

*N/C
County
work*

Office of County Recorder }
County of Crow Wing, MN }

I hereby certify that the within instrument was filed
in this office for record on the 12 day of June
A.D. 2003 at 11 o'clock A.M.
and was duly recorded as Doc. No. 0639340

[Signature]
County Recorder

By *[Signature]* Deputy

*RETURN TO
Therese
Auditors*

RESOLUTION

Commissioner Sluss offered the following resolution and moved its adoption:

WHEREAS, in accordance with Minnesota Statute 398.34, a Public Hearing was held at 10 a.m. on May 27, 2003, to consider the adoption of a Park Ordinance.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, upon recommendation of the Parks Director, adopts the Ordinance Regulating the Use of County Parks and Trails, Prohibiting Certain Conduct Therein and Providing Penalties for Violation of the Ordinance, as on file in the Office of the County Auditor.

BE IT FURTHER RESOLVED this Ordinance shall be effective upon proper publication.

Which resolution being seconded by Commissioner Ferrari was duly adopted, all members voted "AYE".

[Signature]
DEWAYNE TAUTGES, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
CROW WING COUNTY, MINNESOTA

ATTEST:

[Signature]
ROY A. LUKKONEN, COUNTY AUDITOR
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 27th day of May 2003.

Approved as to form and execution:

Dated this 12th day of June 2003.

[Signature]
DONALD F. RYAN, COUNTY ATTORNEY
CROW WING COUNTY, MINNESOTA

**AN ORDINANCE REGULATING THE USE OF COUNTY PARKS AND TRAILS,
PROHIBITING CERTAIN CONDUCT THEREIN AND PROVIDING
PENALTIES FOR VIOLATION OF THE ORDINANCE.**

THE COUNTY BOARD OF CROW WING COUNTY ORDAINS:

1.0 GENERAL PROVISIONS

- 1.1 Authority
This Ordinance is adopted pursuant to M.S. 398.34.
- 1.2 The purpose of this ordinance is to provide for the use of Parks and Trails in such a manner and by such means as will maximize their use and enjoyment by the public, while conserving the scenery, and the natural and historical objects and wildlife therein.

2.0 DEFINITIONS

The following words or terms as used in this Ordinance have the meanings given them in this section unless a different meaning is clearly indicated by the context.

- 2.1 "Director" means the Crow Wing County Park Director acting directly or through their authorized agent.
- 2.2 "Person" means any individual, partnership, corporation, association or other groups.
- 2.3 "Park" means any designated County Park, County Swimming Beach, County Recreation area or County Water Access but does not include Forest Recreation Areas as defined in Crow Wing County's Forest Management Plan.
- 2.4 "Vehicle" is any wheeled conveyance, including bicycles and tricycles, whether motor powered, animal drawn or self propelled. The term shall include any trailer of any kind or description, but shall not include wheelchairs.
- 2.5 "Watercraft" means any contrivance used or designed for navigation on water.
- 2.6 "Motorized Vehicle" means any motorized conveyance including but not limited to: cars, trucks, motorcycles, tractors, farm machinery, four by four's, golf carts, motorized scooters, minibikes, dune buggies or ATV's. This shall not include motorized wheelchairs.
- 2.7 "Non-motorized Vehicle" means any non-motorized conveyance including but not limited to: bicycles, unicycles, in line skates, roller skies, skateboards, scooters, wheelchairs, wagons, bicycle trailers and motorized wheelchairs.
- 2.8 "Trail" means all of the land contained within the area designated as a County Recreation Trail by resolution of the Crow Wing County Board.
- 2.9 "Trail Treadway" means that part of the trail constructed for travel.
- 2.10 "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

3.0 PARK/TRAIL HOURS

- 3.1 Parks and Trails shall be open year-round with the following exceptions:
 - 3.1.1 Parks and Trails may be closed at the Directors discretion.
 - 3.1.2 Open hours for Parks and Trails will be set by the Director.
- 3.2 The use of Parks and Trails during periods in which they are closed may be had only by permit, issued by the Director, specifically allowing use as indicated on the permit.
- 3.3 No one is permitted to be in a Park or Trail except between opening hour and closing hour except as provided in 3.2.

4.0 FEES

- 4.1 The Crow Wing County Commission may establish park user fees, from time to time, as are necessary to maintain the county park system; such fees may vary from park to park.

