

Fremont County Waterways Ordinance

Ordinance 2011 - 03

AN ORDINANCE CLOSING CERTAIN WATERWAYS IN FREMONT COUNTY TO ANY AND ALL MOTORIZED WATERCRAFT; RESTRICTING CERTAIN WATERWAYS IN FREMONT COUNTY TO VERY SMALL HORSEPOWER MOTORIZED WATERCRAFT; PROVIDING DEFINITIONS; DESCRIBING THE SECTIONS OF RIVER TO BE SO RESTRICTED; PRESCRIBING THE PENALTY FOR VIOLATION OF THIS ORDINANCE; AND ESTABLISHING THE EFFECTIVE DATE HEREOF.

WHEREAS, Fremont County is authorized by the Idaho Safe Boating Act, I.C. 67-7031, to adopt ordinances with reference to the operation of vessels, including personal watercraft, on any waters within its territorial limits, provided the ordinances are intended to promote or protect the health, safety and general welfare of its citizenry; and

WHEREAS, it is the responsibility of the Fremont County Board of Commissioners (Board) to manage the waterways within its territorial limits to promote or protect the health, safety and general welfare of its citizenry; and

WHEREAS, the Board has determined that certain waterways are in need of protection from the use of motorized vessels and personal watercraft; and

WHEREAS, the Board has determined it to be a necessity and in the best interest of all residents of Fremont County to classify certain sections of the County's waterways as restricted from motorized vessels of any kind, certain sections to be restricted from motorized vessels above certain horsepower ratings, and certain sections to remain unrestricted from the use of motorized vessels and personal watercraft for the protection of the environment and the citizenry of Fremont County;

NOW, THEREFORE, IT IS HEREBY ORDAINED that the following areas shall be designated as restricted zones, and that the following rules, and regulations shall be adopted for certain Fremont County waterways, as follows:

1.01 TITLE AND AUTHORITY. This chapter shall be known as the *FREMONT COUNTY WATERWAYS ORDINANCE*, and by authority of Idaho Code 67-7031, the Board of County Commissioners hereby enacts this chapter.

1.02 CONFLICTING ORDINANCES REPEALED. All conflicting ordinances and resolutions of the County heretofore in force are repealed.

1.03 PURPOSE. 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 vessels on the public waters of the state of Idaho situated in Fremont County. The Board specifically finds 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 waterways located in the County, including, without limitation, all waterways directly owned by Fremont 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, United States Forest Service, city of St. Anthony, city of Ashton, city of Warm River, city of Teton, city of Newdale, or the city of Island Park; or under the authority granted Fremont County by I.C. 67-7031.

1.04 DEFINITIONS.

1.04.010 HORSEPOWER: A measurement of the rated power capacity of a motor, as declared on the motor itself.

1.04.020 JET BOAT OR WATERCRAFT: Any vessel which is propelled by a powerful jet of water created by a specially designed engine or powerplant.

1.04.030 MOTOR DRIVEN WATERCRAFT: Any vessel which is propelled by any type of motor or machinery.

1.04.040 PERSONAL WATERCRAFT: A vessel less than twelve feet (12') in length which uses an outboard or inboard motor powering a water jet pump as its primary source of power and is designed to be operated by a person sitting, standing or kneeling on, rather than in the conventional manner of sitting or standing inside the vessel.

1.04.050 RUNNING WATER: Any brook, stream, creek, canal, river, or other waterway in the territorial limits of Fremont County with a discernible flow or motion of the current, which shall include all associated backwaters, eddies, diversion dam backups, or other parts of the waterway channel.

1.05 RESTRICTED ZONES.

1.05.010 "No jet watercraft or personal watercraft" is defined as an area in which no watercraft, as defined, can be operated under any circumstances. The following waterways are designated as "no jet watercraft or personal watercraft zones:"

- a. All running water, as defined in this ordinance.

1.05.020 "No motor driven watercraft zone" is defined as an area in which no motor of any kind can be used to propel a vessel within the designated boundaries of the area. The following waterways are designated as "no motor driven watercraft zones:"

- a. The Buffalo River, Warm River, and Fall River in their entireties.
- b. Robinson Creek and Conant Creek in their entireties.
- c. The Teton River in its entirety, within the territorial limits of Fremont County.
- d. The Big Springs Outlet from Big Springs to the old Union Pacific trestle bridge.

