

ORDINANCE NO. 89-1

AN ORDINANCE OF ELMORE COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO; REQUIRING OPERATORS AND PASSENGERS OF SNOWMOBILES BEING OPERATED UPON ANY HIGHWAY, PUBLIC ROADWAY OR PUBLIC PROPERTY LOCATED IN ELMORE COUNTY, IDAHO PURSUANT TO THE EXCEPTIONS DELINEATED IN IDAHO CODE SECTION 49-2610, AND 49-2611, TO 1.) DISPLAY A FLUORESCENT FLAG AT LEAST SIX FEET ABOVE GROUND LEVEL; 2.) BE OPERATED IN SINGLE FILE ON THE EXTREME RIGHTHAND PORTION OF THE ROADWAY; 3.) HAVE IN OPERATOR'S POSSESSION A CURRENT VALID MOTOR VEHICLE OPERATOR'S LICENSE; 4.) OPERATE AT SPEEDS NOT EXCEEDING FORTY-FIVE MILES PER HOUR OR ANY LESSER POSTED VEHICLE SPEED; 5.) NOT BE OPERATED BY ANY PERSON WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR AND/OR DRUGS; 6.) BE EQUIPPED WITH LIGHTED HEADLIGHT AND TAILLIGHT; 7.) BEAR A CURRENT VALID REGISTRATION STICKER IN A VISIBLE POSITION; 8.) NOT TOW ANY PERSON OR EQUIPMENT WITHOUT A RIGID TOWBAR; 9.) YIELD THE RIGHT-OF-WAY TO VEHICULAR TRAFFIC; 10.) BE OPERATED IN A CAREFUL AND PRUDENT MANNER; 11.) NOT BE PARKED OR LEFT UNATTENDED ON THE PUBLIC ROADWAY; 12.) REQUIRE OPERATORS AND PASSENGERS TO WEAR PROTECTIVE SAFETY HELMETS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; AND REPEALING ALL PROVISIONS IN CONFLICT WITH THIS ENACTMENT.

STATEMENT OF PURPOSE

WHEREAS, the Idaho Legislature has provided exceptions under which snowmobiles may be operated upon any highway, public roadway, or public property, and

WHEREAS, the Board of Commissioners of the Mountain Home Highway District by Resolution has designated the Highway District road extending from Pine to Featherville, in

Elmore County, Idaho as a public roadway upon which snowmobiles may be operated, pursuant to the authority of I.C.A. §49-2610(5), and

WHEREAS, The Elmore County Board of County Commissioners does find after consideration of the issues presented by such designation that it is necessary and proper to provide for the safety, promote the health and prosperity, comfort and convenience of Elmore County and the inhabitants thereof, and for the protection of persons and property therein, to provide, by this Ordinance, for the regulation of the operation of snowmobiles upon any highway, public roadway, or public property located within Elmore County, Idaho, pursuant to the exceptions delineated within I.C.A. § 49-2610.

Pursuant to the authority under Article 12, Section 2 of the Constitution of the State of Idaho and the provisions of Idaho Code Sections 49-2610, and 49-2611.

IT IS HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO:

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 Section

49-2603, 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: REGULATIONS AND RESTRICTIONS

Any snowmobile being operated upon any public roadway, highway, or other public property, within Elmore County, Idaho pursuant to the exceptions delineated in I.C.A. § 49-2610, 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 Sections 49-2610 and 49-2611 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.

(c) Each snowmobile shall be operated in single file on the extreme righthand 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 without a rigid towbar.

(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 an emergency.

(i) No person under eighteen (18) years of age shall ride on a snowmobile as operator or passenger, upon any public roadway, public highway, or 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 the standards established for such helmets by the Director of the Idaho State Department of Law Enforcement.

Section 4: 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 5: 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 6: 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 effect 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 7: EFFECTIVE DATE

This Ordinance shall be and is hereby declared to be in full force and effect after passage, approval and publication.

ADOPTED AND APPROVED, This 23 day of January, 198~~8~~⁹.

BOARD OF ELMORE COUNTY COMMISSIONERS

M. A. "Bud" Riddle
M.A. (Bud) RIDDLE, Chairman

John W. Shrump
JOHN SHRUM, Member

John D. Hiler
JOHN HILER, Member

ATTEST:

Ramona E. Yrazabal
Ramona E. Yrazabal, Clerk