

Chapter 2

COUNTY PARKS AND WATERWAYS

6-2-1: TITLE AND AUTHORITY:

This chapter shall be known as the *KOOTENAI COUNTY PARKS AND WATERWAYS ORDINANCE*, and by authority of Idaho Code sections 31-806, 31-807 and 67-7031 in addition to the general authorities set out in section [1-1-2](#) of this code, the board of county commissioners hereby enacts this chapter. (Ord. 379, 8-30-2006)

6-2-2: PURPOSE:

It is necessary for the protection of health, safety and welfare of the general public, and for the protection of public and private property, to regulate the operation of vessels and swimming on the public waters of the state of Idaho situated in Kootenai County but outside the municipal boundaries of the various incorporated cities within the county. The board of county commissioners specifically finds that it is necessary for the protection of the health, safety and welfare of the general public to adopt and enforce rules and regulations governing all county parks and waterways facilities, including, without limitation, all facilities directly owned by Kootenai County or under its sole control as a public easement, or under a cooperative agreement on public lands with other public agencies such as the Idaho department of lands, Idaho department of fish and game, United States bureau of land management, United States forest service, city of Coeur d'Alene, city of Post Falls, city of Harrison, city of Hauser, city of Fernan, city of Hayden or the city of Spirit Lake. (Ord. 379, 8-30-2006)

6-2-3: DEFINITIONS:

ADULT SUPERVISION: The presence of a responsible person age eighteen (18) years or over on or in a vessel.

BOARD: The board of county commissioners of Kootenai County, Idaho.

BOAT CAMPING: The act of sleeping overnight in or on a vessel attached or moored to a public dock, pier, mooring buoy or other designated structure.

CAMP OR CAMPING: The act of physically placing any type of personal belonging on or above the ground, or on or above a concrete slab, pier, dock, picnic table, bench or other structure, in order for one or more persons to rest, nap or sleep overnight.

COMMERCIAL USE: Use of any county facility in connection with any activity or enterprise conducted for profit.

DIRECTOR: The director of the Kootenai County parks and waterways department, or his or her designee.

FACILITY: Any park, trail, boat launch facility, or other waterways facility owned, operated, managed or maintained by Kootenai County.

FIREARM: Any weapon from which a shot, projectile or other object which may be discharged by force or combustion, explosion, gas or mechanical means. This definition shall include, but not be limited to, pistols, rifles, shotguns, BB guns, pellet guns, paintball guns, slingshots, crossbows, bow and arrows or a spear gun.

FIREPLACE AREA: A portion of a facility which is constructed of concrete, rock or metal and which is officially designated by the county at the location for having fires at the facility.

MOORAGE OR MOORING: Parking a vessel in the water.

MOTOR DRIVEN WATERCRAFT: Any vessel which is propelled by any type of motor or machinery.

NIGHT: From one hour after sunset until one hour before sunrise.

OVERNIGHT: From one hour after sunset until one hour before sunrise.

PARK OR PARKING: When used as a verb, the act of leaving a vehicle, trailer or vessel in a certain place, whether on land or water. When used as a noun, the term "park" shall mean any land owned, managed or controlled by the county, whether improved or unimproved, which is provided for public recreation and is not primarily used for launching of vessels or for parking.

PERSONAL WATERCRAFT: A vessel less than twelve feet (12') in length which uses an outboard or inboard motor powering a water jet pump as its primary source of power and is designed to be operated by a person sitting, standing or kneeling on, rather than in the conventional manner of sitting or standing inside the vessel.

PICNICKING: The physical act of setting up and/or using personal belongings that provide seating, an eating surface, food preparation, cooking, shade or the dispensing or storage of food and beverages.

POSTED AREA: An area which is a portion of the waters of the county and which either the board or the director has caused to be marked with regulatory markers in compliance with Idaho Code section 67-7031 and IDAPA 26.66.21 to regulate the actions of vessels and persons in such marked portions of the waters.

POWER LOADING: The loading or unloading of a vessel from or to its trailer by use of the vessel's propulsion system to facilitate the movement of the vessel onto or off the trailer.

PRIVATE MOORAGE: The mooring of a vessel anywhere within one or more county facilities for more than forty eight (48) consecutive hours in a

seventy two (72) hour period wherever such moorage is prohibited. This definition shall not include mooring of a vessel for a longer period as authorized by a duly issued overnight moorage permit.

PUBLIC WATERS: Any river, lake or other body of water within Kootenai County other than those which are privately owned in their entirety, regardless of navigability.

SHERIFF: The sheriff of Kootenai County, Idaho, or his or her designee.

SHORELINE: The line of demarcation between water and land at the time in question without regard to property lines or high or low water lines or marks.

SPECIAL USE: Any use of a facility, whether commercial or noncommercial in nature, which may be reasonably expected to have one hundred (100) or more people at any given time.

VESSEL: Every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water, but does not include float houses, diver's aids operated and designed primarily to propel a diver below the surface of the water, and nonmotorized devices not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses, single inner tubes and beach and water toys.

WAKE: The visible track of turbulence created by the movement of a vessel through the water. (Ord. 480, 2-10-2015)

6-2-4: VESSEL OPERATION:

