

## **JEROME COUNTY COMMISSIONERS**

Monday, May 18, 2020

PRESENT: Charles Howell, Chairman  
Ben Crouch, Vice Chairman  
John Crozier, Commissioner  
Jane White, Deputy Clerk

Meeting convened at 9:05 A.M.

### **COMMISSIONER REPORTS**

Commissioner Crozier reported from a Fair Board meeting that directors had determined to allow holding the high school rodeo. He had also participated in a South Central Behavioral Health Board meeting. He told about the Health Board dispersing grant funds and said he would find out more about the source of the grant money.

Commissioner Crouch had attended a planning meeting for the Joe Mama Car Show and had participated as a director on the Jerome Chamber of Commerce board.

Commissioner Howell reported from a SIRCOMM (emergency communications) board meeting. He said the director is required to take a 30-day leave every five months in order to retain his retirement accounts and that the deputy director is in charge in his absence. He reported the board had determined that law enforcement personnel would have voting powers on the board except for budgetary matters.

Commissioner Howell had also attended a Snake River Canyons Park Managing Board meeting and a meeting of Southern Idaho Economic Development (SIED).

Commissioners had also listened to Governor Little's weekly address regarding the coronavirus and an update on the virus from the emergency director of Wood River St. Luke's.

### **CONTRIBUTION TO SENIOR CLASSES**

The Commissioners considered making a donation from the County to a senior parent project to purchase sweaters for Jerome High School graduates who would not be experiencing senior activities and a traditional graduation ceremony because of precautions to limit the spread of the coronavirus.

➤ Commissioner Crozier said he would contact both the Jerome and Valley Schools.

❖ A Motion was made by Commissioner Crozier to approve up to \$750 to the Jerome school district and \$500 to the Valley school district to help with the expenses of senior graduation based on extraordinary circumstances created by the coronavirus. It was seconded and carried with unanimous ayes.

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### **SENIOR CITIZEN CENTER DONATIONS**

The Commissioners had asked the senior centers in both Jerome and Eden if they needed any financial assistance in providing meals on wheels during the coronavirus pandemic, and the Jerome Senior Center had responded that it needed portable meal trays. The Commissioners signed a check for \$1240 to the Jerome center, which responded with a note of gratitude.

### **BUSINESS AND/OR ADMINISTRATIVE MATTERS**

Juvenile Probation Administrator Mario Umana was present.

Mario Umana asked that the Commissioners approve early registration fees for two employees to attend an alcohol conference.

❖ A Motion was made by Commissioner Crouch to send probation staff to the 2020 Northwest Alcohol Substance Abuse Conference for \$718 for two employees. It was seconded and carried with unanimous ayes.

Umana also reported tagging at the Jerome skate park and said his department was not assigning probationers to community service because of the spread of the coronavirus.

The Board signed leave requests for Brent Culbertson and Nancy Marshall.

The Board signed an Employee Wage Change form to increase the salary of Tim Larson, per an employee evaluation.

The Board signed a Claims Approval Report dated May 18, 2020, for the Insurance Deductible Trust Fund, with a grand total of \$1,256.02.

The Board signed a Direct Deposit Detail dated May 13, 2020, with a grand total of \$133,436.54 for the April 26, 2020, through May 9, 2020, payroll period.

The Board signed a Payroll Claims Approval by Fund dated May 13, 2020, with a grand total of \$179,594.99 for the April 26, 2020, through May 9, 2020, payroll period.

The Board signed Retail Alcoholic Beverage Licenses to the following: Oasis Stop 'n Go, LLC, dba Oasis Stop 'n Go #22, Jerome; Oasis Stop 'n Go, LLC, dba Oasis Stop 'n Go #5, Jerome; Oasis Stop 'n Go, LLC, dba Oasis Stop 'n Go #11, Jerome; Dansco, LLC, dba Travelers Oasis Truck Plaza, Eden; Amandah Buschhorn dba Comfort Inn & Suites, Jerome; and Larry H. Webb dba Northside Club, Jerome.

### **TERRY RUBY—QUARTERLY WEED REPORT**

Tri-county Weed Supervisor Terry Ruby was present. Also present was Julie Arroyo.

Terry Ruby reported he was expecting grant funding of \$1,000 from the Idaho State Department of Agriculture for herbicide. He said the funds are allotted to residents, who must provide a log of how they apply the herbicide. He anticipated that the funding might not be available in the next fiscal year because of the requirements from the agriculture department.

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Ruby said he had signed a \$40,000 contract with the Bureau of Land Management for spraying weeds on the agency's property and that the summer crews were working.

