

COPY

ORDINANCE NO. 2005- 3

AN ORDINANCE REGULATING THE OPERATION OF WATERCRAFT ON THE PUBLIC WATERS OF ADAMS COUNTY, IDAHO; SETTING FORTH AUTHORITY THEREFORE; PROVIDING CERTAIN DEFINITIONS OF TERMS; PROHIBITING CERTAIN OPERATIONS OF MOTOR-DRIVEN WATERCRAFT; ESTABLISHING SPEED LIMITS WHICH, IF EXCEEDED, SHALL BE PRIMA FACIE EVIDENCE OF PROHIBITED OPERATION; ESTABLISHING RESTRICTED ZONES FOR OPERATION OF WATERCRAFT; FIRES; LITTERING; FIREARMS; FIREWORKS; VANDALISM; BOATER RIGHT-OF-WAY; PRESCRIBING PENALTIES FOR VIOLATIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Adams County Board of Commissioners has determined it to be a necessity to classify "no wake zones" and "no motor-driven watercraft zone" for the protection and safety of the environment and the citizenry of Adams County; and

WHEREAS, the Board of County Commissioners has determined that certain areas are in need of environmental protection from erosion as a result of wakes created by motor-driven watercraft; and

WHEREAS, THE Board of County Commissioners has determined that it is in the best interest of all residents of Adams County that certain areas be designated as "no wake zones";

RESTRICTED ZONES

As used herein, the no wake zone in Adams County is on the Snake River for the length of Hells Canyon Park

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Adams County, Idaho:

SECTION 1. AUTHORITY: This Ordinance shall be known as the "Adams County Parks and Waterways Ordinance." By authority granted to Adams County pursuant to the Constitution of the State of Idaho, Article XII, Section 2, Idaho § 31-714, Idaho Code § 31-806, Idaho Code § 31-807 and by Idaho Code § 67-7031, the Board of County Commissioners of Adams County hereby enact this Ordinance as follows:

SECTION 2. PROTECTION OF THE PUBLIC: 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 watercraft on the public waters of the State of Idaho situated in said Adams County, Idaho. The Board of Commissioners specifically find 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 owned or controlled parks and waterways facilities, including all property directly owned by Adams 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 and United States Forest Service.

SECTION 3. DEFINITIONS: For the purposes of this Ordinance, the following definitions shall be applicable:

- A. "Adult Supervision" shall be defined as having a person age eighteen (18) or over on or in a vessel.
- B. "Firearm" shall be defined as 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, shotgun, B-B guns, pellet guns, paint ball guns, sling shots, cross bows, bow and arrows, or a spear gun.
- C. "Fireplace Area" shall mean a portion of the Park and Waterways facility which is constructed of concrete or metal and which is officially designated by Adams County at the location for having fires at the facility.
- D. "Motor-driven watercraft" shall mean any boat or vehicle of any type which is propelled by any type of motor or machinery.
- E. "Night", for the purposes of this Ordinance, shall mean one (1) hour

after sunset until one (1) hour before sunrise.

- F. "No wake zone" shall mean a designated area where the operation of watercraft must be accomplished at not more than five (5) miles per hour nor more than a four (4") inch wake whichever is greater.
- G. "Personal watercraft" shall mean, for purposes of this Ordinance, a watercraft, powered by a water jet pump, which can be operated by persons sitting, standing, or kneeling.
- H. "Posted area" shall mean an area which is a portion of the waters of Adams County, Idaho, marked with regulatory markers in compliance with Idaho Code § 67-7031 and I.D.A.P.A. 26.66.21 to regulate the actions of watercraft and persons in such marked portions of the waters.
- I. "Public waters" shall mean any river, lake, or other body of water within Adams County, Idaho, other than those which are entirely privately owned, regardless of navigability.
- J. "Shoreline" shall mean 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.
- K. "Vessel" shall mean 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.
- L. "Wake" shall mean the visible track of turbulence created by watercraft moving through the water.

SECTION 4. BASIC RULE: It shall be unlawful for any person to operate any type of vessel or watercraft on the public waters within Adams County, Idaho, in a negligent manner having due regard to the actual and potential hazards then existing, or any rate of speed greater than stated herein, or will permit, in the exercise of reasonable care, to bring said watercraft to a stop within the

assured clear distance ahead.

