

ORDINANCE #2001-01

AN ORDINANCE REPEALING ORDINANCE 1-80 PASSED ON THE 10TH DAY OF MARCH, 1980, REGULATING CONSTRUCTION AND MAINTENANCE WITHIN THE PUBLIC RIGHTS-OF-WAY OF BOISE COUNTY BY THE ISSUANCE OF CONSTRUCTION PERMITS TO ENTITIES OTHER THAN THE BOISE COUNTY ROAD & BRIDGE DEPARTMENT THAT HAVE A NEED AND PURPOSE TO PERFORM SUCH CONSTRUCTION AND MAINTENANCE IN THE RIGHT-OF-WAY; TO SET STANDARD FOR CONSTRUCTION AND MAINTENANCE WORK WITHIN COUNTY RIGHTS-OF-WAY; TO SET PERMIT FEES; TO PROVIDE FOR PROTECTION OF PRIVATE PROPERTY; TO PROVIDE STANDARDS FOR RELOCATION AND PROTECTION OF UTILITIES, WATERCOURSES, PROPERTY MARKS, EXISTING STRUCTURES, AND ABANDONMENT OF STRUCTURES; ACCOMMODATION OF MAIL AND NEWSPAPER BOXES, OR ENCROACHMENTS; TO PROVIDE DEFINITIONS; TO PROVIDE FOR A PENALTY; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED by the Boise County Board of Commissioners, State of Idaho:

SECTION 1 – PURPOSE

The purpose of this ordinance is to regulate the construction and/or maintenance within the public right-of-way by the issuance of construction permits, and to insure that utility construction work and/or other underground or above ground construction work undertaken pursuant to such permit is consistent with the applicant's right-of-way permit from the Boise County Road & Bridge Department, the applicable comprehensive plan, the Boise County Road & Bridge Department standards and construction drawings.

SECTION 2 – DEFINITIONS

1. "COMMISSIONERS" as hereinafter referred to shall mean the Boise County Board of Commissioners.
2. "COUNTY" as hereinafter referred to shall mean Boise County.
3. "COUNTY ENGINEER" as hereinafter referred to shall mean Boise County Engineer, or his designated representative.
4. "DEPARTMENT" as hereinafter referred to shall mean Boise County Road & Bridge Department.
5. "ENCROACHMENT" as hereinafter referred to shall mean any gate, fence, buildings, debris, and the like.
6. "INSPECTION" as hereinafter referred to shall mean by the Boise County Road & Bridge Department Superintendent, or his designated representative.
7. "PERMIT HOLDER" as hereinafter referred to shall mean entity/individual, or his designated representative who are requesting or issued a RIGHT-OF-WAY PERMIT by Boise County Road & Bridge Department.
8. "PRESCRIPTIVE EASEMENT" as hereinafter referred to shall mean area between barrow ditch on either side of the road that County is responsible to maintain.
9. "RIGHT-OF-WAY" as hereinafter referred to shall mean area described as deeded, easement, or prescriptive easement to County for public use as traveled roadway.

10. "SUPERINTENDENT" as hereinafter referred to shall mean Boise County Road & Bridge Department Superintendent, or his authorized representative.
11. "UTILITIES" as hereinafter referred to shall mean any power, telephone, sewer, water, cable TV, or any other under or above ground private or public service.

SECTION 3 – SUPERVISION AND RESPONSIBILITY FOR INSPECTION ENFORCEMENT

The Department is charged with the responsibility of supervision, inspection and enforcement of the provisions of this Ordinance.

SECTION 4 – RIGHT-OF-WAY CONSTRUCTION PERMITS REQUIRED

All utility and/or above ground structure work performed in the County's right-of-way shall require a right-of-way construction permit. The permit is to be issued by the Department after review and approval by the Superintendent.

