

AN ORDINANCE RELATING TO THE SAFETY OF SWIMMERS, BOATERS, WATER SKIERS AND OTHERS ON THE WATERS OF BENEWAH COUNTY, IDAHO.

PROVIDING FOR THE TITLE OF SAID ORDINANCE; PROVIDING FOR PROHIBITION ON THE OPERATION OF ANY MOTOR POWERED CRAFT OTHER THAN IN COMPLIANCE WITH THIS ORDINANCE; PROVIDING FOR THE DEFINITIONS OF SAID ORDINANCE; PROVIDING FOR THE PURPOSE OF SAID ORDINANCE; PROVIDING FOR RESTRICTED AREAS; PROVIDING FOR REGULATIONS RELATING TO AGE OF MOTORCRAFT OPERATORS; PROVIDING FOR REGULATIONS RELATING TO THE MANNER OF OPERATION OF MOTOR POWERED CRAFT; PROVIDING FOR REGULATIONS RELATING TO THE TIME AND PLACE OF OPERATION OF MOTOR POWERED CRAFT; PROVIDING FOR REGULATIONS RELATING TO THE SPEED OF MOTOR POWERED CRAFT AND SPECIAL AQUATIC EVENTS; PROVIDING FOR POWERED CRAFT TO YIELD RIGHT OF WAY TO NON-POWERED CRAFT, SWIMMERS, AND DIVERS; PROVIDING FOR A PROHIBITION ON DISPOSAL OF REFUSE INTO WATERS OF BENEWAH COUNTY; PROVIDING FOR DIVERS FLAGS TO BE USED; PROVIDING FOR REGULATIONS RELATING TO SAFETY EQUIPMENT CARRIED BY BOATS; PROVIDING FOR DISPLAY OF BOAT LICENSES; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY OF THE SECTIONS OF THIS ORDINANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. TITLE.

This ordinance shall be known and may be cited as the "Benewah County Boat Regulation Ordinance."

Section 2. GENERAL.

No motor powered craft shall be operated in any of the waters of Benewah County, Idaho, except in compliance with the terms and provisions of this Ordinance. The provisions of this Ordinance relating to the manner and operation of motor powered craft shall apply not only to such craft, but also to any water skier or other person or thing towed by such motor powered craft.

Section 3. DEFINITIONS.

Whenever the following words and phrases appear in this Ordinance, they shall be given the meaning attributed to them by this Section. When not consistent with the text, words used in the present tense shall include the future, the singular shall include the plural, and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates the use of discretion in making a decision.

1. "Motor Powered Craft" is any water borne craft propelled in whole or in part by machinery.
2. "Operator" is every person who is in actual physical control of a motor powered craft.
3. "Buoy Line" is an invisible straight line existing between any two (2) adjacent safety buoys.
4. "Ski Area" shall mean that area reserved for the landing or embarking of motor powered craft drawing skis, surf-board, freeboard or other device ridden on or by any person.
5. "Restricted Area" is any area designated by the Benewah County Commissioners or with their authorization as an area to be set aside for swimming, scuba diving, water skiing or other purpose deemed appropriate by the Benewah County Commissioners and marked with buoys or signs as set forth in this ordinance.

Section 4. PURPOSE

The purpose of this ordinance shall be to provide for the protection of the public health, safety and general welfare and provide regulations relating to the use and operation of boats on the waters within Benewah County, Idaho.

Section 5. RESTRICTED AREAS

The Benewah County Commissioners are authorized and directed to install, or cause or permit to be installed, by property owners on the lakes and waters of Benewah County, appropriately marked safety buoys or signs in the water at points designating appropriate distances from the shores of those lakes or waters, where in the descretion and judgment of said County Commissioners, such markers are required for the safety of the public, and it shall be unlawful to tamper with, tie to, or molest so as to deface or destroy or damage any marker buoy or sign. The Benewah County Commissioners shall have full authority to cause buoys or signs to be altered, changed or removed and shall inspect said buoys or signs and set necessary and Benewah County Boat Regulation Ordinance, page two.

H B
mont

A. Ski areas shall be marked by two or more yellow signs where posted.

B. Restricted (posted) areas are:

1. Railroad Bridge running across Chatcolet Lake
2. All river channels
3. Ramsdale
4. Riverside Resort
5. Cherry Bend Boat Park
6. Butler Bay
7. Potlatch Corporation Complex to the St. Maries River
8. Diamond Landing
9. St. Joe Campground
10. St. Maries River

C. Any boat 27 feet and over shall not operate between Hells Gulch and St. Joe City River Bridge causing a wake nor shall any boats run two or more abreast or follow within one hundred (100) feet of one another.

