

New Meadows Right of Way Code

NOT AN EXHAUSTIVE LIST

4-1-1 Removal Required; Nuisance Declared (Grass & Weeds)

It shall be required of all real property owners within the corporate limits of the City to cut and remove grass and weeds which exceed a height of eight inches (8") and remove any unnecessary debris from their respective properties or upon any abutting sidewalk, street or alley to the center of the **right-of-way**. Pursuant to the provisions of Idaho Code section 50-334, grass, weeds and debris that could promote mosquito breeding not thus removed shall be and hereby are declared a public nuisance. (Ord. 291-04, 12-13-2004; amd. 2018 Code)

6-2-1 Definitions (Parking Regulations)

When used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

STREET: A public **right-of-way** which provides vehicular and pedestrian access to adjacent properties, acceptance of grant of which has been officially approved by the Council. The term "street" includes the terms of highway, thoroughfare, road, avenue, boulevard, lane, place and other such terms.

7-2-1 Definitions (Snow Removal)

When used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

STREET: The entire public **right-of-way** which provides vehicular and pedestrian access to adjacent properties. The term includes, and is interchangeable with, roads, highways, avenues, boulevards, streets, lanes, courts and other like terms. "Highway" means the entire width between the boundary lines of every way publicly maintained when any part is open to the use of the public for vehicular travel, with jurisdiction extending to the adjacent property line, including sidewalks, shoulders, berms and rights-of-way not intended for motorized traffic.

7-2-5 Citizen Responsibilities (Snow Removal)

1. The clearing of snow from sidewalks is the responsibility of the owner/tenant of the property bordering the sidewalk.
2. Snow plowing and/or removal may leave a snow berm along the edge of the street and across private driveway accesses. Removal of the snow berm to facilitate access to the private driveway is the responsibility of the property owner/tenant. Pushing or blowing snow or placing snow from private property into the public **right-of-way**, or onto private property without consent, is unlawful. (Ord. 320-10, 1-11-2010; amd. Ord. 366-2020, 1-27-2020)

7-2-6 Penalties (Snow Removal)

1. For any offense involving a vehicle or trailer, the registered owner of the vehicle or trailer shall be fined a sum of one hundred fifty dollars (\$150.00), plus any and all costs assessed by the courts, which sum shall be assessed as a penalty. All costs for towing, recovery, impound and storage shall be paid by the registered owner of any vehicle or

New Meadows Right of Way Code

NOT AN EXHAUSTIVE LIST

trailer found to be in violation of this chapter. All said costs shall be paid in full prior to the release of any towed or impounded vehicle or trailer.

2. For any offense involving pushing, blowing, or placing snow back into the public **right-of-way** or onto private property without consent, the offender shall be fined a sum of one hundred fifty dollars (\$150.00), plus any and all costs assessed by the courts, which sum shall be assessed as a penalty.
3. Each day shall be a new and separate violation subject to all penalties and actions allowed in this section. (Ord. 320-10, 1-11-2010; amd. 2018 Code; Ord. 366-2020, 1-27-2020)

7-5-1 Title And Purpose (Right of Way)

This chapter shall be referred to as the *CITY OF NEW MEADOWS* **RIGHT-OF-WAY ORDINANCE**, with the purpose of providing for the health, safety, and welfare of its citizens by ensuring the integrity of its streets and the appropriate use of the **rights-of-way**. The City strives to keep its **rights-of-way** in a state of good repair and free from unnecessary encumbrances. (Ord. 361-2019, 7-22-2019)

7-5-2 Definitions (Right of Way)

For purposes of this chapter, the words and phrases defined in this section apply:

CITY ENGINEER: The individual designated by the City to perform engineering services for the City.

EASEMENTS: Any right created by grant, reservation, agreement, prescription, or necessary implication in favor of the City to use the land of another, including, but not limited to, an easement for vehicular access and utilities.

ENCROACHMENT: Any excavation, digging, paving, landscaping, construction of an improvement, or placement of personal property within an easement or **right-of-way**. Encroachments include, but are not limited to, fences, sidewalks, driveways, mailboxes, newspaper boxes, utility boxes and poles, trees, shrubs, grass, sprinklers, and other landscaping improvements.

PLANNING AND ZONING COMMISSION: The City Commission designated by the City to administer the Planning Department.

PUBLIC WORKS DIRECTOR: The individual designated by the City to administer the Public Works Department, including the City Street Department.

RIGHT-OF-WAY: Any property owned by, or dedicated to, the City for the purposes of providing City services and general circulation to the public. Such rights-of-way include, but are not limited to, the following: public streets, alleys, and sidewalks.

New Meadows Right of Way Code

NOT AN EXHAUSTIVE LIST

7-5-14 Prohibited Acts (Right of Way)

The following shall be prohibited in public **rights-of-way**:

1. Loading, unloading, or operation of track type vehicles on pavement areas in a **right-of-way** or travel lanes is prohibited.
2. Only authorized dwelling units will be allowed and shall conform to this code.
3. Snow Or Ice: It shall be unlawful to push snow or ice off a private property, driveway, or sidewalk and into the public travel lanes.
4. Benchmarks: It shall be unlawful to remove or destroy permanent benchmarks or survey markers on any property.
5. Fences shall be prohibited in an easement or **right-of-way**.
6. No cutting of pavement located within a **right-of-way** shall be allowed prior to March 31 or after October 15, unless emergency or mitigating circumstances are found to exist by the Public Works Director or the City Engineer. (Ord. 361-2019, 7-22-2019)

TRAVELED AREAS: Both paved, graveled and dirt surfaces, including shoulders and driveways. (Ord. 361-2019, 7-22-2019)

10-2-2 Definitions (Zoning)

ALLEY: A public **right-of-way** not over thirty feet (30') wide that affords, generally, a secondary means of access to abutting lots, not intended for general use.

