

ORDINANCE NO. 21-02
County Roads and Property

This ordinance will amend Title 5, Chapter 5 and Chapter 7 in order to close specific groomed snowmobile trails to Wheeled Vehicles during certain times of the year, allow some tracked vehicles, and better define uses needing permits to do work in the right-of-way..

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Chapter 5
SNOWMOBILES

5-5-1: DEFINITIONS:

5-5-2: RESTRICTIONS:

5-5-3: CLOSED PUBLIC ROADWAYS:

5-5-4: PENALTY:

5-5-1: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

OPERATOR: Each person who operates or is in physical control of a snowmobile.

OWNER: Every person holding record title to a snowmobile and entitled to the use or possession thereof, other than a lienholder or other person having a security interest only.

PERSON: An individual, partnership, association, corporation, or any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

PUBLIC ROADWAY: All portions of any road or street improved, designed or ordinarily used for travel or parking of motor vehicles, which is controlled by an authority other than the state highway department, and shall include county roads. This definition does not attempt to identify controlling agency, imply jurisdiction, or validate public use of non-public roads.

SNOWMOBILE: Any self-propelled vehicle under two thousand (2,000) pounds' unladen gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners, and which is not otherwise registered or licensed under laws of the state of Idaho.

WHEELED VEHICLE: Any vehicle which travels on wheels, except fat-tired bicycles. (Ord. 85-1, 12-21-1984, eff. 1-9-1985)

5-5-2: RESTRICTIONS:

A. All Areas: The following restrictions apply to all areas of the county including groomed trails and roadways. It shall be unlawful for any person to drive or operate any snowmobile:

1. Disruptive Manner: In a disruptive manner, or to harass, chase or annoy any wild game animals or birds or domestic animals.
2. Lights: Without a lighted headlight and taillight, and/or strobe.

3. Carrying Passengers Or Weights: While carrying passengers or weights in excess of the capacity recommended by the manufacturers thereof.
 4. Valid Registration: Without current valid registration with the current certificate of number and current registration sticker adhered to the snowmobile or user in a visible location.
 5. Braking Device: Without an adequate braking device which may be operated by either hand or foot.
 6. Muffler: Without an adequate muffler that limits noise to a maximum of 94 db, except when used in conjunction with public racing events.
 7. Without Regard To Property: Without regard for property, plant growth, small trees, or treetops protruding through the snow, fences, etc. (Ord. 85-1, 12-21-1984, eff. 1-9-1985)
- B. Groomed Trails, Snowmobile Parking Lots, And Public Roadways: The following restrictions apply to all groomed trails, snowmobile parking lots, and public roadways. It shall be unlawful for any person to drive or operate any over the snow vehicle and/or park appurtenant vehicles in the following manner:
1. Speed: In excess of the posted speed or forty-five (45) miles per hour, whichever is less.
 2. Single File: Other than single file on the extreme right hand side of the roadway. (Ord. 85-3, 11-25-1985, eff. 11-25-1985)
 3. Tracked Vehicles: Tracked vehicles over 2000 lbs. may be permitted by the Board of County Commissioners on an annual basis for home owners, renters, or employees of businesses beyond groomed trail heads.
 4. Wheeled Vehicles and Trailers: Leaving wheeled vehicles or trailers parked in a place or manner which will impede snow removal equipment or impede the flow of orderly traffic, except in designated areas. Vehicles may be towed.
 5. Overnight Parking: Parking of wheeled vehicles and trailers overnight, or between the hours of midnight and 6:00 a.m., is only allowed in designated areas. Vehicles may be towed.
 6. Exemption for Special Events: There shall be an exemption for special events as it pertains to use of the parking lots. The special event coordinator will work with the Parks and Recreation Director to manage parking for the special event.
 7. Guidelines may be established for individual parking lots and enforced in accordance with this title.
 8. Rental companies are encouraged to provide transportation for customers to trailheads and parking lots so as not to overburden parking lots.
- C. Public Roadways: The following restrictions apply to public roadways where travel by wheeled vehicle or over the snow vehicles may be expected. :
1. Towing: Towing any thing or person without a rigid towbar.
 2. Wheeled Vehicles And Trailers: Leaving wheeled vehicles or trailers parked in a place or manner which will impede snow removal equipment or impede the flow of orderly traffic. (Ord. 85-1, 12-21-1984, eff. 1-9-1985)

5-5-3: CLOSED PUBLIC ROADWAYS:

- A. Operation Of Snowmobiles: When a public roadway has been declared closed to operation of snowmobiles by order of the Board of County Commissioners, such roadway shall be clearly marked as closed by appropriate signs erected at the beginning and end of such closed roadway or portion thereof.
- B. Travel By Wheeled Vehicles: When a public roadway is closed to travel by wheeled vehicles (groomed trails, etc.), by order of the Board of County Commissioners, such roadway shall be clearly marked as closed by

appropriate signs erected at the beginning and end of such closed roadway or portion thereof. (Ord. 85-1, 12-21-1984, eff. 1-9-1985)

