



## SECTION 4

### PARK RULES AND REGULATIONS

Section:

4-4-1	Definitions
4-4-2	Public Use
4-4-3	General Conduct – Personal Behavior
4-4-4	Recreational Activity
4-4-5	Motorized Vehicles and Parking
4-4-6	Enforcement

**4-4-1: DEFINITIONS:** For the purposes of this Section, the following definitions shall apply:

**Alcoholic Beverage:** Includes any intoxicating beverage as defined by Minnesota law and includes beer and wine as further defined in this ordinance.

**Beach:** Means that part of a body of water and shore designated for swimming.

**Controlled Substance:** Means any drug substance or immediate precursor in schedules 1 through 5 of Minnesota Statutes, Section 152.02

**Facility Use Permit:** The written permission that must be obtained from the City of Nowthen to carry out a given activity.

**Motorized Recreational Vehicle:** Any self-propelled, off the road or all-terrain vehicle including, but not limited to, snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail bike, dune buggy, motorized skateboard or all-terrain cycle.

**Motorized Vehicle:** Any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It does not include snowmobiles, manufactured homes, or park trailers.

**Parks, Open Space and Waterways:** Any area located in the City which is reserved, designed, or used for active or passive recreation, and which is owned, operated, or controlled by the City.

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

**Semi:** Means a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and

is carried by the truck-tractor and shall include a trailer drawn by a truck-tractor semi trailer combination. For the purpose of registration, trailers coupled with a truck-tractor, semi trailer combination are semi trailers. (Ord. #20, adopted December 12, 2006)

**4-4-2: PUBLIC USE:**

A. Park Hours.

1. Parks shall be open to the public daily from 6:00 a.m. to 10:00 p.m.
2. It shall be unlawful for any person to enter or remain in a park after the closing hour.
3. The closing hour for activities may be modified by the City.
4. The City Council may by resolution further limit the hours for the conduct of specific activities within the parks.

B. Permits:

1. Park facilities are open to the public use on a first come first serve basis, unless in possession of an approved permit.
2. Whenever any group, association, or organization desires to reserve park facilities for a particular purpose, such as picnics, sporting activities, parties, or theatrical or entertainment performance, the representative of said group, association or organization shall first obtain a Facility Use Permit from the City for such purposes.
3. The city shall grant the application if it appears that the group, association, or organization will not interfere with the general use of the park or the individual members of the public, and if said group, association, or organization meets all other conditions contained in the application.
4. Restroom Facilities will be closed and water will be shut off on October 1<sup>st</sup>.
5. It shall be unlawful for a person to violate any provisions of a permit.
6. All groups are required to clean up the park and the facilities which they use and to leave the park and the facilities in the same condition in which they found them, normal wear and tear excepted.
7. The clean-up security deposit check shall be returned to the group's representative only after the park has been favorably inspected by a City official. The costs of clean-up after an unfavorable inspection shall be

deducted from the deposit and the balance, if any, shall be refunded to the group.

- C. Use Fee, Failure to Pay: It shall be unlawful for any person to use, without payment, any facility or area for which a fee is charged, unless the payment is waived by permit. The City Council will set the use fee annually pursuant to Section 1-2-2 of the City Code.
- D. Bottles or Glass: No bottles or glass containers allowed in the beach area. (Ord. #20, adopted December 12, 2006)

**4-4-3: GENERAL CONDUCT - PERSONAL BEHAVIOR:**

- A. Alcoholic, Intoxicating Beverages and Drugs. It shall be unlawful for any person to:
  - 1. Serve, possess or consume any alcoholic beverage, except beer and wine.
  - 2. Use, manufacture, possess, constructively possess, sell, give away, barter, exchange, distribute or otherwise transfer any controlled substance within a City Park.
  - 3. Sell, barter, furnish or give alcoholic beverages to a person under twenty one (21) years of age.
  - 4. Possess or bring beer or wine into a park in kegs or barrels.
- B. Public Nuisance – Personal Conduct: It shall be unlawful for any person to:
  - 1. Intentionally expose his or her genitals, pubic area, buttocks or female breast below the top of the areola, with less than a fully opaque covering while wading, swimming or using any beach or other areas within a park, if five (5) years of age or older.
  - 2. No person or group of persons shall use threatening, abusive, insulting, obscene or indecent language or commit, perform or engage in any lewd, lascivious, obscene or indecent act in any park.
  - 3. No person or group of person shall engage in fighting, quarreling, wrangling, riotous clamor, or tumult in any park.
  - 4. No person or group of person shall disturb, harass or interfere with any user or the user's property in any park.