- A. **Basic Rule:** It shall be unlawful for any person to operate any type of vessel on any public waters within Kootenai County in a negligent manner without having due regard to the actual and potential hazards then existing, or at any rate of speed greater than stated herein, or at any rate of speed greater than that which will permit, in the exercise of reasonable care, the vessel to come to a stop within the assured clear distance ahead.
- B. **Speed Limits:** Specific speed limits for all public waters within Kootenai County, except the Spokane River from the headwater to the Post Falls Dam, the Coeur d'Alene River from the mouth to the county boundary, and Lower Twin Lake, are as follows:
1. Within two hundred feet (200') of any shoreline or any dock, pier, other structure or any person in the water, will be designated as a no wake zone in which the speed limit shall be five (5) miles per hour. This section shall not apply to any vessel having in tow or otherwise assisting a person on waterskis, aquaplane or similar contrivance upon start.
 2. Within one hundred feet (100') of any other vessel, the speed shall be reasonable and prudent, but not in excess of fifteen (15) miles per hour.
 3. At night, where the speed is not otherwise restricted, the speed limit shall be twenty (20) miles per hour.
 4. During the day, where the speed is not otherwise restricted, the speed limit shall be reasonable and prudent, but not in excess of fifty (50) miles per hour; provided, however, that this subsection shall not apply to any motor driven watercraft while the same is being operated while actively engaged in any regatta, race, tournament or exhibition authorized pursuant to a valid marine event permit issued by the sheriff, if the permit allows the motor driven watercraft participating in that regatta, race, tournament or exhibition to exceed the posted speed limits; provided further, that this subsection shall not apply to a seaplane on the water.
 5. This subsection shall not apply to any motor driven watercraft being operated under emergency conditions or by any authorized agent of any law enforcement agency of the state of Idaho, a political subdivision or the United States while said agent is acting in the performance of his duties.
- C. **Speed Limits For Certain Waterways:** Specific speed limits for the Spokane River from the headwater to the Post Falls Dam, the Coeur d'Alene River from the mouth to the county boundary, and Lower Twin Lake are as follows:
1. During the day, where the speed is not otherwise restricted, the speed limit shall be reasonable and prudent, but not in excess of thirty five (35) miles per hour.
 2. At night, where the speed is not otherwise restricted, the speed limit shall be twenty (20) miles per hour.
 3. During the day or night, no motor driven watercraft shall be operated at a speed or in a manner that creates an excessive, dangerous or damaging wake.
 4. Within one hundred feet (100') of the shoreline, dock, pier, other structure or person in the water, the speed limit shall be five (5) miles per hour, and no wake shall be created by any vessel.
 5. The speed limit shall be fifteen (15) miles per hour within fifty feet (50') of another vessel.
 6. This subsection shall not apply to any motor driven watercraft being operated under emergency conditions or by any authorized agent of any law enforcement agency of the state of Idaho, the United States or any political subdivision, while said agent is acting in the performance of his duties.
- D. **Boater Right Of Way:** All persons using docks primarily placed for vessel use shall not interfere with vessels approaching or departing dockage. (Ord. 379, 8-30-2006)

6-2-5: CONTROL OF NOISE FROM MOTOR DRIVEN WATERCRAFT:

- A. **Muffler System Required:** It shall be unlawful for any person to operate, or permit the operation of, any motor driven watercraft on any public waters within Kootenai County unless such motor driven watercraft is equipped at all times with a muffler or a muffler system in good working order and in constant operation and effectively installed to prevent any excessive or unusual noise.

- B. Muffler, Muffler System Defined: For the purposes of this section, "muffler" or "muffler system" shall mean a sound suppression device or system, underwater exhaust system, or other device or system which is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and which prevents excessive or unusual noise.
- C. Noise Levels Generally: It shall be unlawful for any person to operate, or permit the operation of, any motor driven watercraft on any public waters within Kootenai County in such a manner as to exceed the following noise levels:
1. For motor driven watercraft manufactured before January 1, 1995, a noise level of ninety (90) dBA when subjected to a stationary sound level test as prescribed by SAE J2005;
 2. For motor driven watercraft manufactured on or after January 1, 1995, a noise level of eighty eight (88) dBA when subjected to a stationary sound level test as prescribed by SAE J2005.
- D. Noise Levels; Public Waters Greater Than Five Hundred Feet In Width: It shall be unlawful for any person to operate, or permit the operation of, any motor driven watercraft on any public waters within Kootenai County, which is more than five hundred feet (500') in width, in such a manner as to exceed a noise level of seventy five (75) dBA measured as specified in SAE J1970; provided, that such measurement shall not preclude a stationary sound level test as prescribed by SAE J2005.
- E. Altered Mufflers Prohibited: No person shall operate, or give permission for the operation of, any motor driven watercraft on any public waters within Kootenai County that is equipped with an altered muffler or a muffler cutout, bypass or other device designed or so installed so that it can be used to continually or intermittently bypass or otherwise reduce or eliminate the effectiveness of any muffler or muffler system installed in accordance with the provisions of this section.
- F. Muffler Removal, Alteration, Modification Prohibited: No person shall remove, alter or otherwise modify in any way a muffler or muffler system in a manner which will prevent it from being operated in accordance with the provisions of this section.
- G. Amplification Device Prohibited: No engine or motor shall be equipped with any device designed to amplify the sound of the exhaust.
- H. Noise Level Compliance Required; Exemption: No person shall manufacture, sell or offer for sale any motor driven watercraft unless it is equipped with a muffler or muffler system which complies with subsection C of this section. This subsection shall not apply to motor driven watercraft designed, manufactured and sold for the sole purpose of competing in racing events and for no other purpose.
- I. Marine Event Exemption: The provisions of this section shall not apply to motor driven watercraft registered and actually participating in an authorized marine event pursuant to a valid marine event permit issued by the sheriff.
- J. Noise Level Test: Any peace officer who has reason to believe that a motor driven watercraft is not in compliance with the noise levels established in this section may direct the owner or operator of such motor driven watercraft to submit the motor driven watercraft to an on site test to measure noise levels, with the officer on board if such officer chooses, and the owner or operator shall comply with such request. The sheriff may, by order, set a fee for such test not to exceed the actual cost of administration of the test. If such motor driven watercraft exceeds the decibel levels established in this section, or if the owner or operator refuses to submit the motor driven watercraft to an on site test, the officer may direct the owner or operator to take immediate and reasonable measures to abate the violation, or to compel submission to an on site test, including, without limitation:
1. Ordering the mooring of the motor driven watercraft, and requiring that it continue to be moored or removed from the water;
 2. Ordering the removal of the motor driven watercraft from the water; or
 3. Ordering the impoundment of the motor driven watercraft until such time as the owner or operator agrees to submit the motor driven watercraft to an on site test as required in this subsection. The registered owner of any such motor driven watercraft shall be liable for all towing fees, storage fees and any other expenses reasonably incurred as a result of such impoundment, and the county shall have a lien against the motor driven watercraft for any unpaid fees.
- No motor driven watercraft ordered moored, removed from the water or impounded pursuant to this subsection shall be operated on any public waters within Kootenai County until a test is conducted which confirms that the motor driven watercraft is in compliance with subsection C of this section. This test may be conducted by any tester capable of conducting the test according to the requirements set forth in the standards referenced in subsection C of this section.
- K. Penalties:
1. The first violation of any provision of this section shall constitute an infraction.
 2. A second violation of any provision of this section occurring within one year of the first violation shall also constitute an infraction.
 3. A third violation, and any subsequent violations, of any provision of this section occurring within one year of the second violation shall constitute a misdemeanor.
 4. The failure or refusal to comply with any order lawfully made by a peace officer pursuant to subsection J of this section shall constitute a misdemeanor. (Ord. 379, 8-30-2006)

