



BOISE COUNTY ORDINANCE #2025-04

BOISE COUNTY FAILURE TO OBEY STATE HIGHWAY 21 CLOSURE ORDINANCE

ESTABLISHING AN ORDINANCE PROVIDING IT IS A MISDEMEANOR TO FAIL TO OBEY STATE HIGHWAY 21 CLOSURES; PROVIDING THAT THE BOISE COUNTY SHERIFF SHALL HAVE THE AUTHORITY TO CLOSE STATE HIGHWAY 21; PROVIDING SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BOISE COUNTY, IDAHO AS FOLLOWS:

Section I – TITLE

- A. This ordinance shall be known as the Boise County Failure to Obey State Highway 21 Closure Ordinance.

Section II – PURPOSE

- A. In as much as State Highway 21 within Boise County receive sufficient snowfall that it is impractical for the County to police said roadways during heavy snowfall periods; and in as much as the County has the duty to police said roadways and to secure the roadway system within Boise County; and in as much as the cost and feasibility are not within reasonable demands of Boise County, necessitating the closure of certain roadways.
- B. For purposes of public safety and the regulation of State Highway 21 closures within Boise County.
- C. To protect motorists during the winter time, when they travel past avalanche road closures on State Highway 21 within Boise County.
- D. To protect first responders who have a duty to respond to endangered public who violate such closures, which often demand more tax payer resources and which places those first responders needlessly in harm's way.
- E. To protect State Highway 21, as violators of closures damage roadways, trails, foliage, and the like, which require tax payer resources to remedy such harm.

Section III – DEFINITIONS

- A. "Public roadway" means any portions of any highway or road used for vehicular travel, whether paved or not, which is controlled by Boise County, any State of

- Idaho agency, or a federal agency.
- B. "Closed road" or "closed" shall mean any public roadway that is designated by a "Road Closed" sign or the like posted on or adjacent to the public roadway, or a designated physical barrier in any lane of travel on such road, such as a law enforcement vehicle with traffic lights activated, stop gate, locked gate, or plastic, concrete, or metal barricade.
 - C. "Motor vehicle" means every vehicle that is self-propelled, and for the purpose of titling and registration meets federal motor vehicle safety standards as defined in Idaho Code § 49-107. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices, personal delivery devices, electric-assisted bicycles, and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under title 49, Idaho Code.
 - D. "Off-highway vehicle" or "OHV" means an all-terrain vehicle, motorbike, specialty off-highway vehicle or utility type vehicle as defined in Idaho Code § 67-7101, to specifically include snowmobiles.

Section IV – VIOLATION AND PENALTIES

- A. **Failure to Obey State Highway 21 Closure.** It shall be a violation for any individual to operate a motor vehicle or OHV upon State Highway 21 when closed within Boise County.
- B. **Penalties.** A violation of any of the provisions of this ordinance shall be a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months, or both.

Section V – EXCEPTIONS

- A. This ordinance shall not apply to any Boise County, State of Idaho agency, or federal agency working in their official capacity; nor shall it apply to vehicles used by public utility or communication companies for facility and/or equipment maintenance purposes that are accessing property in the closed area.
- B. This ordinance shall not apply to any landowner who is traveling the shortest distance to return to their residence located in the State Highway 21 closure area; nor shall this ordinance apply to any landowner who is leaving for any other purposes.

Section VI – AUTHORITY FOR CLOSURE OF ROAD

- A. The Boise County Sheriff, or his designee, shall have the authority to temporarily close State Highway 21 whenever the closure or restriction of use is deemed necessary for the safety of the public, as stated in Idaho Code § 31-2202(13)(d).

Section VII – SEVERABILITY

- A. If any section, subsection, sentence, clause, or phrase of this title is held to be

invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title and they shall remain in full force and effect.

Section VIII – EFFECTIVE DATE

- A. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Section X - 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 31-714, and the Idaho Open Meeting Law, Idaho Code § 67-2340, et seq.

PASSED and APPROVED by the Boise County Board of County Commissioners on this 19th day of August, 2025.

BOISE COUNTY BOARD OF COMMISSIONERS



CLAY S. TUCKER, Chairman



LINDY E. LINDSTROM, Commissioner



ROBERT CALLAHAN, Commissioner



ATTEST:



MARY T. PRISCO, Clerk to the Board