**Q. How do I get a "No Compression Brakes" sign installed?**

A. Compression Brakes (also known as engine brakes, jake brakes, etc.) are legal in Idaho if they are muffled and used in the event of an emergency when postings prohibit use. Lakes Highway District can NOT post signs prohibiting the use of muffled brakes when used in case of an emergency. Compression brakes are considered a safety feature on trucks. We do have "No Compression Brake" signing available to remind drivers of the provisions listed in County Ordinance 497 and Lakes Highway District Resolution 2016-10, attached.

No Compression Brake signs can be installed in specified locations if they meet the following warrants:

1. The area has an established record of unmuffled engine brake noise complaints with a minimum of six different people complaining about four different incidents, supported by an investigation.

2. Signed concurrence from the Kootenai County Sheriff's Office acknowledging an action plan to enforce the sign.

3. Approval of Lakes Highway District Commissioners.

Please note: Truck drivers are aware that unmuffled compression brakes are illegal in Idaho and it is unlikely signing without enforcement will address concerns for the noise created. Enforcement of current laws and the considered signage is a necessary component to correct this concern.

For additional information or to send in a request for signage, with the supporting documentation stated herein, please contact:

Eric W. Shanley, P.E.
Director of Highways, District Engineer
Lakes Highway District

**RESOLUTION 2016-10**
**LAKES HIGHWAY DISTRICT**

**ADOPTING KOOTENAI COUNTY ORDINANCE NO. 497**
**(Adoption of Regulations regarding Motor Vehicles, Compression Brakes, Snowmobiles and Parking on Public Highways)**

WHEREAS, the Board of Commissioners of the Lakes Highway District, Kootenai County, Idaho, (hereinafter "Board") desires to enact regulations regarding Motor Vehicles, Compression Brakes, Snowmobiles and Parking on Public Highways, and

WHEREAS, 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 resolutions and establish regulations in accordance with the provisions of Title 49, Idaho Code; and

WHEREAS, pursuant to Idaho Code §31-714 the Board of County Commissioners of Kootenai County, Idaho has the exclusive authority to enact county ordinances in Kootenai County, see attached Ordinance No. 497; and

WHEREAS, only county ordinances may be enforced by county law enforcement officers; and

WHEREAS, each of the Highway Districts in Kootenai County desires a uniform, enforceable county ordinance regulating motor vehicles, compression brakes, snowmobiles and parking on public highways in the unincorporated areas of Kootenai County including provisions concerning enforcement and penalties for violations; and

WHEREAS, the Board of County Commissioners of Kootenai County has agreed to consider enactment of an ordinance applicable to all unincorporated areas of Kootenai County related to motor vehicles and snowmobiles, prohibiting the use of compression brakes on certain designated roadways within the unincorporated area of the county except during emergencies and providing that a violation shall constitute an infraction, re-adopting regulations for the operation of snowmobiles on certain roads within the unincorporated area of the county and re-adopting regulations relating to parking on public highways.

NOW THEREFORE, the Board hereby resolves, concludes and directs as follows:

"No Compression Brake" signs may be installed in specified locations upon meeting the following conditions:

1. The area has an established record of unmuffled engine brake noise complaints (defined as a minimum of six different people complaining about four different incidents).

2. The Board has received signed concurrence from the law enforcement agency in the jurisdiction that the signs are desirable for enforcement of Kootenai County

Ordinance No 497.

3. Placement of "No Compression Brake" signs shall not prohibit the use of compression brakes in an emergency as detailed in County Ordinance No. 497.

Adopted by the Board of Commissioners and dated this 1st day of September, 2016.

