

AN ORDINANCE
FOR THE CONTROL AND MANAGEMENT OF PARKS,
RECREATIONAL FACILITIES AND THE CENTRAL LAKES
TRAIL UNDER THE JURISDICTION OF THE BOARD OF
DOUGLAS COUNTY COMMISSIONERS

1.0 SECTION ONE – GENERAL PROVISIONS

1.1 Purpose

This Ordinance has been enacted, pursuant to the authority of Minnesota Statutes 398.31 – 398.36 which authorizes the Douglas County Board of Commissioners to enact ordinances to govern the conduct of members of the public during their use and enjoyment of Douglas County Parks so as to further the safety, health, enjoyment, and welfare of all persons in the use thereof, and to protect public property and resources for posterity.

1.1.1 The Board pursuant to Minnesota Statutes establishes the following as parks:

Kensington Rune Stone County Park (T127N, R40 W, Sec. 10,11,14,15)
Spruce Hill County Park (T130N, R36W, Sec. 33)
Lake Brophy Wayside County Park (T128N, R38W, Sec. 9,10,15,16)
Lake Borphy County Park (T128,R38,S 10)
Chippewa County Park (T129N, R39W, Sec. 9,16)
Deputy Sheriff Curtis A Felt Memorial Park (128N, R37W, Sec. 6,7)
Rotary Beach (South East side of County Road 42 south of the Le Homme Dieu and Carlos bridge to the DNR Public Access)

1.1.2 The Board establishes the following as parks through lease pursuant to Minnesota Statutes 398.32 subd.1, and subject to the limitations of the referenced permits:

Lake Le Homme Dieu Beach State Permit S.P. 2103
The Central Lakes Trail State Permit S.P. 2100

1.2 Definitions

1.2.1 “Beach” shall mean any designated beach area within the boundaries of a Douglas County park.

1.2.2 “Bicycle” shall mean every device propelled solely by human power upon which any person may ride, having two tandem wheels except scooters and similar

- devices and including any device generally recognized as a bicycle though equipped with two front or rear wheels (Minn. Stat. 169.01, Subd. 51)
- 1.2.3 “Board” shall mean and refer to the Board of Douglas County Commissioners.
- 1.2.4 “Department” shall mean the Public Works Department, which includes the Park Division.
- 1.2.5 “Director” shall mean and refer to either or either the Douglas County Public Works Director or the Douglas County Park Superintendent.
- 1.2.6 “Emergency Equipment” shall mean fire, rescue or law enforcement motor vehicles, or such other equipment as may be designated, necessary to safeguard and maintain said abandoned railway right-of-way.
- 1.2.7 “Employee” shall mean any employee of the Public Works Department.
- 1.2.8 “Law Enforcement Officer” shall mean and refer to any person duly deputized or commissioned by the Board of Douglas County Commissioners, the State of Minnesota, or the municipality in which a Douglas County Park is located, for the purpose of enforcing the laws, ordinances, and regulations of their respective jurisdictions.
- 1.2.9 “Liquor” is defined as an Alcoholic Beverage which is any beverage of alcohol; or Distilled Spirits which is ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin and other distilled spirits, including all dilutions and mixtures thereof for industrial use; or Intoxicating Liquor which is ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverage containing more than 3.2 percent of alcohol by weight; or Malt Liquor which is any beer, ale or other beverage made by malt fermentation and containing not less than one-half percent alcohol by volume; or Nonintoxicating Malt Liquor which is malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight; or Table or Sparkling Wine which is a beverage made without rectification or fortification and containing not more than 25 percent of alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey; or Wine which is sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, Perry and sake, in each instance containing not less than seven percent nor more than 24 percent alcohol by volume for nonindustrial use.
- 1.2.10 “MN DNR” shall mean the Minnesota Department of Natural Resources.
- 1.2.11 “MN DOT” shall mean the Minnesota Department of Transportation District Office at Detroit Lakes.
- 1.2.12 “Motor Vehicle” shall mean every vehicle that is self propelled.
- 1.2.12.1 “All-Terrain Vehicle” a motorized, flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds (Minn. Stat. 84.92, Subd. 8)
- 1.2.12.2 “Off-Road Vehicle” a motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail (Minn. Stat. 84.797, Subd. 7)
- 1.2.12.3 “Snowmobile” a self-propelled vehicle designed for travel on snow or ice steered by skis or runners (Minn. Stat. 84.81, Subd. 3);

