

Resolution 2023-22
Moorage Limitations at Kootenai County Facilities/Parks and Waterways Department

WHEREAS, Idaho Code §67-7031(3) vests the Board of County Commissioners with the power and authority to adopt local ordinances regarding the operation of vessels on any waters within its territorial limits, provided the ordinances are intended to promote or protect the health, safety, and general welfare of its citizens; and

WHEREAS, Idaho Code §31-807 vests the Board of County Commissioners with the power and authority to preserve, take care of, manage, and control all County property; and

WHEREAS, the *Kootenai County Park and Waterways Ordinance* prohibits private moorage at section 6.2.109(A)(8) thereof, allowing overnight moorage only at designated facilities upon the payment of an overnight moorage fee as set forth at section 6.2.122(C) thereof; 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 6.2.121; and

WHEREAS, the Kootenai County Parks and Waterways Department Director has recommended amending the Kootenai County Code, via the addition of Section 6.2.109(A)(13), to limit moorage of vessels at County Facilities which prohibit overnight moorage to fifteen (15) minute loading and unloading; and

WHEREAS, the Board of County Commissioners concurs with the recommendation of the Kootenai County Parks and Waterways Department Director.

NOW THEREFORE, IT IS HEREBY RESOLVED that the moorage of vessels at County facilities prohibiting overnight moorage be limited to 15-minute loading and unloading as follows:

6.2.103: Definitions:

...

Private Moorage: The mooring of a vessel within one or more county facilities allowing overnight moorage and upon issuance of a valid overnight moorage permit, for more than forty-eight (48) consecutive hours in a seventy-two (72) hour period is prohibited. This definition shall not include mooring of a vessel for a longer period of time if authorized by a duly issued overnight moorage permit.

...

6.2.109: Use of County Facilities; General:

...

1. No person shall moor a vessel at a county facility which provides overnight moorage upon issuance of a valid overnight moorage permit, for more than forty-eight (48) hours within any seventy-two (72) hour period, or such longer or shorter period as may be provided by permit or by posted regulations applicable to the facility.

...

13. Moorage at county facilities which do not offer overnight moorage upon issuance of an overnight moorage permit shall be limited to a maximum of fifteen (15) minutes, and shall be for loading and unloading only.
14. Violation of moorage limitation provisions shall be a civil infraction pursuant to title 1, chapter 4, section 1 of this code. Moorage at county facilities which provide overnight moorage upon issuance of a valid overnight moorage permit, for more than forty-eight (48) hours in any seventy-two hour period shall incur a civil penalty of \$100.00 per day, with each calendar day on which the violation occurs constituting a separate civil infraction. Moorage at county facilities which do not offer overnight moorage upon issuance of an overnight moorage permit, for more than fifteen (15) minutes shall incur a civil penalty of \$100.00 per day, with each calendar day on which the violation occurs constituting a separate civil infraction.

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

Commissioner Brooks: Aye
Commissioner Mattare: Aye
Chair Duncan: 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 21st day of March, 2023.

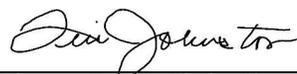
Dated this 21st day of March, 2023.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS



Leslie Duncan, Commissioner - Signed 3/21/2023

ATTEST:
JENNIFER LOCKE, CLERK



Teri Johnston, Deputy Clerk - Signed 3/22/2023



Bruce E. Mattare, Commissioner - Signed 3/22/2023



Bill Brooks, Commissioner - Signed 3/22/2023