

CHAPTER 85

HIGHWAYS, ROADS AND SIDEWALKS

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Regional Transportation Department

85.010 Creation of regional transportation department.

1. There is hereby created, pursuant to the provisions of NRS 244.195, the Washoe County regional transportation department.

2. The department is responsible for the functions and administration of the programs established by chapter 373 of NRS and sections 20.321 to 20.433, inclusive, of this code (county motor vehicle fuel tax), and shall perform such other functions as may be assigned from time to time by the board of county commissioners and the regional transportation commission.

[§1, Ord. No. 409; A Ord. No. 431]

85.015 Executive director: Creation of position; term; staff.

1. The position of executive director of the regional transportation department is hereby created. The executive director shall be appointed and serve at the pleasure of the board of county commissioners.

2. The executive director shall appoint, pursuant to the provisions of chapter 5 of this code regulating county personnel, such technical, clerical and operating staff as the execution of his duties and operation of his department may require.

[§2, Ord. No. 409; A Ord. No. 431]

85.020 Executive director: Powers and duties. As the head of the department, the executive director shall direct and supervise all administrative and technical activities of the department. In addition to such activities as may be required in the daily administration of the department, the board of county commissioners and the regional transportation commission may make additional assignments as are deemed necessary.

[§3, Ord. No. 409; A Ord. No. 431]

85.025 Compensation of executive director, employees.

1. Except as provided in subsection 2, the salaries and other

fringe benefits of the executive director and employees of the regional transportation department shall be established in accordance with the provisions of chapter 5 of this code and other county ordinances regulating the employment of county personnel.

2. The salary of the executive director shall be established by the regional transportation commission.

3. All disbursements from funds of Washoe County for salaries and other compensation of the executive director and staff of the regional transportation department shall be reimbursed from the regional street and highway fund. The regional street and highway fund shall be reimbursed from funds appropriated for the support of the regional transportation commission for all disbursements for salaries and other compensation of the executive director and staff which are related to transportation activities other than the planning, administration, maintenance and construction of street and highway projects.

[§4, Ord. No. 409; A Ord. No. 431]

85.030 Divisions of regional transportation department.

The regional transportation department shall consist of such divisions, created upon the recommendation of the executive director and the regional transportation commission, as are deemed necessary for the efficient performance of the duties of the department.

[§5, Ord. No. 409; A Ord. No. 413]

Encroachment Permits

85.056 Encroachment permits: Requirement; application; fee; issuance; recording.

1. An encroachment permit shall be secured from the engineering division of the department of public works before any person makes any obstacle or encroachment in the right-of-way of any public highway, road, street or alley within the unincorporated areas of the county; but if any emergency arises necessitating an immediate obstacle or encroachment resulting in full road closure during the hours when the engineering division of the department of public works is not open for business, the applicant making such encroachment shall notify the sheriff and appropriate fire departments prior to making the obstacle or encroachment, giving the location of the encroachment, the time at which it will be made and the extent thereof. An encroachment permit shall be secured from the engineering division of the department of public works on the next-succeeding business day, unless the emergency encroachment has

been permanently removed from the right-of-way before 8:00 a.m. on that day.

2. Application for an encroachment permit must be made in writing on the form provided by the engineering division of the department of public works. The application must contain the following information and such other information as the county engineer deems necessary:

(a) The name or names of the owners of the property abutting the portion of the right-of-way upon which the encroachment is proposed to be made;

(b) The legal description of the property abutting the portion of the right-of-way upon which the encroachment is proposed to be made;

(c) A drawing clearly and legibly drawn to scale in black waterproof india ink on bond paper measuring 8-1/2 by 13 inches which shows the owner's property line as it abuts the right-of-way, the edge of the traveled portion of the highway or roadway, including shoulder areas, and the location, size, height and type of construction of the proposed encroachment.

3. The application must be accompanied by a \$25 service fee payable to the County of Washoe and by a recording fee for the permit in the amount specified in NRS 247.305 payable to the recorder of Washoe County.

4. If he finds that the right of the public to safely traverse the roadway or otherwise use the right-of-way will not be adversely affected by allowing the encroachment, the county engineer may issue an encroachment permit to the applicant which is in the form and contains all of the restrictions and conditions set forth in section 85.057. The county engineer may impose such additional restrictions and conditions upon the permit as he deems proper to insure the public safety.

5. For purposes of this section, "obstacle or encroachment" means any object, materials or facilities not owned by the county that are placed within a right-of-way of the county for purposes of vehicular access or storage or for decorative improvements for front lots that are not a part of the highway or roadway facility. The term includes, but is not limited to, concrete or asphaltic driveways and parking areas, fences, plants and trees used for landscaping, and decorative brick and stonework. The term does not include vehicles parked in a lawful manner within a right-of-way.

[S2, Ord. No. 693]

85.057 Encroachment permits: Recording; terms and conditions binding upon subsequent owners unless permit revoked; form.

1. An encroachment permit must be signed by each owner of the property abutting the right-of-way upon which the encroachment is proposed to be made. Each signature must be acknowledged and the permit must be recorded by the county engineer in the official records of Washoe County in the manner prescribed by law. At the time of recording, the county engineer shall tender the fee for recording which was submitted with the application for the permit.

2. The county engineer may, with or without cause, revoke an encroachment permit at any time. Upon making a decision to revoke an encroachment permit, the county engineer shall mail to the current owner of the property which is the subject of the permit a written notice that the permit is to be revoked. The revocation becomes effective when a written document entitled "Revocation of Encroachment Permit" is executed by the county engineer, acknowledged and recorded in the official records of Washoe County. After recording that document, the county engineer shall mail a copy of the document to the current owner of the property which was the subject of the permit.

3. Except as provided in subsection 4, the owner of the property shall remove all obstacles or encroachments in the county's right-of-way within 30 days after the Revocation of Encroachment Permit is recorded. If the owner fails to timely remove the obstacle or encroachment, the county engineer may remove or cause the removal of the obstacle or encroachment and may recover the cost of removal from the owner.

4. The county engineer may waive, in writing, the requirement of subsection 3 that an obstacle or encroachment be removed from a county right-of-way after a Revocation of Encroachment Permit has been recorded.

