

BENTON COUNTY ORDINANCE NO. 353

AN ORDINANCE REGULATING THE USE OF COUNTY PARKS , PROHIBITING CERTAIN CONDUCT THEREIN, AND PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE.

WHEREAS, the Benton County Board of Commissioners, at the request of the Benton County Parks Director, initiated proceedings to consider adopting an ordinance regulating hunting within county parks; and,

WHEREAS, the Board conducted a public hearing to consider adoption of said ordinance on December 3, 2002; and,

WHEREAS, notices of the public hearing were published in the official newspaper of the county on November 5, 2002;

NOW, THEREFORE, THE COUNTY BOARD OF BENTON COUNTY HEREBY ORDAINS:

1. GENERAL PROVISIONS

1.1 Authority

This ordinance is adopted pursuant to Minn. Stat. §398.34.

1.2 The purpose of this ordinance is to provide for the protection and use of county parks in such a manner as will maximize their safe use and enjoyment by the public.

2. DEFINITIONS

2.1 "County Park" means any designated county park, county recreation area or county trail.

2.2 "Hunting" means taking birds or mammals.

2.3 "Taking" means pursuing, shooting, killing, capturing, trapping, snaring, spearing, or netting wild animals, or placing, setting, drawing or using a net, trap, firearm, bow or other device to take wild animals. Taking includes attempting to take wild animals, and assisting another person in taking wild animals.

And / Or

MARILYN J. NOVAK
COUNTY RECORDER
BY Marilyn J. Novak DEPUTY

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

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2.4 "Firearm" means a gun that discharges shot or a projectile by means of an explosive, gas or compressed air.

3. HUNTING PROHIBITED

3.1 It shall be unlawful for any person, while in a county park, to hunt any bird or mammal.

3.2 Notwithstanding Section 3.1 above, it shall not be unlawful for a person to take fish in a county park, as long as the person possesses a license to take fish as provided in Minn. Stat. 97C.301, or is exempted from the State license requirement under Minn. Stat. §§97A.445, 97A.451, or 97A.465.

3.3 Notwithstanding Section 3.1, a person may take animals that, in the determination of the Benton County Parks Director, pose a public safety risk, or constitute a nuisance that may be harmful to park resources, if the Director issues a permit to take said animal or animals, in conformity with the Park Management Plan.

4. ENFORCEMENT

4.1 Any person violating any provision of this ordinance shall be guilty of a misdemeanor, as provided in Minn. Stat. §398.34, Subd. 3.

4.2 Any licensed law enforcement officer, including, but not limited to, officers of the Benton County Sheriff's Department, and conservation officers employed by the Department of Natural Resources, are authorized to enforce the provisions of this ordinance.

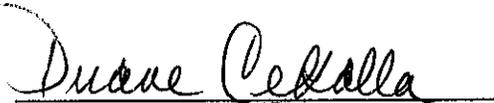
4.3 All fines collected for violations of this ordinance shall be deposited in the county park fund pursuant to Minn. Stat. §398.34, Subd. 3.

5. EFFECTIVE DATE

This ordinance shall become effective upon passage and publication in the official newspaper of Benton County.

Approved and adopted by the Benton County Board of Commissioners this 3rd day of December in the year of 2002.

BENTON COUNTY BOARD OF
COMMISSIONERS



Duane Cekalla, Chair

ATTEST:

Vicki Feuling

Rick Speak, County Coordinator
By Vicki Feuling, County Clerk