

Section 830 - Parks, Recreational and Passive Areas.

830.01. Definitions. Subdivision 1. For purposes of this section the terms defined in this subsection have the meanings given them.

Subd. 2. "Park director" or "director" means the person appointed by the manager immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible. The director is responsible for the enforcement of this section.

Subd. 3. "Park" means an open or enclosed space, area, or facility wherever located which is (i) owned, operated or controlled by the city or (ii) located within the city, but owned, operated or controlled by another political subdivision which space is reserved, designated or used for or as a playground, picnic area, school ground, beach, park, arena, concession, playing field or court, structure or building and devoted, designated or intended for active or passive recreation; the term includes parking lots, paths or roadways appurtenant to or used therewith and further includes the definition of "Passive Open Space" as defined in Subd. 4.

Subd. 4. "Passive Open Space" means an open space designated or intended only for passive recreation activities such as walking paths and the observation of wildlife.

Subd. 5. "Vehicle" means a wheeled conveyance, whether motor powered, animal-drawn, or self-propelled; the term includes any trailer in tow of any kind and snowmobiles, but not city, state or state-authorized vehicles.

830.03. Park rules. Subdivision 1. Disfiguration and removal. It is unlawful for a person to mark, deface, disfigure, injure, tamper with, or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water line or other public utilities or parts or appurtenances thereof signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

Subd. 2. Restrooms or washrooms. It is unlawful for a person to fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of four years shall use the restrooms and washrooms designated for the opposite sex.

Subd. 3 Removal of nature resources. It is unlawful for a person to dig, or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.

Subd. 4 Injury and removal. It is unlawful for a person to damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant, nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

Subd. 5 Hunting. It is unlawful for a person to (i) hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw objects at an animal, reptile or bird; (ii) to remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

Subd. 6 Other rules. In a park no person shall:

- a) give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substance;
- b) go on foot or otherwise upon the grass or turf of any park where any prohibitory sign is posted;
- c) throw or cast any stone or other objects; or
- d) have in possession bottles or similar glass objects other than binoculars and eyeglasses.

830.05. Sanitation. Subdivision 1. Pollution of waters. It is unlawful for a person to throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

Subd. 2. Refuse and trash. It is unlawful for a person to dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or snow, refuse, or trash in a park except in proper receptacles as permitted by this subdivision. No refuse or trash shall be placed in any waters in or contiguous to any park, nor left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere (Amended Ord. No. 87-589, Subd. 2)

830.07 Traffic. Subdivision 1. State motor vehicle laws apply. All applicable provision of the state motor vehicle traffic laws in regard to equipment and operation of vehicles and the traffic regulations of this code apply in parks.

Subd 2. Enforcement of traffic regulations. Persons in parks shall obey traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with provisions of this section and such supplementary regulations as may be issued by the park director.

Subd. 3. Traffic signs. Persons in parks shall comply with all traffic signs indicating speed, direction, caution, stopping, or parking, and all other posted for proper control and to safeguard life and property.

Subd. 4 Speed of vehicles. No person shall ride or drive a vehicle at a rate of speed exceeding ten miles an hour in a park, except upon such roads as the director may designate, by posted signs, for speedier travel.

Subd. 5. Operation confined to roads. No person shall drive a vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated by the director as temporary parking areas except as otherwise provided for semi-annual trash dropoffs.

830.09. Parking. Subdivision 1. Designated areas. Vehicles may not be parked in other than an established or designated parking area. Such use must be in accordance with the posted directions and with the instructions of any attendant who may be present.

Subd. 2. Night parking. No person shall leave a vehicle standing or parked at night without lights clearly visible for at least 150 feet from both front and rear on any driveway or road area except legally established parking areas.

Subd. 3. Emergency procedures. Operators of vehicles shall immediately notify an attendant of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other person.

Subd. 4. Double parking. No person may double park any vehicle on any road or parkway unless so directed by a park official.

Subd. 5. Muffler required. Motor vehicles in parks must be equipped with a muffler adequate to deaden the sound of the engine.

830.11 Bicycles. Subdivision 1. Confined to roads. No person may ride a bicycle in a park of other than a paved vehicular road or path designated for that purpose. A bicyclist must push a bicycle by hand over a grassy area or wooded trail or on a paved area reserved for pedestrian use unless prohibited by appropriate posting. (Amended Ord. No. 87-589 Subd. 1)

Subd. 2. Operation. No person may ride a bicycle in a park other than on the right-hand side of the road paving as close as conditions permit. Bicycles shall be kept in single file when two or more are operating as a group. Bicyclists must at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicle they may be meeting.

Subd. 3. Rider prohibited. Only one person per seat is permitted on a bicycle.

Subd. 4. Racks. No person may leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

Subd. 5. Immobile bikes. No person may leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over to be injured by them.

Subd. 6. Night operation. No person may ride a bicycle on any road or path between ten minutes after sunset and ten minutes before sunrise without an attached headlight plainly visible at least 200 feet in front of, and without a red tail light or red reflector plainly visible from at least 200 feet from the rear of the bicycle. (Amended Ord. No. 87-589, Subd. 6).

830.15. Fishing. It is unlawful for any person in a park to fish in any waters by the use of hook-and-line, net, trap, or other device, except in water designated by the director for that use, and under such regulations and restrictions as have been or may be prescribed by the park director.

830.17. Hunting and firearms. It is unlawful for any person in a park, to hunt, trap or pursue wild life at any time. No person shall use, carry, or possess firearms of any description or air rifles, spring guns, bow and arrow (except in an area designated for archery by the director), slings or any other form of weapons potentially inimical to wild life or dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is prohibited (Amended Ord. 87 589 Sec. 3.)

830.19. Picnic areas and use. Subdivision 1. Regulated. It is unlawful to picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors must comply with any reasonable directions given to achieve this end. Use of the individual fireplaces together with tables and benches follows generally the rule of "first come, first served."

Subd. 2. Non-exclusive. It is unlawful for a person to use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

Subd. 3. Duty of picnicker. Persons may not leave a picnic area before all fires are completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

830.21. Camping. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle, to be used or that could be used for such purpose, such as housetrailer, camp-trailer, camp-wagon, or the like, without written permission from the director.

830.23. Games. The playing of games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation is prohibited. The playing of rough or comparatively dangerous games such as golf, football, baseball and soccer is prohibited except on the fields and courts or areas provided therefor. Inline skating and skate boarding shall be confined to those areas specifically designed for such pastimes.

830.25. Horseback riding. Horses are prohibited from all city parks without written permission from the director.

8:30.26 Tobacco Products. The use of tobacco products is prohibited within Shady Oak Beach. (Added by Ord 99-832, April 4, 2000)

830.27 Alcoholic Beverages. Subdivision 1. Prohibition. Except as provided in this section, the possession of alcoholic beverages and the drinking of alcoholic beverages is prohibited in a park. Beer and wine may be consumed in Central Park, Shady Oak Beach, Burnes Park and Valley Park in areas designated by the director by permit only. The term "alcoholic beverage" has the meaning given by Minnesota Statutes, Section 340A. 101, Subdivision 2. (Amended by Ord 99-832, April 4, 2000)

Subd. 2. Exceptions. At certain specifically designated recreation centers where meals or lunches are served under concession privileges, the sale of alcoholic beverages by such concessionaire are permitted under the regulation and control of the director. Sale of alcoholic beverages may be made only in individual drinks (not in original packages or otherwise in bulk) and must be served for consumption solely on the immediate premises of the concession.

Subd. 3. Drunkenness. No person shall enter or remain in a park under the influence of intoxicating liquor.

Subd. 4. Beer. No person shall bring beer into a park in kegs, barrels or other bulk tap quantities except by permit issued by the director.

830:29 Fireworks and explosives. Except as otherwise permitted by this code no person may bring or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into a path from land or highway adjacent thereto.

