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**AN ORDINANCE GOVERNING PARKS**

**UNDER THE JURISDICTION OF THE**

**LE SUEUR COUNTY BOARD OF COMMISSIONERS**

**YEAR: 2009**

# LE SUEUR COUNTY ORDINANCE GOVERNING PARKS

## UNDER THE JURISDICTION OF THE LE SUEUR COUNTY BOARD OF COMMISSIONERS

### SECTION I

**PURPOSE:** The purpose of this ordinance, which is enacted pursuant to Minnesota Statutes, is to secure the quiet, orderly, and suitable use and enjoyment of public park reserves, county recreation areas, wildlife sanctuaries, forest, historical sites, and public access to lakes, rivers, and streams, in parks established by Le Sueur County or the State of Minnesota, and to further the safety, health, comfort, and welfare of all persons in the use thereof.

### SECTION II

**DEFINITIONS:** For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**LE SUEUR COUNTY BOARD OF COMMISSIONERS:** Referred now on as the County Board.

**PARK:** Any land or water area and all facilities thereon, under the jurisdiction, control or ownership of Le Sueur County for the recreational enjoyment of the public.

**DIRECTOR:** The person appointed by the County Board to service as Park Director of the Le Sueur County Parks Department.

**Glass Containers:** Glass beverage containers are prohibited in county parks, all glass is prohibited in the parks except for eyewear.

**Beach:** The part of a body of water and shore designated for swimming.

**Controlled substance: (drug)** Means any substance defined as a controlled substance by Minnesota statutes or federal law or regulation.

**Intoxicating Liquor:** Any liquor which is intoxicating pursuant to Minnesota Law, including ethyl alcohol, distilled, fermented, spirituous, vinous, or malt beverages containing in excess of 3.2% of alcohol by weight.

**Non-intoxicating Liquor:** A beverage containing not more than 3.2% alcohol by weight.

**Loitering:** To linger in an aimless way.

**Park Visitor:** Any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind within a park.

**Pets:** Any animal that is tamed and domesticated and kept as a companion.

**Pollutant:** Any substance, solid or gas, which could cause contamination of air, land or water so as to create or cause a nuisance or render unclean or noxious or unpure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, or that of wildlife or vegetation.

**Property:** Any land, waters, facilities or possessions of the county.

**Resolution:** Official control promulgated by the County Board establishing rules and regulations relative to this chapter, and as on file in the County Auditor's Office.

**Permit:** The written permission that must be obtained from the Park Director to carry out a given activity. Some permits for certain events may have to go before the County Board for their approval.

**Vehicle:** Any motorized, self-propelled, animal drawn, or human powered vehicle. Exception is made for wheelchairs, baby carriages, and vehicles in the service of the Le Sueur County Parks Department.

**Weapon:** Any device from which shot or a projectile of any type can be discharged by means of an explosive, gas, or compressed air or otherwise propelled, including but not limited to firearms, bows, and arrows, slings, and spring guns. An **electronic weapon** means a portable device that is designed, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of an electronic current.

**Fireworks:** Firecrackers, rockets, etc., exploded or burned as in celebration, to produce noises or brilliant lighting effects.

**Wildlife:** All living creatures, not human, wild by nature, endowed with sensation and power or voluntary motion, including but not limited to mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

### SECTION III

**GENERAL CONDUCT:** It shall be unlawful for any person on County Parks to do any of the following acts:

1. Use threatening, abusive, insulting, obscene, or indecent language; or to act in an indecent manner; or to do any act which constitutes a breach of the public peace on the public lands.
2. To use or to have in his possession glass beverage containers, or to use or have in his or her possession intoxicating liquors or non-intoxicating liquors in containers larger than one quart.
3. No beer kegs allowed.
4. To be under the influence of intoxicating liquors or non-intoxicating liquors or to use, be in possession of, or be under the influence of a controlled substance.
5. Disturb, harass or interfere with any park visitor or a park visitor's property.
6. Deposit, scatter, drop or abandon in the public area any bottles, cans, broken glass, sewage, waste or other materials, except in receptacles provided for such purpose.
7. Throw, discharge or place in or upon any lake, stream, creek, pond or other body of water in or adjacent to the public area, including any tributary, stream, storm sewer, or drain, flowing into such waters, any substance whether liquid, solid, or gas.
8. Build, create, or permit a campfire or any other open fire, except in designated receptacles, or fail to fully extinguish such a fire.
9. Drop, throw, or otherwise leave unattended any lighted matches, burning cigars, cigarettes, tobacco, papers, or other combustible materials.
10. Sell, solicit, or carry on any business or commercial enterprise.
11. Use a public address system, amplifier or power equipment, or otherwise make noise of a volume tending to reasonably arouse alarm, anger or resentment in others in the surrounding area.
12. Conduct public meetings, assemblies, entertainment parades, or demonstrations within public area without first obtaining written permission from the County Board.

