

ORDINANCE NO. 98-04

AN ORDINANCE CREATING RULES AND REGULATIONS FOR OPERATING OFF HIGHWAY VEHICLES AND NAMING SUCH ORDINANCE; DEFINING TERMS; REQUIRING REGISTRATION; CREATING A SERIES OF INFRACTION LEVEL OFFENSES; CREATING A SERIES OF CRIMINAL OFFENSES; PROVIDING PENALTIES; ESTABLISHING A SPEED LIMIT ON GROOMED SNOWMOBILE TRAILS; AND, ESTABLISHING AN EFFECTIVE DATE.

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

1. Name. This act shall be known as the Fremont County Off Highway Vehicle Act.

2. Definitions. "Off Highway Vehicle," is defined as any motorized device in, upon or by which any person may be transported and which is operated, or is intended to be operated off highways, excepting when used as implements of husbandry. Off highway vehicles includes, but is not limited to motorbikes, all-terrain vehicles, snowmobiles, dune buggies and other vehicles intended for use off highway.

3. Registration. All off highway vehicles shall be registered and shall display current registration.

4. Infractions. It shall constitute an infraction offense for any person to drive or operate any off highway vehicle:

a. At a rate of speed greater than the posted limit, or reasonable and prudent under the existing condition;

b. In a negligent manner so as to endanger the person or property of another, or to cause damage to property, where the conduct of the operator has been inattentive, careless or imprudent, in light of the circumstances then existing, or in cases where the danger to persons or property is slight;

c. In any manner to harass, chase or annoy any wild game animals or birds or domestic animals;

d. Without a lighted headlight and taillight between the hours of dusk to dawn;

e. Without adequate braking devices which may be operated by either hand or foot;

f. Upon a public roadway or highway, unless the public roadway or highway is closed to conventional vehicle travel.

5. Criminal Offenses. The following shall constitute criminal offenses:

a. Grossly Negligent Operation. It shall be a misdemeanor criminal offense for any person to operate any off highway vehicle carelessly and heedlessly or without due caution or circumspection, and at a speed or in such a manner as to endanger or be likely to endanger any person or property.

b. Incorporation of State Laws. It shall be a criminal offense for any person to operate an off highway vehicle, in any manner provided for under state law pursuant to Idaho Code 18-8002 et. seq., for on highway vehicles. Idaho Code sections 18-8002 through 18-8007 are hereby incorporated in their entirety for application to off highway vehicles.

6. Penalties.

a. Any person convicted of violating an infraction offense under this Act shall be punished by a fine of not more than \$50.00.

b. Any person convicted of committing a misdemeanor criminal offense under this Act shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail for not more than 30 days, or by both such fine and imprisonment.

c. Any person convicted of committing a felony criminal offense under this Act shall be punished according to the penalties established for such offense, had such offense been punishable under the applicable state law.

7. Groomed Snowmobile Trails. The maximum speed limit on any groomed snowmobile trail shall be 45 miles per hour.

8. Effective Date. This ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

PASSED THIS 27 DAY OF July, 1998.

BOARD OF COUNTY COMMISSIONERS
FREMONT COUNTY, IDAHO

Grant Chandler
GRANT CHANDLER, CHAIRMAN

ATTEST:

Mickie Funke
MICKIE FUNKE, CLERK