1. No construction will be allowed in the County's right-of-way after November 1, unless the Superintendent has given approval for the work.
2. Only construction that has met the Superintendent's approval will be permitted to take place after November 1, through the winter months and spring run off.
3. Utility construction work include the construction and/or maintenance of water lines, gas pipes, telephone, electric lines, sewers, cable TV, petroleum products and other such public or private entities performing construction and/or maintenance work within the right-of-way.
4. All other underground structures, including irrigation and drainage systems.
5. Utility trench patches, temporary or permanent, asphaltic concrete, or portland cement concrete.
6. Asphalt or concrete driveways and parking area tie-ins to existing edge of oil mat or back to curb, including berms.
7. Tree trimming or removal, permits will be required; for public entities no fee will be charged; for private entities a fee will be required.
8. Right-of-way construction permits shall be required for subdivisions as outlined in Section 14 of this ordinance.
9. All curb, gutter, sidewalk, paving or other street improvements not under contract with the County.
10. Right-of-way construction permits fees may be are waived on application to the Board of County Commissioners.
11. A right-of- way permit will be required for all other activity within the right-of-way, such as temporary storage, stockpiling, demolition and any other activity expressed or implied to be the administration responsibility of Boise County.
12. Construction work undertaken in the County's right-of-way by the County's personnel shall be exempted from this requirement.

SECTION 5 – REQUEST FOR PERMIT TO WORK IN COUNTY ROAD RIGHT-OF-WAY

Application shall be submitted to the Department for processing. At the discretion of the Superintendent, when deemed necessary, he may request assistance from the County Engineer.

The request shall include site plans, engineering plans and specifications including such additional data, as the County shall require.

Other requirements as deemed necessary by the County Engineer shall become a part of the application for a permit prior to issuance of the right-of-way permit.

SECTION 6 – REVIEW OF APPLICATIONS FOR RIGHT-OF WAY PERMIT: CRITERIA

The Superintendent shall, with the County Engineer when necessary; coordinate, review and evaluate all applications for right-of-way permits and consider possible hazards and risks of the proposed construction and other policy considerations.

SECTION 7 – LIABILITY INSURANCE – BODILY INJURY – PROPERTY DAMAGE

No right-of-way permit shall be issued unless and until the applicant therefore has filed with the Department, a Certificate of Insurance, providing for public liability coverage in the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), in accordance with Idaho Code 6-924 and 6-926, to protect parties from any expense, cost, damage and any liability of any kind or character whatsoever resulting from or which may arise as a result of said applicant's opening any such street, alley or other roadway, or which may in any way be connected therewith or relating thereto. The certificate of insurance shall be continuous until canceled whereas Department must receive ten (10) days by registered mail, in advance of such cancellation.

SECTION 8 – PERMIT BOND

No right-of-way permit shall be issued unless and until the applicant therefore has filed with the Department, a right-of-way permit bond in the aggregate penal sum of SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$7,500.00) with the County as obligee. Said bond shall guarantee the satisfactory construction, repair or compliance of work performed under right-of-way permit and for a period of two years after date of completion. The bond shall be of a common format as established or accepted by the County and will be continuous until cancelled with the exception that the County must be notified by registered mail ten (10) days in advance of such cancellation.

SECTION 9 – FORM OF PERMIT

The right-of-way permit shall be a unique and binding agreement between the permit holder and the County. Said permit holder shall be a bona fide representative of the principal group, firm or person to whom the permit is issued. Said right-of-way permit shall have a registered number and upon issuance be signed by the Department. The permit shall confer the privilege of performing the work expressed on the permit, application, or its attachments, and obligating the permit holder to satisfactorily complete such expressed work within and in compliance with the terms of the right-of-way permit, its attachments and all Department specifications, standard drawings, policies or Ordinances pertaining to such work.

SECTION 10 – COORDINATION OF RIGHT-OF-WAY CONSTRUCTION

1. The applicant, at the time of submitting an application for a right-of-way construction permit, shall notify and attach to the application a list of any additional utility companies, or any other public entities known to permit holder, to see if said entities are planning construction within the right-of-way and the proposed timing of such construction. Any such entity notified may, within (7) days of such entity notification, request in writing a delay to the Department in the commencement of such proposed construction for the purpose of coordinating other right-of-way construction with that proposed applicant. The commencement date for the applicant's right-of-way construction may be delayed up to ninety (90) days, if it is determined that such delay will reduce the inconvenience to county and road users from construction activities.

2. The Superintendent shall coordinate the right-of-way construction permits with the County's road improvement and maintenance programs and may delay the commencement date for the applicant's right-of-way construction up to ninety (90) days except in the case of emergencies as herein described in Section 24.
3. In any case where it is deemed by the Superintendent to be in the best public interest to coordinate multiple utility plants or street construction, he may delegate periods of use to those various principles with an expressed or required need for a utility plant or street construction for the purposes of efficient street construction and/or reduction of public inconvenience or hazard.