D. No skiing in the Cherry Bend Boat Park restricted (posted) area shall be permitted except off designated ski docks.

Section 6. OPERATION OF MOTOR POWERED CRAFT-
AGE OF OPERATOR

No motor powered craft shall be operated by any person between the ages of ten (10) and fourteen (14) years of age, unless the power installation is fifteen (15) horsepower or less, except under the direct supervision of an adult operator in the craft alongside said child. In any event, no child under ten (10) years of age shall operate a motor powered craft except under the direct supervision of an adult operator in the craft alongside said child.

Benewah County Boat Regulation Ordinance, page three.

AA
CENT

A. Ski areas shall be marked by two or more yellow signs where posted.

B. Restricted (posted) areas are:

1. Railroad Bridge running across Chatcolet Lake
2. All river channels
3. Ramsdale
4. Riverside Resort
5. Cherry Bend Boat Park
6. Butler Bay
7. Potlatch Corporation Complex to the St. Maries River
8. Diamond Landing
9. St. Joe Campground
10. St. Maries River

C. Any boat 27 feet and over shall not operate between Hells Gulch and St. Joe City River Bridge causing a wake nor shall any boats run two or more abreast or follow within one hundred (100) feet of one another.

D. No skiing in the Cherry Bend Boat Park restricted (posted) area shall be permitted except off designated ski docks.

Section 6. OPERATION OF MOTOR POWERED CRAFT-
AGE OF OPERATOR

No motor powered craft shall be operated by any person between the ages of ten (10) and fourteen (14) years of age, unless the power installation is fifteen (15) horsepower or less, except under the direct supervision of an adult operator in the craft alongside said child. In any event, no child under ten (10) years of age shall operate a motor powered craft except under the direct supervision of an adult operator in the craft alongside said child.

#18
CONF

Section 7. OPERATION OF MOTOR POWERED CRAFT-GENERAL

No person shall operate any motor powered craft other than in a careful and prudent manner and in compliance with the terms of this ordinance, nor in such a manner or at such rate of speed as to endanger or likely endanger any person or property, nor by any person who is under the influence of or affected by the use of liquor or drugs; no motor powered craft shall be operated at a speed greater than is reasonable and proper under the conditions at the time and place of operation, taking into account the amount and character of traffic, size of the waters, and freedom from obstructions of view ahead, except, however, in no event shall speed be in excess of the various maximum speeds set forth herein.

Section 8. OPERATION OF MOTOR POWERED CRAFT-MANNER, TIME AND PLACE OF OPERATION

No motor powered craft shall be operated by any person:

1. Within any swimming area designated as such as provided in this ordinance, or within fifty (50) feet of any buoy marking such swimming area.
2. Within any restricted area in excess of seven (7) miles per hour and no wake.
3. Within any restricted area while towing any person, ski, surfboard, freeboard, or other device.
4. At a speed in excess of seven (7) miles per hour and no wake.
 - a. Within one hundred (100) feet of any shoreline of any lake;
 - b. Within fifty (50) feet of any swimmer, or within fifty (50) feet of any diver displaying a floating diver's flag or within fifty (50) feet of any row boat, fishing boat or other water craft.
5. During the period from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise unless said craft

Handwritten signature/initials

is equipped with running lights consisting of a red port light and a green starboard light visible for a distance of one hundred (100) yards, and a stern light, white in color, and visible for a distance of one hundred (100) yards.

6. While towing a skier, freeboard, surfboard, or other person or object unless in addition to the operator there is at least one (1) other occupant of the age of at least ten (10) years, maintaining a constant observation of the person or object being towed.

7. Unless such motor powered craft shall be equipped with a muffler or other similar device to prevent excessive or unusual noise (85 decibels) and smoke.

Section 9. SPEED AND SPECIAL AQUATIC EVENTS

Speed limits on waters located in Benewah County, Idaho, shall be as follows:

1. No motor-powered craft shall exceed a speed of more than fifty (50) miles per hour on any waters within Benewah County, Idaho, except for craft participating in special aquatic boating events. Participation in such events shall be authorized as to the, location and type of equipment used by the Board of Benewah County Commissioners and the Sheriff of Benewah County; a permit to hold such events shall be obtained from the Benewah County Sheriff's department, signed by the Sheriff and brought before the Board of Benewah County Commissioners for final approval. Included on the permit shall be the representation that ambulance with trained attendant shall be present throughout the entire event. Fee for obtaining said permit shall be paid to the Sheriff's Department in the amount of Twenty Dollars (\$20.00). Permit shall be valid for no longer than twenty-four (24) hours.

