

Introduced by:	Long
Date:	03/11/08
Hearing:	04/15/08
Action:	Enacted as Amended
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2008-06**

**AN ORDINANCE AMENDING KPB 12.02.020 TO ELIMINATE CITIZEN REQUESTS  
FOR NONSTANDARDIZED SPEED LIMIT SIGNS ON BOROUGH ROADS**

- WHEREAS,** the Kenai Peninsula Borough Road Service Area (RSA) may place speed limit signs on borough maintained roads subject to available funding and resources; and
- WHEREAS,** KPB 12.02.275(B)(1)-(4) provides standard maximum speed limits on borough roads consistent with state law of 15 miles per hour for an alley, 20 miles per hour for a business district, 25 miles per hour for a residential district and 55 miles per hour on any other roadway; and
- WHEREAS,** KPB 12.02.020(A) and (B) provide a means for citizens to present a request for a speed restriction and corresponding signage that is different from the standards set forth in KPB 12.02.275(B)(1)-(4); and
- WHEREAS,** to satisfy the conditions of KPB 12.02.020(B) the public request must be signed by more than 70 percent of the adjacent landowners; and
- WHEREAS,** KPB 12.02.020(B) provides that the RSA board decides whether or not to approve a request for a non-standard speed limit sign; and
- WHEREAS,** pursuant to 13 AAC 02.280, any deviation from the standard speed limit signs requires a supporting engineering and traffic investigation; and
- WHEREAS,** the RSA board cannot approve a request for a nonstandard speed sign unless it is supported by an engineering and traffic investigation; and
- WHEREAS,** KPB 12.02.020 likely provides citizens with unrealistic expectations that if 70 percent of the street residents sign a request for a reduced speed limit sign it will be provided; however, the RSA board is limited by law to first deciding whether to fund an engineering and traffic study; and
- WHEREAS,** even if supported by engineering and traffic investigations, numerous different speed zones in residential areas throughout the borough could be confusing and lead to inadvertent violation of the law; and

**WHEREAS,** standardized speed limits within residential areas throughout the borough may lead to improved compliance; and

**WHEREAS,** if special situations truly warrant a need for a nonstandard speed on a road, citizens can still work informally to bring the matter to the attention of the RSA board through the RSA director; and

**WHEREAS,** at its meeting of April 8, 2008, the RSA Board recommended enactment by unanimous consent;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That KPB 12.02.020 be amended as follows:

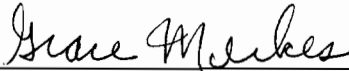
**12.02.020. Request.**

[A.] Speed limit signage for road types set forth in KPB 12.02.275(B)(1), (2), (3), and (4) may be placed by the roads director only upon receipt of a properly completed resident request pursuant to road service area board policies adopted consistent with this chapter. [IF THE DIRECTOR DETERMINES THAT A SPEED LIMIT OTHER THAN THAT SET FORTH IN KPB 12.02.275(B) IS REQUIRED, HE SHALL REFER THE SPEED LIMIT REQUEST TO THE ROAD SERVICE AREA BOARD.] The director's decision regarding whether to sign a particular borough-maintained road under this section is subject to reconsideration by the board. The roads director shall report to the road service area board in writing the roads upon which the director has caused signage to be installed.

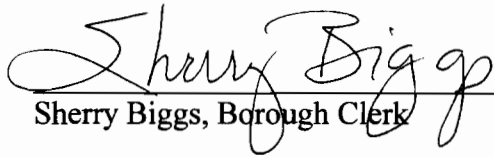
[B.] BOROUGH ROADS SUBJECT TO SPEED RESTRICTIONS WHICH DIFFER FROM THOSE SET FORTH IN KPB 12.02.275(B) (1), (2), (3), AND (4) (STATUTORY SPEED LIMITS) SHALL BE ESTABLISHED BY THE ROAD SERVICE AREA BOARD ONLY UPON RECEIPT OF A PROPERLY COMPLETED RESIDENT REQUEST. THE REQUEST MUST BE SIGNED BY MORE THAN 70 PERCENT OF THE PROPERTY OWNERS ADJACENT TO THE ROAD OR SEGMENT OF ROAD ON A FORM PROVIDED BY THE ROAD SERVICE AREA. AT LEAST 12 LOTS MUST ABUT AND BE INCLUDED IN THE ROAD OR SEGMENT OF ROAD SUBJECT TO THE ALTERNATIVE SPEED LIMIT REQUEST IN ORDER FOR THE REQUEST TO BE CONSIDERED. THE RESIDENT REQUEST SHALL BE SUBMITTED BY STAFF TO THE BOARD WITH ANY APPROPRIATE BACKGROUND INFORMATION INCLUDING, BUT NOT LIMITED TO, MAINTENANCE HISTORY AND TRAFFIC COUNTS. PROPERLY COMPLETED REQUESTS FOR ALTERNATIVE SPEED LIMITS MAY BE BATCHED AND SHALL BE PRESENTED QUARTERLY TO THE BOARD, OR MORE FREQUENTLY IF REQUIRED BY BOARD POLICY. PROPERTY OWNERS ADJACENT TO THE ROAD, OR SEGMENT OF ROAD, SUBJECT TO THE REQUEST SHALL BE GIVEN WRITTEN NOTICE OF THE DATE OF THE BOARD MEETING AT WHICH THE SPEED RESTRICTIONS WILL BE CONSIDERED. THE ROAD SHALL BE SUBJECTED TO THE PROPOSED POSTED SPEED LIMIT UPON MAJORITY VOTE OF THE ROAD BOARD. ESTABLISHED SPEED LIMITS MAY BE ALTERED BY THE BOARD BY REQUEST CONSISTENT WITH STATE STANDARDS AND SPEED RESTRICTIONS.]

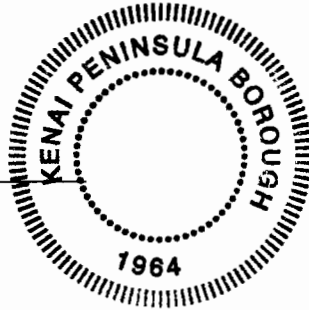
**SECTION 2.** That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF APRIL, 2008.**

  
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Grace Merkes, Assembly President

ATTEST:

  
\_\_\_\_\_  
Sherry Biggs, Borough Clerk



Yes: Fischer, Gilman, Knopp, Long, Martin, Smith, Sprague, Superman, Merkes  
No: None  
Absent: None