

## **Benton County Conservation Rules and Regulations**

### **Notice to Public**

The Benton County Conservation Board may make, alter, amend or repeal regulations for the protection, regulation, and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state. The regulations shall not take effect until ten days after their adoption by the board and after their publication as provided in section 331.305 and after a copy of the regulations has been posted at Benton County Nature Center, Benton County Conservation Campgrounds, and the Benton County Conservation Website. After the publication and posting, a person violating a provision of the regulations which are then in effect is guilty of a simple misdemeanor. The board may designate the director and those employees as the director may designate as officers who shall have all the powers conferred by law on police officers, peace officers, park rangers, or sheriffs in the enforcement of the laws of this state and the apprehension of violators upon all property under its control within and without the county. The Benton County Conservation Staff is exempt from any and all rules that hinder daily operations. The board may grant the director and those employees of the board designated as police officers the authority to enforce the provisions of chapters 321G, 321I, 461A, 462A, 481A, and 483A on land not under the control of the board within the county. Iowa 350.5

### **Definitions**

The following terms shall, for the purpose of these regulations, have the meaning assigned hereto, unless a different meaning is indicated.

1. Board shall mean Benton County Conservation Board
2. Department shall mean Benton County Conservation
3. Director shall mean the Executive Director of Benton County Conservation
4. Area shall mean any part of land, water, building, or facilities owned, leased, managed, or operated by the Board
5. Authorized Representatives shall include park officers, conservation technicians, park attendants, park maintenance, naturalist, or other persons designated by the Director or Board
6. Special permit shall mean any use permit issued by the Department pursuant to the authority delegated by the Board and signed by the Director or their authorized representative
7. Camp or camping shall mean persons legally registered for a site for temporary stay
8. Campground shall mean any area designated by the Board for camping
9. Campsite shall mean any area marked/posted with a site number within a campground
10. Camping unit shall mean the use of an erected tent, travel trailer, motorhome, or vehicle
11. Camping party shall mean any individual, family, or informal unorganized group
12. Family shall mean anyone 18 years old or older and any minors in their care
13. Noise shall mean any loud, senseless shouting or outcry: A sound which is noticeably unpleasant or excessively loud as to disturb others.

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### Use of Park Resources

1. No person shall, in any manner, remove, destroy, injure, or deface any tree, shrub, plant, or flower, or the fruit thereof such as seeds, or disturb or injure any structure or natural attraction, except that upon written permission of the department certain specimens may be removed for scientific purposes.  
This section shall not apply to activities of the department or its officers, or employees when caring for and managing county-owned or county-operated land and waters under the jurisdiction of the department. This section shall not apply to the gathering or removal of any tree, shrub, plant, flower, fruits, structures, or natural attractions under terms, conditions, limitations, and restrictions adopted by the department as rules under chapter 17A. Iowa 461A.41
2. Lands under the jurisdiction of the department shall be open for the harvesting of mushrooms and asparagus during the hours the areas are open to the public. Lands under the jurisdiction of the department shall be open for the harvesting of all varieties of nuts, fruits, and berries unless signs are posted prohibiting such activity. Nut, fruit, and berry gathering shall be permitted only during the hours the areas are open to the public and shall not be permitted in preserves unless otherwise allowed by the preserve's management plan. Iowa 571—54.1(461A), 571—54.2(461A)
3. In an effort to conserve and protect native stands of wild ginseng, the introduction of nonnative ginseng stock on Department-owned or Department-managed lands under the jurisdiction of the department is prohibited, except in narrow circumstances as described in these rules. As such, a person shall not, at any time, possess, harvest, dig, cut, uproot, gather, plant, propagate, intentionally disturb or destroy ginseng or ginseng seed on county areas under the jurisdiction of the department. Nothing in this chapter shall prohibit the department from taking measures on county-owned or county-managed lands under the jurisdiction of the department to conserve and protect native wild ginseng, which may include without limitation planting and possessing seeds. Iowa 571—78.5 (4) (456A)
4. No person shall remove any ice, sand, gravel, stone, wood, or other natural material from any lands or waters under the jurisdiction of the department without first entering into an agreement with the department. Iowa 461A.52.
5. The department may enter into agreements for the removal of ice, sand, gravel, stone, wood, or other natural material from lands or waters under the jurisdiction of the department if, after investigation, it is determined that such removal will not be detrimental to the county's interest. The department may specify the terms and consideration under which such removal is permitted and issue written permits for such removal. Iowa 461A.53.
6. Any person removing ice under a permit shall erect barriers on any part of an ice field where ice is cut, where said field crosses or traverses any part of a stream or lake that is used as a way of passage. Iowa 461A.54.
7. In removing sand, gravel, or other material from county-owned waters by dredging, the operator shall so arrange the operator's equipment that other users of the lake or stream shall not be endangered by cables, anchors, or any concealed equipment. No waste material shall be left in the water in such manner as to endanger other craft or to change the course of any stream. Iowa 461A.55.

