

## **BOISE COUNTY SNOWMOBILE TRAIL PROTECTION ORDINANCE**

AN ORDINANCE PROVIDING THAT THE OPERATION OR ACTUAL PHYSICAL CONTROL OF A SELF-PROPELLED VEHICLE OTHER THAN A SNOWMOBILE ON SNOWMOBILE TRAILS WITHIN BOISE COUNTY IS A MISDEMEANOR

**BE IT ORDAINED** by the Board of County Commissioners of Boise County, Idaho, that the following ordinance is passed by the Board and shall take effect on the date herein:

Section 1: **SHORT TITLE:** This ordinance shall be known as the Boise County Snowmobile Trail Protection Ordinance.

Section 2: **PURPOSE:** The purpose of this section is to:

- a. protect snowmobile trails within Boise County from damage inherent with use of such trails by self-propelled vehicles other than snowmobiles.
- b. protect Boise County from the cost and expense of repairing and maintaining snowmobile trails throughout the county after such trails have been used by self-propelled vehicles other than snowmobiles.
- c. protect the public from the hazards and dangers that occur if self-propelled vehicles other than snowmobiles are operated on snowmobile trails during the period of time when snowmobiles can or may operate on said trails.

Section 3: **DEFINITIONS:** All words and phrases used in these Sections shall be given their ordinary, commonly understood and accepted meanings.

- a. "Self-propelled vehicle" means every vehicle that moves under its own power and is directed by an operator, which any person or property may be transported; not to include human or animal powered devices.
- b. "Snowmobile" means any self-propelled vehicle under one thousand pounds unladen gross weight, designed primarily for travel on snow or ice over natural terrain, which may be steered by tracks, skis or runners, and which is not otherwise registered or licensed under the laws of the state.
- c. "Snowmobile trail" means any trail prepared or posted for travel by snowmobiles or skiing. Posting is sufficient if signs designating use of the trail for snowmobiles are located at regular trail heads. Maintenance of the trails on a regular basis is immaterial to violation of this ordinance.
- d. "Actual physical control" shall be defined as being in the driver's position of the self-propelled vehicle with the motor running or with the self-propelled vehicle moving.

Section 4: **VIOLATION AND PENALTY:** It is unlawful for any person to drive or operate, or be in actual physical control of any self-propelled vehicle other than a snowmobile on snowmobile trails in Boise County. Any person convicted of a violation of this

prohibition shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) or by imprisonment in the county jail for not more than six (6) months or by both such fine and imprisonment. In addition, the violator shall be ordered to pay restitution to Boise County for any damage done to, or increased maintenance required as a result of, the snowmobile trail as a result of the violation.

Section 5: **EXCEPTIONS:**

1. This ordinance does not apply to snowmobile trail grooming vehicles operated by Boise County employees or contractors.
2. This Ordinance shall not apply to emergency or search and rescue vehicles regardless of type, nor shall it apply to Boise County Sheriff's Office vehicles which are specifically designed for travel on snow and which are used by public utility or communication companies for facility and/or equipment maintenance purposes.
3. This Ordinance shall not apply to All-Terrain-Vehicles aka "4-wheelers" operated on the snowmobile trails prior to November 1 and after April 15 of each calendar year.

APPROVED FOR FULL FORCE AND EFFECT BY THE BOISE COUNTY BOARD OF COMMISSIONERS THIS \_\_\_\_\_ DAY OF MARCH, 2004.

Dale Hanson, Chairman \_\_\_\_\_

Roger Jackson, Commissioner \_\_\_\_\_

Fred Lawson, Commissioner \_\_\_\_\_

ATTEST:

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Rora Canody, Boise County Clerk