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MILLE LACS COUNTY CODE OF ORDINANCES

ORDINANCE NO.: ADMN-08

MILLE LACS COUNTY PARK ORDINANCE

ARTICLE ONE: PURPOSE AND AUTHORITY

101 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes § 398.34 and Minnesota Statutes § 398.31 through § 398.36. All statutory references contained herein assume that they may be amended from time to time and such amendments are adopted by reference.

102 PURPOSE. The purpose of this ordinance is to provide rules and regulations for the use of, and conduct in, Mille Lacs County parks.

103 INTENT. It is intended by Mille Lacs County that this Ordinance will promote the following:

- (1) The safe and peaceful use of parklands.
- (2) The recreation and education of the public.
- (3) The protection and preservation of property and natural resources.
- (4) The health, safety, and general welfare of residents, future residents, and park users.

104 EFFECTIVE DATE. The provisions set forth in this ordinance shall become effective on June 19, 2022.

ARTICLE TWO: GENERAL PROVISIONS

201 DEFINITIONS. Unless specifically defined, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have as defined in Minnesota Statutes and give this ordinance it's most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

ALCOHOLIC BEVERAGE: Any intoxicating beverage as defined by Minnesota law, including beer, 3.2% beer, and wine.

ALL TERRAIN VEHICLE (ATV): ATVs have at least three, but no more than six, low-pressure or nonpneumatic tires (not filled with or containing compressed air) with a

total dry weight less than 2,000 pounds and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. ATVs include Class 1 and Class 2. Dry weight is normally the weight of the vehicle without fluids. Vehicles not considered ATVs includes golf carts, mini-trucks, dune buggies, go carts, or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

BOARD: The Mille Lacs County Board of Commissioners.

OFF-HIGHWAY MOTORCYCLE: "Off-highway motorcycle" means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under Minnesota Statutes Chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

OFF-HIGHWAY VEHICLE: The term off-highway vehicle (OHV) includes all-terrain vehicles (ATVs), off-highway motorcycles (OHMs), and off-road vehicles (ORVs).

OFF-ROAD VEHICLE: "Off-road vehicle" or "vehicle" means a motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail. Off-road vehicle does not include a snowmobile; an ATV; a motorcycle; a watercraft; a farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow grooming equipment when used for its intended purpose; or an aircraft.

PARK: Any land or water area and all facilities thereon, including but not limited to trails under the jurisdiction, control, or ownership of Mille Lacs County and devoted to active or passive recreation.

PERSON: Any person, firm partnership, association, corporation, company, or organization of any kind.

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

VEHICLE: Is any method of conveyance, whether motor-powered, animal-drawn, or self-propelled, included snowmobiles and any trailer in tow of any size or description. Exceptions include wheelchairs, baby carriages, and vehicles in service of the County parks.

202 SCOPE. This ordinance shall apply in all County Parks.

- 203 VALIDITY. The validity of any part of this ordinance shall not be affected by the invalidity of any other parts of this ordinance where the part can be given effect irrespective of any invalid part or parts.
- 204 LIABILITY. Any liability or responsibility shall not be imposed upon the County or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage or injury resulting from the defective construction, operation, or abandonment of any park regulated under this rule.

ARTICLE THREE: OPERATIONAL REQUIREMENTS

- 301 PROHIBITED CONDUCT. It shall be unlawful, except with express permission from the Board, for any person in a public park to:
- (1) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving 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.
 - (2) 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.
 - (3) 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.
 - (4) Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers 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.
 - (5) 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.
 - (6) 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.

- (7) 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.
- (8) Leave any glass beverage container in any park or leave any broken glass in a park.
- (9) Cause or permit to run loose any animal, unless under direct supervision or control.
- (10) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall any person have in their 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, as applicable.
- (11) Offer items for sale, barter, or donation in any park.
- (12) The use of fireworks in any park.

Rules and regulations may be created or amended by the Board governing the further use and enjoyment of County parks and facilities thereof.

- 302 **AMPLIFIED MUSIC.** It shall be unlawful, except with express permission from the Board, to operate any loudspeaker or amplifier, or any other device by which sounds are magnified and may be heard by persons other than a person using earphones or a hearing aid device.
- 303 **FIRES.** No person shall kindle, build, maintain or use a fire except in places explicitly 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 of 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.
- 304 **PETS.** No person shall bring any pet into a park, unless caged or kept on a leash not more than six (6) feet in length. Pets are not allowed to enter a beach area, picnic area, park building, or unauthorized area within a park.

Pets shall not be allowed to disturb, harass or interfere with any park visitor, a park visitor's property, or a park employee. Pets may not be tethered to any trees, plants, buildings, or other park equipment or facilities.

Persons with custody or control of any pet in a designated area of a park must possess an appropriate device for cleaning up pet feces and disposing of said feces in a sanitary manner. All pet feces must be disposed of in a sanitary manner.

