

**ORDINANCE NO. 480**  
**OVERNIGHT MOORAGE, SPECIAL USE**  
**PERMITS AND FACILITY RESERVATIONS**

AN ORDINANCE OF KOOTENAI COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO REGULATION OF COUNTY WATERWAYS; AMENDING SECTION 6-2-3, KOOTENAI COUNTY CODE, TO ADD DEFINITIONS OF "PRIVATE MOORAGE" AND "SPECIAL USE," TO MODIFY THE DEFINITION OF "MOORING" WITH THE SYNONYM OF "MOORAGE," AND TO DELETE THE DEFINITION OF "COMMERCIAL WATER SPORTS ACTIVITIES"; AMENDING SECTION 6-2-9, KOOTENAI COUNTY CODE, TO PROVIDE FOR OVERNIGHT MOORAGE IN COMPLIANCE WITH POSTED REGULATIONS AND PERMITTING REQUIREMENTS APPLICABLE TO THAT FACILITY, TO PROHIBIT SPECIAL USES AND COMMERCIAL USES WITHOUT FIRST HAVING OBTAINED THE REQUIRED SPECIAL USE OR COMMERCIAL USE PERMIT, TO REPEAL THE PROHIBITION ON COMMERCIAL WATER SPORTS ACTIVITIES AT COUNTY FACILITIES WITHOUT THE REQUIRED COMMERCIAL USE PERMIT, TO PROVIDE FOR RESERVATION OF FACILITIES FOR ACTIVITIES NOT REQUIRING A COMMERCIAL USE OR SPECIAL USE PERMIT, AND TO MAKE MISCELLANEOUS TECHNICAL CORRECTIONS; AMENDING SECTION 6-2-10, KOOTENAI COUNTY CODE, TO REPEAL THE PERMITTING REQUIREMENTS FOR COMMERCIAL WATER SPORTS ACTIVITIES AT COUNTY FACILITIES, AND TO REQUIRE SPECIAL USE PERMITS FOR SPECIAL USES OF COUNTY FACILITIES; AND AMENDING SECTIONS 6-2-10 AND 6-2-18, KOOTENAI COUNTY CODE, TO MOVE THE SUBSECTION REGARDING APPEALS OF DECISIONS RELATED TO PERMITS FROM SECTION 6-2-10 TO SECTION 6-2-18, KOOTENAI COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SURVIVAL AND NON-WAIVER OF ENFORCEMENT ACTIONS UNDER PREVIOUSLY ADOPTED ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF KOOTENAI COUNTY, IDAHO AS FOLLOWS:

**SECTION 1.** That Section 6-2-3, Kootenai County Code, be and the same is hereby amended as follows:

**6-2-3: DEFINITIONS:** ~~For the purposes of this chapter, the following definitions shall be applicable:~~

**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.

~~COMMERCIAL WATER SPORTS ACTIVITIES: Any organized recreational activity or enterprise conducted for profit which is conducted in entirety or in part on public waters and utilizes county facilities in furtherance of such activities, including, without limitation, fishing or hunting guide services, kayaking, operation of personal watercraft, wakeboarding, knee boarding, waterskiing, parasailing, diving, fly casting, whitewater rafting, and pedal boating.~~

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 non-commercial 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 non-motorized 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.

**SECTION 2.** That Section 6-2-9, Kootenai County Code, be and the same is hereby amended as follows:

**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. ~~“Private moorage” shall be defined as 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.~~ 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 A 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.

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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. ~~To moor a vessel at a facility for the purpose of pick up or delivery of persons to and from a vehicle and/or a vessel in connection with commercial water sports activities for a period of greater than thirty (30) consecutive minutes in any two (2) hour period.~~
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 moor a vessel at a facility for the purpose of pick up or delivery of persons to and from a vehicle and/or a vessel in connection with commercial water sports activities without a commercial water sports activities permit issued pursuant to section 6-2-10 of this chapter.~~
- ~~9~~10. 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~~11. 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 C.F.R. Parts 35-~~36~~ and 36 C.F.R. Part 1191), and the Americans with Disabilities Act Accessibility Guidelines for buildings and facilities (ADAAG) (28 C.F.R. 35.151 and 36 C.F.R. Part 1191~~36~~, appendix BA), 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.

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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 B11 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 B 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 archeological, 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.

**SECTION 3.** That Section 6-2-10, Kootenai County Code, be and the same is hereby amended as follows:

**6-2-10: COMMERCIAL AND SPECIAL USES ~~OF COUNTY FACILITIES:~~**

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:

A. Advertising.

~~Commercial water sports activities.~~

B. Concession businesses.

C. Fueling of vessels.

D. Loading, unloading and staging of construction materials and equipment in connection with transportation of such materials and equipment across a public waterway.

