

**Resolution 2021-63**  
**AMENDED Kootenai County Waterways Restricted Zone Designation**

**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**, the Board is empowered to enact ordinances necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the court and its inhabitants pursuant to IDAHO CONSTITUTION Article XII, section 2 and Idaho Code §§31-714 and 67-7031(3); and

**WHEREAS**, the *Kootenai County Parks and Waterways Ordinance* provides for the codification of resolutions adopted by the Board of Commissioners as an appendix to the ordinance, Kootenai County Code, Section 6-2-21; and

**WHEREAS**, the Kootenai County Sheriff previously recommended certain amendments to the Kootenai County Code, establishing *inter alia* a no-excessive wake zone along the Spokane River and on Fernan and Lower Twin Lakes between the 100 foot no-wake zone and 150-feet from shoreline or any dock, pier, or other structure. The Board found that the recommended restricted zone was appropriate and adopted the same via Resolution 2020-38 on May 21, 2020; and

**WHEREAS**, the Board has subsequently determined that the safety of persons and property counsels against limiting the no-excessive wake zone to only those portions of the Spokane River between the 100 foot no-wake zone and 150-feet from shoreline or any dock, pier, or other structure; and

**WHEREAS**, the Board finds that the no-excessive wake zone on Fernan and Lower Twin Lakes between the 100 foot no-wake zone and 150-feet from shoreline or any dock, pier, or other structure shall remain in place; and

**WHEREAS**, the Board finds that a no-excessive wake zone shall apply to the entirety of the Spokane River; and

**WHEREAS**, the term “excessive wake” shall be defined as the wave resulting from continuous operation of a vessel:

- At the speed at which boats create the most wake, moving quickly and displacing the most water, i.e., plowing;
- In an artificially bow-high manner to increase or enhance a wake, including wake enhancement by use of ballast, mechanical hydrofoils, uneven loading; or
- To cause water to lap onto or over a dock, pier, or other lawfully permitted encroachment; and

**WHEREAS**, the prohibition against excessive wake hereinabove shall not apply to the reasonable operation of a vessel at transition speed while transiting on or off plane; and

**WHEREAS**, the prohibitions contained in this Resolution shall not apply to emergency or patrol or rescue vessels; and

**WHEREAS**, the Board has determined and finds that the restricted zone designations set forth hereinabove shall be adopted, establishing a no-excessive wake zone on the Spokane River, and retaining the no-excessive wake zone between the 100 foot no-wake zone and 150-feet from shoreline or any dock, pier, or other structure on Fernan Lake and Lower Twin Lake.

**NOW THEREFORE, IT IS HEREBY RESOLVED**, that the no-excessive wake zones identified hereinabove shall be established and enforced and that the instant Resolution be codified as an appendix to the *Kootenai County Parks and Waterways Ordinance* pursuant to Section 6-2-21, and supersede those portions of Resolution 2020-38 establishing a limited no-excessive wake zone on the Spokane River.

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


Commissioner Brooks:	Aye
Commissioner Duncan:	Nay
Chairman Fillios:	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 6<sup>th</sup> day of July, 2021.

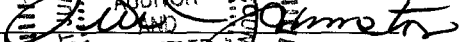
KOOTENAI COUNTY  
BOARD OF COMMISSIONERS

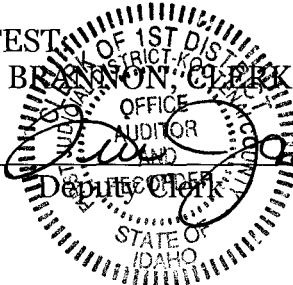
  
Chris Fillios, Chairman

Leslie Duncan, Commissioner

  
Bill Brooks, Commissioner

ATTEST: JIM BRANNON, CLERK

By: 



## NOTICE OF RESOLUTION ADOPTION

The Board of Commissioners of Kootenai County, Idaho, hereby gives notice of the adoption of Resolution 2020-63, Amended Kootenai County Waterways Restricted Zone Designation. The full text of the Resolution is as follows:

