

247302

Custer County Req. of Custer County Commission

Time 1:25 PM Date 5-16, 2013

Barbara C. Tierney, Clerk
Deputy *Barbara C. Tierney*

ORDINANCE NO. 2013-2

AN ORDINANCE OF THE COUNTY OF CUSTER, STATE OF IDAHO DECLARING NO SWIMMING FROM PUBLIC BOAT DOCKS USED FOR THE PURPOSE OF LOADING OR UNLOADING MOTORIZED BOATS.

WHEREAS, the Board of Commissioners has determined that it is necessary and proper, pursuant to Art. XIII, Section 2 of the Idaho State Constitution and I.C. 31-714, to regulate swimming from public boat docks used for the purpose of loading or unloading motorized boats to promote the public safety, welfare, and orderly use of the waters of Custer County, now therefore:

BE IT ORDERED by the Board of Commissioners of Custer County, Idaho, that:

SECTION I: PROHIBITS ACTS: It shall be unlawful for any person to swim from a public boat dock used for the purpose of loading or unloading motorized boats on the waters of Custer County, Idaho;

SECTION II: PENALTIES: Any person who shall violate the provisions of this ordinance shall be guilty of a misdemeanor and may be punished by a fine not to exceed \$1000 and jail confinement not to exceed 6 months; and

SECTION III: EFFECTIVE DATE: This Ordinance shall become effective upon its passage, approval, and publication pursuant to I.C. 31-715.

PASSED AND APPROVED by the Board of Commissioners of Custer County this 13 day of may, 2013.

Wayne F. Butts
Wayne F. Butts, Chairman



Barbara C. Tierney
Barbara C. Tierney, Clerk

ORDINANCE NO. 26

AN ORDINANCE OF THE COUNTY OF CUSTER, STATE OF IDAHO DECLARING PARASAILING AND CERTAIN BOATING ACTIVITIES UPON THE WATERS OF CUSTER COUNTY BE UNLAWFUL; BE REGULATED; ESTABLISHING PENALTIES, AND PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the Custer County Waterway Chairman has notified the Board of Commissioners that persons in the County are conducting boating and boating related activities upon the waters and lakes of the County that are hazardous and do not promote peace and good order of the inhabitants of the County and other water users;

AND WHEREAS, the Board of Commissioners have determined that it is necessary and proper to regulate certain boating and boating related activities to promote the safety, welfare and good order in the use of the waters of Custer County. That said activities shall be regulated by ordinance; NOW THEREFORE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CUSTER COUNTY, IDAHO:

SECTION I: DEFINITIONS: In this ordinance

1. "Operate" means to navigate or otherwise use a vessel on the waters of Custer County.

2. "Parasail" means a parachute or parachute-like contrivance fastened to a person and towed by a vessel for the purpose of causing the person to become airborne.

3. "Vessel" means every description of watercraft, including a sea plane on the water, used or capable of being used as a means of transportation on water, but does not include divers aids operated and designed primarily to propel a diver below the surface of the water, and non-motorized devices not designed as a means of transportation on water, including inflatable air mattresses, single inner tubes and beach and water toys.

SECTION II: UNATTENDED VESSELS: All vessels not in actual use shall be removed from the shoreline and waters of Custer County unless securely moored at areas designated and approved by the Custer County Waterways Chairman.

SECTION III: PARASAILING: It shall be unlawful for any person to operate a vessel on the waters of Custer County while having in tow a parasail.

SECTION IV: RESTRICTED AREAS: It shall be unlawful for any person to operate, moor or store a vessel on waters of Custer County in any area which has been clearly marked by buoys or some other distinguishing device as a bathing, swimming or other restricted

area. This section shall not apply in the case of an emergency or to patrol or rescue vessels.

SECTION V: PENALTIES: Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and be punished by a fine not to exceed Three Hundred Dollars (\$300.00), and/or imprisonment in the County jail not to exceed Thirty (30) days.

SECTION VI: AUTHORITY-JURISDICTION: This ordinance is enacted in accordance with Idaho Code §§ 31-714, 31-715 and 67-7031. This ordinance shall apply to all vessels and persons operating vessels on the waters of and over which Custer County shall have jurisdiction.

SECTION VII: EFFECTIVE DATE: This ordinance shall be in full force and effect on and after its passage, approval and publication according to law.

PASSED AND APPROVED by the Board of Commissioners of Custer County, State of Idaho, this 26th day of June, 1995.

Those voting aye 3. Those voting nay 0.

SIGNED by the Chairman of the Board of Commissioners for Custer County, State of Idaho this 26th day of June, 1995.

Cliff M. Hanson
CHAIRMAN

ATTEST:

Ethel M. Peck
Clerk
BOARD OF COMMISSIONERS
CUSTER COUNTY
IDAHO

209063

Custer County Reg. of

Custer County
10:24 AM

July 12 1995
Ethel M. Peck

Ordinance No. 34

An ordinance of Custer County, Idaho, prohibiting the use of watercraft motors on Stanley Lake during certain hours; establishing penalties; and fixing an effective date.