13. Be dressed so that the genital area of males and females and the breast area of females are uncovered.
14. Injure, destroy, or remove any tree, shrub, plant or mineral.
15. Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed any species of wildlife within the boundaries of the parks.
16. Shoot or discharge a firearm or other weapon within a park. Shooting into a park from beyond its boundaries is also prohibited.
17. Permit a dog, cat or other pet from disturbing others in the park, or destroy any visitor's property or public property.
18. Fail to pick up and properly dispose of the refuse left by any pet under the person's control.
19. Tether any pet to a tree or other plant or be on a leash longer than six (6) feet.
20. Permit any dog, cat, or other pet to enter a beach area, nature center area, refuge area, picnic area, park building, or other unauthorized area within a park or any park where their presence is prohibited.
21. Camp in any park for any length of time, except in authorized areas.
22. Leave any vehicle in the park for more than 12 hours.
23. Fireworks or other explosives are illegal and not permitted.

## SECTION IV

**PROTECTION OF NATURAL RESOURCES AND WILDLIFE:** it shall be unlawful for any person to:

1. Injure, destroy, or remove any tree, flower, shrub, plant, rock, soil, or mineral in any park area.
2. Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing may be permitted in designated areas.
3. Shoot any weapon in or into a park from beyond park boundaries.
4. Possess any weapon within a park.
5. Release within a park any insect, fish, or other wildlife, or introduce within a park any plant, chemical, or other agent potentially harmful to the vegetation or wildlife of the park.
6. Remove any animal, living or dead, from a park and any animal so removed or taken contrary to the provisions of this ordinance, or law of the state of Minnesota, shall be considered contraband and subject to seizure and confiscation.

## SECTION V

**CAMPING:** It is unlawful for any person to:

1. Camp in a park, except in areas provided and designated for that purpose.
2. Leave any structure or shelter unattended in any park for more than 24 hours.
3. Camping in a park without authorization from the County Park Director, except Clear Lake Park where it is on the honor system, first come basis.
4. Cause, create or make any noise that disturbs the peace, quiet and tranquility of the camping area.
5. Discharge water or any other waste in a park, except into designated containers, drains or dumping station.

6. Dig trenches or make any other excavation in a park, except that the placement of tent stakes or anchors in the ground for the erection of tents is permitted.
7. Occupy camp sites in a park contrary to a written permit, or otherwise violate provisions of a permit.
8. Camping under the age of 18 years, unless accompanied by and in the presence of a parent or guardian, unless with prior approval, or such camping is part of an organized group with adequate adult supervision.
9. Operate any vehicle within a campground during posted hours, except in emergencies.
10. Camp in a park more than seven consecutive days without approval of the Park Director or his designee.
11. Use a boat for sleeping quarters while tied on park water frontage.

## **SECTION VI**

**SWIMMING:** It shall be unlawful for any person to:

1. Wade or swim within a park, except at beaches designated for that purpose, and then only between sunrise and sunset, or such hours as may be designated by the Board, Park Director or his authorized representative. Park visitors shall swim or wade at their own risk.
2. Wade, swim or use any beach in a park without proper bathing attire.
3. Use air mattresses, inner tubes or other inflatable devices, except in designated beach areas.

## **SECTION VII**

**BOATING:** It shall be unlawful for any person to:

1. Launch or land any boat, yacht, canoe, raft or other watercraft upon any water, lagoon, lake, pond or slough within a park, except at locations and times designated for that purpose.

2. Leave unattended any boat or other watercraft, except in areas designated for that purpose.
3. Operate any watercraft in a designated swimming area or other prohibited area.
4. Operate any watercraft in a park in violation of Minnesota Statutes or any other law, statute, or ordinance dealing with water and watercraft safety.

### **SECTION VIII**

**FISHING:** It shall be unlawful for any person to:

1. Fish in a park in violation of any provision of Minnesota Statutes.
2. Fish in a park area designated as a no fishing area.
3. Fish in a park area designated as a swimming area.

### **SECTION IX**

**HORSEBACK RIDING:** It shall be unlawful for any person to:

1. Ride, lead, or permit a horse to be within a park without special permit from the Le Sueur County Parks Director, except in an emergency.

### **SECTION X**

**BICYCLING:** It shall be unlawful for any person to:

1. Operate a bicycle, except on park designated bikeways and roadways and except as close to the right hand side thereof as conditions will permit.

### **SECTION XI**

**SNOWMOBILING:** It shall be unlawful for any person to:

1. Operate a snowmobile anywhere in a park, except on designated trails.

2. Operate a snowmobile in a park in excess of posted speed limits, or at a rate of speed greater than reasonable or proper under current conditions, or in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
3. Operate a snowmobile in violation of Minnesota Statue. All rules and regulations therein pertaining to "public land and water" shall apply on park system property.

