

ORDINANCE NO. _____

**AMENDING SKAGIT COUNTY CODE CHAPTER 10.04
TO REVISE AND ESTABLISH SPEED LIMITS**

WHEREAS, R.C.W. 46.61.415 grants authority to fix speed regulations on County Roads, and it is necessary to hold a Public Hearing to establish said regulations as provided in R.C.W. 36.32.120(7); and,

WHEREAS, the Board of County Commissioners did direct the Clerk of the Board to call for a Public Hearing with a Notice of Public Hearing which was published in the Skagit Valley Herald on January 10th and 17th, 2008 and,

WHEREAS, the Board of County Commissioners did hold a Public Hearing to receive public input at 10:00 a.m., or shortly thereafter, on January 22, 2008; and,

WHEREAS, said Public Hearing was held and the Engineer's Report received recommending revising the Skagit County Code 10.04 – Speed Limits; and,

NOW, THEREFORE, BE IT ORDAINED that based on the Engineer's Report, Skagit County Code 10.04 – Speed Limits is revised.

BE IT FURTHER ORDAINED that Section 10.04 is amended to read as follows:

**Chapter 10.04
SPEED LIMITS**

Sections:

- 10.04.010 Basic rule.
- 10.04.020 General speed limit.
- 10.04.030 Designated maximum speed limit - Residence District
- 10.04.040 Designated maximum speed limit - Gravel roads.
- 10.04.050 Reduced speeds through construction / maintenance zones.
- 10.04.060 Change of existing speed limits - When effective.
- 10.04.070 Authority - Director of the Department of Public Works.
- 10.04.080 Appeal procedures.
- 10.04.090 Log of speed limits.
- 10.04.100 Speed limits in School Zones

10.04.010 - Basic rule.

Every person operating or driving a vehicle of any character upon the highways, county roads, streets, bridge structures and approaches outside the incorporated limits of cities and towns in Skagit County, Washington, shall operate the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highways, county roads, streets, bridge structures and approaches in compliance with legal requirements and the duty of all persons to use due care.(Ord. 11363 (part), 1987)

10.04.020 - General speed limit.

The maximum speed upon all roads and highways in the unincorporated area of Skagit County shall be thirty-five (35) miles per hour, EXCEPT as provided to the contrary in this Chapter. (Ord. 11363 (part), 1987)

10.04.030 - Designated maximum speed limit - Residence Districts.

The maximum speed upon all local access roads posted within a Residence District in the unincorporated area of Skagit County shall be twenty-five (25) miles per hour, PROVIDED that the speed limit is so posted; and FURTHER PROVIDED that the maximum speed upon local access road(s) within Residence District(s) which are not so posted shall otherwise be established pursuant to the terms of this chapter. "Residence District" shall have the same definition as contained in RCW 46.04.470 as it currently exists or as that definition is later amended: "Residence District" means the territory contiguous to and including a public highway not comprising a business district, when the property on such public highway for a continuous distance of three hundred (300) feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business." If RCW 46.04.470 is later amended, the amended language will control over the language in this section. (Ord. , 2008)

10.04.040 - Designated maximum speed limit - Gravel roads.

The maximum speed limit that a person may drive a vehicle of any type on a gravel road in the unincorporated area of Skagit County shall be twenty-five (25) miles per hour, EXCEPT where a different speed limit has been posted, and EXCEPT as provided to the contrary in this Chapter. (Ord. , 2008)

10.04.050 - Reduced speeds through construction / maintenance zones.

The Director of the Department of Public Works / County Engineer is authorized to revise existing speed limits in Skagit County where a work zone has been established in accordance with the most current edition of the Manual on Uniform Traffic Control Devices, provided that the speed reduction is based on an Engineering and Traffic Study, and is no lower than twenty (20) miles per hour. The reduced speed limit shall be in effect when said areas are posted in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices. Upon completion of road work all temporary speed limit signing shall be removed and the maximum speed limit of the roadway shall be as previously posted prior to the start of construction/maintenance activity. (Ord. , 2008)

10.04.060 - Change of existing speed limits - When effective.

