

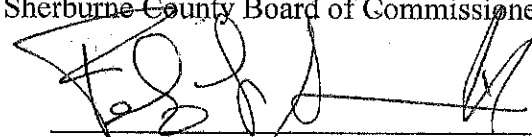
Doc # 606783
11-29-05

ADOPTION OF THE SHERBURNE COUNTY PARK ORDINANCE ORD - 110

The Sherburne County Park Ordinance was adopted by the Sherburne County Board of Commissioners on November 1, 2005. This Ordinance shall apply to all Sherburne County Parks in the County of Sherburne. A copy of the Park Ordinance is available for review at the Sherburne County Planning and Zoning Office or the Administration Office. The Ordinance will also be available for review via the internet in December 2005.

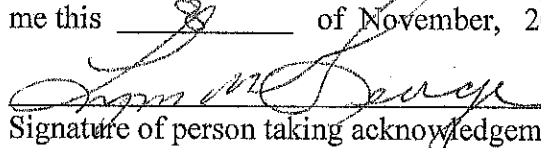
This provision was passed by the Sherburne County Board of Commissioners on the 1st day of November, 2005.

Dated: 11-8-05

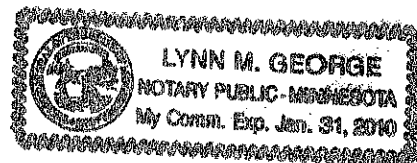


Felix Schmiesing, County Board Chairperson

The foregoing instrument was acknowledged before me this 8 of November, 2005.



Signature of person taking acknowledgement



*Drafted by the Sherburne County Zoning Office
Sherburne County Government Center.*

REGULATIONS

SHERBURNE COUNTY

**AN ORDINANCE GOVERNING PARKS
UNDER THE JURISDICTION OF THE
SHERBURNE COUNTY BOARD OF COMMISSIONERS**

TABLE OF CONTENTS

	Page
SECTION 1: PURPOSE	4
SECTION 2: JURISDICTION	4
SECTION 3: DEFINITIONS	4
SECTION 4: REGULATIONS OF GENERAL CONDUCT	5
A. Possession and Use of Alcohol and Controlled Substances	5
B. Public Nuisance – Breach of Peace	5
C. Littering – Release of Foreign Substance	5
D. Fires	5
E. Possession and Use of Weapons	6
F. Commercial Use – Public Meetings and Assemblies	6
G. Pets	6
H. Designated Trail Use	6
SECTION 5: REGULATIONS FOR PROTECTION OF NATURAL RESOURCES AND WILDLIFE	6
SECTION 6: REGULATIONS OF RECREATIONAL ACTIVITIES	7
A. Camping	7
B. Swimming	7
C. Boating	7
D. Fishing	7
E. Horseback Riding	7
F. Dog Sledding and Horse Sledding	8
G. Bicycling	8
H. Roller Skating/Rollerblading	8
I. Winter Activities	8
J. Use of Motorized Recreation Vehicles	8
K. Use of Aircraft	8
SECTION 7: REGULATIONS OF VEHICLES	9
A. Operation	9
B. Parking	9
C. Wash and Repair	9

SECTION 8: PARK OPERATION	9
A. Hours of Operation	9
B. Permits	9
C. Park Fees	10
D. Liability	10
SECTION 9: ENFORCEMENT AND PENALTIES	10
A. Enforcement	10
B. Penalties	10
SECTION 10: SEVERABILITY – REPEAL OF PRIOR ORDINANCES	10
A. Severability	10
B. Repeal of Prior Ordinances	11
SECTION 11: EFFECTIVE DATE	11

THE COUNTY BOARD OF SHERBURNE COUNTY HEREBY ORDAINS:

SECTION 1: 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, county-wide trail systems, wildlife sanctuaries, forest, historical sites, waysides and public access to lakes, rivers and streams in parks established by Sherburne County in the State of Minnesota, and to further the safety, health, comfort and welfare of all persons in the use thereof.

SECTION 2: JURISDICTION

This Ordinance shall apply to all Sherburne County Parks in the County of Sherburne.