6-2-6: RESTRICTED ZONES¹:

- A. General Restrictions: The board, by resolution, may designate or repeal a designation of a specific area or areas on the public waterways of Kootenai County as restricted zones. These zones shall be defined as follows:
1. "No motor driven watercraft zone" is defined as an area in which no motor of any kind can be used to propel a vessel within the designated boundaries of the area.
 2. "No swimming zone" is defined as an area in which swimming and the operation of float tubes and other nonmotorized devices not designed or modified to be used as a means of transportation on water, such as inflatable air mattresses, single inner tubes and beach and water toys, are prohibited within the designated boundaries of the area in order to protect and promote the health, safety and welfare of the general public.
 3. "No wake zone" is defined as an area in which the operation of a vessel must be accomplished at not more than five (5) miles per hour and where no water shall produce a wake greater than four inches (4") in height within the designated boundaries of the area.
 4. "No watercraft zone" is defined as an area in which the operation of any vessel is prohibited within the designated boundaries of the area in order to protect and promote the health, safety and welfare of the general public.
 5. "No waterskiing zone" is defined as an area in which motor driven watercraft are prohibited from towing a waterskier, a tube, a wakeboard, a knee board, or any other type of appliance within the designated boundaries of the area. This is not intended to prohibit the towing of a vessel at no wake speed as defined in subsection A3 of this section.
 6. "Restricted personal watercraft zone" is defined as a designated operational zone for personal watercraft on public waters within the county. A restricted personal watercraft zone may limit the operation of personal watercraft within the zone to: a) no wake or less than five (5) miles per hour; b) personal watercraft only; c) no personal watercraft allowed; or d) a specified distance from the shoreline.
 7. "Restricted motor zone" is defined as an area in which the type of motor or the horsepower of a motor which may be used to power a vessel on the water is limited within the designated boundaries of the area.
 8. "Spokane River restricted access zone" is defined as the specific area in which swimming and the operation of vessels are prohibited or restricted due to dangerous conditions resulting from the operation of Post Falls Dam, as set forth by resolution duly enacted by the board.
 9. "Restricted length zone" is defined as an area in which the launching of any vessel in excess of a specified maximum length is prohibited at designated county facilities, or in which the parking of any motor vehicle, trailer or combination thereof in excess of a specified maximum length is prohibited at designated county facilities.

B. Flooding Or Threat Of Flooding:

1. No Wake Zones; Automatic Designation:

- a. The Coeur d'Alene River and all navigable waters within the Coeur d'Alene River drainage (including the Chain Lakes) shall be automatically designated as no wake zones in their entirety whenever one or more of the following conditions exist:

- (1) The gauge on the Coeur d'Alene River at Cataldo reads forty three feet (43') or higher; or
- (2) The gauge on the Coeur d'Alene River at Enaville, in Shoshone County, reads seventy two feet (72') or higher.

- b. Coeur d'Alene Lake, Fernan Lake, and the Spokane River shall be automatically designated as no wake zones in their entirety whenever the gauge on the Coeur d'Alene Lake at Tubbs Hill reads two thousand one hundred thirty three feet (2,133') or higher.

The designation of these waters as no wake zones shall automatically expire when the conditions giving rise to the designation no longer exist, except as otherwise provided in this chapter or any resolution authorized by this chapter that has been enacted by the board and is effective and in force.

2. Restricted Zone Designations; Resolution Required: The board, by resolution duly enacted, may impose any or all of the restricted zone designations listed in this section on any public waterway within the county upon a finding that actual flooding has occurred or that an imminent threat of flooding exists.
3. Lawful Uses Prohibited; Resolution Required: The board, by resolution duly enacted, may also prohibit any or all otherwise lawful uses of any public waterway within the county upon a finding that actual flooding has occurred or that an imminent threat of flooding exists.
4. Time Limits On Resolutions: Any resolution enacted pursuant to this subsection shall automatically expire thirty (30) days after enactment unless extended for another thirty (30) day period by subsequent resolution.

- C. Violation: It shall be unlawful to operate a vessel or to swim in a manner contrary to the restrictions or prohibitions set forth in this section and/or any resolution enacted pursuant to this section while such resolution is effective and in force. A violation of any provisions of this section shall constitute a misdemeanor. (Ord. 416, 7-22-2008)

6-2-7: AGE RESTRICTIONS; ADULT SUPERVISION:

- A. It shall be unlawful to allow the operation of a motor driven watercraft by a person under the age of ten (10) years except under direct adult supervision.
- B. It shall be unlawful to operate, or to allow someone to operate, a vessel when the operator is under the age of fourteen (14) years without adult supervision if the vessel is powered by a motor rated at greater than fifteen (15) horsepower.
- C. The age restrictions provided for in this section shall also apply to the operation of personal watercraft. (Ord. 379, 8-30-2006)

6-2-8: ELUDING PEACE OFFICER; FAILURE TO YIELD:

- A. It shall be unlawful for any person operating a vessel to wilfully flee or attempt to elude a pursuing law enforcement vessel, when given a visual or audible signal to bring the vessel to a stop. The signal given by a peace officer may be by emergency lights or siren. The signal given by a peace officer by emergency lights or siren need not conform to the standards for decibel ratings or light visibility specified in Idaho Code section 49-623(3). It is sufficient proof that a reasonable person knew or should have known that the visual or audible signal given by a peace officer was intended to bring the pursued vessel to a stop.
- B. Upon the immediate approach of an authorized law enforcement or other emergency vessel making use of any audible or visible signal, the driver of every other vessel shall yield the right of way and stop, remaining in that position until the authorized law enforcement or other emergency vessel has passed, except when otherwise directed by a peace officer. The driver of the vessel shall yield to the authorized law enforcement or other emergency vessel by turning their vessel in a manner that is parallel to the direction of the law enforcement or other emergency vessel and stopping.
- C. A violation of any provision of this section shall constitute a misdemeanor. (Ord. 379, 8-30-2006)

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.

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.

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)

6-2-10: COMMERCIAL AND SPECIAL USES:

- A. Permit Required: Except as otherwise provided in this chapter, it shall be unlawful to engage in any commercial use of, or activity at, any county facility except with a commercial use permit issued pursuant to this section.
- B. Permitted Uses And Activities:
1. Commercial Uses: The following commercial uses and activities shall be permitted at county facilities only upon issuance of a commercial use permit by the director, upon payment of such fees as may be established by resolution of the board, and upon such terms and conditions as may be specified by this chapter or by resolution of the board, or as promulgated in writing by the director:
 - Advertising.
 - Concession businesses.
 - Fueling of vessels.
 - Loading, unloading and staging of construction materials and equipment in connection with transportation of such materials and equipment across a public waterway.
 - Transportation of persons for hire.
 - Vessel demonstrations by dealers.
 - Vessel repairs by a commercial marine repair business.
 2. Special Uses: Special uses and activities shall be permitted at county facilities only upon issuance of a special use permit by the director, upon payment of such fees as may be established by resolution of the board, and upon such terms and conditions as may be specified by this chapter or by resolution of the board, or as promulgated in writing by the director.
 3. Specifications In Writing: Any applicable fees, terms and conditions associated with a permit shall be specified in writing on the permit.
- C. Exemptions:
1. Kootenai County shall be exempt from the requirements of this section.
 2. All other federal, state, and local public entities shall be exempt from the payment of any fees which would otherwise be required under this section. Such entities shall be required to obtain any permit required under this section, and to comply with all other requirements of this section, any resolutions enacted by the board pursuant thereto, any policies, procedures or criteria promulgated in writing by the director, and any requirements specified on the permit.
- D. General Requirements Of Permit Holders: All holders of commercial use permits and special use permits issued pursuant to this section shall be responsible for the following:
1. All permit holders shall display their name, business name (if applicable), street address, telephone number, and permit number(s) on all vehicles and vessels used in any activity pursuant to a county commercial or special use permit.
 2. All permit holders shall be responsible for any necessary cleanup of any facility, including, but not limited to, cleanup of any spill or discharge of hazardous materials which directly or indirectly resulted from the activities of the permit holder.
 3. All permit holders shall be responsible for any necessary repairs to, or replacement of, property or fixtures at any facility which directly or indirectly resulted from the activities of the permit holder.
 4. All permit holders shall be liable for the cost of any necessary cleanup of, repairs to, or replacement of property or fixtures at, any facility performed by employees of, or independent contractors acting on behalf of, Kootenai County, which directly or indirectly resulted from the activities of the permit holder. Any such costs shall constitute a lien against any ownership interest in any real or personal property held by the

permit holder; provided, that Kootenai County shall perfect any such lien by filing a notice of lien in the office of the Kootenai County recorder and/or the office of the Idaho secretary of state, as appropriate.

5. Permits shall not be transferable.

E. Regulation Of Permitted Commercial Uses:

1. Advertising:

- a. A commercial advertising permit may authorize the placement of signs or posters on information kiosks located at county facilities when space for such advertisement is available.
- b. Permit holders shall deliver advertisements authorized by the permit to the Kootenai County parks and waterways office at least five (5) working days prior to the starting date specified on the permit. Permit holders shall pick up advertisements from the Kootenai County parks and waterways office no later than ten (10) working days after the ending date specified on the permit.
- c. No advertisements pertaining to any political candidate or issue shall be posted, or permitted to be posted, at any facility.

2. Concession Businesses:

a. Authorization; Specific Products, Location: A commercial concession permit may authorize the sale of specific products or services at a facility from a location(s) specified on the permit.

b. Requirements:

- (1) Permit holders shall be responsible for ensuring the security of any trailers or equipment which are used in the course of the permit holder's operations, or which are stored at the facility by the permit holder.
- (2) Permit holders who intend to prepare, sell or distribute food shall be responsible for obtaining any necessary permits from Panhandle health district or other authority with jurisdiction.

c. Bids:

- (1) If the director receives more than one application for a commercial concession permit for the same facility for the same time period or for overlapping time periods, the director may require the applicants to submit bids for a permit. The director may set a minimum bid amount in an amount no less than the regular permit fee, and may set such other terms and conditions as he or she may deem to be in the best interests of the county.
- (2) Any bid failing to meet such minimum bid amount, or any other terms and conditions set forth in writing by the director, shall be deemed nonresponsive. Any bidder who has been disqualified by the director for violation of any terms and conditions of any previously issued permit, or any other contract with Kootenai County, shall not be allowed to bid, and any bid received by such bidder shall be deemed nonresponsive.
- (3) The director shall receive the bids submitted and forward them to the board, and may make a recommendation as to which bidder(s) should be awarded a permit. The board shall award the bid to the highest responsive bidder(s).