2. A twenty-five (25) mile per hour speed limit shall be in effect at all times from the area known as the Cherry Bend Boat Park to the area known as the St. Maries Plywood Mill.

Handwritten signature

from the area known as the St. Maries Plywood Mill to the St. Maries River.

4. From one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise the maximum speed shall be 35 M P H

Section 10. RIGHT OF WAY

Motor powered craft shall at all times yield the right of way to non-powered craft, swimmers, and scuba divers.

Section 11. DISPOSAL OF REFUSE

It shall be unlawful to discharge any type of sewage, garbage or other refuse in the waters of Benewah County from any boat or floating craft.

Section 12. DIVERS, SNORKELERS

Divers, snorkelers or scuba divers while diving in waters outside restricted areas shall use a floating diver's flag which is red with a diagonal stripe; boats accompanying snorkelers or scuba divers must display a diver's flag.

Section 13. SAFETY EQUIPMENT

All boats shall have on board when it is in operation upon any water located within Benewah County at least one (1) U. S. Coast Guard approved personal floatation device for each person on board and being towed by said boat, said personal floatation device must be located within the boat where it is readily accessible to the occupants; all water skiers shall wear a U. S. Coast Guard approved life belt or life jacket while water skiing.

Section 14. DISPLAY OF LICENSES

All boat licenses shall be conspicuously displayed on the transom starboard side of boat.

Section 15. VIOLATION

Any violation of this ordinance shall constitute a misdemeanor and shall be punishable as such.

Section 16. SEVERABILITY

If any provision or section of this ordinance or the

#18
2015

*court having jurisdiction over the county to be invalid or un-
'constitutional, such decision shall not affect the validity of
the remaining provisions or Sections.

Section 17. EFFECTIVE DATE

This ordinance is necessary for the immediate protection
of the public welfare and shall take effect on the 25th day of
June, 1979, and be in full force upon its passage, approval
and publication in one (1) issue of the St. Maries Gazette Record,
a newspaper of general circulation within the county, and published
and printed at St. Maries, Idaho, 83861.

Passed upon a roll call vote and duly enacted an
Ordinance of Benewah County, State of Idaho, at a regular meeting
of the Board of County Commissioners held on Monday, the 25th
day of June, 1979, at 10:00 o'clock Am.

BOARD OF COUNTY COMMISSIONERS OF
BENEWAH COUNTY, IDAHO

By: Jack A. Buell
Chairman

[Signature]
Member

[Signature]
Member

ATTEST:

[Signature]
Clerk

Publication Date: June 28, 1979

RECEIVED

145460

Book 154 - Page 3327

79 JUN 28 9:54

BENEWAH COUNTY CLERK
[Signature] DEPUTY
Benewah County

#18
Cont.

ORDINANCE NO. 44-A

AN ORDINANCE AMENDING ORDINANCE NO. 18, BEING THE ORDINANCE RELATING TO THE SAFETY OF SWIMMERS, BOATERS, WATER SKIERS AND OTHERS ON THE WATERS OF BENEWAH COUNTY, IDAHO, AMENDING SECTION 4. TO RESOLVE A CONFLICT WITH THE U.S. COAST GUARD CONCERNING PLACE FOR DISPLAY OF LICENSE, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENEWAH COUNTY, IDAHO, THAT;

Section 1. AMENDED SECTION.

Section 14. DISPLAY OF LICENSES contained within Ordinance No. 18 be, and the same hereby is stricken in totality amended to read as follows:

Section 14. DISPLAY OF LICENSES.

All boat licenses shall be conspicuously displayed on the transom port (left) side of boat.

Section 2. SEVERABILITY.

If any provision or section of this Ordinance or the application thereof to any person or circumstance is held by any court having jurisdiction over the County to be invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or sections.

Section 3. EFFECTIVE DATE.

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the St. Maries Gazette Record, a newspaper of general circulation within the County of Benewah and the official newspaper thereof, and published and printed at St. Maries, Idaho 83861.

Passed upon a roll call vote and duly enacted for Ordinance of Benewah County, State of Idaho, at a regular meeting of the Board of County Commissioners held on MONDAY, the 10th day

#10
cont

of FEBRUARY, 1986, at 3:00 o'clock p. m.