### Resolution 2021-63 AMENDED Kootenai County Waterways Restricted Zone Designation

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, the Board is empowered to enact ordinances necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the court and its inhabitants pursuant to IDAHO CONSTITUTION Article XII, section 2 and Idaho Code §§31-714 and 67-7031(3); and

WHEREAS, the *Kootenai County Parks and Waterways Ordinance* provides for the codification of resolutions adopted by the Board of Commissioners as an appendix to the ordinance, Kootenai County Code, Section 6-2-21; and

WHEREAS, the Kootenai County Sheriff previously recommended certain amendments to the Kootenai County Code, establishing *inter alia* a no-excessive wake zone along the Spokane River and on Fernan and Lower Twin Lakes between the 100 foot no-wake zone and 150-feet from shoreline or any dock, pier, or other structure. The Board found that the recommended restricted zone was appropriate and adopted the same via Resolution 2020-38 on May 21, 2020; and

WHEREAS, the Board has subsequently determined that the safety of persons and property counsels against limiting the no-excessive wake zone to only those portions of the Spokane River between the 100 foot no-wake zone and 150-feet from shoreline or any dock, pier, or other structure; and

WHEREAS, the Board finds that the no-excessive wake zone on Fernan and Lower Twin Lakes between the 100 foot no-wake zone and 150-feet from shoreline or any dock, pier, or other structure shall remain in place; and

WHEREAS, the Board finds that a no-excessive wake zone shall apply to the entirety of the Spokane River; and

WHEREAS, the term “excessive wake” shall be defined as the wave resulting from continuous operation of a vessel:

- At the speed at which boats create the most wake, moving quickly and displacing the most water, i.e., plowing;
- In an artificially bow-high manner to increase or enhance a wake, including wake enhancement by use of ballast, mechanical hydrofoils, uneven loading; or
- To cause water to lap onto or over a dock, pier, or other lawfully permitted encroachment; and

WHEREAS, the prohibition against excessive wake hereinabove shall not apply to the reasonable operation of a vessel at transition speed while transiting on or off plane; and

WHEREAS, the prohibitions contained in this Resolution shall not apply to emergency or patrol or rescue vessels; and

WHEREAS, the Board has determined and finds that the restricted zone designations set forth hereinabove shall be adopted, establishing a no-excessive wake zone on the Spokane River, and retaining the no-excessive wake zone between the 100 foot no-wake zone and 150-feet from shoreline or any dock, pier, or other structure on Fernan Lake and Lower Twin Lake.

NOW THEREFORE, IT IS HEREBY RESOLVED, that the no-excessive wake zones identified hereinabove shall be established and enforced and that the instant Resolution be codified as an appendix to the *Kootenai County Parks and Waterways Ordinance* pursuant to Section 6-2-21, and supersede those portions of Resolution 2020-38 establishing a limited no-excessive wake zone on the Spokane River.

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

Commissioner Brooks: Aye  
Commissioner Duncan: Nay  
Chairman Fillios: Aye

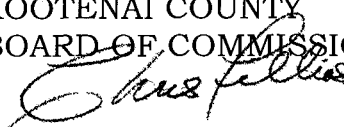
Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho on the 6<sup>th</sup> day of July, 2021.


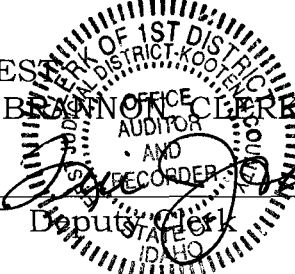
KOOTENAI COUNTY  
BOARD OF COMMISSIONERS

ATTEST:  
JIM BRANNON, CLERK

Chris Fillios, Chairman  
Leslie Duncan, Commissioner  
Bill Brooks, Commissioner

This Resolution shall go in effect thirty (30) days after initial publication hereof. The Resolution is available at the Kootenai County Commissioners Office, 451 Government Way, Coeur d' Alene, Idaho 83814, weekdays from 8:00 a.m. to 5:00 p.m.

KOOTENAI COUNTY  
BOARD OF COMMISSIONERS  
  
Chris Fillios, Chairman

ATTEST:  
JIM BRANNON, CLERK  
By:   
Deputy Clerk  


Publication Date: July 9, 2020