3. Vessel Demonstrations By Dealers: A commercial vessel demonstration permit may authorize the launching and loading of vessels, and the embarkation onto and debarkation from vessels by customers or potential customers, at specified facilities for the purpose of selling vessels or other goods or services. The permit may limit these activities to specified facilities on specified days and times. In addition, the board may set additional limits on these activities by resolution.

4. Vessel Repairs By A Commercial Marine Repair Business:

- a. A commercial vessel repair permit may authorize commercial vendors to perform repair work at designated facilities. Repair work shall not exceed four (4) hours per vessel per day. The director may also set forth additional restrictions on the time during which a permit holder may engage in vessel repair at any facility. Any such restrictions shall be specified in writing on the permit.
- b. Permits issued pursuant to this subsection E4 shall extend to all vehicles, vessels and trailers owned or operated by the permit holder which are used in the course of the permit holder's operations.
- c. Permit applicants shall provide the director with proof of liability insurance with a policy limit of no less than one million dollars (\$1,000,000.00) prior to issuance of the permit. Such insurance shall name Kootenai County as an additional insured.

5. Commercial Transportation Of Persons:

a. Authorization; Specific Facilities, Time Periods: A permit for the commercial transportation of persons may authorize the temporary mooring of a vessel to be used for the commercial transportation of persons at specified facilities for a specified time period not to exceed ten (10) minutes.

b. Requirements:

- (1) Permit applicants shall provide the director with proof of liability insurance with a policy limit of no less than one million dollars (\$1,000,000.00) prior to issuance of the permit. Such insurance shall name Kootenai County as an additional insured.
- (2) All vessels owned or operated by the permit holder, and all captains and pilots working for the permit holder, whether as employees or independent contractors, shall hold valid U.S. coast guard licenses at all times while the permit is in effect.

6. Fueling Of Vessels:

a. Authorization; Designated Facilities: A commercial vessel fueling permit may authorize the commercial fueling of vessels at designated facilities.

b. Requirements:

- (1) The permit holder shall be responsible for cleanup of any fuel spill into any waterway, and shall be responsible for notifying the director and all necessary state and/or federal agencies with jurisdiction, when necessary.
- (2) Permit applicants shall provide the director with proof of liability insurance with a policy limit of no less than one million dollars (\$1,000,000.00) prior to issuance of the permit. Such insurance shall name Kootenai County as an additional insured.
- (3) During all commercial fueling operations, permit holders shall ensure that a fuel spill containment kit which complies with all applicable federal and state requirements is on site, and that two (2) operators are present at all times. One operator shall be located at the fueling vehicle or vessel, and the other operator shall be located at the vessel receiving fuel.

7. Construction Materials And Equipment: Loading, unloading and staging of construction materials and equipment in connection with transportation of such materials and equipment across a public waterway:

- a. Authorization; Specific Facilities, Days, Times: A marine contractor permit may authorize the loading, unloading and staging of materials and equipment by the permit holder in conformity with facility regulations and any other terms and conditions stated on the permit. The permit may limit these activities to specified facilities on specified days and times.
- b. Exemption: The director may grant onetime exemptions from the requirement to obtain a marine contractor permit. Any such exemptions shall be based on criteria established by resolution of the board or, in the absence of such resolution, on criteria established and promulgated in writing by the director.
- c. Requirements:
 - (1) Permit applicants shall be Idaho licensed public works contractors.
 - (2) Permit applicants shall provide the director with proof of liability insurance with a policy limit of no less than one million dollars (\$1,000,000.00) prior to issuance of the permit. Such insurance shall name Kootenai County as an additional insured.
 - (3) Applicants for exemption from permitting requirements shall provide the director with proof of liability insurance with a policy limit of no less than one million dollars (\$1,000,000.00), naming Kootenai County as an additional insured, prior to granting of the exemption, unless such requirement is waived or modified by the director.

F. Waterways User Fee Account: The county auditor shall cause all revenues from fees collected as authorized by this section to be placed into a dedicated account known as the "waterways user fee account". Such revenues shall be used solely for the operation, maintenance, and upkeep of county waterways facilities. The board may enter into agreements with federal, state, tribal or local entities further specifying the allocation and use of such fees.

G. Violation: The first violation of any provision 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. A violation of any provision of this section may also result in the denial or revocation of, or the refusal to reissue or renew, any permit required under this section.

H. Civil Penalty: In addition to any infraction or misdemeanor penalty imposed for engaging in any use or activity permitted under this section without first having obtained the required commercial or special use permit(s), the director or sheriff, or designee thereof, or a court of competent jurisdiction, may impose a civil penalty in the amount of 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 shall constitute an infraction. Upon a conviction for any violation of this section, the court may also enter a civil judgment for any unpaid permit fees or civil penalties then due and owing.

I. Revocation: The director or his or her designee may revoke any permit required under this section upon a report or observation of any violation of this chapter, or of any resolution, rule, regulation, term or condition promulgated in writing by the board or by the director pursuant to the provisions of this chapter, or posted at a facility pursuant to the provisions of this chapter. Such revocation shall have immediate effect, subject to the permit holder's right to request a hearing before the board as set forth in section [6-2-18](#) of this chapter. (Ord. 480, 2-10-2015)

6-2-11: MARINE EVENT PERMITS:

- A. The provisions of this chapter shall not apply to motor driven watercraft operating with a permit issued pursuant to Idaho Code section 67-7030 after approval of a marine event permit application by the sheriff, as long as the motor driven watercraft is being operated within the conditions of the permit. The provisions of this chapter may be waived only after approval by the sheriff.
- B. It is a violation of this chapter to fail to operate a vessel pursuant to the terms and conditions imposed by a marine event permit.
- C. Fees for marine event permits shall be set by order of the sheriff. (Ord. 379, 8-30-2006)

6-2-12: RV AND BOAT SEWAGE DISPOSAL:

- A. Dumping of recreational vehicle (RV) or boat sewage is prohibited except in designated approved RV sanitary dump stations or boat pump out stations.
- B. No person shall dump sewage from holding tanks into toilet facilities or on the ground or into the water.
- C. The board may adopt, by resolution, a fee schedule for use of county owned or operated boat pump out stations to offset maintenance costs.