- 1.2.12.4 “Wheelchair” any manual or motorized wheelchair, scooter, tricycle, or similar device used by a disabled person as a substitute for walking (Minn. Stat. 169.01, Subd. 24a).
- 1.2.13 “Negative Sign” shall mean and refer to any sign or posted notice installed by the Department which prohibits a general or specific activity, function, or use.
- 1.2.14 “Park” shall mean and refer to any land or water area, and all the facilities thereon, established as a park by the Board pursuant to Minnesota Statutes.
- 1.2.15 “Person” shall mean and refer to any individual, firm, partnership, corporation, or association of person.
- 1.2.16 “Positive Sign” shall mean and refer to any sign or posted notice installed by the Department which authorizes a general or specific activity, function, or use.
- 1.2.17 “Public Address System” shall mean a sound amplifying audio system that broadcasts sound over a wide area.
- 1.2.18 “Service, Maintenance and Construction Equipment” shall mean the equipment normally operated for the construction, repair and maintenance of the abandoned railway right-of-way.
- 1.2.19 “Trail” shall mean the Central Lakes Trail established on the abandoned Burlington Northern Railway right-of-way.

1.3 *Construction and Scope*

In the interpretation of this Ordinance, all provisions contained herein shall be construed as follows:

- 1.3.1 Any term in the singular shall also mean the plural.
- 1.3.2 Any term in the masculine shall also mean the feminine, neuter, and is gender neutral.
- 1.3.3 Any requirement or prohibition by any provision herein, shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such acts; and the permitting or allowing of any minor by the responsible parent, guardian, or custodian to commit any such act.
- 1.3.4 No provision herein shall make unlawful any act necessarily performed by any law enforcement officer, emergency or rescue officer, or department employee as a training exercise, or in the line of duty or work as such, or by any person, their agents or employees, in the proper and necessary execution of the terms of any contract or agreement with Douglas County

1.4 *Hours and Access*

Douglas County Parks shall be open 365 days per year, except as provided in the following sections.

- 1.4.1 Any park, or any section of the park, may be closed by order of the Director without notice, when safety, fire hazard, or weather conditions require such closing.
- 1.4.2 Douglas County parks shall be closed from 10 p.m. until 8:00 a.m. the following morning, except in areas designated as overnight camping areas.
- 1.4.3 No one is permitted in a park except between the hours of 8:00 a.m. and 10 p.m. except as provided in 1.4.2.

1.5 Additional Rules and Regulations

The Director shall have the right to issue rules and regulations to effectuate the intent and purpose of this Ordinance.

2.0 SECTION TWO – PERMITS

- 2.1 Permits shall be required for:
 - 2.1.1 Exclusive use of all or portions of specific areas, buildings, and other park facilities.
 - 2.1.2 Possession or consumption of any liquor as defined in Section 1.2.9 of this Ordinance. Approval of Director and Douglas County Sheriff is required.
 - 2.1.3 Release of game into park.
 - 2.1.4 Tree, shrub, or vegetation cutting or planting.
 - 2.1.5 Use of firearms.
 - 2.1.6 Public Address System
 - 2.1.7 Special events on the Central Lakes Trail including, but not limited to, snowmobile races, non-motorized vehicle & bicycle races, wheelchair races, running events, and other uses.
- 2.2 All persons claiming possession of a permit must be able to produce it upon request from law enforcement officer, director, or department employee.
- 2.3 Fees for permits may be required. Permit fees shall be used to defray the cost of property repairs resulting from permitted use. The cost of permits shall be set from time to time by resolution of the Board.
- 2.4 A permittee shall be responsible for loss or damage to park property by any member of the permitted group. Douglas County may recover any damage in excess of the permit fee through appropriate civil remedies.
- 2.5 The Director shall have the authority to revoke any permit for violation of this ordinance or for other good cause. Use of the property, after revocation, by a permit holder or any member of the permitted group shall be considered a violation of this ordinance.

