

FREEBORN COUNTY ORDINANCE NO. 6

TITLE. An ordinance regulating parks owned and managed by Freeborn County.

ARTICLE I  
GENERAL PROVISIONS

Section 1. Statutory Authorization: This ordinance is enacted pursuant to Chapter 398 of Minnesota Statutes.

Section 2. Policy: The purpose of this ordinance 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, and public access to lakes, rivers, and streams, in parks established or managed by Freeborn County, and to further the safety, health, comfort, and welfare of all persons using them.

Section 3. Jurisdiction: This ordinance shall apply to all parks owned or managed by Freeborn County.

Section 4. Severability: The provisions of this ordinance shall be severable, and the invalidity of any Section, Subdivision, or any other part shall not affect the remaining portion of this ordinance.

Section 5. Definitions: For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows: The word “shall” is mandatory, not permissive.

Subd. 1. “Park” means any land or water which is designated as a park by Freeborn County, and includes all facilities located therein.

Subd. 2. “Person” means any individual, group, firm, partnership, association, corporation, government unit, company, or organization of any kind using the facilities of a park.

Subd. 3. “Non-motorized vehicle” means any animal-drawn or human-powered conveyance.

Subd. 4. “Motorized vehicle” means any self-propelled vehicle except snowmobiles. The term shall include, but not be limited to automobiles, trucks, dunebuggies, minibikes, motorcycles, trail bikes, amphibious vehicles, all-terrain vehicles, and go-carts.

Subd. 5. “Pet” means any animal owned by or under the control of any person.

Subd. 6. “Snowmobiles” means any self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Subd. 7. “Weapon” means any firearm or gun from which shot or a projectile is discharged by means of an explosive gas, or compressed air. This definition includes bows and arrows, slingshots, and switch-blade knives.

Subd. 8. “Wildlife” means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

Subd. 9. “Intoxicating liquor” means any liquor which is intoxicating as defined by Minnesota law.

Subd. 10. “Beer” means any alcoholic malt beverage containing not more than 3.2 per cent alcohol by weight.

Subd. 11. “Drug” means any drug, the use, possession, or sale of which violates federal or state law.

## ARTICLE II PARK REGULATIONS

### Section 1. Hours:

Subd. 1. No person shall be within a park during such hours as may be designated by separate resolution of the County Board of Commissioners. Hours of permitted use shall be posted at all entrances to each park.

### Section 2. Personal Behavior:

No person shall engage in brawling or fighting or offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, resentment in others, or to provoke an assault or breach of the peace, or disturb or annoy another park visitor in their recreational enjoyment of a park; or disturb or interfere with another park visitor’s property.

Subd. 2. No person shall gamble within a park.

Subd. 3. No person shall solicit, sell, advertise, or carry on any business or commercial enterprise or service in a park.

Subd. 4. No person shall advertise or engage in any private, for profit, activity or function in any park.

Section 3. Alcohol and Drugs:

Subd. 1. No person shall be under the influence of any alcoholic beverage or a controlled substance while in a park.

Subd. 2. No person shall have in his or her possession a glass bottle containing an alcoholic beverage in a park.

Subd. 3. No person shall use or be in possession of any controlled substance or drug paraphernalia in a park.

Section 4. Hunting and Weapons:

Subd. 1. No person shall possess or bring into a park any explosive materials, except when these materials are intended to be used as fuel.

Subd. 2. No person shall display or have in his or her possession any firearm or airgun unless cased and unloaded in both barrel and magazine.

Subd. 3. No person shall kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed, any species of wildlife within a park, except that fishing shall be permitted according to state law.

Subd. 4. No person shall discharge any weapon from within a park or into a park from beyond park boundaries.

Section 5. Environmental Protection:

Subd. 1. No person shall remove, damage, or destroy any park facilities, trees, vegetation, ruins, relics, historical features, geological formations, rocks, minerals, wildlife, or soil.

Subd. 2. No person shall release within a park any insect, fish, or other wildlife, or introduce within a park any plant, chemical or other agent potentially harmful to the vegetation or wildlife of the park.

Section 6. Fires and Refuse:

Subd. 1. Fires shall be permitted only in designated areas of any park, and then only within spaces specifically delineated as fire sites.

Subd. 2. No person shall deposit, burn, or abandon garbage, refuse, sewage, bottles, cans, broken glass, or any other waste materials, except as has been accumulated by such person while making lawful use of the park and incidental to

such use and unless such materials shall be placed in receptacles provided for that purpose.

Subd. 3. No person shall drop, throw, or otherwise leave unattended in a park lighted matches, burning cigars, cigarettes, tobacco, or other combustible material except in receptacles provided for the purpose.

Section 7. Pets:

Subd. 1. No person shall permit any pet under his or her control to be brought into any park area unless the pet is caged or kept on a leash not more than six feet in length.

Subd. 2. No pet shall be tethered to any tree or plant.

Subd. 3. No person shall permit a pet to interfere with or disturb any person within a park or to violate the environmental protection clause of this ordinance.

Section 8. Vehicles:

Subd. 1. Non-motorized vehicles: No person shall ride or draw any non-motorized vehicle through any area of a park, except in areas designated for such use.

Subd. 2. Motorized Vehicles: No person shall operate any motor vehicle within any park area, except on roads and within parking areas designated for motor vehicles.

Subd. 3. Operation of all vehicles shall be in conformity with state law.