E. Transportation of persons for hire.

F. Vessel demonstrations by dealers.

G. 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. 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 ~~commercial~~ 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. Commercial water sports activities:~~

~~a. Authorization; Time Period: A commercial water sports activities permit may authorize the mooring of a vessel at a facility for a time period not greater than thirty (30) minutes for pick-up and delivery of persons to and from vehicles and/or vessels used in the course of the permit holder's business for the activities authorized by the permit.~~

~~b. Authorized Activities, Facilities, Dates, Times: The permit shall specify the activities authorized, and may further specify the facilities where such activities are permitted and the dates and times during which such activities may be conducted.~~

~~c. Requirements:~~

~~(1) Permit applicants shall obtain any necessary federal or state licenses and/or permits prior to issuance of the permit.~~

~~(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.~~

67. 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.

78. 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 ~~commercial~~ 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 subsection 6-2-18 J of this chapter ~~section~~.

~~J. Appeal: Procedure for appeal of denial of a commercial use permit, or of the revocation, refusal to issue, refusal to reissue, or refusal to renew a commercial use permit shall be as follows:~~

- ~~1. The director shall provide written notice of any decision to deny an application for a commercial use permit required under this section to the applicant within thirty (30) days of~~

~~receipt of the application, and shall provide written notice of any decision to revoke, refuse to reissue, or refuse to renew any such permit to the permit holder as soon as practicable.~~

~~2. Whenever an application for a commercial use permit required under this section 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.~~

**SECTION 4.** That Section 6-2-18, Kootenai County Code, be and the same is hereby amended as follows:

**6-2-18: APPEALS OF CIVIL PENALTIES:**

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 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:

1A. 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.

2B. 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.

3C. 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:

a1. Whether a violation did in fact occur; and

b2. Whether the person who received the citation had any responsibility for the conduct which gave rise to the issuance of the citation.

4D. 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.

5E. 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.

6F. 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.

**SECTION 5.** 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.

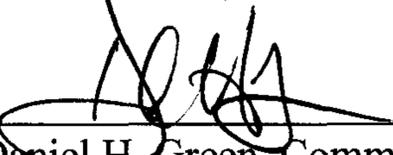
**SECTION 6.** Neither the adoption of this Ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Kootenai County Board of Commissioners or the validity of any such action to be taken upon matters pending before the Kootenai County Board of Commissioners on the effective date of this Ordinance.

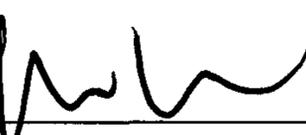
**SECTION 7.** This Ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Coeur d'Alene Press.

ADOPTED this 10<sup>th</sup> day of February, 2015.

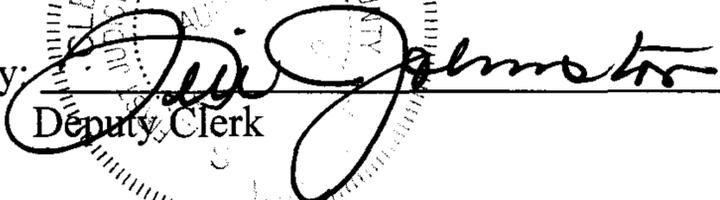
**KOOTENAI COUNTY  
BOARD OF COMMISSIONERS**

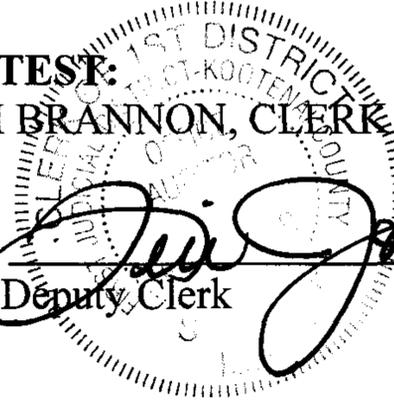
  
\_\_\_\_\_  
David Stewart, Chairman

  
\_\_\_\_\_  
Daniel H. Green, Commissioner

  
\_\_\_\_\_  
Marc Eberlein, Commissioner

**ATTEST:**  
JIM BRANNON, CLERK

By:   
\_\_\_\_\_  
Deputy Clerk



Date of Publication: 2-16-15, 2015

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

NOTICE OF ORDINANCE ADOPTION

The Board of Commissioners of Kootenai County, Idaho hereby gives notice of the adoption of Kootenai County Ordinance 480. The full text of the ordinance addresses the following subject:

AN ORDINANCE OF KOOTENAI COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO REGULATION OF COUNTY WATERWAYS; AMENDING SECTION 6-2-3, KOOTENAI COUNTY CODE, TO ADD DEFINITIONS OF "PRIVATE MOORAGE" AND "SPECIAL USE", TO MODIFY THE DEFINITION OF "MOORING" WITH THE SYNONYM OF "MOORAGE," AND TO DELETE THE DEFINITION OF "COMMERCIAL WATER SPORTS ACTIVITIES"; AMENDING SECTION 6-2-9, KOOTENAI COUNTY CODE, TO PROVIDE FOR OVERNIGHT MOORAGE IN COMPLIANCE WITH POSTED REGULATIONS AND PERMITTING REQUIREMENTS APPLICABLE TO THAT FACILITY, TO PROHIBIT SPECIAL USES AND COMMERCIAL USES WITHOUT FIRST HAVING OBTAINED THE REQUIRED SPECIAL USE OR COMMERCIAL USE PERMIT, TO REPEAL THE PROHIBITION ON COMMERCIAL WATER SPORTS ACTIVITIES AT COUNTY FACILITIES WITHOUT THE REQUIRED COMMERCIAL USE PERMIT, TO PROVIDE FOR RESERVATION OF FACILITIES FOR ACTIVITIES NOT REQUIRING A COMMERCIAL USE OR SPECIAL USE PERMIT, AND TO MAKE MISCELLANEOUS TECHNICAL CORRECTIONS; AMENDING SECTION 6-2-10, KOOTENAI COUNTY CODE, TO REPEAL THE PERMITTING REQUIREMENTS FOR COMMERCIAL WATER SPORTS ACTIVITIES AT COUNTY FACILITIES, AND TO REQUIRE SPECIAL USE PERMITS FOR SPECIAL USES OF COUNTY FACILITIES; AND AMENDING SECTIONS 6-2-10 AND 6-2-18, KOOTENAI COUNTY CODE, TO MOVE THE SUBSECTION REGARDING APPEALS OF DECISION RELATED TO PERMITS FROM SECTION 6-2-10 TO SECTION 6-2-18, KOOTENAI COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SURVIVAL AND NON-WAIVER OF ENFORCEMENT ACTIONS UNDER PREVIOUSLY ADOPTED ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of Ordinance 480 is available at the Kootenai County Commissioners Office, 451 Government Way, Coeur d' Alene, Idaho 83814, weekdays, from 9 a.m. to 5 p.m.

KOOTENAI COUNTY  
BOARD OF COMMISSIONERS

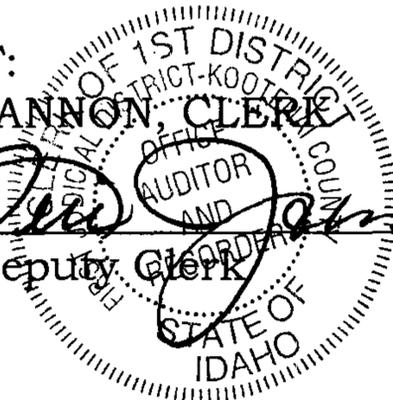
  
David Stewart, Chairman

ATTEST:

JIM BRANNON, CLERK

By:

  
Deputy Clerk



Publication Date: Monday, February 16, 2015

**CERTIFICATION**

I hereby certify that the attached Notice of Ordinance Adoption contains a true and complete summary of Ordinance No. 480 of Kootenai County, Idaho, and that the attached summary provides adequate notice to the public of the contents of said Ordinance.

JIM BRANNON, CLERK



*Jim Brannon*  
Deputy Clerk

**RESOLUTION NO. 2015-22**  
**Special Use Permit and Facility Reservation Fee Schedule**

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 Kootenai County Board of Commissioners (“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, on February 10, 2015, the Board adopted Ordinance No. 480, which amended Title 6, Chapter 2, Kootenai County Code to provide a definition of “special use” and to provide the Director of Parks and Waterways with the authority to require that such uses be conducted only upon issuance of a special use permit upon payment of such fees as may be adopted by resolution of the Board, and upon such terms and conditions as may be specified in Title 6, Chapter 2, Kootenai County Code, or as may be promulgated in writing by resolution of the board or by the Director; and

WHEREAS, Sections 6-2-9 and 6-2-10, Kootenai County Code, prohibit the use of county facilities requiring a special use permit except with the appropriate permit issued by the Director; and

WHEREAS, while the reservation of facilities has historically been processed by the Director, Ordinance No. 480 also amended Section 6-2-9, Kootenai County Code to provide specific authority for this practice, including collection of such fees as may be adopted by resolution of the Board; 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 has found 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, in part, through the implementation of permit fees for special uses of these facilities, and for reservations of these facilities for activities not constituting a special use; and

