

## **ELMORE COUNTY ORDINANCE NO 2005-1**

**AN ORDINANCE INCORPORATING ENACTMENTS OF THE MOUNTAIN HOME, ATLANTA, AND GLENNS FERRY HIGHWAY DISTRICTS ALLOWING OPERATION OF SNOWMOBILES ON CERTAIN PUBLIC ROADWAYS; REGULATING THE USE THEREOF AND PROVIDING FOR ENFORCEMENT AND PENALTIES;**

**WHEREAS**, Idaho Code Section 67-7109 authorized local highway districts to regulate operation of snowmobiles on public roadways, and the Mountain Home, Atlanta, and Glenns Ferry Highway Districts have taken such actions; and

**WHEREAS**, Article XII, Section 2 of the Idaho Constitution authorizes county governments to enact regulations and ordinances for the health and safety of its citizens,

**THEREFORE, BE IT ORDAINED BY THE BOARD OF THE COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, IN LAWFUL MEETING ASSEMBLED:**

### **Section 1: SHORT TITLE**

This Ordinance shall be known as the Elmore County Snowmobile Ordinance.

### **Section 2: DEFINITIONS**

For the purposes of this Ordinance the terms used herein shall have the meanings assigned to them in §67-7109, Idaho Code, and said definitions are hereby incorporated herein. All words and phrases not otherwise defined herein shall have their ordinary and customary meaning.

### **Section 3: AREAS OF ALLOWED OPERATIONS**

Snowmobiles may be operated on any maintained, groomed and recognized snowmobile trail even if that trail is on a public road or highway, providing that the trail is closed to regular motor vehicle traffic. Snowmobiles may be operated only upon the following listed public roadways that remain open to regular motor vehicle traffic:

- a. Mountain Home Highway District. In the Pine, Idaho area: All subdivision roads maintained by the Mountain Home Highway District, including Pine Meadows Subdivision, East Pine Meadows Circle, McGuire Subdivision, East Foster Road and East Norma Road, Featherville Subdivision No. 1, East Red Cedar Place, Featherville

Subdivision No. 2, East Pine Creek Road, North Phil Place, North Robin Court, North Dove Court, McCoy Bridge Road, East Baumgartner Road section 1 from Featherville east .7 miles and South Fall Creek Road Section 1 from Anderson Ranch Dam to South Lake Creek Road Junction 8.4 miles, N. Pine Featherville Road and South Pine Featherville Rd.

In the Prairie, Idaho, area; Park Subdivison, Mary Lane and Kelly Road, Blacks Creek Road, Section 1 from the Y-Stop west to the DeMint Place 6.8 miles, Long Gulch Road, from Meadow Creek Road/Prairie Road Junction to Carrico's Place 5.7 miles, Meadow Creek Section 1 from Smith Creek Road to Burnt Creek Road .7 miles, Smith Creek Road and Prairie Road Sections 1 & 2 from Smith Creek Road to the top of Pierce Creek Grade 8 miles.

b. Atlanta Highway District. All public roadways under Atlanta Highway District jurisdiction.

c. Glenns Ferry Highway District. That portion of the highway district road extending from the intersection of State Highway 20 to the Pine bridge along the section of road delineated as Highway No. 102 and Highway No. 79 as designated by the Elmore Planning and Zoning Commission and those portions of any main road under Glenns Ferry Highway District jurisdiction in the Hill City area of Elmore County.

#### **Section 4: REGULATIONS AND RESTRICTIONS**

Any snowmobile being operated upon any public roadway or highway within Elmore County, Idaho, pursuant to the exceptions delineated in I.C. §67-7109, or otherwise shall be operated subject to the following laws, regulations, and restrictions, to wit:

- a. Each snowmobile shall be operated in accordance with the rules and restrictions contained in the laws of the State of Idaho as set forth in §67-7109 and §67-7110 of the Idaho Code, which statutes are incorporated herein by reference.
- b. Each snowmobile shall be equipped with a mast or antenna displaying a red or red-orange fluorescent flag or pennant at least six (6) feet above ground level, either rectangular or triangular in shape, with the leading edge at least six (6) inches wide and the length being at least twelve (12) inches long. However, such flags are not required if the snowmobile is being operated on a maintained, groomed and recognized snowmobile trail.

c. Each snowmobile shall be operated in single file on the extreme right hand portion of the roadway and shall yield the right-of-way to vehicular traffic on the roadway.

d. No snowmobile may be operated by any person unless such operator shall have in his possession a current valid motor vehicle operator's license authorizing such person to operate a motor vehicle on the public highways of the State of Idaho.

