

Resolution 2020-100
Kootenai County Waterways Facility Use Restrictions

WHEREAS, Kootenai County owns various facilities which provide access to County owned recreational facilities and recreational opportunities for the general public; and

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 Waterways Advisory Board has recommended amendments to Kootenai County Code, Section 6-2-9, to establish additional rules and regulations governing the use of Kootenai County parks and waterways facilities by the implementation of reduced hours of operation at designated facilities (see, Section 6-2-9(N)); the prohibition of animals in designated swim areas (see, Section 6-2-9(H)(4)); and, the prohibition of parking of single vehicles without trailers and/or vehicles with trailers other than boat trailers in parking spaces marked "VEHICLES WITH BOAT TRAILERS ONLY" at all County facilities (see, Section 6-2-9(A)(12)); and

WHEREAS, it is the position of the Board that the recommendations of the Kootenai County Waterways Advisory Board appear reasonable and necessary to serve the betterment of its public facilities and benefit the residents of Kootenai County and the general public.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the following amended rules and regulations shall be, and are hereby adopted for Kootenai County parks and waterways facilities located in Kootenai County, Idaho, as defined in Title 6, Chapter 2, Kootenai County Code, as follows (with changes italicized):

6-2-9: USE OF COUNTY FACILITIES; GENERAL:

A. Parking Of Motor Vehicles And Trailers, And Mooring Of Vessels, At County Facilities:

1. No person shall moor a vessel at a county facility 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.

2. It shall be unlawful to move a vessel either onto a trailer or off a trailer by means of "power loading", as defined in section 6-2-3 of this chapter.

3. No person shall park a motor vehicle, vessel, trailer, or any combination thereof, at any facility 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 a duly issued overnight moorage permit or by posted regulations applicable to the facility.

4. Parking on boat ramp areas or blocking access to a boat ramp is prohibited except when in the actual process of loading or unloading a vessel. No vehicle, trailer, or combination thereof shall be left unattended while on a boat ramp.

5. No person shall park a motor vehicle, trailer or combination thereof at any facility in a manner so as to impede the movement of other motor vehicles, trailers, or combinations thereof, or in a manner so as to impede the ability to park a motor vehicle, trailer, or combination thereof.

6. No person shall park a motor vehicle, trailer or combination thereof at any facility in such a manner as to occupy a portion of two (2) or more marked parking spaces.

7. No person shall launch or load a vessel, nor shall any person park a motor vehicle, trailer, or combination thereof, at any facility designated by resolution of the board as a "restricted length zone", as defined in section 6-2-6 of this chapter, which is in excess of the maximum length specified for that facility.

8. No person shall use any facility, or any combination of facilities, for the purpose of private moorage. In addition to any penalties provided in this chapter, the director or designee thereof may prohibit any person found to have committed such violation from using or being present on any or all county facilities for a period not to exceed one year.

9. All vessels which are thirty feet (30') in length or longer shall use stern moorage whenever available at any facility at which stern moorage is provided.

10. Enforcement of the provisions of this subsection A, including the provisions regarding issuance and service of Idaho uniform citations and the provisions regarding evidence and recovery of costs, shall be as set forth in title 5, chapter 2, article 2.2 of this code, which are incorporated in this subsection A10 by reference herein and are hereby made specifically applicable by such reference to vessels in the water which are parked by mooring to a county owned or regulated dock, pier or mooring buoy.

11. Any motor vehicle, vessel, trailer, or other personal property left at any facility in violation of this subsection A, except as permitted pursuant to a facility reservation, special use or commercial use permit issued by the director, may be impounded at the owner's expense in addition to any penalty described in this chapter.

12. The parking of single vehicles without trailers and/or vehicles with trailers other than a boat trailer shall be prohibited in parking spaces marked "VEHICLES WITH BOAT TRAILERS ONLY."

B. Use Of County Facilities: It shall be unlawful:

1. For any person or business to engage in the repair of a vessel at any facility for a time period in excess of four (4) hours per day.

