

# *Chapter 7*

## *Park Ordinance*

*March 15, 2011*

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## CHAPTER 7. PARK ORDINANCE

### SECTION 1. PURPOSE, AUTHORITY, & DEFINITIONS

#### Subsection 1.1: Purpose

The purpose of this Ordinance is to provide rules and regulations for the use of and conduct in Swift County Parks. This Ordinance shall apply in all County Parks:

- A. Appleton OHV Park.
- B. Swift Falls Park.
- C. Pomme de Terre Wayside Park.

#### Subsection 1.2: Authority

Minnesota Statute Section 398.34 authorizes the County to enact Ordinance relating to the County Park System; and said Ordinance may prescribe regulations, not inconsistent with law, for the protection and use of County parks or other units subject to and in accordance with Minnesota Statute 398.31 to 398.36. This Ordinance is enacted in order to establish rules and regulations for the safe and peaceful use of parklands; the recreation and education of the public; the protection and preservation of property and natural resources; and the general welfare of the public.

#### Subsection 1.3: Definitions

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- A. **Alcoholic Beverage:** Includes any intoxicating beverage as defined by Minnesota law and includes beer, 3.2 beer, and wine.
- B. **Board:** Shall indicate the Swift County Board of Commissioners.
- C. **Motorized Off-Road Vehicle:** Means any self-propelled, off the road or all-terrain vehicle, designed to be driven off a roadway. Such vehicles include, but are not limited to: snowmobiles, mini-bike, amphibious vehicle, motorcycle, go-cart, scooter, dune buggy, or all-terrain vehicles.
- D. **Park:** Any land or water area and all facilities thereon, including but not limited to trails, under the jurisdiction, control or ownership of Swift County devoted to active or passive recreation.
- E. **Person:** Is any person, firm partnership, association, corporation, company or organization of any kind.
- F. **Pet:** Any animal that is tamed and domesticated and kept as a companion.
- G. **Vehicle:** Is any conveyance, whether motor-powered, animal-drawn, or self-propelled, and also includes snowmobiles. The term shall include any trailer in tow of any size/description. Exceptions are made for wheelchairs, baby carriages, and vehicles in service of the County parks.

### SECTION 2. OPERATION REQUIREMENTS FOR ALL PARKS

#### Subsection 2.1: Prohibited Conduct

It shall be unlawful, except with express permission from the County Parks & Drainage Supervisor or Board, for any person in a public park to:

- A. Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, water lines

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.

- B. Dig or remove any soil, rock, sand, stones, trees, shrubs, plants, wood or materials; make any excavation by tool, equipment, blasting or other means or agency.
- C. Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or access such lands.
- D. Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick powers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.
- E. Climb any tree or walk, climb, stand, sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purpose.
- F. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- G. Take into, carry through, or put into any park, any rubbish, refuse, garbage or other materials. Such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not 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.
- H. Leave any glass beverage container in any park or leave any broken glass in a park.
- I. Cause or permit to run loose any animal, unless under direct supervision or control.
- J. Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he/she remove or have in his/her possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Fishing is allowed within the Minnesota Game and Fish Regulations and Laws.
- K. Offer items for sale, barter, or donation in any park.
- L. The use of fireworks in any park.

- M. Rules and regulations may be made from time to time by the Board governing the further use and enjoyment of parks, parkways, playgrounds, lakes, streams and canals, and the facilities thereof.

**Subsection 2.2: Amplified Music**

- A. Generally. Ipods, docking machines, radios, tape players, or televisions/computers may be used as long as they do not disturb other park users.
- B. Amplified Sound. It shall be unlawful except with express permission from the County Parks & Drainage Supervisor or Board, to operate any loudspeaker or amplifier or other device by which sounds are magnified and may be heard by persons other than a person using earphones or a hearing aid device.

**Subsection 2.3: Fires**

No person shall kindle, build, maintain or use a fire except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. Every person who starts and/or uses a fire is hereby charged with the duty of completely extinguishing fire before leaving such park. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, boat or vehicle, or under any tree or in underbrush.

**Subsection 2.4: Pets**

It shall be unlawful for any person to:

- A. Bring any dog, cat, or other pet into a park, unless caged or kept on a leash not more than six feet in length.
- B. Allow any dog, cat or other pet to enter a beach area, picnic area, park building, or other unauthorized area within a park.
- C. Permit a pet under his/her control to disturb, harass or interfere with any park visitor, a park visitor's property, or a park employee.
- D. Tether any animal to a tree, plant, building or park equipment.
- E. Have custody or control of any domestic pet in a designated area of a park without possessing an appropriate device for cleaning up pet feces and disposing of it in a sanitary manner.

