

ORDINANCE NO. 125

AN ORDINANCE OF THE CITY OF HOKAH, HOUSTON COUNTY, MINNESOTA,
PROHIBITING SWIMMING IN THOMPSON CREEK AND THE ROOT RIVER,
DECLARING PROHIBITED ACTS TRESPASSES, AND PROVIDING FOR
PENALTIES FOR VIOLATION

The City Council of the City of Hokah, Houston County, Minnesota, hereby ordains:

SECTION I. SWIMMING, BATHING AND WADING AT CERTAIN LOCATIONS DECLARED HAZARDOUS – PROHIBITED. Swimming, bathing and wading in the Root River adjacent to the corporate limits of the City of Hokah, and in those parts of Thompson Creek lying and being within the corporate limits of the City of Hokah, and including above, over and below The Falls, formerly known as Como Falls, and hereby declared unsafe, inherently hazardous, and are hereby prohibited. No provision of this Ordinance, including those provisions having reference to “wading,” shall be construed to prohibit bonafide fishing.

SECTION II. VIOLATION OF THIS ORDINANCE – TRESPASSES – MISDEAMEANOR. All persons who, after the effective date of this ordinance, swim, bathe or wade in Thompson Creek or the Root River adjacent to the corporate limits of the City of Hokah are deemed to have trespassed, and upon conviction thereof, shall be guilty of a misdemeanor, punishable according to the laws of the State of Minnesota, together with the costs of prosecution.

SECTION III. COMO FALLS – AREA OF SPECIAL HAZARD. Unless and until a fence or other protective structure is erected to assure safety, any person who enters the area within twenty-five (25) feet of The Falls itself, whether from the water or on the adjacent shore, (unless behind a fence or other protective structure should one be erected) shall be deemed to have trespassed and to have violated this Ordinance.

SECTION IV. SIGNAGE. The presence, in plain view, of signs erected to inform and advise the general public of the regulations imposed by this Ordinance whereat violators are found to be present under circumstances constituting a violation of this ordinance, as hereinbefore described, shall be prima facie evidence of the violation of the provisions hereof. This provision shall not mandate the erection by the City of Hokah of such signs and the presence of signs shall not be a prerequisite to or necessary element of charging and prosecuting offenses under this ordinance.

SECTION V. EFFECTIVE DATE. This ordinance shall become effective upon its due passage and enactment and publication according to law.

Passed and enacted this 4th day of September, 1990.

APPROVED:

Mayor Edward Lonkoski

ATTEST:

City Clerk-Administrator Barbara Larson