Recitals

Stanley Lake has historically been used for recreational activities such as camping and fishing and not for motorized aquatic recreation. The Board of County Commissioners of Custer County has determined that it will improve the morals, peace and good order, comfort and convenience of the county and its inhabitants to protect this historical use.

Be it ordained by the Board of Commissioners of Custer County, Idaho:

Section I: Prohibited Acts

It is unlawful for any person to use a watercraft's motor on Stanley Lake after 6:00 p.m. or before 10:00 a.m except: (a) persons using a watercraft's motor to position the watercraft for activities such as swimming and fishing; (b) law enforcement officers; (c) persons engaged in search and rescue operations; and (d) persons responding to an emergency. Any person who unlawfully uses a watercraft' motor on Stanley Lake is guilty of a misdemeanor and subject to the penalties established in Section II.

Section II: Penalties

Any person who violates Section I may be punished by a fine of not more than \$300 or by imprisonment in the county jail for not more than 6 months, or both.

Section III: Effective Date

This ordinance will go into effect immediately after it is published as required under § 31-715, Idaho Code.

Passed by the Board of Commissioners of Custer County, Idaho, on July 8, 2002. Those voting "aye": 2. Those voting "nay": 0.

Signed by the Chairman of the Board of Commissioners of Custer County, Idaho, on July 8, 2002.

Melodie T. Baker
Chairman of the Board of Commissioners

Attest:

Ethel M. Peck
County Clerk

0225187
Custer County Req. of
Custer County
Time 10:16 A M Date 7-17-2002
Ethel M. Peck, Clerk
Lura Laughlin \$ 0
Deputy

ORDINANCE NO. 9

AN ORDINANCE OF CUSTER COUNTY, IDAHO RELATING TO MARKING OF WATERWAYS IN CUSTER COUNTY; FINDING FACTS; DEFINING TERMS; PRESCRIBING REQUIREMENTS FOR WATERWAY MARKERS; PROVIDING FOR ESTABLISHMENT OF RULES AND REGULATIONS AND LOCATION OF WATERWAY MARKERS AND DOCKS; PROSCRIBING INTERFERENCE WITH WATERWAY MARKERS; PROVIDING FOR CRIMINAL AND CIVIL ENFORCEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS , Idaho Code 39-2528 provides that counties of the State of Idaho after public notice may adopt local ordinances with reference to operation of vessels on waters within its territorial limits; and

WHEREAS the Custer County Waterways Committee, formed under Idaho Code 49-224, having recommended placement of certain markers in the navigable waterways of Custer County; and

WHEREAS a hearing having been conducted after public notice in the official newspaper of the county, NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CUSTER COUNTY, IDAHO:

Section 1. As used herein, "aids to navigation" shall mean bouys, beacons, or other fixed objects in the water which are used to mark obstructions to navigation or to direct navigation through safe channels. "Regulatory markers" shall mean any anchored or fixed marker in the water or anchored platform on the surface of the water other than aids to navigation and shall include but not be limited to bathing beach markers, speed zone markers, information markers, swimming or diving floats, mooring buoys , fishing buoys and ski markers and jumps.

Section 2. All aids to navigation and regulatory markers placed in any navigable waterway in Custer County shall be designed and placed according to any rules for the uniform marking of water areas established by the State of Idaho Department

of Law Enforcement and consistent with the system of aids to navigation prescribed by the United States Coast Guard. Also, due regard shall be given to the system of uniform waterway markers approved by the advisory panel of state officials to the Merchant Marine Council, United States Coast Guard.

Section 3. The Board of Custer County Commissioners may from time to time establish rules and regulations and designate such agents or representatives such as the Custer County Waterways Committee, the Custer County Sheriff's Department or such other qualified and interested group, department, or individual to place in the navigable waterways of Custer County necessary aids to navigation and regulatory markers, to designate restricted area of operation of watercraft, swimming or other uses, and to locate docks and other structures in said waterways.

Section 4. No person shall operate watercraft and no person shall swim, bathe, or otherwise use any restricted water area which has been marked as herein provided except as specified by such markers, aids to navigation and regulatory markers, and no person shall interfere with, move or remove, damage, or moor or fasten a watercraft or other object to an aid to navigation or regulatory marker placed in accordance with the terms of this ordinance.

Section 5. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and subject to the penalties therefor as prescribed by law. In addition, any person damaging or removing any water marker lawfully placed in accordance with this ordinance shall be responsible to the county for all costs and expenses in repairing and replacing said markers including expenses for labor and materials, which amounts shall be immediately payable upon demand by the county.

Section 6. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

PASSED AND APPROVED BY THE BOARD OF CUSTER COUNTY, IDAHO COMMISSIONERS THIS 28 day of JULY, 1977.

Those voting aye 3

Those voting nay 0

SIGNED BY THE CHAIRMAN OF THE BOARD OF CUSTER COUNTY, IDAHO COMMISSIONERS THIS 28 day of JULY, 1977.

CUSTER COUNTY, IDAHO

By *[Signature]*
Chairman

ATTEST:

Maria M. Lallie
Clerk