**Subsection 2.5: Prohibited Conduct Regarding Vehicles**

It shall be unlawful for any person in a public park to:

- A. Drive any vehicle on any area except the park roads or parking areas, or marked trails such areas as may on occasion be specifically designated as temporary areas.
- B. Park a vehicle anywhere except in a designated parking area.

- C. Leave a vehicle standing or parked in established parking areas or elsewhere in the park during hours when parks are closed.
- D. Cause or allow a vehicle's tires to make a squealing noise upon acceleration or operation of the vehicle.

**Subsection 2.6: Public Nuisance**

It shall be unlawful for any person to engage in fighting or exhibit threatening, violent, disorderly or indecent behaviors; make unreasonable noise or coarse utterance, gesture or display; or address abusive language to any person present; or disturb or interfere unreasonably with any person or party occupying any area.

**Subsection 2.7: Unlawful Occupancy**

It shall be unlawful for any person to enter in any way any building, installation or area that may be under construction or locked or closed to public use or to enter or be upon any building, installation or area after the posted closing time or before the posted opening time or contrary to posted notice in any park.

**Subsection 2.8: Weapons**

It shall be unlawful for any person to bring into or have in his/her possession in any park:

- A. Any pistol or revolver or objects upon which loaded or blank cartridges may be used.
- B. Any rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow, or other weapon in which the propelling force is gunpowder, a spring or air. Said items may be allowed if properly cased and stored in a vehicle in the parking area.

**SECTION 3. APPLETON OHV PARK REGULATIONS**

**Subsection 3.1: General Regulations**

- A. Park Hours. The park will be closed from sunset to sunrise to OHV riders; excluding snowmobile riders during the winter season.
- B. Alcohol/Mood-altering Substances. No person shall use, consume or possess any alcoholic beverage or mood-altering substance not prescribed by a physician.

**Subsection 3.2: Permitted Activities**

Activities allowed within Appleton OHV Park limits:

- A. OHV Riding. Off-Highway Vehicles includes: Off-Highway Motorcycles, Off-Road Vehicles, All-Terrain Vehicles, and Snowmobiles.
  1. All OHV's must be registered with the Minnesota Department of Natural Resources. Out of State OHV riders must obtain a trail pass that can be purchased through the Minnesota Department of Natural Resources.
  2. Required Equipment: Off-highway vehicles operated on public lands, waters, trails, and public streets and roads open to vehicle use, must be equipped as follows:
    - a. Brakes;

- b. Throttle;
  - c. Muffler;
  - d. Towing Capabilities;
  - e. Overall noise emission from ATVs and ORVs may not exceed 99 decibels at a distance of 20 inches;
  - f. At least 16 square inches of reflective material that is unobstructed and visible mounted on each side and rear of trailer or other device.
3. Trail Riding Requirements.
- a. All trail signs and rules must be obeyed;
  - b. All designated trails are two-way unless posted otherwise;
  - c. One-way trails must be traveled in the direction indicated;
  - d. Certain OHVs must remain on specifically designated trails as noted on trail signs.
- B. Boating/Canoeing. It shall be unlawful for any person to:
- 1. Launch or land any watercraft upon any waters within a park, except at designated locations and times.
  - 2. Leave any watercraft unattended on land or in the water, except in designated areas.
  - 3. Operate any watercraft in a designated swimming area or other prohibited area.
  - 4. Tow a person on water skis, surf board, knee board, inner tube or Jet Ski in a designated swimming area, boat launching area or other unauthorized area or enter a designated swimming area on the device.
- C. Fishing. It shall be unlawful for any person to:
- 1. Fish in a park in violation of any provision of Minnesota Statutes, Chapter 97C "Fishing".
  - 2. Fish in a prohibited area.
  - 3. Leave any structure, shelter or ice house upon a frozen body of water in park after sunset; except in such areas and times as may be designated by the Parks & Drainage Supervisor.
  - 4. Clean fish and dispose of the remains, except at a place provided by and designated by the Parks & Drainage Supervisor.
- D. General Trails. It shall be unlawful for a pedestrian to walk/bicycle throughout the Park outside of designated walking trails or areas. This is for pedestrian safety purposes.

**Subsection 3.3: Prohibited Activities**

It shall be unlawful for any person to camp, hunt, or horseback ride in the Appleton OHV Park.

