

## **Eby's Mill Wildlife Area Rules and Regulations**

The following excerpts from Sections 350 and 461, of the State Code of Iowa, apply to all county conservation areas. For a complete list of regulations that apply to this area refer to the Code of Iowa or contact officials with the Jones County Conservation Board.

### **SECTION 350.5 Regulations — penalty — officers.**

The 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. 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 police officers who shall have all the powers conferred by law on police officers, peace officers, 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 board may grant the director and those employees of the board designated as police officers the authority to enforce the provisions of chapters 321G, 461A, 462A, 481A, and 483A on land not under the control of the board within the county.

### **SECTION 350.7 Joint operations.**

Any county conservation board may co-operate with the federal government or the state government or any department or agency thereof to carry out the purposes and provisions of this chapter. Any county conservation board may join with any other county board or boards to carry out this chapter, and to that end may enter into agreement with each other and may do any and all things necessary or convenient to aid and co-operate in carrying out the chapter. Any city, village or school district may aid and co-operate with any county conservation board or any combination of boards in equipping, operating and maintaining museums, parks, preserves, parkways, playgrounds, recreation centers, and conservation areas, and for providing, conducting and supervising programs of activities, and may appropriate money for such purposes.

### **SECTION 350.10 Statutes applicable.**

Sections 461A.35 through 461A.57 apply to all lands and waters under the control of a county conservation board, in the same manner as if the lands and waters were state parks, lands, or waters. As used in sections 461A.35 through 461A.57, "natural resource commission" includes a county conservation board, and "director" includes a county conservation board or its director, with respect to lands or waters under the control of a county conservation board. However, sections 461A.35 through 461A.57 may be modified or superseded by rules adopted as provided in section 350.5.

## **SECTION 461A "Public Lands and Waters"**

### **461A.35 Prohibited destructive acts.**

It shall be unlawful for any person to use, enjoy the privileges of, destroy, injure or deface plant life, trees, buildings, or other natural or material property, or to construct or operate for private or commercial purposes any structure, or to remove any plant life, trees, buildings, sand, gravel, ice, earth, stone, wood or other natural material, or to operate vehicles, within the boundaries of any state park, preserve, or stream or any other lands or waters under the jurisdiction of the commission for any purpose whatsoever, except upon the terms, conditions, limitations and restrictions as set forth by the commission.

### **461A.36 Speed limit.**

The maximum speed limit of all vehicles on state park and preserve drives, roads and highways shall be thirty-five miles per hour. All driving shall be confined to designated roadways. Whenever the commission shall determine that the speed limit hereinbefore set forth 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, said commission shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such places of congestion or other parts of the park roads, drives or highways.

### **461A.37 Excessive loads.**

Excessively loaded vehicles shall not operate over state 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.

**461A.38 Parking.**

All vehicles shall be parked in designated parking areas, and no vehicle shall be left unattended on any state park or preserve drive, road or highway, except in the case of an emergency.

**461A.39 Hitching to trees.**

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 state property.

**461A.40 Fires.**

No fires shall be built, except in a place provided therefore, and such fire shall be extinguished when site is vacated unless it is immediately used by some other party.

**461A.41 Removing plants, flowers or fruit.**

No person shall, in any manner, remove, destroy, injure or deface any tree, shrub, plant, or flower, or the fruit thereof, or disturb or injure any structure or natural attraction, except that upon written permission of the commission certain specimens may be removed for scientific purposes.

This section shall not apply to activities of the commission or its officers, or employees when caring for and managing state-owned land and waters under the jurisdiction of the commission. **Possession or harvesting of Ginseng is prohibited at the Eby's Mill Wildlife Area.**

**571—78.11(456A) Restrictions and prohibitions for harvesting wild ginseng.**

**78.11(1)** Every person shall have in possession a valid, department-issued permit to harvest wild ginseng for the current harvest season when harvesting, cutting, uprooting, gathering, destroying, possessing or transporting wild ginseng, however, regardless of possession of a department-issued permit to harvest ginseng, possession or harvesting of ginseng is prohibited at the Eby's Mill Wildlife Area.

