



## **BOISE COUNTY ORDINANCE #2015-01**

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

AN ORDINANCE REPEALING BOISE COUNTY ORDINANCE #2004-01 AND ESTABLISHING AN ORDINANCE PROVIDING THAT THE OPERATION OR ACTUAL PHYSICAL CONTROL OF A SELF-PROPELLED VEHICLE WITH WHEELS ON GROOMED SNOWMOBILE TRAILS WITHIN BOISE COUNTY IS AN INFRACTION; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BOISE COUNTY, STATE OF IDAHO as follows:**

#### **SECTION I - SHORT TITLE**

- A. This ordinance shall be known as the Boise County Snowmobile Trail Protection Ordinance.

#### **SECTION II - PURPOSE**

- A. To protect groomed snowmobile trails within Boise County from damage inherent with use of such trails by self-propelled vehicles with wheels.
- B. To protect Boise County from the cost and expense of repairing and maintaining groomed snowmobile trails throughout the county after such trails have been used by self-propelled vehicles with wheels.
- C. To protect the public from the hazards and dangers that occur if self-propelled vehicles with wheels are operated on groomed snowmobile trails during the period of time when snowmobiles or other vehicles equipped with snow tracks can or may operate on said trails.

#### **SECTION III - DEFINITIONS**

- A. All words and phrases used in these sections shall be given their ordinary, commonly understood and accepted meanings.
- B. "Self-propelled vehicle with wheels" means every vehicle that moves with wheels that are in contact with the ground, that is directed by an operator, upon which any person or property may be transported.
- C. "Snowmobile" means any self-propelled vehicle under two thousand (2,000) pounds unladen gross weight, designed primarily for travel on snow, ice or over natural terrain, which may be steered by tracks, skis or runners.

- D. "Groomed snowmobile trail" means any trail prepared or posted for travel of snowmobiles, vehicle equipped with snow tracks or for 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.
- E. "Actual physical control" shall be defined as being in the driver's position of the vehicle with the motor running or with the vehicle moving.

#### **SECTION IV - VIOLATION AND PENALTY**

- A. It is unlawful for any person to drive or operate, or be in actual physical control of any self-propelled vehicle with wheels, other than a snowmobile or vehicle equipped with snow tracks, on groomed snowmobile trails in Boise County, with the exceptions as noted in Section V below.
- B. Any person convicted of a violation of this prohibition shall be punished by a fine of not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00).
- C. In addition, the violator shall be ordered to pay restitution to Boise County for any damage done to or increased maintenance required on the groomed snowmobile trail as a result of the violation.

#### **SECTION V - EXCEPTIONS**

- A. This ordinance does not apply to snowmobile trail grooming vehicles operated by Boise County employees or contractors.
- B. This ordinance shall not apply to emergency or search and rescue vehicles, regardless of type; nor shall it apply to Boise County Sheriff's vehicles which are specifically designed for travel on snow; nor shall it apply to vehicles used by public utility or communication companies for facility and/or equipment maintenance purposes.

#### **SECTION VI - SEVERABILITY**

- A. The provisions of this ordinance are hereby declared to be severable and if any provisions of this ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

#### **SECTION VII – AUTHORITY**

- A. This ordinance is adopted pursuant to the authority vested in Boards of County Commissioners in the State of Idaho under Idaho Code 67-7112 and the Idaho Open Meeting Law, Idaho Code 67-2340 et seq.

**SECTION VIII – REPEAL**

- A. The provisions of this ordinance shall repeal all previously enacted resolutions or ordinances pertaining to the operation of vehicles on groomed snowmobile trails.

**SECTION IX - EFFECTIVE DATE**

- A. This ordinance shall become effective upon its passage, approval and publication in the manner provided by law.
- B. Approved and adopted by the Boise County Board of Commissioners, State of Idaho, on this \_\_\_\_ day of \_\_\_\_\_, 2015.

**BOISE COUNTY BOARD OF COMMISSIONERS**

---

**VICKI L. WILKINS**, Chair

---

**ALAN D. WARD**, Commissioner

---

**ROGER B. JACKSON**, Commissioner

**ATTEST:**

---

**Mary T. Prisco**, Clerk to the Board