Ruby provided a letter he had written to Sergio and Julie Arroyo giving information of how to create an Integrated Noxious Weed Control Plan. He explained that the Weed District board of directors had determined that formation of the Plan would be the responsibility of landowners within a one-mile radius of each other, who would also be responsible for enforcing the Plan. He said the Weed District could not require compliance with restrictions more stringent than Idaho law.

➤ Julie Arroyo stated she had requested to be on the Commissioners' agenda on May 26 regarding a noxious weed complaint.

Ruby furnished the Board a Vehicle and Equipment Replacement Schedule for the Tri-County Noxious Weed Control District. He said the District might not replace a 2003 Ford as scheduled for 2020 because it was running very well after repairing it. He added that two ATVs were eligible for auction if the County had an upcoming one.

Ruby gave the Board a proposed budget for FY 2020-21, which showed a 2.58 percent increase in dues from each of the three participating counties.

#### **CITY OF JEROME OFFICIALS—HEALTH DISTRICT MANDATE**

Present were City of Jerome Administrator Mike Williams and Mayor Dave Davis.

The Commissioners spoke with the Jerome city officials about the spread of the coronavirus in Jerome. The city administrators were concerned about not getting information because of HIPPA privacy rules.

Mayor Davis expressed that the City needed more information to help it govern. He said a facility might need to shut down if it were blatantly creating a health hazard.

Mike Williams said the only information the City received was that there was a cluster outbreak in Jerome. He said the City would like to know where the cases were coming from and how they were spreading.

Clerk/Auditor/Recorder Michelle Emerson was present.

Williams said he would like to know what the local health district was doing about the cluster of the virus and asked if a more target approach to containment was needed.

➤ The Board said it would speak with the health district about the City's concerns during its scheduled time that afternoon.

**BUSINESS AND/OR ADMINISTRATIVE MATTERS, Continued**

The Board learned that the juvenile probation department was in need of a larger credit limit when employees attend conferences.

❖ A Motion was made by Commissioner Howell to authorize an increase in the juvenile probation credit limit to match the County's policy of a \$2500 limit. It was seconded, followed by discussion, and carried with unanimous ayes.

**TANYA STITT—ALL HAZARD MITIGATION PLAN**

Emergency Management Director Tanya Stitt and Coordinator Kirsten Howard were present.

**Monthly Report:** Tanya Stitt presented a written report and told of events and trainings cancelled due to the coronavirus. She also reported on updating plans and the timelines for doing so.

**All Hazard Mitigation Plan:** Stitt said she would like to write a grant for updating the All Hazards Mitigation Plan, to which the Board agreed.

**MICHELLE EMERSON—OVERTIME PAY**

Clerk/Auditor/Recorder Michelle Emerson was present.

Michelle Emerson asked the Board to consider allowing payment to employees for overtime worked because of coronavirus precautions, saying that the State could possibly reimburse funds paid out because of the virus or apply the funds as an in-kind match for grants.

Commissioner Crouch expressed concern about how much the County would pay to employees and the turn-around time for reimbursement.

Meeting recessed at 11:50 A.M.

Meeting reconvened at 1:30 P.M.

**LINDA MONTGOMERY—HEALTH DISTRICT FY 2020-21 BUDGET REQUEST**

Present were Clerk/Auditor/Recorder Michelle Emerson, Emergency Management Director Tanya Stitt and Coordinator Kirsten Howard. Also present by speakerphone were Linda Montgomery, chairman of the South Central Public Health District board of directors; Melody Bowyer, District director; Josh Jensen, District operations manager, and Logan Hudson, epidemiology for the District.

**Budget Request:** Linda Montgomery said the Health District had received the Jerome County Commissioners' letter following the District's proposed budget presentation and understood that the County had asked that the District not raise its 2020-21 budget.

**Health District Mandate, Continued from the A.M.:** Melody Bowyer said Health District employees would answer questions the Commissioners had e-mailed her resulting from their meeting with City of Jerome officials that morning.

(1) What is going on with the cluster outbreak in Jerome?

Josh Jensen said 19 cases were confirmed from a processing plant, with 10 of the employees from Twin Falls, six from Jerome, and three from Gooding, and more reported that day. He said the demographic of the facility is a challenge and that employees also carpool.

Bowyer said Twin Falls and Jerome Counties have community spread, so it is hard to tell whether the spread of the virus is work-related.

(2) Where did the outbreak originate?

Jensen said he did not know for sure. He added that related employees at the facility had also met together outside of work.