Subd. 4. No vehicle may be washed, polished, or greased, serviced, or repaired in any park area.

Section 9. Snowmobiles:

Subd. 1. No person shall operate any snowmobile in any park except on posted trails and in other areas specifically designated for that purpose.

Subd. 2. No person shall operate any snowmobile within any park area except in compliance with all state regulations governing the operation of snowmobiles.

Subd. 3. No person shall operate any snowmobile within any park area except where there exists snow cover adequate to prevent undue damage to vegetation and ground cover as a result of the operation of the snowmobile.

Section 10. Horses:

Subd. 1. No person shall ride or lead a horse or horses in any park except on trails and in areas designated for such use.

Section 11. Waterway Uses:

Subd. 1. Fishing

- (a) No person shall fish in any waterway from within a park except in compliance with state law, regulations, and orders of the Commissioner of Natural Resources.
- (b) No person shall clean fish or dispose of remains of fish in any park except in designated areas where facilities for such cleaning and disposal are available.

Subd. 2. Swimming and Wading:

- (a) No person shall wade or swim in any waterway within any park except at posted beaches in compliance with hours and regulations posted at the beach.
- (b) No inflatable devices shall be used or permitted in beach areas.
- (c) No person shall bring cans, bottles, or glass of any kind except eye glasses into any posted beach area.

Subd. 3. Boating and Watercraft:

- (a) No person shall launch any boat or watercraft from any park area except from designated launch sites during times designated for that purpose. This restriction shall not apply to any boat or watercraft customarily launched by hand without mechanical aid, such as canoes, sailboats, and duckboats.
- (b) Persons operating watercraft shall do so in compliance with state laws and regulations.
- (c) No person shall operate a watercraft within any posted or designated beach area or swimming area.
- (d) No person shall permit any watercraft under his or her control to be left unattended except at locations designated for that purpose.

Section 12. Recreational Activities:

Subd. 1. No person shall participate in athletic competition including but not limited to softball, baseball, football, and badminton except in designated areas.

Subd. 2. No person shall engage in sledding, coasting, tobogganing or skating, except in designated areas.

Subd. 3. Picnicking. No person shall picnic in a park except in designated areas, and provided that no person or group of persons shall exclude others from a picnic area.

Section 13. Groups and Assemblies:

Subd. 1. No person, or group of persons, shall conduct public, meetings, entertainments, parades, worship services, or demonstrations within a park without first paying the designated fee and obtaining a permit from the Freeborn County Board of Commissioners.

Subd. 2. Space for a group gathering at a park may be reserved by paying the designated fee and obtaining a permit from the Freeborn County Highway Engineer, provided however, that no County park shall be closed to the general public when such a group gathering is taking place at a County park.

Subd. 3. A permit as required in Subdivision 1 or 2 above shall be issued by the Freeborn County Highway Engineer and the fee to accompany such permit shall be established, from time to time, by a separate resolution of the Freeborn County Board of Commissioners.

Section 14. Camping:

Subd. 1. Overnight camping limited to individuals or groups sponsored by non-profit organizations shall be permitted within County parks. Provided however, that no non-profit organization shall camp in a park for longer than 3 consecutive days, nor shall any single non-profit organization be permitted to camp in the parks for more than 6 days in any calendar year.

A single application may be made on behalf of a group of campers. A permit application shall be made at least seven (7) days prior to date on which the camping shall commence.

In addition to the written application, proof of liability insurance coverage for the group shall be required along with payment of a camping fee and the permit shall require that all campers comply with the provisions of the ordinance.

Subd. 2. Should any traveling, sleeping, or residential device become disabled within a park, written permission shall be obtained from the Freeborn County Sheriff for leaving the device within the park for a specific time period, after which time the device shall be removed, at the owner's expense, either by the county or its designated representative.

Section 15. Restricted Areas:

Subd. 1. No person shall enter by any means a posted restricted area or an area which has been declared closed to the public by the Freeborn County Board of Commissioners.

Section 16. Liability:

Subd. 1. Neither the County of Freeborn nor any of its authorized agents shall be liable for any loss, damage, or injury sustained by any park visitor.

Section 17. Enforcement and Penalties:

Subd. 1. Nothing in this ordinance shall prevent employees or agents of the County of Freeborn, including but not limited to the Sheriff and the Sheriff's deputies, from performing their assigned duties within a park area.

Subd. 2. Any person charged with violations of any rules promulgated herein shall be subject to immediate removal from the park.

Subd. 3. Violation of any of the provisions of this ordinance shall be a misdemeanor or defined by Minnesota Statutes 609.02, Subd. 3.

Section 18. Permit Fees:

Subd. 1. Permit fees required by this Ordinance shall be established by the Freeborn County Board of Commissioners, from time to time, by separate resolution.

Section 19. Agent for Freeborn County Board of Commissioners

Subd. 1. Permit fees required by this Ordinance shall be established by the Freeborn County Board of Commissioners, from time to time, by separate resolution.

Section 20. Appeal Process:

Subd. 1. Any person or group denied a requested permit pursuant to this ordinance, may appeal from the decision of the Freeborn County Highway Engineer, to the Freeborn County Board of Commissioners by submitting a written letter of appeal to the Freeborn County Highway Engineer. An appeal hearing shall be held at the next regularly scheduled County Commissioners meeting following receipt of the letter of appeal, at which time the person or group appealing shall appear and present their claim to the County Board of Commissioners following the rules established by the County Board of Commissioners for public hearings.