- 2.6 A permit may set forth restrictions as to the time of use, area of use, type and weight of equipment driven or hauled on the property, and may require use of temporary signing by the permittee for the protection and safety of recreational users.
- 2.7 The Director may refuse any permit when:
 - 2.7.1 Requested time period for the permit area is already allocated.
 - 2.7.2 Size of the group requesting permit is larger than capacity of the facility.
 - 2.7.3 Activity planned is deemed by the Director to be unreasonably destructive or inappropriate to the area or facility.
- 2.8 Permits shall be requested from the Director during business hours and not later than one (1) working day in advance of the time period requested in the Permit.
- 2.9 All permits must be approved by the Director and, in some instances as noted, the Douglas County Sheriff.
- 2.10 Special permits must be obtained from MN DOT for the following uses of the Central Lakes Trail:
 - 2.10.1 Utilities. For the installation and maintenance of utilities, such as electric transmission lines, telephone communication lines, gas lines, oil lines and other transmission lines, or harvesting and management of natural resources.
 - 2.10.2 Crossings - Public & Private.
 - 2.10.2.1 Street Crossings (Urban): New crossings must meet very restrictive rules. Details are available from the District Office
 - 2.10.2.2 Public Road Crossings: New crossings should not be allowed.
 - 2.10.2.3 Private Crossings: No new crossings will be allowed. New permits are required for existing crossings.
 - 2.10.2.4 An exchange of crossings (open one, close one) is considered an acceptable option.
 - 2.10.3 Fences. Owners of real property adjacent to the trail right-of-way may construct and maintain fences along the right-of-way but said fences shall not encroach upon the right-of-way and shall be at the sole expense of the adjacent property owner.
- 2.11 Licenses are required for the following activities:
 - Sale of nonintoxicating malt liquor.

- 2.11.1 An application for the sale of nonintoxicating malt liquor license is obtained through the County Auditor and must be approved by the Director, Douglas County Sheriff, Douglas County Attorney, and Board of Commissioners. Non intoxicating malt liquor is defined within Liquor definition in section 1.2 of this Ordinance.

3.0 SECTION THREE – SPECIAL ACTIVITIES

3.1 *Swimming*

No person shall bathe, wade or swim in any park waters, except in such areas specifically designated for such use.

- 3.1.2 No person shall bathe, wade, or swim at any beach except when dressed in bathing attire conducive to water safety.
- 3.1.3 No person using park waters shall swim outside of the marked area.
- 3.1.4 No person shall bring into, or use at, any beach any floating toy or any buoyant device intended to support a person, where water depth exceeds three feet, except U.S. Coast Guard approved life jackets or vests when properly attached.
- 3.1.5 No person shall possess, carry onto, or scatter at any beach, any glass bottle, broken glass, metal can, or other debris which could be a safety hazard.
- 3.1.6 No person having custody of any animal shall permit said animal to enter any beach area during the swimming season established by the Director, except for properly leashed or harnessed guide dogs trained to lead the blind and accompanied by it's blind owner.
- 3.1.7 No person shall launch, dock, or operate any watercraft in any designated swimming area.

3.2 *Boating*

- 3.2.1 No person shall launch or land any boat, canoe, raft, or other watercraft on or from any park shoreline, except at locations specifically designated for such purposes.

- 3.2.2 No person shall leave any watercraft unattended, except in areas specifically designed for mooring, anchoring, or beaching.
- 3.2.3 No person shall operate any watercraft within an area designated as a swimming area.

