

AN ORDINANCE AMENDING TITLE 2, CHAPTER 2, SECTION 2 TO DEFINE “E-BIKE,” “FOOTHILL TRAILS,” AND “GREENBELT;” AMENDING SUBSECTION E OF TITLE 2, CHAPTER 2, SECTION 6 TO REGULATE THE OPERATION OF E-BIKES ON COUNTY PROPERTY; AMENDING SUBSECTION E AND ADDING SUBSECTION F TO TITLE 2, CHAPTER 2, SECTION 10 TO PERMIT E-BIKES ON THE GREENBELT AND TO PROHIBIT E-BIKES ON THE FOOTHILL TRAILS; ADDING DEFINITION OF “E-BIKE” AND AMENDING DEFINITION OF “MOTOR VEHICLE” IN TITLE 6, CHAPTER 3, SECTION 2; AND AMENDING SUBSECTION B OF TITLE 6, CHAPTER 3, SECTION 3 TO RESTRICT USE OF E-BIKES ON PRIVATE PROPERTY:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT THE ADA COUNTY CODE BE AMENDED AS FOLLOWS:

SECTION 1: AMENDING ADA COUNTY CODE § 2-2-2 TO DEFINE “E-BIKE”, “FOOTHILL TRAILS”, AND “GREENBELT” AS FOLLOWS:

2-2-2: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases and words shall have the meanings given herein. All other words contained in this chapter not specifically defined shall have their ordinary and customary meanings.

ADA COUNTY PARKS AND WATERWAYS PROPERTY: Any property which is owned, managed, leased, licensed or under easement by Ada County for park and recreational purposes. Such areas include, but are not limited to, Barber Park, the Boise River, Hubbard Reservoir, Oregon Trailhead, the greenbelt, Ada County Bike Park, Fivemile/Victory Wetland, Lucky Peak Lake docks, foothill trails and trailhead facilities.

BOARD: The board of county commissioners of Ada County, Idaho.

BOISE RIVER: All public property in unincorporated Ada County over which Ada County has jurisdiction surrounding the river for a distance of seventy feet (70') horizontally landward from the ordinary high water mark into and including the river itself.

CAMP OR CAMPING: The use of land for living accommodation purposes such as sleeping, making preparations to sleep (including laying down bedding for the purpose of sleeping), storing personal belongings, making fire, using any tents, shelter or vehicle for sleeping.

DEPARTMENT: The Ada County parks and waterways department.

DIRECTOR: The chief administrator of the Ada County parks and waterways department.

ELECTRONIC POWER-ASSISTED BICYCLE (“E-bike”): A vehicle having two (2) tandem wheels or two (2) parallel wheels and one (1) forward wheel, any two of which are not less than

twelve (12) inches in diameter, that is designed to be operated by human power with the assistance of an electronic motor that has a power output of no more than seven hundred fifty (750) watts that: (i) is incapable of propelling the vehicle at a speed of more than twenty (20) miles per hour; and (ii) disengages or ceases to function when the vehicle's brakes are applied. An E-bike is not a vehicle for purposes of this Chapter.

ELECTRONIC CIGARETTE: Any electronic oral device, such as one composed of a heating or ultrasonic element, better and/or electronic current, which provides a vapor of nicotine or any other substance, and use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, or under any other product name or descriptor.

EXCRETION: The discharge of human waste from the body, including the acts of defecation and urination.

FOOTHILL TRAILS: Paths and trails in the Ridge to Rivers Trail Network that are located entirely and solely on property owned by Ada County.

GREENBELT: The paved or improved pathways and connecting trails and the twenty (20) feet of publicly owned greenspace on either side, including picnic tables, barbeque stands, benches and other improvements and fixtures along the Boise River maintained by Ada County Parks & Waterways Department. Greenbelt does not include any private property which may lie within twenty (20) feet of the paved or improved pathways and connecting trails.

HUMAN WASTE: Human feces or human urine.

