

ORDINANCE NUMBER 2020-5

AN ORDINANCE OF THE JEROME COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF IDAHO, PROHIBITING MOTOR VEHICLES ON YINGST GRADE; 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 lease 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.

WHEREAS, a park board oversees the recreational park, known as the "Snake River Canyons Park," to ensure it is developed in such a way so as to ensure its various features are best utilized for the many kinds of recreations intended in the park.

WHEREAS, one such feature within Snake River Canyons Park is Yingst Grade, a derelict roadway, no longer suitable for automobiles, that descends rapidly into the Snake River Canyon south of the City of Jerome.

WHEREAS, in developing Snake River Canyons Park, it has been determined the best utilization of Yingst Grade is as a path for non-motorized travel.

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. 2020-5. Exhibit "A," which is attached hereto and incorporated into this Ordinance as if fully stated herein, shall be known as the "Prohibition of Motorized Vehicles on Yingst Grade."
- 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 is 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 26th day of May 2020.

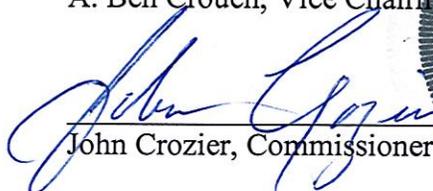
JEROME COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:


Michelle Emerson, Jerome County Clerk


Charles M. Howell, Chairman


A. Ben Crouch, Vice Chairman


John Crozier, Commissioner



ATTACHMENT "A"
MOTORIZED VEHICLES ON YINGST GRADE PROHIBITED

Part 1
DEFINITIONS

Section 1.1 Definitions

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

"Motor Vehicle" means a mechanical vehicle, usually wheeled, which is self-propelled and capable of transporting one or more persons.

"Yingst Grade" means the slope or gradient of Yingst Road as it proceeds into the Snake River Canyon, becoming Auger Falls Road, and the entirety of the path or paths of Yingst/Auger Falls Road in the Snake River Canyon to the point or points it reaches the northern edge of the Snake River.

Part 2
MOTOR VEHICLES – PROHIBITED

Section 2.1 Motor vehicles on Yingst Grade prohibited

No person shall operate a motor vehicle, or cause a motor vehicle to be operated, on any portion of Yingst Grade. This Section shall not apply to law enforcement officers or other emergency personnel acting in an emergency situation or when necessary for a law enforcement officer to discharge an official duty.

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.