



ORDINANCE NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE REPEALING SUBSECTION 30 AND 34 OF SECTION G-IV 3.A.5, AMENDING SUBSECTIONS 15, 16 AND 17, AND ADDING SUBSECTIONS 24, 25 AND 26 TO SECTION G-IV 3.A.7, OF ARTICLE 3.A OF CHAPTER IV OF THE NEVADA COUNTY GENERAL CODE PERTAINING TO SPEED LIMITS ON MCCOURTNEY ROAD

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

That the change in the prima facie speed limit on McCourtney Road from South Ponderosa Way to Wolf Mountain Road, from its intersection with Indian Springs Road to 1.3 miles south of Indian Springs Road, and from Auburn Road to Banner Grange Hall, from 40 miles per hour to 45 miles per hour and the change in the prima facie speed limit on McCourtney Road from 1.3 miles south of Indian Springs Road to 2.2 miles south of Indian Springs Road, and from Banner Grange Hall to South Ponderosa Way, from 35 miles per hour to 40 miles per hour and establish a 40 miles per hour prima facie speed limit from Wolf Mountain Road to Indian Springs Road be approved based on the following findings A-D:

A. That California Vehicle Code Sections 22357 and 22358 authorize local agencies to establish speed limits based on the findings of an engineering and traffic survey; and

B. That the County conducted an engineering and traffic study on three segments of McCourtney Road in September 2020, determined the 85th percentile speed, and recommends speed limits as listed below:

McCourtney Road Section	Current Posted Speed Limit	85 th Percentile Speed	Recommended Speed Limit
1) South Ponderosa Way to Wolf Mountain Rd	40	48	45
2) Indian Springs Rd to 1.3 miles south of Indian Springs Rd	40	52	45
3) Auburn Road to Banner Grange Hall	40	48	45
4) 1.3 miles south of Indian Springs Rd to 2.2 miles south of Indian Springs Rd	35	47	40
5) Banner Grange Hall to South Ponderosa Way	35	43	40
6) Wolf Mountain Road to Indian Springs Road	40	42	40

C. That establishing the speed limit at the nearest rounded 85th percentile of free-flowing traffic speeds or 5 mph below facilitates the orderly movement of vehicular traffic and is reasonable and safe; and

D. That the work will be funded with local road maintenance funds for Fiscal Year 2020/21.

SECTION II:

Subsection 30 and 34 of Section G-IV 3A.5 of Article 3.A of Chapter IV of the Nevada County General Code are hereby amended to repeal:

“30. McCourtney Road from Banner Grange Hall to Ponderosa Way.”

“34. McCourtney Road starting at 1.3 miles south of Indian Springs Road and extending south 0.9 miles.”

SECTION III:

Subsections 15, 16 and 17 of Section G-IV 3A.6 of Article 3.A of Chapter IV of the Nevada County General Code are hereby amended to read as follows:

“15. McCourtney Road from Banner Grange Hall (1.25 miles) to South Ponderosa Way.”

“16. McCourtney Road from Wolf Mountain Road to Indian Springs Road.”

“17. McCourtney Road from 1.3 miles south of Indian Springs Road to 2.2 miles south of Indian Springs Road.”

SECTION IV:

Subsection 24, 25 and 26 of Section G-IV 3.A.7, of Article 3.A of Chapter IV of the Nevada County General Code are hereby added to read as follows:

“24. McCourtney Road from South Ponderosa Way to Wolf Mountain Road.

25. McCourtney Road from its intersection with Indian Springs Road to 1.3 miles south of Indian Springs Road.

26. McCourtney Road from Auburn Road to Banner Grange Hall.”

SECTION V:

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION VI:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and it shall become operative on _____, 2021, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.