**78.11(2)** No person shall harvest a plant unless the plant possesses three or more true leaves or prongs and a flowering or fruiting stalk with red berries. If, after a person removes a plant from the soil with the requisite leaves or prongs, it is determined the root has less than five stem scars, the person shall return the plant to the soil at the same location and make best efforts to return the plant and the surrounding area to their condition prior to harvest of the plant. In no event shall a person harvest or possess a wild ginseng root unless the root has at least five stem scars.

**78.11(3)** When a person harvests wild ginseng, the entire plant, except the fruit and seeds, shall be retained with the plant until the plant is taken to the harvester's residence or place of business, as identified in the harvester's permit.

**461A.43 Littering grounds.**

No person shall place any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

**461A.44 Prohibited areas.**

No person shall enter upon portions of any state park or preserve in disregard of official signs forbidding same, except by permission of the director or the director's representative.

**461A.46 Closing time.**

Except by arrangement or permission granted by the director or the director's authorized representative, all persons shall vacate state parks and preserves before ten-thirty o'clock p.m. Areas may be closed at an earlier or later hour, of which notice shall be given by proper signs or instructions.

**461A.48 Camping areas.**

No person shall camp in any portion of a state park or preserve except in portions prescribed or designated by the commission.

**461A.57 Penalties.**

Any person violating any of the provisions of sections 461A.35 to 461A.56 is guilty of a simple misdemeanor.

**The Jones County Conservation Board has adopted the following rules and regulations for the protection, regulation and control of the Eby's Mill Wildlife Area.**

**As defined by Section 350.5 of the Code of Iowa, any person violating any provision of the rules and regulations shall be guilty of a simple misdemeanor.**

The following rules and regulations are hereby adopted:

#### **SECTION 1. DEFINITIONS**

- A. The term "Board" shall mean the Jones County Conservation Board,
- B. The term "Department" shall mean the Jones County Department of Conservation.
- C. The term "Director" shall mean the Executive Director for the Jones County Conservation Board and Department of Conservation.
- D. The term "Area" shall mean all or any part of land, water, buildings or facilities owned, leased, managed, or by other means, under the control of the Board.
- E. The term "authorized" or "designated" representative shall include staff and other persons designated by the Director or the Board.
- F. The term "Special Use Permit" shall mean any use permit issued by the Department and signed by the Director or an authorized representative of the Director.
- G. The terms "camp" or "camping" shall mean the use of a shelter, such as a tent, trailer, motor home, tarp, or sleeping bag for temporary residence at a public area or occupation of a public area after the posted closing time.
- H. The term "official sign" shall mean any sign provided by the Board and posted in the public area.
- I. The term "official barriers" shall mean any man-made or arranged structures erected to restrict public access designated areas.
- J. The term "noise" shall mean any loud, confused or senseless shouting or outcry or sounds which are noticeably unpleasant or excessively loud as to disturb others.

#### **SECTION 2. SCOPE**

The provisions of these regulations shall apply to the Eby's Mill Wildlife Area.

#### **SECTION 3. FEES AND CHARGES**

- A. Fees or charges made for services or for the use of land, facilities, equipment, materials or supplies on any area to be collected by the Department or authorized concessionaires shall be prescribed and pre-approved by the Board.
- B. It shall be unlawful for any person or persons to enter or use any facilities for which entrance fees or user fees are prescribed without payment of the same, except those persons on official business or authorized by special use permits.

#### **SECTION 4. USE OF FIREARMS**

The use by the public of firearms, explosives and weapons of all kinds is prohibited in all areas, except in those areas or parts thereof so designated as public hunting areas. Paint ball, BB, Pellet and Air type guns are prohibited at the Eby's Mill Wildlife Area. The Board assumes no responsibility for death or injury as a result of persons using any type of firearms, explosives or weapons of any kind, in or on any area.

