

Resolution 2023-42
SECOND AMENDED Kootenai County Waterways Restricted Zone Designation
Amending and Superseding, in part, Resolution 2021-63

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 subsequently determined that the safety of persons and property counseled against limiting the no-excessive wake zone to only those portions of 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 adopted a no excessive wake zone applicable to the entirety of the Spokane River, Fernan Lake, and Lower Twin Lake via Resolution 2021-63 on July 6, 2021; and

WHEREAS, Idaho Code §67-7016 prohibits the grossly negligent operation of a vessel without due caution and circumspection, and in a manner to endanger or likely to endanger any person or property; and Idaho Code §67-7017 prohibits the careless and heedless operation of a vessel so as to be indifferent to persons or property; and

WHEREAS, pursuant to Idaho Code §67-7028, the Kootenai County Sheriff has a statutory obligation to enforce violations of Idaho Code §§67-7016 and 7017, and the Kootenai County Sheriff has represented to the Board his intention to so enforce violations of Idaho Code §§67-7016 and 7017; and

WHEREAS, the Kootenai County Sheriff, the Director of the Kootenai County Parks and Waterways Department, and the Kootenai County Waterways Advisory Board have recommended rescinding the no-excessive wake zone on the Spokane River; and

WHEREAS, the Board finds the no-excessive wake zone applicable to the entirety of the Spokane River shall be rescinded.

WHEREAS, the Kootenai County Sheriff, the Director of the Kootenai County Parks and Waterways Department, and the Kootenai County Waterways Advisory Board have

recommended the Board adopt a no towing zone on 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 has determined and finds that the Spokane River shall be designated a no waterskiing zone, as defined in Kootenai County Code 6.2.106(A)(7), prohibiting motor-driven watercraft from towing a water-skier, a tube, a wakeboard, a knee board, or any other type of appliance, between the 100-foot no-wake zone and 150-feet from shoreline or any dock, pier, or other structure on the Spokane River

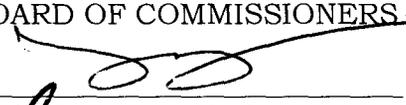
NOW THEREFORE, IT IS HEREBY RESOLVED, that the no-excessive wake zone on the Spokane River identified hereinabove shall be rescinded; that a no waterskiing zone be established and enforced between the 100 foot no-wake zone and 150-feet from shoreline or any dock, pier, or other structure on the Spokane River; 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 2021-63 establishing a no-excessive wake zone on the Spokane River.

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

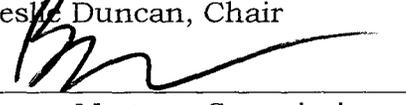
Commissioner Brooks:	Aye
Commissioner Mattare:	Nay
Chair Duncan:	Aye

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 5th day of April, 2023.

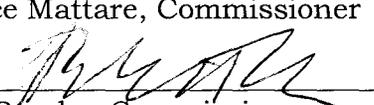
KOOTENAI COUNTY
BOARD OF COMMISSIONERS



Leslie Duncan, Chair



Bruce Mattare, Commissioner



Bill Brooks, Commissioner

ATTEST, 1ST DISTRICT
JENNIFER LOCKY, CLERK

By: 
Teri Boston, Deputy Clerk

