Permit No._____

APPLICATION AND PERMIT for PRIVATE SNOWPLOWING OF COUNTY ROADS

BEAR LAKE COUNTY ROAD AND BRIDGE DEPARTMENT

PERMITTEE _____ Phone_____
Type or Print

Address _____
Street PO Box

_____
City State Zip

Email _____

CONTRACTOR: _____ Phone_____
Type or Print

Address _____
Street PO Box

_____
City State Zip

Email _____

LOCATION/DESCRIPTION OF SNOW REMOVAL:

County Road Name: _____ Map Included: YES NO

Starting Location:_____ Ending Location:_____ Total Miles:____

Start Date _____ Estimated Completion Date _____

List of Equipment to be used: _____

Name of person(s) responsible for Snow Removal:_____

Reason Snow Plowing is needed:_____

_____

The undersigned Permittee agrees:
INDEMNIFICATION: To the fullest extent permitted by law, Permittee agrees to defend, hold harmless, and unconditionally indemnify BEAR LAKE COUNTY, and all of their respective officers, directors and employees, against and for all liabilities, costs and expenses including attorney's fees and expenses of investigation, claims and damages which BEAR LAKE COUNTY may at any time suffer or sustain or become liable for by reason of any accidents, damages or injuries (including injuries resulting in death) either to the persons or property, or to any other parties, in any manner caused by or resulting from Permittee's breach of this Permit or acts or failures to act by Permittee or its employees or agents in the performance of the Permit; provided, however, that such indemnification and hold harmless shall not apply to claims for loss, damage, injury, or death to the extent caused by the negligence of BEAR LAKE COUNTY.
That the Permittee has read and understands all of the foregoing requirements, restrictions and conditions; That, for valuable and sufficient consideration, the Permittee is contractually obligated to BEAR LAKE COUNTY to fully and faithfully abide by and perform all of the foregoing requirements, restrictions and conditions; and in its sole discretion BEAR LAKE COUNTY reserves the right to terminate this permit at anytime upon written notice to Permittee mailed regular mail, postage prepaid to Permittee at the address shown here in. Said notice shall be effective upon mailing. BEAR LAKE COUNTY may also serve said notice on Permittee personally or by leaving a copy of said notice at Permittee's place of business or home.

Permittee Signature _____ *Permittee Printed Name* _____ *Date* _____

PRIVATE SNOW PLOWING PERMIT REQUIREMENTS AND PROVISIONS

In order to facilitate the plowing of a road that might not otherwise be plowed, Bear Lake County may allow a private individual or company to remove snow from all or part of a County road. Such snow removal shall be done in a manner to preserve and protect roads during the term of the agreement and to the extent necessary to insure safe and efficient transportation and to prevent excessive erosion damage to roads or streams. Snow removal work shall include: (1) Removal of snow from all the traveled way, including sufficient turnouts for safe and efficient use for transportation and (2) leaving culvert inlets in a natural condition without snow or other material plowed into them so that the drainage system will function normally.

Permittee shall perform snow removal work as follows:

1. No one shall remove snow from County roads without first receiving written permission from the Bear Lake County Road & Bridge Department. No fee is charge for this application.

2. Bear Lake County may change, amend or terminate this permit or any of the conditions herein enumerated if permittee fails to comply with its provisions or requirements as set forth herein.

3. In accepting this permit, the permittee, its successors and assigns, agrees to hold Bear Lake County harmless from any liability caused by the winter maintenance operations.

4. Neither the acceptance of this permit nor anything herein contained shall be construed as a waiver by the permittee or any rights given it by the constitution or laws of the State of Idaho or of the United States.

5. No work shall be started until an authorized representative of the Bear Lake County has given written notice to the permittee to proceed, except in case of an emergency when verbal authorization may be given with a written permit within five (5) working days.

6. All debris except snow and ice, that is removed from the road surface and ditches shall be deposited away from stream channels at agreed upon locations.

7. The back slope bank shall not be undercut nor shall gravel or other surfacing material be bladed off the road.

8. Ditches and culverts shall be kept functional during and upon completion of snow plowing operations. Any damage done to ditches and culverts which impair their proper use shall be immediately repaired or replaced by the permittee at the sole cost and expense of the permittee.

9. Equipment used to plow snow shall be equipped with shoes or runners to keep the blade a minimum of two inches above the road surface, unless agreed otherwise by both parties. Bear Lake County may reserve the right to inspect equipment that will be used for plowing before plowing begins, and anytime during the plowing interval.

10. The Permittee shall plow a trailhead at the location designated and approved by the County that is large enough to park 2-3 pickups and trailers belonging to others who might be using the area. It must be plowed to facilitate turning a pick-up and trailer around if needed.

11. To assure that a designated snowmobile route is not plowed so that it can be groomed for winter recreational use.

12. The County may impose other requirements and restrictions as required and is at the sole discretion of the Bear Lake County Public Works Director.