SECTION 11 – GENERAL CONDITIONS

The following general conditions will control ordinary conduct or procedure of all public or private entities performing work in, upon, above, or under roads, streets, alleys, sidewalks, bridges, roadways, or other public rights-of-way within the County.

1. Said entity shall use proper equipment and qualified personnel in the performance of the work authorized and permitted to be done.
2. Location of road approach shall have a line of sight a minimum of 200 feet or greater in both directions.
3. All trenches shall be worked eight (8) hours per working day until backfilled.
4. All construction or repair of the roadway shall conform to the Department specifications and standard drawings in effect at the time of issuance of the right-of-way permit, and including any requirements expressed uniquely on the right-of-way permit, its attachments and construction details approved by the County Engineer.
5. All utilities shall be laid in as straight a line vertically and horizontally as possible, parallel to adjacent property lines, so the future work in the right-of-way will not endanger any utility.
6. All telephone pedestals will be located as far from the county roadway as possible to prevent damage from snow removal operations. All pedestals will be marked with snow markers for easy location in the winter.
7. All work being done in the public right-of-way shall be provided with proper signs, barricades, and lighting of all work areas at all times to provide safety for the traveling public, pedestrians, and for the protection of private property. Said signing shall conform to the latest edition of the Manual on Uniform Traffic Control Devices, or as directed by the Superintendent.
8. Except when street closures are permitted under the provisions of this ordinance (see Section 11, sub Part 7) all public or private entities performing work in the public right-of-way shall keep all areas within the project clear for public travel and shall keep private property free of work debris. When the work is completed any of said permit holders doing the work shall be responsible to clean the project area to a condition as good or better than that prior to the work and to the satisfaction of the Superintendent.
9. No road, street, alley, sidewalk, bridge, roadway, or other public right-of-way shall be closed to public use by any person, except by the express permission of the Superintendent and with at least twenty-four (24) hours prior notification of the need for such closure. During the period of such closure, the permit holder shall be responsible to provide such access as is necessary for the conveyance of any emergency vehicle, equipment or personnel.
10. Prior to the period of time of any street closure, construction or activity of any nature by the permit holder that may hinder or delay the function of any emergency vehicle, equipment, or personnel; it shall be the permit holder's responsibility to notify any applicable emergency organization of the nature of such activity and to make any adjustments in the activity as is deemed necessary by the emergency organization or the Department.

11. Where street surfacing has been in service five (5) years or less, the permit holder must bore utility services. Street cuts parallel to centerline must be approved by the County Engineer Superintendent and will require resurfacing by a paving machine.
12. Prior to commencing any activity within the right-of-way, the permit holder is responsible for notifying any applicable utility, structure or property owner or Boise County Road & Bridge Department as necessary in order to locate conflicting utilities, structures, properties or signalization equipment and to coordinate the permit holder's activity with such.
13. Any damage done to any roadway, bridge, signalization or any other device or structure owned or administered by the County shall be repaired by the permit holder or the County shall have cause to repair or contract such repair and assess that cost to the permit holder. The permit holder shall respond within the period of time given by verbal and/or written notification from the Department, and in such manner as described in that notification, repair such conditions. In any situation posing a public hazard and caused by activity of the permit holder within the County right-of-way, and when such hazard constitutes an emergency, the permit holder must respond immediately with repairs as necessary deemed by the Department. Failure of the permit holder to answer a call at the emergency phone number given by him and responding immediately thereafter, shall give the Department to perform such repairs as necessary to eliminate the hazard and assess the cost to the permit holder. Where the roadway or other structures owned or administered by the County have been previously damaged or are substandard, the permit holder shall provide that said roadway or structures be left in at least as good a condition upon completion of any activity; shall assume all risk for such provision and hold the County harmless for any damages or claims due in part or any way to such substandard conditions, unless otherwise agreed upon by the County Engineer.
14. Upon completion of the activity, expressed on the right-of-way permit, its attachments and detailed plans, the permit holder shall then be responsible for repairs for a period of 2 years if problems occur at the location due to the activity.
15. The affirmation of completion by signature on the permit by any County employee shall not exempt the permit holder from the conditions stated in Section 11, Part 12, above.

