

**AGENDA  
LEBANON CITY COUNCIL  
MARCH 4, 2020**

**7. PUBLIC HEARING ITEMS:**

**7.E – ORDINANCE #2020-04 TO AMEND CITY CODE CHAPTER 168**

A public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2020-04, to amend City Code Chapter 168, Vehicles and Traffic, by adding new Section 168-10, Speed Limit.

The City Council scheduled this public hearing at their February 19, 2020 regular meeting. The public hearing was properly noticed in the *Valley News* on February 22, 2020 in accordance with City Code and State Law.

**BACKGROUND**

Throughout the course of any given year, the Police Department fields numerous calls regarding speeding cars in residential neighborhoods. Many traffic studies are conducted annually to determine the validity of these calls. The vast majority show that traffic is traveling above the posted speed limit. When roads are not posted for a specific speed, the default, by statute, is 30mph (or greater).

To assist in determining if the City should consider a change to the non-posted speed limit, the Police Department commissioned RSG of White River Junction to conduct a study. Details of the study can be found in the attached memorandum from Police Chief Richard Mello.

**ACTION**

*If the Council decides to move forward, the following motion is offered for consideration:*

***MOVED, that the Lebanon City Council hereby adopts Ordinance #2020-04, to amend City Code Chapter 168, Vehicles and Traffic, by adding new Section 168-10, Speed Limit.***

**Included in this Section:**

1. Proposed Ordinance #2020-04
2. January 23, 2020 memo from Police Chief Richard Mello re: Addition to City Code setting prima facie speed limit
3. Notice of Public Hearing as Published in the February 22, 2020 Edition of the *Valley News*

**Information available but not included herein:**

1. [February 19, 2020 City Council Agenda Packet, Item 9.C](#) – Ordinance #2020-04 to Amend City Code Chapter 168

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**CITY OF LEBANON  
ORDINANCE #2020-04**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 168, VEHICLES AND TRAFFIC, by ADDING new Section 168-10, Speed Limit.

BE IT ORDAINED, by the City Council of the City of Lebanon as follows:

Section 1:

The Code of the City of Lebanon Chapter 168, "Vehicles and Traffic," is hereby amended to add new Section 168-10, "Speed Limit," to read as follows:

**§168-10 Speed Limit.**

**A.** The prima facie speed limit on all City streets and roads shall be 25 miles per hour unless otherwise posted.

Section 2: Severability.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3: Effective Date.

This ordinance shall be effective upon passage.

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**To:** Honorable Mayor and City Council  
**Cc:** City Manager Shaun Mulholland  
**From:** Chief Richard R. Mello  
**Date:** January 23, 2020  
**Re:** Addition to City Code setting minimum prima facie speed limit

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## **INTRODUCTION:**

Throughout the course of every year, the Lebanon Police Department receives numerous complaints and requests regarding speeding vehicles and reducing speed limits on residential roads within the City. This often results in the completion of a traffic study in those areas to determine the gravity of the traffic/speed issue.

## **BACKGROUND:**

The vast majority of instances where a traffic study is conducted on residential roadways in the City of Lebanon, results in a determination that traffic is traveling above the posted speed limit. Many of the residential roads in the City are not posted and therefore, by statute, the speed limit defaults to 30MPH, or greater (NH RSA 265:60)

However, for many of these residential streets, a 30MPH, or greater, prima facie speed limit allows cars to travel at a speed that is greater than reasonable for the street, neighborhood and existing roadway conditions. The vast majority of speed related complaints made to the Public Safety Committee are accompanied by a request to reduce the speed limit in that area to 25MPH and the majority of those requests are supported.

An analysis of traffic accident data for the last two years within the City of Lebanon shows that 50% of all accidents occurred on local, City maintained roadways, and improper operation, including unsafe speed, was a contributing factor 35% of the time. Maintaining speed limits on City maintained roads above what would be considered safe will only exacerbate these contributing factors.

In October of 2019, the Lebanon Police Department commissioned RSG of White River Junction, Vermont to conduct a study to determine whether the non-posted speed limit in the City should be changed. The scope of the study called for collecting speed data at 5 sample locations within the City on roads that are currently not posted. At the conclusion of the study, RSG recommended, based on the data, that the default speed limit in the City be reduced from 30 MPH to 25 MPH. The conclusion, in part, was based upon the factor that at 4 of the 5 sampled location, the 85<sup>th</sup> percentile speeds were within 5 MPH of 25 MPH and considering the local roadway factors noted in the Manual on Uniform Traffic Control Devices (MUTCD), "a default speed limit of 25 MPH is most suitable for typical unposted roadways within the city."