D. A violation of this section shall constitute a misdemeanor. (Ord. 379, 8-30-2006)

6-2-13: DERELICT DOCKS AND FLOAT HOUSES:

- A. No person shall allow a personal dock or float house to be released on any public body of water under which the county has boater safety responsibility.
- B. Owners of floating devices such as docks and float houses who fail to properly secure them will be subject to payment of recovery and abatement costs.
- C. All docks and float houses shall be permanently marked and labeled with the owner's name, address and department of lands registration number on both ends of the dock. The marking or labeling shall be done in a permanent fashion in letters and numbers greater than two inches (2") in size. (Ord. 379, 8-30-2006)

6-2-14: REMOVAL OF PERSONS, VESSELS, EQUIPMENT, OR OTHER PROPERTY FROM FACILITIES:

- A. Removal For Violations Of Laws And Regulations: Upon a report or observation of any violation of Idaho Code, this chapter, or of any resolution, rule, regulation, term or condition promulgated in writing by the board or by the director pursuant to the provisions of this chapter, or posted at a facility pursuant to the provisions of this chapter, the director or sheriff, or designee thereof, may order any person who is committing, aiding, abetting, facilitating, or allowing, or who has committed, aided, abetted, facilitated, or allowed such violation to immediately vacate the facility, and/or to immediately remove any vessel, vehicle, trailer, equipment, or other property in his or her possession or control from the facility.
- B. Removal For Specific Conduct: The director or sheriff, or designee thereof, may order any person to immediately vacate any county facility, and/or to immediately remove any vessel, vehicle, trailer, equipment, or other property in his or her possession or control from that facility, upon a report or observation that such person is committing, aiding, abetting, facilitating, or allowing, or has committed, aided, abetted, facilitated, or allowed any of the following:
 - 1. Being under the influence of alcohol or any drug to a degree which renders him or her incapacitated or a hazard to himself or herself or to others;
 - 2. Harassing or intimidating another person; or
 - 3. Engaging in any conduct defined as disturbing the peace under section 18-6409, Idaho Code.
- C. Refusal To Remove: Any person who refuses to leave, or remove a vessel, vehicle, trailer, equipment, or other property from any county facility after being ordered to vacate the facility pursuant to subsection A or B of this section shall be guilty of a misdemeanor.
- D. Prohibition; Violation: The director may prohibit any person who has been ordered to vacate a facility pursuant to subsection A or B of this section from using or being present on any or all county facilities for a period not to exceed one year. Any person who violates any such prohibition shall be deemed to be trespassing on county property, and shall be guilty of a misdemeanor. (Ord. 416, 7-22-2008)

6-2-15: IMPOUNDMENT:

- A. The sheriff is hereby authorized to impound a vessel when the vessel has been abandoned, when it is adrift or under circumstances where the vessel is presenting a hazard to safe boating on the waterways of the county. The sheriff is further authorized to impound a vessel when the operator of the vessel has been arrested and the registered owner of the vessel is not immediately available to assume lawful possession and control of the vessel.
- B. Whenever an authorized officer impounds a vessel or a trailer pursuant to the provisions of this chapter or pursuant to state law, the sheriff shall substantially comply with the provisions of title 49, chapter 18, Idaho Code, that provide, among other procedures, that the registered owner of the property, if known, be given written notice of the impoundment and the opportunity for a poststorage hearing. (Ord. 379, 8-30-2006)

6-2-16: ADDITIONAL FACILITY RESTRICTIONS:

- A. Authority To Adopt Regulations: The board shall have the authority to adopt by resolution all reasonable rules and regulations governing the conduct of persons utilizing county facilities. Such facility restrictions may include, but are not limited to, designating no swimming zones within a given distance of any public boat launch unless within a designated swim area, prohibiting diving and swimming from docks or pilings, prohibiting possession and consumption of alcoholic beverages, prohibiting glass containers on beaches or in swim areas or parks, prohibiting conduct detrimental to the safe and peaceable use of county facilities, setting hours of use of the facility and designating trails as restricted access/nonmotorized vehicles allowed. Any resolution enacted by the board pursuant to this section shall indicate whether the violation of any of the rules and regulations enacted therein shall constitute a misdemeanor or an infraction.
- B. Posting Regulations Required: The rules and regulations governing a county facility, and the penalties for violations thereof, shall be posted in such a manner to be visible to the general public utilizing the facility.

C. Authority To Restrict, Prohibit Use: The board shall have the authority to restrict or prohibit the use of any county facility, by resolution duly enacted, upon a finding that any of the conditions set forth in subsection [6-2-6B](#) of this chapter exist. Such resolution shall automatically expire thirty (30) days after enactment unless extended for another thirty (30) day period by subsequent resolution. Any restriction or prohibition ordered by such resolution, and the expiration date thereof, shall be posted in such a manner as to be visible to the general public within the affected facility or facilities, or as close to such facility or facilities as safety considerations and road closures permit, as soon as practicable. A violation of any of the provisions of any resolution enacted pursuant to this subsection shall constitute a misdemeanor.