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8. Where operations are entirely on private property adjacent to a public lake or stream the natural bank between the county-owned and privately-owned areas shall not be removed except by permission of the department. Iowa 461A.56.
9. The use of any spike, nail, pin, or other object which is driven or screwed into a tree is prohibited. No damage can be done to trees by affixing anything. Iowa 571-51.6(2)(d)
10. No fires shall be built, except in a place provided therefor, and such fire shall be extinguished when site is unattended or vacated unless it is immediately used by some other party. No burning of refuse, treated wood, junk wood, or out of county wood. Iowa 461A.40.
11. No person shall place any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose. Recycling items must be placed in the recycling receptacle without plastic bags. Personal household waste, refuse, and litter is prohibited. Iowa 461A.43
12. No person shall enter upon portions of any county area in disregard of official signs forbidding same, except by permission of the department. Iowa 461A.44
13. Except by arrangement or permission granted by the director or the director's authorized representative, all persons shall vacate county areas before 10:00 p.m. Areas may be closed at an earlier or later hour, of which notice shall be given by proper signs or instructions. The provisions of this section shall not apply to authorized camping in areas provided for that purpose. Iowa 461A.46
14. The use of metal detectors within the county-owned and county-managed properties may only be permitted with permission from the department. Users must comply with the standards of administration Rule 64.
15. Creating or sustaining any unreasonable noise in any portion of any county or recreation area is prohibited at all times. The nature and purpose of a person's conduct, the impact on other area users, the time of day, location, and other factors which would govern the conduct of a reasonable, prudent person under the circumstances shall be used to determine whether the noise is unreasonable. Iowa 61.7(9)
16. Keg beer is prohibited on county-owned and county-managed properties. Iowa 571—63.4(461A, 123)
17. Inflatable devices and items and or portable pools are prohibited with the exception of an approved shelter rental and permit issued by the department.

### Animals

18. No horse or other animal shall be hitched or tied to any tree or shrub, or in such a manner as to result in injury to county property. Iowa 461A.39
19. The use of equine animals and llamas is limited to roadways or to trails designated for such use. Animals are prohibited within designated beach areas. Livestock are not permitted to graze or roam within county parks and recreation areas. The owner of the livestock shall remove the livestock immediately upon notification by department personnel in charge of the area.
20. Except for dogs being used in designated hunting or in dog training areas, no pets shall be allowed to run at large within county parks, recreation areas, or preserves. Such animals shall be on a leash or chain not to exceed six feet in length and shall be either led by or carried by the

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owner; attached to an anchor/tie-out or vehicle; or confined in a vehicle. Pets shall not be left unattended in campgrounds. Iowa 571—61.7(1)(461A)

Dogs shall be prohibited on all county-owned game management areas, as established under authority of Iowa Code section 481A.6, between the dates of March 15 and July 15 each year; except that, training of dogs shall be permitted on designated training areas. Field and retriever meets shall be conducted at designated sites. A permit as provided in Iowa Code section 481A.22 must be secured for field and retriever meets.

The permit shall show the exact designated site of said meet and all dogs shall be confined to that site. Iowa 571—51.5(481A)

21. Pets and animals shall not create destruction, a nuisance, or harass wildlife within Benton County Conservation properties. It is recommended no more than 3 pets per registered site in Benton County Conservation Campgrounds.
22. Park goers must pick up after themselves and their pets.

