

BECKER COUNTY RIVER ORDINANCE

Section 1. General Provisions

- A. **Title.** This Ordinance shall be known as the Becker County River Ordinance.
- B. **Purpose.** This ordinance is enacted for the following purposes:
1. To promote and protect the health, safety, and general welfare of persons using and enjoying the rivers throughout the County.
 2. To preserve and enhance the quality of the rivers throughout the County.
 3. To regulate and ensure orderly commercial use of the rivers throughout the County.
- C. **Authorization.** This Ordinance is enacted pursuant to Chapters 375, 394, and 462 of Minnesota Statutes.
- D. **Jurisdiction.** This Ordinance shall apply to all of the area of Becker County outside the limits of incorporated municipalities.

Section 2. Definitions. For the purpose of this Ordinance, certain items and words are defined as follows:

Board. "Board" means the Becker County Board of Commissioners.

License. "License" means a certificate issued by the Board which grants authority to carry on a certain activity or business, subject to the provisions of this Ordinance.

Licensee. "Licensee" means a person, firm, corporation or other entity to whom a license is issued.

Litter Reduction System. "Litter Reduction System" means a system used by a tubing business to reduce or eliminate the deposit of litter or refuse in a river by patrons of the business.

Tube. "Tube" means any flotation device that can be used to transport any person or property on a river, including but not limited to: inner tubes, rafts, kayaks, canoes, boats or other such devices.

Tubing business. "Tubing business" means any person, firm, corporation or other entity operating a business

that furnishes or provides tubes or transportation services to persons for the purpose of floating on a river.

Section 3. Rules and Regulations.

- A. **License required.** No person, firm, corporation or other entity shall maintain, operate or conduct any tubing business without first obtaining a license from the Board.
- B. **Application Fee.** An application for a license shall be made to the County Auditor on forms supplied by the County. The application shall state the applicant's name, address, and telephone number, the name of the business, if different, the legal description, address and telephone number of the premises on or from which the business is to be conducted, any other business operated on or from the same premises, the type of license applied for, a description of all services used in connection with the tubing business, including information as to toilet facilities and dressing rooms, a description of vehicles used to transport persons or property in connection with the business, a complete description of the litter reduction system to be used by the business, and any other information as required by this Ordinance or by the Board.

All applications shall be accompanied by payment in full of the license fee. The annual license fee is established at \$50. The license fee may be modified from time to time by resolution of the Board. All licenses shall expire on the last day of December in each year unless revoked prior thereto. The Board shall review each application and shall not issue a license for any tubing business that does not comply with this Ordinance. No license shall be issued for any tubing business unless the business for which the license is sought has developed a litter reduction system that, in the judgment of the Board, would have a significant effect on the health ordinances, and other laws and regulations.

- C. **Approval or Denial of Application.** The Board shall act to approve or deny an application for a license under this section within a reasonable period of time and in no event shall the Board approve or deny a license later than ninety days from the date that the application was accepted by the County Auditor.

D. Operating Requirements.

1. All tubing businesses shall provide law enforcement officers, firefighters, and ambulance and emergency rescue squads access to all property used in connection with the tubing business to ensure public safety and compliance with this Ordinance.
2. All tubing businesses shall have sufficient dressing/changing rooms and toilet facilities located on the premises to reasonably accommodate customers of the business.
3. No tubing business shall sell, give, dispense, provide, barter, exchange or cause to be sold, given, dispensed, provided, bartered or exchanged any alcoholic beverage.
4. No tubing business shall allow or permit the use or possession of glass or Styrofoam products of any kind on a river.
5. All tubing businesses shall have adequate trash containers located on the premises to reasonable accommodate customers of the business.
6. Each tubing business shall diligently enforce its litter reduction system.
7. A tubing business that provides transportation to its customers shall not allow its customers to gain access to a river except on property owned by the tubing business or used with the permission of the lawful owner or possessor. No such tubing business shall use a public road right-of-way or other public property to allow its customers to gain access to a river.
8. No tubing business shall permit or allow any of its customers to gain access to a river for the purpose of floating after 6:00 p.m.
9. All tubing business shall comply with all federal, state and local laws and ordinances including the Becker County Zoning Ordinances.

Section 4. Violation and Enforcement.

A. **Violation.** Any person, firm or corporation who violates or who fails to comply with any provision of this Ordinance or who makes false statements in any document required to be submitted under the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than 1,000 and/or a jail sentence not to exceed ninety 90 days. Each day that a violation of this Ordinance continues shall constitute a separate and distinct offense and may be punishable as such.

B. **Enforcement.**

1. This Ordinance shall be administered and enforced by the Becker County Sheriff's Office.
2. In addition to any other remedies, this Ordinance may be enforced by injunction or action to compel performance or other appropriate action in District Court to prevent, restrain, correct or abate violations.
3. The Becker County Attorney shall be responsible to prosecute violations of this Ordinance.

Section 5. Effective Date.

A. This Ordinance shall be effective on May 9, 2001.

THE COUNTY BOARD OF BECKER COUNTY, MINNESOTA HEREBY ORDAINS that the attached "Becker County River Ordinance" is hereby enacted and approved this 8 day of May, 2001, by a majority vote of all the members of the County Board.

VOTES: AYE 5

VOTES: NAY _____

Enacted this 9 day of May, 2001, in Detroit Lakes, Minnesota

Caroline Engebretson, Chairperson

ATTEST:

Al Roder
County Administrator