

RESOLUTION NO. 2014-73
Waterways Regulations

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

WHEREAS, it is the responsibility of the Board to manage the use of these facilities to benefit the health, safety, and welfare of the recreational users, the adjoining landowners, and the public in general; and

WHEREAS, the Board has determined that certain areas are in need of environmental protection from erosion as a result of wakes created by motor-driven watercraft; and

WHEREAS, Section 6-2-6 of the Kootenai County Code defines, and authorizes the Board to designate, various types of restricted zones, including “no wake zones,” “no motorized watercraft zones,” “no water skiing zones,” and “no swimming zones;” and

WHEREAS, the Kootenai County Board of Commissioners (hereinafter referred to as the “Board”) has determined it to be a necessity, and in the best interests of all residents of Kootenai County, to classify “no wake zones,” “no motor-driven watercraft zones,” “no waterskiing zones” and “no swimming zones” for the protection and safety of the environment and the citizenry of Kootenai County; and

WHEREAS, Section 6-2-16 of the Kootenai County Code authorizes the Board to adopt all reasonable rules and regulations governing the conduct of persons utilizing Kootenai County parks and waterways facilities and to implement fees for the use of county facilities; and

WHEREAS, it would benefit the public to have certain of these facilities opened and closed during certain hours of the day; and

WHEREAS, Section 6-2-10 of the Kootenai County Code prohibits commercial use of county facilities except as authorized by the Board with the appropriate permit issued by the director of parks and waterways for Kootenai County; and

WHEREAS, Section 31-870, Idaho Code, authorizes the Board to impose and collect fees for those services provided by the county which would otherwise be funded by property tax revenues, provided that such fees must be reasonably related to, and shall not exceed, the actual cost of the service being rendered, and provided further, that the implementation of any new fees must comply with the requirements of section 63-1311A, Idaho Code; and

WHEREAS, the Board finds that it is necessary and in the public interest to reduce the burden on the taxpayers of Kootenai County to provide funding for the provision and maintenance of county waterways facilities through the implementation of permit fees for commercial use of these facilities, fees for the launching of vessels from these

facilities, and fees for overnight moorage at facilities deemed appropriate by the Director of Parks and Waterways;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the following areas shall be, and are hereby designated as restricted zones, and that the following rules, regulations, permit fees, vessel launch fees and overnight moorage fees shall be, and are hereby adopted for certain Kootenai County parks and waterways facilities in Kootenai County, Idaho as defined in Title 6, Chapter 2, Kootenai County Code, as follows:

I. DEFINITIONS. All definitions set forth in Title 6, Chapter 2, Kootenai County Code, shall be incorporated into this Resolution by reference herein.

II. RESTRICTED ZONES.

A. No Wake Zones:

1. From the mouth of the Spokane River to the south end of the University of Idaho-Coeur d'Alene (Harbor Center) building.
2. From the east end of Templin's Marina to the Post Falls Dam on the Spokane River.
3. The channel between the shoreline and the island and wetlands area at Mile 7 on the south side of the Spokane River.
4. The posted areas on Scenic Bay to include the public boat launch located within the community of Bayview.
5. The posted areas on Rockford Bay to include the marina and public boat launch.
6. On all of the connecting channels from the Coeur d'Alene River to each of the lateral lakes commonly known as the "Chain Lakes."
7. Any portion of Coeur d'Alene Lake westerly of an imaginary line extending from the south tip of Blackwell Island, south-south-westerly to Donovan's Point, or as otherwise posted (Cougar Bay).
8. The portion of the bridge over the mouth of Blue Creek Bay, identified by signs on the bridge, as follows: "5 mph within 200 feet of bridge."
9. From the Fernan Lake outlet 1,200 feet east to the No Wake buoy.
10. Between the north shoreline and the sandbar at Mokins Slough on Hayden Lake.