e. No snowmobile shall be operated at a speed in excess of forty-five (45) miles per hour, or any lesser Highway District posted speed, except when done in conjunction with a sanctioned public racing event.

f. No snowmobile shall tow any person or equipment upon a public roadway or highway by any means other than a rigid tow bar, except in the event of an emergency dictated by the breakdown of a snowmobile.

g. Each snowmobile shall yield the right-of-way to all vehicular traffic approaching from either direction, if necessary for safety of persons or property.

h. Snowmobiles shall not be parked or left unattended on a public highway or public roadway, except in case of emergency.

i. No person under eighteen (18) years of age shall ride on a snowmobile as operator or passenger, upon any public property, unless at all times when so operating or riding upon said snowmobile he or she is wearing a protective safety helmet of a type and quality equal to or better than standards established for such helmets by the Director of the Idaho State Department of Law Enforcement.

j. No person shall operate a snowmobile upon the above listed public roadways if normal maintenance of the road requires that snow or ice be removed from the road surface. Neither shall any snowmobile be operated upon such roadways after snow or ice melt due to normal weather conditions.

#### **Section 5: VIOLATIONS**

From and after the effective date of this Ordinance, any person who violates any of the provisions of this Ordinance or fails to comply with any of the terms and conditions of this Ordinance shall be guilty of a misdemeanor.

**Section 6: PENALTIES**

Each violation of this Ordinance shall be punished by a fine of not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00), or by imprisonment for not more than ninety (90) days in the County Jail, or by both such fine and imprisonment. In addition thereto the operator and/or owner of the snowmobile shall be responsible and held accountable to the owner of any lands where trees, shrubs or other property has been damaged as the result of travel over their premises.

**Section 7: SEPARABILITY**

If any clause, sentence, paragraph, section or phrase of this Ordinance or any part thereof is declared and adjudged to be illegal, invalid, or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. All ordinances and parts thereof which are in conflict with the provisions of this Ordinance are hereby repealed.

**Section 8: EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

**Section 9:** This Ordinance supercedes and replaces all previous Elmore County Snowmobile Ordinances.

**PASSED**, at a regular meeting of the Elmore County Board of County Commissioners in the City of Mountain Home, County of Elmore, State of Idaho, held on the 3<sup>rd</sup> day of March, 2005, upon which roll call vote was duly taken and said Ordinance duly passed by a unanimous vote as an Ordinance of Elmore County, Idaho.

A summary of the Ordinance shall be published in the Mt. Home News within one (1) month after passage.

**ELMORE COUNTY BOARD OF COMMISSIONERS**



*Larry E. Rose*  
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**Larry E. Rose, Chairman**

*Mary Egusquiza*  
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**Mary Egusquiza, Commissioner**

*Connie M. Crusier*  
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**Connie Crusier, Commissioner**

**ATTEST:**

*Gail L. Best*  
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**GAIL L. BEST, Clerk**

**SUMMARY OF ORDINANCE 2005-1**

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**Whereas**, Article XII, Section 2 of the Idaho Constitution authorizes county governments to enact regulations and ordinances for the health and safety of its citizens,

**THEREFORE, BE IT ORDAINED BY THE BOARD OF THE COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, IN LAWFUL MEETING ASSEMBLED:**

**The following is a list of sections contained in Ordinance 2005-1. A copy of the entire Ordinance is available on request at the Recorder's Office, Elmore County Courthouse, 150 South 4<sup>th</sup> East, Suite #3, Mountain Home, Idaho.**

**Section 1: SHORT TITLE**

**Section 2: DEFINITIONS**

**Section 3: AREAS OF ALLOWED OPERATIONS**

**Section 4: REGULATIONS AND RESTRICTIONS**

**Section 5: VIOLATIONS**

**Section 6: PENALTIES**

**Section 7: SEPARABILITY**

**Section 8: EFFECTIVE DATE - This Ordinance shall be in full force and effect from and after its passage, approval, and publication.**

**Section 9: This Ordinance supercedes and replaces all previous Elmore County Snowmobile Ordinances.**

**PASSED**, at a regular meeting of the Elmore County Board of County Commissioners in the City of Mountain Home, County of Elmore, State of Idaho, held on the 3<sup>rd</sup> day of March, 2005, upon which roll call vote was taken and said Ordinance duly passed by a unanimous vote as an Ordinance of Elmore County, Idaho.

**ELMORE COUNTY COMMISSIONERS**

**/S/ LARRY E. ROSE, Chairman**

**/S/ MARY EGUSQUIZA, Commissioner**

**/S/ CONNIE CRUSER, Commissioner**

**1 Publication - March 16, 2005**