305 VEHICLES. It shall be unlawful for any person in a park to drive any vehicle on any area except the park roads or parking areas, or marked trails. Vehicles may not be parked anywhere except designated parking areas within a park; vehicles may not be parked in a park outside of operating hours.

306 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 towards any person present; or disturb or interfere unreasonably with any person or party occupying any area.

307 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 the public or enter or be upon any building, installation or area outside of posted operating hours or contrary to any notice posted in any park.

308 WEAPONS. It shall be unlawful for any person to bring into or have in their possession in any park any pistol or revolver or object upon which loaded or blank cartridges may be used; or any rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow, or other weapon in which the propelling force is gunpowder, spring, or air, unless said person is authorized to do so pursuant to Minnesota Statutes § 624.714, 624.7181, and/or 97B.045. Said items may be allowed if properly cased and stored in a vehicle in a designated parking area.

ARTICLE FOUR: OHV PARK REGULATIONS

401 GENERAL REGULATIONS.

(1) PARK HOURS. The park will be closed from sunset to sunrise to OHV riders.

(2) ALCOHOL/MOOD-ALTERING SUBSTANCES. No person shall use, consume or possess any alcoholic beverage or mood-altering substance not prescribed by a physician.

(3) PROHIBITED ACTIVITIES. It shall be unlawful for any person to camp, hunt, or horseback ride outside of areas designated for that purpose.

402 PERMITTED ACTIVITIES. Activities allowed within the OHV Park limits include:

(1) OHV RIDING.

- a. All OHVs must be registered and properly display registration or licensure documentation as required by the Minnesota Department of Natural Resources, and adhere to all applicable regulations, including but not limited to decibel and noise emission limits, reflective material, and equipment requirements.
- b. OHVs may not be operated in a manner to:
 - i. indicate a willful, wanton or reckless disregard for the safety of persons or property;
 - ii. carelessly upset the natural and ecological balance of a wetland or public waters wetland;
 - iii. impact a wetland or public waters wetland in excess of minimum amounts established by law;
 - iv. ride below the ordinary high-water level of unfrozen public waters that are lakes, streams, rivers, and certain wetlands, or in calcareous fens.
- c. All OHVs must follow and obey all trail signs. Designated trails are two-way unless posted otherwise. One-way trails must be traveled in the direction indicated. OHV riders must:
 - i. Stay to the right when meeting or being passed by another trail user.
 - ii. Pass on the left half of the tread-way and only when the trail is free from on-coming traffic to safely pass the other trail user.
 - iii. When entering or crossing a trail, yield to trail traffic. When two trail users are about to enter an unmarked tread-way intersection from different directions, the trail user to the right has the right-of-way.
- d. All persons operating or riding in or on an OHV must adhere to all applicable safety requirements established by the Minnesota Department of Natural Resources, including helmet and seatbelt requirements, and training or licensure requirements.
- e. A straight-arm bar must be used to tow a trailer or other device containing passengers; however, a disabled vehicle being towed may contain a person to steer.

(2) 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 areas.
- 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.
- e. Fish in a prohibited area.
- f. Leave any structure, shelter, or ice house upon a frozen body of water in a park after sunset, except in such areas and times as may be designated by the Board.
- g. Clean fish and dispose of the remains, except at a place provided by and designated by the Board.

(3) FISHING. It shall be unlawful for any person to:

- a. Fish in a park in violation of Minnesota Statutes Chapter 97C.
- b. Fish in a prohibited area.
- c. Leave any structure, shelter, or ice house upon a frozen body of water in a park after sunset, except in such areas and times as may be designated by the Board.
- d. Clean fish and dispose of the remains, except at a place provided by and designated by the Board.

(4) GENERAL TRAILS. It shall be unlawful for a pedestrian to walk/bicycle throughout a park outside of the designated walking trails or areas in order to maintain pedestrian safety in the presence of motorized vehicles.

ARTICLE FIVE: ENFORCEMENT

501 PENALTY. Any person, firm, agent, or corporation who violates any of the provisions of this ordinance, or who fails, neglects, or refuses to comply with the provisions of this ordinance, including violations of conditions and safeguards, or who knowingly

makes any materially false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota Statutes.

502 AUTHORITY. The County retains the authority to close areas of a park to the public for construction work in a park, to prevent access to dangerous areas, protect seedlings and plantings, for maintenance purposes, and for natural disasters. The Mille Lacs County Sheriff's Office retains the right to eject from a park any person whose conduct is in violation of this Ordinance, Minnesota Statutes, or Administrative Rules.

ARTICLE SIX: INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

ARTICLE SEVEN: SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

ARTICLE EIGHT: ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any other existing County ordinance, easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

Passed and approved this 7th day of June, 2022 by the Mille Lacs County Board of Commissioners.