

BOISE COUNTY ORDINANCE # 81-1

AN ORDINANCE DESIGNATING CERTAIN PUBLIC ROADWAYS FOR USE BY SNOWMOBILES PROVIDING PROCEDURES FOR OPERATION BY SNOWMOBILES UPON SUCH ROADS, THE POSTING OF SUCH ROADS, PROHIBITING CERTAIN ACTS, PROVIDING PENALTIES THEREFORE, PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

BE IT ORDAINED by the Board of County Commissioners of Boise County:

SECTION I: In order to provide for the safe and orderly conduct of snowmobiles within Boise County, and pursuant to Section 49-2610 (IV), Idaho Code, the following specific sections of roadway are hereby designated for operation of snowmobiles subject to the provisions of Chapter 26, Title 49, Idaho Code and the further provisions of this Ordinance.

1) That portion of the of the Grimes Pass Road beginning in the vicinity of New Centerville at the intersection of said road and the Placerville to Idaho City Road running northerly along the said Grimes Pass Road to Pioneererville, a distance of six (6) miles, approximately.

2) That portion of Bear Run Road beginning at the city limits of the City of Idaho City and running easterly to the intersection of the turnout to the Duquette Pines Subdivision.

3) That portion of Main Street, Idaho City extension running North from the city limits of Idaho City, also know as Elk Creek Road from the said city limits for a distance of one-half ($\frac{1}{2}$) mile.

4) That portion of Idaho State Highway 21 in Lowman from the intersection of Rock Creek, along Highway 21 across the South Fork of the Payette River to the intersection of Highway 21 and Clear Creek.

5) That portion of State Highway 21 from the Edna Creek Campground parking area north to the intersection of Edna Creek.

SECTION II: The operation of any snowmobiles on the above public roads shall be in conformity with the provisions of Chapter 26, Title 49, Idaho Code. In addition thereto, the operation of any snowmobile upon the public roads designated above, shall be in conformity with following restrictions hereby imposed:

1) No snowmobile shall be operated at a speed in excess of that which is safe and prudent under circumstance, as defined in Section 49-681, Idaho Code, and in no event, at a speed in excess of miles per hour.

2) Every operator of a snowmobile shall yield to any auto or truck, shall not overtake or pass any moving auto or truck, and shall come to a complete stop when being passed by any auto or truck regardless of which direction that auto or truck may be travelling.

3) Every operator of a snowmobile shall have a staff or rod securely attached to the snowmobile upon which a red flag (international orange flourescent type) shall be tied or fastened to the upper end, and not less than six (6) feet above the road surface. The flag shall not be less than six feet (6') above the road surface and shall not be less than one foot (1') in width and have a surface area of at least one square foot.

- 4) Every operator of a snowmobile shall have securely fastened to the snowmobile an operating headlight and tail light at all times.
- 5) Every operator of a snowmobile shall keep the snowmobile as near as possible to the right-hand side of the roadway.
- 6) Every person operating a snowmobile pursuant to this Ordinance shall, as required by Title 49, be in possession of a current valid motor vehicle operator's license, authorizing said person to operate a motor vehicle upon the public highways of Idaho.
- 7) No snowmobile shall be operated at any time upon any public road or within the right-of-way of any public road within this County, while towing a sled, skid, or any other vehicle, unless the sled, skid, or other vehicle is connected to the snowmobile by a hinged swivel, and secure hitch.
- 8) Any parent, guardian, legal guardian or other adult exercising disciplinary control of any person under the age of 18 years, who shall knowingly permit said person under the age of 18 years to operate a snowmobile in violation of this Ordinance, shall be guilty of having violated the same.
- 9) The operator of a snowmobile may make a direct crossing of any street or highway provided:
 - a) the crossing is made at an angle of approximately 90 degrees to the direct of the highway and at a place where no obstruction prevents a quick and safe crossing; and
 - b) the snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and
 - c) the driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
 - d) in crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

SECTION 3: All roadways designated above for use by snowmobiles shall be clearly marked at each end of the area designated for snowmobile use, and at any point where public motor vehicle traffic enters such designated portion of road. The marking shall conform to the regulations of the Department of Transportation, if any, and shall indicate the status of the roadway as being designated for snowmobile use, and warning motor vehicle operators of same.

No roadway designated above, shall be used for snowmobile use until and unless the roadway has been properly marked as set out above, and the designation of use in Section 1 above shall be void during the periods when the roadway is unmarked.

SECTION 4: The County Road Supervisor, or area foreman in the affected districts, shall review those roads designated in Section 1 above, within one (1) week of passage of this Ordinance, and annually thereafter during the month of November to verify that it is appropriate for the snowmobile operation designation to continue. If, in the opinion of such supervisor or foreman, the designation is unnecessary, due to available parallel snowmobile site or the like, he shall report same to the Board of County Commissioners immediately.

If in the opinion of the Road Supervisor or foreman, there is room to groom a snowmobile trail within the road right-of-way but off of the normally traveled portion of the road, he shall indicate same to the person, group or association responsible for grooming in that area, designating the portions of roadway designated above for such right-of-way trail as feasible. The person, group or association responsible for grooming in that area shall have two weeks from the date of notification from the Road Supervisor or foreman to groom a trail off of the normal road surface, as designated and re-mark the normally traveled portion of roadway and the trail accordingly.

Should at any time, there be a groomed trail available connecting any of the points designated in Section 1 above, the designation of the corresponding road for snowmobile use shall cease.

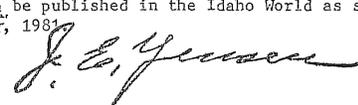
SECTION 5: Any person who shall be found guilty of having violated any provision of this Ordinance shall be punished by fine not to exceed \$300.00 or by imprisonment in the Boise County Jail not to exceed (6) six months, or by both such fine and imprisonment.

SECTION 6: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not effect other provisions or applications of this Ordinance which can be given effect without the invalid portions for application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 7: The Commissioners of Boise County declare an emergency to exist regarding a necessity of this Ordinance and this Ordinance shall therefore be in full force and effect upon publication.

The Clerk of the Commission shall cause this Ordinance to be published in the Idaho World as soon as possible and in no event later than the 9th day of February, 1981.

PASSED this 9th day of February, 1981.



J.E. Yensen, Chairman

Robert Fry, Commissioner

John Williams, Commissioner

ATTEST:



Arlene C. Kolar, Clerk of the Board of Boise
County Commissioners