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ORDINANCE NO. 2004-01

AN ORDINANCE OF THE COUNTY OF BUTTE, STATE OF IDAHO, TO DESIGNATE COUNTY ROADS OR SECTIONS OF COUNTY ROADS UPON WHICH PROPERLY REGISTERED ALL-TERRAIN VEHICLES AND MOTORCYCLES MAY BE OPERATED; OTHER APPLICABLE RESTRICTIONS; VIOLATION OF THIS ORDINANCE AND THE FIXING OF PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BUTTE, STATE OF IDAHO:

Section 1. Purpose: The purpose of this Ordinance is as follows:

A. To provide recreational opportunities for persons who operate all-terrain vehicles or motorcycles within the County;

B. To protect the environment of the County by regulating the use of all-terrain vehicles and motorcycles;

C. To protect property owners in the County from unwanted intrusions of their land and/or privacy from all-terrain vehicles and motorcycles; and

D. To designate highways or sections of highways under Butte County's jurisdiction upon which unregistered all-terrain vehicles and motorcycles may be operated.

Section 2. Definitions: The following definitions shall be applicable to this Ordinance.

A. "All-Terrain Vehicle" or "ATV" shall have the same definition as found in Idaho Code §49-102 or any statute that amends, succeeds, or replaces Idaho Code §49-102.

B. "Motorcycle" shall have the same definition as found in Idaho Code §49-114, or any statute that amends, succeeds, or replaces Idaho Code §49-114.

C. "Highway" shall mean any federal or state road, which is designated as such by the appropriate governmental entity, and is open to public for the purpose of facilitating the conveyance of motor vehicles.

D. "County Road" shall mean any road which is designated as such by the County or which is maintained by the County.

E. "Section" shall mean any portion of a highway or county road, of any length, upon which motor vehicles are allowed to travel.

F. "Operate" means to be in actual physical control of an all-terrain vehicle or motorcycle upon a highway or county road.

Section 3. Route Designation: Butte County hereby designates all county roads, or any sections thereof of any county road, as routes for the operation of all-terrain vehicles and motorcycles that

meet the registration requirements of either Idaho Code §49-402 or Idaho Code §67-7122.

Section 4. Other Applicable Restrictions: Nothing in this ordinance shall exempt users of all-terrain vehicles or motorcycles from any other applicable federal, state, county or local laws regulating the operation of such all-terrain vehicles or motorcycles.

Section 5. Violations of Ordinance and Penalties: The following are violations of this ordinance and the maximum penalties affixed for such violations.

A. It is a violation of this ordinance for any person to operate an unregistered all-terrain vehicle or motorcycle within the County, except:

(1) On routes as designated by this ordinance; or
(2) On privately owned roads or land; or
(3) Under any other exception provided for by state or federal law;

B. It is a violation of this ordinance for any person to operate an unregistered all-terrain vehicle or motorcycle on privately owned roads or lands without the permission of the owner, or the designated agent of the owner, of such roads or lands;

C. Any person who violates this subsection of the ordinance shall be guilty of an infraction, and shall be punished by a fine of one hundred thirty-two and fifty cents ($132.50). In addition thereto, the operator and/or owner of the ATV shall be responsible and held accountable to the owner of lands where trees, shrubs, or other property have been damaged as a result of travel over the premises.

Section 6. Severability: This Ordinance is hereby declared to be severable. Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Ordinance before the declaration of partial invalidity.

Section 7. Effective Date: This Ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the Board of County Commissioners as an Ordinance of the County of Butte on the 27 day of Sept, 2004.

Chairman
Board of Butte County Commissioners

ATTEST:

Tilly S. McAffee,
County Clerk