LIVESTOCK: Poultry or other birds, horses, cattle, dairy cattle, swine, sheep, llamas, goats, or other grazing animals.

MOTORIZED WATERCRAFT OR MOTORBOAT: Any vessel propelled by machinery whether or not such machinery is the principal source of propulsion. This includes any vessel temporarily or permanently equipped with a motor, including, but not limited to, jet propulsion, electric, and gasoline powered machinery.

PARK, PARKED OR PARKING: The condition of any vehicle stopped or left standing, whether attended or unattended.

PARKS, OPEN SPACE AND TRAILS ADVISORY BOARD: The advisory board appointed by the board as authorized in this chapter.

SERVICE LINE: An indoor or outdoor location in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including, but not limited to, persons waiting to use an ATM, attend a concert, obtain food or drink from a vendor, purchase tickets, rent equipment, purchase or board public transit or attend a sporting event.

SMOKE OR SMOKING: Inhaling, exhaling, burning, carrying or possessing any combusting (heated, lit, or smoldering) tobacco or any other substance, whether contained in a cigar, cigarette, or pipe, or any other object. Smoking does not include possession of an unlit cigar, cigarette, or pipe.

TOBACCO PRODUCT: Any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco, tobacco papers, or smokeless tobacco.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway. The term does not include E-bikes, devices moved by human or animal power or devices used exclusively upon stationary rails or tracks. (Ord. 844, 7-21-2015; amd. Ord. 849, 2-2-2016)

SECTION 2: AMENDING SUBSECTION E OF ADA COUNTY CODE § 2-2-6 TO REGULATE THE OPERATION OF E-BIKES ON COUNTY PROPERTY AS FOLLOWS:

2-2-6: GENERAL NUISANCE RESTRICTIONS TO PROTECT HEALTH, SAFETY, PROPERTY, AND HABITAT:

- A. **Public Property:** The destruction, injury, defacement, removal or disturbance of any public building, sign, equipment, monument, statue, marker or any other structure, or of any tree, flower, vegetation or any other public property of any kind which is located on Ada County parks and waterways property is prohibited. No person shall use any Ada County parks and waterways property for access to adjoining or nearby privately owned property for any purpose, or to construct or install any facility or improvement upon, over, or beneath any area within Ada County parks and waterways property without the board or the director's written consent.
- B. **Glass Containers:** No glass beverage containers are permitted on Ada County parks and waterways property, provided however, that glass beverage containers are permitted upon the director's prior approval, in the Barber Park Education And Event Center building or shelters attached thereto.
- C. **Littering:** All refuse or garbage, including cigarettes and cigarette butts, must be placed in proper trash receptacles or ashtrays. Littering on Ada County parks and waterways property is prohibited.
- D. **Protection Of Wildlife:** It shall be unlawful for any person within Ada County parks and waterways property to molest, injure, harm, frighten, chase, tease, annoy, throw an object at, or kill any animal. It shall also be unlawful for any person to release any animal from captivity or open any fence or gate containing or restricting animals' movement.
- E. **Control Of Speed:** Greenbelt and bike paths users are expected to act responsibly and courteously and not to exceed a safe and prudent speed. It is prohibited for cyclists, E-bike

operators, scooter riders, skateboarders, roller skaters, and in-line skaters to use the greenbelt or bike paths at such a speed as to endanger or injure other users.