2. To engage in any activity requiring a special use or commercial use permit pursuant to this chapter and/or resolution of the board without first having obtained a special use or commercial use permit, respectively, from the director specifically authorizing such activity.

3. To engage in the construction of a private dock at any facility.

4. To place any advertisement on any post, pole, sign, fence, dock, piling, or any other fixture located at any facility without a commercial advertising permit issued pursuant to section 6-2-10 of this chapter.

5. To sell or offer for sale any goods or services at any facility without a commercial concession permit issued pursuant to section 6-2-10 of this chapter.

6. For any person or entity, while engaged in the business of selling, leasing or renting vessels, to launch or load a vessel, or to allow the embarkation onto and debarkation from a vessel by customers or potential customers of such business, without a commercial vessel demonstration permit issued pursuant to section 6-2-10 of this chapter. It shall also be unlawful to violate any provisions of any resolution duly enacted by the board governing commercial vessel demonstrations.

7. For a commercial marine repair business to engage in the repair of a vessel at any facility without a commercial vessel repair permit issued pursuant to section 6-2-10 of this chapter.

8. To use any facility for the moorage of a vessel for the purpose of commercial transportation of persons without a permit for the commercial transportation of persons issued pursuant to section 6-2-10 of this chapter.

9. To engage in fueling of a vessel at any facility without a commercial vessel fueling permit issued pursuant to section 6-2-10 of this chapter; provided, however, that noncommercial fueling of a vessel using a container with a capacity no greater than six (6) gallons which has been approved for such purpose pursuant to applicable federal and/or state regulations shall be permitted.

10. To place, stage, or store any materials or equipment which is being used, or is to be used, in any construction, demolition, excavation or site disturbance activities at any facility except with a marine contractor permit issued pursuant to section 6-2-10 of this chapter, or with a onetime exemption from the requirements of such permit granted by the director pursuant to section 6-2-10 of this chapter.

C. Camping And Picnics:

1. Overnight Camping: No person shall camp overnight at any county facility, except at such locations in the county that are in joint management with either the Idaho department of lands, Idaho department of fish and game, Idaho department of parks and recreation, United States bureau of land management or the United States forest service, or other public agency, if camping is permitted under such agency's rules and regulations. In addition, the director may, at such locations as he or she deems proper, permit camping and/or boat camping by posting signs specifying thereon the amount of consecutive days camping and/or boat camping will be permitted. In no case shall camping or boat camping be allowed for more than ten (10) days within any thirty (30) day period or as permitted by other agencies. All personal property left on county property in violation of this subsection may be subject to impoundment at the owner's expense in addition to any penalty prescribed in this chapter.

2. Picnicking: No person shall engage in picnicking in any manner that restricts access (a minimum clear width of 36 inches) required under the Americans with disabilities act of 1990 (ADA), regulations promulgated thereunder (28 CFR part 35 and 36 CFR part 1191), and the Americans with disabilities act accessibility guidelines for buildings and facilities (ADAAG) (28 CFR 35.151 and 36 CFR part 1191, appendix B), on any easement, sidewalk, pathway, boat launch, ramp, pier or moorage dock located at any county facility.

D. Horses, Motor Vehicles Or Bicycles: No person shall ride or drive a motor vehicle or bicycle, operate a skateboard, roller skates or rollerblades, or ride or permit a horse under his control to be on any beach, boat ramp, trail, dock, or dock area located at any county facility, except that motor vehicles used in the process of launching a vessel shall be permitted on boat ramps for that purpose only. No person shall operate a snowmobile or off road vehicle on any beach, boat ramp, park, trail, dock, or dock area located at any county facility.

E. Woodcutting And Removal: No person shall cut, injure, dig or remove any crops, trees, shrubs, grasses, indigenous plants, logs or fuel wood from any county facility unless written permission is first obtained from the director.

F. Littering, Dumping Trash, Glass Containers:

1. No person shall litter or dump garbage, refuse, yard waste, or any other waste material at any county facility, including county buildings and outhouses.

2. Glass containers shall be prohibited from all beach areas. The board may prohibit the use and possession of glass containers on or at any county facility or any portion thereof.