Rodney A. Twete, Chairman

Weston E. Montgomery, Vice Chairman

Diane J. Fountain, Commissioner

Attest:

Bonny A. Flagg, District Clerk

**ORDINANCE NO. 497**

**MOTOR VEHICLES, COMPRESSION BRAKES, SNOWMOBILES AND PARKING ON PUBLIC HIGHWAYS**

AN ORDINANCE OF KOOTENAI COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO MOTOR VEHICLES AND SNOWMOBILES; RE-ADOPTING TITLE 49, IDAHO CODE, AS THE MOTOR VEHICLE LAWS OF THE UNINCORPORATED AREA OF KOOTENAI COUNTY, PROHIBITING THE USE OF COMPRESSION BRAKES ON CERTAIN DESIGNATED ROADWAYS WITHIN THE UNINCORPORATED AREA OF THE COUNTY EXCEPT DURING EMERGENCIES AND PROVIDING THAT A VIOLATION SHALL CONSTITUTE AN INFRACTION, RE-ADOPTING REGULATIONS FOR THE OPERATION OF SNOWMOBILES ON CERTAIN ROADS WITHIN THE UNINCORPORATED AREA OF THE COUNTY, AND RE-ADOPTING REGULATIONS RELATING TO PARKING ON PUBLIC HIGHWAYS; PROVIDING REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Kootenai County, Idaho as follows:

**SECTION 1.** That Title 5, Chapter 2, Kootenai County Code, shall be, and is hereby repealed.

**SECTION 2.** That Title 5, Kootenai County Code, shall be, and the same is hereby amended by the addition thereto of a **NEW CHAPTER**, to be known and designated as Title 5, Chapter 2, Kootenai County Code, and to read as follows:

## Article 2.1 General Provisions

**5.2.101: IDAHO MOTOR VEHICLE LAWS ADOPTED:** The Idaho motor vehicle laws, as codified at Title 49, Idaho Code, are hereby adopted as the motor vehicle laws of the County for the regulation of motor vehicles and motor vehicle traffic within the unincorporated area of Kootenai County, and are hereby adopted as if set forth in full in this section.

**5.2.102: USE OF AIR COMPRESSION BRAKES PROHIBITED:**

A. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated a compression brake within any designated roadway except under emergency circumstances where the use of a compression brake is necessary to prevent an accident or injury to persons or property.

B. Definitions. For purposes of this section, the following definitions shall apply:

COMPRESSION BRAKE: Any engine brake, air compression brake or mechanical exhaust braking device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle.

DESIGNATED ROADWAY: Any public highway, as defined in section 40-117, Idaho Code, within the unincorporated area of Kootenai County where the use of compression brakes are prohibited, as designated by the Idaho Transportation Department or the highway district with jurisdiction and posted with appropriate signage.

C. Any person who violates any provision of this section shall be deemed guilty of an infraction punishable pursuant to section 1-4-1 of this code.

**5.2.103: SNOWMOBILES:**

A. Designated Areas: The following areas are hereby designated as roads upon which snowmobiles are authorized to operate under the requirements of Idaho Code and applicable county ordinances between December 1 of each year and March 1 of the following year, whenever snow coverage is sufficient to allow snowmobile operation:

1. Bayview Area: All of the streets within the area bounded on the north by Perimeter Road and Cape Horn Road, on the west and south by Farragut State Park, and on the east by Lake Pend Oreille.

2. Twin Lakes Area: The paved portion of Twin Lakes Road beginning at State Highway 41 and continuing along the northern bank of Twin Lakes to the end of the pavement.

B. Regulations: The following regulations shall apply within the areas and during the times designated in subsection (A) of this section:

1. All snowmobiles must be registered according to the requirements of Idaho Code.

2. No snowmobile shall be operated in the Bayview city park or cemetery unless authorized by the sheriff.

3. It shall be unlawful for anyone to operate or ride a snowmobile without safety headgear.

4. No snowmobile shall be operated between eleven o'clock (11:00) P.M. on any Sunday through Thursday until six o'clock (6:00) A.M. on the following day.

5. It shall be the responsibility of the operator of a snowmobile to yield the right of way to all vehicular traffic upon any public roadway or crossing any intersection.