- C. Littering/Dumping: It shall be unlawful for any person to:
1. Deposit, scatter, drop, dispose or abandon in a park: bottles, cans, broken glass, hot coals, ashes, sewage, waste or other material, except in receptacles provided for such purposes; or
  2. Dispose of any household or yard waste or commercial waste in a City Park.
- D. Possession and Use of Firearms / Dangerous Weapons / Fireworks / Hunting: It shall be unlawful for any person to:
1. Have in their possession, fire, discharge or cause to be fired or discharged across, in or into any portion of a park, any gun or firearm, spear, bow and arrow, crossbow, sling shot, air or gas weapon, or any other dangerous weapon or projectile, except in areas and at times designated by the City Council for such use, or with a permit; or
  2. Possess, set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics without authorization from the City Council.
  3. Engage in hunting or the taking of wild animals as defined in Minnesota Statute 97A, subdivision 55, 47 and 26, within any park, without having a permit from the City Council.
- E. Pets in Parks: It shall be unlawful for any person to:
1. Permit a pet, except service dogs trained and certified to assist persons with disabilities, to enter or be in a park except in parking lots, on approved trails unattended and leashed.
  2. Bring a pet into a park unless controlled on a leash.
  3. Permit a pet to disturb, harass or interfere with any park visitor a park visitor's property, property of a park employee, contractor of the city, or park wildlife; or,
  4. Have custody or control of any dog or domestic pet in a park without possessing an appropriate device for cleaning up pet feces and disposing of the feces in a sanitary manner; or,
  5. For any person to intentionally abandon or release any animal, living or deceased, within the boundaries of any Nowthen parks.

F. Destruction / Defacement of Park Property and Signs: It shall be unlawful for any person to:

1. Intentionally deface, vandalize or otherwise cause destruction to park property; or,
2. Intentionally deface, destroy, cover, damage or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the City. (Ord. #20, adopted December 12, 2006)

**4-4-4: RECREATONAL ACTIVITY:**

A. Camping. It shall be unlawful for any person to camp or set up tents, shacks, trailers or any other temporary shelter for the purposes of camping in any town park or open space without special permission for the City Council.

B. Picnicking: It shall be unlawful for any person to assume use of a picnic shelter if the area is reserved by a permitted group

C. Horseback Riding: It shall be unlawful for any person to:

1. Ride, lead or allow a horse within all City parks, except on designated areas or trails at designated hours; or,
2. Ride, lead or allow a horse on any hard surface, roadway or trail except at designated trail crossings; or,
3. Ride a horse in a reckless manner so as to create a nuisance or endanger the safety or property of any park visitor; or,
4. Tether a horse to a tree, other plant, building or park equipment in situations likely to endanger natural habitat; or,
5. Allow a horse to graze on growing grasses or browse on seedlings, trees, shrubs or bushes.

D. Motorized Recreational/Off-Road Vehicles: It shall be unlawful for any person to operate any recreational/off road vehicles, such as go carts, snowmobiles and all terrain vehicles (ATV's), within the City parks. (Ord. #20, adopted December 12, 2006)

**4-4-5: MOTORIZED VEHICLES AND PARKING:**

A. Motorized vehicles: It shall be unlawful to:

1. Operate any motorized vehicles within a park except upon roadways, parking areas or other designated locations; or,
2. Operate a vehicle at a speed in excess of twenty (20) miles per hour or posted speed limits.

B. Parking: It shall be unlawful to:

1. Park or leave a vehicle standing except in a designated area and then only in a manner so as not to restrict normal traffic flow, unless authorized by the City Council; or
2. Leave a vehicle standing after posted closing hours; or
3. Drive or park any semi within any City park. (Ord. #20, adopted December 12, 2006)

**4-4-6: ENFORCEMENT:**

- A. Banishment. The City shall have the authority to remove, eject or banish from the park any person acting in violation of this Section.
- B. Seizure of Property. The City shall have the authority to seize and impound any property, thing or device in the park, used in violation of this Section.
- C. Fines and Penalties. Any person guilty of violating any provision of this Section shall be guilty of a misdemeanor and may be punished by a fine and/or by imprisonment. In no case shall this penalty provision be interpreted to prohibit the City from seeking civil damages for damage or destruction to park facilities. (Ord. #20, adopted December 12, 2006)