

E. *Attachment A at the end of this ordinance for road cross section and standards.*

#### **Section 4 Easements and Right-of-Ways**

##### **Obstructions in Right-of-ways and Easements**

A. It shall be unlawful for any person to park or place or allow to be parked or placed anything in the right-of-way or easement, with the exception of the following:

1. Utility companies for the purpose of maintaining, repairing or installing utility services.

2. Emergency vehicles.
  3. Reflective address markers.
  4. County / contracted vehicles for the purpose of road repairs and maintenance.
  5. Owners or operators of any motor vehicle, trailer, or equipment which comes to rest upon or within a county easement or right-of-way due to a medical emergency, collision, or mechanical failure shall remove or cause the removal of said personal property from county easements and right-of-ways without unnecessary delays, not to exceed 14 days.
- B. It shall be unlawful for any person to place or allow obstructions or hardscapes in a county easement or right-of-way. Obstructions and hardscapes include, but not limited to decorative or ornamental material, rocks, boulders, timbers, trees, fencing, sculptures, signs, light poles, retaining walls, fences, solid waste, vehicles, tractors, irrigation systems, wagons, implements, Fill, dirt, gravel, berms, decorative curbing, or other similar items. Yard debris including but not limited to grass clippings, tree limbs, and other like materials are also prohibited.
- C. Any employees of Jefferson County Road & Bridge, Planning & Zoning, or Law Enforcement Officer may remove or cause prohibited items to be removed from any county right-of-way or easement at the property owner's expense. If an obstruction in the county right-of-way or easement causes damage to any county equipment and/or vehicles during snow removal, road maintenance, or any other scope of county duties, it will be the responsibility of the property owner to reimburse the county for the above mentioned items. The County will not be responsible for any items upon or within the county right-of-way that may become damaged during snow removal, road maintenance, or any other scope of duties.
- D. County right-of-ways and easements shall be designed to or maintained for the storage of drainage coming from the roads. Fill in the right-of-ways or easements are prohibited unless otherwise authorized by a County Official, to prevent flood issues.
- E. Clear vision triangle shall be observed in regard to all vegetation, fencing and other obstructions as described above in subsection B of this section (vegetation, fencing and other items may be allowed in the vision triangle if the following standards are met, but not in County right-of-ways or easements). All trees within vision triangles shall be pruned to a minimum seven feet (7') above the adjacent ground and fifteen feet (15') above the adjacent roadway surface. Shrubs and ground covers planted within the vision triangle shall not exceed three feet (3') in height at maturity. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of two (2) adjacent roadways forty feet (40') along each roadway and connecting the two (2) points with a straight line. The sight distance obstruction is also applicable to railroad-highway grade crossings with the vision triangle defined by measuring forty feet (40') along the railroad property line. In all cases, ITD and Jefferson County Road and Bridge standards shall apply also. When the county determines that a sight obstruction exists, it shall notify the owner of the property upon which the obstruction is located and order that the obstruction be removed within fifteen (15) days.

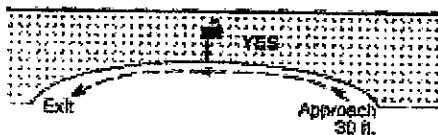
F. See attachment B at the end of this ordinance for a diagram of the Clear Vision Triangle

#### Obstructions upon a County road

- A. Any person, firm, business, or corporation shall be prohibited from obstructing, injuring or damaging a County road, right-of-way, easement, street or highway, by moving or causing to be moved, pushed, or plowed across any County maintained public road, street or highway. Any debris dropped or spilled on a county road that may cause damages or injuries to other motorists or pedestrians are also prohibited. Some examples include, but not limited to hay bales, straw bales, rocks, beets, potatoes, excessive manure that may create a slick surface, snow and hazardous liquids.
- B. Notice shall be given to the person, firm, business or corporation responsible for the obstruction, injury or damage and ordered that the obstruction be removed within 24 hours.

#### Mailboxes

- A. Mailboxes and news paper delivery boxes (hereafter referred to as "mailbox") shall be allowed within County right-of-ways and easements and shall meet the following standards:
  1. Mailboxes shall be constructed of a breakaway material, light sheet metal or plastic construction conforming to the requirements of the US Postal Service. Mailbox supports shall consist of a single 4X4 inch square or 4.5 inch diameter round wooden post, metal post with a structural strength no great than a 2 inch diameter standard strength steel pipe, injection molded plastic vinyl or like material that will bend, sheer, fracture or otherwise give way when struck by a vehicle, and be embedded no more than 24 inches into the ground. A metal post shall not be fitted with a base anchor plate, but it may have attached an anti-twist device that extends no more than 10 inches below the ground surface. A mailbox support shall not be cemented in the ground. Mailboxes and mailbox supports shall not be constructed or encased in or of brick, stone, steel, or other like materials. Mailboxes may not be placed upon or attached to any ornamental structures including, but not limited to pieces or parts of farm equipment, tractors, vehicles, wagons, implements, milk cans, buckets, drums, wheels, or similar materials likely to result in vehicle damage, passenger injury or death, as a result of being struck due to its design or construction. Where multiple (cluster) mailboxes are installed at a single delivery location, the minimum spacing between the centers of support shall be  $\frac{3}{4}$  the height of the posts above the ground line.
  2. Mailboxes shall meet US Postal Service Standards. Between 3.5 and 4 feet in height, with a 30 foot approach.



