

## Chapter 26

### PARKS AND RECREATION\*

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\* **State Law References:** General authority relative to parks, Minn. Stats. § 412.221, subd. 8; parks generally, Minn. Stats. ch. 448.

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### ARTICLE I.

### IN GENERAL

Secs. 26-1--26-18. Reserved.

### ARTICLE II.

### PUBLIC CONDUCT IN PARKS

#### Sec. 26-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*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.

*City of Clearwater Parks* means the park organization or system, including trails, in the City of Clearwater or under its control.

*Controlled Substance* means any substance defined as a controlled substance by Minnesota Statute Chapter 152, or by other statutes or federal law or regulations.

*Motorized recreation vehicles* means any self-propelled, off-the-road, or all-terrain conveyance including, but not limited to, snowmobile, minibike, amphibious vehicle, motorcycle, go-cart, trail bike, dune buggy, or three- or four-wheeler.

*Park* means any land or water area, and all facilities thereon, established as a park by the City of Clearwater pursuant to state statutes.

*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, but shall not include a motorized wheelchair while it is being used by a disabled person or an emergency police or rescue vehicle while it is being used for official business.

*Weapon* means any device from which shot or a projectile of any type can be discharged by means of an explosive, gas or compressed air or otherwise propelled, including, but not limited to, firearms, bb guns, bows and arrows, slings and spring guns.

*Wildlife* means all living creatures, not human, wild by nature, endowed with sensation and power or voluntary motion, including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks. (Ord. No. 8.02, § 2, 5-20-1985)

#### **Sec. 26-20. Enforcement and penalties.**

(a) The Wright County Sheriff's Department, other peace officers, DNR Conservation officers, and designated city employees or officials shall have the authority to enforce the provisions of this section of the City Code and may eject from a park any persons acting in violation of this section of the City Code.

(b) The city council shall have the right to direct the issuance of administrative rules and regulations.

(c) Nothing in this article shall prevent employees or agents of the city from performing their assigned duties.

(d) No person shall impersonate any employee of the city, nor interfere with, harass, or hinder any employee in the discharge of his duties.

(e) A person convicted of violating any provision in this section of the City Code is guilty of a misdemeanor.

(Ord. No. 8.02, § 13, 5-20-1985, amended 2-6-12)

#### **Sec. 26-21. General conduct.**

It shall be unlawful for any person to:

- (1) Serve, possess, or consume any alcoholic beverage or controlled substance within a park, except that beer may be consumed within a park by members of an identified group of individuals provided said identified group has previously obtained a special use permit. The special use permit shall only authorize members of the identified group to consume beer. The special use permit shall restrict beer consumption to a specific date and to specific hours. The special use permit shall only be granted by the Clearwater City Council.
- (2) Disturb, harass, or interfere with any park visitor or a park visitor's property.
- (3) Bring into a park any glass beverage bottles.
- (4) Gamble in a park.
- (5) Use any land or body of water within a park for a starting or landing field for aircraft, balloons, parachutes or boats, except canoes. The provisions of this subsection do not prevent emergency landing of aircraft.
- (6) Start a fire in a park, except a small fire for culinary purposes in a designated area, leave a fire unattended, or fail to fully extinguish such a fire.
- (7) Drop, throw or otherwise leave unattended in a park lighted matches, burning cigars, cigarettes, tobacco, paper or other combustible material.
- (8) Deposit, scatter, drop or abandon in a park any bottles, cans, broken glass, sewage, waster, 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 section.
- (9) Throw, discharge, or place in any park or upon any lake or other body of water in or adjacent to any park, or upon any storm sewer, or other drain flowing into such waters, any foreign substance, liquid, solid or gas.
- (10) Sell, solicit, or carry on any business or commercial enterprise or service in a park unless prior approval has been obtained from the city council.
- (11) Use loudspeakers or other amplifying systems in a park unless prior approval has been obtained from the city council, this includes cars parked within the park or adjacent to the park with the stereos turned to a high volume.
- (12) For any person to intentionally deface, vandalize, or otherwise cause destruction to park property.
- (13) For any person to fire, discharge or explode any squib, cracker, firecracker, firework or any other thing containing powder or other explosive material.

