



## MEMO TO CITY COUNCIL

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**From:** Walter Steed, Transportation Commission Chair  
Miranda Carson, Coordination Planner

**Date:** May 18, 2021

**Topic:** Transportation Commission: Proposed Off-Highway Vehicle Ordinance

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The Meridian Transportation Commission (TC) recommends that Meridian City Council adopt the attached proposed ordinance regarding Off-Highway Vehicles (OHVs), including golf carts, all-terrain vehicles (ATVs), and utility-type vehicles (UTVs). The proposed ordinance would repeal and replace Meridian City Code Title 7, Chapter 5, which currently pertains only to golf carts.

In August 2020, the Meridian Police Department (MPD) brought to the Transportation Commission its concern regarding the lack of clarity in code for the use of ATVs and UTVs on the roadways. MPD reported seeing more people driving these types of vehicles, as well as more golf carts, on the roadways.

Idaho Code provisions in effect at the time allowed the operation of UTVs and ATVs on streets that are not designated as “controlled-access highways.” This designation was within the purview of the highway authority (in Meridian, the Ada County Highway District (ACHD)), but ACHD had not published or otherwise issued official guidance regarding this designation as to the streets in its jurisdiction. Absent an ACHD designation, police officers, prosecutors, and the magistrate courts were left to interpret the designation as it applied to arterials, collectors, and local roads. There were also conflicting interpretations of the state statutes among UTV/ATV operators, the Idaho Department of Parks and Recreation, which regulates UTV/ATV use on forest service roads and public lands, and law enforcement personnel. Though cities were authorized to restrict or prohibit UTV/ATV use on roads within city limits, Meridian City Code was specific to golf carts and did not address any other type of vehicle.

The TC determined that the issue warranted closer review and assigned the matter to the commission’s Ordinance & Development Subcommittee.

The subcommittee held their first meeting in October 2020 to discuss the issue. The subcommittee was comprised of three (3) commissioners and David Claiborne, President of the Idaho State ATV Association. Staff support was provided by MPD Sergeant Brandon Frasier, and Deputy City Attorney Emily Kane. Following duly noticed public meetings in October 2020, December 2020, and January 2021, the subcommittee prepared an initial draft ordinance that prohibited the use of ATVs and UTVs on public roads in Meridian, with the exception of local streets where an ATV or UTV was being loaded, unloaded, or repaired, tested, or maintained. The subcommittee presented this draft to the TC at its January 4, 2021 meeting, and the TC set the matter for public hearing.

On February 1, 2021, the TC held a public hearing on the January draft ordinance, and received both written and verbal comments. All public comments received are available here:

<https://weblink.meridiancity.org/WebLink/Browse.aspx?id=219181&dbid=0&repo=MeridianCity>

The public comments were largely in opposition to the proposed restrictions. The TC remanded the matter to the subcommittee for further refinement.

The subcommittee reconvened in March and April. At its April 5, 2021 meeting, the subcommittee considered a new draft ordinance that, instead of imposing restrictions on UTV/ATV use, would clarify the State law as it applies in Meridian. Available guidance from ACHD was that “controlled-access highway” included arterials and collectors, but not local roads. The April draft ordinance incorporated this guidance, and stated that OHVs (including ATVs, UTVs, and golf carts) would be allowed to operate on local roads only. At the time, this language reflected, and was no more restrictive than, the current state code regarding UTVs and ATVs. This draft also proposed a change to the existing city code provisions regarding golf carts, by treating them as OHVs, as the state code does, rather than prohibiting them, with specific geographic exceptions.

In the meantime, during the 2021 Idaho legislative session, two bills were introduced in the Idaho legislature regarding OHV use in cities. HB 164 included a provision that would allow OHVs on all roads within the state, and remove the authority of local jurisdictions to regulate the use of OHVs within their respective jurisdictions. This bill ultimately did not move forward. HB 129 stated that OHVs are allowed on all roads within the state, but preserved the authority of cities to restrict or prohibit such use by local ordinance. HB 129 was signed by Governor Little on April 13, 2021, and will be effective on July 1, 2021.

The impact of HB 129 on the subcommittee’s April draft ordinance is that the proposed ordinance is now more restrictive than state law. Under the draft ordinance, OHVs would be allowed on local roads, but prohibited on arterials and collectors. Under state law, absent local action, OHVs are allowed on all roads.

The subcommittee presented the April draft to the TC at the TC’s May 3, 2021 meeting, with a recommendation that the TC hold another public hearing on the updated draft. The TC reviewed the April draft and following deliberations, voted to move the draft forward to City Council with a “do pass” recommendation.

Should City Council agree with this recommendation and wish to consider adoption of the proposed ordinance, pursuant to Idaho Code section 49-426(7), as effective July 1, Council would first be required to hold a public hearing to take testimony on the proposed ordinance, following thirty days’ notice of such hearing to the Idaho Department of Parks and Recreation.

Thank you for your consideration of this matter.