3. Mailboxes shall be placed 8 feet from the edge of pavement to allow the postal carrier to pull his/her vehicle out of the flow of traffic, as well as to allow County maintenance vehicles a clear passage when plowing, chip sealing, and other duties.

Any mailbox that is found to violate this ordinance shall be considered an unauthorized encroachment and shall be removed by the responsible person, firm, business or corporation upon written or verbal notification by the Jefferson County Road and Bridge Supervisor or designee. At the discretion of the Road and Bridge Supervisor or designee, based on an assessment of the hazard to the public, the person, firm, business or corporation shall be granted 15 days to remove an unacceptable mailbox. After specified removal period expires, the mailbox shall be removed by the Road and Bridge Department at the expense of the responsible person, firm, business or corporation. If an unacceptable mailbox is struck by a county maintenance vehicle or any part of (i.e. snowplow) and damaged, the responsible person, firm, business or corporation shall reimburse the County for repairs or replacement.

#### **Section 5 Enforcement and Administrative Procedure**

The Jefferson County Road and Bridge Supervisor or designee shall notify any person, firm, business or corporation in violation of this ordinance. The responsible person shall be given 15 days (or less if the violation poses an immediate threat to public health or safety, or may delay road or utility work or maintenance) to bring said violation into compliance.

#### **Section 6 Violation and Penalty**

A willful violation of any provision of this ordinance may be enforced by the imposition of infraction penalties and/or declared a misdemeanor as described in Idaho Code and amended from time to time. Each day that a violation occurs shall constitute a separate offense. Each offense if declared an infraction shall have a fine of up to one hundred fifty dollars (\$150.00).

#### **Section 7 References**

The following references were used in drafting this ordinance:

- Idaho Code 31-714, Ordinances and Penalties
- Idaho Code 40-2319, Encroachments
- Idaho Code 49-221, Removal of Traffic Hazards
- Idaho Code 18-3907, Obstruction of Highways
- Idaho Department of Transportation (IDOT) Mailbox Assemblies & Mounting Hardware
- United States Postal Service Mailbox Installation Recommendations

**Section 8 Adoption and Effective Date**

This ordinance shall become effective upon its passage, approval and publication.

**PASSED BY THE COUNTY COMMISSIONERS OF JEFFERSON COUNTY,  
IDAHO on this 26 day of June, 2017.**



\_\_\_\_\_  
BRIAN FARNSWORTH, Chairman



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SCOTT HANCOCK, Commissioner



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FRED MARTINEZ, Commissioner

ATTEST:



