

370112

SHOSHONE COUNTY ORDINANCE NO. 97

AN ORDINANCE OF SHOSHONE COUNTY A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ESTABLISHING STANDARDS FOR HIGHWAYS AND STREETS AND THE USE OF PUBLIC RIGHT-OF-WAYS WITHIN SHOSHONE COUNTY, SETTING FORTH A TITLE AND STATEMENT OF PURPOSE FOR THIS ORDINANCE, DEFINING TERMS USED IN THIS ORDINANCE, ESTABLISHING RULE MAKING AUTHORITY CONCERNING STANDARDS, PROVIDING PENALTIES AND REMEDIES FOR ORDINANCE VIOLATIONS, PROVIDING FOR SEVERABILITY OF SECTIONS OF THE ORDINANCE AND PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, Title 31-805 of the Idaho code requires the Board of County Commissioners to manage public roads; and

WHEREAS, Title 40 Section 604 requires the Board of County Commissioners to develop general policies regarding highway matters; it is

Resolved that the Board of County Commissioners of Shoshone County have adopted the following publications:

1. The manual for Highway and street standards.
2. The manual for use of public right-of-way, standard approach policy.
3. The manual for use of public right-of-way, permits for utilities and encroachments.

As published by the local highway technical assistance council, Boise, Idaho as the accepted highway and street standards for Shoshone County.

Copies of the above referenced three manuals are attached hereto and incorporated by reference herein.

ARTICLE I
GENERAL PROVISIONS

SECTION A TITLE

This Ordinance shall be known as cited as the Shoshone County Highway and Street Standards, hereinafter referred to as "these Standards".

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SECTION B AUTHORITY

These Standards are authorized by Title 40 Chapter 604 of the Idaho Code as amended and subsequently codified.

SECTION C PURPOSE

The purpose of these Standards is to provide general overall highway and street design and construction standards to better serve the public and to provide for:

1. The coordination of streets and roads within Shoshone County and other existing and planned roadways with the Idaho Transportation plan.
2. To provide a continuance roadway network within Shoshone County to better serve the people of Shoshone County.
3. It is the intent of these standards to upgrade and maintain the safest roadway system available to the people of Shoshone County. It is not the intent to put forward conflicting Standards that will infringe upon the safety of the traveling public.
4. The maintenance of the roadway system is the responsibility of the Public Works Department. Consequently, the intent of these Standards is also to facilitate that maintenance responsibility by designing roads and constructing them in such a fashion that maintenance will be minimized.

SECTION D DISCLAIMER

Nothing herein shall be construed to impose an obligation or duty upon the Public Works Department to construct, reconstruct, or improve existing roadways to comply with these Standards.

SECTION E SEVERABILITY

If any section, sub-section, sentence, class, phrase, or portion of these Standards is for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

SECTION F PENALTIES

Penalties for failure to comply with the provisions of this ordinance shall be considered a misdemeanor subject to punishment. At the time of adoption of this ordinance the maximum penalties provided for a misdemeanor violation are a fine of up to \$300 and/or imprisonment for up to six months or both. Each day such violation continues shall be considered a separate offense.

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SECTION G REPEAL OF CONFLICTING PROVISIONS

The provisions of this ordinance shall supersede and replace all provisions of previously adopted ordinances dealing in matters addressed in this Ordinance. Any conflict between/among Shoshone County ordinances concerning Street and Highway Standards shall be resolved in favor of the terms of this Ordinance.

SECTION H THIS ORDINANCE NOT TO BE APPLIED EX POST FACTO


This Ordinance is not to be applied in an ex post facto manner and any highway or street which is nonconforming at the time of the passage of this Ordinance and has been accepted by Shoshone County shall remain within the jurisdiction of Shoshone County.

SECTION I EFFECTIVE DATE


This Ordinance shall take effect on the 13th day of December, 1995 and be in full force upon its passage, approval and publication of a summary in one (1) issue of the Shoshone County News-Press, a newspaper widely circulated in Shoshone County.

DATED this 4th day of December, 1995.


BOARD OF COUNTY COMMISSIONERS



Sherry Kruzitz, Chairman

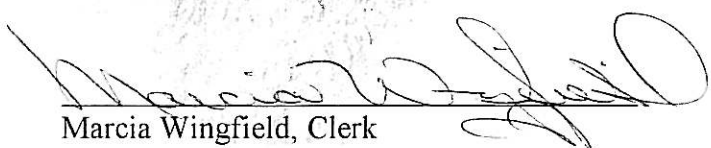


Jack King, Commissioner



R. G. (Gary) Waters, Commissioner

ATTEST:



Marcia Wingfield, Clerk