WHEREAS, the Kootenai County Waterways Advisory Board heard this proposal at a public meeting held on November 17, 2014, and recommended its approval; and

WHEREAS, the Board agrees that this proposal is necessary and in the public interest for the reasons stated above;

NOW THEREFORE, BE IT HEREBY RESOLVED that Resolution No. 2014-73, dated November 4, 2014, shall be amended to add the following fees:

Special Use Permit Fee: A base fee of \$250, plus \$1 per person based on expected attendance, as determined by the Director

Facility Reservation Fee: \$25 - \$100 depending on facility size, as determined by the Director

BE IT FURTHER RESOLVED that:

- For facility reservations, a deposit and/or proof of liability insurance may be required, as determined by the Director;
- 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;
- If overnight moorage is authorized at the facility, overnight moorage fees will be charged in addition to the applicable permit fee;
- Any fees required by the Kootenai County Sheriff's Office or other agencies with jurisdiction shall be paid prior to permit issuance;
- The Director may set forth such other conditions of approval as may be reasonably related to the expected impacts of the event; and
- 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.

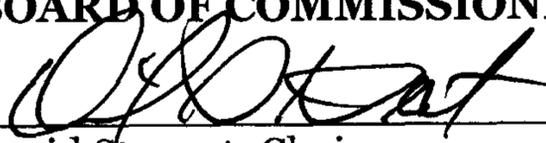
BE IT FURTHER RESOLVED that this resolution shall be effective as of the date of signature below. The provisions of this resolution shall be in addition to the provisions of Resolution No. 2014-73, which shall continue in full force and effect.

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

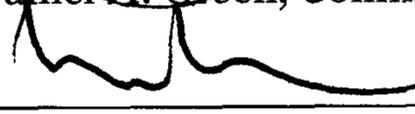
Commissioner Eberlein: Aye  
Commissioner Green: Aye  
Chairman Stewart: Aye

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 10<sup>th</sup> day of February, 2015.

**KOOTENAI COUNTY  
BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
David Stewart, Chairman

  
\_\_\_\_\_  
Daniel H. Green, Commissioner

  
\_\_\_\_\_  
Marc Eberlein, Commissioner

**ATTEST**  
**JIM BRANNON, CLERK**  
By:   
Deputy State Clerk  
OFFICE OF THE CLERK OF DISTRICT-KOOTENAI COUNTY  
AND RECORDER  
IDAHO

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

## Notice of Public Hearing

The Kootenai County Board of Commissioners will conduct a Public Hearing for the purpose of receiving public comment on the following:

Proposed Kootenai County Ordinance No. 480, which would amend Title 6, Chapter 2, Kootenai County Code to provide for overnight moorage for more than forty-eight (48) hours within any seventy-two (72) hour period at certain County waterways facilities upon issuance of an overnight moorage permit, to define "special uses" of County facilities, to allow special uses of County facilities only upon issuance of a special use permit, and to repeal the permitting requirement for commercial water sports activities; and

A proposed resolution implementing the provisions of Ordinance No. 480 and setting fees as follows:

- Special Use Permit Fee: A base fee of \$250, plus \$1 per person based on expected attendance, as determined by the Director; and
- Facility Reservation Fee: \$25 - \$100 depending on facility size, as determined by the Director.

The Board of County Commissioners will conduct a public hearing for the purpose of hearing public comment on this matter at **2:00 p.m.** on **Tuesday, February 10, 2015** in the Commissioners' Board Room, located on the Third Floor of the County Administration Building, 451 N. Government Way, Coeur d'Alene, Idaho. Written comments may be sent to the Board of County Commissioners at P.O. Box 9000, Coeur d'Alene, Idaho 83816-9000.

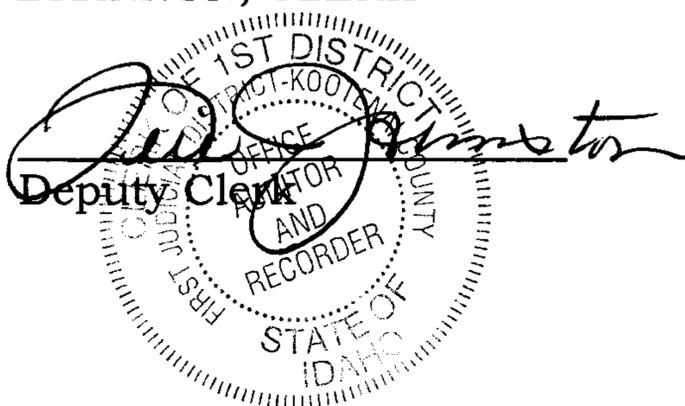
KOOTENAI COUNTY  
BOARD OF COMMISSIONERS



