ORDINANCE 2019-01
LAKES HIGHWAY DISTRICT

AN ORDINANCE ADOPTING REGULATIONS PROHIBITING PRIVATE AND/OR CONTRACT SNOW PLOWING WITHIN PUBLIC RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS, the Board of Commissioners Lakes Highway District deem it in best interests of the traveling public to adopt guidelines that prohibit private snow plowing activities that impact the Public Road Right-of-Way;

NOW THEREFORE BE IT ORDAINED, by the Lakes Highway District Board of Commissioners as follows:

SECTION 1 - SECTIONS

Section 2 – Authority and Jurisdiction
Section 3 – Purpose
Section 4 – Definitions
Section 5 – Prohibition
Section 6 – Enforcement
Section 7 – Penalties
Section 8 – Severability
Section 9 - Adoption

Section 2 – AUTHORITY AND JURISIDCTION

Pursuant to Idaho Code §40-1310, the Board has exclusive general supervisory authority over all public highways, public streets and public rights-of-way under its jurisdiction, with full power to pass Ordinances and establish regulations in accordance with the provisions of Title 49, Idaho Code.

Section 3 – PURPOSE

A. The Lakes Highway District finds it necessary to enact this Ordinance prohibiting private and/or contracted snow plowing within the public road rights-of-way as an ordinance of Lakes Highway District, allowing for the enforcement of its provisions by the Sheriff of Kootenai County, Idaho and all duly sworn deputies thereof.

B. Snow plowing and winter maintenance of all roads within the District's maintenance jurisdiction are critical to the safety and well-being of the traveling public;

C. Private and/or contract snow plowing within publicly maintained rights-of-way hinders Lakes Highway District in performing proper winter maintenance, including safe and efficient plowing widths;

D. Private and/or contract snow plowing within publicly maintained rights-of-way is a safety concern not only for those encroaching into the travel way while performing such work, including debris left by such activities, but also for the traveling public;

E. Products left by private and/or contract snow plowing within publicly maintained rights-of-way leads to damage to District equipment, roads, drainageways and culverts.

Section 4 – DEFINITIONS

A. Director of Highways: Lakes Highway District Director of Highways or his/her assigned designee.

B. District Road and Rights-of-Way: roads receiving maintenance at the expense of the public Pursuant to Idaho Code §40-2312.

C. Approach: an adjoining land owner's permitted access to the public road or public rights-of-way.

Section 5 – PROHIBITION

A. The regulations regarding placing obstructions within the public rights-of-way contained in Idaho Code §18-3907 are incorporated by reference as though fully set forth herein.

B. To provide for safe travel, safe and efficient maintenance operations, private or contract snow plowing within or across the public rights-of-way is prohibited

C. No person, private resident or contractor shall place, push or direct snow from private property, public rights-of-way, drive approaches, or sidewalks into or across the public road or rights-of-way.

Section 6 – ENFORCEMENT

A. The Director of Highways or his/her designated representative will initially provide a warning of the violation. The warning will be posted at the violation and photographic documentation of the posting will be taken. A certified notification letter will be sent to the address of the violator(s). The Highway District will record the violation and warning in the District records including the date, time, photos and location.

B. If after the initial notification, the violation continues, the District will notify the proper law enforcement agency and request issuance of a misdemeanor citation.

C. A peace officer may issue an Idaho uniform citation for any violations specified in this article.

Section 7 – PENALTIES:

A. A violation of this article shall constitute a misdemeanor.

Section 8 – SEVERABILITY:

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection work, or part had not been included therein.

Section 9 – ADOPTION:

After its passage and adoption, a summary of this Ordinance, pursuant to the provisions of the Idaho Code, shall be published once in the official newspaper of Kootenai County, and upon such publication this Ordinance shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the Lakes Highway District at a regular session of the Board of Commissioners on March 18, 2019.

APPROVED, ADOPTED and SIGNED this 18th day of March, 2019.

Rodney A. Twete, Chairman

ATTEST:

Bonny A. Flagg

Bonny A. Flagg, District Clerk/Board Secretary

SUMMARY OF LAKES HIGHWAY DISTRICT ORDINANCE NO. 2019-01

An ordinance adopting regulations prohibiting private and/or contract snow plowing within public rights-of-way; providing for severability; providing for the publication of a summary of the ordinance; and providing an effective date thereof. The full text of the summarized ordinance no. 2019-01 is available at Lakes Highway District, 11341 N. Ramsey Road, Hayden, ID 83835 in the office of the District Clerk.

Bonny A. Flagg

Bonny A. Flagg, District Clerk/Board Secretary

STATEMENT OF LEGAL ADVISOR

I, Susan P. Weeks, am the District Attorney for the Lakes Highway District. I have examined the attached summary of Lake Highway District Ordinance No. 2019-01 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 18th day of March, 2019.

Susan P. Weeks

Susan P. Weeks, District Attorney