11. The posted area 200' downstream of the float home at Harrison Dock Builders and 200' upstream of the Fish & Game boat launch on the Coeur d'Alene River.
- B. No Motor-Driven Watercraft Zones:
1. Wolf Lodge Creek from the Highway 97 bridge upstream, except pursuant to permit issued by the director under such terms and conditions as stated on the permit.
 2. Lake Creek from the mouth of Lake Coeur d'Alene upstream.
 3. Black Bay on the Spokane River.
 4. Blackwell Island Canal from the Highway 95 Bridge downstream to the Spokane River except from 50 feet upstream of the developed Bureau of Land Management Boat Launch downstream to the Spokane River.
 5. Hayden Lake, within a 200 foot radius of the Hayden Lake Dam spillway at Honeysuckle Bay, measured from the center of the spillway on the lakeward side.
- C. No Waterskiing Zone: The entire Coeur d'Alene River upstream from Lake Coeur d'Alene, beginning at a sign posted at the entrance to the river channel. This prohibition shall not apply to the Chain Lakes adjacent to the Coeur d'Alene River.
- D. Spokane River Restricted Access Zone: It shall be unlawful for any person to enter the waters of the Spokane River located within the boundaries of the City of Post Falls, or to enter the Spokane River from any land west of the Spokane Street Bridge across the Spokane River at any time a sign or message is posted on either side of the Spokane Street Bridge across the Spokane River or on public park and boat launch property indicating that entry to, or use of, the Spokane River is then prohibited. For purposes of this provision, the term "entry" shall include launching a boat or other flotation device; piloting, floating, or riding in a boat or on a flotation device; or swimming, wading, diving, or otherwise subjecting oneself to the hazards of the Spokane River as a result of conduct occurring when prohibitory signs are posted. These limitations shall not apply to public safety, law enforcement or public utility personnel, or to Kootenai County or City of Post Falls staff, in the course of the performance of their assigned duties. It shall constitute a violation of this provision to engage in the proscribed conduct or disregard any sign posted pursuant to the restrictions established hereby.

III. FACILITY RESTRICTIONS.

- A. Prohibition of Alcoholic Beverages:

1. No alcoholic beverages shall be allowed at Hauser Park, including all facilities and docks therein, and no alcoholic beverages shall be consumed on any vessel while moored to said docks.
2. No alcoholic beverages shall be allowed at BLM Mica Bay Boater's Park, including all facilities and docks therein, and no alcoholic beverages shall be consumed on any vessel while moored to said docks.

B. Restricted Hours of Operation:

1. Fernan Park, located at the northwest end of Fernan Lake within the city limits of Fernan, shall be closed from 10:00 p.m. to 5:00 a.m.
2. Greensferry Park, located on the south side of the Spokane River on Driftwood Drive, shall be closed from 10:00 p.m. to 5:00 a.m.
3. Rodkey Drive access, a 10-foot wide pathway off of Rodkey Drive on the north side of the Spokane River, shall be closed from 10:00 p.m. to 5:00 a.m.
4. Boat Launch: Greensferry Boat Launch shall be closed from 10:00 p.m. to 5:00 a.m.
5. Upper Twin Lakes and Middle Twin Lakes Boat Launches shall be closed from 11:00 p.m. to 4:00 a.m.
6. Neachen Bay Launch shall be closed from 10:00 p.m. to 6:00 a.m.

C. Parking Restrictions:

1. Parking is prohibited at Bronze Bay Launch site, located at the west end of Spirit Lake.
2. Parking shall be prohibited or limited in all launch parking facilities where signs are posted accordingly.
3. Parking is prohibited at Maiden Rock on Spirit Lake except when "no parking" signs are removed during ice-fishing season and in designated parking spaces located at the launch ramp.
4. Parking is prohibited at Upper Twin Lakes and Middle Twin Lakes Boat Launches from 11:00 p.m. to 4:00 a.m.
5. Parking is prohibited at Neachen Bay Boat Launch except for handicap, emergency, and official vehicles.

- D. Restrictions on Mooring of Vessels: Mooring of vessels at all County facilities, including mooring buoys, shall be limited to 48 hours within any 72 hour period unless otherwise posted.
- E. Penalty: Any violation of this section shall constitute an infraction. Each instance of any violation shall constitute a separate offense.