- e. The Henry's Lake Outlet (known as the Henry's Fork of the Snake River on many pre-2003 maps) from the Henry's Lake Dam to the confluence with the Big Springs Outlet (known as the headwaters of the Henry's Fork of the Snake River).
- f. The Henry's Fork from the Mack's Inn Bridge (US Hwy 20) to McCrea Bridge (Yale Kilgore Road).
- g. The Henry's Fork from the Island Park Dam to Ashton Bridge (US Hwy 20).
- h. The Henry's Fork from the Ashton Dam to the Vernon Bridge.
- i. The Henry's Fork from the northeast corner of the 2nd island upstream of the Fun Farm Bridge, approximately in line with 700 North Road, to the Fun Farm diversion dams.
- j. All other running water, as defined in this ordinance.

1.05.030 "Restricted motor zone" is defined as an area in which the type of motor or the horsepower of a motor which may be used to power a vessel on the water is limited within the designated boundaries of the area. The following waterways are designated as "restricted motor zones:"

- a. 15 horsepower maximum on the Big Springs Outlet (known as the headwaters of the Henry's Fork of the Snake River) from the old Union Pacific trestle bridge to the confluence with the Henry's Lake Outlet (known as the Henry's Fork of the Snake River on many pre-2003 maps).
- b. 15 horsepower maximum on the Henry's Fork from the confluence with the Big Springs Outlet to Mack's Inn Bridge (US Hwy 20).
- c. 15 horsepower maximum on the Henry's Fork from the Vernon Bridge to the northeast corner of the 2nd island upstream of the Fun Farm Bridge, approximately in line with 700 North Road.
- d. 15 horsepower maximum on the Henry's Fork from the Fun Farm diversion dams to the Independent Canal Diversion Dam, east of the St. Anthony Cemetery.
- e. Unrestricted horsepower maximum on the Henry's Fork from the Independent Canal Diversion Dam, east of the St. Anthony Cemetery, to the Fremont – Madison county line.

1.06 EXEMPTIONS. The restrictions of this Ordinance shall not apply to the following users when engaged in authorized activities:

1.06.010 Emergency Services. Emergency services including, but not limited to, police, sheriff, fire, ambulance, and emergency management may at any time and without restriction access Fremont County waterways in the execution of their public service responsibilities.

1.06.020 Irrigation Companies. Irrigation and canal companies may at any time and without restriction access Fremont County waterways for routine and periodic maintenance of the many waterworks installed countywide.

1.07 VIOLATION. It shall be unlawful to operate a vessel in a manner contrary to the restrictions or prohibitions set forth in this ordinance and/or any resolution enacted pursuant to this ordinance while

such resolution is effective and in force. A violation of any provisions of this ordinance shall constitute a misdemeanor.

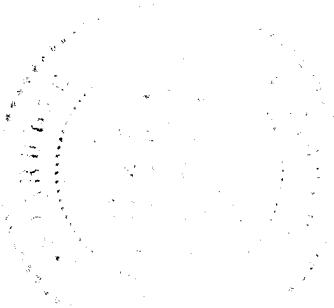
1.08 PENALTIES. Misdemeanor offenses shall be punishable as provided for in Fremont County Ordinances and shall be punishable by not more than a 6 (six) months imprisonment in the County jail, a fine of not less than \$100.00 and not more than \$500.00, or by both such fine and imprisonment. Each instance of any violation of this chapter shall constitute a separate offense.

1.09 SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

1.10 EFFECTIVE DATE. Upon passage by the Board, this ordinance shall become effective immediately upon its publication, as required by law.

APPROVED and ADOPTED this 3rd day of ~~December~~ ^{January, 2011}, 2010:

FREMONT COUNTY BOARD OF COMMISSIONERS



Paul Romrell

Paul Romrell, Chairman

Skip Murt

Ronald "Skip" Murt

LeRoy Miller

LeRoy Miller

ATTEST:

Abbie Mace

Abbie Mace, County Clerk