

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER**

AN ORDINANCE REPEALING AND REPLACING TITLE 7, CHAPTER 5, MERIDIAN CITY CODE, REGARDING OFF-HIGHWAY VEHICLES, SPECIFICALLY: DEFINITIONS; OPERATION OF OFF-HIGHWAY VEHICLES ON PUBLIC RIGHTS-OF-WAY; OFF-HIGHWAY VEHICLE OPERATION REGULATIONS; AND PENALTY; ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, arterial and collector streets in Meridian have higher speed limits and greater traffic volume, and the use of off-highway vehicles on such public streets presents a risk to drivers of both the off-highway vehicles and other motor vehicles;

WHEREAS, operators of off-highway vehicles may more safely use such vehicles on local roadways, so long as such operators follow state and local laws;

WHEREAS, as amended by the Idaho Legislature in 2021, Idaho Code section 49-426(7), effective on July 1, 2021, states that municipalities may, following a public hearing, noticed thirty (30) days in advance to the Idaho Department of Parks and Recreation, may adopt local ordinances regulating the operation of off-highway vehicles on public highways within city limits;

WHEREAS, having received public testimony at a public hearing held before Meridian City Council on **DATE**, which hearing was duly noticed to the public and to the Idaho Department of Parks and Recreation via letter from the City Clerk dated **DATE**, the City Council of the City of Meridian finds the following ordinance to serve the best interest of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, ADA COUNTY, IDAHO:

Section 1. That Title 7, Chapter 5, Meridian City Code, shall be repealed, and replaced with language to read as follows:

**TITLE 7
MOTOR VEHICLES AND TRAFFIC**

**CHAPTER 5
OFF-HIGHWAY VEHICLES**

7-5-1: DEFINITIONS:

- A. **Off-highway vehicle (“OHV”)**: For purposes of this chapter, off-highway vehicle (or “OHV”) shall be defined as an all-terrain vehicle, motorbike, specialty off-highway vehicle (e.g., golf cart) or utility type vehicle. Such terms shall have the respective definitions as set forth therefor in Title 67, Chapter 71, Idaho Code and/or Title 49, Chapter 1, Idaho Code.

B. Public street designations: The Ada County Highway District (ACHD) has designated all public streets in Meridian as arterial, collector, or local streets. All references to such terms in this chapter shall have the meanings and definitions as established by ACHD therefor.

7-5-2: OPERATION OF OFF-HIGHWAY VEHICLES ON PUBLIC RIGHTS-OF-WAY:

No person shall operate an OHV on an arterial or collector street within the City of Meridian.

7-5-3: OFF-HIGHWAY VEHICLE OPERATION REGULATIONS:

- A. It shall be unlawful for any person who is not a duly licensed motor vehicle driver to drive or operate an OHV on a public right-of-way.
- B. It shall be unlawful to drive or operate an OHV on a public right-of-way while under the influence of alcohol or drugs.
- C. It shall be unlawful to operate an OHV on a public right-of-way in a careless or heedless manner, or without due caution and circumspection or at a speed or in a manner as to endanger or be likely to endanger any person or property.
- D. A person operating an OHV on a public right-of-way shall conform to all vehicular traffic controls and shall abide by all traffic laws, rules and regulations, including the liability insurance requirements as set forth in Idaho Code for motor vehicles.
- E. It shall be unlawful to operate an OHV on a public right-of-way unless such OHV is equipped with all equipment required by state or federal law, including a brake, a parking brake, and a muffler. All equipment shall be in good working order so as to prevent excessive noise and smoke. No person shall use a muffler cutout, bypass or similar device on an OHV.

7-5-4: PENALTY:

Any person convicted of a violation of this chapter shall be guilty of an infraction, punishable by a fine of twenty five dollars (\$25.00), exclusive of court costs. Drivers operating an OHV on public rights-of-way shall be subject to all state and local traffic laws, rules, and regulations applicable to motor vehicles, and shall be subject to all penalties related to any violation thereof.

Section 2. That all City of Meridian ordinances, or resolutions, or parts thereof, which are in conflict herewith, are hereby repealed.

Section 3. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho, this ____ day of _____, 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this ____ day of _____, 2021.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

CERTIFICATION OF SUMMARY:

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

William L. M. Nary, City Attorney

SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. 21 - _____

An ordinance repealing and replacing Title 7, Chapter 5, Meridian City Code, regarding off-highway vehicles, specifically: definitions; operation of off-highway vehicles on public rights-of-way; off-highway vehicle operation regulations; and penalty; adopting a savings clause; and providing an effective date.