IV. VESSEL LAUNCH AND OVERNIGHT MOORAGE FEE SCHEDULE.

- A. The fee for launching a vessel at any county facility shall be as follows:

Vessels registered in Idaho:

Daily Launch Fee:	\$ 5.00 per facility per day
Annual Pass	\$25.00 per year
Second Vehicle Sticker	\$10.00

Vessels registered outside of Idaho:

Daily Launch Fee:	\$10.00 per facility per day
Annual Pass	\$50.00 per year
Second Vehicle Sticker	\$10.00

- B. The fee for overnight moorage at designated county facilities shall be \$8.00 per night for all vessels, regardless of state of registration.
- C. The daily vessel launch fee shall allow the purchaser to launch a vessel at the facility at which the fee is paid from the time of purchase until 11:59 p.m. on that day. The annual vessel launch pass shall allow the purchaser to launch any vessel at any county facility from the time of purchase until 11:59 p.m. on December 31 of that year.
- D. The daily overnight moorage fee shall allow the purchaser to moor a vessel at the facility at which the fee is paid from the time of purchase until one hour after sunset the next day. Payment of an overnight moorage fee shall not authorize the mooring of a vessel at a county facility for more than forty-eight (48) hours within any seventy-two (72) hour period.
- E. Notice of whether overnight moorage is permitted or prohibited, the daily vessel launch fee, the availability and cost of annual vessel launch passes, and penalties for non-payment of any launch fee or civil penalty, shall be posted at each facility. At facilities where overnight moorage is permitted, notice of the daily overnight moorage fee shall also be posted.
- F. Forms, envelopes and drop boxes or other methods of collection of the daily vessel launch fee, and the daily overnight moorage fee where applicable, shall be placed at each facility. Annual passes may be purchased at the Kootenai County

Parks and Waterways office and at such other places as the Board or director may designate.

G. Penalties: Penalties for violations of this section shall be as set forth in section 6-2-16, subsection (D), of the Kootenai County Code.

H. Exemptions:

1. The provisions of this section shall not apply to holders of a valid commercial use permit while operating within the scope of the permit.
2. The provisions of this section shall not apply to vessels for which registration is not required under Idaho law.
3. The provisions of this section shall not apply to enrolled members of the Coeur d'Alene Tribe who are launching a vessel or are mooring a vessel overnight at the Spokane Point boat launch facility; provided, however, that this exemption shall be reviewed by the Board on an annual basis beginning in 2010.

V. **COMMERCIAL USE PERMIT FEE SCHEDULE.** The fees for commercial use permits shall be as follows:

A. Advertising Permits: \$0.10 per square inch
(Minimum fee: \$20)

B. Concession Permits:

7-day permit	\$ 75
30-day permit	\$150

Whenever the director receives more than one application for a concession permit for the same facility for the same time period or for overlapping time periods, he or she may require the applicants to submit bids for the permit pursuant to section 6-2-9, subparagraph (E)(2)(c), of the Kootenai County Code. In such cases, the minimum bid amount shall be the amount of the permit fee for the applicable time period as set forth above, or such higher amount as the director may determine.

C. Vessel Demonstration Permits:

Annual fee – In-state dealers	\$200
Annual fee – Out-of state dealers	\$500

D. Vessel Repair Permits:

Annual fee – In-state dealers \$200
Annual fee – Out-of state dealers \$500

Applicants requesting both a vessel demonstration permit and a vessel repair permit will receive a fifty percent (50%) discount on the second permit.

E. Permits for the Commercial Transportation of Persons:

Annual fee per facility \$50 per lineal foot

“Lineal Foot” refers to the lineal feet of moorage required for safe use in all conditions as determined by the Director.

F. Special Use and Facility Reservation Water Sports Activities Permits:

[Reserved]

G. Vessel Fueling Permits:

Annual fee \$500

H. Marine Contractor Permits:

Annual fee \$500

I. Penalties: Penalties for violations of this section, including civil penalties, shall be as set forth in section 6-2-10 of the Kootenai County Code.

J. Notice stating generally that commercial use of county facilities is prohibited with the exception of those uses expressly permitted with a duly issued commercial use permit under section 6-2-10 of the Kootenai County Code, and including contact information for the Kootenai County Parks and Waterways Department, shall be posted at each facility.

VI. COMMERCIAL STAGING AND TRANSPORTATION OF MATERIALS AND EQUIPMENT – EXEMPTION FROM PERMIT REQUIREMENTS

A. The director may grant a one-time exemption from the requirement to obtain a marine contractor permit pursuant to section 6-2-9, subsection E, paragraph 8 of the Kootenai County Code if both of the following criteria exist:

1. There are no other permit holders physically available on the body of water across which the materials and/or equipment are to be transported; and
2. No other land access is available to transport the materials and/or equipment to the work site.