BOARD OF COUNTY COMMISSIONERS
BENEWAH COUNTY, IDAHO

By Paul A. Duff
Chairman

[Signature]
Member

[Signature]
Member

Attest:

[Signature]
Clerk

Publication Date: 2-19-86

RECEIVED
170015

88 FEB 13 AIO: 28

BEVERLY VALLAND
[Signature] DEPUTY

#18
COTC

ORDINANCE NO. 52

AN ORDINANCE AMENDING ORDINANCE NO. 18, AND CANCELLING AND SUPERCEDING ORDINANCE NO. 44, BEING AN ORDINANCE AND AMENDMENT THERETO RELATING TO THE SAFETY OF SWIMMERS, BOATERS, WATER SKIERS AND OTHERS ON THE WATERS OF BENEWAH COUNTY, IDAHO, AMENDING SECTION 14, TO COMPLY WITH THE NEW 1987 IDAHO BOATING LAWS CONCERNING DISPLAY OF REGISTRATION NUMBERS AND REGISTRATION VALIDATION STICKERS, PROVIDING FOR SEVERABILITY; PROVIDING FOR CANCELLATION AND SUPERCEDING OF ORDINANCE NO. 44; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENEWAH COUNTY, IDAHO, THAT;

Section 1. AMENDED SECTION.

Section 14. DISPLAY OF LICENSES contained within Ordinance No. 18 and amended by Ordinance No. 44 is stricken in its entirety and amended to read as follows:

Section 14. DISPLAY OF REGISTRATION NUMBER AND REGISTRATION VALIDATION STICKERS.

A boat's number must be painted on or permanently attached to each side of the bow (forward half) of the boat and no other number may be displayed thereon. Numbers are to read left to right, be vertical block characters at least 3 inches high, be a color contrasting with the background, be as high above the waterline as practicable, and be maintained in a legible condition. A space or hyphen must separate both the "ID" and the letter suffix from the numerals. Example: ID 123 AA or ID-123-AA.

The color-coded registration validation stickers must be securely affixed to the boat before operation. A validation sticker must be attached to each side of the bow of the boat and must be spaced within six inches of and directly in line with the registration number displayed on each side. Expired validation stickers must be removed from the boat.

#18
Cena

Section 2. SEVERABILITY.

If any provision or section of this Ordinance or the application thereof to any person or circumstance is held by any court having jurisdiction over the County to be invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or sections.

Section 3. CANCELLATION OF ORDINANCE NO.44.

Ordinance No. 44, an Ordinance amending Ordinance No. 18, is hereby cancelled and superceded by this Ordinance.

Section 4. EFFECTIVE DATE.

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the St. Maries Gazette Record, a newspaper of general circulation within the County of Benewah and the official newspaper thereof, and published and printed at St. Maries, Idaho 83861.

Passed upon a roll call vote and duly enacted for Ordinance of Benewah County, State of Idaho, at a regular meeting of the Board of County Commissioners held on Monday, the 9th day of November 1987, at 2 o'clock P.m.

BOARD OF COUNTY COMMISSIONERS
BENEWAH COUNTY, IDAHO

By Jack A. Dull
Chairman

[Signature]
Member

[Signature]
Member

#8
cont.

Attest:

Beverly Vallard
Clerk

Publication Date: 11-18-87

RECEIVED

176460

87 NOV 23 P 1: 23

BEVERLY VALLARD
Kay Satchel DEPUTY
Benevish County *MC*

#18
Cmt

ORDINANCE NO. 59

AN ORDINANCE OF THE COUNTY OF BENEWAH, STATE OF IDAHO, RELATING TO THE SAFETY OF SWIMMERS, BOATERS, WATER SKIERS AND OTHERS ON THE WATERS OF BENEWAH COUNTY, IDAHO; PROVIDING FOR THE TITLE OF SAID ORDINANCE; PROVIDING FOR THE PURPOSE OF SAID ORDINANCE; PROVIDING FOR THE PROHIBITION OF THE OPERATION OF ANY WATERCRAFT OTHER THAN IN COMPLIANCE WITH THIS ORDINANCE; PROVIDING FOR THE DEFINITIONS OF SAID ORDINANCE; PROVIDING FOR RESTRICTED AREAS; PROVIDING FOR REGULATIONS RELATING TO AGE OF MOTORBOAT OPERATORS; PROVIDING FOR REGULATIONS RELATING TO THE TIME AND PLACE OF OPERATION OF MOTORBOATS; PROVIDING FOR REGULATIONS RELATING TO THE SPEED OF MOTORBOATS; PROVIDING FOR A PROHIBITION OF DISPOSAL OF REFUSE INTO THE WATERS OF BENEWAH COUNTY; PROVIDING FOR REGULATIONS RELATING TO THE USE OF PUBLIC DOCKS; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITIES; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENEWAH COUNTY, IDAHO, THAT;

Section 1. TITLE

This ordinance shall be known and may be cited as the "Benewah County Boat Ordinance."

Section 2. PURPOSE

The purpose of this ordinance shall be to provide for the protection of the public health, safety, and general welfare and to provide regulations relating to the use and operation of watercraft on the waters within Benewah County, Idaho.

Section 3. GENERAL

No watercraft shall be operated on any of the waters of Benewah County, Idaho, except in compliance with the terms and provisions of this Ordinance, and in compliance with all boating laws, rules, and regulations of the "Idaho Safe Boating Act," Title 67, Chapter 75, Idaho Code. The provisions of this Ordinance relating to the manner and operation of watercraft shall apply not only to such craft, but also to any water skier or other person or device towed by such watercraft.

18
cont.

Section 4. DEFINITIONS

Whenever the following words and phrases appear in this Ordinance, they shall be given the meaning attributed to them by this Section. When not consistent with the text, words used in the present tense shall include the future, the singular shall include the plural, and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates the use of discretion in making a decision.

1. "Motorboat" means any vessel propelled by machinery, which is powered by an energy source other than human effort, whether or not such machinery is the principal source of propulsion.

2. "Watercraft" means those devices designed as a means of transportation on water. The following devices are not considered watercraft: diver's aids operated and designed primarily to propel a diver below the surface of the water; and non-motorized devices including inflatable air mattresses, single inner tubes, and beach and water toys not designed as a means of transportation on water.

3. "Operator" is any person who controls the direction or propulsion of any vessel.

4. "Buoy Line" is an invisible straight line existing between two (2) adjacent buoys.

5. "Ski Area" shall mean that area reserved for the landing or embarking of motorboats towing skis, surfboard, freeboard or other device ridden on or by any person.

6. "Wake" is a visible track of turbulence four (4) inches or greater in wave height.

7. "Restricted Area" is any area designated by the Benewah County Commissioners or with their authorization as an area to be designated for swimming, scuba diving, water skiing or any other purpose deemed appropriate by the Benewah County Commissioners

and marked with buoys or signs as set forth in this Ordinance.

8. "Vessel" shall include every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the waters of Benewah County, Idaho.

9. "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

10. "Other Wastes" includes but is not limited to debris, paper, litter, glass or plastic bottles or containers, glass, nails, tacks, hooks, cans, barbed wire, steel barrels, tires, boards, trash, garbage, lighted materials, wood debris, grass clippings, leaves, dead animals, oil, tar, or any other 'pollutants' as defined in the federal water pollution control act, as amended.

Section 5. RESTRICTED AREA

The Benewah County Commissioners are authorized and directed to install, or cause or permit to be installed, by property owners on the lakes and waters, or on shore, of Benewah County, appropriately marked safety buoys or signs in or near the water at points designating appropriate distances from the shores of those lakes or waters, wherein the discretion and judgment of said County Commissioners, such markers are required for the safety of the public, and it shall be unlawful to tamper with, tie to, or molest so as to deface or destroy or damage any marker buoy or sign. The Benewah County Commissioners shall have full authority to cause buoys or signs to be altered, changed or removed and shall inspect said buoys or signs and establish proper regulations as to size, style, marking, etc.

A. Restricted areas that may be posted as "No Wake" areas or with other regulatory signs or markers as deemed necessary by the Benewah County Commissioners are:

1. Railroad bridge over St. Joe River at Lake Chatcolet;
2. All river channels running into or out of an adjacent lake;
3. Ramsdale;
4. Riverside Resort;
5. Cherry Bend Boat Park;
6. Butler Bay;
7. Potlatch Corporation Complex to the mouth of the St. Maries River;
8. Diamond Landing;
9. St. Joe Campground; and
10. St. Maries River.

B. Any motorboat twenty-seven (27) feet in length and over shall not operate on the St. Joe River between the mouth of Hells Gulch Creek and the St. Joe City Bridge or on any portion of the St. Maries River, causing a wake, nor shall any motorboats of that length run two or more abreast or follow within one hundred (100) feet of one another.

C. No skiing shall be permitted in any of the above listed "Restricted" areas that are posted as "No Wake" areas.

Section 6. OPERATION OF MOTORBOATS--AGE OF OPERATOR

No motorboat shall be operated by any person between the ages of ten (10) and fourteen (14) years of age, unless the power installation is fifteen (15) horsepower or less, except under the direct supervision of an adult operator in the motorboat alongside said child. In any event, no child under ten (10) years of age shall operate a motorboat except under the direct supervision of an adult operator in the motorboat alongside the child.

Section 7. OPERATION OF MOTORBOATS--TIME AND PLACE OF OPERATION

No motorboat shall be operated by any person as follows:

~~CONFIDENTIAL~~ # 18
amt

1. Within any swimming area designated and posted as such as provided in this ordinance, or within fifty (50) feet of any buoy marking such swimming area.

2. Within any restricted area posted as a "No Wake" area in excess of five (5) miles per hour and no wake.

3. Within any restricted area posted as a "No Wake" area while towing any person, ski, surfboard, freeboard, inner tube, or other device.

4. At a speed in excess of five (5) miles per hour and no wake when:

- a. Within one hundred (100) feet of any shoreline of any lake; and
- b. Within one hundred (100) feet of any swimmer, or within hundred (100) feet of any diver displaying a floating diver's flag or within one hundred (100) feet of any row boat, canoe, kayak, fishing boat or other watercraft.

5. Unless such motorboat shall be equipped with a muffler or other similar device to prevent excessive or unusual noise (85) decibels and smoke.

Section 8. SPEED AND SPECIAL MARINE EVENTS

Speed limits on waters located in Benewah County, Idaho, shall be as follows:

1. No motorboat shall exceed a speed of more than fifty (50) miles per hour on any waters within Benewah County, Idaho, except for watercraft participating in special marine events. No marine events will be conducted on any waters of Benewah County, Idaho, without a valid permit issued by the Benewah County Sheriff's Office in accordance with Section 67-7030, Idaho Code.

2. A thirty-five (35) mile per hour speed limit shall be in effect at all times during daylight hours on the St. Maries River and the St. Joe River from the mouth of Hells Gulch Creek

[Handwritten signature] # 18
CONT.

upstream to the St. Joe City Bridge - excepting those areas posted as "No Wake" areas.

3. The speed limit on all waters in Benewah County, Idaho, from one hour after sunset to one hour before sunrise shall be twenty (20) miles per hour.

Section 9. DISPOSAL OF SEWAGE OR OTHER WASTES

It shall be unlawful for any person to dump, discharge, or otherwise dispose of any sewage or other wastes from any vessel, from a dock, from a shore or bank, or in any other manner, into or upon the waters of Benewah County, Idaho.

Section 10. USE OF PUBLIC DOCKS

It shall be unlawful for the owner or operator of any watercraft to tie to, or otherwise secure said watercraft to any public dock in Benewah County, Idaho, for a period of time exceeding seventy-two (72) hours.

Section 11. VIOLATION

Any violation of this ordinance shall constitute a misdemeanor.

Section 12. CONFLICTS

All ordinances including Ordinance No. 13 and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 13. SEVERABILITY

If any provision or section of this ordinance or the application thereof to any person or circumstance is held by any court having jurisdiction over the County to be invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or sections.

Section 14. EFFECTIVE DATE.

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the St. Maries Gazette Record, a newspaper of general circulation within the County of Benewah and the official newspaper thereof, and

18
print.

published and printed at St. Maries, Idaho 83861.

Passed upon a roll call vote and duly enacted for Ordinance of Benewah County, State of Idaho, at a regular meeting of the Board of County Commissioners held on MONDAY, the 12th day of JUNE, 1989, at 10:00 o'clock A m.

BOARD OF COUNTY COMMISSIONERS
BENEWAH COUNTY, IDAHO

By Jack A. Duell
Chairman

[Signature]
Member

Member

Attest:

Beverly Vallard
Clerk

Publication Date: 6/21/89

RECEIVED

180902

89 JUN21 AIO: 34

BEVERLY VALLARD
DEPUTY

Beverly Vallard
Benewah County HC

18
print

0202281

95 OCT 19 P 4: 17

Diana Wilson, dep.
BENEWAH County
KAY SATHEE, CLERK n/c
Benewah County

ORDINANCE NO. 86

AN ORDINANCE OF THE COUNTY OF BENEWAH, STATE OF IDAHO, RELATING TO THE SAFETY OF SWIMMERS, BOATERS, WATER SKIERS AND OTHERS ON THE WATERS OF BENEWAH COUNTY, IDAHO; PROVIDING FOR THE TITLE OF SAID ORDINANCE; PROVIDING FOR THE PURPOSE OF SAID ORDINANCE; PROVIDING FOR THE PROHIBITION OF THE OPERATION OF ANY WATERCRAFT OTHER THAN IN COMPLIANCE WITH THIS ORDINANCE; PROVIDING FOR THE DEFINITIONS OF SAID ORDINANCE; PROVIDING FOR RESTRICTED AREAS; PROVIDING FOR REGULATIONS RELATING TO THE SPEED OF MOTORBOATS; PROVIDING FOR A PROHIBITION OF DISPOSAL OF REFUSE INTO THE WATERS OF BENEWAH COUNTY; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITIES; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BENEWAH COUNTY, IDAHO, THAT;

Section 1. TITLE

This ordinance shall be known and may be cited as the "Benewah County Boat Ordinance."

Section 2. PURPOSE

The purpose of this ordinance shall be to provide for the protection of the public health, safety, and general welfare and to provide regulations relating to the use and operation of watercraft on the waters within Benewah County, Idaho.

Section 3. GENERAL

No watercraft shall be operated on any of the waters of Benewah County, Idaho, except in compliance with the terms and provisions of this Ordinance, and in compliance with all boating laws, rules, and regulations of the "Idaho Safe Boating Act," Title 67, Chapter 70, Idaho Code. The provisions of this Ordinance relating to the manner and operation of watercraft shall apply not only to such craft, but also to any water skier or other person or device towed by such watercraft.

Section 4. DEFINITIONS

Whenever the following words and phrases appear in this Ordinance, they shall be given the meaning attributed to them by

this Section. When not consistent with the text, words used in the present tense shall include the plural, and the singular; the word "shall" is always mandatory, and the word "may" indicates the use of discretion in making a decision.

1. "Motorboat" means any vessel propelled by machinery, which is powered by an energy source other than human effort, whether or not such machinery is the principal source of propulsion.

2. "Watercraft" means those devices designed as a means of transportation on water. The following devices are not considered watercraft: diver's aids operated and designed primarily to propel a diver below the surface of the water; and non-motorized devices including inflatable air mattresses, single inner tubes, and beach and water toys not designed as a means of transportation on water.

3. "Operator" is any person who controls the direction or propulsion of any vessel.

4. "Buoy Line" is an invisible straight line existing between two (2) adjacent buoys.

5. "Ski Area" shall mean that area reserved for the landing or embarking of motorboats towing skis, surfboard, freeboard or other device ridden on or by any person.

6. "Wake" is any visible turbulence or breaking wave resulting from the passing of the bow of the vessel through the water.

7. "Restricted Area" is any area designated by the Benewah County Commissioners or with their authorization as an area to be designated for swimming, scuba diving, water skiing or any other purpose deemed appropriate by the Benewah County Commissioners and marked with buoys or signs as set forth in this Ordinance.

8. "Vessel" shall include every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the waters of Benewah County,

Idaho.

9. "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

10. "Other Wastes" includes but is not limited to debris, paper, litter, glass or plastic bottles or containers, glass, nails, tacks, hooks, cans, barbed wire, steel barrels, tires, boards, trash, garbage, lighted materials, wood debris, grass clippings, leaves, dead animals, oil, tar, vehicles or any other matter.

11. "No Wake Zone" is an area that limits the speed of any watercraft to a speed that will produce no visible track of turbulence as the watercraft moves through the water.

12. "Night" shall mean the period between one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise.

Section 5. WATERWAYS SIGNS

The Benewah County Commissioners are authorized and directed to install, or cause or permit to be installed, on the waters, or on the shores, of Benewah County, appropriately marked safety buoys or signs on or near the water at points designated appropriate by the discretion and judgment of said County Commissioners, such markers are required for the safety of the public, and it shall be unlawful to tamper with, tie to, or molest so as to deface or destroy or damage any marker buoy or sign. The Benewah County Commissioners shall have full authority to establish proper regulations as to size, style, marking, etc. of any and all signs or markers. Said Commissioners shall also have full authority to cause any signs or bouys to be altered, changed, placed, or removed at any time or place on the waters of Benewah County.

Section 6. NO WAKE ZONES

The County Commissioners shall approve any and all "No Wake Zones" in Benewah County. Those areas shall be marked as set

forth in Section 5.

No Wake Zones shall be:

1. The channel through the railroad bridge at Lake Chatcolet;
2. All river channels running into or out of an adjacent lake;
3. Cherry Bend boat park;
4. From the east end of Carney Pole Yard in St. Maries, upriver to First Street;
5. At the St. Joe Campground;
6. From the railroad bridge on the St. Maries River, upstream to the Highway Three bridge;
7. At the Sportsman's Access on the St. Maries River;
8. At any marina or boat launch;
9. Within one hundred (100) feet, and beneath any bridge, structure, or overhang; and
10. From Hell's Gulch Creek, upriver, on the St. Joe, or on any portion of the St. Maries river. No motorboat twenty-seven (27) feet in length or over shall operate while causing a wake, nor shall any motorboats of that length run two (2) or more abreast or follow within one hundred (100) feet of another.

