

ORDINANCE MC 8-85
(as amended)

AN ORDINANCE PROVIDING FOR THE CONTROL, REGULATION AND USE OF PARKS AND FOR THE REPEAL OF ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH, SPECIFICALLY RESOLUTION DATED MAY 20, 1975, RESOLUTION MC84-190 AND ORDINANCE 76-1.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MINNEHAHA COUNTY:

Section 1. Definitions.

For the purpose of this ordinance, certain terms and words are hereby defined:

- a) Board. The Park Board which has been duly appointed by the County Commission.
- b) County Commission. The duly elected governing body of Minnehaha County.
- c) Park. An area owned by Minnehaha County and used for and devoted to active and passive recreation and which has been so designated by the County Commission.
- d) Park Director. The person duly appointed by the County Commission as department head for parks.
- e) Vehicle. Any motorized or unmotorized wheeled conveyance and trailers in tow of any size, kind or description, excluding unmotorized bicycles.

Section 2. Severability.

If any section, sentence, clause or other part of this ordinance shall be declared to be void and of no effect, for any reason whatsoever, such decision shall not affect the validity of any other portion thereof.

Section 3. Employee exemption from certain rules.

These sections governing activities and the general rules are not applicable to employees of Minnehaha County while within a park on required or official duties and in the course of such employment.

Section 4. Protection to trees and shrubbery.

No person shall pick or cut any wild or cultivated flowers, or cut, break, dig or in any way deface any tree shrub or plant within the limits of any park.

Section 5. Protection to prohibited areas.

No person shall go on foot or otherwise upon the grass or turf of any park or parkway where any prohibitory sign is posted.

Section 6. Injuring park property.

No person shall cut, break, scratch, mark, mar, or in any way injure or deface any building, fence, wall lamp, flagpole, construction improvement, facility or any other feature or property upon or within any park.

Section 7. Vehicle Parking.

No person shall operate or park any vehicle in any park, except on clearly marked and designated roadways or parking areas therein.

Section 8. Littering prohibited; glass prohibited on beach.

No person shall throw, deposit, place or leave in any park or parkway, or water therein, any paper, rubbish, waste, cans, bottles, or refuse of any kind, whether or not the same is offensive to the senses or is injurious to health, except in the receptacles provided for waste. No person shall bring glass containers of any kind onto the beach at Wall Lake Park. *(Amended MC8-1-89)*

Section 9. Restrictions on abutting landowners.

The owner, occupant or person in charge of any land abutting upon any park shall not allow any earth, rubbish, or refuse of any kind, whether or not the same is offensive to the senses or injurious to health, to fall or to wash upon or into any part of any park.

Section 10. Handbills and signs posted.

No person shall distribute any handbills or erect any signs or posts or affix any notice or bills or other writing to any tree, post, wall, fence or building or any other structure or improvement within any park.

Section 11. Firearms, guns, and fireworks prohibited.

No person shall fire or discharge any gun or any other type of firearm or discharge or set off any type of rocket, firecracker, or other fireworks or anything containing any substance of an explosive character within any public park except upon authority granted by the Board.

Section 12. Animals protected.

No person shall rob, injure or destroy any bird nests within the limits of any park, nor aim or discharge any air guns, slingshot, or other weapon, or throw any stones or other

missiles at any bird or bird nest or any wild creature within any park nor in any manner capture or attempt to capture or kill any bird or wild creature in any park without prior approval of the Board.

Section 13. Trapping prohibited: exceptions.

No person shall at any time trap, set, lay, prepare or have in possession any trap, snare, artificial light, net or any other device whatever for the purpose of catching, taking or killing any bird or wild creature in any park with the exception of those devices which are necessarily used for fishing in the streams and lakes within the park system or for other purposes authorized by the Board.

Section 14. Parking and moving vehicles.

Park employees shall have authority to direct the parking and moving of vehicles in the parks.

Section 15. Fees: requirements for use of park facilities.

The Board is hereby authorized to set such fees as are necessary for the use of facilities operated by the Board. Such fees shall be posted at the entrance to the recreational facility and shall be collected at that place. Individuals desiring to use such facilities are required to enter and exit at the designated place and use only designated areas.

Section 16. Permits required for after hours use of parks.

Permits to be in the park after hours shall be obtained from the Board or its authorized representatives before the time the activity is to take place. Requests for permits shall be made in writing and when a permit is granted or refused, notice of the action taken shall be given to the sheriff and the requesting party.

Section 17. Rules for permits.

A permit may be issued when it is found:

a) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

b) That the proposed activity or use is not reasonably anticipated to invite violence, crime or disturbance of the peace.

c) That the proposed activity will not entail unusual, extraordinary or burdensome expense or law enforcement operation by the County.

d) That the facilities desired have not been reserved for other use on the day and hour

requested in the application. The Board or its authorized representatives shall have authority to revoke a permit upon a finding of violation of any rule, law or ordinance, or upon good cause shown.

Section 18. Selling prohibited except by authority of Board.

No person shall sell or offer to sell any refreshment, article or anything of any type in any park unless specifically authorized by the Board. Requests shall be made to the Board in writing at least 20 days prior to their next meeting. The request shall indicate the items to be sold, prices, location of the proposed sale, the times of operation and any other information required by the Board. The action taken by the Board shall be provided to the County Sheriff and to the requesting party.

Section 19. Fires in parks.

No person shall start any fire in any park except in those places provided therefore by the Board. Every person who starts or uses a fire shall completely extinguish the fire before leaving the park.

Section 20. Permit required for certain activities.