(Ord. No. 8.02, § 3, 5-20-1985, amended 2-6-12)

**Sec. 26-22. Protection of natural resources and wildlife.**

It shall be unlawful for any person to:

- (1) Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing by angling only may be permitted in designated areas.
- (2) Shoot any weapon into a park from beyond park boundaries.
- (3) Bring a dog, cat, or other pet into a park unless caged or kept on a leash not more than six feet in length, or tether any animal to a tree or other plant.
- (4) Except as otherwise authorized by law, permit a dog, cat or other pet to enter a nature center area, refuge area, picnic area, park building, or other unauthorized area within a park or any park where their presence is prohibited.
- (5) Permit a dog, cat, or other pet to disturb, harass, or interfere with any park visitor or a park visitor's property.
- (6) Possess any weapon within a park, except for a bow and arrow to be used for bowfishing, the arrows must be attached to the bow with a tethered line and broadheads must have barbs for bowfishing, as regulated by the DNR.
- (7) Release within a park any plant, chemical or other agent potentially harmful to the vegetation or wildlife of the park.
- (8) Remove any animal, living or dead, from a park, and any animal so removed or taken contrary to the provisions of this article or laws of the state shall be considered contraband and subject to seizure and confiscation.
- (9) Injure, destroy, or remove any tree, flower, shrub, plant, rock, soil or mineral in a park.

(Ord. No. 8.02, § 4, 5-20-1985, amended 2-6-12)

**State Law References:** Right to bring certain service dogs into places of public accommodation, Minn. Stats. § 256C.02.

**Sec. 26-23. Camping.**

It shall be unlawful for any person to:

- (1) Camp overnight without special council permit in any city park.
- (2) Cause, create or make any noise which disturbs the peace, quiet and tranquility of the camping area.
- (3) Dig trenches or make any other excavations in a park.

(Ord. No. 8.02, § 5, 5-20-1985; Ord. No. 9.01, § 1, 6-5-2000)

**Sec. 26-24. Fishing.**

It shall be unlawful for any person to:

- (1) Fish in a park area designated as a no fishing area.
- (2) Fish by spearing or shooting a firearm.
- (3) Leave any fish on park property except in designated trash containers.

(Ord. No. 8.02, § 6, 5-20-1985, amended 2-6-12)

**Sec. 26-25. Horseback riding.**

It shall be unlawful for any person to:

- (1) Ride, lead, or permit a horse to be within a park except in designated riding areas and at designated hours.
- (2) Ride a horse in a reckless manner or in a manner to create a nuisance or to likely endanger the safety or property of any park visitor.

(Ord. No. 8.02, § 7, 5-20-1985)

**Sec. 26-26. Bicycling.**

It shall be unlawful for any person to operate a bicycle except on designated park bikeways and roadways, and as close to the right-hand side thereof as conditions will permit.

(Ord. No. 8.02, § 8, 5-20-1985)

**Sec. 26-27. Winter activities.**

It shall be unlawful for any person to:

- (1) Skate, sled, coast, snowshoe, or ski in a park except at such times and at such places as may be designated.
- (2) Operate a snowmobile in a park except on a designated snowmobile trail.

(Ord. No. 8.02, § 9, 5-20-1985, amended 2-6-12)

**Sec. 26-28. Meetings, speeches, demonstrations, and parades.**

It shall be unlawful for any person to conduct public meetings, assemblies, entertainment, parades or demonstrations within a park without first obtaining permission from the city council, and then only in areas designated by the council.

(Ord. No. 8.02, § 10, 5-20-1985)

**Sec. 26-29. Vehicles.**

It shall be unlawful for any person to:

- (1) Operate any vehicle within a park except upon roadways, parking areas, or other designated locations thereof.
  - (2) Operate a vehicle in a park at a speed in excess of posted speed limits.
  - (3) Park or leave a vehicle standing within a park except in a designated parking area.
  - (4) Park or leave a vehicle standing in a park after posted closing hours.
  - (5) Operate a vehicle which emits excessive or unusual noise, noxious fumes, dense smoke or other polluting matter.
  - (6) Operate a vehicle in a reckless or careless manner in a park.
  - (7) Wash, polish, grease, change oil or repair any vehicle in a park.
  - (8) Operate a motorized recreation vehicle within a park except a designated snowmobile trail.
- (Ord. No. 8.02, § 11, 5-20-1985, amended 2-6-12)

**Sec. 26-30. Park operation.**

- (a) A person may be granted a permit by the city council for temporary exclusive use of reserved space within a park.
  - (b) No person shall enter or remain within a park between the hours of 11:00 p.m. and 6:00 a.m., except campers in designated camping areas. Minors shall be further subject to the restrictions of the juvenile curfew established by Chapter 22, Section 22-1 of the City Code. Use of the City of Clearwater trails directly adjacent to and within the right-of-way of public streets shall be exempt from these park closure requirements.
  - (c) Any permit granted pursuant to this article may be revoked upon the violation by the permittee of any ordinance, rule or regulation of the city park system.
  - (d) It shall be unlawful for any person to use any facility or area for which a fee or charge has been established by the city park system without payment of such fee or charge.
  - (e) The city park system shall not be liable for any loss, damage, or injury sustained by a park visitor.
  - (f) Any park or portion thereof may be declared closed to the public by the city council or city public works supervisor at any time and for any interval of time, or to certain uses, as the city council or city public works supervisor shall find reasonably necessary.
- (Ord. No. 8.02, § 12, 5-20-1985, amended 2-6-12)