SECTION 3: DEFINITIONS

For the purpose of this Ordinance, the terms defined in this section shall have the meanings given them in this section.

“Alcoholic Beverage” means any intoxicating beverage as defined by Minnesota Statutes and includes, but is not limited to, intoxicating liquor, strong beer, 3.2 beer, and wine.

“Controlled Substance” means any substance defined as a controlled substance by Minnesota Statutes Chapter 152, or by other statutes or Federal law or regulations.

“Motorized Recreational Vehicles” means any self-propelled, off-the-road, or all terrain conveyance, including but not limited to, a snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail bike or dune buggy.

“Park” means any government owned land or water area above the OHW mark, and all facilities thereon, established as a park by Sherburne County pursuant to its authority under Minnesota Statutes.

“Park Administrator” means the person designated by the County Board to serve as the chief administrative officer of the Sherburne County Park System or his/her designee and/or the person designated by the County Board of Commissioners with the responsibility for the operation and management of a particular park or parks.

“Park Visitor” means any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind within a park.

“Vehicle” means any motorized, self-propelled, animal-drawn, or human powered conveyance of persons or things.

“Weapon” means any device, including, but not limited to, firearms, bows and arrows, slings, and spring guns, pellet or BB guns, paint guns, and electronic weapons, from which a shot or projectile of any type is discharged or propelled by means of an explosive, gas, compressed air, or other means. An electronic weapon means a portable device which is designed, used, or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of an electric current.

“Wildlife” means all living creatures, not humans, wild by nature, endowed with sensation and power or voluntary motion, including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

“Sherburne County Parks” means the park organization or system in Sherburne County as set forth in the Sherburne County Parks, Trails, and Open Space Plan (2005).

SECTION 4: REGULATIONS OF GENERAL CONDUCT

A. Possession and Use of Alcohol and Controlled Substances.

It shall be unlawful for any person to:

- Serve, possess or consume any non-prescription controlled substance within a park.
- Serve, possess or consume any alcoholic beverage without a permit.

B. Public Nuisance – Breach of Peace.

It shall be unlawful for any person to:

- Disturb, harass, or interfere with any park visitor or a park visitor’s property.
- Gamble in a park (excluding bingo that is licensed by permit).
- Use loudspeakers or other amplifying systems in a park, except by permit from the Park Administrator.
- Urinate/defecate in any park except at designated restroom or portable restroom facilities.

C. Littering – Release or Foreign Substance.

It shall be unlawful for any person to:

- Deposit, scatter, drop or abandon in a park any bottles, cans, broken glass, sewage, waste, or other material, except in receptacles provided for such purposes. Said waste receptacles are to be used only by park visitors for such wastes as are created during use of the park for recreational activities. Other use of said waste receptacles is a violation of this Ordinance.

D. Fires.

It shall be unlawful for any person to:

- Start a fire in a park, except in a designated area, such as a fireplace or fire ring, or as otherwise allowed by a permit from the Park Administrator.
- Leave a fire unattended or fail to fully extinguish a fire.
- Drop, throw, otherwise leave unattended in a park, lighted matches, burning cigars, cigarettes, tobacco, paper, or other combustible material.

E. Possession and Use of Weapons.

It shall be unlawful for any person to:

- Discharge any weapon, including bow and arrow, within a park without a permit obtained from the Park Administrator.
- Conduct any form of hunting of wildlife or game within a park without a permit obtained from Sherburne County and with a permit, is only allowed in designated area of the park with the appropriate hunting license required of the State.

F. Commercial Use – Public Meetings and Assemblies.

The parks shall be used solely for use and enjoyment of families. There shall be no use of the parks for business or commercial enterprise or service. Any gathering that has greater than 10 persons shall need a written permit from the Park Administrator, and then only in areas designated by the permit.

G. Pets.

It shall be unlawful for any person to:

- Bring a dog, cat, or other animal into a park unless caged, kept on a leash not more than six feet in length or under the control of person by tether/rein, or to tether any animal to a tree or other plant, unless referring to service oriented animals including those for law enforcement.
- Permit any dog, cat, or other animal to enter a beach area, nature center area, refuge area, picnic area, park building, or other unauthorized area within a park or into any park where their presence is prohibited by the Park Usage Plan.
- Permit a dog, cat, or other animal to disturb, harass, or interfere with any park visitor or a park visitor's property.
- To release an animal into the lands or waters that is not indigenous to the area.
- To allow an animal to defecate/urinate in an unauthorized area. Dog handlers shall clean up and dispose of the same.