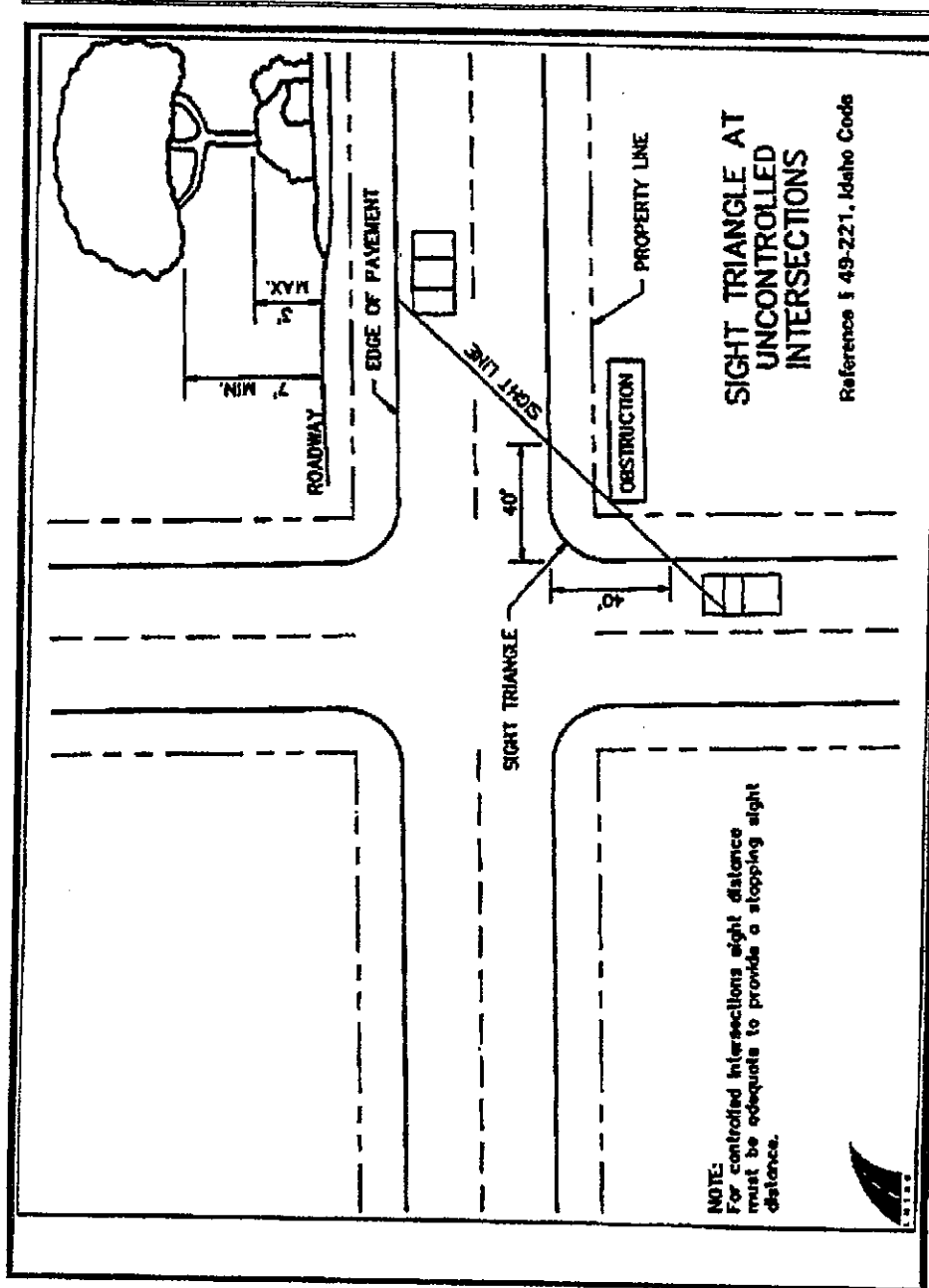
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COLLEEN POOLE, County Clerk

(SEAL)





DESIGN PRINCIPLES



ORDINANCE NUMBER 2017-03

MISCELLANEOUS ORDINANCE AMENDING VIOLATION AND PENALTY OF THE JEFFERSON COUNTY ROAD AND BRIDGE STANDARDS, EASEMENT AND RIGHT-OF-WAY ORDINANCE

AN ORDINANCE AMENDING AND ADOPTING REVISIONS TO SECTION 6 VIOLATION AND PENALTY OF ORDINANCE NUMBER 2009-03 JEFFERSON COUNTY ROAD AND BRIDGE STANDARDS, EASEMENT AND RIGHT-OF-WAY ORDINANCE BY IMPOSITION OF INFRACTION PENALTIES, PROVIDING THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE BOARD OF JEFFERSON COUNTY COMMISSIONERS OF JEFFERSON COUNTY, IDAHO, AS FOLLOWS:

Section 1:

A violation of any provision of this ordinance may be enforced by the imposition of infraction penalties and/or declared a misdemeanor as described in Idaho Code and amended from time to time. Each day that a violation occurs shall constitute a separate offense. Each offense if declared an infraction shall have a fine of one hundred fifty dollars (\$150.00).

Section 2:

That an amended Section 6 Violations and Penalty of the Jefferson County Road and Bridge Standards, Easement, and Right-of-way Ordinance showing the above changes shall be certified and declared to be the official language of Section 6 of the aforementioned ordinance of Jefferson County.

Section 3:

This ordinance shall become effective upon its passage, approval, and publication.

PASSED BY THE JEFFERSON COUNTY BOARD OF COMMISSIONERS ON THIS 26 DAY OF June, 2017.

**Instrument # 431062**

RIGBY, JEFFERSON, IDAHO

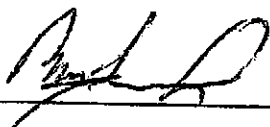
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Recorded for : NAYSHA FOSTER

COLLEEN C. POOLE Fee: 0.00

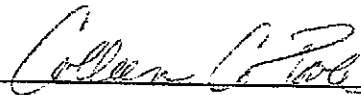
Ex-Officio Recorder Deputy

Index to: ORDINANCE

  
\_\_\_\_\_  
Brian Farnsworth, Chairman

Attest:

  
\_\_\_\_\_  
Scott Hancock, Commissioner

  
\_\_\_\_\_  
Colleen Poole, Clerk

  
\_\_\_\_\_  
Fred Martinez, Commissioner