5. Unless revoked by written instrument executed by the county engineer and recorded in the office of the recorder of Washoe County, an encroachment permit issued and recorded pursuant to section 85.056 and this section shall have perpetual existence and shall inure to the benefit of and be binding upon the owner (permittee) and all persons who subsequently acquire any right, title or interest in or to the property described in the permit.

6. An encroachment permit must be in substantially the following form:

REVOCABLE ENCROACHMENT PERMIT

Pursuant to the provisions of Chapter 244 of the Nevada Revised Statutes and the Washoe County Code, WASHOE COUNTY hereby grants a revocable permit to

_____ hereinafter referred to as "Owner," to construct a _____ partially within the right-of-way of _____.

The authority hereby granted permits the installation of a

_____ as shown on the drawing attached hereto as EXHIBIT 'A' and hereby made a part hereof.

The improvements permitted hereby are for the benefit of the Owner's real property and all restrictions and conditions set forth herein shall be binding upon the Owner, his legal representatives, successors and assigns. Said Owner's real property is more particularly described as follows:

This permit is subject to the following conditions:

1. This permit is issued contingent upon the Washoe County Engineer's approval, prior to the beginning of construction, of the construction schedule, safety and traffic control measures, and any other facet of the permitted encroachment which he deems prudent to control in the interest of the County and the traveling public. Failure to secure such approval from the County Engineer shall render this permit null and void. All work shall be under the supervision of the Washoe County Engineer and shall meet his approval.
2. During the construction operation, proper barricades, warning and directional signs, flags, flares or other protective devices shall be installed and maintained as a protection to the traveling public when determined necessary by the County Engineer. In the event that cutting of the street or trenching within the right-of-way is required in the work of construction, a "Street-Cut Permit" shall be obtained prior to such work, and the work shall be carried out in conformance with the requirements of the "Street-Cut Permit".
3. All work not specifically provided for and which will affect the public road or vehicular traffic thereon shall be performed in such a manner as may be directed by the Washoe County Engineer to insure a minimum delay or inconvenience.

4. Any surface or public road appurtenance damaged or disturbed shall be returned to its original condition within two (2) days of completion of work, and if not so performed, the Washoe County Engineer reserves the right to make necessary replacements and repairs, and the Owner hereby agrees to pay the actual cost of such work performed by the County upon receipt of proper billing of such work.

5. Nothing in this permit is to be construed as relieving the Owner hereunder from obtaining permits as may be necessary under Chapter 100 of the Washoe County Code, generally known as the Washoe County Building Ordinance, and the work which is the subject of this permit shall be performed in accordance with said ordinance when applicable.

6. The Owner shall indemnify the County of Washoe and save it harmless from and against any and all liability for injury to persons or damage to properties whether said properties may belong to Owner, County or to third parties, which injury or damage is sustained by reason of any cause directly resulting from the exercise of the privilege herein granted.

7. The Owner shall make any and all repairs to the facilities installed by authority given in this permit as soon as the need therefor arises and shall at all times maintain said facilities. The Owner further agrees to indemnify the County of Washoe and save it harmless from and against any and all liability for damages to said facilities which may result from road maintenance operations.

8. Upon notification in writing from the County of Washoe of the necessity therefor, the Owner shall adjust or remove the encroachment at its own expense, within thirty (30) days after receipt of such notice, unless the emergency of the situation requires the work to be done in a shorter time.

9. No brush, shrubs, trees or other flora now located within the public road right-of-way or that which hereafter may be planted or grown within said right-of-way shall be cut, trimmed, mutilated, removed or disturbed in any manner whatever without the written consent, approval and supervision of the Washoe County Engineer.

THE OWNER AGREES TO THE ABOVE RESTRICTIONS AND CONDITIONS AND ACKNOWLEDGES THAT SAID RESTRICTIONS AND

CONDITIONS SHALL RUN WITH THE OWNER'S REAL PROPERTY
AND BE BINDING UPON HIS LEGAL REPRESENTATIVES,
SUCCESSORS AND ASSIGNS.

DATED this ____ day of _____, ____.

WASHOE COUNTY
by Washoe County Engineer

Owner(s)

STATE OF _____

COUNTY OF _____

On the ____ day of _____, _____,
personally appeared before me, a Notary Public,
_____ who acknowledged that ____ executed the
above instrument.

NOTARY PUBLIC

STATE OF _____

COUNTY OF _____

On the ____ day of _____, _____,
personally appeared before me, a Notary Public,
_____ who acknowledged that ____ executed the
above instrument.

NOTARY PUBLIC

[\$3, Ord. No. 693]

Street Cut Ordinance

85.058 Short title. For purposes of this chapter, sections 85.058 to 85.115, inclusive, shall be known as and may be referred to as the Street-Cut Ordinance.

[§2, Ord. No. 708; A Ord. No. 1159]

85.059 Definitions. As used in sections 85.058 to 85.115, inclusive, unless the context otherwise requires:

1. "Contractor" means any person, public utility, private utility, or improvement district created and existing pursuant to the provisions of chapter 309 or 318 of NRS, who performs any street cut.

2. "Department" the department of public works of Washoe County, Nevada.

3. "Director" means the director of the department of public works of Washoe County, Nevada.

4. "Paving bid contract price" means the price per square foot of paving in the bid of the bidder selected by the county to install permanent pavement patches.

5. "PCI" or "Pavement Condition Index" means the nationally recognized system of evaluating the condition of paved surfaces used by the county for any paved surface which is the subject of a street cut.

6. "Street-cut" means any excavation in any highway, street, alley, road or public right-of-way which is part of Washoe County's maintained road system.

[§3, Ord. No. 708; A Ord. No. 1159]

85.060 Purpose and scope.

1. The purpose of the Street-Cut Ordinance is to safeguard the public health, safety and welfare by establishing procedures and requirements for the issuance of street-cut permits and by establishing controls and requirements for cutting, excavating, backfilling, restoring and maintaining public streets and alleys.

2. The provisions of the Street-Cut Ordinance apply only to those highways, streets, alleys, roads and public rights-of-way which are part of Washoe County's maintained road system.

[§4, Ord. No. 708; A Ord. No. 1159]

85.065 General requirements.

1. An excavation permit shall be obtained from the department before any person makes any street cut. Permits shall be issued only to contractors who must be licensed by the state under Chapter NRS 624 for the work authorized under a permit. Permits are not required for excavations in new subdivisions under development in which the streets or alleys have not been brought to final grade.