SECTION 12 – SCHEDULE OF PERMIT FEES

Schedule of permit fees covering the cost to Boise County for issuance, administration, inspection; and policing of permits shall be set by the Board of County Commissioners by Resolution.

SECTION 13 – REVOCATION OF RIGHT-OF-WAY PERMIT

All permits issued under the provisions of this ordinance for any activity in the right-of-way shall be temporary in nature, and shall not vest any permanent right to a permit holder; and may in any case be revoked by the Superintendent without advance notice, in any cases where any work in the right-of-way does not comply with the provisions of the County standard construction specifications. Where a right-of-way permit is revoked, before the work can be started up again, a second permit must be obtained from the County.

When any construction and/or maintenance is performed within the right-of-way, which requires a permit to be issued, and construction is already started, a fee shall be assessed to said public or private entity before any further construction and/or maintenance shall be performed within the public right-of-way. A penalty of two times the calculated permit fee will be assessed for the failure to secure a permit prior to construction.

SECTION 14 – SUBDIVISIONS

County Planning & Zoning Department will notify the Department of pending developments. The Department will make recommendations and place restrictions, when necessary, to Planning & Zoning on pending developments. Any construction needing to be performed within the County's right-of-way will be noted and the requirements listed. A permit will be required before any work may commence and the documents required to obtain that permit will be on file with the Department and fees paid before will be issued.

SECTION 15 – BUILDING OPERATIONS IN PUBLIC PLACES

Where a building is to be erected, razed, repaired or altered, the following specifications shall be compiled with by the owner of the building or his agent:

1. A right-of-way permit is required and an application shall be filed with the Superintendent. Said application shall also specify the period of time he desires to use the specified area. The Superintendent will investigate the area adjacent to the place of such building construction, demolition or repair as to the traffic carried by the roadway and walks, and as to the inconvenience and hazard to the public. This application shall be accompanied with written permission of the adjacent property owner. The only area that may be used is that area authorized by the Superintendent.
2. It shall be necessary to erect a fence or enclosure at any location where a building is to be erected, razed, repaired or altered, and a hazard to pedestrian traffic is created: within ten (10) feet of a walk or roadway, or in a business district.
3. Fences or enclosures at building sites on which construction or demolition operations are being performed shall be solid and tight for their full length, except for such openings for ingress and egress. These openings shall have gates that are securely fastened in a closed position when not in use. Such fence, unless otherwise provided, shall be at least six (6) feet in height and shall, where practicable, be erected before any work is commenced; provided, however, that if said enclosure is adjacent to a street intersection or corner that portion of the fence greater than three (3) feet high which is within forty (40) feet each way from said corner, measured down the property line must be of wire mesh to provide for traffic visibility at all times, unless otherwise directed by the Superintendent. Walkways shall be covered as specified by the Superintendent.
4. No materials, fence, or shed shall obstruct the approach to any fire hydrant, manhole, fire alarm box, catch basin, inlet valve, valve chamber, or any other public utility or traffic facility which is within an area being used by a permit holder. No obstruction shall be placed so that there will be any interference with the passage of water in any gutter or barrow ditch.
5. Earth taken from excavation and rubbish from building shall not be stored in the right-of way, but shall be removed each day as rapidly as possible. Where such materials are dry and apt to produce dust when handled, they shall be kept sufficiently moist to prevent the wind from blowing the same about.
6. It shall be improper to mix mortar or concrete in a public place unless confined to a tight box or mixing board, and in no case shall mixers or boxes be washed so that the water will run into the street unless free of all sand, cement and other similar material.

SECTION 16 – RELOCATION AND PROTECTION OF EXISTING UTILITIES AND STRUCTURES

The permit holder shall not interfere with any existing structure without the written consent of the Superintendent and the owner of the structure. If it becomes necessary to relocate the existing structure, the owner shall do this. No structure owned by the County shall be moved to accommodate the permit holder unless the cost of such work is borne by the permit holder. The cost of moving privately owned structures shall be similarly borne by the permit holder unless it makes other arrangements with the person or entity owning such structures. The permit holder shall support and protect by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work area. The permit holder shall secure approval or method of support and protection from the owner of the structure. In case any of said pipes, conduits, poles, wires or other encasement or devices are to be considered as part of the substructure, the permit holder shall promptly notify the owner thereof. The permit holder shall assume all liability for damage to structures and any resulting damage and/or injury to any person or property because of such structure damage shall be borne by the permit holder.