Bands, processions, parades, military displays, entertainment, exhibitions and public meetings shall be allowed in any park after a written permit is obtained from the Board authorizing and describing the activity.

Section 21. Hours parks open to public.

Opening and closing times for park areas shall be set by the Board and posted at the entrance to the facilities. No one is permitted to be in any park during any other hours unless one has a valid permit issued under authority of Section 16 of this ordinance. Any part of a park may be closed to the public by the Board if found to be reasonably necessary and notice of such closing is posted prominently.

Section 22. Vehicles prohibited after hours.

It shall be unlawful for anyone to park or leave parked a vehicle within any park after closing hours unless authorized by permit issued pursuant to Section 16 of this ordinance.

Section 23. Structures prohibited except as by authority of Board.

No person shall build or maintain or be permitted to build or maintain any structure,

even a temporary structure, within any park except as may be erected by the Board for park purposes, and such statues, monuments, works of art or structures intended for ornamentation only as may be erected by authority of the Board.

Section 24. All utility lines and wires prohibited except by authority of Board.

No telegraph, telephone or electric light wires or other wires or posts or supports thereof shall be erected or placed in, upon, through or over any park without the consent of the Board, and the Board shall have power to designate the place or places for and manner of erecting, placing, and maintaining the same in or upon any park or boulevard and may cause the place and manner of maintaining the same to be altered at such times and in such manner as it shall deem best for the interests of the County and may require such wires in any park, parkway or boulevard to be put and kept underground.

Section 25. Restrictions on alcoholic beverages.

Malt beverages only may be consumed within any park, with the exception of Wall Lake Park. No alcoholic beverage shall be possessed or consumed within Wall Lake Park, including the beach area. *(Amended MC8-1-89 and MC8-2-96)*

Section 26. Bicycling in parks.

Bicycle riders in the parks shall abide by the ordinances governing the operation and equipment of bicycles except bicycling need not be limited to paved areas. Bicyclists are required to operate their bicycles in a prudent manner and with due regard for the safety of others and the preservation of park property.

Section 27. Authority of Board to prohibit certain conduct: notice.

The parks exist and shall be operated and maintained for the enjoyment, benefit and recreation of those persons using the parks. No person shall take part in any activity, conduct or game which shall interfere with another person's use of the park. The Board shall have the authority to prohibit conduct in those areas of the parks when and where the Board deems conduct dangerous or unduly interfering with another's use of the parks, such as, but not limited to picnicking areas. The notice prohibiting activity within a specific area shall be conspicuously displayed setting forth which activity, conduct or games are restricted.

Section 27A. Restrictions on animals. *(Amended MC8-3-99)*

Any person having an animal on park property shall have it leashed. The leash shall not be more than ten feet in length and of sufficient strength to control the animal.

If an animal defecates in a park, the animal's owner, keeper, caretaker, or attendant shall immediately and thoroughly clean the fecal matter from the property.

Horses shall not be permitted on park property and no animals shall be allowed on the beach at Wall Lake Park.

Section 28. Maximum speed limits.

The speed limit in all parks shall be a maximum of fifteen (15) miles per hour.

Section 29. Penalty.

Any person who violates any provision of this ordinance shall be subject to a fine not to exceed two hundred dollars (\$200) for each violation, or by imprisonment for a period not to exceed thirty (30) days for each violation, or by both the fine and imprisonment. (*Amended MC8-2-96*)

Section 30. Park Board.

The Minnehaha County Park Board created by previous action of the County Commission shall continue its function to establish, improve, care for, regulate and manage a system of public recreation areas, playgrounds and parks in and for the County.

Section 31. Composition.

The Board shall be expanded from five (5) to seven (7) members, each of whom shall be a resident of the County.

Section 32. Members not to be elective officers.

The members of the Board shall not hold any elective office in the government of the County.

Section 33. Appointment and terms.

The members of the Park Board shall be appointed by the County Commission for not more than two consecutive three year terms. Not more than three terms on the Board shall expire in any one year.

Section 34. Vacancies.

Any vacancy on the Park Board shall be filled for the unexpired term of the member vacating such Board in the same manner as is required for a regular appointment and shall also qualify for such position as provided by this ordinance.

Section 35. Officers.

At its first regular meeting in January of each year, the Board shall elect from its number a chairperson and a vice-chairperson, each of whom shall serve until the first meeting of said Board in January of the following year. The vice-chairperson shall act in the absence or disability of the chairperson. In case of death or retirement of an officer, a successor shall be elected immediately.

Section 36. Meetings.

The Board shall hold regular meetings at least once each month and as many special meetings as it deems proper.

Section 37. Quorum.

Four (4) members of the Board shall constitute a quorum for the transaction of business.

Section 38. Records, reports.

The Board shall designate a person to serve as secretary. The secretary shall keep a record of the Board's proceedings and make such reports as may be required by the Board. In his absence, or inability to act, the Board may appoint a secretary to temporarily perform such duties. The records of such Board, kept by its secretary, or copies of any such records when duly certified by the secretary shall be competent evidence of the proceedings of the Board.

Section 39. County Commission review of Board decisions.

Decisions of the Board are subject to review of the County Commission, either by request of any person aggrieved by such decision or by request of a majority of the County Commission.

Section 40. Administration assigned to Park Director.

The administration of the Park Department shall be the responsibility of the Park Director of the County. The Park Director shall be responsible for the budget as well as the employees of the Park Department. The Park Director shall provide technical assistance to the

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Board in the areas of long and short term capital improvements programming, and general operation and maintenance of the parks.