

**AN ORDINANCE AUTHORIZING THE BOARD OF PARK
COMMISSIONERS TO EMPLOY PARK WARDENS**

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1. **RECITALS.** WHEREAS, Gallatin County purchased approximately 100 deeded acres described as Tract 3A of Certificate Survey No. 2202A, located in Section 3, Township 2 South, Range 5 East, P.M.M, for the purpose of providing parks and recreation; and

WHEREAS, on October 5, 2004, the Gallatin County Commissioners pursuant to Mont. Code Ann. § 7-16-2301 *et. seq.*, created a Board of Park Commissioners (Resolution No. 2004-130); and

WHEREAS, Mont. Code Ann. § 7-16-2322(1)(a) provides that the Board of Park Commissioners may (i) make rules to protect and promote the improvement of land and facilities under the care and control of the board, and for the protection of birds and animals inhabiting or frequenting land and facilities in parks and public places, (ii) make rules for the use of land and facilities by the public, and (iii) provide penalties for violations of the rules; and

WHEREAS, Mont. Code Ann. § 7-16-2322(2) provides that the Gallatin County Commission may adopt an ordinance in substantial compliance with the provisions of § 7-5-103 through § 7-5-107 to authorize the Board of Park Commissioners to employ county park wardens to enforce park rules and ordinances; and

WHEREAS, a county park warden is not a peace officer, as defined in Mont. Code Ann. § 46-1-202 and the law enforcement powers of a park warden are limited to issuing citations charging violations of park ordinances and rules.

2. **APPLICABILITY.** This Ordinance shall apply to any parklands under the jurisdiction of the Gallatin County Board of Park Commissioners, including the Gallatin County Regional Park (Tract 3A of Certificate Survey No. 2202A, located in Section 3, Township 2 South, Range 5 East) located in Gallatin County.

3. **AUTHORIZATION TO ISSUE CIVIL CITATIONS:** The Gallatin County Board of Park Commissioners are hereby authorized to appoint park wardens who are hereby authorized

to issue civil citations for violations of any established park rule, resolution, and/or ordinance adopted by the Board of Park Commissioners as stipulated below:

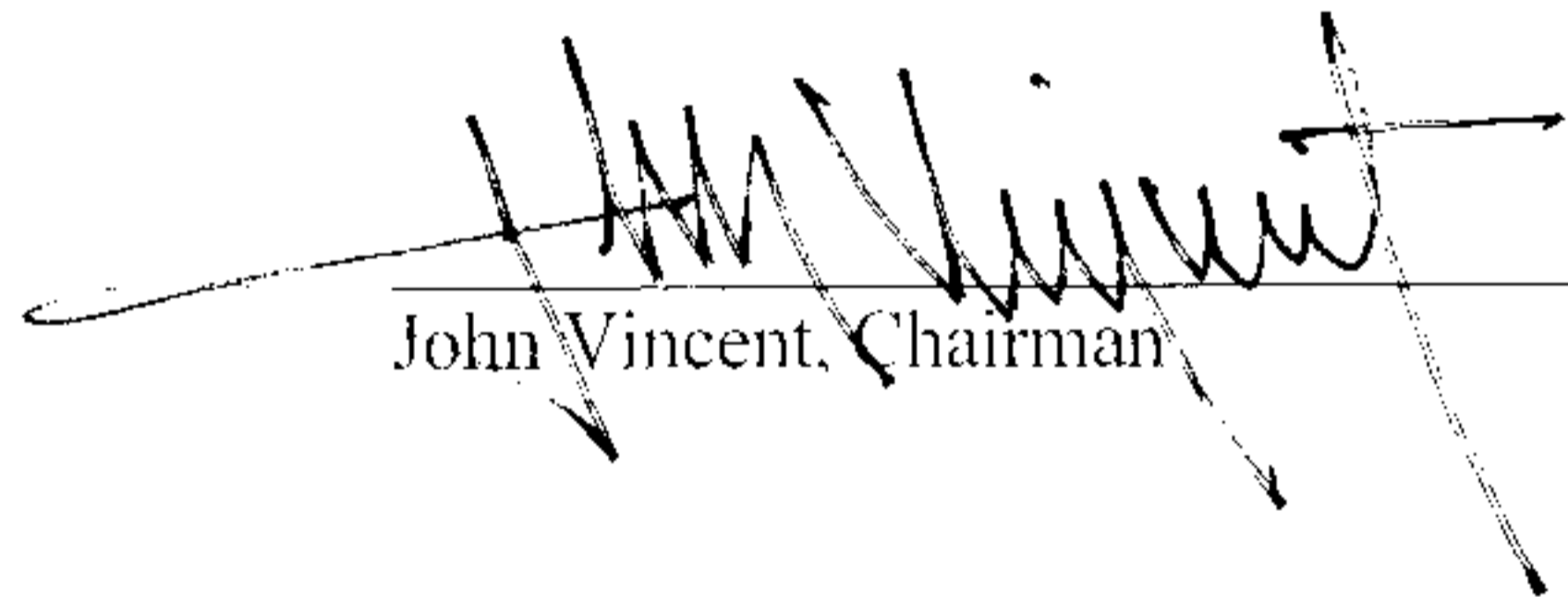
- First offense - \$25.00 fine,
- Second offense - \$50.00 fine
- Third and subsequent offenses - \$100.00 fine.

