

ORDINANCE NO. 2007- 1AN ORDINANCE ADOPTING THE "OFF-HIGHWAY VEHICLE SAFETY ACT;" AND
REPEALING FREMONT COUNTY ORDINANCES 98-04 AND 2003-03.

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

I. **Short Title.** This ordinance shall be known as the "Off-Highway Vehicle Safety Act."
[Ordinance 98-04 and Ordinance 2003-03 are hereby repealed.]

II. **Definitions.**

A. "Off-highway vehicle" means any self-propelled or 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 include, but are not limited to motorcycles, all-terrain vehicles (ATVs), sand rails, dune buggies, snowmobiles, and any other motorized vehicle designed or used for off-highway transportation.

B. "Safety flag" means a highly visible red or orange colored piece of material no less than six inches (6") by twelve inches (12"), and of square, rectangular, triangle, or pennant shape. Long, thin streamers do not qualify as safety flags.

III. **Infractions.**

A. Registration. Operating an off-highway vehicle without a current registration displayed in a completely visible manner. A violation of this paragraph is an infraction punishable by a fine of seventy-five dollars (\$75.00).

B. Excessive Speed. Operating an off-highway vehicle at a speed in excess of the posted speed limit, or that is reasonable and prudent under the existing conditions. Speed limits on groomed snowmobile trails shall be forty-five (45 m.p.h.) miles per hour. A violation of this paragraph is an infraction punishable by a fine of fifty dollars (\$50.00).

C. Inattentive/Careless Operation. Operating an off-highway vehicle in an inattentive, careless, or imprudent manner, given the existing circumstances, so as to slightly endanger the person or property of another. A violation of this paragraph is an infraction punishable by a fine of one hundred twenty-five dollars (\$125.00).

D. Wildlife Harassment. Operating an off-highway vehicle in a manner to harass, chase, or disturb wildlife or domestic animals. A violation of this paragraph is an infraction punishable by a fine of one hundred dollars (\$100.00).

E. Inadequate Headlight/Taillight. Operating an off-highway vehicle without a lighted headlight and taillight during the hours from dusk to dawn. A violation of this paragraph is an infraction punishable by a fine of fifty dollars (\$50.00).

F. Inadequate Brakes. Operating an off-highway vehicle without adequate braking devices (brakes may be hand-operated or foot-operated). A violation of this paragraph is an infraction punishable by a fine of fifty dollars (\$50.00).

G. Public Roadway. Operating an off-highway vehicle on a public highway or public roadway, *unless* the roadway is closed to automobile travel. A violation of this paragraph is an infraction punishable by a fine of one hundred dollars (\$100.00).

H. Safety Flag (Sand Dunes). Operating an off-highway vehicle in the St. Anthony Sand Dunes Wilderness Study Area (the "Sand Dunes") without displaying a safety flag at the top position of a mast attached to the off-highway vehicle such that the safety flag is within ten inches (10") from the mast tip and at least eight feet (8') above the ground surface. A violation of this paragraph is an infraction punishable by a fine of one hundred twenty-five dollars (\$125.00).

I. Safety Helmets. No person under eighteen (18) years of age may operate an off-highway vehicle, nor ride as a passenger, unless wearing a protective safety helmet meeting standards of Idaho Code Section 49-666. A violation of this paragraph is an infraction punishable by a fine of seventy-five dollars (\$75.00).

IV. Misdemeanors.

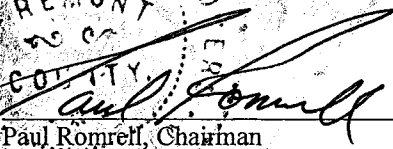
A. Gross negligence. Operating an off-highway vehicle carelessly or heedlessly or without due caution or circumspection *and* at a speed or in a manner that endangers, or is likely to endanger, any person or property. A violation of this paragraph is a misdemeanor punishable by imprisonment not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000.00), or by both such fine and imprisonment.

B. Driving Under the Influence. Operating an off-highway vehicle in a manner specified by Idaho Code Section 18-8004, governing the operation of motor vehicles while under the influence of intoxicating substances. A violation of this provision is a misdemeanor punishable by imprisonment not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1000.00), or by both such fine and imprisonment.

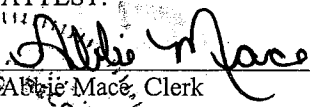
V. Effective date. This ordinance shall become effective and be in full force and effect following passage by the Board of County Commissioners and proper publication, as provided by law.

PASSED this 19th day of March, 2007.

BOARD OF COUNTY COMMISSIONERS,
PREMONT COUNTY, IDAHO


Paul Romrell, Chairman

ATTEST:


Abbie Macé, Clerk

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