

STATE OF MINNESOTA
COUNTY OF BENTON

ORDINANCE NO. 228

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, notice of public hearing and intent to enact a Benton County ordinance was published in the official newspaper; and,

WHEREAS, on March 2, 1993, the Board of County 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 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:

- 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 WAKES 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 300 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 3 of Sauk Rapids Township, Benton County; specifically, an area defined as the east 150 feet of the Mississippi River lying between a point 200 feet north of the launch ramp and a point 200 feet south of the launch ramp.

C. THESE CONTROLS SHALL BE IN EFFECT 24 HOURS A 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. NOTIFICATION

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 its passage and publication, and the approval by the Commissioner of the Department of Natural Resources pursuant to law.

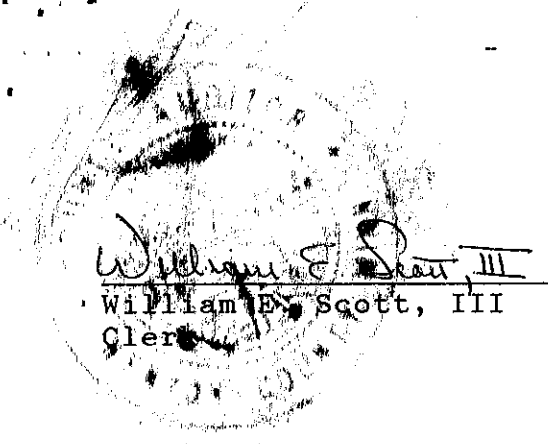
APPROVED AND ADOPTED by the Benton County Board of Commissioners
this 4th day of May, 1993.

BENTON COUNTY BOARD OF
COMMISSIONERS



Mike Moulzolf, Chair

ATTEST:



William B. Scott, III

William B. Scott, III
Clerk

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

MAY 4 4 13 PM '93

ALICE G. ENGELMEYER
COUNTY RECORDER

BY *A. Engelmeier* ~~DEPUTY~~