- F. Ski Poles And Push Poles: The use of ski poles, push poles, or other such similar equipment on the greenbelt or bike paths is prohibited, except that ski poles shall be permitted by cross country skiers when sufficient snow is present such that using poles will not damage the greenbelt or bike paths and push poles shall be permitted by land paddlers when a rubberized footer is present on the pole such that using it will not cause damage to the greenbelt or bike paths.
- G. Public Health: No person shall excrete human waste, except in designated restroom facilities, on any parks and waterways property.
- H. Sound: No person shall operate or aid in the operation of private radios, stereophonic or sound amplification devices at a greater operating level than sixty two (62) decibels measured at a distance of twenty feet (20') from such radios or devices unless the director gives permission. If during the same day the person is again found in violation of this subsection, that person will be required to leave Ada County parks and waterways property.
- I. Aircraft Restrictions: No person shall operate, land or take off in a balloon, plane or other aircraft from Ada County parks and waterways property, without a written agreement with Ada County that authorizes such activity except in an emergency or as other federal or state law specifically permits.
- J. Wheeled Devices: No person on any Ada County parks and waterways property shall ride or operate a skateboard, roller skates, scooter, in-line skates, bicycle, or other wheeled recreation equipment on any concrete sidewalk, curbing, ornamental surface, hand railing, picnic table, bench, sport court, playground area, planter, sculpture, or other structure unless otherwise designated as an area where wheeled devices are permitted.
- K. Impede Movement: No person shall endanger the safety or health of any person by prohibiting the normal flow and movement of pedestrians through the grounds by blocking entryways, pathways, and attractions so that other people may not pass freely.
- L. Violations: Violation(s) of subsections B, E, F, H, I, J and/or K of this section is an infraction and each violation is punishable by a one hundred dollar (\$100.00) fine. Violation(s) of subsection C of this section is an infraction and each violation is punishable as provided in Idaho Code section 18-7031 as it may be amended and/or retitled from time to time. Violation(s) of subsections A, D, and G of this section is a misdemeanor and each violation is punishable as provided by Idaho Code section 18-113 as it may be amended and/or retitled from time to time.
- M. Ejectment: An Idaho law enforcement officer, the director and his or her duly authorized representative shall have the authority to eject from Ada County parks and waterways property any person acting in violation of this section. Any person ejected from Ada County parks and waterways property shall leave promptly and peaceable and shall not return to Ada

County parks and waterways property for any reason on the same calendar day of ejectment. This authority is granted in addition to criminal penalties available under this section. (Ord. 844, 7-21-2015)

SECTION 3: AMENDING SUBSECTION E AND ADDING SUBSECTION F TO ADA COUNTY CODE § 2-2-10 TO PERMIT E-BIKES ON THE GREENBELT AND TO PROHIBIT E-BIKES ON THE FOOTHILL TRAILS AS FOLLOWS:

2-2-10: PARKING, DRIVING AND CAMPING RESTRICTIONS:

- A. Parking: It shall be unlawful for any person to park or own any vehicle found to be parked in violation of posted parking restrictions within Ada County parks and waterways property. It shall also be unlawful for any person to park or own any vehicle found to be parked in any area blocking an emergency exit, fire lane, or access point to a public parking area and/or public parking space.
- B. Prohibited Activities In Parking Lots: It shall be unlawful for any person to operate go-carts, remote controlled airplanes, windsurfing boards, or engage in in-line hockey, or driver's training within Ada County parks and waterways' parking lots.
- C. Motor Vehicle Code: The provisions of title 49, chapters 6, 7 and 8, Idaho Code, shall be applicable to motor vehicles in any area officially designated Ada County parks and waterways property.
- D. Speed Limit: The speed limit within Ada County parks and waterways property shall be ten (10) miles per hour unless a different speed is specifically posted.
- E. Motorized Vehicles: All motorized and off road vehicles must stay on authorized established roadways. No motorized vehicles shall be permitted on any sidewalk, bike path, trail or area designated for use by pedestrians, bicyclists, and other wheeled activities moved solely by human or animal power. Law enforcement personnel, emergency service providers, Ada County employees in the course of their employment, others the Director authorizes, persons operating a wheelchair, or electric wheelchair, E-bike operators, and persons with a bona fide handicap that require an electric personal assistive mobility device are exempt from this regulation.
- F. E-Bikes: E-bikes are prohibited on the foothill trails. E-bikes are permitted on the greenbelt.
- F G. Overnight Camping And Parking: Overnight camping and parking is prohibited on Ada County parks and waterways property except as the board or the director permit.
- G H. Violation: Violation(s) of this section is an infraction and each violation is punishable by a one hundred dollar (\$100.00) fine. Further, any vehicle found parked in violation of this chapter may be cited and/or removed at the owner or operator's expense. The owner or operator may also be liable for all other reasonable storage expenses that the company removing the vehicle may charge. (Ord. 844, 7-21-2015)

SECTION 4: ADDING DEFINITION OF “E-BIKE” AND AMENDING DEFINITION OF “MOTOR VEHICLE” IN ADA COUNTY CODE § 6-3-2 AS FOLLOWS:

6-3-2: DEFINITIONS:

For the purposes of this chapter, the following definitions shall apply. Any other words and phrases not defined in this chapter shall be given their ordinary, commonly understood and accepted meanings.

BUSINESS INVITEE: Any individual who, during the course of his business, is required to enter upon the property of another with the implied consent of the owner of the property.

DRIVEWAY: A path (paved or unpaved) leading from a garage or house to a street used especially by automobiles.

ELECTRONIC POWER-ASSISTED BICYCLE (“E-bike”): A vehicle having two (2) tandem wheels or two (2) parallel wheels and one (1) forward wheel, any two of which are not less than twelve (12) inches in diameter, that is designed to be operated by human power with the assistance of an electronic motor that has a power output of no more than seven hundred fifty (750) watts that: (i) is incapable of propelling the vehicle at a speed of more than twenty (20) miles per hour; and (ii) disengages or ceases to function when the vehicle’s brakes are applied. An E-bike is not a vehicle for purposes of this Chapter.

ESTABLISHED OFF ROAD MOTOR VEHICLE RESERVATION TRAIL: Any area set aside as a public recreation site with specific use in areas permitted for off road motor vehicles by any local, state or federal governmental agency, or any private property formally designated by the board of county commissioners through appropriate zoning approvals for off road motor vehicle use.

INVITEE: Any individual entering upon the property of another with the implied consent of the owner of the property.

MOTOR VEHICLE: Every self-propelled device in which any person or property is or may be transported, either on or off the public roadway, except those vehicles which are designed and used primarily as farm implements for drawing plows, mowing machines, or other implements of husbandry or heavy equipment employed for logging, grading or developing public or private lands. Motor vehicles, for the purposes of this chapter, shall include, but are not limited to, any motorcycle, motorized tricycle, four-wheel drive automobile or truck, any multiwheeled all-terrain vehicle, and conventional passenger automobiles or trucks. E-bikes are not motor vehicles for the purposes of this this chapter.

OWNER: The titled owner of record as established in the offices of the Ada County recorder, or the contract purchaser, lessee or renter of such property. (Ord. 102, 10-29-1980)

SECTION 5: AMENDING SUBSECTION B OF ADA COUNTY CODE § 6-3-3 TO RESTRICT USE OF E-BIKES ON PRIVATE PROPERTY AS FOLLOWS:

6-3-3: VEHICLE OPERATION RESTRICTED:

- A. The riding, operating or driving of a motor vehicle shall be done in a lawful manner with required equipment and licensing upon a public highway. Unlicensed motor vehicles or motor vehicles without required equipment as well as properly licensed and registered vehicles are restricted to established off road motor vehicle reservation trails or private property pursuant to this chapter.
- B. It shall be unlawful and a misdemeanor for any person to ride, operate or drive any motor vehicle or E-bike on privately owned property within Ada County including any private unpaved road except for: 1) the owners of such property, or 2) those who have on their persons at the time of riding, operating or driving said motor vehicle, written permission from the owner of such private property. (Ord. 102, 10-29-1980; amd. Ord. 188, 3-31-1988)

ADOPTED this ____ day of _____, 20__.

Board of Ada County Commissioners

By: _____
Dave Case, Chairman

By: _____
Jim Tibbs, Commissioner

By: _____
Rick Visser, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk