

HAILEY ORDINANCE NO. 1122

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 10.12.010 OF THE HAILEY MUNICIPAL CODE, TO PROVIDE FOR A 20 MILES PER HOUR SPEED LIMIT EXCEPT IN ALLEYS, IN SCHOOL ZONES, BY PARKS AND AS POSTED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, Idaho Code § 49-654 provides that where no special hazard or condition exists which requires lower speed limits, no person shall drive a vehicle at a speed in excess of 35 miles per hour in any residential, business or urban district;

WHEREAS, pursuant to Idaho Code § 49-207, the City of Hailey may determine on the basis of an engineering or traffic investigation and the residential, business or urban character of the neighborhood abutting a street in a residential, business or urban district that the speed limit established in Title 49 of the Idaho Code is greater than reasonable and safe;

WHEREAS, in *State v. Peck*, 153 Idaho 37 (Idaho App. 2012), the Idaho Court of Appeals acknowledged that a municipality can decrease the speed limits described in Idaho Code §§ 49-654 and 49-207 based on an engineering or traffic investigation and the residential, urban or business character of the neighborhood abutting a highway;

WHEREAS, Idaho Code § 49-207 provides that any alteration of speed limits on state highways must be based on a traffic engineering study approved by the Idaho Department of Transportation;

WHEREAS, the City of Hailey has not conducted a traffic engineering study which could alter the speed limit on Highway 75 within the City of Hailey;

WHEREAS, the Hailey City Engineer has conducted an engineering or traffic investigation and has conducted a review of other streets abutting residential, business and urban districts within the City of Hailey;

WHEREAS, in his report, the Hailey City Engineer cites a report from the Institute of Traffic Engineers, which states “[a]ccording to a Federal Highway Administration study, all states and most local agencies use the 85th percentile speed of free flowing traffic as the basic factor in establishing speed limits”;

WHEREAS, traffic speed studies conducted throughout Hailey between 2000 and 2012 on streets abutting residential, business and urban districts show that a 25 miles per hour speed limit would be appropriate based strictly on the 85th percentile speeds;

WHEREAS, both Idaho Code § 49-207 and the Federal Highway Administration study recognize that there are other factors which can be used to establish a reasonable and safe speed limit below the speed limit established by the 85th percentile speeds;

WHEREAS, the Hailey City Engineer has recommended a 25 miles per hour speed limit as a reasonable and safe speed limit on the recently reconstructed Woodside Boulevard, Countryside Boulevard and Aviation Drive because of the design of these streets and because of the separation of pedestrians and bicycles from vehicles;

WHEREAS, the Hailey City Engineer has recommended a 10 miles per hour speed limit as a reasonable and safe speed limit on alleys because of the narrow width of alleys, because of the inherent conflict between vehicles within the alley and vehicles entering and exiting adjacent property and because vehicles traveling on an alley must yield to traffic on intersecting streets;

WHEREAS, the Hailey City Engineer has recommended a 15 miles per hour speed limit as a reasonable and safe speed limit on streets adjacent to city parks and schools because of the danger posed to children and pedestrians and because there is significant congestion of vehicles and pedestrians at times in these areas;

WHEREAS, the Hailey City Engineer has recommended a 20 miles per hour speed limit as a reasonable and safe speed limit on all other streets within Hailey because of the number of obstructions to clear vision at intersections and because of the presence of pedestrians and children in the residential, business and urban districts; and

WHEREAS, the Hailey Mayor and City Council have reviewed the report of the Hailey City Engineer and has adopted his recommendation;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 10.12.010 of the Hailey Municipal Code is amended by the deletion of the stricken language and by the addition of the underlined language, as follows:

10.12.010 Speed limits designated. Every person operating a motor vehicle on a public street or alley in the city shall drive the same in a careful and prudent manner, and not to exceed the following speeds:

- A. Twenty-five miles per hour on Woodside Boulevard, Countryside Boulevard and Aviation Drive ~~Main Street, from one thousand two hundred seventy-three feet north of mile post 117 at North First Street to two thousand six hundred fifteen feet south of mile post 116 on South Main Street;~~
- B. ~~Fifteen~~Ten miles per hour in all alleys;
- C. Fifteen miles per hour through school zones as indicated by school zone signs posted at school zone areas;
- D. Fifteen miles per hour on all streets which are adjacent to city parks;

~~E. Twenty miles per hour in all residential areas, except as posted.~~

~~FE. Twenty-five miles per hour in all other areas of the city not specified in subsections A through ~~E~~ D of this section, except as posted.~~

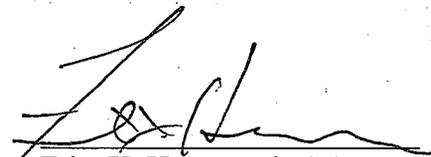
~~GF. Where a speed limit is posted, no person shall operate a motor vehicle in excess of the posted speed limit. Speed limits will be posted in the city as authorized by Idaho Code Section 49-207, et seq.~~

Section 2. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

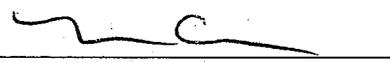
Section 3. Repealer Clause. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this 18th day of March, 2013.


Fritz X. Haemmerle, Mayor

ATTEST:


Mary Cone, City Clerk

Publish: Idaho Mountain Express April 3, 2013