Speed limits in effect on the date of the adoption of this chapter shall remain in effect until the Director of the Department of Public Works / County Engineer shall change speed limits under the provisions of this chapter, or when the Skagit County Board of County Commissioners shall otherwise, by ordinance, institute speed limit changes and when such changes, in either case, are posted. Prior to the Director of the Department of Public Works / County Engineer making a change in a speed limit under the provisions of this chapter, the Director / Engineer shall publish, in a newspaper of general circulation in Skagit County, a notice of the proposed speed limit and the procedure for appeal (as provided per SCC 10.04.080). Any new speed limit will become effective upon posting consistent with the Manual on Uniform Traffic Control Devices for streets and highways. Any new speed limit shall be established in accordance with RCW 46.61. No speed limit change shall be effective until posted. (Ord. , 2008)

10.04.070 - Authority – Director of the Department of Public Works / County Engineer.

The Director of the Department of Public Works / County Engineer is authorized to revise (increase and/or decrease) existing speed limits on all county roads, in accordance with the term of this Chapter, and in accordance with RCW 46.61. The determination of the proper speed limit will be based upon an Engineering and Traffic Study, including the following factors:

- (1) Road surface characteristics, shoulder conditions, grade, alignment, and sight distance;
 - (2) The eighty-fifth (85th) percentile speed;
 - (3) Pace speed (the ten (10) mile per hour range of speeds with the greatest percentage of vehicles in the traffic stream);
 - (4) Roadside development and roadside friction;
 - (5) Safe speed for curves or hazardous locations within the zone;
 - (6) Parking practices and pedestrian activity;
 - (7) Reported crash experience for the previous thirty-six (36) month period;
 - (8) Concurrence from the Skagit County Sheriff's Department Traffic Unit.
- (Ord. _____, 2008)

10.04.080 - Appeal procedures.

The decision of the Director of the Department of Public Works / County Engineer concerning any speed limit revisions may be appealed by any aggrieved person or party to the Skagit County Board of County Commissioners; PROVIDED that such an appeal is submitted in writing within thirty (30) calendar days from the date of the posting of the new speed zone. Any such appeal must be submitted to the Clerk of the Skagit County Board of County Commissioners, Skagit County Administration Building, 1800 Continental Place, Mount Vernon, WA 98273.

Upon the timely receipt of such an appeal, the Skagit County Board of County Commissioners shall advertise for and hold a Public Hearing within sixty (60) days, or as soon as practicable thereafter, and will make the final determination regarding any such appeal.
(Ord. _____, 2008)

10.04.090 - Log of speed limits.

The Director of the Department of Public Works / County Engineer shall maintain a log for each established speed limit. The log shall list each road section and the speed limit thereon, and the beginning and ending mile posts for each such road segment. (Ord. _____, 2008)

10.04.100 – Speed limits in School Zones

The maximum speed within a posted and/or marked school zone upon all roads and highways in the unincorporated area of Skagit County shall be twenty (20) miles per hour, PROVIDED the school zone is posted and/or marked in accordance with RCW 46.61.440; and FURTHER PROVIDED that speeds in school zones not posted and/or marked in accordance with RCW 46.61.440 shall otherwise be as posted, pursuant to the terms of this chapter. If RCW 46.61.440 is later amended, the amended language will control over the language in this section. (Ord. _____, 2008)

WITNESS OUR HANDS AND THE OFFICIAL SEAL of our office this 22 day
January, 2008.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Don Munks
DON MUNKS, Chairman

Kenneth A. Dahlstedt
KENNETH A. DAHLSTEDT, Commissioner

Sharon D. Dillon
SHARON D. DILLON, Commissioner

Approved as to form:

[Signature]
Civil Deputy

Recommended:

[Signature]
Director / County Engineer

Attest: Linda Hennings, Assistant
Clerk of the Board