2. An application for a permit for a street cut must be made in writing on the form provided by the department. Permits must be secured at least twenty-four (24) hours prior to the beginning of the excavation and the contractor shall confine work to the standard workweek which shall consist of eight-hour workdays, Monday through Friday. However, if an emergency arises necessitating an immediate excavation during the hours that the department is not open for business, the contractor shall notify the Sheriff and Fire Department of the County, giving the location of the excavation, the time the same will be made and the extent thereof. A permit shall be secured from the department on the next succeeding business day, whether the emergency work has been completed or not. Failure to notify the proper authorities will result in payment of double the normal fee for performing this work.

3. Every permit issued by the department shall expire and become null and void if the excavation is not commenced within fifteen calendar days from the date of such permit, unless otherwise extended in writing by the director.

4. In granting any permit, the director may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to:

- (a) Limitation on the hour, the day and the period of the year in which the work may be performed;
- (b) Restrictions as the size and type of excavating equipment;
- (c) Designation of routes upon which materials and waste may be transported;
- (d) The manner of removal of excavated materials;
- (e) Requirements as to the control of dust nuisance, the cleaning of street, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public or any portion thereof;
- (f) Regulations as to the use of streets in the course of the work; and
- (g) Access to essential facilities, businesses, and private driveway shall be provided.

5. The director must be notified by the permittee during the forty-eight (48) hour period preceding beginning of backfilling. [S5, Ord. No. 708; A Ord. No. 1159]

85.070 Bond and insurance requirements.

1. Before commencing work pursuant to a street cut permit the contractor shall provide to the county, a bond to be approved by the director in such sum as shall be designated by the director as necessary for the proper protection of the county. Any bond provided under this section must provide that the obligator of the bond will pay to the county the amount of the bond, should the person obtaining such permit fail, neglect or refuse to complete the excavating or filling in, the sidewalk, curb, gutter, public street, highway, avenue or alley in proper condition to the satisfaction of the director after the work provided for in the permit has been finished. As an alternative to a bond for each particular street cut any person intending to make periodic excavations in sidewalks, curbs, gutters, public streets, alleys or any public property in the county may provide to the county a general bond in the sum of Five Thousand Dollars (\$5,000.00), which general bond shall be conditioned and used for the same purpose as the individual bonds described in this section. The director may require security above the general \$5,000.00 bond if a particular piece of work would subject the county to risks of loss in excess of \$5,000.00 if the work was not satisfactorily performed.

2. No street cut permit may be issued until an applicant, except public utilities under the jurisdiction of the State Public Service Commission, submits to county a certificate of insurance showing a minimum combined single limit insurance policy of One Million Dollars (\$1,000,000.00), such policy to include but not be limited to collapse and underground damage. The certificate of insurance must meet the following requirements:

(a) It must be issued by an insurance company licensed or permitted to do business in Nevada by the State Division of Insurance.

(b) The coverage must include broad form property damage liability, automobile liability, including non-owned and hired automobiles (with the contractual liability exclusion deleted), contractual liability, products and completed operations liability, personal injury and advertising liability and stop-gap/employer's liability.

(c) Washoe County must be named as an additional insured by endorsement. The endorsement must be filed with the county as soon as practicable but no later than the date work under the permit is to commence.

(d) Washoe County must be notified of the insurance company's intent to cancel the policy not less than ten (10) days in advance of cancellation for non-payment of premium or not less than thirty (30) days in advance of cancellation for any other cause.

3. An applicant must provide and maintain proof of worker's compensation insurance in compliance with state law.

[§7, Ord. No. 708; A Ord. No. 1159]

85.075 Fees.

1. Before the issuance of a street cut permit the fees required by this section shall be paid to the county. The total fees are the sum of the application fee, the pavement restoration fee, and the administrative fee. The application fee is \$150.00. The pavement restoration fee is the paving bid contract price multiplied by the area of the excavation multiplied by the PCI multiplier. The administrative fee is \$2.00 per square foot multiplied by the area of excavation (to a maximum area of 1000 ft²). For areas of excavation greater than 1000 square feet the administrative fee shall be \$2.00 per square foot multiplied by 1000 square feet plus the cost to perform any additional testing in accordance with the Standard Specifications for Public Works Construction. The total fee for unpaved streets is the application fee of \$150.00.

2. The area of the excavation of paved surfaces will be established by field measurements made by the department at the time of construction. The area shall be computed from the linear measurement of the length and width of the trench, each such measurement increased a minimum of one and three-tenths feet. If excessive sloughing of trench banks or if breakage of pavement occurs, the measurements shall be adjusted to cover the area of street to be restored.

3. The Pavement Condition Index (PCI) multiplier for a paved surface with a PCI of 40 or below is one (1). The PCI multiplier for a paved surface with a greater than 40.0 but less than 70 is two (2). The PCI multiplier for a paved surface with a PCI of 70 or greater but less than 90 is three (3). The PCI multiplier for a paved surface with a PCI of 90 or greater is four (4). All fees collected will be utilized in pavement restoration and program administration.

4. If the director finds that paving surfaces adjacent to the street cut opening may be damaged where trenches are made parallel to the street, or where a number of cross trenches are made in close proximity to one another, or where the equipment used may cause such damage he may require a negotiated reconstruction of the impacted street area in place of patching individual trench openings if the total area of the proposed patch or probably damaged area exceeds twenty-five percent (25%) of the total pavement surfacing in any block. An additional fee for expected loss of pavement life may also be part of the negotiated reconstruction. Such negotiations shall be completed

prior to the issuance of a permit and shall be in lieu of the standard pavement restoration fee.

[§8, Ord. No. 1159; A Ord. No. 1183]

85.080 Excavation and temporary restoration requirements/specifications.

1. All construction, including pavement cutting, excavating, backfilling, and temporary patching shall be done in accordance with the technical specifications set forth in the current edition of the Standard Specifications for Public Works Construction adopted by Washoe County. It is the responsibility of contractors to maintain the temporary patch for a period not to exceed ninety (90) days. All permanent asphaltic concrete patches shall be constructed by the department. All Portland cement concrete structures, such as curbs, gutters, sidewalks and valley gutters, or other public facilities damaged or removed, shall be replaced to the nearest construction joints on either side of the curb cut by the excavating contractor without cost to the county. The county will provide one compaction test for acceptance as part of the excavating permit. The excavating contractor shall be responsible for any additional inspections and testing expenses incurred by the county. The county reserves the right to deduct these costs from monies owed the contractor.

