

Sec. 14-51. - Declaration of policy and purpose.

The board of commissioners hereby declares that it shall promote the health, safety and general public welfare of the citizens of the county by providing for the construction of speed humps in the public rights-of-way of the county to aid in the moderation of vehicle speed throughout the county. To that end, therefore, this article is adopted in order to effect the creation of speed hump districts and to provide for the construction of speed humps in the public rights-of-way of the county. This article shall not be deemed to apply to property in the county other than in the public rights-of-way.

(Ord. of 4-2-96; Ord. of 6-19-01)

Sec. 14-52. - Speed hump districts created; register; responsibility for cost.

- (a) There are hereby created speed hump districts which shall be identified by a number assigned by the county public works department, engineering division. Each such speed hump district shall contain and include the tax parcel number of each lot within the said speed hump district. Speed hump districts shall be created upon the receipt of a petition and approval of the board of commissioners as provided hereinafter.
- (b) A register of speed hump districts shall be maintained in the county public works department, engineering division and in the office of the county tax commissioner. Such registers shall be available to the public for inspection upon reasonable notice to either of these offices.
- (c) The cost of establishing, providing and maintaining speed humps as provided by this article shall be borne by the owners of the property receiving this particular service. The charge therefore shall be such as is determined by motion of the board of commissioners, giving consideration for the construction, maintenance and program administration costs. Charges shall be assessed against all lots within the speed hump district whether or not the lot is located within the boundaries of a particular subdivision, so long as the lot is located within the boundaries of the speed hump district.
- (d) General standards, program elements and general construction guidelines for speed humps may be found in the county speed hump program manual. The county speed hump program manual is hereby incorporated, by reference, into this article.

(Ord. of 4-2-96; Ord. of 6-19-01)

Sec. 14-53. - Collection and responsibility for administration.

- (a) The charges for the speed humps in each speed hump district shall be paid as a speed hump district fee, and shall be paid by the owner of each property parcel within each speed hump district to the public works department, engineering division, prior to the construction of the speed hump.
- (b) The administration of the services herein provided and for all billing and accounting shall be the responsibility of the county public works department, engineering division.

(Ord. of 4-2-96; Ord. of 11-16-99; Ord. of 6-19-01)

Sec. 14-54. - Definitions.

- (a) *Department*. The county public works department.
- (b) *MUTCD*. The Manual for Uniform Traffic Control Devices.
- (c) *Program manual*. The Douglas County Speed Hump Program Manual.

- (d) *Street*. A right-of-way for vehicular traffic whether designated as street, highway, thoroughfare, parkway, road, avenue, drive, expressway, boulevard, lane, place, circle, or otherwise. Street definitions herein are taken from the county zoning ordinance. Various classifications of streets and roads shall be defined as follows:
- (1) *Interstate highway or expressway*. A general road alignment as identified and described by the county road classification system for dedication and use as a public right-of-way to carry large volumes of through traffic at high speeds. These facilities have limited or controlled access to adjoining properties.
 - (2) *Major arterial road*. A general road alignment as identified and described by the county road classification system for dedication and use as a public right-of-way. These are thoroughfares providing access into and through the county. Major arterials serve intrastate travel and are usually multilane roadways in urban areas. They may have a turning lane or a median. Major arterial roads may also warrant controlled access in certain areas to encourage the through movement of traffic and discourage adjacent development and turning movements which might limit the through traffic carrying capacity of the roadway. Major arterials in rural areas may be two-or four-lane roadways depending upon traffic volumes. Major arterials may provide local access to property abutting the roadway in addition to their primary function which is to move traffic.
 - (3) *Minor arterial road*. A general road alignment as identified by the county road classification system for dedication and use as a public right-of-way. These facilities provide access into and through the county, only to a lesser extent than the major arterials. Minor arterials predominately serve intracounty traffic and may be two-or four-lane roadways. There is usually no access control on minor arterials. Minor arterials may provide local access to property abutting the roadway in addition to their primary function which is to move traffic.
 - (4) *Collector street*. A general road alignment as identified and described by the county road classification system for dedication and use as a public right-of-way. The primary function of these facilities is to provide internal, low-volume traffic circulation and access to abutting properties.
 - (5) *Local street*. A general road alignment as identified and described by the county road classification system for dedication and use as a public right-of-way. The primary purpose of these roadways is to provide access to abutting properties and connect those properties to the arterial and collector street system.
 - (6) *Cul-de-sac*. A street with a single common ingress and egress and with a turnaround at the end.
 - (7) *Dual or boulevard*. A street with opposing lanes separated by a median strip, center island, or other form of barrier, which cannot be crossed except at designated locations.
 - (8) *Loop*. A local street that has its only ingress and egress at two (2) points on the same collector street.
 - (9) *Private*. A street that has not been accepted by the county.
- (e) *Zoning ordinance*. The county zoning ordinance.

(Ord. of 6-19-01)

Sec. 14-55. - Streets eligible for speed hump construction.

