

## CHAPTER 90: RECREATION

### Section

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#### *Cross-reference:*

*Wild and Scenic Rum River Protection Area, Ch. 154*

## ***PUBLIC PARKS***

### **§ 90.01 PURPOSE.**

This subchapter is enacted to govern the conduct of members of the public during their use and enjoyment of the city park system so as to further the safety, health, enjoyment, and welfare of all persons in the use of those facilities and to protect public property and resources for posterity.

(Ord. 393, passed 6-14-12)

**§ 90.02 HOURS AND ACCESS.**

(A) The park system shall be open to the public between the hours of 6:00 a.m. and 10:00 p.m. No person shall remain, stop, use, or be present within the confines of any park between the hours of 10:00 p.m. and 6:00 a.m. Exceptions may be made at the discretion of the City Council in the case of emergency, when contained in park permits which have been issued, or for other reasons the City Council may determine necessary or desirable. Except as outlined in a park permit, parks are subject to any other curfew hours in force in the city.

(B) Any section or part of any park may be declared closed to the public by the City Council at any time or for any interval of time, either temporarily or at regular and stated intervals, and either entirely or for certain uses as the Council shall find necessary or desirable.

(C) Overnight camping in municipal parks shall be allowed in designated areas set forth by the city. All campers shall abide by any of the conditions set forth by the city and must register and receive permission from the city. Persons who have obtained permission are allowed access to the park outside the hours specified in this section for the purpose of going to or from their campsite. Under no circumstances shall persons be permitted to camp in the park for more than three consecutive nights and days. If campers violate any conditions, laws, or ordinances, they shall immediately lose their camping privileges. The city reserves the right to cancel camping privileges at any time without notice.

(Ord. 393, passed 6-14-12; Am. Ord. 427, passed 7-20-17)

**§ 90.03 PERMITS.**

(A) Permits are required for the exclusive use of all or portions of specific areas, buildings, and other park facilities, and for conducting special events such as those of an athletic, cultural, educational, political, religious or recreational nature, and for specific exemption from any provision of this subchapter. Any person, group, or association of persons wishing to obtain a permit must file an application for a permit with the City Manager.

(B) In addition to any permit terms, the grantee of a permit is bound by this section and any other applicable regulations.

(C) The grantee of a permit is liable for any loss, damage, or injury sustained by the park or by any person whatever, by reason of the negligence of the person or persons to whom the permits are issued.

(D) The grantee of a permit may not transfer or relinquish the permit to another person or group of persons without the written permission of the City Manager.

(E) The City Manager may revoke a permit upon evidence of good cause.

(F) No person may disturb, harass, or interfere with the grantee of a valid permit, nor with any of the grantee's guests, property or equipment.

(G) Permits may be issued to adults only and an adult must be on the permitted premises at all times for the duration of the permit.

(H) No person or group may place or hold for sale any goods, wares, merchandise, or other articles on park property, by permit or otherwise.

(I) Only park permit grantees and their invited guests may use park facilities reserved by park permit such as shelters, picnic areas, ball fields, tennis courts or volleyball courts or conduct picnic activity at reserved picnic sites.

(J) No person may establish or maintain any camp or other temporary lodging or sleeping place in any park, by park permit or otherwise.

(Ord. 393, passed 6-14-12)

## **§ 90.04 GENERAL CONDUCT.**

### **(A) *Defacement, destruction of property and resources prohibited.***

(1) No person may tamper with, climb on, injure, deface, destroy, disturb, damage, move, or remove any part of any park building, portable bathrooms, structure, sign, light pole, drinking fountain, hydrant, picnic table, grill, trash receptacle, equipment, statue or other property found in the park. This does not prohibit appropriate use of play equipment.

(2) No person may deface, disturb, or remove in any manner any soil, plant, artifact, fossil, rock, or other natural resource.

(3) No person may excavate any ditch, trench, tunnel, or hole in any park.