2. Temporary surfacing must be installed within twenty-four (24) hours after the trench is backfilled. It is the responsibility of the permittee to maintain the temporary surfacing for a period not to exceed ninety (90) days.

3. Excavation protection and traffic control:

(a) Excavations in the county rights-of-way shall be properly protected by barricade methods as provided for in the current edition of the Manual of Uniform Traffic Control Devices (MUTCD) and as determined by the director to be necessary for the protection of the public. All flaggers shall be certified and flaggers are required on all thoroughfares and main intersections, and any other place deemed necessary by the director. Access shall be maintained to businesses and residences.

(b) Any person maintaining improper barricades within the street right-of-way which require the placing of additional barricades, warning lights or signs by the county in the interest of public safety shall be charged time and materials (two hour minimum) for each occasion in which the county finds it necessary to place such barricades, warning lights or signs.

[§9, Ord. No. 1159]

85.085 Permanent restoration. Permanent restoration of street cuts shall be performed by the department except that the director may allow a contractor for a large pipeline project, or a contractor doing trenching work on a major street to make the permanent patch in accordance with the latest specifications approved by Washoe County.

[\$10, Ord. No. 1159]

85.090 Term of permit. A street cut permit expires and is null and void if the excavation is not commenced within fifteen (15) calendar days from the date of issuance, unless otherwise extended in writing by the director.

[\$11, Ord. No. 1159]

85.095 Tahoe Basin restrictions. A street cut permit for work to be performed in the Lake Tahoe basin between October 15 and May 1 shall not be issued by the department unless:

1. There exists an emergency situation or unforeseeable event necessitating immediate repairs; and

2. The permit requires the work to be done in compliance with all ordinances of the Tahoe Regional Planning Agency (TRPA) pertaining to grading and disturbances of the soil.

[\$12, Ord. No. 1159]

85.100 Revocation. The director may revoke a permit for violation of any provision of the permit, or provision of any other applicable ordinance relating to the work.

[\$13, Ord. No. 1159]

85.105 Transferability and location. Street cut permits are not transferable from one person to another and the work shall not be made in any place other than the location specified in the permit.

[\$14, Ord. No. 1159]

85.110 Procedure for waiving requirements; substitutions. The director may approve the substitution of materials, specifications and methods of construction defined in the Street Cut Ordinance, if such substitutions are deemed to be equal or better. No substitution may be made until the director has approved the substitution in writing.

[\$15, Ord. No. 1159]

85.115 Violations and penalties.

1. It is unlawful for any person, public utility, private utility, or any improvement district created and existing pursuant to the provisions of Chapter 309 and 318 of NRS, to

excavate, tunnel under or fill in any sidewalk, curb, gutter, public street, road, highway, alley or public right-of-way within the unincorporated area of Washoe County, or cause the same to be done, contrary to any provision of the Street Cut Ordinance.

2. An person, public utility, private utility, or any improvement district described in Subsection 1 who violates any provision of the Street Cut Ordinance is guilty of a misdemeanor. That person, utility or improvement district is guilty of a separate offense for each day or portion thereof during which any violation of the Street Cut Ordinance is committed, continued or permitted.

3. Upon conviction of a violation of the Street Cut Ordinance the person, utility or improvement district shall be punished by a fine of not more than \$1,000.

[\$16, Ord. No. 1159]

Lights at Street Intersections and Hazardous Locations

85.335 Definitions. As used in sections 85.335 to 85.355, inclusive, unless the context otherwise requires:

1. "Accident" means any collision between any motor vehicle, as that term is defined in NRS 482.135, with any other motor vehicle, bicycle or pedestrian.

2. "Night" means the hours between dusk and dawn.

3. "Satellite community" means any isolated county community which is served by a minimum of six internal street intersections.

4. "Street intersection" means that area at which county-maintained streets or roadways intersect with any other public street or roadway.

5. "Traffic-control committee" means the committee created by section 70.200.

[\$2, Ord. No. 295; A Ord. No. 457]

85.340 Purpose. The purpose of sections 85.335 to 85.355, inclusive, is to safeguard the public safety and general welfare by establishing standards for use by the officers and employees of Washoe County in determining which street intersections and hazardous locations in the unincorporated area of the county require installation of street lights.

[\$1, Ord. No. 295; A Ord. No. 457]

85.345 Standards.

1. Any street intersection within the unincorporated area of Washoe County at which two of the following six conditions exist may be required to be lighted at night by county-installed street lights:

(a) Four or more accidents have occurred at night at the intersection in any one 12-month period of time, or six or more accidents have occurred at night at the intersection in any 24-month period of time.

(b) In the opinion of the traffic-control committee the combination of sight distance, roadway alignment, grades, channelization, or other factors constitute a confusing or dangerous condition if such intersection is not illuminated.

(c) At night, there is a significant volume of pedestrian traffic in crosswalks adjacent to frequently used public gathering places.

(d) An average daily traffic of at least 500 motor vehicles exists at such intersection, as determined from a survey made of any single week's traffic at such intersection.

(e) Street lights for a satellite community will be of aid to emergency vehicles, to pedestrian traffic in designated crosswalks and to drivers unfamiliar with the satellite community.

(f) Tee, single right angle, four-way stop, or signalized intersections.

2. Street lights may be required to be installed at hazardous locations, including but not limited to sharp curves, alignment of bridge approaches, railroad crossings, short-sight distances and changes in number of traffic lanes or lane separations, if it is determined by the traffic-control committee that street lights would improve safety.

[§3, Ord. No. 295; A Ord. Nos. 297, 457]

85.350 Traffic-control committee, county engineer: Duties.

1. The traffic-control committee shall determine if a street intersection or hazardous condition warrants the installation of a street light under the conditions specified in section 85.345.

2. The type of street lighting, intensity of lighting and placement of lighting required by sections 85.335 to 85.355, inclusive, shall be determined by the county engineer after a street light need has been determined by the traffic-control committee.

[§4, Ord. No. 295; A Ord. No. 457]

85.355 Applicability. The provisions of sections 85.335 to 85.355, inclusive, do not supersede those provisions regarding installation of street lights by a subdivider in a subdivision

as set forth in chapter 115 of this code, and the provisions of chapter 115 of this code take precedence over the provisions of sections 85.335 to 85.355, inclusive, with regard to lighting of streets in subdivisions.

