

RESOLUTION 2018-35

MOORAGE OF VESSELS AT COUNTY FACILITIES AND NOISE RESTRICTION

WHEREAS, Section 67-7031(3), Idaho Code, authorizes the boards of county commissioners of each county in Idaho to adopt local ordinances with reference to the operation of vessels on any waters within its territorial limits, provided said ordinances are intended to promote or protect the health, safety, and general welfare of its citizenry; and

WHEREAS, pursuant to Section 31-807, Idaho Code, it is the responsibility of the Kootenai County Board of Commissioners to manage the use of facilities owned by Kootenai County, which provide access to waterways and recreational opportunities; and

WHEREAS, the Kootenai County Board of Commissioners has adopted the *Kootenai County Parks and Waterways Ordinance*, Kootenai County Code, Section 6-2-1, *et seq.*; and

WHEREAS, the *Kootenai County Parks and Waterways Ordinance* provides the authority for the Board of Commissioners to adopt by resolution reasonable rules governing the conduct of persons utilizing County facilities, Kootenai County Code, Section 6-2-16(A); and

WHEREAS, the *Kootenai County Parks and Waterways Ordinance* provides the authority for the Board to remove from any County facility any person who violates the Idaho Code, the *Kootenai County Parks and Waterways Ordinance*, and/or any resolution, rule, regulation, term, or condition promulgates pursuant to the provisions of the Ordinance pursuant to Kootenai County Code, Section 6-2-14(A); and

WHEREAS, the Director of the Kootenai County Parks and Waterways Department has recommended that the practice of mooring numerous vessels to a mooring buoy be restricted at County facilities, limiting mooring to two (2) vessels per buoy; and

WHEREAS, the Director of the Kootenai County Parks and Waterways Department has recommended that the practice of rafting any vessels to one another when said vessels are moored to a dock be prohibited at County facilities; and

WHEREAS, the Director of the Kootenai County Parks and Waterways Department has recommended that noise levels at County facilities shall not exceed eight-eight (88 dBa) decibels, measured at the facility property line, between the hours of 10 p.m. and 8 a.m.; and;

WHEREAS, the Board of County Commissioners concurs with the recommendations of the Director of the Kootenai County Parks and Waterways Department.

NOW THEREFORE, BE IT HEREBY RESOLVED that the restrictions identified hereinabove shall become effective upon sufficient public notice and posting of the rules and penalties for violations thereof as required by Section 67-7031(3), Idaho Code, and Section 6-2-16(B), Kootenai County Code.

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

Commissioner Fillios:
Commissioner Bingham:
Chairman Eberlein:

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 _____, 2018.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS

ATTEST:
JIM BRANNON, CLERK

Marc Eberlein, Chairman

By _____
Deputy Clerk

Chris Fillios, Commissioner

Bob Bingham, Commissioner