6. It shall be unlawful for any operator of a snowmobile to:

a. Tow or pull any person, persons or vehicles (with the exception of another snowmobile when the other snowmobile is inoperative) with a rope, chain, or any flexible type of apparatus.

b. Operate a snowmobile without a valid motor vehicle operator's license on his or her person.

c. Operate a snowmobile at a speed of more than ten (10) miles per hour, or in a reckless manner.

C. Violations; Penalties: A violation of any provision of this section shall constitute an infraction punishable as provided in section 1-4-1 of this code. Any person violating any of the provisions of this section shall be deemed guilty of a separate offense for each day during which a violation is committed.

## Article 2.2 Parking on Public Highways

**5.2.201: TITLE**: This article may be referred to as the Kootenai County Parking Regulation and Enforcement Ordinance.

**5.2.202: AUTHORITY AND JURISDICTION**: In addition to the general authorities listed in section 1-1-2 of this code, this article is adopted pursuant to the powers granted by the following sections of Idaho Code including, but not limited to, the following: 31-714, 49-202, 49-205, 49-208, 49-209, 49-212, 49-659, 49-660, 49-661 and 49-1503. This article shall apply in the unincorporated area of the county.

**5.2.203: PURPOSE**: The purpose of this article is to protect the general health, safety and public welfare of Kootenai County residents through the enactment of regulations governing the parking of motor vehicles in the county. The board of county commissioners specifically finds that motor vehicles which are unlawfully parked along the public roadways in the county and at various recreational facilities owned or operated by the county constitute a safety hazard. This article is also intended to provide a means for the enforcement of those regulations adopted by the highway districts having jurisdiction over the public roadways in the county that are not inconsistent with this article.

**5.2.204: DEFINITIONS**:

A. Except as specifically modified by this article, the definitions contained in Title 49, Chapter 1, Idaho Code, are adopted by reference as though fully set forth herein.

B. For purposes of this article, the following definitions shall also apply:

POSTED PARKING REGULATION: Any regulation displayed on a traffic control device permitting, regulating or prohibiting the parking, stopping or standing of a motor vehicle.

TRAFFIC CONTROL DEVICE: Any device, whether manually, electrically or mechanically operated, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

**5.2.205: PROHIBITIONS**:

A. The regulations regarding stopping, standing or parking of motor vehicles contained in Idaho Code 49-659 through 49-662 are incorporated by reference as if fully set forth herein.

B. Except when necessary to avoid conflict with other traffic in compliance with applicable traffic laws, the directions of a peace officer, or any traffic control device, no person shall stop, stand or park a motor vehicle, whether occupied or not, at any place where a posted parking regulation prohibits parking.

C. No person shall stop, stand or park a motor vehicle on property owned by the county or under the regulatory control of the county or any highway district located therein, in violation of any posted parking regulation.

D. Notwithstanding the prohibitions contained in subsections (B) and (C) of this section, a person may temporarily stop, stand or park a motor vehicle for the purpose of loading or unloading merchandise or passengers while actually engaged in such activity.

E. No person shall tear down, deface or otherwise alter any traffic control device containing a posted parking regulation without previous authorization from an appropriate local authority.

**5.2.206: ENFORCEMENT**:

A. General Provisions: A peace officer may issue an Idaho uniform citation for any of the infractions specified in this article.

B. Service Of Citation:

1. A peace officer may serve the infraction citation in accordance with the rules of procedure set forth in the Idaho Code or the Idaho infraction rules.

2. In the event the peace officer is unable to locate the owner or operator of the motor vehicle parked in violation of this article at the time the citation is issued in order to effect personal service, the peace officer may complete the uniform citation with as much information as is available and indicate on the citation that the defendant's copy was placed conspicuously on the offending vehicle. For purposes of alleged violations of this article, this alternative service will be considered the equivalent of having the officer sign the citation and personally deliver it to the registered owner of the motor vehicle.