SECTION 17 – ABANDONMENT OF STRUCTURES

Whenever the use of a structure is abandoned by a public or private entity having a structure within the right-of-way, except the abandonment of service lines designed to serve single properties, the public or private entity owning, using, controlling, or having an interest therein, shall within thirty (30) days after such abandonment, file with the Department a statement in writing, giving in detail the location of said structure so abandoned.

SECTION 18 – PROTECTION OF ADJOINING PROPERTY

The permit holder shall at all times and his or her own expense, preserve and protect from injury any adjoining property foundations for construction within right-of-way and taking other measures suitable for that purpose. Where, in the protection of such property, it is necessary to enter upon private property for that purpose of taking appropriate protecting measures, the permit holder shall obtain permission of such private property for such purpose solely for making the property safe. The permit holder shall, at his own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or rights-of-way resulting from its failure to protect and carry out said work.

Whenever it may be necessary for the permit holder to trench through any lawn area in right-of-way, said area shall be reseeded or the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this ordinance. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permit holder shall not remove, even temporarily, any trees or shrubs which exists in the work area without first obtaining the consent to the proper authority having control over such property.

SECTION 19 – PROTECTION OF WATERCOURSES

The permit holder shall maintain all gutters or barrow ditches free and unobstructed for the full depth of same and for at least one foot in width from the face of such gutter/barrow ditch. Whenever a gutter crosses at intersecting street, an adequate waterway shall be provided and at all times maintained. When no gutter exists, the flowline for natural drainage at

the street or road edge shall be maintained and restored to its original condition. The permit holder shall make provisions to take care of all surplus water, muck, silt, or other runoff pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide. The permit holder, while pumping water from an excavation and discharging any of the above listed materials into the road right-of-way, shall provide a settling basin or box with adequate capacity to entrap all silt, sand or other above mentioned materials. No individual, entity or other will be permitted to allow water from sprinklers, irrigation or private drainage system to flood or spray onto the road surface that will cause road surface deterioration. Water trucks will be allowed to control dust in a construction area and at the discretion of the Superintendent.

SECTION 20 – CLEAN UP

As the work progresses in the right-of-way, all roads, alleys, sidewalk, bridges or other improvements within the right-of-way shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean up operations at the location of such excavation shall be performed at the expense of the permit holder, and shall be completed to the satisfaction of the Superintendent. From time to time, as may be ordered by the Superintendent, and in any event immediately after completion of said work, the permit holder shall at his or her expense, clean up and remove all refuse and unused materials of any kind resulting from said work, and upon failure to do so within 24 hours after having been notified to do so by the Superintendent, said work may be done or contracted by the County and the cost of said clean up to be charged to said permit holder. Permit holder shall also be liable for said cost incurred by the County under the surety bond as herein above provided. Permit holder is hereby held responsible for notifying the Department upon completion of said construction for final inspection to be performed.

SECTION – 21 OPEN TRENCHES

The maximum length of open trench permissible at any time shall be specified by the Superintendent and no greater lengths shall be open for pavement removal, excavation, construction, back-filling, patching and any other operations without the express written permission of the Superintendent.

SECTION 22 – STREET CUT REPAIRS

The permit holder shall be responsible for restoring any pavement, curb, sidewalk or any other structure removed or damaged during the course of trenching activity, to its original condition or better. The permit holder may be required by the Superintendent to place temporary patches or repairs as necessary to restore the traveled way during periods of the winter or during weather conditions which will not allow permanent repairs. Where extensive trench activity will be performed and the permit holder wishes to delay permanent repairs until final stages of the project, the Superintendent may require temporary surface repairs. In any case of street cuts, the permit holder shall be required to backfill such cut and provide at least a temporary surface within 24 hours of opening such cut in any arterial street or ten (10) days in any lesser street classification, unless otherwise allowed by the Superintendent. Upon back-filling any street cut and allowing access of such area to the public, the surface of such cut shall be kept in a maintained condition by the permit holder until permanently restored.