D. Fees For Noncommercial Use Of County Facilities:

1. The board shall have the authority, by resolution duly enacted, to implement fees for noncommercial use of county facilities. Fees, the uses for which a fee is required, and any other terms and conditions concerning such fees and uses, shall be as specified in the resolution. Any such fees shall comply with the requirements of sections 31-870 and 63-1311A, Idaho Code.
2. The county auditor shall cause all revenues from fees collected as authorized by this subsection D to be placed into a dedicated account known as the "waterways user fee account". Such revenues shall be used solely for the operation, maintenance, and upkeep of county facilities. The board may enter into agreements with federal, state, tribal or local entities further specifying the allocation and use of such fees.
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 surcharge of ten dollars (\$10.00) for each violation of this subsection D in addition to the amount of the applicable fee. Failure to pay any fee or surcharge imposed as authorized in this subsection D shall constitute an infraction. Upon a conviction for any violation of this subsection D, the court may also enter a civil judgment for any unpaid fees or surcharges then due and owing. (Ord. 416, 7-22-2008)

6-2-17: PENALTIES:

Any violation of this chapter not specifically defined as a misdemeanor shall constitute an infraction. Both misdemeanor offenses and infractions shall be punishable as provided in section [1-4-1](#) of this code. Each instance of any violation of this chapter shall constitute a separate offense. (Ord. 406, 10-15-2007)

6-2-18: APPEALS:

A. Appeals Of Permit Decisions: The procedure for appeal of denial of a permit, or of the revocation, refusal to issue, refusal to reissue, or refusal to renew a permit shall be as follows:

1. The director shall provide written notice of any decision to deny an application for a permit required under this chapter to the applicant within thirty (30) days of receipt of the application, and shall provide written notice of any decision to revoke, refuse to issue, refuse to reissue, or refuse to renew any such permit to the permit holder as soon as practicable.
2. Whenever an application for a permit required under this chapter has been denied or revoked by the director, or the director has refused to reissue or renew such permit, the permit holder or applicant may file a written request for a hearing before the board within fourteen (14) days after the date of the notice of such decision. The board shall hold a hearing within thirty (30) days after receipt of the written request from the permit holder or applicant.
3. The scope of the hearing shall be limited to the issue of whether the director had a legitimate basis for the decision to deny, revoke, refuse to reissue, or refuse to renew the permit or application.
4. The hearing shall be informal and strict rules of evidence shall not apply. The applicant and the director may be represented by counsel, present testimony and evidence, and examine witnesses.
5. A decision shall be issued at the close of the hearing or within thirty (30) days thereafter. The board may refer the matter to the Kootenai County waterways advisory board, or any subcommittee thereof, for a recommendation at any time prior to the issuance of a decision. The board shall notify the applicant in writing of the decision within thirty (30) days after the close of the hearing.
6. The decision of the board shall be final.

B. Appeals Of Civil Penalties: Any civil penalty imposed as authorized under the provisions of this chapter may be appealed in the following manner:

1. A person who has received a citation for a civil violation, or his agent or representative, may file a written request for a hearing within fourteen (14) days after the date of issuance of the citation.
2. The director may seek to informally resolve the matter if the circumstances surrounding the issuance of the citation indicate that such resolution would be desirable, and if the person who received the citation is amenable to such resolution.
3. If the matter cannot be resolved through informal resolution, a hearing shall be held within seven (7) days after receipt of the written request from the appellant. The hearing officer shall be the director, or a designee thereof other than the person who issued the citation. The scope of the hearing shall be limited to the following issues:
 - a. Whether a violation did in fact occur; and
 - b. Whether the person who received the citation had any responsibility for the conduct which gave rise to the issuance of the citation.
4. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present testimony and evidence, and examine witnesses.
5. A decision shall be issued at the close of the hearing or within seven (7) days thereafter. The hearing officer shall notify the owner in writing of the decision within seven (7) days after the close of the hearing.

6. The decision of the hearing officer may be appealed to the board pursuant to such rules as it may establish. The decision of the board shall be final. (Ord. 480, 2-10-2015)

6-2-19: JURISDICTION IN TRIBAL WATERS:

Nothing in this chapter shall be construed as an assertion of jurisdiction over any waters within Kootenai County, where the submerged lands thereunder are owned by the government of the United States and held in trust for the Coeur d'Alene Tribe, in excess of such jurisdiction authorized under federal and state law. (Ord. 402, 9-11-2007)

6-2-20: SEVERABILITY:

If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof. (Ord. 402, 9-11-2007)

6-2-21: CODIFICATION OF RESOLUTIONS:

Any resolution enacted by the board pursuant to the provisions of this chapter, with the exception of temporary resolutions enacted pursuant to subsection [6-2-6B](#) of this chapter, shall be codified as an appendix to this chapter for such time as such resolution is in force. (Ord. 406, 10-15-2007)

6-2-22: APPENDIX; RESTRICTIONS ENUMERATED:

A. Restricted Zones.

1. No Wake Zones:

- a. From the mouth of the Spokane River to the south end of the University of Idaho-Coeur d'Alene (Harbor Center) building.
- b. From the east end of Templin's Marina to the Post Falls Dam on the Spokane River.
- c. The channel between the shoreline and the island and wetlands area at Mile 7 on the south side of the Spokane River.
- d. The posted areas on Scenic Bay to include the public boat launch located within the community of Bayview.
- e. The posted areas on Rockford Bay to include the marina and public boat launch.
- f. On all of the connecting channels from the Coeur d'Alene River to each of the lateral lakes commonly known as the "Chain Lakes."
- g. 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).
- h. 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."
- i. From the Fernan Lake outlet 1,200 feet east to the No Wake buoy.
- j. Between the north shoreline and the sandbar at Mokins Slough on Hayden Lake.
- k. 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.

2. No Motor-Driven Watercraft Zones:

- a. 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.
- b. Lake Creek from the mouth of Lake Coeur d'Alene upstream.
- c. Black Bay on the Spokane River.
- d. 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.
- e. 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.

3. 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.

4. 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.

B. Facility Restrictions.

1. Prohibition of Alcoholic Beverages:

- a. 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.
- b. 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.

2. Restricted Hours of Operation:

- a. 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.
- b. 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.
- c. 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.
- d. Boat Launch: Greensferry Boat Launch shall be closed from 10:00 p.m. to 5:00 a.m.
- e. Upper Twin Lakes and Middle Twin Lakes Boat Launches shall be closed from 11:00 p.m. to 4:00 a.m.
- f. Neachen Bay Launch shall be closed from 10:00 p.m. to 6:00 a.m.