**SECTION 4. SWIFT FALLS & POMME DE TERRE WAYSIDE PARKS  
REGULATIONS**

**Subsection 4.1: General Regulations**

- A. Park Hours. The park will be closed from 11:00 P.M. to 5:00A.M.; excluding permitted campers.
- B. Alcohol. It shall be unlawful for any person to possess an alcoholic beverage in containers larger than one and one-half (1.5) liters in Swift Falls & Pomme de Terre Wayside Parks.
- C. Use Permits. Persons intending to camp are to utilize "Honor Boxes" located at Park sites and pay dues as posted.
  - 1. Requirements.
    - a. Use permits are required for the exclusive or special use of all or portions of park areas, buildings, or trails;
    - b. Use permits shall be approved by the Parks & Drainage Supervisor or his or her authorized designee, or by the Board;
    - c. It shall be unlawful for a person(s) to violate any provisions of an approved permit.
  - 2. User Fees.
    - a. User fees shall be set by the Board as needed;
    - b. It shall be unlawful for any person to use, without payment, any facility or area for which a user fee is charged.
  - 3. Large Groups. Use permits shall be required for any entertainment, tournament, exhibition or other special use which can reasonably be expected to have thirty (30) or more persons involved.
  - 4. Revocation of Permit. The Sheriff's Department and the Parks & Drainage Department are authorized to revoke a permit immediately upon a finding of a violation of any park rule, Ordinance, or permit condition. The applicant shall be liable for any loss, damage or injury sustained by virtue of the activity conducted pursuant to the permit.

**Subsection 4.2: Permitted Activities**

Activities allowed within Swift Falls Park and Pomme de Terre Wayside Park limits:

- A. Camping/Activity Rules. It shall be unlawful for any person to:
  - 1. Camp or stay overnight in a park, except with a permit in areas provided and designated for that purpose.
  - 2. Fail to produce a permit claimed to have, upon request of any authorized person who shall desire to inspect the permit to enforce compliance with the Ordinance.
  - 3. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of the permit.
- B. Other Activities Allowed.
  - 1. Boating/Canoeing. It shall be unlawful for any person to:
    - a. Launch or land any watercraft upon any waters within a park, except at designated locations and times;

- b. Leave any watercraft unattended on land or in the water, except in designated areas;
  - c. Operate any watercraft in a designated swimming area or other prohibited area;
  - d. Tow a person on water skis, surf board, knee board, inner tube or Jet Ski in a designated swimming area, boat launching area or other unauthorized area or enter a designated swimming area on the device.
2. Cross-Country Skiing.
  3. Fishing. It shall be unlawful for any person to:
    - a. Fish in a park in violation of any provision of Minnesota Statutes, Chapter 97C "Fishing";
    - b. Fish in a prohibited area;
    - c. Leave any structure, shelter or ice house upon a frozen body of water in park after sunset; except in such areas and times as may be designated by the Parks & Drainage Supervisor;
    - d. Clean fish and dispose of the remains, except at a place provided by and designated by the Parks & Drainage Supervisor.
  4. Swimming. In designated areas.

**Subsection 4.3: Prohibited Activities**

It shall be unlawful for any person to hunt, horseback ride, or operate Off-Highway Vehicles in the Swift Falls Park and Pomme de Terre Wayside Park.

**SECTION 5: PENALTY, COUNTY AUTHORITY, SEVERABILITY**

**Subsection 5.1: Penalty**

Violation of any of the sections of this Ordinance Chapter shall constitute a misdemeanor, as defined by Minnesota State Statutes. Every person shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the County Jail for not more than ninety (90) days, or both.

**Subsection 5.2: Authority of Sheriff's & County Parks & Drainage Departments**

The Sheriff's Department and/or County Parks & Drainage Department shall have the authority to close areas of the parks to the public for construction work in the park, to prevent access to dangerous areas, protect seedlings and plantings, for maintenance purposes, and for natural disasters. Any Sheriff's Department shall eject from the Park any person whose conduct is in violation of this Ordinance, Minnesota State Laws and Statutes, or other Ordinances.

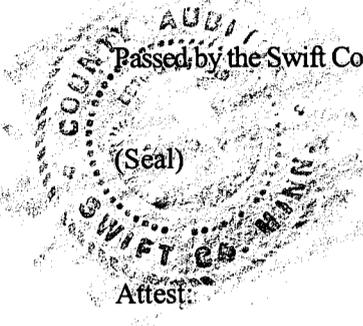
**Subsection 5.3: Severability**

The provisions of this ordinance shall be severable. Should any section, paragraph; sentence, clause, phrase or portion of this regulation be declared invalid for any reason, the remainder of said regulation shall not be affected and the remainder of the provisions shall remain in full force and effect.

**SECTION 6: REPEAL & EFFECTIVE DATE**

This Ordinance repeals and replaced in its entirety the Chapter 2 Park Ordinance passed on October 21, 1969 and the amendment to Chapter 2 passed on April 17, 1980. This Ordinance shall be in full force and effect upon publication and passage as provided by law.

Passed by the Swift County Board of Commissioners on March 15, 2011.



*Gary Hendrichs*  
Chairperson

*Byron Miese*  
County Auditor

Approved as to form and execution:

*John W. Simke*  
County Attorney