3.3 *Winter Activities*

No person shall snowmobile, skate, ski, tobogan, or sled in any park, except at such times and in such areas specifically designated for such use.

3.4 *Motorized Recreation Vehicle use*

No person shall operate any off-road or all terrain recreation vehicle in any park, except in areas specifically designated for such use. No person shall operate a non-licensed vehicle on any park roadway.

3.5 *Camping*

- 3.5.1 No person shall camp overnight in any park, except in areas specifically designated for such use.
- 3.5.2 Camping shall be limited to a total period of two weeks in any one park for an entire year, except that the Director may allow camping for longer periods when conditions so permit.
- 3.5.3 All persons camping must obtain a permit from the Douglas County Website (<https://www.co.douglas.mn.us/parks>) to reserve a site.

3.6 Trail - Authorized Use Without Permit:

- 3.6.1 For pedestrian, bicycle and non-motorized vehicle use from April 1 through November 30 each year.
- 3.6.2 For snowmobile use from December 1 through March 31 each year.
 - 3.6.2.1 The County reserves the right to temporarily close the trail when inadequate snow cover causes potential trail surface damage.
- 3.6.3 As access to County owned property for management purposes.
- 3.6.4 As access for fire protection and fire prevention activities.
- 3.6.5 As access for law enforcement purposes and emergency purposes.
- 3.6.6 As access for maintenance work on public drainage systems.

3.6.7 As an emergency alternate, temporary public roadway.

3.7 Trail - Unauthorized Uses:

The recreational trail governed by this Ordinance shall not be used:

3.7.1 As a permanent public transportation route for normal highway traffic.

3.7.2 As a permanent driveway or access to real property not administered by Douglas County.

3.7.3 As a parking or storage area.

3.7.4 As a gravel, peat or mineral storage or processing area.

3.7.5 As a dumping area for garbage, refuse, debris, equipment/spoils, or other refuse of any kind, at any time.

3.7.6 As a roadway for two wheel vehicles, trucks, dune buggies or all terrain vehicles at any time, unless allowed by special permit or for emergency services or Douglas County vehicles.

3.7.7 For equestrian uses on the surface of the developed trail.

4.0 SECTION FOUR – GENERAL CONDUCT

4.1 Defacement or Destruction of Property

4.1.1 No person shall tamper with, climb on, injure, deface, destroy, damage, or remove any part of any park building, structure, sign, light pole, drinking fountain, hydrant table, grill, equipment, statue, or other property found therein.

4.1.2 No person shall deface, disturb, or remove in any manner any soil, artifact, fossil, rock or other mineral resource.

4.1.3 No person shall excavate any ditch, trench, tunnel, or hole in any park.

4.1.4 No person shall saw, cut, gather, or remove any deadfall, tree litter, or standing tree remnants from any park, except with written permission from the Director

4.2 *Preservation of Vegetation*

- 4.2.1 No person shall injure, cut, destroy, mutilate, uproot, disturb, or remove any flower, tree, shrub, or any plant whether wild or cultivated, or any part thereof.
- 4.2.2 No person shall plant or cause to be planted any wild, cultivated, or exotic tree, shrub, or plant, except in specifically designated areas with the written permission of the Director.
- 4.2.3 No person shall fell or climb any tree, pick any flower, fruit or vegetable, trample any flowers, tree seedlings, flowerbeds, or new turf seedlings.
- 4.2.4 No person shall hitch any animal, or fasten, anchor, or otherwise attach any wire, rope, cable, signs, posters, or other articles, to any tree shrub or plant.
- 4.2.5 No person shall make any unauthorized use of any park site which is detrimental to the turf or soil condition.
- 4.2.6 No person shall remove any device, apparatus, or material installed for the protection of, support of, or preservation of any tree shrub or plant.
- 4.2.7 Any person requesting to cut or plant vegetation within any park must obtain a special permit pursuant to section 2.1.4.