#### **SECTION 5. DOGS RESTRICTED**

It shall be lawful to permit dogs to run at large for the purpose of training or exercising them in or on all areas designated as hunting areas by the Board. Attaching animals to any tree or public property is prohibited. The Director, or designated representative, may, in the interest of the public health and safety, order the removal of any animal at any time from any area owned or managed by the Board.

#### **SECTION 6. CAMPING**

No camping is permitted at the Eby's Mill Wildlife Area without written permission of the Board or Director.

#### **SECTION 7. NOISE**

It shall be unlawful to operate or use any radio, television, stereo, musical instrument, electricity generating units, power saws or similar equipment in or on any area in such a manner to create noise and/or disturb others. Quarreling, fighting or use of language which unreasonably interferes with the lawful use and enjoyment of the area by another member of the public is prohibited.

#### **SECTION 8. USE OF CHAINSAWS**

It shall be unlawful for any person to use chainsaws in or on any area under the jurisdiction of the Board, except when authorized through issuance of a special use permit by the Board, Director or designated representative. The Board assumes no responsibility for death or injury as a result of persons engaged in this type of activity.

#### **SECTION 9. CUTTING OF TREES PROHIBITED**

It shall be unlawful to cut any tree, dead or alive, at any time, in or on any area, except county personnel or foresters may harvest trees under a forestry management plan. Special use permits may be issued during certain times of the year for the removal of dead and/or down trees.

#### **SECTION 10. REMOVAL OR DEFAACEMENT OF PLANT LIFE**

Mushrooms, blackberries, raspberries, plums, fruits and nuts of trees are the only type of plant material that can be removed and harvested. Other types of plant life cannot be removed, collected or destroyed, including the seeds, roots, leaves or any part of a plant. Possession or harvesting of Ginseng is prohibited at the Eby's Mill Wildlife Area.

#### **SECTION 11. PARKING/UNATTENDED VEHICLES**

Parking is allowed only in designated parking areas. Vehicles may not be left unattended on any park drive, roadway or highway except in the case of an emergency. It shall be unlawful to leave any motor vehicle unattended on or in any area under the jurisdiction of the Board for more than 24 hours without the written permission of the Director or designated representative. Any motor vehicle left in violation hereof shall be removed and stored at the expense of its owner. If not reclaimed within three months of its removal, all such motor vehicles shall be considered abandoned and shall be disposed of as directed by the Board.

#### **SECTION 12. RECREATION USES ONLY ALLOWED**

It shall be unlawful for any person to occupy any portion of an area for washing or repairing vehicles, advertising or political campaigning, hawking or peddling, begging, or carrying on a business or any other commercial activity without the written permission from the Board or Director. Concessionaires acting under the authority of a lease or contractual agreement with the Board are exempt from this section while operating under the conditions as set out in the said lease or contractual agreement.

#### **SECTION 13. ROADS**

All driving is to be confined to designated roadways and is restricted to legally registered vehicles. The use of All Terrain Vehicles (ATV), snowmobiles, motor scooters, electric bikes or any other land conveyance vehicle propelled by a gasoline or electric engine, run on wheels, tracks, or runners is prohibited without written permission of the Board or Director or designated representative. Personal assistive mobility devices may be operated in accordance with the requirements of Section 321.235A of the Iowa Code and policies adopted for the Eby's Mill Wildlife Area by the Board.

#### **SECTION 14. USE OF HORSES RESTRICTED**

It shall be unlawful to ride, lead or otherwise allow entry of horses or horse drawn wagons on any road, trail, or any area, unless written permission is obtained from the Board or Director or designated representative.

#### **SECTION 15. TRAPPING RESTRICTED**

All trapping at the Eby's Mill Wildlife Area will be done in accordance with state and federal laws.