B. The applicant for exemption shall provide the following information to the director before the requested exemption may be considered:

1. The applicant's name, address and telephone number;
2. The physical address of the property where the materials and/or equipment are to be transported, and the waterway on which the property is located, along with documentation which clearly demonstrates that the property is landlocked;
3. Copies of all permits required by Kootenai County and/or other entities with jurisdiction for the contemplated work, or proof of application therefor;
4. The exact type and quantity of the materials and/or equipment to be transported;
5. The exact type and quantity of any equipment to be used to transport the materials and/or equipment from the facility to the vessel and/or from the vessel to the facility;
6. The exact type of vessel to be used to transport materials and/or equipment, including width, length, draft and vessel registration number. If a dock will be used for this purpose, the permit number from the Idaho Department of Lands encroachment permit associated with the dock shall be required.
7. The name of the facility to be used;
8. The requested dates, times and duration of use of the facility; and
9. Documentation from all permitted contractors stating that they cannot perform the desired work.

C. In determining whether to grant or deny a requested exemption, the director shall consider the following factors:

1. Safety considerations;
2. Potential harm to the facility;
3. Potential adverse effects on recreational use of the facility;
4. Whether the permits required by Kootenai County and/or other entities with jurisdiction have been issued or applied for; and
5. The duration of the proposed activities.

D. The following conditions shall apply to any exemptions granted by the director:

1. All exemptions shall be granted on a one-time basis only. No grantee shall make a subsequent request for exemption, nor shall any such request be considered, within twelve (12) months after the date on which the exemption was issued.
 2. Exemptions cannot be transferred, altered or changed in any manner.
 3. The grantee shall provide proof of liability insurance sufficient to cover the full extent of permitted use.
 4. The grantee shall be liable for all damages and cost for corrective work to the facility which may happen as a result of permitted use.
 5. The director, or his or her designee, shall have the right to be present during the performance of any permitted use. The grantee shall provide the director with at least twenty-four (24) hours' notice prior to the commencement of work.
 6. Dates, times and duration of permitted use may be restricted at various facilities. Grantees shall use such facilities only within the timeframes specified for that facility.
 7. An inspection of the facility upon completion of permitted use will be performed within twenty-four (24) hours by a designated County employee.
- E. The fee for 24-hour use of county facilities pursuant to an exemption granted by the director under this section shall be \$100.
- F. A written decision to grant or deny a requested exemption shall be transmitted to the applicant within thirty (30) days of receipt of the application. The applicant may appeal a denial of a requested exemption to the Board in accordance with the provisions of section 6-2-9, subsection (G), of the Kootenai County Code.
- G. Penalties: Penalties for violations of this section shall be as set forth in section 6-2-10 of the Kootenai County Code.

VII. REPEAL OF PRIOR RESOLUTION; EFFECTIVE DATE

This Resolution shall supersede and repeal Resolution Nos. 2010-01 and 2012-15, and any other previously enacted resolution pertaining to the same subject matter, and shall be effective as of the date of signature below.

Upon a motion made by Commissioner Green, seconded by Commissioner Nelson, that the foregoing be enacted as a Resolution of Kootenai County, the following roll call was recorded:

Commissioner Nelson: Aye
Commissioner Green: Aye
Chairman Tondee: 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 4th day of November, 2014.

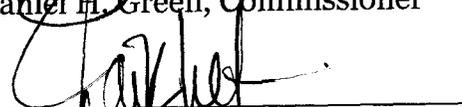
**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**



W. Todd Tondee, Chairman



Daniel H. Green, Commissioner



Jai K. Nelson, Commissioner

ATTEST
JIM BRANNON, CLERK

By: 

Deputy Clerk



The seal is circular with a double-line border. The outer ring contains the text "COUNTY OF 1ST DISTRICT KOOTENAI COUNTY IDAHO". The inner ring contains "AUDITOR AND DEPUTY CLERK". The center contains "OFFICE OF THE AUDITOR AND DEPUTY CLERK STATE OF IDAHO".

C: Parks & Waterways, Waterways Advisory Board, KCSO, Prosecuting Attorney (Civil and Criminal Divisions), Coeur d'Alene Tribe, Sterling Codifiers, Resolution File