4.3 *Animals*

- 4.3.1 No person owning, or having control of any animal, whether wild, pet, or domestic livestock, shall cause or allow such animal to roam or run at large in any park. Running at large is defined as any animal, whether wild, pet or domestic livestock, that is not accompanied by a responsible person and under that person's effective control.
- 4.3.2 No person being in custody of any animal shall permit said animal to enter any beach area, nature interpretive area, wildlife refuge, or park building, except for properly leashed or harnessed guide dogs trained to lead the blind, accompanied by its owner and restrained at all times by a suitable leash not more than six feet long or confined to a suitable cage.
- 4.3.3 No person owning or having control of any pet or animal shall allow said animal to disturb, harass, or interfere with other park users or their property.
- 4.3.4 Any animal or pet found running at large within a park shall be impounded unless, at the discretion of a law enforcement officer or employee, the animal's owner can be identified and the animal returned to the owner.
- 4.3.5 Impoundment. Animals running at large may be apprehended by any law enforcement officer or department employee, as herein defined, and impounded in an animal shelter and confined in a humane manner. Any animal not reclaimed within seven (7) days may be sold, destroyed, or otherwise disposed. The owner shall pay all cost of the boarding fee plus an impound fee of \$25.00 to the agency transporting the animal, before the animal shall be returned.
- 4.3.6 Notice of Impoundment. Upon taking up and impounding any animal, the Director shall, within one (1) day thereafter, post notice of the impoundment at the Public Works Department. If the owner of the animal is known, written notice of impounding may be given the owner by First Class mail or personal serve. The date of sale or killing of animal shall be the sixth (6th) day after posting or giving notice, unless that date falls on a Sunday or holiday, in which case, it shall be the following date.

NOTICE OF IMPOUNDING ANIMAL

Date: _____

To Whom It May Concern:

I have this day taken up and impounded in the pound of Douglas County, located at _____ and animal answering to the following description: sex _____, color _____, breed _____, approximate age _____, name of Owner (if known) _____.

Notice is hereby given that unless said animal is claimed and redeemed on or before _____ o'clock ____m., on the _____ day of _____, 20____, the animal will be sold, or killed as provided by Ordinance.

Signed: _____
Director

4.3.7 Quarantine. Any animal that bites a person shall be quarantined for such time as may be directed by the Director. During quarantine the animal shall be securely confined and kept from contact with any other animal. At the discretion of the Director, the quarantine may be on the premises of the owner; however, if the Director requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his own expense, place it in a veterinary hospital. Director is to notify the Douglas County Public Health Director of quarantine.

4.3.8 All state and local ordinances relating to the licensing and muzzling of animals or pets shall apply within park boundaries.

4.3.9 No person shall release or induce any exotic or wild animal into any park without the written permission of the Director.

4.3.10 No person owning or having control of any pet or domestic animal shall allow such animal to graze in any park.

4.4 *Hunting, Fishing, or Molesting Wildlife; Game Refuge*

4.4.1 All Douglas County parks except the Central Lakes Trail are county game refuges and no person shall take any wild animal, except fish, within any such refuge.

- 4.4.2 No person shall kill, hunt, trap, pursue, injure, molest, unnecessarily disturb, or have in possession any species of wildlife, including birds, waterfowl, fish, or other animals found within the confines of a county game refuge, except that fishing may be permitted in designated areas subject to laws and regulations as established by the State of Minnesota.
- 4.4.3 No person shall rob, disturb, or molest the nest, eggs, or young of any birds, or other animals, within the confines of any park.
- 4.4.4 If the Douglas County Board and Department of Natural Resources determine that any species of wild animals has attained an abundance in excess of the capacity of such refuge to support it, or, if such wild animals are causing substantial damage to the refuge, the Board by resolution may prescribe any reasonable regulation for the hunting or trapping of such species. Special hunting permits must be obtained pursuant to Section 2.1.
- 4.4.5 At the public entryway of each park, a sign shall be posted that states: "COUNTY GAME REFUGE. NO HUNTING PERMITTED". Such signs shall be posted around the boundaries of the parks at intervals of not less than four hundred (400) feet. The signs shall be at least twelve (12) inches in diameter with black letters upon a white background.
- 4.4.6 Any person requesting to release game into any park must obtain a special permit pursuant to Section 2.1.3.

