

Resolution 2020-38
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 has recommended amending Kootenai County Code, Section 6-2-6, to: establish a no-excessive wake zone along the Spokane River and on Fernan and Lower Twin Lakes between the 100 foot no-wake zone codified at *Kootenai County Parks and Waterways Ordinance*, Section 6-2-4(C)(4), and a distance of 150 feet from shoreline or any dock, pier, or other structure; and to establish a no-excessive wake zone on all other Kootenai County waterways between the 200-foot no-wake zone codified at *Kootenai County Parks and Waterways Ordinance*, Section 6-2-4(B)(1), and a distance of 300 feet from shoreline or any dock, pier, or other structure in the water; and

WHEREAS, the term “excessive wake” shall be defined as the wave resulting from operating a vessel at the speed at which boats create the most wake, moving quickly and displacing the most water, i.e. plowing; the wave resulting from operating a vessel in an artificially bow-high manner to increase or enhance a wake, including wake enhancement by use of ballast, mechanical hydrofoils, uneven loading; the operating at transition speed, i.e. operating a vessel at greater than no-wake speed, but not fast enough to cause the vessel to plane; or the wave resulting from operating a vessel to cause water to lap onto or over a dock, pier, or other lawfully permitted encroachment.

WHEREAS, the Board, upon advice of the Kootenai County Sheriff, has determined and finds that the recommended restricted zone designations shall be adopted, establishing a no-excessive wake zone as deemed necessary between 100-feet and 150-feet from shoreline or any dock, pier, or other structure on the Spokane River and Fernan and Lower Twin Lakes, and establishing a no-excessive wake zone as deemed necessary between 200-feet and 300-feet from shoreline or any dock, pier, or other structure on all other Kootenai County public waters.

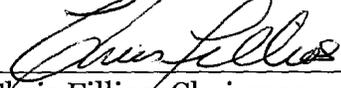
NOW THEREFORE, IT IS HEREBY RESOLVED, that the no-excessive wake zones identified hereinabove shall be established and enforced and that the instant Resolution be codified as an appendix to the *Kootenai County Parks and Waterways Ordinance* pursuant to Section 6-2-21.

Upon a motion to adopt the text of the foregoing Resolution made by Commissioner Fillios, seconded by Commissioner Brooks, 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 21st day of May, 2020.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS


Chris Fillios, Chairman

Leslie Duncan, Commissioner


Bill Brooks, Commissioner

ATTEST:

JIM BRANNON

By:

