

Valley County Board of County Commissioners

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Notice of Public Hearing Valley County Board of Commissioners

American Legion Hall
105 E. Mill Street, Cascade, ID
April 22, 2019
6:00 p.m.

Idaho First Bank
475 Deinhard Lane, McCall, ID
April 23, 2019
6:00 p.m.

Date: March 20, 2019

RE: Proposed Valley County Waterways Ordinance 19-05

The Valley County Board of Commissioners will hold public hearings on the proposed Valley County Waterways Ordinance 19-05. This ordinance would repeal Title 4 Chapter 5 Motorboat Noise; Chapter 6 Powerboating on Warm Lake; Chapter 7 No Wake Zone, Certain Waters; and, Chapter 8 Big Payette Lake Watershed Regulations. It would implement standards for all Valley County Waterways. Specific standards are listed and include age of operators, living aboard vessels, swimmers outside a no-wake area, and that a boat creating a wake larger than 24 inches must be 1,000 feet from the shoreline. It also includes specific standards for Payette Lake, Upper Payette Lake, Little Payette Lake, Granite Lake, Warm Lake, Deadwood Reservoir, and Lake Cascade

A copy of the proposed ordinance is available from the Valley County Clerk's Office or from the website: www.co.valley.id.us/departments/commissioners/meetings-minutes.

Our office would appreciate your comments as a potentially affected agency or interested party regarding the proposed amendment. You may comment in person or by mail, fax, email or phone call. Written comments should be submitted at least seven days prior to the public hearing.

Further information can be reviewed at the Valley County Courthouse located at 219 North Main Street, Cascade, Idaho.

Respectfully,

A handwritten signature in blue ink, appearing to read "Doug Miller".
Doug Miller
Valley County Clerk

ORDINANCE 19-05

AN ORDINANCE OF VALLEY COUNTY, IDAHO, CREATING AN ORDINANCE TO BE ADMINISTERED BY THE VALLEY COUNTY SHERIFF'S OFFICE AND TO BE KNOWN AS VALLEY COUNTY WATERWAYS ORDINANCE THAT INCLUDES PAYETTE LAKE, UPPER PAYETTE LAKE, LITTLE PAYETTE LAKE, GRANITE LAKE, WARM LAKE, DEADWOOD RESERVOIR, LAKE CASCADE AND HORSETHIEF RESERVOIR. THIS ORDINANCE ESTABLISHES REGULATIONS FOR USE OF SAID WATER BODIES IN VALLEY COUNTY, IDAHO IN ORDER TO PROMOTE AND PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE OF CITIZENS AND VISITORS OF THE COUNTY. THIS VALLEY COUNTY WATERWAYS ORDINANCE WILL REPEAL PRIOR ORDINANCES AND ESTABLISHES AN EFFECTIVE DATE.

WHEREAS, the Valley County Board of County Commissioners has determined, through citizen reports and consultation with officials at the State of Idaho Department of Lands, Idaho Department of Parks and Recreation, U.S. Forest Service, U.S. Bureau of Reclamation and with members of the Valley County Waterways advisory committee, that it is in the best interest of the Valley County citizens and guests to institute these regulations; and,

WHEREAS, Residents of Valley County desire to protect the area's water quality as it contributes to tourism, to the overall economic well-being, and to the quality of life enjoyed and appreciated by both residents and visitors; and,

WHEREAS, the Valley County Board of County Commissioners has determined that, in addition to State laws and regulations, the following Ordinance is necessary to promote and protect the health, safety, and general welfare of Valley County residents, visitors, and the general public; and

WHEREAS, the ordinance will not create excessive additional requirements for public facilities and services at public cost.

THEREFORE, let it be ordained as follows:

- Title 4, Chapter 5: Repeal Ord. 78-1 – Insert [Replaced by Title 4, Chapter 9]
- Title 4, Chapter 6: Repeal Ord. 02-3 – Insert [Replaced by Title 4, Chapter 9]
- Title 4, Chapter 7: Repeal Ord. 03-3 – Insert [Replaced by Title 4, Chapter 9]
- Title 4, Chapter 8: Repeal Ord. 08-01 – Insert [Replaced by Title 4, Chapter 9]

Title 4
Chapter 9

VALLEY COUNTY WATERWAYS ORDINANCE

SECTION:

- 4-9-1 Title
- 4-9-2 Purpose
- 4-9-3 Authority
- 4-9-4 Enforcement
- 4-9-5 Definitions

- 4-9-6 General Penalty
- 4-9-7 Regulations for All Waters in Valley County
- 4-9-8 Regulations on Certain Waters in Valley County

4-9-1 TITLE

This chapter shall be known and may be cited as the VALLEY COUNTY WATERWAYS ORDINANCE.

4-9-2 PURPOSE AND DEFINED WATERWAYS

A. The general purpose of this chapter is to promote and protect the health, safety and general welfare of the public, to enhance boating and other uses; to protect public and private property; and to protect the natural environment and quality of the public waters of Valley County.

B This Ordinance includes PAYETTE LAKE, UPPER PAYETTE LAKE, LITTLE PAYETTE LAKE, GRANITE LAKE, WARM LAKE, DEADWOOD RESERVOIR, and LAKE CASCADE. This Valley County Waterways Ordinance which will repeal ordinances Title 4, Chapter 5 Ord. 78-1, Title 4, Chapter 6 Ord. 02-03, Title 4, chapter 7 Ord. 03-3, and Title 4, Chapter 8 Ord 08-01 and establishes an effective date.

4-9-3 AUTHORITY. The provisions of this chapter are enacted pursuant to the general authority granted to the Board of County Commissioners by the Idaho Constitution, Article XII, Section 2, and Idaho Code Sections 31-714, 31-807, and 67-7031.

4-9-4 ENFORCEMENT. All water bodies listed in Title 4-9-2B in Valley County will be subject to the Idaho State Boating Laws under The Idaho State Safe Boating Act, Title 76, Chapter 70, Idaho Code, the Idaho Administrative Procedures Act, IDAPA 26, Title 01, Chapter 30, and U.S. Coast Guard Rules to Inland Navigation, and will be enforced by the Valley County Sheriff's Office. This chapter shall be enforceable by a deputy of the Valley County Sheriff's Office or law enforcement working under the direction of the Valley County Sheriff's Office.

4-9-5 DEFINITIONS. As used in this chapter, the following words and terms shall have the following meanings. Words or terms not defined herein shall have their ordinary meanings.

ADULT - A person over 18.

HOUSEBOAT – A boat designed to live aboard with hook ups for shore powered electrical and sanitation; and that is moored in a fixed permanent spot.

LIVE ABOARD - A boat designed to stay overnight that shall include a place to sleep for each person aboard and includes marine sanitation equipment.

MOTOR DRIVEN VESSEL - A vessel that is driven by a motor.

NARROWS. The west side of the channel between the north basin and the southwest arm of Payette Lake from "Simplot Point" to the south boundary of the settlement at "KP Cove", and on the east side of that same channel from the exposed rocks known as Cougar Island north to the northernmost point of Ponderosa State Park.

NIGHT - One hour after sunset to one hour before sunrise

NO WAKE AREA - A designated area where the operation of watercraft must be accomplished at not more than five (5) miles per hour and where no watercraft shall produce a wake greater than four inches (4") in height or a breaking wake showing whitewater.

NO WAKE SPEED - The slowest speed at which it is possible to maintain steering but not more than five (5) miles per hour. (from the state handbook of safe boating).

OVERNIGHTING - A vessel is deemed "remaining on the waters of Valley County overnight" if the vessel is on any waters of Valley County, not attached to a dock or mooring ball, at 11:00 P.M.

POSTED AREA - An area which is a portion of the waters of Valley County, marked with regulatory markers in compliance with Idaho Code §67-7031, in order to regulate the actions of watercraft and persons.

PUBLIC WATERS - Any river, lake or other body of water within Valley County other than those which are entirely privately owned, regardless of navigability.

VALLEY COUNTY BOARD OF COMMISSIONERS - Governing board of Valley County, Idaho.

VESSEL/WATERCRAFT - 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 as defined in Idaho Code §67-7003(7), 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.

WAKE - A speed that creates white water in the track or path of the vessel, or any waves immediate to the vessel.

WATER SKIING - Any act that involves a person being towed by a motor powered vessel utilizing a tow rope, tow line, training boom, or regardless of device being towed.

WATERWAYS ADVISORY COMMITTEE - The Valley County Waterways Advisory Committee as appointed by the Valley County Board of Commissioners. (Idaho Safe Boating Act, Title 57, Chapter 15, Idaho Code)

4-9-6 GENERAL PENALTY. Any person convicted of a violation of any section or provision of this code, which is designated as a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) plus court costs and fees, or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment for each offense. If the action is designated by state law as a misdemeanor the penalty shall be as set forth in state law. If the action is designated as infraction by state law the penalty shall be as designated in state code. Any section herein not designated as a misdemeanor shall be an infraction and the fine shall be one hundred (\$100.00) with no imprisonment for the first infraction of a specific charge, \$500.00 for the second infraction for that same specific charge, and a misdemeanor for the third citation for the same specific charge issued within one season. If a boater is cited for three citations for the same charge, on Valley County waterways, in a calendar year, that boater shall also be

trespassed from operating a vessel on the waters within Valley County for one year from the date of the conviction for the third violation.

4-9-7 REGULATIONS FOR ALL WATERS IN VALLEY COUNTY:

APPLICABILITY: These regulations apply to any user of Valley County Waterways, except law enforcement officials in their official capacity.

A. DUMPING IN WATERS. It is unlawful to discharge, deposit, abandon, dump, spill, leak, pump, pour, or emit any extraneous matter into the public waters of Valley County, including but not limited to sewage, garbage, refuse, docks, wood, and fuel. Violation of this section shall be a misdemeanor. Operators who are operating vessels which are discharging, dumping, spilling, leaking, pumping, pouring, or emitting extraneous materials into the public waters shall be immediately trespassed from the public waters until the matter is resolved and the vessel no longer discharges, dumps, spills, leaks, pumps, pours, or emits any prohibited material into the public waters.

B. AGE FOR OPERATING A MOTOR VESSEL. It shall be unlawful to operate, or to allow someone to operate, any motor vessel if the operator is under the age of sixteen (16) years of age, EXCEPT operators may operate motor vessels if they are between the ages of twelve (12) and sixteen (16) if they have completed an Idaho Safe Boating Course, have proof of completion of the course on their person, and have an adult on board the motor vessel who is able to immediately take over piloting the motor vessel. The Valley County Sheriff has the authority to waive this requirement if a potential motor vessel operator is participating in an organized, pre-approved, course wherein there is proper supervision, but in no case shall such an operator be younger than twelve (12) years old.

C. LIVE ABOARD ACTIVITIES.

1) It shall be illegal to use a vessel for live aboard activities on any lake or body of water in Valley County unless that vessel is equipped with a holding tank for human waste and has a designated sleeping area for each person on board. It shall be illegal to use any vessel for such live-aboard activities for longer than fifteen (15) days in any thirty (30) day period. Further, vessels may not remain overnight in Duck Bay and/or Divers Cove for more than three consecutive nights.

2) NIGHT TIME OPERATIONS: At night, a vessel shall have at least one person on board the vessel. At night all vessels must be equipped with lighting that complies with U.S. Coast Guard Regulations. All bodies of water within Valley County are considered "NO WAKE" during night time hours.

D. SWIMMERS USING WATERS OUTSIDE A NO WAKE AREA. Any person swimming in an area that lies outside a NO WAKE area shall be accompanied by a vessel or tow a visible physical warning, which will serve as a warning to motorized vessels and other water users that swimming is occurring. The tow or physical warning shall be a Coast Guard approved buoy. A tow or physical warning must also be deployed when swimming in an unmarked NO WAKE zone.