NH RSA 265:63, Speed Limitations, provides a mechanism for "Local Authorities" to declare a "reasonable and safe prima facie limit." Prima Facie is defined as the presumptive speed limit when not otherwise posted. By statute, NH 265:63, I(c), provides the necessary authority for Local jurisdictions to "Decrease the limit outside an urban district but not less than 25 miles per hour. Further, section I(d) "Decrease the limit within any business or urban residence district but not less than 25 miles per hour.

The statute calls for a "traffic investigation" to determine the prima facie speed for all "arterial" streets and I submit that we have conducted the necessary traffic investigation, through the RSG study, to support this recommendation.

If adopted, the Police Department will request that the Department of public works erect signs, where appropriate, notifying the public of the minimum speed limit within the City of Lebanon, unless otherwise posted. The Police Department will also formulate an aggressive public awareness campaign notifying the public of the newly enacted minimum speed limit on non-posted City roadways.

**RECOMMENDATION/RATIONALE:**

The Lebanon Police Department, supported by the Public Safety Committee and by the attached study by RSG, respectfully requests that the City Council adopt code in City Ordinance, pursuant to NH RSA 265:63, setting the minimum prima facie speed limit in the City of Lebanon at 25MPH, unless otherwise posted. It is also recommended that this be placed in Chapter 168 of the City code, "Vehicles and Traffic.

**BACKUP INFORMATION:**

1. NH RSA 265:63
2. NH RSA 265:60
3. Recommended ordinance language
4. Lebanon Police Department accident data and causal factors
5. RSG Speed Study

February 24, 2020



**LEBANON CITY COUNCIL  
NOTICE OF PUBLIC HEARINGS  
Council Chambers**

**20 West Park Street, 3rd Floor,  
Room 386**

**Wednesday, March 4, 2020  
7:00pm**

The Lebanon City Council will hold public hearings on March 4, 2020, beginning at 7:00pm in Council Chambers for the following:

- A. DISCONTINUANCE OF CLASS VI ROAD #14 (BARDEN HILL ROAD)** - A public hearing for the purpose of receiving public input and taking action to discontinue in its entirety and relinquish any right, title, or future interest in Class VI Road #14 (Barden Hill Road) located on the easterly side of Meriden Road, between Churchill Way and the City's borders with the Town of Plainfield and the Town of Enfield, as shown on the Draft Class VI Roads Map dated January 31, 2020.
- B. DISCONTINUANCE OF CLASS VI ROAD #19 (DURKEE ROAD)** - A public hearing for the purpose of receiving public input and taking action to discontinue in its entirety and relinquish any right, title, or future interest in Class VI Road #19 (Durkee Road) located on the easterly side of Meriden Road, between Churchill Way and the City's borders with the Town of Plainfield and the Town of Enfield, as shown on the Draft Class VI Roads Map dated January 31, 2020.
- C. DISCONTINUANCE OF CLASS VI ROAD #20 (ATHERTON ROAD)** - A public hearing for the purpose of receiving public input and taking action to discontinue in its entirety and relinquish any right, title, or future interest in Class VI Road #20 (Atherton Road) located on the easterly side of Meriden Road, between Churchill Way and the City's borders with the Town of Plainfield and the Town of Enfield, as shown on the Draft Class VI Roads Map dated January 31, 2020.
- D. DISCONTINUANCE OF CLASS VI ROAD #21 (MCCALLISTER ROAD)** - public hearing for the purpose of receiving public input and taking action to discontinue in its entirety and relinquish any right, title, or future interest in Class VI Road #21 (McCallister Road) located on the easterly side of Meriden Road, between Churchill Way and the City's borders with the Town of Plainfield and the Town of Enfield, as shown on the Draft Class VI Roads Map dated January 31, 2020.
- E. ORDINANCE #2020-04** - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 168, Vehicles and Traffic, to enable a City-wide speed limit of 25mph.

The March 4, 2020 City Council agenda package will be available in City Hall and on the City's website ([www.lebanonnh.gov](http://www.lebanonnh.gov)) beginning February 28, 2020. Documents may be reviewed in the office of the City Clerk Monday through Friday from 8:00am to 4:30pm.

*Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact the ADA coordinator at City Hall by calling 448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.*

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, February 22, 2020.

*Sandra L. Allard*

Sandra L. Allard, City Clerk

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