### **(B) *Preservation of vegetation.***

(1) No person may injure, cut, destroy, mutilate, uproot, disturb, or remove any flower, tree, shrub, or any plant whether wild or cultivated, or any part thereof.

(2) No person may make any unauthorized use of any park which is detrimental to the turf and soil conditions.

(3) No person may remove any device, apparatus or material installed for the protection, support, or preservation of any tree, shrub, or plant.

### **(C) *Animals, whether wild, pet or domestic.***

(1) (a) No person owning, being in custody, or having custody or control of an animal, may cause or allow the animal to roam or be at large in any park.

(b) ***Exception:*** It shall be permissible for dogs to run at large on and within city owned property, including any city parks, that has been clearly marked with signage indicating dogs may run at large. Any person owning, or having custody or control of any dog that is running at large under this exception shall be responsible for ensuring the dog remains within the indicated area.

(2) No person having custody or control of any animal may allow the animal to disturb, harass, or interfere with other park users or their property.

(3) Any unattended animal found roaming or at large within any park may be impounded.

(4) All state and local ordinances relating to the licensing and muzzling of animals apply to any park.

(5) It is unlawful for any person who owns, harbors, or has custody or control of an animal to permit the animal to defecate on any public property unless such person immediately removes the excrement and properly disposes of it.

**(D) *Fires.***

(1) No person may start or maintain a fire in any park except small recreational fires in fireplaces, fire rings, and grills provided for that purpose in areas specifically designed for such use. Private grills may be used in designated areas provided that all ashes and residue are disposed of in containers provided for such disposal.

(2) Any person who starts or maintains a fire in an authorized area must exercise continuous supervision from the time the fire is kindled until it is extinguished. No fire may cause damage or constitute a threat to site vegetation and resources, nor may it cause discomfort to other park users.

(3) The Council may, at its discretion, prohibit fires for limited periods at any location for any purpose when it is necessary for the continued protection of park property and resources.

**(E) *Waste and litter.***

(1) No person may throw, cast, drop, pour, spill or discharge, or permit to escape in or upon any land, pond, river, creek, stream, ditch, storm sewer, or drain flowing into or through any park, any substance, matter or thing whether solid, liquid, or gas, which may result in the pollution of the waters, interfere with the conservation management of the water resource, or endanger the health of the public.

(2) No person may deposit in public trash receptacles any household refuse, tree or lawn clippings, leaves, weeds, waste resulting from building construction, remodeling or demolition, and other waste products, unless the refuse is the result of authorized activities in the park in which the public receptacles are located.

(3) No person may drop, throw or otherwise leave unattended in any park lighted matches, burning cigars, cigarettes, tobacco, paper, or other combustible material.

(F) *Firearms, weapons, fireworks.*

(1) No person may possess, fire, discharge, or set off any firearm, missile, fireworks, or explosives in any park.

(2) No person, except a peace officer, shall possess or carry a firearm of any description in any park. No person may possess or carry in any park any air gun, bow and arrow, knife with a blade greater than three inches, paint ball gun, slingshot, dart, or projectile thrower, or any other dangerous or illegal weapon.

(3) Any unauthorized or illegal weapon within any park is subject to seizure by a peace officer.

(G) *Disturbing the peace - conduct.*

(1) No person, or group of persons, may disturb the peace and good order in any park by either word or act.

(2) No person, or group of persons, may use threatening, abusive, insulting, obscene or indecent language or commit, perform or engage in any lewd, lascivious, obscene or indecent act.

(3) No person, or group of persons, may engage in fighting, quarreling, wrangling, riotous clamor, or tumult.

(4) No person, or group of persons, may disturb, harass, or interfere with any park user or the user's property.

(5) No person may solicit or ask anyone to commit, perform or engage in any lewd, lascivious, obscene, or indecent act or behavior.

(6) No person may enter or occupy any park or park property while under the influence of alcohol to the extent his or her blood alcohol content meets or exceeds the level of 0.10% alcohol per milliliter of blood and any person who a peace officer has probable cause to believe is under the influence of alcohol as described is subject to chemical testing by portable breath test and any person who refuses to properly perform a portable breath test when offered by a peace officer is subject to immediate removal from park property.

