

STATE OF MINNESOTA
COUNTY OF BENTON

ORDINANCE NO. 348

AN ORDINANCE REGULATING THE SURFACE USE OF LITTLE ROCK CREEK

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

WHEREAS, on July 23, 2002, notices of public hearing and intent to enact a Benton County ordinance were published in the official newspaper; and,

WHEREAS, on August 20, 2002, the Benton County Board of Commissioners held a public hearing thereon,

NOW, pursuant to the authority vested by Minnesota Statutes, §86B.205, the Benton County Board of Commissioners ordains:

I. PURPOSE, INTENT AND APPLICATION

- A. As authorized by Minnesota Statutes §86B.205, as now in effect and as hereafter amended, this Ordinance is enacted for the purpose and with the intent to control and regulate the use of that portion of the waters of Little Rock Creek described herein;
- B. To promote the fullest use and enjoyment by the public in general, and the citizens of Benton County in particular, of said waterway;
- C. To insure the safety of persons and property on or adjacent to said waters;
- D. To harmonize and integrate the varying uses of said waters;
- E. And to promote the general health, safety and welfare of the citizens of Benton County, Minnesota.

II. DEFINITIONS. For purposes of this ordinance, the following terms have the following meanings:

- A. "Person" means an individual, partnership, corporation, the state and its agencies and subdivisions, and any other legal entity;
- B. "Operate" means to navigate or otherwise use a watercraft;
- C. "Watercraft" means any contrivance used or designed for navigation on water, except: (a) a duck boat during the duck hunting season; (b) a rice boat during the harvest season; or (c) a seaplane;

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- D. "Slow-No Wake" means operation of a watercraft at the lowest possible speed necessary to maintain steerage, but in no case greater than five (5) miles per hour.

III. UNLAWFUL CONDUCT

A. NO WAKE ZONE

No watercraft shall be operated at a speed greater than a Slow-No Wake speed in the following area:

That portion of Little Rock Creek located in Sections 22 and 15 of Township Thirty-Seven (37) North, Range Thirty-One (31) West, between the south edge of the Benton County Road 55 bridge (commonly known as Gordon Bridge), and the Southerly outlet of Little Rock Flowage, DNR protected water I.D. Number 5-12 (commonly known as Harris Channel or No Name Lake).

- B. THESE CONTROLS SHALL BE IN EFFECT 24 HOURS PER DAY, YEAR ROUND.

IV. ENFORCEMENT

The enforcement of this ordinance shall be the primary responsibility of the Benton County Sheriff's Department. However, other licensed peace officers, including conservation officers from the Department of Natural Resources of the State of Minnesota, are not precluded from enforcing the ordinance.

V. EXEMPTIONS

All authorized resource management and emergency and enforcement personnel, while acting in the performance of their assigned duties, are exempt from the foregoing restrictions.

VI. NOTIFICATIONS

It shall be the responsibility of the Benton County Sheriff to provide for adequate notification of the requirements of this ordinance, including:

- A. Placement of a sign at each public watercraft launching facility stating the essential elements of this ordinance;
- B. Placement of necessary buoys and signs marking speed limit areas and no wake zones.

VII. PENALTIES

Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$1000 or by imprisonment of not more than 90 days or both.

VIII. EFFECTIVE DATE

This ordinance shall be effective upon publication.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this 20 day of August, 2002.

BENTON COUNTY BOARD OF COMMISSIONERS


Duane Cekalla, Chair

ATTEST:


Richard Speak, Clerk

MARILYN J. NOVAK
COUNTY RECORDER
BY CK DEPUTY - X V

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

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