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Certified, Filed and or Recorded on
APR. 20, 2006 AT 02:34PM

Signed: BW
MARILYN J NOVAK
BENTON COUNTY MINNESOTA
MARILYN J NOVAK
COUNTY RECORDER

Benton County Ordinance Number 394

An Ordinance prohibiting vehicles except for designated parking lots and travel ways and establishing hours of operation for Bend in the River Regional Park.

WHEREAS, the County of Benton is empowered by Minnesota Statute §398.32, subd. 1, and Benton County Ordinance #355, as amended from time to time, to acquire land for park purposes and to maintain and operate same; and,

WHEREAS, the County of Benton has acquired land and developed and maintains a public park known as Bend in the River Regional Park, which is situated in Watab Township, and is legally described as follows:

North Half of the Northwest Quarter (N ½ of NW ¼); and the Southeast Quarter of the Northwest Quarter (SE ¼ of NW ¼); and Government Lots 1, 2, 3, all in Section 4, Township 37 North, Range 31 West of the Fourth Principal Meridian, Benton County, Minnesota, containing 289 acres, more or less.

WHEREAS, a condition of approval for the recreation facility conditional use permit approved by the Benton County Planning Commission set the hours of operation from dawn to dusk; and,

WHEREAS, there have been incidents of vandalism and destruction of property in addition to the destruction of sensitive environmental features by the use of motorized vehicles on the trails and river bank; and,

WHEREAS, Minnesota Statute §398.34 authorizes the County Board to enact ordinances relating to county parks: and,

WHEREAS, on March 1, 2006, the Benton County Parks Commission unanimously recommended that the Board establish an ordinance prohibiting motorized vehicles and establish hours of operation for the park.

NOW, THEREFORE BY THE AUTHORITY GRANTED BY MINNESOTA STATUTES §398.32 AND §398.34, AND BENTON COUNTY ORDINANCE #355, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS THE FOLLOWING:

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1. That Bend in the River Regional Park shall be closed to the public daily between sunset and sunrise on the following day.
 - a. No persons, other than authorized county personnel or law enforcement officers acting within the scope of their official duties, shall be on park property when the park is closed.
 - b. Vehicles parked on the park property after posted closing hours may be towed (impounded) and stored at the cost and expense of the owner thereof.

2. That motorized vehicles (including but not limited to cars, trucks, snowmobiles as defined by Minn. Stat. §84.81, subd. 3, motorcycles, golf carts, farm machinery, and off-highway vehicles as defined by Minn. Stat. §84.771) shall be prohibited in the park except upon designated roads and parking areas. For the purposes of this ordinance the designated road and parking area are as follows: the access road from County Road 55 that terminates at the gravel covered parking lot, and the gravel covered parking lot that is encompassed within a partial fence. Vehicles parked in areas other than the designated parking lots may be towed (impounded) at the cost and expense of the owner thereof.

3. The above prohibitions shall not apply to vehicles owned, or operated by the County of Benton, and those motor vehicles authorized by the County of Benton, or its employees, when acting within the scope of their employment or those motor vehicles authorized by the County of Benton and acting within in the scope of their authorization to operate beyond the designated roads and parking areas and the time constraints of the Park.

Violations of this Ordinance shall be a misdemeanor and upon conviction thereof shall be punishable by a sentence of not more than 90 days in jail or a fine of not more than \$1000.00 or both.

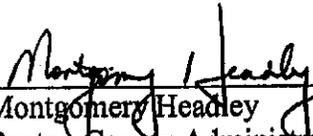
UPON ENACTMENT, THIS ORDINANCE SHALL BE EFFECTIVE UPON THE DATE OF ITS PUBLICATION AS PROVIDED BY LAW.

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS THIS
18th DAY OF April, 2006.

Benton County Board of
Commissioners


Duane Grandy, Chairman

ATTEST:


Montgomery Headley
Benton County Administrator