

ORDINANCE NO. 166-94

**DUAL SNOWMOBILE/MOTOR VEHICLE USE ORDINANCE
AND ROADWAY CLOSURE ORDINANCE**

SECTION:

- 1.1: Definitions
- 2.1: Roadway Designation
- 3.1: Roadway Closures
- 4.1: Violation
- 5.1: Penalties
- 6.1: Civil and Criminal Remedies

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO, that the following dual roadway use ordinance for snowmobiles and motor vehicles be enacted for the purpose of providing for dual use of roadways as permitted by Idaho Code §§ 67-7109(5), 49-669 and as permitted under the general powers of the Board of County Commissioners as provided for by Idaho Code Title 31, Chapters 7 and 8, and as permitted in the Recreation District Law, Idaho Code Title 31, Chapter 34, and for the purposes of allowing the dual use of roadways maintained by Bonneville County by both snowmobiles and motor vehicles at certain times of the year and to promote the health, safety, welfare and recreation of the public and within Bonneville County.

Section 1.1. DEFINITIONS:

"Public roadway" means all portions of any highway which are controlled by an authority other than the Idaho Transportation Department.

"Designated roadway" shall mean those roadways specifically designated by the Board of County Commissioners prior to October 1st of each year for the subsequent dual use period.

"Dual use period" shall be defined as that period of time designated by the Board of County Commissioners prior to October 1st of each calendar year, designating that period of time in which dual use may occur.

"Dual use" shall be defined as the use of public roadways within Bonneville County by both motor vehicles and snowmobiles.

"Snowmobile" shall mean any self-propelled vehicle under 1,000 pounds unladen gross weight, designed primarily for travel on snow or ice or other natural terrain, which may be steered by tracks, skis, or runners, and which is not otherwise registered or licensed under the laws of the State of Idaho.

"Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power operated from overhead trolley wires but not operated upon rentals, except vehicles moved slowly by human power and motorized wheel chairs, including every device in which or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rail or tracks.

Section 2.1. ROADWAY DESIGNATION: The Board of County Commissioners of Bonneville County shall prior to October 1 of each year designate those roadways which shall be designated "dual use" roadways within Bonneville County and shall further, prior to October 1 each year, designate the "dual use period" during which both the snowmobiles and motor vehicles may operate upon public roadways within Bonneville County for the next one-year. The "dual use" designation for the period of October 1, 1994 to September 30, 1995 is attached hereto as Exhibit "A".

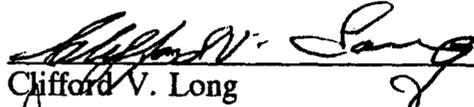
Section 3.1. ROADWAY CLOSURES: Inasmuch as certain roadways within Bonneville County receive sufficient snowfall that it is impractical for the County to maintain said roadway during heavy snowfall periods and inasmuch as the cost and feasibility are not within reasonable demands of Bonneville County necessitating the closure of certain roads, thus alleviating Bonneville County from the responsibility of maintaining said roadways during said snowfall periods and because said roadways may close in very short periods of time and because said roadways may be valuable for use by snowmobiles, the Bonneville County Commission shall, by the posting of notice at the Commissioners' Office in Bonneville County, close such roadways as the County deems necessary with said notice being posted at least twenty-four (24) hours prior to said road's closure. This 24-hours' notice shall be applicable whether regardless of the date of the week on which the notice is posted.

Section 4.1 VIOLATION: It shall be a violation of this Ordinance for any individual to operate a snowmobile upon the public roadways within Bonneville County at such times not within the "dual use period". It shall further be a violation and enforced against the owner of the snowmobile being operated upon any public roadway within Bonneville County during any non "dual use period".

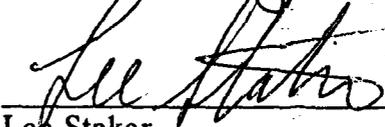
Section 5.1. PENALTIES: Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided under the definition of misdemeanor and misdemeanor convictions in Idaho Code.

Section 6.1. CIVIL AND CRIMINAL REMEDIES: The prosecution of any civil remedy in this Ordinance set forth shall not bar the prosecution of any criminal proceeding herein provided.

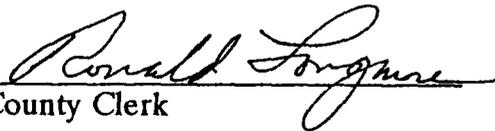
IT IS SO ENACTED THIS 19th DAY OF October, 1994.


Clifford V. Long


Edith Stanger


Lee Staker

ATTESTED BY:


County Clerk

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