E. WAKE LIMITATIONS. A boat creating a wake larger than twenty-four (24) inches must be one thousand (1,000) feet from the shoreline.

4-9-8 REGULATIONS ON CERTAIN WATERS IN VALLEY COUNTY

A. WARM LAKE

1) POWERBOATING HOURS. It shall be unlawful for any person to operate, or allow to be operated, any watercraft on Warm Lake at such a speed as to create a wake between the hours of six o'clock (6:00) P.M. and eleven o'clock (11:00) A.M. of any day.

2) POSTING. The Valley County Sheriff's Office shall post the public boat ramps on Warm Lake with warning signs which give notice to persons entering the area that there are "Powerboating Hours" set for the lake.

B. LAKE CASCADE

1) NO WAKE ZONE WILLOW CREEK AREA. It is unlawful for any person to operate a vessel on the Willow Creek area leading into SISCRA off the Boulder Creek Arm in such a manner as to create a wake.

2) NO WAKE ZONE BOULDER CREEK ARM: It is unlawful for any person to operate a vessel on the Boulder Creek Arm commencing at the mouth and North in such a manner as to create a wake.

3) POSTING. The Valley County Sheriff's Office shall post the area which is the subject of this chapter with warning signs which give notice to a person entering the area that it is a "NO WAKE ZONE".

C. NORTH FORK OF PAYETTE RIVER, NORTH OF PAYETTE LAKE

1) NO MOTOR DRIVEN VESSEL AREA. It shall be unlawful for any person to operate a motorized vessel on the North Fork of Payette River from its confluence with Payette Lake at North Beach upstream to Upper Payette Lake.

2) POSTING. The Valley County Sheriff's Office shall post the area which is the subject of this chapter with warning signs which give notice to a person entering the area that it is a "NO MOTOR DRIVEN VESSEL AREA".

D. NORTH FORK OF PAYETTE RIVER, NORTH OF LAKE CASCADE

1) NO MOTOR DRIVEN VESSEL AREA.

a) It shall be unlawful for any person to operate a motorized vessel on the North Fork of Payette River from its confluence with Lake Cascade (Fisherman's Bridge at Tamarack Falls) upstream to the dam at the south end of Payette Lake.

b) It shall be unlawful for any person to operate a motorized vessel on the north fork of the Payette River from the area north of the S Bridge at West Roseberry Road

2) POSTING . The Valley County Sheriff’s Office shall post the area which is the subject of this chapter with warning signs which give notice to a person entering the area that it is a “NO MOTOR DRIVEN VESSEL AREA”.

E. PAYETTE LAKE

1) NO WAKE ZONE. It shall be unlawful for any person to operate a vessel on Payette Lake within three hundred (300) feet of the shoreline in such a manner as to create a wake. An exception to the three hundred (300) foot no wake zone shall be from Simplot Point to KP cove and it shall be unlawful for any person to operate a vessel in this area as to create a wake within one hundred (100) feet of the shoreline. Further, it shall be an exception to the three hundred (300) foot no wake zone wherein it shall be unlawful for any person to operate a vessel on Payette Lake creating a wake within one hundred (100) feet surrounding all islands.

2) POSTING. The Valley County Sheriff’s Office shall post the area which is the subject of this chapter with warning signs which give notice to a person entering the area that it is a “NO WAKE ZONE”. In areas where the lake is over 60 feet deep, neither the Valley County Sheriff nor the County shall have a duty to mark the “NO WAKE ZONE”.

F. UPPER PAYETTE LAKE

1) NO WAKE ZONE. It is unlawful for any person to operate a vessel on Upper Payette Lake in such a manner as to create a wake.

2) POSTING. The Valley County Sheriff’s Office shall post the area which is the subject of this chapter with warning signs which give notice to a person entering the area that it is a “NO WAKE ZONE”.

EFFECTIVE DATE: _____

Gordon Cruickshank, Chairman, Valley County Board of County Commissioners

Elting Hasbrouck, Valley County Commissioner

Dave Bingaman, Valley County Commissioner