[§5, Ord. No. 295; A Ord. No. 457]

Snow and Ice Removal
From Sidewalks

85.360 Purpose. The purpose of sections 85.360 to 85.370, inclusive, is to safeguard the public health, safety and general welfare by requiring the removal of snow and ice from sidewalks utilized by the public in the unincorporated area of Washoe County.

[§1, Ord. No. 250]

85.365 Removal of snow and ice from sidewalks utilized by public. It is unlawful for any person owning, having charge or control of or occupying a property, building, lot, part of a lot, land or real estate open to public use or abutting on any street or roadway in the unincorporated area of Washoe County to fail, refuse or neglect to remove or cause to be removed all ice or snow resulting from a storm from the sidewalk or sidewalks in front of such property, building, lot, part of a lot, land or real estate.

[§2, Ord. No. 250]

85.370 Penalty. Any person who violates any of the provisions of sections 85.360 to 85.370, inclusive, is guilty of a misdemeanor punishable by a fine not to exceed \$1,000.

[§3, Ord. No. 250; A Ord. No. 534]

Miscellaneous Provisions

85.375 Placement of street name signs on private roads; approval of regional street naming committee required; penalty.

1. In order to prevent duplication of street names or pronunciations, no person shall erect or emplace a street name sign on any private road in the unincorporated area of Washoe County without first obtaining the approval of the proposed street name from the regional street naming committee.

2. Any street name sign erected or emplaced in violation of this section may be removed by Washoe County, and Washoe County shall be entitled to recover all costs of removal from the person causing such street name sign to be erected.

3. Any person who violates the provisions of this section is guilty of a misdemeanor.

[\$1, Ord. No. 211] + [\$2, Ord. No. 211] + [\$3, Ord. No. 211];
[A Ord. Nos. 534, 642]

85.380 Policies of board of county commissioners concerning control, management of county roads.

1. Subsections 1 to 3, inclusive, of this section contain the declared policies of the board of county commissioners concerning the control and management of county roads. All county officers and employees shall comply therewith.

2. No county officer or employee shall authorize the depositing of waste or scrap oil by private citizens on any county road without first securing permission from the board of county commissioners.

3. Washoe County will not participate with private citizens in sharing the cost of paving or otherwise improving short sections of county roads.

4. Any improvement to a county road made by a private citizen by the use of oil shall conform to the county's adopted typical road section design of a 26-foot paved section with a depth of 2.5 inches paving pursuant to county specifications, and all such paving work shall be done by a paving contractor licensed pursuant to the provisions of chapter 624 of NRS.

[73-1832]

85.385 Procedures for reimbursement to regional street and highway fund for residual property acquired through purchases for rights-of-way.

1. If the administering entity desires to reserve a residual property for public use, the entity may reimburse the regional transportation commission on a pro rata basis for the residual property. The actual dollar amount shall be determined by multiplying the original purchase price per square foot times the residual area. If the entity sells the residual parcel at a later date, any profit from the sale shall be returned to the regional transportation commission.

2. The administering entity may elect to sell the residual property through a public sale and bidding process. If this procedure is utilized, the entity will be responsible for the sale and will reimburse the regional street and highway fund the total amount received from the sale, less costs associated with the sale, such as advertising and appraisal costs.

3. At the time of property appraisal (prior to purchase), or at project completion, an after-appraisal shall be secured establishing property value for the residual property. The administering entity may elect to reimburse the regional

transportation commission the after-appraised value in lieu of a property sale. The entity may then sell the property or hold it for speculative purposes without further reimbursement to the regional transportation commission.

[74-1859]

85.390 Vacation, abandonment of streets, easements: Duties of county manager.

1. NRS 278.480 delineates the procedure for the vacation or abandonment of streets and easements, and subsection 7 thereof provides that the abutting property owners shall pay for title to the proportionate part of the street such consideration as the board of county commissioners determines to be reasonable.

2. Concurrently with filing the petition described in subsection 1 of NRS 278.480, the petitioner shall pay to the clerk of the board of county commissioners an administrative and report preparation fee of \$150, to be deposited with the county treasurer.

3. After receipt by the board of county commissioners of a petition as required by NRS 278.480 proposing vacation and abandonment of a street or easement and the receipt by the board of county commissioners of the required report from the planning commission at the time the board of county commissioners causes the posting and mailing of notice as required by subsection 3 of NRS 278.480, the county manager shall cause to be determined the value of the street or easement proposed to be vacated or abandoned. At the required public hearing prior to the entry of any order of vacation or abandonment he shall advise the board of county commissioners of the value of the property in order that the board may make a determination of reasonable value and order such value to be paid pursuant to subsection 7 of NRS 278.480.

[74-1980; A Ord. No. 558]

85.395 Policy guidelines for providing matching moneys in cooperative undedicated road projects.

1. When property owners approach the county seeking a cooperative project, they are required to poll all affected property owners to determine their willingness to dedicate the right-of-way and participate in the project.

2. If the poll indicates a substantial majority in favor of undertaking a joint project, action specified in subsections 3 to 6, inclusive, may be taken.

3. Staff of the department of public works are authorized to provide engineering to determine what work has to be done to complete the improvements.

4. A mutual agreement as to the extent of participation by

the county and by the property owners must be executed.

5. The county shall prepare the right-of-way acquisition documents and the property owners shall effect their execution.

6. After the right-of-way is dedicated to and accepted by the county, county matching funds can be expended on the project, provided the property owners have made an appreciable effort toward completion of their commitments.

[79-948]

Mail or Newspaper Boxes Within
County Maintained Road Rights-of-Way

85.400 Mailboxes: Ownership. The "owner" of an individual mailbox or newspaper box located or proposed to be located within a county maintained road right-of-way means either of the following: The legal owner or owners of record of the property which the mailbox is servicing; the property on the same side of the road in closest proximity to the mailbox; or the United States Postal Service in the case of a neighborhood delivery and collection box unit installation (hereafter referred to as mailbox) which is maintained by that agency.

