



## **ORDINANCE NO.**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

#### **ORDINANCE ADDING SUBSECTION 59 OF SECTION G-IV 3.A.5 OF ARTICLE 3.A OF CHAPTER IV OF THE NEVADA COUNTY GENERAL CODE PERTAINING TO SPEED LIMITS ON OAK TREE ROAD BETWEEN TYLER FOOTE CROSSING ROAD AND WAMPUM WAY, AND AMENDING SUBSECTION 19 OF SECTION G-IV 3.A.7 OF ARTICLE 3.A OF CHAPTER IV OF THE NEVADA COUNTY GENERAL CODE PERTAINING TO SPEED LIMITS ON OAK TREE ROAD FROM WAMPUM WAY TO STATE ROUTE 49– DISTRICT IV**

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

#### SECTION I:

That the establishment of a 35 mile per hour prima facie speed limit on Oak Tree Road from Tyler Foote Crossing Road to Wampum Way (1.2 miles), and maintenance of a 45 mile per hour prima facie speed limit on Oak Tree Road from Wampum Way to State Route 49 (1.6 miles), be approved based on the following findings A-D:

- A. That the California Manual of Uniform Traffic Control Devices Section 2B.13.01 authorizes local agencies to establish speed limits based on the findings of an engineering and traffic survey;
- B. That the County conducted an engineering and traffic survey in October 2018 that found that the segment of Oak Tree Road from Tyler Foote Crossing Road to Wampum Way had an 85<sup>th</sup> percentile speed limit of 38 miles per hour, and the California Manual of Uniform Traffic Control Devices Section 2B.13.12a allows local agencies to reduce the speed limit by 5 miles per hour from the nearest 5 mile-per-hour increment of the 85<sup>th</sup> percentile speed based on the findings of an engineering and traffic survey and in compliance with California Vehicle Code Sections 627 and 22358.5;
- C. That the County conducted an engineering and traffic survey in October 2018 that found that the segment of Oak Tree Road from Wampum Way to State Route 49 had an 85<sup>th</sup> percentile speed limit of 43 miles per hour which is rounded to the nearest 5 mile per hour increment to establish the speed limit of 45 miles per hour;
- D. That establishing the speed limit near the 85<sup>th</sup> percentile of free flowing traffic speeds facilitates the orderly movement of vehicular traffic and is reasonable and safe;
- E. That the County's engineering and traffic surveys are in compliance with California Vehicle Code Section 627; and
- F. That the work to install new speed limit signs will be funded with local road maintenance funds for Fiscal Year 2018/19.

SECTION II:

Subsection 59 is hereby added to Section G-IV 3.A.5, of Article 3.A of Chapter IV of the Nevada County General Code to read as follows:

“Sec. G-IV 3.A.5 Thirty Five Miles Per Hour Prima Facie Speed Limit Established; Signs to be Posted

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59. Oak Tree Road from Tyler Foote Crossing Road to Wampum Way (1.2 miles)”

SECTION III:

Subsection 19 is hereby amended to Section G-IV 3.A.7, of Article 3.A of Chapter IV of the Nevada County General Code to read as follows:

“Sec. G-IV 3.A.7 Forty Five Miles Per Hour Prima Facie Speed Limit Established

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19. Oak Tree Road from Wampum Way to State Route 49 (1.6 miles)

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SECTION IV:

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 V:

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 the \_\_\_\_\_ day of \_\_\_\_\_, 2018, 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.