

**Resolution 2017-32**  
**Kootenai County Waterways Restricted Zone Designation and Lawful Use Prohibition**

**WHEREAS**, the Kootenai County Board of Commissioners (hereinafter referred to as “the Board”), pursuant to Idaho Code §31-807, is authorized to preserve, take care of, manage, and control county property; and

**WHEREAS**, Kootenai County has enacted Kootenai County Ordinance 6-2-6 (B)(2), Restricted Zone Designations, which authorizes the Board, by Resolution, to impose any and all restricted zone designations on any public waterway within the County upon a finding that actual flooding has occurred or that an imminent threat of flooding exists; and

**WHEREAS**, Kootenai County has enacted Kootenai County Ordinance 6-2-6 (B)(3), Lawful Uses Prohibited, which authorizes the Board, by Resolution, to prohibit any and all otherwise lawful uses of any public waterway within the County upon a finding that actual flooding has occurred or that an imminent threat of flood exists; and

**WHEREAS**, on March 20, 2017, the Board adopted Resolution No. 2017-31, Disaster Emergency Declaration on Kootenai County Flooding, specifically finding that water levels along the Coeur d’Alene River and numerous other bodies of water within Kootenai County have risen dramatically and have created widespread flooding; and

**WHEREAS**, boating traffic during actual flooding or during the imminent threat of flooding may produce wakes greater than four inches (4”) in height, and may have the potential to cause or exacerbate property damage; and

**WHEREAS**, Resolutions adopted pursuant to Kootenai County Ordinance 6-6-6(B) shall automatically expire after thirty (30) days unless extended by subsequent Resolution; and

**WHEREAS**, the Board, upon advice of the Kootenai County Sheriff, has determined and finds that in light of actual flooding in Rose Lake, Kootenai County, Idaho, and the threat of flooding in other waterways, restricted zone designations shall be in place establishing a no-wake zone at Rose Lake, and other waterways as deemed necessary, prohibiting the otherwise lawful use of internal combustion engines, limiting watercraft to electric motor use only.

**NOW THEREFORE, IT IS HEREBY RESOLVED**, that Kootenai County, through its Board of Commissioners, hereby finds that in light of actual flooding at Rose Lake, and the threat of flooding in other waterways, a no-wake zone shall be established at Rose Lake and other waterways as deemed necessary, and the otherwise lawful use of internal combustion engines shall be prohibited at Rose Lake and other waterways as deemed necessary.

Upon a motion to adopt the text of the foregoing Resolution made by Commissioner Bingham, seconded by Commissioner Fillios, the following vote was recorded:

Commissioner Bingham: Aye  
Commissioner Fillios: Aye  
Chairman Eberlein: Aye

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho on the 28<sup>th</sup> day of March, 2017.

KOOTENAI COUNTY  
BOARD OF COMMISSIONERS

ATTEST:  
JIM BRANNON, CLERK

\_\_\_\_\_  
Marc Eberlein, Chairman

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chris Fillios, Commissioner

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Bob Bingham, Commissioner