Residential local and loop streets, with speed limits of thirty-five (35) miles per hour or less and with grades of eight (8) percent or less are eligible for speed hump construction. Collector, major and minor thoroughfare streets are not eligible for speed hump construction. Cul-de-sac streets greater than five hundred (500) feet in length may be eligible for installation of speed humps, provided they meet all other requirements of this article.

(Ord. of 4-2-96; Ord. of 6-19-01)

Sec. 14-56. - Optional speed hump construction by property/residential subdivision developers.

- (a) All developers of residential subdivisions in the county with lots less than five (5) acres may choose to provide speed humps in the public rights-of-way in such developments in conformity with this article.
- (b) Such developers who desire to provide speed humps during the subdivision development stage shall present a proposed speed hump layout for the development at the time of submission of the construction drawings. This proposal must have the approval of the county public works department, engineering division, prior to any construction of the speed humps. The department may require modifications to the proposal due to stormwater controls, driveway locations, sight distances, or any other valid reason.
- (c) The speed hump district is automatically created upon the approval of the board of commissioners of the final plat of the residential subdivision. The date of creation of the speed hump district shall be the date of approval of the final plat.

(Ord. of 4-2-96; Ord. of 6-19-01)

Sec. 14-57. - Creation of speed hump districts in existing residential areas.

To create a speed hump district in an existing residential area, the following procedure must be followed.

- (1) Any property parcel owner in any unincorporated area of the county may present a request for the creation of a speed hump district to the county public works department, engineering division.
- (2) Upon receipt of the request the department shall determine the appropriate boundaries for a speed hump district which will serve the property parcel owner presenting the request and all other affected lot owners. The determination of this district by the department will include a consideration of traffic patterns, major and minor streets, and other similar factors. The department shall determine the location of each speed hump in the district. This determination shall consider stormwater controls, driveway locations, sight distances, and other relevant factors. If the department determines that a speed hump cannot be safely placed at any location in the district, the department shall notify the requesting property owner of this fact, and no further action will be taken by the department.
- (3) If the department determines that a speed hump(s) can be safely placed within the proposed district, the department shall prepare a map delineating the proposed speed hump district, and a list of names from the records of the tax commissioner of those believed to be property owners.
- (4) The two (2) methods of acquiring the approval of seventy-five (75) percent of the property parcel owners necessary before a public hearing can be held are:
 - a. The department will mail a petition to each property owner in the proposed district, including with it a map of the proposed district, a diagram of the proposed speed hump, a copy of the enabling ordinance, and any other similar information the department feels should be provided to the property owners to educate them about the proposed district. The petition will ask the property owner to answer "yes" or "no" to the formation of the proposed speed hump district. The petition shall include the following language:

"I/We, the undersigned, certify that I/we am/are the owner(s) of the above referenced property of the proposed speed hump district. I/We certify that the signature(s) below are by any and all of those who claim ownership of this property.

_____ I/We do hereby petition for the installation of speed humps. I/We understand that if 75% of the lot holders in the proposed district indicate that they want speed humps, the Douglas County Board of Commissioners will hold a Public Hearing on this request. If the speed hump district is created, I/we will be held responsible for the cost of materials to construct the speed hump(s). I/We hereby pledge to pay our share of the costs of the construction of the speed hump(s) when billed by the County.

_____ I/We do not desire the installation of speed humps. I/We understand that if 75% of the lot holders in the proposed district indicate that they want speed humps, the Douglas County Board of Commissioners will hold a Public Hearing on this issue. If the speed hump district is created, I/we will be held responsible for the cost of the materials to construct the speed hump(s).

My/Our signature(s) on this petition indicate(s) that I/we understand all information concerning the speed hump program of Douglas County."

The petition must contain the signature of every person with an ownership interest in an individual property. All signatures on the petition form must be notarized by a disinterested person who will not be affected by the creation of a speed hump district, i.e., not a resident of the proposed speed hump district; or

- b. The petitioner will obtain a petition, a map of the proposed district, a diagram of the proposed speed hump, a copy of the enabling ordinance, and any other similar information the department feels should be provided to the property owners to educate them about the proposed district from the department. The petition will ask the property owner to answer "yes" or "no" to the formation of the proposed speed hump district. The petition shall include the following language:

"I/We, the undersigned, certify that I/we am/are the owner(s) of the above referenced property of the proposed speed hump district. I/We certify that the signature(s) below are by any and all of those who claim ownership of this property.

_____ I/We do hereby petition for the installation of speed humps. I/We understand that if 75% of the lot holders in the proposed district indicate that they want speed humps, the Douglas County Board of Commissioners will hold a Public Hearing on this request. If the speed hump district is created, I/we will be held responsible for the cost of materials to construct the speed hump(s). I/We hereby pledge to pay our share of the costs of the construction of the speed hump(s) when billed by the County.

_____ I/We do not desire the installation of speed humps. I/We understand that if 75% of the lot holders in the proposed district indicate that they want speed humps, the Douglas County Board of Commissioners will hold a Public Hearing on this issue. If the speed hump district is created, I/we will be held responsible for the cost of the materials to construct the speed hump(s).

