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BINGHAM COUNTY ORDINANCE 2025-02

TITLE 7 “PUBLIC WAYS AND PROPERTY”

CHAPTER 3 “PUBLIC RIGHT-OF-WAY STANDARDS AND APPROACHES”

AN ORDINANCE OF BINGHAM COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TO AMEND BINGHAM COUNTY CODE TITLE 7 “*PUBLIC WAYS AND PROPERTY*” CHAPTER 3 “*PUBLIC RIGHT-OF-WAY STANDARDS AND APPROACHES*” PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Bingham County Board of County Commissioners (“Board”) held a Public Hearing on January 8, 2025 to review proposed amendments to Title 7 *Public Ways and Property* Chapter 3 Public Right-of-Way Standards and Approaches; and

WHEREAS, the Board found the proposed amendments to Title 7 Chapter 3 are reasonably necessary, in the interest of the public, and that the amendments should be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY, BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

Section 1: Title 7 Chapter 3 shall read:

TITLE 7 PUBLIC WAYS AND PROPERTY

CHAPTER 3

PUBLIC RIGHT-OF-WAY STANDARDS AND APPROACHES

SECTION:

7-3-1: Property Owner Responsibility

7-3-2: Mailbox Installation, Location

7-3-3: Approaches and Intersections

7-3-4: Sight Obstructions, Restrictions

7-3-5: Testimony

7-3-6: Permit for New Approaches; Requirements

7-3-7: Violation; Penalty

7-3-1: PROPERTY OWNER RESPONSIBILITY:

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.

7-3-2: MAILBOX INSTALLATION, LOCATION:

A. Installation of mailboxes located in or on the public right-of-way must comply with the following requirement in the County.

1. All installation of mailboxes shall conform to United States Postal Requirements including requirement that the front face of the mailbox be a minimum of eight feet (8’) from edge of the asphalt or current federal requirements.
2. New Mailboxes: New mailboxes and the fill material shall be installed by the owner at his/her own expense.

3. Replacement/Relocation of Mailboxes: Replacement/relocation mailboxes and fill material shall be placed by the owner at their own expense. To encourage the replacement/relocation of existing mailboxes to conform to this chapter, Bingham County may provide the fill material by determination of the Public Works Director.
- B. In Subdivisions, where mailboxes are required by the Postmaster, a central mailbox location turnout, shall be provided in accordance with Bingham County Road Standards Manual and provide safe pedestrian and/or vehicular access.

7-3-3: APPROACHES AND INTERSECTIONS:

- A. Any street that is classified on the Bingham County Official Functional County Road Classification Map as an arterial, major collector, minor collector, local county roads, cul-de-sacs and dead-ends, shall be controlled by distances between approaches and from intersections. All approaches and intersections shall meet the sight distance and spacing standards shown in the Bingham County Road Standards Manual.
- B. This 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. This official county map is the base map maintained on the county records. This map is updated to the state on a regular basis.

7-3-4: SIGHT OBSTRUCTIONS, RESTRICTIONS:

- A. Sight obstructions or potential obstructions (i.e., growing plants or trees) cannot be higher than three feet (3') in height and cannot be located in or on a road right-of-way.
- B. 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 Idaho Code Section 49-221. 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.

7-3-5: RESERVED:

Reserved by Res. 2023-33, 6-20-2023.

7-3-6: PERMIT FOR NEW APPROACHES; REQUIREMENTS:

- A. Permit Approval and Issuance: A County approach permit or other required permit must be approved and issued by the Bingham County Public Works Department for all new approaches prior to the issuance of a building permit. Approaches are to be maintained to the sight distances shown in the Bingham County Road Standards Manual on file in the county.
- B. Permit Approval Criteria: The following criteria are to be met for approval of any permit application:
 1. Driveways must be designed to allow motorists to turn their vehicles around without backing out onto a County Road.
 2. If property is higher or lower than the adjacent public roadway, the approach coming onto the roadway shall not have more than a three percent (3%) grade connecting it to the roadway for a distance of not less than thirty feet (30'), and the approach leading to

the roadway must allow the vehicle to stop on the thirty-foot (30') approach at the three percent (3%) grade.

3. 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.

4. 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 (twelve-inch [12"] minimum).

5. The portion of the approach in the right-of-way may either be gravel, asphalt or concrete.

a. Bingham County shall not be held responsible for any damage to concrete driveways which extend into the public right-of-way that result from the county's performance for their regular road maintenance duties.

C. Construction Requirements and Restrictions:

1. 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.

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

3. 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 the use of Public Right-of-Way- Standard Approach Policy in approving approach designs.

4. 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 or set forth in this chapter.

5. 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 feet (30') of the traveled way shall be marked and protected.

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

7. 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.

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

9. 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.

7-3-7: VIOLATION; PENALTY:

- A. Any person who pleads guilty or is found guilty of a violation of this chapter shall be guilty of an infraction punishable as provided in Section 1-4-1 of this code. Each day a violation exists shall be considered a separate offense.
- B. It shall be an affirmative defense to any infraction prosecution that the property owner completed the required corrective action within thirty (30) days following notice of the need to take corrective action by the County.
- C. No infraction prosecution shall be initiated against a property owner until thirty (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 provision of this chapter 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 2: That all other portions of Bingham County Code Title 1 shall remain in full force and effect.

Section 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

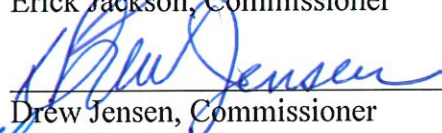
Signed on this 12th day of February, 2025.


BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO




Whitney Manwaring, Chairman


Erick Jackson, Commissioner


Drew Jensen, Commissioner

Attest: 
Pamela W. Eckhardt
County Clerk

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