5.0 PUBLIC SAFETY

- 5.1 It shall be unlawful for any person to have in his or her possession, out of doors, within a Park or Trail, any rifle, shotgun, handgun, muzzle loading musket, BB gun, paintball gun or other firearms, except firearms allowed under Minnesota Statutes Section 97B.031 in posted Hunting areas or designated Rifle/Trap Ranges, paintball guns in posted areas, or as defined in Minnesota Statutes Section 624.712, Subdivision 2.
- 5.2 It shall be unlawful for any person to have in his or her possession, within a motor vehicle, within a Park or Trail, any rifle, shotgun, handgun, muzzle loading musket, BB gun, paintball gun or other firearms, except as defined in Minnesota Statutes Section 624.712, subdivision 2, unless the same is unloaded and contained in the trunk of a motor vehicle with the trunk door closed; provided, that this section shall not apply to any peace officer being upon said premises while in the performance of their duties.
- 5.3 It shall be unlawful for any person to use or have in their possession explosives of any kind, including firecrackers and other kinds of fireworks, or incendiary devices, as defined by Minnesota Statutes Section 609.668 Subdivision 1, within a Park or Trail.
- 5.4 It shall be unlawful for any person to use or display any type of weapon within a Park or Trail, including but not limited to slingshots, switch blade knives, bow and arrows and traps except bow and arrows allowed under Minnesota Statutes Section 97B.035 in posted hunting areas or designated Archery Ranges.
- 5.5 It shall be unlawful for any person to discharge any missile or other projectile from a weapon into a Park or Trail from beyond Park or Trail boundaries.
- 5.6 It shall be unlawful for any person to discharge any missile or other projectile from a weapon within a Park or Trail except in posted areas under the provisions of sections 5.1 and 5.4.
- 5.7 It shall be unlawful to fish within a designated swimming area.
- 5.8 It shall be unlawful to possess, serve, sell or consume any beer, wine or alcoholic beverage within a Park or Trail except by permit or in areas designated by the Director.
- 5.9 Swimming shall be allowed in all Parks unless posted otherwise or under the provisions of section 10.5.

6.0 ENVIRONMENTAL PROTECTION

- 6.1 No person shall disturb, destroy, injure, damage, or remove any property within a Park or Trail including but not limited to vegetation, ruins, wildlife, geological formations, signs or facilities, except edible fruit and wild animals legally taken under the provision of sections 12 of this ordinance specifically permitted by these parts. Collections for scientific and educational purposes may be made after obtaining a permit from the Director.
- 6.2 No person shall burn or dispose of garbage, refuse, litter or trash within a Park or Trail. If an appropriate receptacle has not been provided, the person who brought the item in/onto the Park or Trail must haul it away for proper disposal.
- 6.3 No person shall dispose of any type of waste, generated offsite, in or on a Park or Trail.

7.0 FIRES

- 7.1 Fires within a Park or Trail are permitted only in fireplaces, portable fire grills, stoves or fire rings provided for that purpose.
- 7.2 Fires shall be attended at all times.

8.0 DOMESTIC ANIMALS

- 8.1 Pets will be permitted in Parks and Trails, provided that no person shall allow any dog, cat or other pet animal to enter any building or bathing beach except service dogs as defined in Minnesota Statutes Section 256c.02.
- 8.2 All pets shall be attended and effectively restrained by a leash not exceeding six feet, except in areas specifically allowing off leash use, and such pets shall not be permitted to deprive or disrupt the enjoyment or use of any area by other persons.
- 8.3 Persons bringing animals into a Park or Trail shall be responsible for picking up and properly disposing of droppings left by their animal.
- 8.4 A person may ride or lead a horse or pack animal in a Park only on trails and areas posted and designated for such use.
- 8.5 Persons may operate a dog sled, skijoring device or any other sled/ski equipment pulled by a dog or other animal only in areas designated by the Director.
- 8.6 Where permitted, horses and pack animals shall be broken and properly restrained and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub. Horses and pack animals are permitted on regular Park roads.
- 8.7 Livestock, except for horses and pack animals, shall be prohibited in any Park or Trail unless a permit has been issued by the Director.

9.0 PICNICKING

- 9.1 Picnicking and lunching in any place other than those designated for that purpose by the emplacement of picnic tables is prohibited. Attendants may regulate the activities in such areas when necessary to prevent congestion and secure the maximum use for the comfort and convenience of all. Visitors shall comply with directions given to achieve this end.
- 9.2 The use of individual fireplaces together with tables generally follows the rule of "first come, first served," except where prior reservations have been made.
- 9.3 It shall be unlawful to possess glass containers within a Park or Trail except in designated areas.

10.0 WATER ACCESS

- 10.1 Watercraft may be launched or landed only at accesses designated for such use.
- 10.2 No person shall leave, store or moor on or directly in front of any public access any watercraft after such person has left the lake area or cause such watercraft to remain on the access site overnight.
- 10.3 No person shall leave, store, abandon or otherwise cause to remain on any County Access, any fish house, shelter or dark house.
- 10.4 No watercraft may be operated in a designated swimming area.
- 10.5 Swimming shall be prohibited at all water access sites.

11.0 CAMPING

- 11.1 Overnight camping shall only be allowed in posted areas.
- 11.2 A permit will be required for camping.
- 11.3 Camping, in the same location, shall be limited to 7 consecutive days.
- 11.4 Emptying of waste water holding tanks shall be prohibited except in designated areas.

