

ORDINANCE NO. 81-3

AN ORDINANCE OF CARIBOU COUNTY, IDAHO, PROVIDING FOR AND LIMITING SNOW REMOVAL CLEARANCE ON COUNTY ROADS AND HIGHWAYS; LIMITING SNOW REMOVAL SERVICE TO THOSE COUNTY ROADS AND HIGHWAYS FOR WHICH SAID SERVICE WAS PROVIDED DURING THE WINTER OF 1979-80; PROVIDING FOR A PROCEDURE FOR MAKING APPLICATION FOR SNOW CLEARANCE ON COUNTY ROADS FOR WHICH SERVICE HAD NOT BEEN PREVIOUSLY PROVIDED; PROVIDING FOR THE TERMINATION OF SNOW REMOVAL SERVICE ON CERTAIN COUNTY ROADS OR HIGHWAYS; PROHIBITING SNOW REMOVAL SERVICE ON PRIVATE ROADS, DRIVEWAYS OR OTHER PRIVATE PROPERTY WITHOUT THE CONSENT OF THE BOARD OF COUNTY COMMISSIONERS AND ESTABLISHING A PROCEDURE FOR THE APPLICATION FOR SNOW REMOVAL ON PRIVATE PROPERTY, ROADS OR DRIVEWAYS; PROHIBITING THE CLEARANCE OF SNOW BY PRIVATE PERSONS OR ENTITIES FROM THE COUNTY ROADS OR HIGHWAYS WITHOUT CONSENT OF THE COUNTY; PROVIDING THAT PRIVATE PERSONS ALLOWED TO REMOVE SNOW FROM COUNTY ROADS OR HIGHWAYS SHALL MAINTAIN LIABILITY INSURANCE; PROHIBITING THE DEPOSITING OF SNOW ON COUNTY ROADS OR HIGHWAYS FROM PRIVATE PROPERTY; PROHIBITING THE PARKING OR STORING OF ANY VEHICLES OR PERSONAL PROPERTY ON COUNTY ROADS OR HIGHWAYS DURING PERIODS OF WINTER SNOW CLEARANCE; PROVIDING FOR THE APPROVAL OF PRIVATE DRIVEWAYS OR ROADS EXITING ON TO COUNTY ROADS OR HIGHWAYS BY THE BOARD OF COUNTY COMMISSIONERS BEFORE CONSTRUCTION OF THE SAME; AND PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

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

Section 1: A. Due to the high cost of fuel, maintenance, and other costs of snow clearance on county highways and roads, the County of Caribou, Idaho, shall not provide snow removal services on any portion of county highways or roads for which said service was not provided during the winter season of 1979-80.

B. Any person desiring snow clearance on county highways or roads for which service was not provided during the period described above, shall make application for the same to the Board of County Commissioners. The Board of County Commissioners may grant or deny said application based upon the number of persons receiving benefit of the snow removal service, the tax benefits to be derived from such service, and the costs that would be incurred by the county in extending such services.

C. Snow removal on county roads and highways presently rendered by Caribou County may be terminated by the county where permanent year-round residency is not maintained by

any person along said county road, and or the county determines the cost of said services to be unduly excessive.

Section 2: A. No officer or employee of the county shall render or provide snow removal service on private roads, driveways, or other private property without the express consent of a member of the Board of County Commissioners or the County Road Supervisor.

B. No snow removal service shall be provided by the county on any private roads, driveways or other private property without the express consent of the Board of County Commissioners. Such services may be provided with the consent of the Board of County Commissioners only when such snow removal equipment and manpower is not engaged in snow removal on county highways and roads and only during normal operational hours of such equipment. Any person or entity desiring snow removal on private property shall submit a request to the county. Upon approval of said application all owners of said property shall sign an agreement upon a form provided by the Board of County Commissioners which shall designate the owners of the property, description of the property on which the owners desire snow clearance, and a statement whereby the applicants shall agree to pay the rate for such services as may be established from time to time by resolution of the Board of County Commissioners, and agree that the county and its employees shall not be liable to the applicant or owners of said property for any damage or injury caused the owners, their family, heirs, successors, employees, agents, or guests, or the property of the same, by the operation of snow removal equipment on said property, and shall further agree to hold the county, its officers and employees harmless from any claim, demand, or cause of action against the county, its officers and employees for damages or injuries resulting to any third person or entity or property of the same as a result of said snow removal operation.

Section 3: A. No person or entity shall operate or cause to be operated equipment on county highways or roads for the

purpose of removing or clearing snow from the same without the express written consent of the Board of County Commissioners. Any person acting contrary to the provisions of this Section, in addition to the penalty provisions of this Ordinance, shall be liable to the county for damages caused to the county roads, services, culverts, fences, or other property of the county.

B. Any person or entity granted permission to remove snow from county highways and roads shall carry liability insurance in an amount and form as determined by the county in which the county and the applicant shall be designated as co-insureds, and proof of said insurance shall be filed with the Clerk of the Board of County Commissioners prior to initiation of any operations on county roads or highways.

Section 4: No person removing or clearing snow from private roads, driveways, or other private property shall leave any deposits of snow resulting from such clearance on county highways or roads.

Section 5: No person or entity shall park, store, or cause to be placed any vehicle or other item of personal property on any county highway or road during any period during which the county may be removing snow from such highways or roads. In addition to any penalty provision contained herein, the county may deny snow removal on any county highway or road on which such vehicles or other personal property is parked or placed during such snow removal periods.

Section 6: In order to facilitate the orderly and efficient removal of snow from county highways and roads, all new private driveways or roads exiting onto an existing county road must first be approved by the Board of County Commissioners. Any person desiring to create a new road or driveway onto a county road shall first submit plans for the construction of the same to the Board of County Commissioners for its approval. The Board may require such changes, additions, or construction of private driveways and roads as it deems necessary to insure the orderly and efficient removal of

snow on county highways and roads. All costs incurred for the construction of said improvements or alterations shall be at the expense of the applicant.

Section 7: If any provision of this ordinance be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provision of this ordinance is declared to be severable.

Section 8: Any person or entity violating any provision of this ordinance shall be guilty of a misdemeanor which shall be punishable by imprisonment in the County Jail not to exceed six months and/or a fine not to exceed \$300.00.

Section 9: This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF CARIBOU COUNTY, IDAHO, THIS 12th day of Oct, 1981.

BOARD OF COUNTY COMMISSIONERS

By Robert E. Anderson
ROBERT E. ANDERSON, Chairman

Attest:

Elaine S. Johnson
ELAINE S. JOHNSON, Clerk