[\$2, Ord. No. 854]

85.410 Mailboxes: Installation and maintenance requirements.

1. Mailboxes are allowed within county maintained rights-of-way subject to the following conditions, unless in the determination of the county engineer the installation may interfere with or otherwise jeopardize the safety of the traveling public or the function, maintenance or operation of the road system:

(a) Mailboxes include individual mailboxes and neighborhood delivery and collection box units. Mailboxes must conform to United States Postal Service standards, and individual mailboxes must bear the words "U.S. Mail" and "Approved by the Postmaster General."

(b) The support stand for a single or double mailbox must be one of the following: A single four inch wide by four inch deep (4" x 4") wooden post; a single four and one-half inch (4-1/2") diameter wooden post; or a two inch (2") diameter standard strength hollow metal post. A metal post may be embedded no more than twenty-four inches (24") into the ground. All mailboxes must be installed and located in conformance with the standard details of Drawings W-13 and W-14 with the exception of neighborhood delivery and collection box unit installations of the United States Postal Service, and no more than five mailboxes may be installed on a multiple support system. The

bottom of the box shall be set at an elevation established by the United States Postal Service, between three and one-half feet (3-1/2') and four feet (4') above grade of the ground beneath the mailbox. The roadside face of all mailboxes shall be offset from the edge of the traveled way not less than the following distances:

(1) On curbed streets with sidewalk, twelve inches (12") behind the back edge of sidewalk.

(2) On curbed streets without sidewalks, twelve inches (12") from the front face of the curb.

(3) On urban streets without curbs but with improved shoulders, twelve inches (12") behind the edge of the shoulder.

(4) On urban residential streets without curbs or improved shoulders, twenty-four inches (24") from the edge of pavement.

(5) On rural roads with no curbs or improved shoulders, eight feet (8') behind edge of pavement.

(6) On rural roads with an average daily traffic count of 200 vehicles or less and with a regulatory speed not exceeding 35 m.p.h., three feet (3') behind the edge of pavement or the unpaved traveled way. The county engineer may grant a variance of the three foot (3') distance required in this subsection.

Mailboxes must be located on the right-hand side of the roadway in the direction of the delivery route except on one-way streets where they may be placed on either side. When a mailbox is to be located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route. When the mailbox is to be located at an intersecting road, it shall be located a minimum of one hundred feet (100') beyond the center of the intersecting road in the direction of the delivery route unless the average daily traffic on the intersecting road exceeds 400 vehicles per day, in which case the distance shall be increased to not less than two hundred feet (200').

(c) Newspaper delivery boxes must be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper and may be mounted below the mailbox on the side of the support or beneath the mailbox. A newspaper delivery box mounted alone and not in conjunction with a mailbox must conform to the installation and maintenance requirements for a mailbox.

(d) Each owner is responsible for keeping access to an individual mailbox clear of parked vehicles, trash cans, and any other obstruction or materials, and must remove snow, as necessary, at his own expense to enable the United States Postal Service mail carrier to serve the mailbox.

(e) Each owner is responsible for and shall make any and all repairs or replacements to the mailbox and newspaper box installed or maintained by the authority given herein, as soon

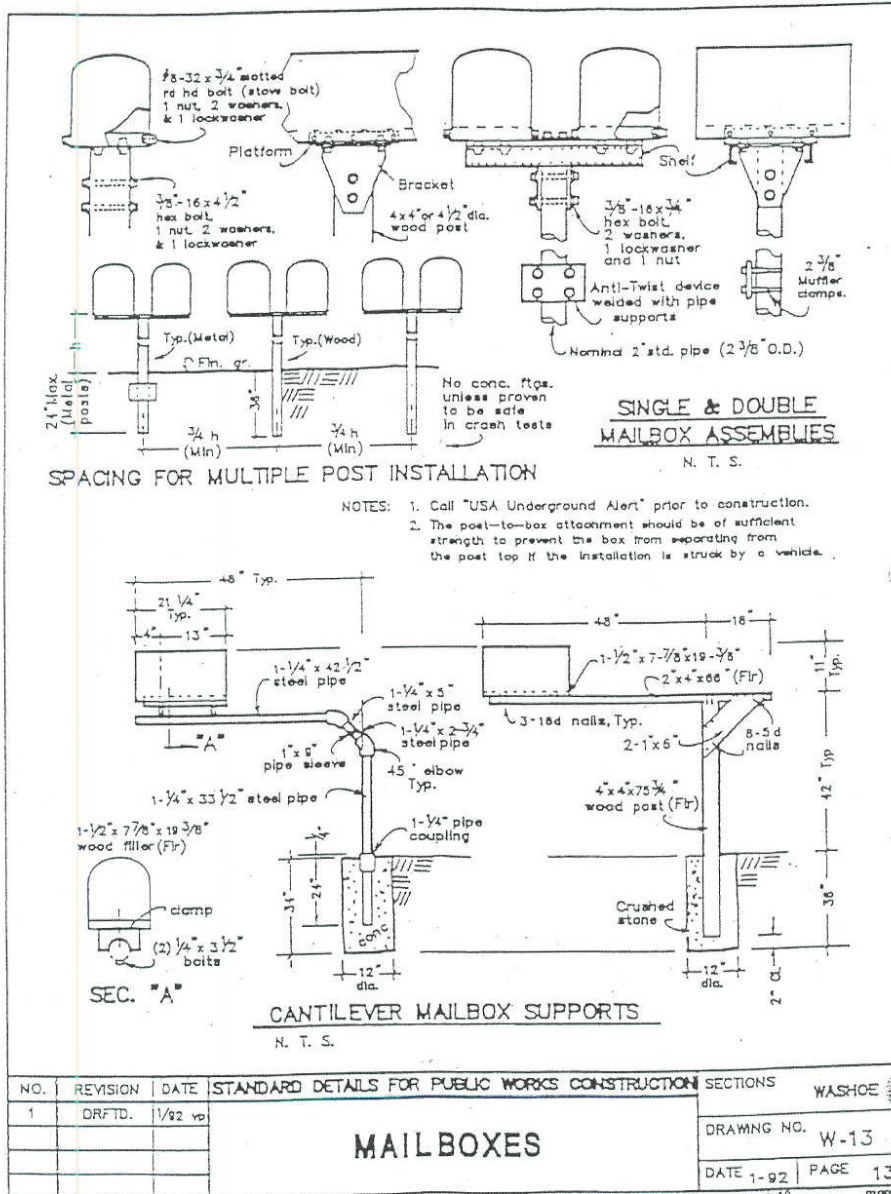
as the need therefor arises, and shall at all times maintain said mailbox and newspaper box in serviceable condition. By installing or maintaining a mailbox or newspaper box within a county maintained right-of-way, the owner assumes all risk associated with said installation and maintenance and indemnifies and saves harmless the county of Washoe from and against any and all liability, including bodily injury and property damage arising from such installation or maintenance, and from damages to said mailbox or newspaper box which may result from road maintenance operations, or damage caused by others which may occur, including snow removal of roads and ditch cleaning.