SECTION 5. LIMITS: Specific speed limits for all the public waterways within Adams County, Idaho are as follows:

- A. Within two hundred (200') feet of any shoreline or any dock, pier, other structure, or any person in the water, will be designated as a no-wake zone or five (5) miles per hour. This section shall not apply to any vessel having in tow or otherwise assisting a person on water skis, aquaplane, or similar contrivance.
- B. 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, or in excess of five (5) miles per hour or no wake within one hundred (100') feet of the shoreline, dock, pier, other structure, or person in the water, and no more than fifteen (15) miles per hour within fifty (50') feet of another vessel.
- C. **EXCEPTIONS:** This section shall not apply to any motor-driven watercraft being operated under emergency conditions or by an authorized agent of any law enforcement agency of the State of Idaho, or the United States of America, or any political subdivision, while said agent is acting in the performance of his duties.

SECTION 6. EXCEPTIONS TO LIMITS: Specific speed limits for the Snake from Hells Canyon Park South to Oxbow Dam and on Oxbow Reservoir from Eagle Island to Brownlee Dam are as follows:

- A. During the day when the speed is not otherwise regulated, the speed limit shall be reasonable and prudent, but not in excess of thirty-five (35) miles per hour, except as provided in subsection 6(c).
- B. At night, the speed limit shall be twenty (20) miles per hour.
- C. 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, nor in excess of five (5) miles per hour within a "no wake" zone, nor in excess of five (5) miles per hour within one hundred (100) feet of the shoreline, dock, pier, other structure, or person in the water, and no more than fifteen (15) miles per hour within fifty (50) feet of another vessel.
- D. **EXCEPTIONS:** This section shall not apply to any motor-driven watercraft being

operated under emergency conditions or by an authorized agent of any law enforcement agency of the State of Idaho, or the United States of America, or any political subdivision, while said agent is acting in the performance of his duties.

SECTION 7. RESTRICTED ZONES: The Board of County Commissioners, by resolution, may designate or repeal the designated zones of a specific area or areas on the public waterways of Adams County as restricted zones. The zones are defined as follows:

- A. **“No wake Zone”** is defined as an area that limits the speed of any watercraft to a speed that will produce no wake as defined in subsection 3(f) above.
- B. **“Restricted personal watercraft zone”** is defined as an operational zone for personal watercraft on any waters within Adams County, Idaho. A restricted personal watercraft zone, also known as a personal watercraft operational 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) distance from shoreline.

SECTION 8. RESTRICTED ZONES - VIOLATIONS: It shall be unlawful to operate a watercraft, personal watercraft, vessel within any of the restricted zones in a manner that is contrary to the restrictions as set forth in the resolution passed by the Adams County Board of Commissioners.

SECTION 9. ADULT SUPERVISION/AGE RESTRICTIONS:

- A. It shall be unlawful to allow the operation of a motor driven watercraft by a person under the age of ten (10) 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 apply to the operation of personal watercraft.

SECTION 10. ELUDING A PEACE OFFICER - FAILURE TO YIELD:

- A. Any person operating a vessel who willfully flees or attempts to elude a pursuing police vessel, when given a visual or audible signal to bring the motor-driven watercraft to a stop, shall be guilty of a misdemeanor. The signal given by a peace officer may be by emergency lights or siren.

A person convicted of a violation of the provisions of this section shall be punished by imprisonment in the county jail for a period of not more than ninety (90) days, or by a fine of not more than Three Hundred Dollars (\$300.00), or by both fine and imprisonment. On a second or subsequent conviction, that person may be punished by imprisonment for not more than six (6) months, or by a fine of not more than Three Hundred Dollars (\$300.00), or by both fine and imprisonment.

- B. Upon the immediate approach of any authorized emergency or police vessel making use of an audible or visible signal, the driver or every other vessel or watercraft shall yield the right-of-way and stop, remaining in that position until the authorized emergency or police vessel has passed, except when otherwise directed by a peace officer.

The driver of the vessel shall yield to the authorized emergency or police vessel by turning their vessel or watercraft in a manner that is parallel to the direction of the emergency or police vessel and stopping.

SECTION 11. PARKING OF MOTOR VEHICLES AND TRAILERS:

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

SECTION 12. FIRES: Fires will be allowed only in concrete or metal fireplace areas provided by the County, or in barbecue grills which stand off the ground a minimum of thirty inches (30"). It is prohibited to start a fire without taking necessary measures to prevent its spreading, or to leave a fire unattended. Fires in any other location or improperly attended will make the user thereof subject to misdemeanor penalties provided for by this Ordinance and costs of extinguishing fires.

