

SUMMARY OF FREMONT COUNTY ORDINANCE NO. 2004- 02

Fremont County Ordinance No. 2004- 02 , which was adopted by the Board of Fremont County Commissioners of Fremont County, Idaho on the 26th day of January , 2004, may be summarized for publication as follows:

AN ORDINANCE OF FREMONT COUNTY CREATING THE FREMONT COUNTY GROOMED SNOW TRAIL PROTECTION ORDINANCE; PROVIDING A SHORT TITLE; PROVIDING A PURPOSE; PROVIDING DEFINITIONS OF SELF-PROPELLED VEHICLE, SNOWMOBILE, GROOMED SNOW TRAIL AND ACTUAL PHYSICAL CONTROL; ESTABLISHING THAT THE OPERATION OR ACTUAL PHYSICAL CONTROL OF A SELF-PROPELLED VEHICLE OTHER THAN A SNOWMOBILE ON GROOMED SNOW TRAILS WITHIN FREMONT COUNTY IS A VIOLATION OF LAW; PROVIDING THAT A VIOLATION OF THE ORDINANCE IS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50.00) NOR MORE THAN THREE HUNDRED DOLLARS (\$300.00) OR IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS OR BY BOTH FINE AND IMPRISONMENT; PROVIDING FOR RESTITUTION TO FREMONT COUNTY; ESTABLISHING EXCEPTIONS; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

A copy of the full text of this ordinance may be obtained or reviewed at the office of the Fremont County Clerk, 151 West 1st North, St. Anthony, Idaho 83445, during regular business hours.

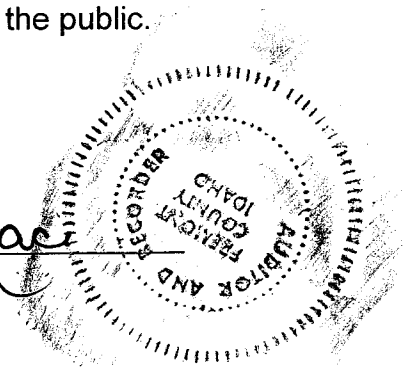
CLERK'S STATEMENT

I, ABBIE MACE, the County Clerk of Fremont County, Idaho hereby state that I have read the foregoing Summary of Fremont County Ordinance No. 2004- 02 , which summary is true and complete and provides adequate notice to the public.

Dated this 26th day of January , 2004.



ABBIE MACE
COUNTY CLERK



FREMONT COUNTY ORDINANCE NO. 2004- 02

AN ORDINANCE PROVIDING THAT THE OPERATION OR ACTUAL PHYSICAL CONTROL OF A SELF-PROPELLED VEHICLE OTHER THAN A SNOWMOBILE ON GROOMED SNOW TRAILS WITHIN FREMONT COUNTY IS A MISDEMEANOR.

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

Pursuant to authority under Article XII, Section 2 of the Constitution of the State of Idaho and the requirements of Chapter 7 of Title 31, Idaho Code, IT IS HEREBY ORDAINED:

Section 1.0 Short title.

Section 1.1 This Ordinance shall be known and cited as the Fremont County Groomed Snow Trail Protection Ordinance.

Section 2.0 Purpose.

Section 2.1 The purpose of this ordinance is to protect groomed snow trails within Fremont County from damage inherent with the use of such trails by self-propelled vehicles other than snowmobiles; to protect Fremont County from the cost and expense of repairing and maintaining groomed snow trails after such trails have been used by self-propelled vehicles other than snowmobiles; and to protect the public from the hazards and dangers which occur when self-propelled vehicles other than snowmobiles are operated on groomed snow trails.

Section 3.0 Definitions.

Section 3.1 Except as provided herein, all words and phrases used in this Ordinance shall be given their ordinary, commonly understood and accepted meaning.

A. "Self-propelled vehicle" means every vehicle which is self-propelled

and by which any person or property may be transported, excepting devices moved by human power or drawn by an animal.

B. "Snowmobile" means any self-propelled vehicle under one thousand pounds unladen gross weight, designed primarily for travel on snow or ice over 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. All terrain vehicles as defined by Idaho Code § 67-7101 shall not be considered snowmobiles or given snowmobile status for purposes of this ordinance.

C. "Groomed snow trail" means any trail prepared or posted for travel by the use of snowmobiles or skis and which is designated as a groomed snowmobile or ski trail on the most current Fremont County Winter Recreation Trails map. Maintenance of the trails on a regular basis is immaterial to violation of this chapter.

D. "Actual physical control" shall be defined as being in the driver's position of the self-propelled vehicle with the motor running or with the self-propelled vehicle moving.

Section 4.0 Violation and Penalty.

Section 4.1 It is unlawful for any person to drive or operate, or to be in actual physical control of, any self-propelled vehicle other than a snowmobile on groomed snow trails in Fremont County. Any person who violates this Ordinance is guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00 nor more than \$300, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. In addition thereto, the operator and/or owner of the vehicle in violation of this Ordinance shall

be ordered to pay restitution to Fremont County for any damage done to, or increased maintenance required on the groomed snow trail and for removal of the vehicle as a result of the violation.

Section 5.0 Exceptions.

Section 5.1 This Ordinance does not apply to snow trail maintenance vehicles operated by Fremont County employees or contractors. This Ordinance shall also not apply to Fremont County Sheriff's Office vehicles and other emergency vehicles. This Ordinance also shall not apply to tracked vehicles which are specifically designed for travel on snow and which are used by public utility or communication companies for facility and/or equipment maintenance purposes.

Section 6.0 Publication and Effective Date.

Section 6.1 This Ordinance shall be in full force and effect from and after its passage by the County Commissioners of the County of Fremont and its due publication as required by law.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF
FREMONT COUNTY THIS 26th DAY OF January, 2004.

BOARD OF COUNTY COMMISSIONERS
FREMONT COUNTY, IDAHO

Bill Forbush
BILL FORBUSH, CHAIRMAN

ATTEST:

Abbie Mace
ABBIE MACE, CLERK

Published: Jan 4, 2004