4.5 *Fires*

- 4.5.1 No person shall 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 designated for such use.
- 4.5.2 Private grills may be used in designated areas provided that all ashes and residue therefrom is disposed of in containers provided for such disposal.
- 4.5.3 Any person who starts or maintains a fire in an authorized area shall exercise continuous supervision from the time the fire is kindled until it is extinguished. No fire shall cause damage or constitute a threat to site vegetation and resources, nor shall it cause discomfort to other park users.
- 4.5.4 The Director may, at his discretion, prohibit fires for limited periods at any location for any purpose when it is necessary for the protection of park property and resources.

4.6 *Waste and Litter*

- 4.6.1 No person shall throw, cast, drop, 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 shall result in the pollution of said waters, interfere with the conservation management of water resources, or endanger the health of the public.
- 4.6.2 No person shall scatter, drop, deposit, or abandon in any park, any paper, bottles, cans, sewage, cigarette filters, waste, trash, or other debris, except in receptacles provided by the Department for such purposes. No person shall deposit in any receptacle in any park, any accumulation of waste or trash generated outside the boundaries of the park.
- 4.6.3 No person shall drop, throw, or otherwise leave unattended in any park lighted matches, burning cigars, cigarettes, tobacco, paper, or other combustible material.

4.7 *Fire Arms, Weapons, Fireworks*

No person shall, fire, discharge, or set off any firearm, missile, fireworks, or explosives in any park except as provided in 4.7.1.1

- 4.7.1.1 In the Central Lakes Trail, no firearm or bow and arrow shall be discharged within the trail at any time, except for the purpose of lawful hunting during the period from September 15 to March 30 only. No rifle, shotgun with slug, or bow and arrow shall be discharged upon, over, or across the trail treadway at any time. (MN Rules 6100.3600)
- 4.7.1 It shall be unlawful for any person within a County park to have in their possession including within a motor vehicle, any rifle, shotgun, handgun, muzzle loading musket, BB gun, paintball gun or other firearm, unless the previously stated is unloaded and safely cased. This section shall not apply to any law enforcement officer being upon said premises while in the performance of their duties. This section shall not apply to those in possession of a lawful permit or those acting under the terms of an authorized controlled hunt. This section shall not apply to the purpose of lawful hunting during the period from September 15 to March 30. During this time Dougals County will follow MN Statute 97B.045 Transporting of Firearms.
- 4.7.2 A law enforcement officer may seize any unauthorized weapon within a park.
- 4.7.3 Any person or group requesting permission to use firearms in any park must obtain a special permit under Section 2.1.5.

4.8 Conduct Within the Park

- 4.8.1 No person or group of person shall disturb the peace and good order in any park by either work or act.
- 4.8.2 No person or group of person shall use offensive, obscene, indecent, boisterous, threatening, abusive, insulting, or noisy language , or engage or perform any lewd, lascivious, or obscene act or conduct or perform or engage in any act which reasonably tends to arouse, alarm, anger, or resentment in others.
- 4.8.3 No person or group of persons shall engage in fighting, brawling, or quarreling.
- 4.8.4 No person or group of persons shall disturb an assembly or meeting, not unlawful in its character.
- 4.8.5 No person shall disturb, harass, or interfere with any park user of the user's property.
- 4.8.6 No person shall solicit or ask any one to commit, perform, or engage in any lewd, lascivious, obscene, or indecent act of behavior.

4.9 Audio Devices

- 4.9.1 No person shall operate or play any musical instrument, radio, television, record or tape player, loud speaker, 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.
- 4.9.2 Any person who uses a public address system must obtain a permit pursuant to Section 2.1.6.