(3) Why are we not getting more information?

Bowyer said she informs the chairman of the Commissioners and that the Health District Website has a wealth of information. She said she also sends information to the Board of Health and asks it to share with the Commissioners.

Linda Montgomery said she had forwarded information to the Commissioners that morning but asked that everyone remember that they are part-time.

Jensen asked if there were a more expedient method to disseminate information than using e-mail. Commissioner Crouch asked that the District contact the City of Jerome directly in order to answer its questions, and Bowyer said she would add the City to her list of contacts. The Commissioners said they and the emergency management director would like e-mail updates on Fridays.

Commissioner Crouch said the frustration was follow-up regarding the cluster outbreak. The City wondered whether the facility should be shut down and what the Health District was doing about the number of cases reported from the facility.

Bowyer stated that the Food and Drug Administration regulates food manufacturing. She said the Health District has no regulation over such facilities and is not even allowed inside the plants. She added that the Health District only investigates and traces cases.

Montgomery said communication was breaking down.

Jensen said the Health District has weekly meetings with the Commissioners and emergency managers of Blaine and Twin Falls Counties.

➤ It was determined the Health Department would brief Jerome County during Commissioner meetings every Monday, and Commissioner Howell said the Commissioners would invite City officials to the meeting.

Commissioner Crozier said the City officials wondered if they could help mitigate a virus outbreak and had asked whose responsibility it was to contact a facility. Tanya Stitt said she had

informed Williams that the Health District had been conducting an investigation of the outbreak in question.

(4) What is the infected facility doing to prevent more cases?

Hudson said the plant is isolating employees within the plant as much as possible.

(5) Who is responsible for closing businesses?

Bowyer said closing was not up to the Public Health District, but possibly the Food and Drug Administration. She said the Center for Disease Control makes recommendations for mitigation rather than shutting down.

(6) How can the Public Health District be more proactive in keeping counties and cities more informed?

➤ It was determined Emergency Management Director Tanya Stitt would organize communication on a more regular basis.

#### **TIM LARSON—AIRPORTS REPORT**

Airports Manager Tim Larson was not present due to illness.

#### **RICK HABERMAN—WAGE CHANGE**

Assessor Rick Haberman was present.

Rick Haberman explained a wage change he was requesting for an employee in his office. He said he would like to promote her to work as an appraiser to fill a position for an employee who is retiring and to hire someone to fill her position.

➤ Haberman said he would like to use the extra funds budgeted for the retiring long-term employee to assure raises for the other employees in his office. Commissioner Howell said he appreciated Haberman providing for his employees.

The Board signed an Employee Wage Change form to increase the salary of Sabrina Henderson due to a position change in the assessor's office.

#### **TEVIAN EKREN-KOBER—TREASURER MATTERS**

Treasurer Tevian Ekren-Kober and Attorney Mike Seib were present.

**Tax Deed Hearings (recorded):** Tevian Ekren-Kober presented eight properties to be taken by the County because of taxes overdue by three years, according to Idaho Code. She read the seven steps her office had taken since January 2020 to notify the owners and all interested parties.

❖ A Motion was made by Commissioner Howell that Parcel No. RPJ13700750250 owned by Anthony Cahala, located at 228 Main Street West, Jerome, be taken by tax deed for delinquent property taxes. It was seconded and carried with unanimous ayes.

❖ A Motion was made by Commissioner Crozier that Parcel No. RP07S16E290001 owned by Francisco J. Castillo (life estate), located at 403 Poverty Flats Lane, Jerome, be taken by tax deed for delinquent property taxes. It was seconded and carried with unanimous ayes.

❖ A Motion was made by Commissioner Crouch that Parcel No. RPE2205003002C owned by Ilene Z Clark and located at 280 Wilson Avenue West, Eden, be taken into tax deed by Jerome County for delinquent 2016 property taxes. It was seconded and carried with unanimous ayes.

❖ A Motion was made by Commissioner Howell that Parcel No. RPJ1370003008A owned by Jenell McKean and located at 201 Eighth Avenue East, Jerome, be taken by tax deed for Jerome County for delinquent 2016 property taxes. It was seconded and carried with unanimous ayes.

❖ A Motion was made by Commissioner Crozier, that Parcel No. RPH3450038011A owned by Gary D. Moore and located at Hazelton be taken by tax deed for delinquent 2016 property taxes. It was seconded and carried with unanimous ayes.

❖ A Motion was made by Commissioner Crouch that Parcel No. RPH37270010050 owned by E L Otto, located at 540 Saunders Drive, Hazelton, Idaho, be taken by tax deed for delinquent property taxes. It was seconded and carried with unanimous ayes.