David Stewart, Chairman

ATTEST:  
JIM BRANNON, CLERK

By:

  
Deputy Clerk  


Publication Dates: 1/26/15; 2/2/15

Wed, Jan 21, 2015  
16:46:06  
1 of 1

Coeur d'Alene Press  
P.O. Box 7000  
Coeur d'Alene, ID 83816  
Phone (208) 664-8176  
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County Commissioners

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KC COMMISSIONERS-LE Split Billed: N  
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Date Entered: January 21, 2015  
Standby Type:  
Rate: IDLEGL  
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COEUR D ALENE ID 83816

Class: 3010 Lines: 71  
Rep: CD HOUSE BLOC Tear Sheets:

Start: January 26, 2015 Stop: February 2, 2015 Issues: 2

Editions: CD01/

DATE	DAY	EDITION	NET PRICE
01/26/15	MON	COEUR D'ALENE PRESS	54.67
02/02/15	MON	COEUR D'ALENE PRESS	47.71

Price: 102.38  
Other Charges: 0.00  
Total: 102.38

Instructions:

Notice of Public Hearing

The Board of County Commissioners will conduct a public hearing to the purpose of receiving public comment on the following:

Proposed Coeur d'Alene County Ordinance No. 2015-01 which would amend Title 10, Chapter 10, Coeur d'Alene County Code to provide for certain changes to the water fee schedule. The water fee schedule is set forth in the attached ordinance. The Board of County Commissioners will receive public comment on the ordinance at a public hearing to be held on Monday, February 2, 2015 at 7:00 a.m. in the Board of County Commissioners' Board Room, located on the Third Floor of the County Administration Building, 451 N. Government Way, Coeur d'Alene, Idaho. Written comments may be sent to the Board of County Commissioners at P.O. Box 7000, Coeur d'Alene, Idaho 83816-0700.

A proposed ordinance amending the portion of Ordinance No. 2014-01 which is set forth below:

Section 10.10.010: A fee of \$20.00 plus 1% per person shall be assessed for each person who is determined to be a contractor.

Public Hearing For: 2015-01, regarding the portion of Ordinance No. 2014-01 which is set forth below:

The Board of County Commissioners will conduct a public hearing for the purpose of receiving public comment on the proposed ordinance. The Board of County Commissioners' Board Room, located on the Third Floor of the County Administration Building, 451 N. Government Way, Coeur d'Alene, Idaho. Written comments may be sent to the Board of County Commissioners at P.O. Box 7000, Coeur d'Alene, Idaho 83816-0700.

COEUR D'ALENE COUNTY BOARD OF COUNTY COMMISSIONERS  
Jesse Stewart, Chairman  
ATTENTION:  
JAN BRANSON, CLERK  
By:  
Jenny Link  
P.O. Box 7000  
JANUARY 21, 2015  
14:00:00

Ad shown is not actual print size

This is proof of production. This is not a receipt

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Kootenai, } ss.

Chantell White being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Monday issue of said newspaper for two consecutive weeks commencing on the 26 day of January 20 15, and ending on the 2 day of February 20 15, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Chantell White. On this 2 day of February in the year of 2015, before me, a Notary Public, personally appeared Chantell White, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Katrina George  
Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.



## Notice of Public Hearing

The Kootenai County Board of Commissioners will conduct a Public Hearing for the purpose of receiving public comment on the following:

Proposed Kootenai County Ordinance No. 480, which would amend Title 6, Chapter 2, Kootenai County Code to provide for overnight moorage for more than forty-eight (48) hours within any seventy-two (72) hour period at certain County waterways facilities upon issuance of an overnight moorage permit, to define "special uses" of County facilities, to allow special uses of County facilities only upon issuance of a special use permit, and to repeal the permitting requirement for commercial water sports activities; and

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Special Use Permit Fee: A base fee of \$250, plus \$1 per person based on expected attendance, as determined by the Director; and

Facility Reservation Fee: \$25 - \$100 depending on facility size, as determined by the Director.

The Board of County Commissioners will conduct a public hearing for the purpose of hearing public comment on this matter at 2:00 p.m. on Tuesday, February 10, 2015 in the Commissioners' Board Room, located on the Third Floor of the County Administration Building, 451 N. Government Way, Coeur d'Alene, Idaho. Written comments may be sent to the Board of County Commissioners at P.O. Box 9000, Coeur d'Alene, Idaho 83816-9000.

MY COMMISSION EXPIRES 8/29/17