4.10 Loitering

- 4.10.1 No person over the age of six (6) shall enter any comfort station or restroom, washroom, or toilet facility set apart or designated for the opposite sex.
- 4.10.2 No person shall lurk or loiter around the toilet or other park structure, except to use such structure for the purpose for which it is intended.

4.11 Alcoholic and Intoxicating Beverages

- 4.11.1 Alcohol (Beer and Wine) is allowed at designated campsites and shelters that have been reserved online through the Douglas County Parks Website. Wine may only be consumed in plastic/paper cups. Beer can be consumed in Plastic/paper

cups as well as aluminum cans. Large quantities of Alcohol (kegs, party balls, ect...) would need a permit from the Parks Department.

4.11.2 Anyone found inside the park with an alcohol level higher than .08 will be required to leave the park.

4.11.3 Any person requesting to offer for sale, any beer, wine, intoxicating liquor, malt liquor, distilled spirits or other alcoholic beverage or intoxicating beverage, as defined in Minn. Stat. 340A. et. seq., in any park, must obtain a special permit pursuant to Section 2.1.2, or license pursuant to section 2.11.

4.12 Controlled Substances

4.12.1 No person shall use, possess, consume, administer, dispense, sell, give away, or be under the influence of, any controlled substance as set forth in Schedules I-V, Minn. Stat. 159, et. seq., as amended from time to time, except when such use, possession, influence, and administration are authorized by statutes.

4.12.2 It is unlawful to be under the influence of drugs or alcohol to the point of intoxication, or loss of motor skills or consciousness while in the park. Anyone found to be intoxicated will be required to leave the park.

4.13 Advertising

4.13.1 No person shall distribute or disseminate any leaflets, pamphlets, circulars, handbills, advertisement or their written or printed material in any park.

4.13.2 No person shall post, display, affix, or attach any sign, poster, placard, notice, banner, or advertisement to any tree, building shelter, fence, pole, or other structure within a park.

4.13.3 No person shall use loudspeakers, sound amplifying equipment, musical equipment or cause any noise to be made for advertising purposes or for the purpose of attracting attention to any exhibition, performance, event, show, or other purpose.

4.14 Unlawful Sales

No person shall 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 by the Board.

4.15 Lost and Found Articles

Lost or mislaid articles or money or personal property that are found in any park shall be turned over to the Douglas County Sheriff's Office. If the lawful owner of any money or article deposited with the Sheriff does not claim the same within a period of sixty (60) days, it shall be returned to the finder, upon request.

4.16 Law Enforcement Officers and Employees

- 4.16.1 No persons shall intentionally resist, refuse or fail to comply with any order, direction, or request lawfully given by any law enforcement officer or department employee acting under the authority of the Board and in accordance with this Ordinance.
- 4.16.2 No person shall obstruct, hinder or interfere with, or in any manner prevent, any department employee or law enforcement officer during the performance of their assigned duties or any employee of a contractor or other department employee engaged in repair, or maintenance of any park, or part thereof, or while in the discharge of duties conferred by this Ordinance.

4.17 Posted Regulations, Direction Signs and Graphics

Douglas County or its designee shall be responsible for the placement of directional and instructional signing. No signs of any kind may be placed in a park or on the Central Lakes Trail except by Douglas County other than temporary signs that may be necessary or required in conjunction with special permits, emergencies, or natural disasters.

No person shall disregard or fail to comply with any posted regulations, directional signs and graphics, barriers, or other control devices located within any park or on or beside any park roadway.

5.0 SECTION FIVE – TRAFFIC RULES

- 5.0.1 No person shall drive, operate, or be in physical control of a motor vehicle within any park, except upon roadways, parking areas, or other areas designated for such use. Disabled vehicles may be moved off a paved area to allow for the continued flow of traffic, but the vehicle must be repaired or removed within two (2) hours of being disabled unless other arrangements are made with the Director.
- 5.0.2 No person shall drive, operate, or be in physical control of a motor vehicle within any park in violation of posted regulations or direction signs; Minn. Stat. 169, et. seq., as amended from time to time; county or municipal traffic ordinance or orders or direction of law enforcement officers or department employees.