H. Designated Trail Use

It shall be unlawful for any person to:

- Use trails that are not designated for a particular use, except by permit from Park Administrator.

SECTION 5: REGULATIONS FOR PROTECTION OF NATURAL RESOURCES AND WILDLIFE.

It shall be unlawful for any person to:

- Injure, destroy, or remove any tree, flower, shrub, plant, rock, soil, or mineral in a park.
- Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed, any species of wildlife within a park, except by permit.
- Remove any wildlife, living or dead, from a park, and any wildlife so removed or taken contrary to the provisions of this Ordinance or any laws of the State of Minnesota shall be considered contraband and subject to seizure and confiscation.
- Release within a park any plant, chemical, or other agent intentionally harmful to the vegetation or wildlife of the park.

SECTION 6: REGULATIONS OF RECREATIONAL ACTIVITIES.

For each and all recreational activities conducted on county park land, the activity is done at the users own risk.

A. Camping.

It shall be unlawful for any person to:

Camp in a park without a permit.

Camp in a park without a written permit from the Park Administrator or his authorized representative.

Cause, create or make any noise which disturbs the peace, quiet and tranquility of the camping area.

Discharge water or any other wastes in a park except into designated containers, drains or dumping stations.

Dig trenches or make any other excavations in a park.

Occupy camp sites in a park contrary to a written permit. A permit may be revoked and the park visitor(s) expelled from the park if they violate the conditions of the permit, including but not limited to occupation of camp sites not listed in the permit or cause, create or make noise disturbing the quiet of the camping area.

B. Swimming.

It shall be unlawful for any person to:

Violate hours posted for swimming in a designated swim area. All persons are notified that if there are no lifeguards stationed at designated swim areas, they swim at their own risk.

C. Boating.

It shall be unlawful for any person to:

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 designated for that purpose.

Leave unattended any boat or other watercraft except in areas designated for that purpose.

Operate any watercraft in a designated swimming area.

D. Fishing.

It shall be unlawful for any person to:

Fish in a park area designated as a no fishing area.

Leave, store, abandon, or otherwise cause to remain on any park property or access site, any fish house, dark house, portable shelter, or other structure. Any such structure left on park property without a permit for more than 72 hours will be confiscated and/or destroyed.

E. Horseback Riding.

It shall be unlawful for any person to:

Ride, lead, or permit a horse to be within a park except in designated riding areas and at designated hours.

Ride a horse in a reckless manner or to likely endanger the safety or property of any park visitor or the rider.

F. Dogsledding and Horsesledding.

It shall be unlawful for any person to dogsled or horsesled on any park unless done in locations designated for that use unless a permit by Sherburne County has been obtained.

G. Bicycling.

It shall be unlawful for any person to:

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

Operate a mountain bike or similar cycle except on bike trails and roadways as permitted by the Park Administrator.

Ride or operate a bicycle in a reckless or careless manner, or at speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

H. Roller Skating/Rollerblading.

It shall be unlawful for any person to:

Roller skate or rollerblade in a park, except on paved bike trails unless posted otherwise.

Roller skate or rollerblade in a park in a reckless or careless manner, or at a speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

I. Winter Activities.

It shall be unlawful for any person to:

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

Cross-country ski in a park in violation of Minnesota Statutes Chapter 85 (without the required license)

J. Use of Motorized Recreation Vehicles.

It shall be unlawful for any person to operate a motorized recreation vehicle within a park, except at such times and in such areas as designated by the Park Administrator.

K. Use of Aircraft.

It shall be unlawful for any person to:

Use any land within a park for a starting or landing field for aircraft, hot air balloons, or parachutes, without a permit from the Park Administrator.

Start, fly, or use any fuel powered model aircraft, model rocket, or like-powered toy or model, in a park without a permit from the Park Administrator.