830.31. Domestic animals. No animals other than dogs are permitted in parks. Dogs are permitted only in such areas as may be clearly marked by the signs bearing the words "leashed dogs are allowed on trails and open areas only". Nothing herein shall be construed as permitting the running of dogs at large. Dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than eight feet in length. No person may walk more than two (2) dogs in a City park at one time. Service dogs and police dogs are exempt from these restrictions. (Amended Ord. No. 2008-1001)

830.35. Other rules. No person in a park may:

- a) Fires. Build or attempt to build a fire except in such areas and under such regulations as may be designated by the director. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.
- b) Closed areas. Enter an area posted as "closed to the public", nor shall any person use, or abet the use of any area in violation of posted notices.
- c) Loitering and boisterousness. Engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct, or behavior tending to a breach of the public peace.
- d) Exhibit permits. Fail to produce and exhibit any permit from the director upon request of any authorized person who desires to inspect the same for the purpose of enforcing compliance with any provisions of this code or rule of the director.

- e) Interference with permittees. Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit (Amended Ord. No. 87-599)

830.37. Merchandising, advertising and signs. The following acts are prohibited in a park:

- a) Vending and peddling. Exposing or offering for sale any article or thing, or stationing or placing any stand, cart or vehicle for the transportation, sale or display of any such article or thing, except by a regularly licensed concessionaire acting by and under the authority and regulation of the park director.
- b) Advertising. Announcing, advertising or calling the public attention in any way to any service for sale of hire, without prior authorization from the director.
- c) Signs. Pasting, gluing, tacking or otherwise posting any signs, placard, advertisement, or inscription whatever, erecting or causing to be erected any sign whatever on any public lands, parks or highways or roads adjacent to a park, without prior authorization from the director.

830.39. Park operating policies. Subdivision 1. Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.

Subd. 2. Closed areas. Any section or part of any park may be declared closed to the public by the park director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the park director shall find reasonably necessary.

Subd. 3. Lost and found articles. The finding of lost articles by park attendants shall be reported to the director who shall make every reasonable effort to locate the owners. The park director shall make every reasonable effort to find articles reported as lost.

830.41. Activities; permit. Subdivision 1. Permit. A permit shall be obtained from the director before participating in any of the following park activities: carnivals, community celebrations; gathering of 25 or more persons including picnics and political gatherings; activity contests including those requesting exclusive use or charging admission; and exhibitions either as a stage production or otherwise.

Subd. 2. Application. A person seeking issuance of a permit under this subsection shall file an application with the director. The application shall state:

- a) the name and address of the applicant;
- b) the name and address of the person, persons, corporation or association sponsoring the activity, if any;
- c) the day and hours for which the permit is desired;

- d) the park or portion thereof for which such permit is desired;
- e) an estimate of the anticipated attendance; and
- f) any other information which the director shall find reasonably necessary to a fair determination as to whether a permit should be issued.

Subd. 3. Permits; standards. The park director shall issue a permit hereunder when the director finds:

- a) that the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- b) that the proposed activity or use of the park will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- c) that the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- d) that the proposed activity will not entail unusual extraordinary or burdensome expenses or police operation by the city; and
- e) that the facilities desired have not been reserved for other use at the day and hour required in the application.

Subd. 4. Appeal. Within five days after receipt of an application, the park director shall apprise an applicant in writing of reasons for refusing a permit. An aggrieved person may appeal in writing within five days to the council, which shall consider the application under the standards set for in Subdivision 3 hereof and sustain or overrule the director's decision within five days. The decision of the council is final.

Subd. 5. Effect of permit. A permittee is bound by all park rules and regulations and all applicable provisions of this section fully as though the same was contained in the permit.

Subd. 6. Liability of permittee. The permittee is liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the permittee.

Subd. 7. Revocation. The park director may revoke a permit upon a finding of violation of any rule or provisions of this code, or upon good cause shown.

830.43. Rules and regulations. The director may from time to time make and establish rules and regulations, either emergency, temporary or permanent, concerning the use of any park or parks or any part thereof. The rules and regulations shall be posted at the entrance to any park thus regulated or in one or more conspicuous places therein and such rules or regulations thus posted shall have the same force and effect as though they were a part of this section.

830.45. Penalty. Violation of a regulatory provision of this section is a petty misdemeanor.

Revised by Ordinance 98-816