12.0 HUNTING/TRAPPING/GATHERING

- 12.1 No hunting or trapping will be allowed in Parks or Trails except where posted.
- 12.2 Hunting stands, of any kind, shall be prohibited within 300 feet of a County Recreation Trail.
- 12.3 The gathering of plants, whole or parts, including berries, pine/fir cones, nuts and seeds and other similar vegetative materials for commercial purposes is prohibited. Gathering for personal use shall be allowed, with a permit issued by the Director, provided such activity does not result in destruction or serious depletion of the resource and provided such gathering is permissible under State Laws. Under no circumstance may Federal or State listed rare, threatened or endangered species be gathered.

13.0 COMMERCIAL BAIT COLLECTION

- 13.1 Access from a Park to a body of water for the purpose of seining minnows or collecting other aquatic animals for commercial use is prohibited.

14.0 VEHICULAR/ TRAIL TRAFFIC

- 14.1 All applicable provisions of the State Motor Vehicle Traffic Laws (M.S. Chapter 169) in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances shall be complied with, within Parks.
- 14.2 It is unlawful to operate any vehicle within the boundaries of any Park except upon designated roads or parking areas.
- 14.3 It is unlawful to operate any vehicle at a speed in excess of the posted speed.
- 14.4 No motorized vehicles shall be allowed on Trails unless otherwise posted.
- 14.5 It is unlawful for any person to operate or halt any vehicle carelessly or heedlessly in disregard of the rights or the safety of others.
- 14.6 It is unlawful to operate any vehicle on roads which are posted, chained or gated prohibiting vehicular traffic.
- 14.7 It is unlawful to park any vehicle in other than designated parking areas.
- 14.8 A person may operate a snowmobile only on designated and posted Trails with conditions of snow cover considered adequate for the protection of the Trail by the Director.
- 14.9 Vehicles parked on Park property after posted closing hours, or in areas other than parking lots designed for parking may be towed away (impounded) at the cost and expense of the owner thereof. Authority to park in an area other than the parking lots designed for that use may be obtained through a permit specifically designating such use, obtained from the Director.
- 14.10 It shall be unlawful to use Trails in a manner other than those posted.
- 14.11 Visitors must stay on trails posted and provided for use.
- 14.12 A person may operate a bicycle only on trails designated and posted for bicycle use.

15.0 PROTECTION FROM PEDDLING AND SOLICITING

- 15.1 It is unlawful for any person to engage in or solicit business of any nature whatsoever within a Park or Trail.
- 15.2 The placing of advertising, decoration, or any other device in a Park or on a Trail is prohibited without authorization from the Director.

16.0 RESTRICTED AREAS

- 16.1 It shall be unlawful to enter, by any means, an area posted "restricted."

17.0 PERMITS / RESERVATIONS/ SPECIAL USE PERMITS

- 17.1 Permits, reservations and special use permits may be obtained from the Director.
- 17.2 All persons claiming possession of a permit, reservation or special use permit issued by the Director must be able to produce or exhibit it upon request from any authorized person who shall desire to inspect same for the purpose of enforcing compliance with any ordinance or rule.
- 17.3 A person to whom a permit, reservation or special use permit is issued shall be liable for any loss or damage to Park or Trail property by any person from the group they represent.
- 17.4 The Director, or their designee, shall have the authority to revoke any permit, reservation or special use permit upon finding a violation of any rule or ordinance or upon good cause shown.
- 17.5 The Director may refuse any permit, reservation or special use permit
- 17.6 Reasonable fees, as established by the County Commission, may be charged for permits and special use permits.
- 17.7 The use of electronic sound equipment, including, but not limited to public address systems, musical instruments and amplifiers, shall be prohibited, unless a permit for such use shall have first been obtained from the Director.
- 17.8 The use of electrical generators shall be prohibited except in designated areas or with a permit obtained from the Director.
- 17.9 Groups of 30 or more people who wish to use a Park or Trail must obtain a permit from the Director.
- 17.10 No aircraft may land in any Park or Trail unless a permit shall have first been obtained.
- 17.11 Excessive noise which disturbs other Park or Trail users shall be prohibited unless a permit has been obtained from the Director.

18.0 ENFORCEMENT

- 18.1 Any person who violates any of the provisions of this ordinance, or who fails or refuses to comply with the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of up to \$700 or by imprisonment for up to 90 days or both. Violators may also be ejected from a Park or Trail.
- 18.2 It shall be the duty of the Director, or their designee, and the Crow Wing County Sheriff to enforce the provisions of the Ordinance.
- 18.3 Nothing in this Ordinance shall prevent employees of the city, county, state or federal governments, emergency service providers or approved contractors from performing their assigned duties.
- 18.4 Nothing in this ordinance is intended to restrict the exercising of discretion by the Director in the management of County Parks or Trails.

- 18.5 Nothing in this Ordinance shall prohibit the County from pursuing criminal prosecution or civil remedies as provided pursuant to Federal law, State law or other County ordinances.
- 18.6 If any section or portion of this Ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or effect the validity and enforceability of any other section or provision of this Ordinance.