❖ A Motion was made by Commissioner Howell, that Parcel No. RPJ13700470120 owned by Al J Scherzer, located at 318 Third Avenue West, Jerome, be taken by tax deed for delinquent property taxes. It was seconded and carried with unanimous ayes.

❖ A Motion was made by Commissioner Crozier that Parcel No. RP09S19E259527 owned by Amos Campbell, located at 801 Valley Road South, Hazelton, be taken by tax deed for delinquent 2016 property taxes unless the tax liability for 2016 is satisfied today by 5 P.M., March 18, 2020. It was seconded and carried with unanimous ayes.

Commissioner Howell closed the tax deed hearing.

**Borden Litigation Guarantee:** Ekren-Kober explained that the County, rather than the property owner, owed a litigation fee charged by a title company because the owner's check dated before the deadline to pay her property taxes had crossed in the mail with the charge for the litigation fee.

❖ A Motion was made by Commissioner Crozier to pay the \$200 litigation guarantee fee on behalf of Jessie Borden, Parcel No. RPJ1370122013A. It was seconded and carried with unanimous ayes.

**MIKE SEIB—LEGAL COUNSEL**

Attorney Mike Seib was not able to be present, but he had submitted firearms ordinances as requested by the Commissioners.

❖ A Motion was made by Commissioner Howell to sign Ordinances 2020-3 and 2020-4. It was seconded and carried with unanimous ayes.

### **ORDINANCE NUMBER 2020-3**

AN ORDINANCE OF THE JEROME COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF IDAHO, AMENDING JEROME COUNTY ORDINANCE 2019-1 TO EXEMPT OUT OF THE SHOOTING AREA THOSE AREAS LYING 100 YARDS OR LESS FROM THE CANYON RIM; SETTING FORTH UNDERLYING RECITALS, INCORPORATING RECITALS, DIRECTING IMPLEMENTATION BY ADMINISTRATIVE STAFF, REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

#### **RECITALS:**

WHEREAS, Article XII, section 2 of the Idaho Constitution authorizes Jerome County to adopt “all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws”; and

WHEREAS, Idaho Code Section 31-714 authorizes Jerome County to pass all ordinances, rules and regulations necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and that are necessary or proper to provide for the safety, promote the health and prosperity, and improve the general welfare of the inhabitants of Jerome County and all persons who may be present in Jerome County from time to time; and

WHEREAS, Idaho Code Section 31-715 mandates all such ordinances to be published in a newspaper circulated in the county before such will become effective; and

WHEREAS, Idaho Code Section 31-715A authorizes the Board of County Commissioners to publish a summary of the ordinance; and

WHEREAS, Jerome County has leased an area from the United States, Department of the Interior, Bureau of Land Management, for the purpose of developing a recreational park where activities, such as hiking, skiing, hunting, jogging, target shooting, archery, riding bicycles, horses, motorcycles, snowmobiles, ATVs, UTVs, and other motorized vehicles, and other similar recreational activities can occur; and

WHEREAS, the many different activities allowed in the park can cause large amounts of people to be in the Park at any one given time; and

WHEREAS, some people recreating in the park have reported their property or their person have been accidentally struck by bullets fired by target shooters, also recreating in the park; and

WHEREAS, the purpose of having a park where people can gather and recreate in varying ways will be thwarted if people are too afraid for their safety to use it; and

WHEREAS, Idaho Code Section 18-3302J authorizes the Board of County Commissioners to adopt ordinances to regulate, restrict or prohibit the discharge of firearms on public lands within its boundaries, if such discharge endangers persons or property; and

WHEREAS, Jerome County exercised its statutory authority in passing Jerome County Ordinance 2019-1 that divided the park into areas where recreational shooting was allowed and areas it was not;

WHEREAS, Jerome County is in the process of passing a subsequent ordinance to further restrict shooting along the entirety of the Northern Rim of the Snake River Canyon;

WHEREAS, these further restrictions would cause a conflict to arise between the subsequent ordinance and 2019-1 if it (2019-1) were not amended in such a manner so as to alleviate such conflict;

WHEREAS, this ordinance amends 2019-1 so as to prohibit recreational shooting in certain areas along the canyon rim, which were previously open to such shooting under that ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE JEROME COUNTY BOARD OF COMMISSIONERS as follows:

- I. Recitals. The above recitals are hereby incorporated into this ordinance.
- II. Authority. This ordinance is enacted pursuant to Idaho Code Section 31-714.
- III. Title. Exhibit “A” of this Ordinance, which is attached hereto and incorporated herein, shall be known as the “Jerome County Ordinance – Shooting in Snake River Canyons Park”.
- IV. Purpose. To promote the public safety, health, welfare, convenience and enjoyment of Snake River Canyons Park, and to preserve and enhance the recreational experiences of all who utilize the Park.
- V. Adoption. This ordinance is adopted as written and shown in Attachment “A”, which is attached hereto and incorporated herein by this reference.
- VI. Repeal. Any other existing Jerome County Ordinance, resolution, or portion thereof, that conflicts with the provisions of this Ordinance are hereby declared to be repealed or superseded to the extent of such conflict.
- VII. Severability. The various parts of this Ordinance and those of its attachment are severable. The invalidity of a certain part shall not affect the validity of the remaining parts.
- VIII. Implementation. Administrative staff and agents of Jerome County are hereby directed to take such actions as may be necessary to implement the provisions of this Ordinance.
- IV. Effective Date. This Ordinance shall be effective upon its approval, passage, and publication in a newspaper in circulation in Jerome County.

Approved and adopted as an ordinance of Jerome County by the Board of Jerome County Commissioners on the 18<sup>th</sup> day of May 2020.

JEROME COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

/s/ Michelle Emerson  
Michelle Emerson, Clerk of the Board

( S E A L )

/s/ Charles M. Howell  
Charles M. Howell, Chair

/s/ A. Ben Crouch  
A. Ben Crouch, Commissioner

/s/ John Crozier  
John Crozier, Commissioner

ATTACHMENT "A"

JEROME COUNTY ORDINANCE  
SHOOTING IN SNAKE RIVER CANYONS PARK

PART 1  
DEFINITIONS

Section 1.1 Definitions

For purposes of this Ordinance, the following terms shall have the following meanings:

"Bow" means a weapon consisting of a curved, sometimes re-curved, stave of a resilient material, strung taut from end to end and used to launch an arrow, a bolt, a quarrel or any similar projectile and that is capable of causing great bodily injury or death to a person and includes cross-bows, long-bows, re-curve bows and compound bows.

"Canyon Rim" means the highest brink of the Snake River Canyon, which consists of a slope of 30 degrees or steeper for a distance of 50 feet or more.

"Firearm" means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing great bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm, including air guns, spring-guns, or any class or type thereof.

"Shooting Restricted Area" means that area illustrated on the map shown in Schedule "1" and described in Schedule "3" of this Ordinance.

"Snake River Canyons Park" means that area identified in the lease agreement between Jerome County and the United States Department of the Interior Bureau of Land Management, dated July 7, 2004, and copied in Schedule "5" of this Ordinance.

"Shooting Area" means that area illustrated on the maps shown in Schedules "1" and "2," and described in Schedule "4" of this Ordinance.

Part 2

DISCHARGE – PROHIBITED

Section 2.1 Discharge of firearms and bows -prohibited

No person shall discharge a firearm or bow within the boundaries of the Shooting Restricted Area of Snake River Canyons Park. This Section shall not apply to:

- a) The discharge of firearms by any duly authorized law enforcement officer when necessary in the performance of his official duties;
- b) The discharge of firearms and bows occurring within the Shooting Area of Snake River Canyons Park;
- c) Ceremonial Firing squads;
- d) Any landowner or guest thereof, discharging a firearm or bow on the landowners privately held lands that lie within the Shooting Restricted Area, if the discharge is conducted in such a manner so as not to endanger any person or property in the Snake River Canyons Park.