My/Our signature(s) on this petition indicate(s) that I/we understand all information concerning the speed hump program of Douglas County."

The petition must contain the signature of every person with an ownership interest in an individual property. All signatures on the petition form must be notarized by a disinterested person who will not be affected by the creation of a speed hump district, i.e., not a resident of the proposed speed hump district or of any area directly affected by the creation of the speed hump district.

- (5) If a minimum of seventy-five (75) percent of the property parcel owners in the proposed district return the petition in favor of the creation of a speed hump district, or if the petition circulated by the petitioner is returned to the department with a minimum of seventy-five (75) percent of the

property parcel owners in the proposed district signing in favor of the creation of a speed hump district, the petition will be forwarded to the board of commissioners for a public hearing on the creation of the proposed district. If less than seventy-five (75) percent of the property parcel owners return the petitions in favor of the creation of the speed hump district, no further action will be taken by the department. If less than seventy-five (75) percent of the surveys are returned to the department, no further action will be taken by the department. The petitions must be returned to the department within ninety (90) days of their mailing by the department, or the petition will be null and void. A proposed speed hump district will only be surveyed by the department one (1) time in any six-month period.

- (6) Upon acceptance of the surveys from the county public works department, engineering division, the board of commissioners will advertise a public hearing for the purpose of determining whether or not to create the proposed speed hump district. The public hearing date, time, and place shall be advertised one (1) time in the legal organ of the county at least ten (10) days prior to the hearing date. A minimum of one (1) sign shall be placed at a visible location within the proposed district announcing the public hearing at least five (5) days prior to the hearing date. Additional signs may be required as the board of commissioners and/or the public works department, engineering division may determine.
- (7) During the advertised public hearing, the board of commissioners will hear a report from the public works department, engineering division, concerning the location of all speed humps proposed for the district, and the total estimated project costs, as outlined in paragraph (8) of this section.
- (8) If the board of commissioners votes to create a speed hump district, the public works department, engineering division will prepare a summary of costs which shall include material cost of the speed hump(s). This summary of costs will be given to the petitioner for the petitioner to collect from the affected property parcel owners in the newly created speed hump district. When a minimum of seventy-five (75) percent of the total costs have been paid to the public works department, engineering division, the construction of the speed hump(s) shall be authorized.

(Ord. of 4-2-96; Ord. of 6-19-01)

Sec. 14-58. - Specifications.

Specifications for design and installation of speed humps may be found in the Speed Hump Program Manual, and include, but are not limited to, the following:

- (1) The geometric design of speed humps shall generally be in conformance with the following specifications:
 - a. Four (4) to six (6) inches maximum vertical rise and decline over six-foot horizontal sections;
 - b. Twenty-two (22) feet total horizontal length; and
 - c. Incline/flattop/decline construction.

The geometric design of the speed humps has been proven to be a critical factor in their effectiveness, and the Institute of Transportation Engineers (ITE) has recommended the above stated geometric design. The county public works department, engineering division, may make minor modifications to these specifications to fit specific sites in the interest of safety or environmental reasons.

- (2) The county public works department, engineering division shall determine the location of each speed hump in the district. This determination shall consider stormwater controls, driveway locations, sight distances, and other relevant factors.

(Ord. of 4-2-96; Ord. of 6-19-01)

Sec. 14-59. - Removal of speed humps.

The county will remove speed humps installed on public rights-of-way and dissolve the speed hump district created under this article if the following conditions are met:

- (1) Seventy-five (75) percent of the property owners, via formal petition to the board of commissioners, request the removal of the speed humps and dissolution of the district;
- (2) The humps have been in place for a minimum of one (1) year;
- (3) The property owners are made aware, during a public hearing called by the board of commissioners to hear the petition for removal and dissolution of the district, that vehicle speeds will increase; and
- (4) The property owners agree to pay all costs, including, but not limited to, labor, equipment, disposal of materials, notification to property owners, advertisement costs, and any other costs associated with the removal of the speed humps; however, such costs shall not exceed three hundred dollars (\$300.00).

(Ord. of 4-2-96; Ord. of 6-19-01)

Sec. 14-60. - Federal, state laws to prevail in conflicts.

If any provision of this article is in conflict with any state or federal law, or with any rule, regulation or order of any agency of this state or federal agency having jurisdiction of the subject matter of this article, the state or federal law or rule, regulation or order shall prevail over the conflicting section of this article.

(Ord. of 4-2-96; Ord. of 6-19-01)

Sec. 14-61. - Rate schedule.

The board of commissioners is authorized to adopt a rate schedule, which schedule may be amended or modified upon properly adopted motion of the board of commissioners, meeting in public session. (Ord. of 4-2-96; Ord. of 6-19-01)

Sec. 14-62. - Creation of speed hump districts.

The following are speed hump districts on county roadways:

- (1) Aspen Road.
- (2) Old Lower River Road.
- (3) North Anneewakee Road (a.k.a. Old Anneewakee Road).

(Res. of 4-20-00; Res. of 4-21-00)