For purposes of definition in this ordinance, a temporary repair shall be considered to be any material that is not permeable to water, does not become unstable from common use of the particular area and provides a surface smoothness consistent with posted vehicle speed, and does not constitute a hazard to the public.

A maintained surface shall be defined as a surface brought to a condition suitable for the passage of vehicles, pedestrians, or other public use, as allowed by conspicuous posting of signs in accordance with the MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES and as otherwise required by the County, whereby the surface shall be maintained by the permit holder in such a way that it will not pose a hazard or cause damage to vehicles, pedestrians, or other public use.

SECTION 23 – URGENT WORK

When traffic conditions, the safety or convenience of the traveling public, or the public interest require that the excavation work be performed as an emergency, the Superintendent shall have full power to order, at the time the permit is granted, or the conditions warrant, that a crew of men and adequate facilities be employed by the permit holder 24 hours a day to the end that such excavation work may be completed as soon as possible.

SECTION 24 – EMERGENCY ACTION

Nothing in this ordinance shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Department for a permit on the first working day after such emergency work has commenced.

SECTION 25 – NOISE, DUST & DEBRIS

Each permit holder shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permit holder, in the performance of the excavation work, shall take appropriate measures to reduce noise, dust and unsightly debris. Between the hours of 10:00 p.m. and 7:00 a.m. the permit holder shall not use, except with the express written permission of the Superintendent or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

Where any activity results in the depositing of debris, upon the public right-of-way, in such a way as to constitute a hazard or annoyance to the public or cause damage, potentially or otherwise to any County structure, the person, firm, organization or otherwise responsible party shall immediately remove such debris and desist from any further action which would cause depositing of debris to continue, unless otherwise authorized by the Superintendent.

SECTION 26 – PRESERVATION OF MONUMENTS AND PROPERTY MARKERS

Any monument or property marker set for the purpose of locating or preserving the lines of any street, subdivision, or a precise survey reference point, or a permanent survey bench mark within the County, shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Property Owner. Permission to remove or disturb such monuments, reference points, bench marks, or elevation marker shall only be granted upon condition that the person applying for such permission shall pay all expenses incidental to the proper replacement of this

monument. After written permission is granted, four tangent ties referencing the survey marker shall be recorded by a licensed surveyor, for the replacement of the survey marker.

SECTION 27 - MAIL, NEWSPAPER DELIVERY BOXES

No mailbox, newspaper delivery box, (hereafter referred to as mailbox) will be allowed to exist on the County's rights-of-way if it interferes with the safety of the traveling public or the function, maintenance, or operation of the road system. A mailbox installation that does not conform to the provisions of this Ordinance is an unauthorized encroachment under Idaho Code, 49-221 (2); 50-313; or 50-314.

The location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service, as well as, the latest edition of the Manual for the Location, Support and Mounting of Mailboxes, provided by Local Highway Technical Assistance Council.

Any exceptions to the Mailbox Manual may be granted if in the judgment of the Superintendent, the installation does not interfere with the safety of the traveling public or the function, maintenance, or the operation of the road system. Request for any exception to the Mailbox Manual shall be in writing. The request shall contain sufficient details to evaluate the requested exception.

1. LOCATION:

It will be the responsibility of the postal patron to inform the Department of any new or existing mailbox installation where turnout construction is adequate to permit all-weather access to the mailbox. An all-weather turnout is sufficiently stable to support passenger cars stopping regularly during all weather conditions. The sub-base (ballast), base and surface treatment is a requirement of all new or reconstructed turnouts, and shall be the same as the adjacent roadway section.

No mailbox will be permitted where access is obtained from the lanes of an arterial or where access is otherwise prohibited by law or regulation. Where a mailbox is installed in the vicinity of an existing guardrail, it should, whenever practical, be placed behind the guardrail. Exception to the lateral placement criteria may exist on and certain designated rural roads where the Department deems it is in the public's interest to permit lesser clearances or to require greater clearances.

2. MAILBOXES:

Mailboxes shall be of light metal or plastic construction, conforming to the requirements of the U.S. Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.