**5.2.207: EVIDENCE**:

A. Registered Owners:

1. In any prosecution against the registered owner of a motor vehicle charging a violation of any regulation governing the standing or parking of a vehicle under this article or other regulation of a local authority, proof that the particular vehicle described in the complaint was parked in violation of any such provision or regulation, together with proof that the defendant named in the complaint, was, at the time of parking, the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

2. The presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the time and place where the violation occurred may be rebutted with evidence that the registered owner of the vehicle was not the person who parked or placed the vehicle at the time and place where the violation occurred. Such evidence may include, but shall not be limited to, a written lease or rental agreement for a particular vehicle described in the complaint on the date and time of the violation, which lease or rental agreement includes the name and address of the person to whom the vehicle is leased or rented.

3. In the event that there is more than one registered owner of a vehicle cited for a violation of this article, the first named person on the registration shall be the person subject to prosecution for such violation. This person shall be subject to the presumption set forth in subsection A1 of this section, which may be rebutted as set forth in subsection A2 of this section.

4. For purposes of this subsection, proof that a person is the registered owner of a vehicle is not prima facie evidence that the registered owner has violated any other provision of law.

B. Lessees And Renters:

1. In any prosecution against the lessee or renter of a motor vehicle charging a violation of any regulation governing the standing or parking of a vehicle under this article or other parking regulation of a local authority, proof that the particular vehicle described in the complaint was parked in violation of any provision of this article or regulation, together with proof that the defendant named in the complaint was, at the time of parking, the lessee or renter of the vehicle, shall constitute prima facie evidence that the lessee or renter of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

2. The presumption that the lessee or renter of the vehicle was the person who parked or placed the vehicle at the time and place where the violation occurred may be rebutted with evidence that the lessee or renter of the vehicle was not the person who parked or placed the vehicle at the time and place where the violation occurred.

3. For purposes of this subsection, proof that a person is the lessee or renter of a vehicle is not prima facie evidence that the lessee or renter has violated any other provision of this law.

**5.2.208: IMPOUNDMENT OF VEHICLES**: Any deputy sheriff is authorized, in his or her discretion, to remove and impound at such place as may be designated by the sheriff, any vehicle found abandoned or parked in violation of any provision of this article. All costs and expenses of taking and keeping any such vehicle, including the costs and expenses of towing, keeping and storing, shall be paid by the owner of such vehicle and shall constitute a lien in favor of the county upon and against such vehicle.

**5.2.209: CONCURRENCE OF HIGHWAY DISTRICTS**:

In enacting this article, the board of county commissioners does not intend to infringe upon or usurp the regulatory authority given to highway districts under Idaho Code title 49, chapter 13. To this end, the board of county commissioners has sought the concurrence of each of the

highway districts located within the county prior to the enactment of this article. Resolutions of the following highway districts adopting this article as a regulation of each respective highway district, and officially concurring with the enactment of this article by the board of county commissioners, are incorporated herein by reference:

Lakes Highway District

Post Falls Highway District

Worley Highway District

East Side Highway District

**5.2.210: PENALTIES**:

A. A violation of this article shall be considered an infraction.

B. No violation of this article shall be considered a moving traffic violation, and no violation points shall be assessed for any violation of this article.

C. Violations of this article shall be punishable by a fine for an infraction, as provided in section 1-4-1 of this code and as set forth in Rule 9(b) of the Idaho Infraction Rules or in such other rule as may be adopted and promulgated from time to time by the Idaho Supreme Court.

**SECTION 3**. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4**. If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 5**. Neither the adoption of this Ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Kootenai County Board of Commissioners or the validity of any such action to be taken upon matters pending before the Kootenai County Board of Commissioners on the effective date of this Ordinance.

**SECTION 6**. This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the *Coeur d'Alene Press*.

ADOPTED this 9th day of August, 2016.

**KOOTENAI COUNTY**
**BOARD OF COMMISSIONERS**

Daniel H. Green, Chairman

Marc Eberlein, Commissioner

Excused
David Stewart, Commissioner

**ATTEST:**
JIM BRANNON, CLERK

By: _____
Deputy Clerk

Publication Date: 8-15-16

C: Sheriff, Prosecuting Attorney (Civil and Criminal Divisions), Sterling Codifiers, Ordinance File