The Gallatin County Clerk and Recorder shall post a copy of this ordinance and shall make copies available to the public upon 1st Reading and Approval of this ordinance.

This ordinance shall take effect thirty (30) days after its 2nd Reading and Approval.

1st Reading and Approval: May 23, 2006

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY, MONTANA



John Vincent, Chairman

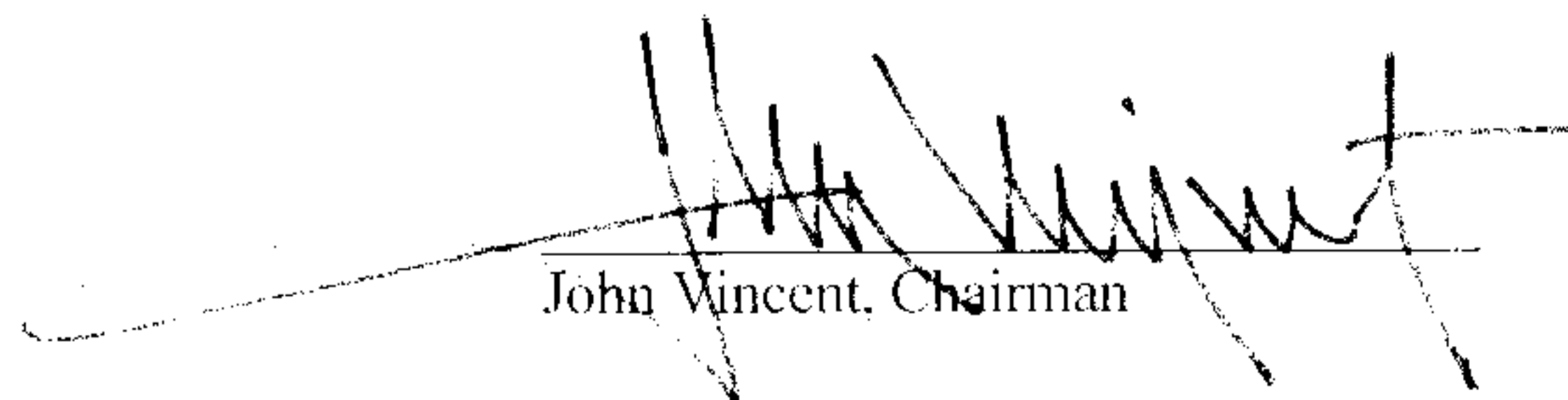
ATTEST:



Shelley Vance
Clerk and Recorder

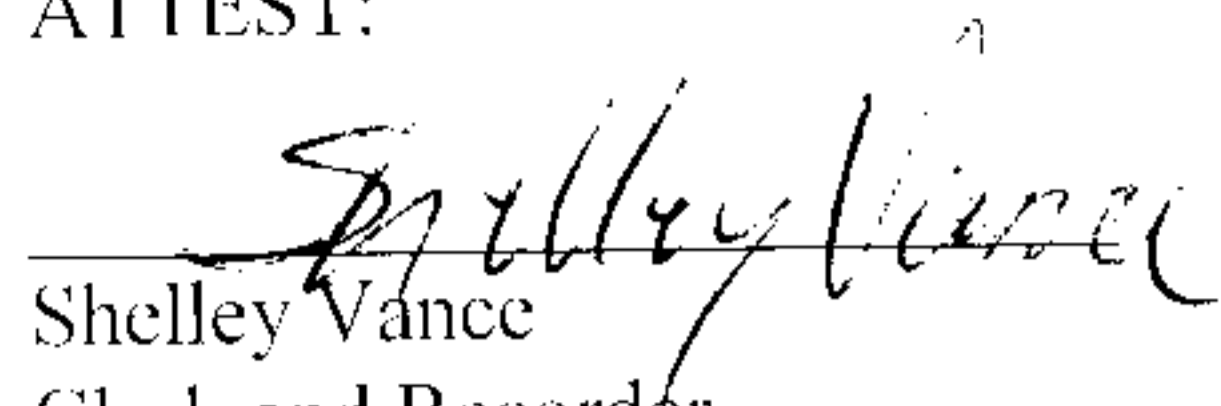
2nd Reading and Approval: June 13, 2006

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY, MONTANA



John Vincent, Chairman

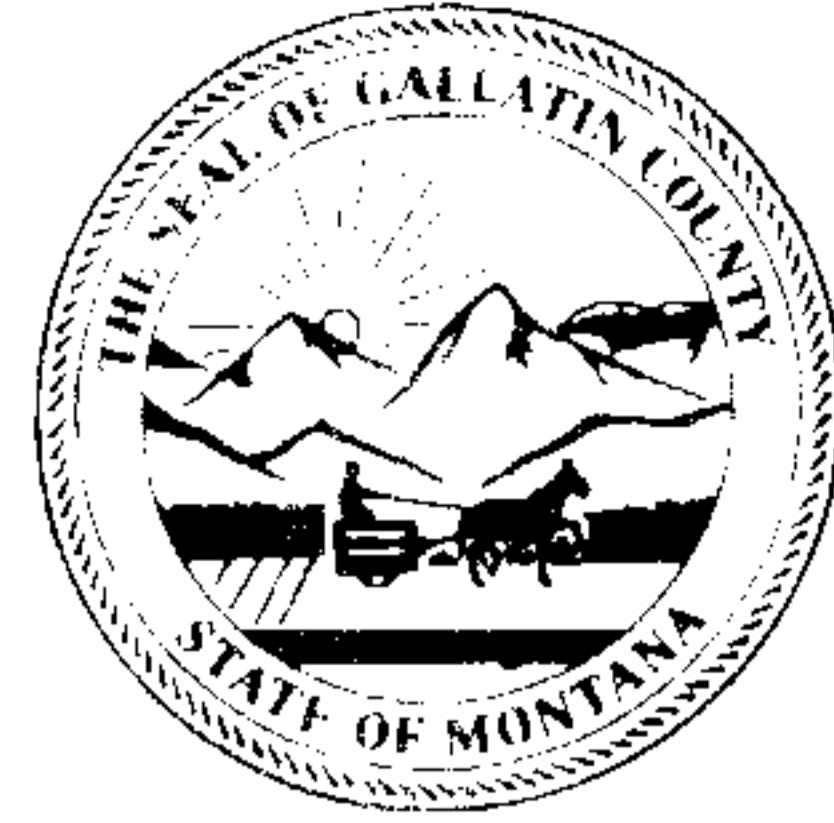
ATTEST:


Shelley Vance
Clerk and Recorder

State of Montana

County of Gallatin

Bozeman



STATEMENT OF POSTING
ORDINANCE

1. On May 23, 2006 the Board of Gallatin County Commissioners initially approved Ordinance # 2006-002 on first reading entitled, Authorizing the Board of Park Commissioners to employ park wardens.

2. After first reading a true and correct copy, Ordinance # 2006-002 was posted at the following location:

Main lobby of the Gallatin County Courthouse

3. A true and correct copy of Ordinance # 2006-002 was made available for public review and copying at the Office of the Gallatin County Clerk and Recorder, 311 W. Main St., Bozeman, Montana.

(SEAL)

Mary Miller Deputy

In and for Shelley Vance

Gallatin County Clerk and Recorder