(f) Upon notification in writing from the county of Washoe of the necessity therefor, the owner shall adjust, remove or relocate the mailbox or newspaper box at his own expense, within 7 days after receipt of such notice, unless urgency requires the work to be done in a shorter time. If not so performed, the county engineer is authorized to have the necessary work performed, and the owner shall pay the actual cost of such work upon receipt of proper billing of such work.

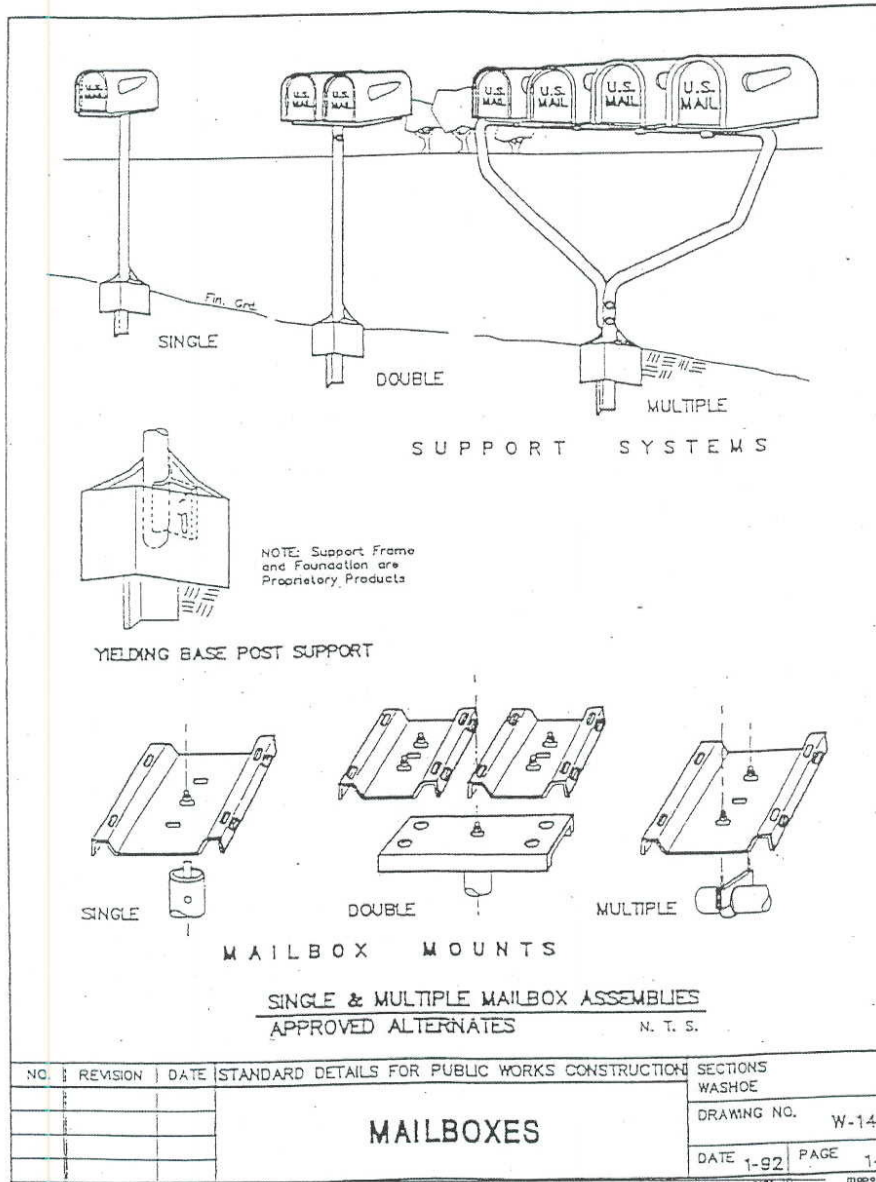
2. Mailboxes installed within the Lake Tahoe Basin shall conform to the design standards of a TRPA-approved areawide mail delivery program.

[§3, Ord. No. 854]

85.420 Construction detail drawings. Mailboxes must be installed and maintained in conformance with Drawings W-13 and W-14 which are made a part hereof:



NO.	REVISION	DATE	STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION	SECTIONS	WASHOE	
1	DRFTD.	1/92	MAILBOXES	DRAWING NO.	W-13	
				DATE	1-92	PAGE 13



85.430 Variances. The county engineer may grant variances to the requirements of this ordinance at his sole discretion. Such variances shall be in substantial conformance with Drawings W-13 and W-14 and the intent of this ordinance.

[§5, Ord. No. 854]

85.440 Retroactive application. This ordinance applies retroactively to any mailbox or newspaper box which is in existence at the effective date of this ordinance and which is thereafter maintained within a county maintained road right-of-way.

[§6, Ord. No. 854]

Public Roads

85.450 Declaration of policy. The board of county commissioners hereby declares that the determination and adjudication of certain presumed public roads and other roads eligible to be public roads is critical to the quality of life of the citizens of the region and necessary to assure continued access by the public to public lands.

[§2, Ord. No. 1249]

85.460 Applicability. Sections 85.450 through 85.580 herein establish a process for the adjudication of and removal of obstructions from public roads as defined in Section 85.470.

[§3, Ord. No. 1249]

85.470 Definitions.

1. "Board" means the board of county commissioners.
2. "Department" means the department of public works.
3. "Obstruction" or "obstructed" means actions taken to prevent travel across or along the pathway of any public road, including but not limited to constructing gates, closing existing gates, signage or any other impediment limiting the public use of the public road.
3. "Presumed public road" means a road that qualifies as a public road under the provisions of NRS 405.191(2) or (3) and an accessory road as defined in NRS 405.201(1), commonly referred to as R.S. §2477 roads.
4. "Presumed public roads map" means a map adopted by the board of county commissioners on April 27, 1999, as it may be amended from time to time by the processes set forth in sections 85.480 through 85.510.
5. "Public road" is a road that qualifies as a presumed public road and that has been determined to be a public road pursuant to the process set out in sections 5 through 8 herein, a road adjudicated public by a court or a road meeting the requirements of NRS 405.191(1) or (3).