G. Classification Of Violations; Civil Penalties:

1. A violation of any provision of subsection A of this section shall constitute an infraction.

2. The first violation of any provision of subsections B through F of this section shall constitute an infraction. Any subsequent violation of the same provision within one year after the most recent violation shall constitute a misdemeanor.

3. In addition to or in lieu of any infraction penalty, the director or sheriff, or designee thereof, or a court of competent jurisdiction, may impose a civil penalty of twenty five dollars (\$25.00) for each violation of subsections A through F of this section provided, however, that the civil penalty for violations of subsections B4 through B10 of this section shall be three (3) times the amount of the applicable permit fee(s) for each such violation. Failure to pay any civil penalty imposed as authorized in this subsection G3 shall constitute an infraction. Upon a conviction for any violation of subsections A through F of this section, the court may also enter a civil judgment for any unpaid fees or civil penalties then due and owing.

H. Animals:

1. No person who is the owner, handler or harbinger of any animal shall permit the animal to run free, remain on or use any county facility in violation of any state or county law, ordinance or regulation.

2. Dogs must be physically confined by a leash or other similar item of restraint not more than ten feet (10') in length.

3. Violations of this subsection H shall be punishable as provided in title 5, chapter 1 of this code. All dogs found at large in violation of this subsection H shall be subject to impoundment at the owner's expense and may be destroyed or otherwise disposed of after impoundment pursuant to title 5, chapter 1, article 1.3 of this code.

4. *No animals shall be allowed in the Carlin Bay swim area.*

I. Fires: Fires will be allowed only in designated fireplace areas provided by the county, or in barbecue grills which stand off the ground. It is further prohibited to leave a fire unattended. Any violation of this subsection shall constitute a misdemeanor.

J. Firearms: Any person who unlawfully discharges any firearm within or into any county facility shall be guilty of a misdemeanor.

K. Fireworks: Any person who possesses or uses any form of fireworks or explosives on or upon any county facility without obtaining prior written authorization from the board shall be guilty of a misdemeanor.

L. Vandalism: Any person who causes intentional destruction or vandalism to any county facility shall be guilty of a misdemeanor. Further, any person who removes, destroys, mutilates, modifies or defaces any building or other structure, water control device, fence, gate poster, notice, sign, survey or section marker, fee collection box, fee envelope, or any object of archaeological, geological or historical value or interest shall be guilty of a misdemeanor. In addition to misdemeanor penalties, any person violating this subsection shall be liable for payment of the repair and replacement costs of property damaged or destroyed.

M. Reservation Of Facilities: Reservations for the use of facilities which does not involve activities requiring a commercial use permit or special use permit may be made for such facilities, and upon such terms and conditions, as may be determined by the director. Fees for facility reservations may be established by resolution of the board. (Ord. 480, 2-10-2015)

N. Hours of Operation:

1. Hauser Park shall be closed between the hours of 10:00 p.m. and 4:00 a.m. daily.
2. McGuire Park shall be closed between the hours of 10:00 p.m. and 5:00 a.m. daily.

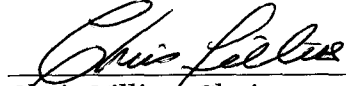
NOW THEREFORE, IT IS HEREBY RESOLVED, that the amended restrictions to facility use identified hereinabove shall be established and enforced, and that the instant Resolution be codified as an appendix to the *Kootenai County Parks and Waterways Ordinance* pursuant to Section 6-2-21.

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

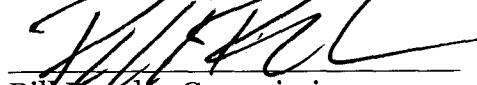
Commissioner Brooks:	Aye
Commissioner Duncan:	Aye
Chairman Fillios:	Aye

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 22nd day of December, 2020.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS


Chris Fillios, Chairman


Leslie Duncan, Commissioner


Bill Brooks, Commissioner

ATTEST
JIM BRANNON, CLERK

By  Clerk
Deputy Clerk