

BONNEVILLE COUNTY, IDAHO

RESOLUTION NO. 02-10

(A Resolution Regarding the Use, Implementation, and Maintenance of Gates and Cattle Guards on Public Roads and Public Rights of Way)

Dated October 30 2002

A RESOLUTION REGARDING AND ADMINISTERING THE USE, IMPLEMENTATION, AND MAINTENANCE OF GATES AND CATTLE GUARDS ON PUBLIC ROADS AND RIGHTS OF WAY AND PROVIDING A MEANS FOR CONTROL OF THE SAME AND PROVIDING FOR THE PROTECTION OF PUBLIC ACCESS ON AND ACROSS PUBLIC ROADS AND PUBLIC RIGHTS OF WAY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, THE BOARD OF COMMISSIONERS OF BONNEVILLE COUNTY, has authority pursuant to Idaho Code to regulate and control public access upon and across public roadways and public rights of way; and

WHEREAS, THE BOARD OF COMMISSIONERS OF BONNEVILLE COUNTY, understands the need to control access while at the same time providing for agricultural and ranching within the county; and

WHEREAS, THE BOARD OF COMMISSIONERS OF BONNEVILLE COUNTY, desires to provide protection for livestock while providing for public use of roadways and rights of way;

NOW THEREFORE, be it hereby resolved by THE BOARD OF COMMISSIONERS OF BONNEVILLE COUNTY, as follows:

**Section 1.**

Private land owners, tenants, and all other persons shall be and hereby are prohibited from posting any land, which either prohibits or leads persons to believe that access across and upon roadways or public rights of way within Bonneville is prohibited.

**Section 2.**

Private land owners, tenants, and all other persons shall be and hereby are prohibited from placing upon, next to, or adjacent to any roadways or public rights of way within Bonneville any gate or cattle guards without the express written permission of the Board of County Commissioners of Bonneville County as provided for herein.

**Section 3.**

- A. **Application:** Application for the implementation of any Cattle Guard shall be made in writing to the Board of County Commissioners of Bonneville County which shall only be approved upon hearing before the Board of County Commissioners of Bonneville County.
- B. **Gates:** Only in those circumstances where appropriate application has been filed and when the Board of County Commissioners of Bonneville County shall in its sole discretion determine that Cattle Guards will not provide protection to livestock, the

Board of County Commissioners of Bonneville County may grant permit for the implementation of temporary gates which may be placed in the fashion approved by the Board of County Commissioners of Bonneville County and shall be removed immediately upon request of the Board of County Commissioners of Bonneville County or upon expiration of the permit granted by the Board of County Commissioners of Bonneville County.

- C. **Civil and Criminal Rights:** Board of County Commissioners of Bonneville County retain the right to pursue all civil and criminal rights and causes of action against any person in violation of this resolution as permitted by Bonneville County Ordinance, Idaho Code, or any other law or statute.

**Effective Date**

This resolution shall be in full force and effect upon the passage and approval by the Board of County Commissioners of Bonneville County and shall take effect immediately upon the execution of this resolution.

Passed by the Commission and approved by the Board of County Commissioners of Bonneville County this 30<sup>th</sup> day of October, 2002.

By: Roger S Christensen  
Roger Christensen

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By: \_\_\_\_\_  
Ralph Steele

By: Lee Staker  
Lee Staker

ATTEST:

Ronald Longene  
Clerk