### Vehicles, Transportation, and Roadways

23. The maximum speed limit of all vehicles on county park and preserve drives, roads, and highways shall be ten (10) miles per hour. All driving shall be confined to designated roadways. Whenever the department determines that a ten mile-per-hour speed limit is greater than is reasonable or safe under the conditions found to exist at any place of congestion or upon any part of the park roads, drives, or highways, the department shall determine and declare a reasonable and safe speed limit, which shall be effective when appropriate signs giving notice of the changed speed limit are erected at the places of congestion or other parts of the park roads, drives, or highways. Iowa 461A.36
24. All vehicles shall be parked in designated parking areas, and no vehicle shall be left unattended on any county park or preserve drive, road or highway, except in the case of an emergency. Iowa 461A.38
25. No more than two licensed vehicles per registered campsite. Roadways must be kept open at all times.
26. Excessively loaded vehicles shall not operate over county park or preserve drives, roads or highways. The determination as to whether the load is excessive will be made by the director or the director's representative and will depend upon the load and the road conditions. Iowa 461A.37
27. Abandoned Vehicles are as follows: Any vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration, plates, or two or more wheels or other parts which renders the vehicle totally inoperable. Any vehicle that has remained illegally on public property for more than twenty-four hours. Any disabled or abandoned vehicles that cannot be removed within that time will be removed at the expense of the owner, unless previous arrangements are made with the County Conservation Board, its Director, or an authorized representative. Iowa 321.89 (1)(2).
28. It is unlawful to ride, lead, or otherwise allow the entry of an equine or equine drawn conveyance on any road or trail or on any area except for those trails and roads which the Board shall designate.

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29. It shall be unlawful to operate any snowmobile, swamp buggy, all-terrain vehicle or any other land conveyance propelled by a gasoline or electrical engine and run on wheels, tracks, or runners in or on any area, except for those trails and roads which the Conservation Board shall designate. Iowa 321I
30. The County Conservation Board may temporarily close park roads and access points due to high water flooding, snow, ice, spring, or other conditions in order to protect park users, natural resources and the recreation areas.

### Boating

31. No person shall operate any vessel, or manipulate any water skis, paddleboard or similar device in a careless, reckless or negligent manner so as to endanger the life, limb or property of any person. 462A.12(1)
32. All boats shall be operated and equipped in accordance with the laws of the State of Iowa and all operators shall be governed by the right-of-way rules set forth in the State of Iowa. No special events may be had without written permission granted by the Department. Iowa 462A.9, 462A.16, 462A.26
33. A motorboat equipped with any power or electric unit mounted or carried aboard the vessel may be operated at a no-wake speed on all Benton County Conservation waters. Iowa 462A.31
34. All privately owned vessels on artificial lakes under the jurisdiction of the Department shall be kept at locations designated by the Department. Iowa 462A.31(2)
35. At Hannen Lake or Rodgers Park, no person shall be permitted to swim outside of the designated beach area, which is outlined by life lines, unless special permission is granted by the Department. Iowa 571 – 61.7(2a)

### Firearms/Hunting

36. The use of firearms, explosives, and weapons of all kinds by a person is prohibited in all county-owned and county-managed areas except under the following conditions: A firearm or other weapon authorized for hunting may be used in areas or parts of areas designated by the Department. The taking of any fish from county owned lakes is not allowed with bow and harpoon/arrow. The department may establish, by rule, the county-owned and county-operated areas where firearms may be discharged during special events, festivals, education programs, or a special hunt to control animal populations. The use of consumer fireworks or display fireworks, as defined in section 727.2, in county-owned and county-managed areas is prohibited. Iowa 461A.42
37. A person, except as permitted by law, shall not have or carry a gun in or on a vehicle on a public highway, unless the gun is taken down or totally contained in a securely fastened case, and its barrels and attached magazines are unloaded. Iowa 483A.36
38. It is unlawful for a person to take, pursue, kill, trap or ensnare, buy, sell, possess, transport, or attempt to so take, pursue, kill, trap or ensnare, buy, sell, possess, or transport any game, protected nongame animals, fur-bearing animals or fur or skin of such animals, mussels, frogs, spawn or fish or any part thereof, except upon the terms, conditions, limitations, and restrictions set forth herein, and administrative rules necessary to carry out the purposes set out in section 481A.39, or as provided by the Code. Iowa 481A.38