13. An inspection will be conducted at the end of the plowing season when the snow is off the road.

14. The Permittee shall be liable for any damage to the road surface caused by Permittee's snow removal operation.

15. The Bear Lake County Road & Bridge Department shall notify the Permittee in writing if surfacing material has been bladed off the road. The notice shall state the number of road miles (rounded up to the next 0.1 mile), and the cubic yard equivalent of surfacing bladed off. The calculations of the cubic yards will be available for review. In the event the Permittee is plowing a road with an asphalt surface, any damage done to that surface will be evaluated and a clearly documented bill will be sent to the Permittee. The Permittee will also be advised of damage to any culverts or other structures.

16. Upon such notice, at the sole cost of the Permittee, the Permittee shall replace the surfacing material in kind, or make the necessary repairs, within 30 days. Planned repairs **must** be approved by the Road & Bridge Department.

(initial)_____

SUBJECT TO ALL TERMS, CONDITIONS, AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY GRANTED TO THE ABOVE-NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

Approved ___ By _____ Date_____ **Not Approved___ By_____**

NOTES:_____

_____

COUNTY OF BEAR LAKE, STATE OF IDAHO
ORDINANCE NO. 2021-02_____

AN ORDINANCE OF BEAR LAKE COUNTY AMENDING THE TITLE OF ORDINANCE NO. 78-1, AND AMENDING THE PROVIDED FOR ADDITIONAL REGULATION REGARDING SNOW REMOVAL AND MAINTENANCE OF COUNTY ROADS AND RIGHT-OF-WAYS; PROVIDING FOR PENALTIES FOR VIOLATING THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE UPON ADOPTION AND PUBLICATION.

BE IT ORDAINED by the Board of County Commissioners of Bear Lake County, Idaho, as follows: maintenance

Section 1: Title of Ordinance no. 78-1 shall be amended as follows:

AN ORDINANCE REQUIRING THE PROCUREMENT OF PERMIT PRIOR TO DISTURBING COUNTY ROAD SURFACE AND PROHIBITING SNOW REMOVAL AND MAINTENANCE OF ANY COUNTY ROAD OR RIGHT-OF-WAY WITHOUT APPROVAL.

Section 2: Section 1 Ordinance No. 78-1 shall be amended as follows:

From and after the effective date of this ordinance, no persons, firm, partnership, or corporation shall dig, trench, excavate, in or across, or alter, remove, or disturb the surface or shoulder of any county road within the County of Bear Lake, for any purpose without first obtaining a permit in accordance with the provisions and procedures set forth in this ordinance; nor shall any persons, firm, partnership, or corporation perform any snow removal or maintenance of any county road or right-of-way within the County of Bear Lake and without first obtaining a permit in accordance with the provisions and procedures set forth in this ordinance. This prohibition shall not include necessary snow removal by persons, firms, partnerships, or corporations of any portion of the County right-of-way between the end a private drive or roadway to the surface of the County road or right-of-way.

Section 3: Section 2 of Ordinance No. 78-1 shall be amended to read as follows:

Any person, firm, partnership, or corporation desiring to dig, trench, excavate, in or across, or to alter, remove, or disturb the surface or shoulder of any county road, or perform any snow removal or maintenance of any county road or right-of-way (hereinafter referred to and defined as "work") shall first make a written application to the Bear Lake County Road Superintendent, and shall ~~to~~ do so on forms furnished by the County. Such application shall set forth the name and address of the applicant, the name and address of the person, firm, partnership, or corporation doing the work, the location of the proposed work, a description of the nature and extent of the work to be done, and the maximum length of time needed to complete

such work. At the time of making such application, applicant shall agree in writing to indemnify and hold free and harmless the County from any and all liability for injury to person or property arising in connection with such work, and to do such work in conformance with the specifications and conditions set forth by the County.

Any permit for snow removal or maintenance shall unless specified otherwise on the permit shall be valid for a period of one (1) year from the date of issuance, and must be renewed. The permit shall be on a form approved by the County Commissions.

Section 4: Section 5 shall be amended in its entirety as follows:

Any person who violates, disobeys, neglects or refuses to comply with provisions of Ordinance No. 78-1 as amended shall be deemed guilty of a misdemeanor offense and upon conviction thereof, is punishable by, a fine not to exceed one thousand ($1000).

Section 5: All other terms and provisions of Ordinance No. 78-1 shall remain in full force and effect, any terms in conflict with the above amendments is hereby repealed.

Section 6: If any portion of Ordinance 78-1 as Amended is determined by a court of competent jurisdiction to be invalid and/or unenforceable, all other provisions of the Ordinance shall remain in full force and effect.

Section 7: This Ordinance, or a summary thereof, in compliance with Section 31-715A, of the Idaho Code, shall be published once in the official newspaper of the County.

Section 8: That this Ordinance shall take effect and be in full force and effect upon its passage, approval, and publication as provided by law.

PASSED AND APPROVED by the Board of County Commissioners of Bear Lake County, Idaho, this 13th day of October, 2020.

BEAR LAKE COUNTY BOARD OF COUNTY COMMISIONERS:

VAUGHN RASMUSSEN, Chair

REX PAYNE

BRAD JENSEN

ATTEST:

Cindy Garner

CINDY GARNER, County Clerk