(7) Any person who a peace officer has probable cause to believe has engaged in conduct prohibited by this section may be banned from city parks for a period of up to one year from the date of issuance of a trespass notice by a peace officer to the subject of the trespass notice (or parent or guardian if a minor).

(H) *Audio devices.* No person may operate or play any musical instrument, radio, television, record or tape players, loudspeaker, public address system or sound amplifying equipment of any kind in any park in such a manner that the sound emanating therefrom is audible beyond the immediate vicinity of the set or instrument, and subsequently interferes with the use of the park by other users or disturbs the residents of adjacent property.

(I) *Alcoholic and intoxicating beverages.* No person may possess, have within their immediate control, display, consume or use intoxicating liquor or 3.2% malt liquor in any park, provided however, that the City Manager may issue park permits authorizing the possession, immediate control, display, consumption and use of wine and beer at the location and in conjunction with the park permit and subject to the limitations contained in the permit.

(J) *Games.* No person may engage in any potentially dangerous games involving thrown or propelled objects, such as horseshoes, golf balls, darts, paint balls, or similar objects except in appropriate areas specifically designated for such usage.

(K) *Skateboards.*

(1) No person shall operate a skateboard carelessly or heedlessly in disregard of the rights of others, in a manner that endangers or is likely to endanger persons, property or the operator of the skateboard, or in a place where the surface or traffic conditions render the place unsafe for skateboarding.

(2) An operator of a skateboard must yield the right-of-way to any other type of vehicle or a pedestrian while the operator is entering or traveling upon a street, alley, sidewalk, bicycle path, or other paved surface.

(L) *Unlawful sales.*

(1) No person may sell, offer for sale, hawk, peddle or lease any object, merchandise or service or carry on any manner of business or commercial enterprise except those concessions authorized or operated by the city.

(2) No person may park or occupy a vehicle, stand or booth to sell any farm produce, flowers, merchandise or any other product or for conduct any business or the selling of services unless authorized by park permit.

(M) *Peace officers and employees.*

(1) No person may willfully resist, refuse or fail to comply with any order, direction or request lawfully given by any peace officer, or city employee acting under the authority of the City Council or City Manager and in accordance with this section.

(2) No person may interfere with, or in any manner hinder any city employee, city contractor, or peace officer during the performance of their assigned duties.

(N) *Posted regulations, directional signs and graphics.* No person may disregard or fail to comply with any posted regulations, directional signs and graphics, barriers or other control devices located within any park or on any parkway.

(Ord. 393, passed 6-14-12; Am. Ord. 418, passed 6-14-16; Am. Ord. 527, passed 7-18-24)

## § 90.05 TRAFFIC RULES.

(A) No person may drive, park or operate a motorized vehicle within any park except upon roadways, parking areas, parkways or other areas designated for such use.

(B) No person may operate a motorized vehicle within any park or on any parkway, in violation of posted regulations and directional signs, state law, county or municipal traffic ordinances, or orders or direction of peace officers or city employees.

(C) No person may drive or operate a motorized vehicle on or along any roads, drives or parking lots which have been restricted, closed, or posted with appropriate signs or barricades. The Council will have the authority to order roads, drives, or parking lots within any park or any roadway closed during the process of construction, reconstruction, or repair or when in its opinion, weather conditions render travel unsafe or unduly destructive.

(D) No person may operate a motorized vehicle in a careless or reckless manner or without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, so as to endanger the life, limb, or property of any other person.

(E) No person may operate a motorized vehicle in any park or on any parkway at a speed in excess of 15 miles per hour or in excess of otherwise posted speed limits.

(F) No person may operate a motorized vehicle in any park which emits excessive or irritating noise, noxious fumes, dense smoke or other pollutants.