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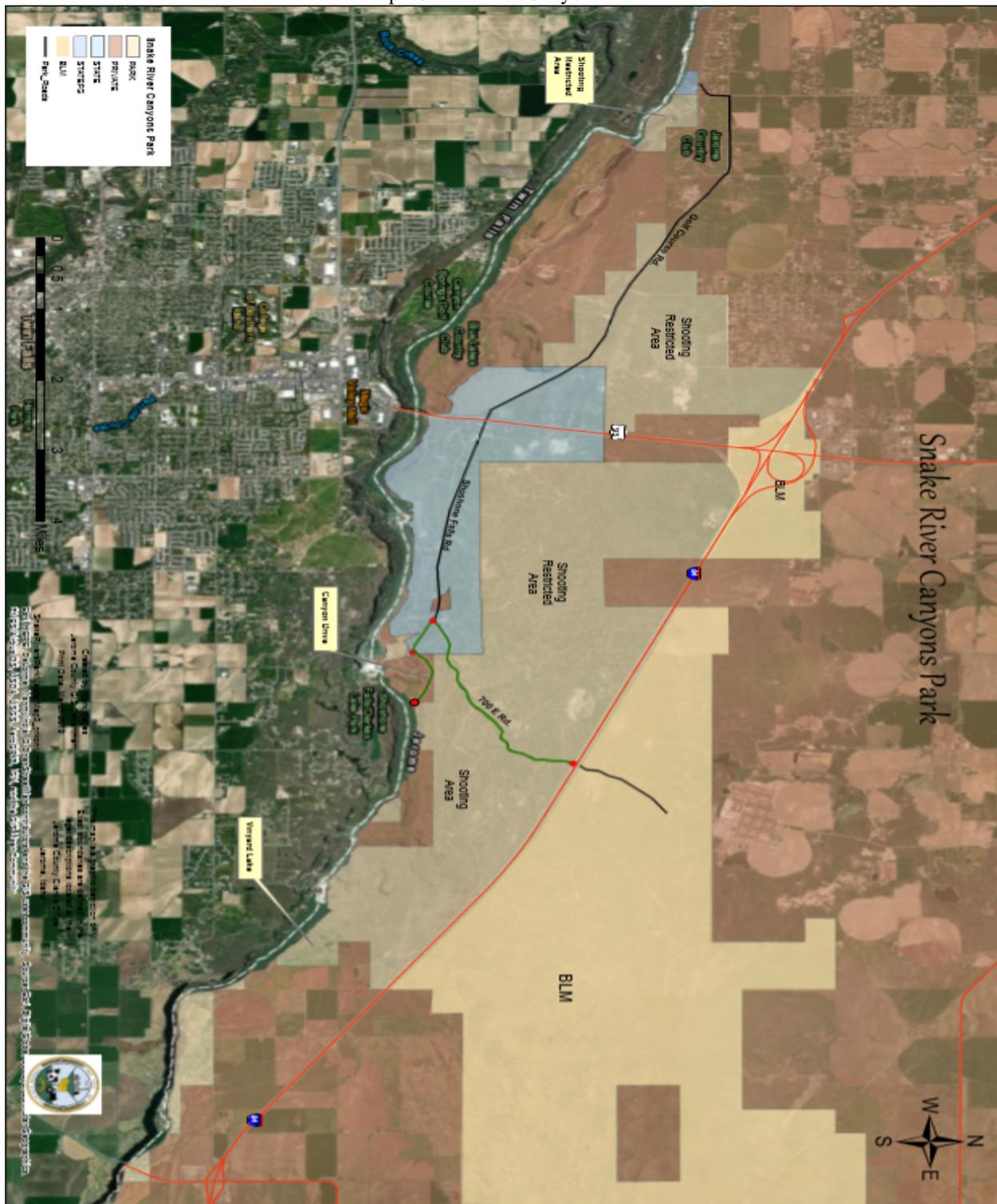
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Part 3  
PENALTY

Section 3.1 Penalty

Any person found guilty or who pleads guilty of a violation of the provisions of this Ordinance is punishable by imprisonment in the county jail not to exceed six (6) months, or by a fine not to exceed one thousand dollars (\$1000), or by both.

Schedule 1  
 Map - Snake River Canyons Park





Schedule 3

The Shooting Restricted Area of the Snake River Canyons Park (as illustrated in Schedule “1” of this Ordinance) in which the discharge of firearms or bows is prohibited is described as follows:

All the lands of the Snake River Canyons Park, and all adjacent State of Idaho lands, located to the west and south of that line formed by 700 E Road, to Shoshone Falls Road, to Canyon Drive (the grade down to Shoshone Falls), to the Snake River. This line extends from the southerly limit of the East bound lane of Interstate 84 to the water’s edge of the Snake River, and is more particularly described as:

COMMENCING from that point where the easterly limit of 700 E Road intersects with the southerly limit of the East bound lane of Interstate 84;

THENCE southerly and westerly along the easterly limit of 700 E Road to that point where it intersects with the northerly limit of Shoshone Falls Road;

THENCE southerly and easterly along the northerly limit of Shoshone Falls Road to that point where it becomes Canyon Drive;

THENCE easterly and southerly along the northerly limit of Canyon Dr to the point where Canyon Dr ends;

THENCE southerly to the nearest point on northerly bank of the Snake River.

Schedule 4

The Shooting Area of the Snake River Canyons Park (as illustrated in Schedules “1” and “2” of this Ordinance), in which the discharge of firearms and bows is allowed, is as follows:

All the lands of the Snake River Canyons Park, and all adjacent State of Idaho lands, not located in the Restricted Shooting Area and located to the east and north of that line identified in Schedule 3. Except in no event shall the Shooting Area of the Snake River Canyons Park include any area lying 100 yards or less from the Canyon Rim.

Schedule 5

Snake River Canyons Park as identified in the lease agreement between Jerome County and the United States Department of the Interior Bureau of Land Management, dated July 7, 2004, is described as follows:

Boise Meridian

(Those portions south of Interstate 84.)

T. 9 S., R. 17.,

Sec. 14: S1/2SW;

Sec. 15: SW, SWNW;

Sec. 19: Lots 2, 3, 9, SENW;

Sec. 20: N1/2SE;

Sec. 21: E1/2, E1/2W1/2, SWNW, SW;

Sec. 22: W1/2, W1/2SWSE, W1/2E1/2SWSE, NWSE, SWNE, W1/2W1/2SENE, N1/2NE;

Sec. 23: All;

Sec. 24: S1/2SE, N1/2SE;

Sec. 25: All;

Sec. 26: All;

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Sec. 28: NENW, N1/2NE, SENE;  
Sec. 36: Lot 15.

T. 9 S., R. 18 E.,

Sec. 19: Lots 3, 4, E1/2SW, S1/2SE;  
Sec. 28: SW, SWSE;  
Sec. 29: S1/2, S1/2NE, NW;  
Sec. 30: Lots 1-4, E1/2W1/2, E1/2;  
Sec. 31: Lots 1, 4, 5, N1/2NE, NENW;  
Sec. 32: Lot 5, N1/2N1/2;  
Sec. 33: Lot 1, N1/2, N1/2S1/2, S1/2SE, SESW;  
Sec. 34: N1/2SW, SWNW.

T. 10 S., R. 18 E.,

Sec. 03: Lots 4, 5, 8;  
Sec. 04: Lots 1, 2;  
Sec. 10: Lots 1, 2;  
Sec. 11: Lots 1, 2, 5, 6;  
Sec. 12: Lot 3.

Containing approximately 6,589.85 acres.

#### **ORDINANCE NUMBER 2020-4**

AN ORDINANCE OF THE JEROME COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF IDAHO, PROHIBITING THE DISCHARGE OF FIREARMS AND BOWS IN OR NEAR THE SNAKE RIVER CANYON; SETTING FORTH UNDERLYING RECITALS, INCORPORATING RECITALS, DIRECTING IMPLEMENTATION BY ADMINISTRATIVE STAFF, REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

#### RECITALS:

WHEREAS, Article XII, section 2 of the Idaho Constitution authorizes Jerome County to adopt “all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws”; and

WHEREAS, Idaho Code Section 31-714 authorizes Jerome County to pass all ordinances, rules and regulations necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and that are necessary or proper to provide for the safety, promote the health and prosperity, and improve the general welfare of the inhabitants of Jerome County and all persons who may be present in Jerome County from time to time; and

WHEREAS, Idaho Code Section 31-715 mandates all such ordinances to be published in a newspaper circulated in the county before such will become effective; and

WHEREAS, Idaho Code Section 31-715A authorizes the Board of County Commissioners to publish a summary of the ordinance; and

WHEREAS, the Snake River and the canyon it runs through has been designated a Special Site in the Jerome County Comprehensive Plan and attracts a multitude of recreationalist, such as boaters, kayakers, rafters, etc., skiers, fisherman, hunters, hikers, joggers, target shooters, archers, and bicycle, horseback, motorcycle, snowmobile, ATV, UTV, and other motorized vehicle riders, and other people engaged in similar recreational activities; and

WHEREAS, the many different activities allowed on the Snake River, in the Canyon and along its rim can cause large amounts of people to be in this area at any one given time; and

WHEREAS, some people recreating on the Snake River, in the Canyon or along its rim have reported their property or their person have been accidentally struck by bullets fired by target shooters, also recreating in the area; and

WHEREAS, the recreation provided by the nature of the Snake River, its Canyon and the Canyon Rim will be thwarted if people are too afraid for their safety to use it; and

WHEREAS, Idaho Code Section 18-3302J authorizes the Board of County Commissioners to adopt ordinances to regulate, restrict or prohibit the discharge of firearms on public lands within its boundaries, if such discharge endangers persons or property; and

WHEREAS, although Jerome County is in the process of developing a shooting range near the Canyon, certain safety measures around shooting on the Snake River, in its Canyon and the Canyon rim are needed in the interim:

NOW, THEREFORE, BE IT ORDAINED BY THE JEROME COUNTY BOARD OF COMMISSIONERS as follows:

- I. Recitals. The above recitals are hereby incorporated into this ordinance.
- II. Authority. This ordinance is enacted pursuant to Idaho Code Section 31-714.
- III. Title. This ordinance shall be known as Ordinance No. 2020 -4. Exhibit “A”, which is attached hereto and incorporated herein, shall be known as the – Shooting on the Snake River, in the Snake River Canyon and on the Snake River Canyon Rim – Prohibited”.
- IV. Purpose. To promote the public safety, health, welfare, convenience and enjoyment of Snake River, its Canyon and the Canyon Rim, and to preserve and enhance the recreational experiences of all who utilize the area.
- V. Adoption. This ordinance is adopted as written and shown in Attachment “A”, which is attached hereto and incorporated herein by this reference.
- VI. Repeal. Any other existing Jerome County Ordinance, resolution or portion thereof, that conflict with the provisions of this Ordinance are hereby declared to be repealed or superseded to the extent of such conflict.
- VII. Severability. The various parts of this Ordinance and those of its attachment are severable. The invalidity of a certain part shall not affect the validity of the remaining parts.
- VIII. Implementation. Administrative staff and agents of Jerome County are hereby directed to take such actions as may be necessary to implement the provisions of this Ordinance.
- IX. Effective Date. This Ordinance shall be effective upon its approval, passage, and publication in a newspaper in circulation in Jerome County.

Approved and adopted as an ordinance of Jerome County by the Board of Jerome County Commissioners on the 18<sup>th</sup> day of May 2020.

JEROME COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

/s/ Charles M. Howell  
Charles M. Howell, Chair

/s/ Michelle Emerson  
Michelle Emerson, Clerk of the Board

/s/ A. Ben Crouch  
A. Ben Crouch, Commissioner

( S E A L )

/s/ John Crozier  
John Crozier, Commissioner

ATTACHMENT "A"  
SHOOTING ON THE SNAKE RIVER;  
IN THE SNAKE RIVER CANYON;  
AND ON THE SNAKE RIVER CANYON RIM  
PROHIBITED

PART 1  
DEFINITIONS

Section 1 Definitions

For purposes of this Ordinance, the following terms shall have the following meanings:

"Bow" means a weapon consisting of a curved, sometimes re-curved, stave of a resilient material, strung taut from end to end and used to launch an arrow, a bolt, a quarrel or any similar projectile and that is capable of causing great bodily injury or death to a person and includes cross-bows, long-bows, re-curve bows and compound bows.

"Canyon Rim" means the highest brink of the Snake River Canyon, which consists of a slope of 30 degrees or steeper for a distance of 50 feet or more.

"Firearm" means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing great bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm, including air guns, spring-guns, or any class or type thereof.

"No Shooting Area" means the middle of the Snake River north to the water's edge; the area on the northern side of the Snake River from the water's edge to the Northern Canyon Rim; and the area lying 100 yards north of the Canyon Rim.

Part 2  
DISCHARGE – PROHIBITED

Section 2 Discharge of firearms and bows - prohibited

No person shall discharge a firearm or bow within the No Shooting Area as defined in this Ordinance. This Section shall not apply to:

- e) The discharge of firearms by any duly authorized law enforcement officer when necessary in the performance of his/her official duties;
- f) Ceremonial Firing squads;
- g) Any landowner or guest thereof, discharging a firearm or bow on the landowners privately held lands that lie within the No Shooting Area, if the discharge is conducted in such a manner so as not to endanger any person or property.

Part 3  
PENALTY

Section 3 Penalty

Any person found guilty or who pleads guilty of a violation of the provisions of this Ordinance is punishable by imprisonment in the county jail not to exceed six (6) months, or by a fine not to exceed one thousand dollars (\$1000), or by both.

**READ AND APPROVE MINUTES**

❖ A Motion was made by Commissioner Crouch to approve the minutes of April 15 and May 11 as read. It was seconded and carried with unanimous ayes.

**INDIGENT MATTERS**

❖ A Motion was made by Commissioner Crouch to approve indigent matters as presented. It was seconded and carried with unanimous ayes. Approved were Case Nos. 1920-014 and 1819-127. Dismissed was Case No. 1920-006.

Meeting recessed at 4:30 P.M.

Respectively submitted:

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Charles M. Howell, Chairman

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Jane White, Deputy Clerk

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A. Ben Crouch, Vice Chairman

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John Crozier, Commissioner