BLOCK: The space along one side of a street between the two (2) nearest intersecting streets, or between an intersecting street and a **right-of-way**, waterway or other similar barrier, whichever is lesser.

FRONTAGE: The portion of a lot, site, tract or parcel of land adjoining a public or private **right-of-way** and measured as a length along said road.

OFF STREET PARKING: An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley **right-of-way**.

RIGHT-OF-WAY, PRIVATE: Every way, lane, road, street and every way or place, not including private driveways serving only the owner of the property where situated, which is in private ownership inside the limits of the incorporated City, and is used, or subject to being used, for travel by the owner or owners or those persons having express or implied permission from the owner or owners, but not by other persons.

RIGHT-OF-WAY, PUBLIC: Every way, lane, road, street, and boulevard and every way or place in the City open or subject to being open, as a matter of right, to public vehicular travel inside the limits of the incorporated City.

New Meadows Right of Way Code

NOT AN EXHAUSTIVE LIST

STREET: A public **right-of-way** which provides vehicular and pedestrian access to adjacent properties, acceptance or grant of which has been officially approved by the Council. The term "street" includes the terms highway, thoroughfare, road, avenue, boulevard, lane, place and other such terms.

10-6-8 Setback Requirements (Agriculture District)

1. Front Yard: No building or structure shall be erected nearer than forty five feet (45') from the **right-of-way** line of the street.

11-1-6 Rules And Definitions (Supplemental Zoning Regs)

RIGHT-OF-WAY: A strip of land of a defined width held for or containing public services such as roads, utilities, etc.

11-3-2 Streets And Alleys (Supplemental Zoning Regs)

1. Dedication Of Streets: Within a proposed subdivision, arterial and collector streets shall be dedicated to the public in all cases. In general, all other streets shall also be dedicated to public use.
2. Location Of Streets And Alleys: Street and road location shall conform to the following:
 1. Street Location And Arrangements: Collector type streets may, for aesthetic reasons, curve and wind in accordance with these standards, but such trafficways shall maintain a grid type pattern approximately one-fourth (1/4) of a mile square.
 2. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. A vehicular nonaccess reserve strip may be required and held in public ownership. Temporary cul-de-sacs shall be required and held in public ownership.
 3. Relation To Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
 4. Alleys: Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off-street loading and parking. Dead-end alleys shall be prohibited in all cases.
 5. Cul-De-Sac Streets: Cul-de-sac streets shall not be more than five hundred feet (500') in length and shall terminate with an adequate turnaround having a minimum radius of fifty feet (50') for **right-of-way**.
 6. Half Streets: Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract. A vehicular nonaccess reserve street may be required and held in public ownership.
 7. Private Streets: Private streets and roads shall be prohibited within a subdivision.
3. Street Specifications:
 1. Street **Right-Of-Way** Widths: Street and road **right-of-way** widths shall conform to the adopted minimum standards under section 11-3-9 of this chapter.

New Meadows Right of Way Code

NOT AN EXHAUSTIVE LIST

2. Street Grades: Street grades shall not exceed ten percent (10%) on either local or collector streets and six percent (6%) for arterial streets. Minimum street grades shall be four-tenths percent (0.4%).
3. Street Construction:
 1. Public streets shall be in accordance with the City Master Street Plan and the drainage diagram shown in this subsection.
 2. All minor street sections shall be constructed with a high strength geotextile fabric barrier, minimum of fourteen inches (14") of granular borrow, topped with six inches (6") of base material, plus three inches (3") of asphaltic concrete to finish the driving surface. The road base shall be a full thirty two feet (32') in width, plus four foot (4') shoulders to accommodate an asphaltic concrete surface width of thirty two feet (32'). Minor street **rights-of-way** shall be a minimum of sixty feet (60') and on street parking shall not be allowed. On-street parking shall require a street base width to accommodate an asphaltic concrete driving surface of forty two feet (42') in width with a **right-of-way** of seventy feet (70').
 3. All collector/arterial street sections shall be constructed with a geotextile fabric barrier, minimum of fourteen inches (14") of granular borrow, topped with six inches (6") of base material, plus three inches (3") of asphaltic concrete to finish the driving surface. The road base shall be a full thirty two feet (32') in width, plus four foot (4') shoulders to accommodate an asphaltic concrete surface width of thirty two feet (32'). Collector/arterial street **rights-of-way** shall be a minimum of sixty four feet (64') for a collector and eighty feet (80') for an arterial with no on-street parking allowed.
 4. A stormwater retention/drainage system may be designed next to the roadway with a five foot (5') sidewalk placed adjacent to the edge of the **right-of-way**/property line.
 5. Streetlights are required at the intersection of streets to facilitate traffic movements.
 6. All driveways shall be constructed to access onto minor streets and shall not access collector/arterial streets.

Information from Transportation Plan:

ARTERIAL STREETS: 120' right-of-way for principal arterials and 80-100' for minor arterials. (Virginia Street, N Norris)

COLLECTOR STREETS: 60' right-of-way. (Peterson Memorial, Heigho, Wiley, S Norris, South End Road)

LOCAL ROADS: 50' minimum right-of-way. (all other roads)

New Meadows Right of Way Code

NOT AN EXHAUSTIVE LIST