SECTION 13. FIREARMS: No person shall discharge any firearm within or into any County park or public boat launch or other Parks or Waterways facility owned, operated or maintained by Adams County. It shall not be a violation of this Ordinance to discharge a firearm while waterfowl

hunting from a dock in compliance with Idaho Department of Fish and Game regulations.

SECTION 14. FIREWORKS: No person shall possess or use any form of fireworks or explosives on or upon County property or on any public easement under County control unless prior written authorization is obtained from the Adams County Board of Commissioners.

SECTION 15. VANDALISM: Intentional destruction or vandalism to County property or to public easements under County control is prohibited. To remove, destroy, mutilate, modify, or deface any building or other structure, water control device fence, gate poster, notice, sign, survey, or section marker, or any object of archeological, geological, or historical value of interest is prohibited. In addition to misdemeanor penalties, person(s) shall be subject to payment of the repair and replacement costs of property damaged or destroyed.

SECTION 16. BOATER RIGHT-OF-WAY: All persons using docks primarily placed for boat use shall not interfere with boats approaching or departing dockage.

SECTION 17. IMPOUNDMENT:

- A. The Adams County Sheriff's Department 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 Adams 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 following the arrest of the operator.
- B. Whenever an authorized officer impounds a vessel or a trailer pursuant to the provisions of this Ordinance or pursuant to State law, the Adams County Sheriff's Department shall substantially comply with the provisions of Title 49, Chapter 18 of the 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 post storage hearing.

SECTION 18. FACILITY RESTRICTIONS:

- A. The Board of County Commissioner shall have the authority to adopt all reasonable rules and regulations governing the conduct of persons utilizing Adams County Parks and Waterways 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, no diving or swimming from a dock or pilings, no alcoholic beverages in possession, no glass containers on beaches or in swim area or parks, setting hour of use of

the facility and designating trails as restricted access/non-motorized vehicles allowed.

- B. The rules and regulations governing a Parks and Waterways facility shall be posted in such a manner to be visible to the general public utilizing the facility.
- C. It shall constitute a misdemeanor to violate the duly adopted and posted rules and regulations governing conduct at a Parks and Waterways facility.

SECTION 19. PENALTIES: The violation of any provision of this Ordinance shall be a misdemeanor. Each instance of such violation shall constitute a separate offense.

SECTION 20. MARINE EVENT PERMIT:

- A. The provisions of this Ordinance shall not apply to motor-driven watercraft operating under a permit pursuant to Idaho Code § 67-7030 after approval of a Marine Event Permit application by the Sheriff, as long as the vessel is being operated within the conditions of the permit. The provisions of this Ordinance may be waived only after approval by the Sheriff of Adams County.
- B. It is a violation of this Ordinance to fail to operate a vessel pursuant to the terms and conditions imposed by a Marine Event Permit.

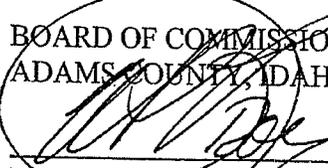
SECTION 21. SEVERABILITY: If any of the provisions or sections of this Ordinance or the application thereof to any person or circumstance is held by any court to be invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or sections.

SECTION 22. EFFECTIVE DATE: This Ordinance shall be in full force and effect upon its passage and publication in The Record, a newspaper of general circulation within Adams County, Idaho.

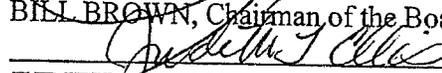
APPROVED by the Adams County Board of Commissioners on the 23rd day of

May, 2005.

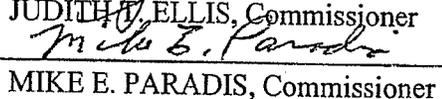
BOARD OF COMMISSIONERS
ADAMS COUNTY, IDAHO



BILL BROWN, Chairman of the Board

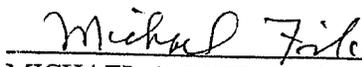


JUDITH V. ELLIS, Commissioner



MIKE E. PARADIS, Commissioner

ATTEST:



MICHAEL A. FISK, Clerk of the Board