

Resolution 2020-_____
Kootenai County Waterways Restricted Zone Designation

WHEREAS, the Kootenai County Board of Commissioners (hereinafter referred to as “the Board”), pursuant to Idaho Code §31-807, is authorized to preserve, take care of, manage, and control county property; and

WHEREAS, the Board is empowered to enact ordinances necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the court and its inhabitants pursuant to IDAHO CONSTITUTION Article XII, section 2 and Idaho Code §§31-714 and 67-7031(3); and

WHEREAS, the *Kootenai County Parks and Waterways Ordinance* provides for the codification of resolutions adopted by the Board of Commissioners as an appendix to the ordinance, Kootenai County Code, Section 6-2-21; and

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

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

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

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

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

Commissioner Duncan:
Commissioner Brooks:
Chairman Fillios:

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 _____ day of _____, 2020.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS

Chris Fillios, Chairman

Leslie Duncan, Commissioner

Bill Brooks, Commissioner

ATTEST:
JIM BRANNON, CLERK

By: _____
Deputy Clerk

DRAFT