



RESOLUTION NO. 2006-01

A RESOLUTION OF THE GALLATIN COUNTY BOARD OF PARK COMMISSIONERS ADOPTING A RULE RESTRICTING UNAUTHORIZED PUBLIC ACCESS TO THE GALLATIN COUNTY REGIONAL PARK FOR ONE (1) YEAR AND ESTABLISHING PENALTIES FOR VIOLATION OF RESTRICTION

THIS RESOLUTION was introduced by the Board of Park Commissioners, moved by Commissioner Carol Collins, and seconded by Commissioner Rick Fink. This resolution was adopted unanimously.

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, the Board of Park Commissioners manages and oversees projects within the Regional Park; and

WHEREAS, Mont. Code Ann. § 7-16-2322(i) provides that the Board of Park Commissioners may 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; and

WHEREAS, Mont. Code Ann. § 7-16-2322(ii) provides that the Board of Park Commissioners may make rules for the use of the land and facilities by the public; and

WHEREAS, Mont. Code Ann. § 7-16-2322(iii) provides that the Board of Park Commissioners may provide penalties for the violations of park rules; and

WHEREAS, the Board of Park Commissioners identified public safety and liability concerns exist regarding two ponds and wetlands on the parkland; and

WHEREAS, the Board of Park Commissioners identified a need to complete habitat restoration activities on wetlands adjacent to two ponds on the parkland; and

WHEREAS, on April 19, 2006 the Board of Park Commissioners unanimously voted to restrict unauthorized access in the Regional Park for a period of up to one year to establish vegetative cover,

reduce erosion and to restore habitat for the protection of birds and animals in the parkland – all for the protection of public health and safety.

NOW THEREFORE BE IT RESOLVED,

The Board of Park Commissioners hereby establishes by Rule that all unauthorized access to the Gallatin County Regional Park without written permission from an authorized representative of Gallatin County is prohibited for one year from the date of passage of this Resolution.

Pursuant to Mont. Code Ann. § 7-16-2322(1)(a)(iii) violation of this Resolution shall result in a civil penalty with the first offense carrying a fine of \$25.00 fine, the second offense constituting a fine of \$50.00 fine and the third and all other subsequent offenses constituting a \$100.00 fine.

This Resolution shall expire on May 17, 2007 unless the Board of Park Commissioners passes a new resolution rescinding this resolution, or the Board of Park Commissioners passes a new resolution lengthening the time of the restriction.

PASSED, ADOPTED, AND APPROVED this May 17, 2006 by a unanimous vote of the Board of Park Commissioners.

BOARD OF PARK COMMISSIONERS OF
GALLATIN COUNTY, MONTANA

Patrick Finnegan, Acting Chairperson