## **SECTION XII**

**WINTER ACTIVITIES:** It shall be unlawful for any person to:

1. Skate, sled, coast, snowmobile, snowshoe, or ski in a park, except at such times and at such places as may be designated therefore.

## **SECTION XIII**

**MEETINGS, SPEECHES, DEMONSTRATIONS, AND PARADES:** It shall be unlawful for any person to:

1. Conduct public meetings, assemblies, entertainment, parades or demonstrations within a park without first obtaining a written permit from the County Board, the Park Director or their authorized representative, and then only in areas designated in the permit.

## **SECTION XIV**

**VEHICLE:** It shall be unlawful for any person to:

1. Operate any motorized vehicle within a park, except upon roadways, parking areas or other Designated location thereof.
2. Operate a motorized vehicle without a valid driver's license.
3. Operate a motorized vehicle in a park at a speed in excess of posted speed limits.
4. Park or leave a vehicle standing within a park, except in a designated parking area.

5. Operate a motorized vehicle that emits excessive or unusual noise, noxious fumes, dense smoke, or other polluting matters.
6. Operate a vehicle in a reckless or careless manner in a park.
7. Wash, polish, grease, change oil or repair a vehicle in a park.
8. Operate any non-licensed motorized vehicle such as dirt bikes, mini bikes, All Terrain Cycles (ATC) and All Terrain Vehicles (ATV) within the boundaries of any County Park.
9. Operate any motor vehicle on roads that are posted, chained or gated prohibiting vehicular traffic.

### **SECTION XV**

**MOTORIZED RECREATIONAL VEHICLES:** It shall be unlawful for any person to:

1. See section fourteen (XIV) for these rules. Same rules pertain to recreation vehicles as to regular vehicles.

### **SECTION XVI**

**PARK OPERATION:**

1. A person may be granted a permit for temporary, exclusive use of a reserved space within a park.
2. County parks will be open each day from 6:00 a.m. to 10:00 p.m., unless closed by order of the County Board or Park Director.
3. No person shall remain within a park between the hours of 10:00 p.m. and 6:00 a.m., except campers in designated camping areas.
4. Any permit granted pursuant to this ordinance may be revoked upon the violation by the permittee of an ordinance, rule or regulation of the County Board.
5. It shall be unlawful for any person to use a facility or area for which a fee or charge has been established by the County Board without payment of such fee or charge.
6. The Le Sueur County Parks Department shall not be liable for any loss, damage, or injury sustained by a park visitor.

7. Any park or portion thereof may be declared closed to the public by the Le Sueur County Board, or the Park Director at any time and for any interval of time, or to certain uses, as the Le Sueur County Board or Park Director shall find reasonably necessary.

## **SECTION XVII**

### **ENFORCEMENT OF PENALTIES:**

1. A person guilty of violating any provision of this ordinance shall be guilty of a misdemeanor.
2. Officers of Le Sueur County Sheriff's Department may, in connection with their duties imposed by law, diligently enforce the provision of this ordinance and may eject from parks persons acting in violation of this ordinance.
3. Designated park employees may, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance, and eject from parks persons acting in violation of this ordinance.
4. The Park Director shall have the authority to revoke for good cause any permit or reservation issued.
5. The Le Sueur County Park Board shall have the right to issue administrative rules and regulations that may be established by the Le Sueur County Board of Commissioners as it deems necessary.
6. Nothing in this ordinance shall prevent employees or agents of the park system from performing their assigned duties.
7. No person shall impersonate any employee of the parks system, nor interfere with, harass or hinder any employee in the discharge of his duties.
8. If any provision of this ordinance is held to be invalid, such invalidity shall not affect the validity of any other provision of this ordinance.

**SECTION XVIII**

**EFFECTIVE DATE:**

1. This ordinance shall be effective upon passage and publication.
2. This ordinance shall supersede previously passed Le Sueur County Park Ordinances.

Passed and Approved this 24<sup>th</sup> day of FEBRUARY, 2009

Le Sueur County Board of Commissioners

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
County Coordinator

**NOTICE OF INTENTION TO ENACT AN ORDINANCE**

To whom it may concern:

Notice is hereby given that a hearing will be held by the Le Sueur County Commissioners at the Court House in Le Center, Minnesota, at 10:00 Am 2009, to consider their intention to adopt a proposed ordinance governing county parks under the jurisdiction of the Le Sueur County Board of Commissioners. The general purpose of the ordinance is to govern the general conduct of the people using the parks, the protection of natural resources and wildlife in the parks, the activities carries on in the parks, the park operation and enforcement and penalties provision.

The hearing will continue until all interested persons or groups have had an opportunity to be heard concerning the adoption of said proposed ordinance.

Dated at Le Center, Minnesota, this 24<sup>th</sup> day of FEBRUARY, 2009

For the Board of County Commissioners

PUBLISH \_\_\_\_\_