(G) Motorized vehicles illegally parked, disabled or abandoned may be towed away and impounded at the owner's expense.

(H) Motorized vehicles must yield the right-of-way at all times to pedestrians.

(I) No person may participate in a drag race or test of unreasonable acceleration in any park or on any parkway.

(Ord. 393, passed 6-14-12)

**§ 90.06 VIOLATIONS.**

(A) Violation of any of the provisions of this subchapter shall be a misdemeanor, provided however, that any peace officer employed by the city may, in his or her sole discretion, charge any violation of the provisions of this subchapter as an administrative offense only, pursuant to Chapter 35 of the Code of Ordinances.

(B) Any person violating any section of this subchapter may be expelled, ejected, or ousted from a park at the discretion of a peace officer.

(Ord. 393, passed 6-14-12)

***FOREST PRESERVE*****§ 90.15 PURPOSE.**

The purpose of this subchapter is to establish an area to become known as the city Forest Preserve and to create rules and regulations that will enable long term use as the public enjoys the usage of its recreational trails within.

(Ord. 98-2, passed 6-25-98)

**§ 90.16 BOUNDARIES.**

The boundaries of the Forest Preserve are described as all lands owned by the city that are located on the west side of the Rum River that are within the following prescribed boundaries. The Forest Preserve shall be bordered on the east side by the Rum River, on the south side by a line 50 feet north of the center of the abandoned Burlington Northern railroad bed, and north side by adjacent property owners.

(Ord. 98-2, passed 6-25-98)

**§ 90.17 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AUTHORIZED VEHICLE.** Any federal, state, county or municipal vehicle or authorized agent that is for the purpose of trail inspection, maintenance, or law enforcement.

**BICYCLE.** Any land-based vehicle powered by human muscle.

**MOTOR VEHICLE.** Any self-propelled vehicle, or any vehicle drawn by self-propelled vehicle, including but not limited to automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes, snowmobiles, and all-terrain vehicles (ATVs).

**PERSON.** Any natural individual, group, organization, corporation, partnership, or association. As applied to groups, organizations, corporations, partnerships, and associations, the term shall include each member, officer, partner, associate, agent, or employee.

**SPECIAL EVENT.** Any organized rally, raised exhibit, demonstration, or similar activity of limited duration, which is conducted according to a prearranged schedule in which general public interest is manifested.

**TRAIL.** All the land designated as **TRAIL** inside the city Forest Preserve.  
(Ord. 98-2, passed 6-25-98)

**§ 90.18 USE.**

(A) *Permitted uses.* Unless specifically prohibited by this subchapter or by statutes and rules enacted by the state, or individual counties, or unless specifically prohibited by the Commissioner of

the Department of Natural Resources, the Forest Preserve may be used for all non-motorized forms of recreation, including but not limited to hiking, bicycling, snow-shoeing, and cross-country skiing.

(B) *Motor vehicles.* No unauthorized motor vehicle shall be operated within the Forest Preserve.

(C) *Trail hours.* Any specific use of the Forest Preserve may be limited to hours designated by the city. The Forest Preserve may be closed entirely when it is deemed to be necessary for trail maintenance, preservation, or human safety. Any use in violation of these limitations is unlawful.

(D) *Traffic control.*

(1) All trail signs shall be obeyed.

(2) No special event shall be held within the Forest Preserve except with previously obtained written permission from the city.

(Ord. 98-2, passed 6-25-98) Penalty, see § 10.99

## **§ 90.19 PROTECTION OF FOREST PRESERVE.**

(A) *Environment.* No person shall disturb, destroy, injure, damage, or remove any property within the Forest Preserve including, but not limited to, vegetation, wildlife, geological formations, signs, or facilities, except vegetation unavoidably damaged or destroyed by the ordinary use of the trails as specifically permitted by these parts. Collection for scientific or educational purposes may be made with the previously obtained consent of the city.

(B) *Bill posting.* No unauthorized person shall post, paste, fasten, paint, or affix any plaque, guard, bill, notice, or sign upon any structure of trees, stone, fence, or enclosure in the Forest Preserve.

