

Ordinance No. 2013-1

AN ORDINANCE GOVERNING THE USE OF THE HURDLAND AND BARING SEVER RECREATIONAL AREAS.

BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF KNOX, MISSOURI AS FOLLOWS:

Section 1:

As used in this Ordinance, the following terms shall mean:

All-terrain Vehicle: Any motorized vehicle with two (2) or more wheels, treads or ski runners designed for use off of paved roads with a seat designed to be straddled by the operator, and handlebars for steering control, but not including lawn care vehicles, construction related equipment, maintenance equipment, farm machinery, golf carts, utility vehicles, and vehicles operated by employees of public agencies in connection with their official duties.

Commissioners: The duly elected and acting Board of Commissioners of the County of Knox, State of Missouri.

County: The County of Knox, State of Missouri

Peace Disturbance: Any conduct or activity defined in and prohibited by Section 474.010 R.S. Mo., the terms by which statute are incorporated herein and made a part hereof by this reference.

Person: Every natural person, firm, co-partnership, association or corporation.

Sever Recreational Area: The following real property devised to the County of Knox, Missouri, under the Last Will and Testament of Henry Edwin Sever, and subsequent court proceedings in the Circuit Court of Knox County, Missouri, to wit:

North Sever Forest Preserve (Baring): 200 acres, more or less, in the South Half (S ½) of Section Seventeen, and 249 acres, more or less, located in Section Twenty (20), all in Township Sixty-three (63) North, Range Eleven (11) West, Knox County, Missouri.

South Sever Forest Preserve (Hurdland): The Southeast Quarter (SE ¼) of Section One (1), Township Sixty-one (61) North, Range Thirteen (13) West, Knox County, Missouri.

Section 2:

The public areas of the Sever Recreational Areas shall be open to the public daily during the hours of 4:00 a.m. up to 10:00 p.m., unless otherwise authorized by permit issued by the Commissioners.

Section 3:

Camping in the Sever Recreational Areas shall be by permit only and only in areas designated by the Commissioners for that purpose.

Section 4:

No person shall operate an all-terrain vehicle or other motor vehicle, within the Sever Recreational Areas except upon the designated parking lots and other designated graveled areas of said premises. Operation of all-terrain vehicles and motor vehicles shall be in strict compliance with the laws of the State of Missouri.

Section 5:

The use of all firearms within the Sever Recreational Areas is hereby prohibited.

Section 6:

The use of all fireworks within the Sever Recreational Areas is hereby prohibited.

Section 7:

No person shall cause a Peace Disturbance within the Sever Recreational Areas.

Section 8:

- a. Hunting: Hunting within the Sever Recreational Areas shall be by permit only issued by the Commissioners only, and shall be by archery. Said permit shall specify the hours during which hunting is to be allowed and the specific areas of the Sever Recreational Areas upon which such hunting is allowed.
- b. Trapping: Trapping of fur bearing animals within the Sever Recreational Areas shall be by permit only issued by the Commissioners. Said permit shall specify the hours during which trapping is to be allowed and the specific areas of the Sever Recreational Areas upon which such hunting is allowed.
- c. All Hunting, Trapping and Fishing within the Sever Recreational Areas, in addition to requiring the permits required herein, shall be in full compliance with all rules and regulations promulgates by the Missouri Department of Conservation.
- d. Anyone found in violation of any Section of this Ordinance may be subject to revocation of all permits issued by the Commissioners hereunder.

Section 9:

Anyone convicted of violating any Section of this Ordinance may be sentenced to a term of imprisonment not to exceed one (1) year, payment of a fine which shall not exceed One Thousand and 00/100 Dollars (\$1,000.00), or any combination of such term of imprisonment and fine.

Section 10:

All users of the Sever Recreational Areas its facilities shall use such premises at their own risk. The County shall not be liable to users, users' employees, agents, invitees, licensees, visitors, or to any other person for injury to person or damage to property on or about the Sever Recreational Areas caused by the negligence or misconduct of users, its agents, servants or employees, or of any other person entering upon the Sever Recreational Areas under express or implied invitation by users, or caused by the physical condition of the building improvements located within the Sever Recreational Areas. All parties making use of the Sever Recreational Areas agree to indemnify and hold harmless the County from any claims, losses, damages, attorney's fees and expenses arising by reason of, or proximately cause by, their use and enjoyment of the Sever Recreational Areas and its facilities.

Section 11:

All users of the Sever Recreational Areas and its facilities shall comply with all county, state and federal laws, statutes, rules and regulations promulgated by said governmental entities and subdivisions hereof.

Section 12:

All other Ordinances of the County of Knox, Missouri, that are in conflict with this Ordinance are hereby repealed.

Section 13:

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of this Ordinance.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE BY THE BOARD OF COUNTY COMMISSIONERS OF KNOX COUNTY, MISSOURI. PASSED THIS 31ST DAY OF MAY, 2013.

Attest: Marlene Spory, County Clerk

Evan Glasgow, Presiding Commissioner

Terry Callahan, Associate Commissioner

Roger Parton, Associate Commissioner