#### **SECTION 16. HUNTING RESTRICTED**

All hunting on Conservation Board lands and waters will be done in accordance with state and federal laws. Any structure built or placed for the purpose of hunting (stands, blinds, etc.) in the Eby's Mill Wildlife Area shall be removed on or before seven (7) days after the closing of the applicable hunting season.

#### **SECTION 17. FISHING**

All fishing done on Board lands and waters will be done according to state and federal law.

#### **SECTION 18. RECREATIONAL ACTIVITIES**

The Board assumes no responsibility for injury or death of any person(s) engaged in recreational activities in or on any area.

#### **SECTION 19. LITTERING GROUNDS**

No person shall place any waste, refuse, litter, or foreign substance in or on any area owned or managed by the Board.

#### **SECTION 20. ALCOHOL CONSUMPTION AND POSSESSION**

No person or group shall bring, use, or have in his/her possession alcohol in a keg or any container larger than one quart.

#### **SECTION 21. CLOSING TIME**

Except by arrangement, with permission granted by the Director or designated representative, all persons shall vacate the area between 10:30 PM and 4:30 AM of the following day.

#### **SECTION 22. BREACH OF PEACE**

It shall be unlawful for any person to use threatening, insulting, abusive, profane, or indecent language or gestures, nor be guilty of any act that constitutes disturbing the peace as defined by Iowa Code.

#### **SECTION 23. OFFICIAL SIGNS AND BARRIERS**

It shall be unlawful for any person to enter, use or occupy any area or facility in disregard of official signs and/or barriers.

#### **SECTION 24. CLOSING OF AREAS TO PUBLIC USE**

The Board, Director or designated representative is hereby granted discretionary authority to close any park, recreation area, facility or other area or portion thereof when a question of public safety, public health or for protection of natural and cultural resources. The Board, Director or designated representative may do so by erection of suitable barriers and signs clearly indicating that the area has been closed for public use.

#### **SECTION 25. RAPPELLING, ROCK-CLIMBING OR TOP-ROPING**

Rappelling, rock climbing or top roping is prohibited at the Eby's Mill Wildlife Area.

#### **SECTION 26. GEO-CACHING RESTRICTED**

Geo-caching is permitted at the Eby's Mill Wildlife Area within locations pre-approved by the Director or designated representative. All geo-caches shall be registered in advance of placing the geo-cache, with the Director or designated representative. Unregistered geo-caches shall be removed by the Director or authorized representative. The Board maintains the right to limit the number of geo-caches within the area. Digging soil and disturbance of rock or plant materials to conceal geo-caches is prohibited.

#### **SECTION 27. TARGET SHOOTING**

Target shooting with any firearm or weapon is prohibited at the Eby's Mill Wildlife Area.

#### **SECTION 28. CULTURAL FEATURES PROTECTED**

It shall be unlawful for any person to collect, possess, destroy, deface or remove, all or any part of cultural features, artifacts or human made objects found within the Eby's Mill Wildlife Area.

#### **SECTION 29. EXCEPTIONS TO THE RULES AND REGULATIONS**

The Board, Director and all employees, or duly authorized representatives or agents, shall be exempt from these Rules and Regulations when in the official performance of their duties and are not acting inconsistent with state or federal law.

#### **SECTION 30. RULES AND REGULATIONS - FORCE AND EFFECT**

These Rules and Regulations are separate and complete however separated and should any part thereof be unenforceable for any reason, the remaining portions and sections shall remain in full force and effect.

**Disclaimers**

This synopsis is not intended to quote complete laws, but rather to present a summary of the various regulations which apply to the Eby's Mill Wildlife Area. Violations of these Rules and Regulations may result in immediate removal from the area and/or appropriate legal action. If you have questions, contact the Jones County Conservation Board.

**Equal Opportunity**

Federal regulations prohibit discrimination on the basis of race, color, national origin, gender or disability. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to the Director of the Jones County Conservation Board or the Equal Opportunity Commission, Washington, D.C. 20240