- 5.0.3 No person shall drive, operate or be in physical control of a vehicle on or along any roads, drives, or parking lots which have been restricted, closed or posted with appropriate signs or barricades. The Director shall have the authority to order roads, drives, and parking lots within a park closed during the process of construction, reconstruction, or repair, or when, in his opinion, weather conditions render travel unsafe or unduly destructive.
- 5.0.4 No person shall drive or operate a motor vehicle in a careless or reckless manner in a park including driving upon the ice of any lake, stream, or river. Reckless is defined as the willful or wanton disregard for the safety of persons or property. Careless is defined as the operation or halting any vehicle carelessly or heedlessly in disregard of the rights of others or in a manner that endangers, or is likely to endanger, any property or person including the driver and passengers.
- 5.0.5 No person shall operate a motor vehicle in any park at a speed in excess of 15 miles per hour or in excess of posted speed limits.
- 5.0.6 No person shall operate a vehicle that emits excessive, unusual or irritating noise, noxious fumes, dense smoke, or other pollutants in any park.
- 5.0.7 No person shall wash, grease, change oil, service, or repair any vehicle in any park.
- 5.0.8 No person shall park a vehicle adjacent to a curb painted yellow in any park.
- 5.0.9 Any vehicle illegally parked, disabled, abandoned, or obstructing traffic may be towed away or required to be moved by the driver or another person in control of the vehicle by any law enforcement officer or any department employee. Any vehicle towed away shall be impounded with the impound cost to be borne by the owner of the vehicle. Said vehicle may be sold if unclaimed after ninety (90) days to pay towing and storage charges pursuant to Minn. Stat. Chapter 168, et. seq., as amended from time to time.
- 5.0.10 No person shall drink or consume intoxicating liquor or nonintoxicating malt liquor in any motor vehicle, snowmobile, or all-terrain vehicles when the vehicle is in the park.
- 5.0.11 No person shall have in their possession, on the person while in a private motor vehicle, snowmobile, or all-terrain vehicle, any bottle or receptacle containing beverage as defined in Section 1.2.9 of this Ordinance, which has been opened or seal broken or the contents of which have been partially removed. Possession means either the person had actual possession of the bottle or the receptacle, or that the person consciously exercised dominion and control over the bottle or receptacle. This does not apply to the trunk of a motor vehicle.
- 5.0.12 All vehicles including, but no limited to, motor vehicles, snowmobiles, all-terrain vehicles or bicycles, shall yield the right-of-way at all times to pedestrians.
- 5.0.13 No person shall participate in a drag race or test of unreasonable acceleration **in any park**.

6.0 SECTION SIX – PENALTIES FOR VIOLATION

6.0.1 Any person violating any provision of this Ordinance shall be adjudged guilty of a misdemeanor.

6.0.2 Any person violating any provision of this Ordinance may be expelled, ejected, or ousted from a park at the discretion of a law enforcement officer or department employee.

7.0 SECTION SEVEN – REPEAL

This Ordinance, upon promulgation, repeals all preexisting regulations in force, except that such regulations shall be deemed to be in force for the purpose of perfecting any right vested, accrued, or arising therefrom.

8.0 SECTION EIGHT – SEPARABILITY

The provisions of this Ordinance shall be separable, and the invalidity of any section, paragraph, sub-paragraph, sub-division or other part thereof shall not make void, impair, invalidate, or affect the remainder thereof.

9.0 SECTION NINE – NOTICE TO THE PUBLIC

The publication of this Ordinance in the official newspaper in which the Board proceedings are published shall constitute notice to the general public and park users that the principle of positive signing of use designation shall prevail in the Douglas County park system. In the absence of positive signing, negative signing need not be posted to ensure authority for enforcement of this Ordinance.

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