SECTION 7: REGULATIONS OF VEHICLES.

A. Operation.

It shall be unlawful for any person to:

- Operate any vehicle within a park except upon roadways, parking areas, or other designated locations thereof.
- Operate a vehicle in a park at a speed in excess of posted speed limits.

B. Parking.

It shall be unlawful for any person to:

- Park or leave a vehicle standing within a park except in a designated parking area.
- Park or leave a vehicle standing after posted closing hours without a valid camping permit or other special use permit from the Park Administrator.

C. Wash and Repair.

It shall be unlawful for any person to wash, polish, grease, change oil or repair any vehicle in a park.

Nothing in this Ordinance shall prevent law enforcement personnel, emergency services personnel, or county maintenance personnel from their required duties.

SECTION 8: PARK OPERATION.

A. Hours of Operation.

Excluding camp sites, parks shall be open to the public daily from 6:00 a.m. until one-half hour after sunset. It shall be unlawful for a person to enter or remain in a park at any other time, except for campers in a designated camping area.

Any park or portion thereof may be declared closed to the public by the Park Administrator, by the Sherburne County Board of Commissioners, or by the Sherburne County Sheriff, at any time, and for any interval of time, for the protection of park property, for the protection of the public health, safety, or welfare, or as the Park Administrator, Sherburne County Board of Commissioners, or Sherburne County Sheriff shall find reasonably necessary.

B. Permits.

A person may be granted a permit by the Park Administrator or his/her authorized representative for special uses or activities within a park, or for temporary exclusive use of a reserved space within a park. Permits shall be required for any entertainment, tournament, exhibition, or any other special use or gathering which can reasonably be expected to involve 20 or more persons.

The Park Administrator or his authorized representative may impose conditions upon use in connection with the granting of a permit. Any person, whether the permit applicant or not, who is using a park in accordance with a permit that has been granted, shall comply with the conditions of said permit. It shall be unlawful for a person to violate any condition of a permit.

Any permit granted pursuant to this Section may be revoked by the Park Administrator or his authorized representative upon the violation by the permit holder of any portion of this Ordinance or any provision of state or federal law.

C. Park Fees.

No permit shall issue until the fee for the same has been paid. The Park Administrator, for permits involving 15 or more persons, may require insurance for the activity, a deposit to clean up and other monies to ensure that there is no destruction of park property.

D. Liability.

The County of Sherburne and Sherburne County Parks shall not be liable for any loss, damage, or injury to property or persons sustained by any park visitor.

SECTION 9: ENFORCEMENT AND PENALTIES.

A. Enforcement.

The Park Administrator and the Sherburne County Board of Commissioners shall have the right to issue administrative regulations for the purpose of administering this Ordinance.

The Sherburne County Sheriff's Office, other peace officers, DNR Conservation Officers, and designated Sherburne County Parks employees, shall have the authority to enforce the provisions of this Ordinance and may eject from a park any persons acting in violation of this Ordinance or the permit issued.

Nothing in this Ordinance shall prevent Sherburne County Parks employees from performing their assigned duties.

No person shall impersonate any Sherburne County Parks employee, nor shall they interfere with, harass, or hinder any Sherburne County Parks employee in the discharge of his/her duties.

B. Penalties.

A person guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor.

The Park Administrator shall have the authority to revoke for good cause any permit or reservation issued under this Ordinance.

SECTION 10: SEVERABILITY – REPEAL OF PRIOR ORDINANCES

A. Severability.

The provisions of this Ordinance shall be deemed to be severable. The invalidity or unenforceability of any provision shall not affect the validity or enforceability of any other provision of this Ordinance.

B. Repeal of Prior Ordinances.

Upon enactment of this Ordinance, pre-existing Parks Ordinances are hereby repealed.

SECTION 11: EFFECTIVE DATE.

This Ordinance shall be effective upon passage and publication according to Minnesota Statutes. This Ordinance is hereby passed and approved this 1st day of November, 2005.

Sherburne County Board of Commissioners

By Felix Schmiesing
Chairperson
Sherburne County Board of Commissioners

Attest: Brian J. Bensen
Sherburne County Administrator