Mailbox turnout installations are required eight (8) feet {ten- (10) feet desirable} from the edge of the travel-way. It is desired to have the mail carrier stop out of the travel-way whenever possible for safety reasons. Mailboxes shall be clustered wherever possible. Single boxes may be used where the distance to the next nearest box exceeds 300 feet. Mailbox supports should not be larger than 4-inch by 4-inch wood posts; 1½-inch metal pipe or 1½-inch angles (2.3 pounds per foot) for safety reasons. The box-to-post attachment should be strong enough to resist separation when hit. No massive metal, concrete, stone or other hazardous support should be allowed. Deficient installations should be corrected.

3. SUPPORTS:

Mailbox supports shall not be set in concrete, unless the support design has been shown to be safe by crash tests when so installed. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device (stabilizer fin) that extends no more than 10 inches below the ground surface.

4. MOUNTING:

The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post if the installation is struck by a vehicle. The product must result in a satisfactory attachment of the mailbox to the post, and all components must fit together properly.

5. REMOVAL OF NON-CONFORMING OR UNSAFE MAILBOXES:

Any mailbox that is found to violate the intent of this regulation shall be removed by the postal patron upon notification by the Department. At the discretion of the Department, based on an assessment of hazard to the public, the patron will be granted not less than 24 hours or more than 15 days, to remove an unacceptable mailbox. After the specified removal period has expired, the unacceptable mailbox may be removed by the Department at the postal patron's expense.

SECTION 28 – POWER POLES

For the safety of the traveling public, power poles, which are on the edge of roadways, shall have a reflective device. The Superintendent shall determine the size.

SECTION 29 – ENCROACHMENT ON RIGHT-OF-WAY

If any highway or public right-of-way under the jurisdiction of the County is encroached upon by gates, fences, buildings, or otherwise, the County may require the encroachment to be removed. If the encroachment is of a nature as to effectually obstruct and prevent the use of the highway or public right-of-way for vehicles, the County shall immediately cause the encroachment to be removed, per Idaho Code 40-2319.

SECTION 30 – ACCESS FOR INSPECTION AND TESTING

The Department shall maintain the right of access to any activity occurring upon the public right-of-way for the purposes of observation, testing and any other enforcement measure necessary for the administration of that public right-of-way. The permit holder shall be required to provide such excavation or access as is necessary to allow measurement or testing of the quality of work being performed.

SECTION 31-PENALTY

- 1) Violations of any provisions of this ordinance shall be deemed a misdemeanor as defined by Idaho Code 18-111. A single violation of this ordinance shall be punishable by a fine not to exceed \$300 and/or imprisonment for a period not to exceed (180) one hundred eighty days. Each separate instance of day of violation shall constitute a separate offense. Enforcement of the provisions of this ordinance may also be accomplished by undertaking civil action.

- 2) Whenever the Board shall determine that a violation of this ordinance has occurred or is about to occur, the Board may direct the Boise County Prosecuting Attorney to commence an action to prosecute or restrain violations of this ordinance.

SECTION 32- SEVERABILITY

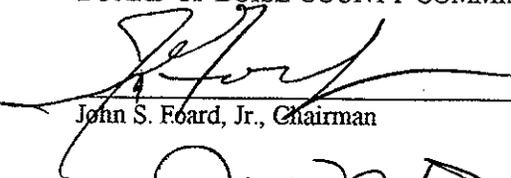
If any provision of the ordinance or its application to any person or circumstance is declared unconstitutional or invalid for any reason, by any court of law of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 33- EFFECTIVE DATE

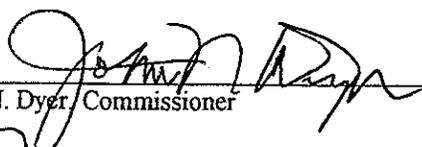
This Ordinance will be in full force and effect on its passage and publication in the Idaho World.

APPROVED AND ADOPTED this 6th day of November 2000.

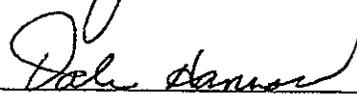
BOARD OF BOISE COUNTY COMMISSIONERS



John S. Foard, Jr., Chairman

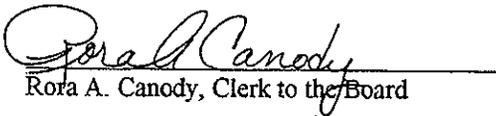


John N. Dyer, Commissioner



Dale Hanson, Commissioner

ATTEST:



Rora A. Canody, Clerk to the Board