(C) *Obstruction.* No unauthorized person shall place or cause to remain within the trails any object so as to obstruct the free use and enjoyment of the trails within the Forest Preserve. Any obstruction shall be removed at the owner=s expense.

(D) *Refuse.* No person shall dispose of garbage, refuse, litter, or trash within the Forest Preserve. Any of this type of obstruction shall be removed at the owner's expense.

(E) *Hunting or trapping.* Hunting or trapping of any animals within the Forest Preserve by any natural or man-made means is forbidden. It is also unlawful to drive animals from the Forest Preserve to adjacent properties for hunting purposes. The discharge of firearms for target shooting is allowed in designated areas only with police permission.

(Ord. 98-2, passed 6-25-98) Penalty, see § 10.99

**§ 90.20 UNLAWFUL ACTS.**

(A) *Drugs and alcohol.* No person shall use or be in the possession of illegal drugs or alcohol within the Forest Preserve.

(B) *Animals.*

(1) No person shall allow any animal to be unrestrained or unattended within the Forest Preserve, and shall cause all waste caused by such animal to be immediately removed, provided, however that horses or other beasts of burden are prohibited from the Forest Preserve.

(2) *Definition.* "Horses or other beasts of burden" means any quadrupeds trained or used to carry a person or other cargo.

(C) *Peddling or solicitation.* No person shall peddle or solicit business of any nature within the Milaca Forest Preserve or use any lands or structures as a base for a commercial operation.

(D) *Safety.* While being ridden or operated within the Forest Preserve, bicycles and other non-motorized vehicles must be under the control of the operator at all times. The operator of all non-motorized vehicles must wear a helmet while riding within the Forest Preserve.

(E) *Camping.* Overnight camping in the Forest Preserve will not be allowed. Campfires are not permitted in the Forest Preserve.

(F) Any person violating this section shall be guilty of a misdemeanor and shall be punished as provided in § 10.99.

(Ord. 98-2, passed 6-25-98; Am. Ord. 387, passed 12-17-09) Penalty, see § 10.99

**§ 90.21 ADJACENT LAND; ACCESS RESTRICTED.**

The Forest Preserve and the trails within shall not be used as access to private land without the consent of the landowner, lessee, occupant, or lawful agent.

(Ord. 98-2, passed 6-25-98) Penalty, see § 10.99

**§ 90.22 VIOLATIONS.**

Any person convicted of violating any provision of this subchapter is guilty of a misdemeanor and subject to the penalties provided in § 10.99.

(Ord. 98-2, passed 6-25-98)

**§ 90.23 TREE DISEASES.**

(A) *Trees constituting nuisance declared.* The following are public nuisances whenever they may be found within the city:

(1) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi* (*Buisman*) *Moreau* or which harbors any of the elm bark beetles *Scolytus Multistriatus* (*Eichh.*) or *Hylungopinus Rufipes* (*Marsh*);

(2) Any dead elm tree or part thereof, including branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;

(3) Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;

(4) Any dead oak tree or part thereof which in the opinion of the designated officer constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide;

(5) Any other shade tree with an epidemic disease.

(B) *Abatement of nuisance.* It is unlawful for any person to permit any public nuisance as defined in division (A) of this section to remain on any premises the person owns or controls within the city. The City Council may by resolution order the nuisance abated. Before action is taken on that resolution, the City Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to the affected property owner and published once no less than one week prior to the meeting. The notice shall state the time and place of the meeting, the street affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the City Council shall hear any property owner with reference to the scope and desirability of the proposed project. The City Council shall thereafter adopt a resolution confirming the original resolution with modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

(C) *Record of costs.* The City Manager-Clerk shall keep a record of the costs of abatement done under this section for all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

(D) *Unpaid charges.* On or before September 1 of each year, the City Manager-Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment as authorized by M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection the following year along with the current taxes.

Penalty, see § 10.99