[§4, Ord. No. 1249]

85.480 Petition.

1. Five or more residents of the state may petition the board to open, reopen, close, relocate or abandon a public road.

2. The petition must be submitted to the county clerk and the department.

3. The petition must be specific to a particular road or segment thereof and accompanied by:

(a) Proof of the petitioners' residency; and

(b) Maps and documentation sufficient to justify a hearing on the petition.

4. Documentation, as used in this section, may include, but is not limited to, identification of the area of the road by way of township, range and section; proffer of proof that the road was constructed by mechanical means; government land office maps; survey notes; and proof of usage.

[§5, Ord. No. 1249]

85.490 Notice and investigation.

1. The department shall cause the petition to be placed on the county commissioners agenda for a public hearing on a date not earlier than 30 days, nor later than 45 days, after the petition is submitted and deemed complete by the director.

2. The department shall review the petition and conduct such investigation as in the opinion of the department director allows an independent determination regarding the public or non-public status of the road subject of the petition.

3. The department shall publish notice of time, date and location of the public hearing at least once each week for 2 successive weeks in a newspaper of general circulation in the county.

4. In addition, the department shall give notice of the hearing in writing, at least 30 days prior to the hearing, to the owners of property, at the address as determined from the assessor's records, over which the road subject of the petition traverses.

[§6, Ord. No. 1249]

85.500 Public hearing. Upon conclusion of the public hearing, the board shall determine whether the documentation and evidence presented allows the following findings to be made:

(a) Construction of the improvement occurred while the land was un-appropriated, unreserved public land;

(b) The improvement was constructed by mechanical means which made the physical change to the natural area necessary for the customary or usual passage of traffic; and

(c) The right of way was:

(1) Accepted by the state or local government for dedication as a road for public use and thereafter the road was used by the public at large; or

(2) Accepted by use as access to a mining claim or other privately owned property.

(d) As an alternative or in addition to (a), (b) and (c), the

road meets the definition of a public road as set out in NRS 405.191(2).

[§7, Ord. No. 1249]

85.510 Additional required findings and order.

1. If the board determines that a road meets the requirements of section 85.500, it must address and determine whether the following additional findings can be made:

(a) A public road determination results in a benefit to the general public and does not adversely impact the public health, safety, welfare or recreational opportunities of the public; and

(b) A public road determination does not result in any significant impairment of the environment or natural resources; and

(c) A public road determination does not result in a significant reduction in the value of public or private property; and

(d) All required legal notice of the hearing was provided; and

(e) If applicable, alternate access is available to serve the same interest as the road being closed, relocated or abandoned.

(f) If applicable, the board determines and includes in its written order that alternative access is available to serve the same interest as the road being opened and the property owner agrees to have such alternative access recorded as a public road.

2. The board may continue the matter if it determines there is insufficient information to make an informed decision or if required legal notice has not been provided.

3. If all applicable findings are made, the motion of the board is to be reduced to a written order, to be executed by the Chairman, and returned to the board within 45 days.

4. The written order shall provide for any actions that must be taken, and the names of the persons or departments responsible, to effectuate the board's decision.

5. If all necessary findings are not made, the department shall, if applicable, remove the presumed public road from the presumed public roads map.

[§8, Ord. No. 1249]

85.520 Appeal; map amendment; recordation.

1. Any person seeking judicial review or relief from an order of the board made pursuant to section 85.510 must file an action or proceeding in the Second Judicial District Court within 25 days after the date of filing of the order with the county clerk.

2. If no judicial relief is sought or, if sought and the order of the board upheld, the department shall:

(a) Amend the presumed public roads map to reflect the action of the board; and,

(b) Record the board's order with respect to the property or properties over which the public road traverses.

[§9, Ord. No. 1249]

85.530 Maintenance; liability.

1. Pursuant to NRS 405.193(1), unless otherwise specified in

the board's order, a determination by the board that a road is a public road does not constitute an acceptance of that road by the county or require maintenance of that road by the county.

2. Unless accepted as a county road, no action may be brought against the county for damage suffered by a person solely as a result of the un-maintained condition of a road determined by the board to be public pursuant to section 85.510.

[§10, Ord. No. 1249]

85.540 Obstruction of public road; nuisance. Pursuant to NRS 405.230, the board hereby declares that the obstruction of a public road constitutes a nuisance and a public offense punishable as no less than a misdemeanor and, if found guilty, is punishable by way of fine to the extent set forth in NRS 193.155 proportionate to the extent of damage to the section of road, street, alley or highway damaged.

[§11, Ord. No. 1249]

85.550 Notice to property owner. Upon receiving and verifying a complaint or obtaining knowledge of a public road being obstructed, the department shall provide written notice and a demand on the property owner to remove the obstruction within five (5) days after personal notice on the property owner or his agent. In lieu of personal service, notice may also be given by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the obstacle or encroachment described in the notice. If the obstruction is not removed within the period of the notice, the department with the assistance of the sheriff shall issue a citation to the owner of the property underlying the obstruction.

[§12, Ord. No. 1249]

85.560 Removal and assessment of cost. If the obstruction is not removed within the five days after personal service or posting, the department shall remove the obstruction and may, directly or through the office of district attorney, bring an action to recover the expense of removal, including but not limited to investigative costs, attorney's fees, cost and expenses of suit and, in addition thereto, the sum of \$250 for each day the obstacle or encroachment remains after the expiration of 5 days from the service of the notice and demand.

[§13, Ord. No. 1249]

85.570 Recognition in development process. Any road identified on the presumed public roads map or otherwise determined to be a public road as defined in NRS 405.191 must be perpetuated, or relocated to provide the same access, in any development proposal processed pursuant to NRS Chapter 278.

[§14, Ord. No. 1249]

85.580 Limitation. Nothing in this chapter authorizes any person to trespass on or cause damage to private property outside the main traveled way of a public road.

[§15, Ord. No. 1249]