

ORDINANCE NUMBER 211

BENTON COUNTY, MINNESOTA

WHEREAS, the Benton County Board of Commissioners on its motion instituted proceedings to adopt the following ordinance; and,

WHEREAS, on February 4, 1992, Notice of Public Hearing and Intent to Enact Benton County Ordinance was published in the official newspaper; and

WHEREAS, on February 18, 1992, the Board of County Commissioners held a public hearing thereon and on that date approved the proposed ordinance.

NOW, PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 471.985, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS:

TRESPASSING PROHIBITED

Subd. 1 No person shall enter onto the property of another without the permission of the owner, lessee, or lawful possessor of the property for the purpose of consuming alcohol or controlled substances.

Subd. 2 No person shall bring a motor vehicle onto the property of another without the permission of the owner, lessee, or lawful possessor of the property for the purpose of facilitating the consumption of alcohol.

Subd. 3 The following factors may be considered in determining the intent of the persons entering onto the property without permission:

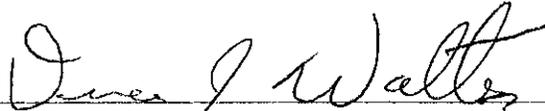
- a. Time of day;
- b. Presence of containers intended to contain or containing alcohol;
- c. Presence of equipment used to dispense alcoholic beverages;
- d. Presence of paraphernalia containing identifiable residues of controlled substances;
- e. Noise level;
- f. Lighting;
- g. Evidence of intoxication or alcohol consumption by individuals on the property;

h. Conduct of persons on the property in the presence of a peace officer;

Subd. 4. Pursuant to Minn. Stat. Section 471.985, violations of this ordinance shall constitute a misdemeanor.

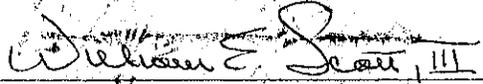
Subd. 5 Express consent by the owner, lessee, or lawful possessor to entry onto the property shall be an absolute defense to charges brought pursuant to this ordinance.

APPROVED AND ADOPTED by the County Board of Commissioners this 18th day of February, 1992.



Duane J. Walter, Chairman
Benton County Board of Commissioners

ATTEST



William E. Scott, III, Clerk



206770

OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND/OR RECORDED ON

FEB 18 1 02 PM '92

ALICE G. ENGELMEYER
COUNTY RECORDER