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39. It shall be lawful to use minnows which is purchased at a licensed bait dealer, proof of purchase is necessary. It is unlawful to transport them in lake or river water due to the potential spread of aquatic invasive species. A person shall not stock or introduce into the waters of the state a live fish, except for hooked bait, without the permission of the director. This section does not apply to privately owned ponds and lakes. Iowa 481A.72, 481A.145, 481A.83
40. Hunting shall be permitted within the boundaries of: Benton City-Fry Access, Hoefle-Dulin Recreation Area, Minne Estema Park, and Wildcat Bluff Recreations Area, from September 15 through May 15, not within the maintained areas of the campgrounds when parks are open. Hunting shall be permitted within the boundaries of: Atkins Round House Area Archery Only (east section hunting only), Winegar and Tobin Wildlife Area, County Care Facility Wildlife Area, and Milroy Access, or any other areas not specified in the following section or posted as hunting prohibited on the property.  
Hunting is prohibited within boundaries of Animal Shelter Facility, Big Grove Township Wildlife Area, Eden Township Wildlife Area, Hannen Lake Park, Jackson Township Wildlife Area, Old Creamery Nature Trail, Pangborn Wildlife Area, Polk Township Wildlife Area, Rodgers Park, Benton County Nature Center, Tuttle Wildlife Area, and Wyman Memorial Park.
41. The use of firearms, explosives, fireworks, weapons of all kinds, paintball guns, laser pointers, or any other device deemed harmful, is prohibited in all county parks and preserves except under the following conditions: A firearm or other weapon authorized for hunting may be used in preserves or parts of preserves designated by the county conservation board on preserves at the request of the department. Iowa 461A.42(1)(a)
42. Portable blinds placed in trees and used for purposes other than hunting waterfowl may be left on an area for a continuous period of time beginning seven days prior to the open season for hunting deer or turkey and ending seven days after the final day of that open season. Portable blinds left on conservation areas do not guarantee the owner exclusive use of the blind when unattended or exclusive use of the site. The use of any nail, spike, pin or any other object, metal or otherwise into any tree is prohibited on any conservation property. Iowa 51.6(2)

### Camping

43. The Department shall grant no person a refund on camping or electrical fees except as approved by the Executive Director.
44. Authorized representatives are given authority to refuse camping privileges and to rescind any and all camping permits for cause. Iowa 461A.51
45. Notwithstanding any provision of law to the contrary, the department is authorized to establish fees for camping and use of rental facilities and other special privileges at parks and recreation areas under the jurisdiction of the department. Iowa 455A.14(1)
46. No person shall camp in any portion of a county-owned or county-managed park or preserve except in portions prescribed or designated by the department. All campsites are back in only unless otherwise posted. Iowa 461A.48
47. One camping party and camping unit per site. An additional tent may be used for children under 18.
48. No continuous water hook-up, including but not limited to: camping units, pools, slides, sprinklers, etc.

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49. Pets and animals shall not create destruction, a nuisance, or harass wildlife within Benton County Conservation properties. It is recommended no more than 3 pets per registered site in Benton County Conservation Campgrounds.
50. Park goers must pick up after themselves and their pets.
51. No camping unit shall be permitted to camp for a period longer than that designated by the department for the specific county-owned or county-managed park or preserve, and in no event longer than a period of 14-days within a 21-day period. Iowa 461A.49
52. No person shall be permitted to camp for a period longer than two (2) weeks in designated areas unless prior approval is given by the department. After the second (2<sup>nd</sup>) Monday of September until park close, campers shall move within the park areas every two (2) weeks at the discretion of the department.
53. Any person who camps in any county park or preserve shall register by providing all information on self-registration slip, including name, phone number, and address. Iowa 461A.50
54. Registration of campers will be on a first-come, first-served basis and will be handled by a self-registration process. Registration forms will be provided by the department. Campers shall, within one (1) hour of arrival at the campground, complete the registration form, place the appropriate fee or number of camping tickets in the envelope and place the envelope in the depository provided by the department. Top half of the registration form must then be placed on the campsite pedestal provided at the campsite. The camping length of stay identified on the camping registration form must begin with the actual date the camper registers, pays and posts the registration at the campsite. 571-61.4(3a)(1)
55. Campers shall register and set up camping unit within one (1) hour of entering the campground or arrival of site. If staying in the same campsite, register for the night prior to 4:00pm daily. If not staying, campers must exit the site by 4:00pm. All camping units and equipment must be set up between 6am and 10:00pm. Iowa 461A.50 and Iowa 571-61.4(3a)(1)

### Penalties

Any person violating any of the provisions of the foregoing rules and regulations shall be guilty of code violation 461A.44 or a simple or serious misdemeanor with a court appearance, unless stated by the Code of Iowa or the Iowa Administrative Code. The County Conservation Board may take additional legal action necessary to recover additional costs from damages. Iowa Code 63

The County Conservation Board assumes no responsibilities for death or injury while in any managed or owned property by the Benton County Conservation Board. People using these areas do so at their own risk.

The County of Benton, Iowa in the provision of services and facilities to the public does not discriminate against anyone on the basis of race, color, sex, creed, national origin, age, or handicap. If anyone believes they have been subjected to discrimination may file a complaint alleging allegation with Benton County of Office of Equal Opportunity, U.S. Department of Interior, Washington DC.

Approved February 2022