

STATE OF MINNESOTA
COUNTY OF BENTON

ORDINANCE NO. 233

AN ORDINANCE REGULATING THE SURFACE USE OF THE MISSISSIPPI RIVER

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

WHEREAS, on February 16, 1993 and September 21, 1993, notices of public hearing and intent to enact a Benton County ordinance were published in the official newspaper; and,

WHEREAS, on March 12, 1993 and October 5, 1993, the Benton County Board of Commissioners held public hearings 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 and §471.59, 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 the Mississippi River in Benton County, Minnesota, being located on the border between Stearns County and Benton County, Minnesota, and lying between the Rice Bridge (Benton County #2) and the dam located in Sartell, Minnesota;

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:

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

Oct 19 10 40 AM '93

ALICE G. ENGELMEYER
COUNTY RECORDER

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- A. "Person" includes 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;
- 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. GENERAL SPEED LIMIT

No watercraft shall be operated at a speed in excess of 40 miles per hour on any point of that section of the Mississippi River lying south of the Rice Bridge (Benton County #2) and north of the dam located in Sartell, Minnesota.

B. NO WAKE ZONES

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

1. The area of the Mississippi River lying between the Sartell dam and a point 600 feet north of said dam.
2. That area of the Mississippi River adjacent to the Department of Natural Resources boat landing located at Lots 14 and 15 of the Mississippi View Addition, Section 4, of Sauk Rapids Township, Benton County; specifically, an area defined as the east 100 feet of the Mississippi River lying between a point 200 feet upstream of the launch ramp and a point 200 feet downstream of the launch ramp.
3. That area of the Mississippi River adjacent to the business establishment and boat launching ramp located on that part of Government Lot One (1) in Section Twenty-Seven (27), Township Thirty-Seven (37) North, Range Thirty-One (31) West, Fourth Principal Meridian, lying West of the centerline of the State Aid Road No. 55, lying North of the land described in the deeds recorded in Book 83 of Deeds on page 202 and Book 85 of Deeds on page 91 in the office of the Register of Deeds of Benton County, and lying North and East of Goodhue Creek; specifically, an area

defined as the east 100 feet of the Mississippi River lying between a point 150 feet upstream from the launch ramp and a point 450 feet downstream from the launch ramp at the above-described location.

C. TOWING PROHIBITED

No watercraft towing a person, including a person on water skis, raft, aquaplane, or similar device, shall be operated at any time in a Slow-No Wake zone; except that a watercraft launching or landing a person on such a device may proceed through a Slow-No Wake zone by the most direct route to shore or to open water outside the Slow-No Wake zone.

D. 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 and the Stearns County Sheriff's Department, pursuant to the joint powers agreement entered into by their respective counties. Other licensed peace officers, including conservation officers from the Department of Natural Resources of the State of Minnesota, are also authorized to enforce this 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 and the Stearns 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 \$700 or by imprisonment of not more than 90 days or both.

VIII. EFFECTIVE DATE

This ordinance shall be in effect from and after the date of November 30, 1993.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this

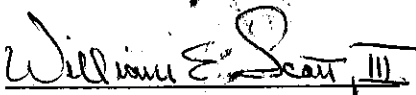
19 day of October, 1993.

BENTON COUNTY BOARD OF
COMMISSIONERS



Mike Moulzolf, Chair

ATTEST:



William E. Scott, III
Clerk