

ORDINANCE NO. 85-8

AN ORDINANCE DECLARING IT TO BE AGAINST THE INTEREST OF THE PEOPLE OF FREMONT COUNTY, IDAHO THAT PROPERTY BELONGING TO ANY PERSON OR ENTITY OTHER THAN FREMONT COUNTY BE PLACED OR KEPT ON THE RIGHT-OF-WAY OF ANY PUBLIC ROADWAY IN FREMONT COUNTY; REQUIRING THE REMOVAL OF ALL PRIVATE PROPERTY FROM FROM WITHIN THE RIGHT-OF-WAY OF ANY PUBLIC ROADWAY IN FREMONT COUNTY, AND PROVIDING CIVIL PENALTIES FOR FAILING TO REMOVE SUCH PROPERTY AFTER NOTICE; REQUIRING THE OWNER OF PRIVATE PROPERTY PRESENT ON ANY RIGHT-OF-WAY OF ANY PUBLIC ROADWAY IN FREMONT COUNTY TO BEAR SOLE RESPONSIBILITY, EXPENSE AND LIABILITY FOR ANY DAMAGES TO SAID PRIVATE PROPERTY RESULTING FROM ANY ACTION OR OMISSION OF ACTION OF FREMONT COUNTY OR ANY AGENTS THEREOF; REQUIRING THAT ANY DAMAGES OR DETERIORATION OF ANY PROPERTY BELONGING TO FREMONT COUNTY RESULTING FROM THE THE INTENTIONAL OR NEGLIGENT ACTS OR OMISSIONS OF ANY PERSON OR PERSONS BE REPAIRED OR REPLACED AT THE SOLE EXPENSE OF THE PERSON OR PERSONS COMMITTING SUCH DAMAGE OR DETERIORATION; AND, PROVIDING FOR ITS EFFECTIVENESS UPON PASSAGE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO AS FOLLOWS:

I. It is hereby declared to be against the interest of the people of Fremont County, Idaho, for any person or entity other than Fremont County to store, keep or maintain any property whatsoever on or within the right-of-way of any public roadway in Fremont County, Idaho.

II. Any person or entity other than Fremont County which stores, keeps or maintains any property whatsoever on or within the right-of-way of any public roadway in Fremont County, Idaho shall remove said property within 10 days of receiving notice that such property is on or within the right-of-way of a public roadway.

A. Such notice as described above shall be written at the direction of the County Road Supervisor, and shall be served by depositing it in the United States Mail postage prepaid and addressed to the last known address of the owner of such property, by hand delivering it to the owner of such property, or by posting it on the property in issue. Service of such notice is complete upon delivery as set forth herein.

B. Failure to remove the property from the right-of-way as required herein shall subject the owner of the property to civil liability to Fremont County in the amount of \$10.00 per day for each day the property remains within the right-of-way after receipt of notice, as set out above.

III. Any person or entity storing, keeping or maintaining any property on or within the right-of-way of any public roadway in Fremont County shall bear the sole responsibility, expense and liability for any damages to such property resulting from any action or omission of action of Fremont County, its agents or employees.

IV. Any property whatsoever belonging to Fremont County, Idaho which is damaged or deteriorates because of the intentional or negligent actions or failure to act where there is a duty to do so, of any person or entity, shall be repaired or replaced at the sole expense of the person or entity committing or allowing such damage or deterioration.

V. This ordinance shall take effect thirty (30) days after its passage as allowable by law.

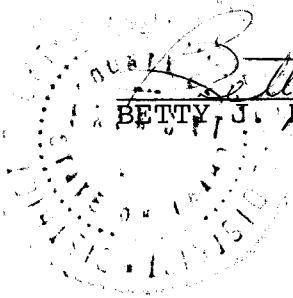
PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO THIS 28 DAY OF October, 1985.

BOARD OF COUNTY COMMISSIONERS  
FREMONT COUNTY, IDAHO

BY: James Siddoway  
JAMES SIDDOWAY, CHAIRMAN

ATTEST:

Betty J. Hill  
BETTY J. HILL, CLERK



Microfilm No. 529648  
30 Day July 20 1985  
At 10:45 O'Clock 5 AM  
ABBIE MACE  
FREMONT CO RECORDER  
Fee \$ 0 Deputy  
Recorded at Request of Abbie Mace