Section 7. RESTRICTED AREAS

No motorboat shall be operated by any person as follows:

1. Within any swimming area designated and posted as such as provided in this ordinance, or within fifty (50) feet of any buoy marking such swimming area.
2. Within any area posted as a "No Wake" area, at a speed which produces a wake.
3. Within any "No Wake" zone while towing any person, ski, surfboard, freeboard, inner tube, or other device at more than a "No Wake" speed.

4. At more than a "No Wake" speed when:
 - a. Within one hundred (100) feet of any shoreline of any lake; and
 - b. Within one hundred (100) feet of any swimmer, or
 - c. Within hundred (100) feet of any diver displaying a floating diver's flag, or
 - d. Within one hundred (100) feet of any other watercraft.

Section 8. SPEED

Speed limits on waters located in Benewah County, Idaho, shall be as follows:

1. During the day, when the speed is not otherwise restricted, the speed limit shall be reasonable and prudent, but not in excess of fifty (50) M.P.H.

2. A thirty-five (35) mile per hour speed limit shall be in effect on all rivers within Benewah County during daylight hours, when not otherwise restricted.

3. At night, on all waters within Benewah County, the speed limit shall be twenty (20) miles per hour, unless otherwise restricted.

4. No watercraft shall be operated in a manner that causes a dangerous, or damaging wake.

Section 9. AGE OF OPERATOR

No motorboat shall be operated by any person between the ages of ten (10) and fourteen (14) years of age, unless the power installation is fifteen (15) horsepower or less, except under the direct supervision of an adult operator in the motorboat alongside said child. No child under ten (10) years of age shall operate a motorboat except under the direct supervision of an adult operator in the motorboat alongside the child.

Section 10. DISPOSAL OF SEWAGE OR OTHER WASTES

It shall be unlawful for any person to dump, or to permit another to dump, discharge, or otherwise dispose of any sewage,

wastes or any other matter into or upon the waters of Benewah County, Idaho.

Section 11. USE OF PUBLIC DOCKS

It shall be unlawful for the owner or operator of any watercraft to tie to, or otherwise secure said watercraft to any public dock in Benewah County, Idaho, for a period of time exceeding seventy-two (72) consecutive hours.

Section 12. SPECIAL MARINE EVENTS

No special marine event may be conducted on the waters of Benewah County without a special marine event permit issued by the Benewah County Sheriff's Office in accordance with Section 67-7030, Idaho Code. Participants in special marine events will be exempt from this ordinance to the extent determined by the Benewah County Sheriff's Office and described on the permit.

Section 13. STATE VIOLATION

No person shall operate or permit to operate any watercraft on the waters of Benewah County that is in violation of any Idaho State boating statute or regulation.

Section 14. MUFFLERS

No motorboat shall be operated on the waters of Benewah County, Idaho, without a muffler or other similar device to prevent excessive or unusual noise, (85 decibels) or smoke.

Section 15. SKIING

No person shall operate a watercraft from Cherry Bend, upriver, while having in tow, more than one (1) skier, aquaplane, innertube, or other similar contrivance.

Section 16. INATTENTIVE OPERATION

It shall be unlawful for any person to operate any watercraft or ski or otherwise be towed on the waters within Benewah County, Idaho, in an inattentive, careless, or imprudent manner in light of the circumstances, or in a manner as to endanger any person or property.

Section 17. EMERGENCY CONDITIONS

This Ordinance shall not apply to any watercraft being operated under emergency conditions, or by any authorized agent of any law enforcement or fire agency of the State of Idaho, or of the United States, while said agent is acting in the performance of duty.

Section 18. VIOLATION

Any violation of this Ordinance shall constitute a misdemeanor.

Section 19. REPEAL OF PRIOR ORDINANCES

All ordinances including Benewah County Ordinance No. 13 and No. 59 and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 20. SEVERABILITY

If any provision or section of this ordinance or the application thereof to any person or circumstance is held by any court having jurisdiction over the County to be invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or sections.

Section 21. EFFECTIVE DATE.

This ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the St. Maries Gazette Record, a newspaper of general circulation within the County of Benewah and the official newspaper thereof, and published and printed at St. Maries, Idaho 83861.

Passed upon a roll call vote and duly enacted for Ordinance of Benewah County, State of Idaho, at a regular meeting of the Board of County Commissioners held on Monday, the 10th day

of July, 1995, at 9:00 o'clock A. m.

BOARD OF COUNTY COMMISSIONERS
BENEWAH COUNTY, IDAHO

By Jack A. Druell
Chairman

[Signature]
Member

[Signature]
Member

Attest:

[Signature]
Clerk

Publication Date: 7-19-95

#10
first