- C. The following roads and trails shall be closed to travel by wheeled vehicles and all other users except those that are allowed by IC 67-7101 and IC 67-7112, such as snowmobiles and fat-tired bicycles with required permits from, first grooming, which is when there is approximately 18" of snow, until such time as deemed safe for travel by the Valley County Road Superintendent or April 30, whichever comes first. The closures shall begin at the trailheads of Warren Wagon RD, No Business RD, High Valley RD (626), Clear Creek RD, East Side Drive/Brush Creek, and "Green Gate" unless mitigation plans are approved by the Board of County Commissioners. These roads are open for recreational access only during the specified dates. At this time Anderson Creek RD is exempt from this closure, but may not be in the future, as determined by the Board of County Commissioners.
- D. If a wheeled vehicle gets stuck on a groomed trail or closed road the operator is responsible for the removal of the vehicle to an open road and costs of the removal and repair of the groomed trail, as follows:
 - 1. Shall contact law enforcement by dialing 911. The Sheriff's office shall contact the Valley County Parks and Recreation Director who shall determine if a tow company shall be engaged or if a snow groomer can be used.
 - 2. The operator/owner shall sign a "Release of Liability" prior to removal of the wheeled vehicle. The Valley County Parks and Recreation Director or Sheriff shall provide the form.
 - 3. Groomer operators are permitted to move vehicles out of the travelled way to the nearest safe location.
 - 4. Cost of removal of the vehicle and repair of the groomed trail shall be an hourly rate of \$200.00/hour, with a mobilization fee of \$200.00.

5-5-4: PENALTY:

Any person who violates any section of this chapter shall be guilty of an "infraction" as defined in Idaho Code sections 18-111 and 18-113A. Violations shall be punishable as provided in section [1-4-1](#) of this code. (Ord. 85-1, 12-21-1984, eff. 1-9-1985; amd. 2011 Code)

- A. Vehicles may be towed at operator or owner's expense.

Chapter 7 RIGHTS OF WAY

5-7-1: APPROACH PERMIT REQUIRED TO ACCESS ONTO COUNTY RIGHT OF WAY:

5-7-2: RIGHT OF WAY PERMIT:

5-7-3: PENALTIES:

5-7-1: APPROACH PERMIT REQUIRED TO ACCESS ONTO COUNTY RIGHT OF WAY:

- A. An approach permit in county right of way shall be required for all driveways that access onto a public right of way.
- B. The permit shall be issued by the road department within ten (10) days of receipt.
- C. The permit shall be issued prior to any work in the right of way.
- D. The permit fee will be adopted by resolution.
- E. The permit shall be required prior to issuance of building permits.

F. An example of the permit is attached to the ordinance codified herein and is subject to change. (Ord. 13-5, 9-16-2013)

5-7-2: RIGHT OF WAY PERMIT:

A. A right of way permit shall be issued for any work done in the Valley County right of way.

B. Work could include, but not be limited to, road construction, utility installation, boring for utilities, snow removal, etc.

C. Financial guarantees will be required.

D. Fees may be required and/or reimbursement of engineer fees.

E. All fees will be adopted by resolution.

F. An example of the permit is attached to the ordinance codified herein and is subject to change. (Ord. 13-5, 9-16-2013)

5-7-3: PENALTIES:

A. Criminal Penalties: Criminal penalties shall be as follows:

1. Each violation of this chapter, permit or variance shall be considered a separate violation and each day of a violation shall be a separate violation.
2. Each person, whether acting as the principal or agent, violating this chapter or its regulations shall be responsible for the violations criminally as set forth below.
3. Each violation of this chapter, permit or variance shall be a misdemeanor punishable by a fine or imprisonment, or both, punishable in accordance with provisions of Idaho Code section 18-113.

B. Civil Penalties: Civil penalties shall be as follows:

1. Each violation of this chapter, permit or variance shall be considered a separate violation and each day of a violation shall be a separate violation.
2. Each person, whether acting as the principal or agent, violating this chapter or its regulations shall be responsible for the violations civilly as set forth in subsection B3 of this section.
3. Each violation of this chapter, permit or variance shall be punishable by a civil penalty not to exceed one thousand dollars (\$1,000.00) per day or per violation whichever is greater. (Ord. 13-5, 9-16-2013)

PASSED and APPROVED by the Valley County Board of Commissioners, Valley County, Idaho on the _____ day of _____, 2019. The effective date of this ordinance will be the date of publication.

Elting Hasbrouck, Chairman

Attest:

Douglas A. Miller
Valley County Clerk