3. Parking Restrictions:

- a. Parking is prohibited at Bronze Bay Launch site, located at the west end of Spirit Lake.
- b. Parking shall be prohibited or limited in all launch parking facilities where signs are posted accordingly.
- c. 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.
- d. Parking is prohibited at Upper Twin Lakes and Middle Twin Lakes Boat Launches from 11:00 p.m. to 4:00 a.m.
- e. Parking is prohibited at Neachen Bay Boat Launch except for handicap, emergency, and official vehicles.

4. 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.

5. Attachment of vessels to one another by any means when any such vessels are moored to a dock is prohibited at all County facilities.

6. Quiet hours at all County facilities shall be observed every day starting at 10 p.m. and ending at 8 a.m. the following day. During quiet hours, noise levels shall not be audible more than one hundred feet (100') from the sound origination point and/or the ordinary high water mark, as that term is defined in Section 58-1302, Idaho Code, of the body of water on which the facility is located.

7. Penalty: Any violation of this section shall constitute an infraction. Each instance of any violation shall constitute a separate offense.

C. Vessel Launch and Overnight Moorage Fee Schedule.

1. 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

2. The fee for overnight moorage at designated county facilities shall be \$8.00 per night for all vessels, regardless of state of registration.

3. 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.

4. 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.

5. 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.
6. 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.
7. Penalties: Penalties for violations of this section shall be as set forth in section [6-2-16](#), subsection (D), of the Kootenai County Code.
8. Exemptions:
 - a. The provisions of this section shall not apply to holders of a valid commercial use permit while operating within the scope of the permit.
 - b. The provisions of this section shall not apply to vessels for which registration is not required under Idaho law.
 - c. 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.

D. Commercial Use Permit Fee Schedule. The fees for commercial use permits shall be as follows:

1. Advertising Permits: \$0.10 per square inch (Minimum fee: \$20)
2. 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.

3. Vessel Demonstration Permits:

Annual fee - In-state dealers: \$200

Annual fee - Out-of state dealers: \$500

4. 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.

5. 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.

6. Vessel Fueling Permits:

Annual fee: \$500

7. Marine Contractor Permits:

Annual fee: \$500

8. Penalties: Penalties for violations of this section, including civil penalties, shall be as set forth in section 6.2.110 of the Kootenai County Code.

9. 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 6.2.110 of the Kootenai County Code, and including contact information for the Kootenai County Parks and Waterways Department, shall be posted at each facility.

E. Commercial Staging and Transportation of Materials and Equipment - Exemption from Permit Requirements.

1. The director may grant a one-time exemption from the requirement to obtain a marine contractor permit pursuant to section 6.2.109, subsection (E), paragraph (8) of the Kootenai County Code if both of the following criteria exist:
 - a. 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
 - b. No other land access is available to transport the materials and/or equipment to the work site.

2. The applicant for exemption shall provide the following information to the director before the requested exemption may be considered:
 - a. The applicant's name, address and telephone number;
 - b. 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;
 - c. Copies of all permits required by Kootenai County and/or other entities with jurisdiction for the contemplated work, or proof of application therefor;
 - d. The exact type and quantity of the materials and/or equipment to be transported;
 - e. 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;
 - f. 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.
 - g. The name of the facility to be used;
 - h. The requested dates, times and duration of use of the facility; and
 - i. Documentation from all permitted contractors stating that they cannot perform the desired work.
3. In determining whether to grant or deny a requested exemption, the director shall consider the following factors:
 - a. Safety considerations;
 - b. Potential harm to the facility;
 - c. Potential adverse effects on recreational use of the facility;
 - d. Whether the permits required by Kootenai County and/or other entities with jurisdiction have been issued or applied for; and
 - e. The duration of the proposed activities.
4. The following conditions shall apply to any exemptions granted by the director:
 - a. 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.
 - b. Exemptions cannot be transferred, altered or changed in any manner.
 - c. The grantee shall provide proof of liability insurance sufficient to cover the full extent of permitted use.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. An inspection of the facility upon completion of permitted use will be performed within twenty-four (24) hours by a designated County employee.
5. The fee for 24-hour use of county facilities pursuant to an exemption granted by the director under this section shall be \$100.
6. 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 6.2.109, subsection (G), of the Kootenai County Code.
7. Penalties: Penalties for violations of this section shall be as set forth in section 6.2.110 of the Kootenai County Code.

F. Special Use Permits and Facility Reservations.

1. Fees:
 - a. Special Use Permit Fee: A base fee of \$250, plus \$1 per person based on expected attendance, as determined by the Director.
 - b. Facility Reservation Fee: \$25 - \$100 depending on facility size, as determined by the Director.
 - c. Mowry State Park Fees:
 - i. Overnight Camping Fee: \$10.00 per night (May 1 through October 1)
 - ii. Reservation Fee: \$10.00
 - iii. Purchase of Firewood: \$10.00 per bundle

2. Additional Terms and Conditions:

- a. For facility reservations, a deposit and/or proof of liability insurance may be required, as determined by the Director;
- b. For special use permits, proof of liability insurance with a policy limit of at least \$1 million naming Kootenai County as an additional insured shall be required prior to permit issuance unless waived by the Director;
- c. If overnight moorage is authorized at the facility, overnight moorage fees will be charged in addition to the applicable permit fee;
- d. Any fees required by the Kootenai County Sheriff's Office or other agencies with jurisdiction shall be paid prior to permit issuance;
- e. The Director may set forth such other conditions of approval as may be reasonably related to the expected impacts of the event; and
- f. Special use permits must be applied for at least ninety (90) days before the event. Requests for reservation of facilities for uses not requiring a special use permit shall be made at least seven (7) days in advance of the first day of the requested reservation.

G. Speed Limits. The nighttime vessel speed limit on all County waterways shall be twenty-five (25) miles per hour.

(Resolution 2014-73, 11-4-14; Resolution 2015-22, 2-10-15; Resolution 2016-126, 12-20-16; Resolution 2018-35, 8-21-18; Resolution 2019-10, 1-15-19; adopted per Ord. 406, 10-15-2007)