

OFFICIAL COPY

**AN ORDINANCE GOVERNING PARKS
UNDER THE JURISDICTION OF THE
LE SUEUR COUNTY BOARD OF
COMMISSIONERS
YEAR: 2020**

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Chapter 1: Purpose

Section 1: Purpose: The Le Sueur County Board of Commissioners, Le Sueur County Parks Board, and Le Sueur County Parks Department deem it appropriate and reasonable to provide an Ordinance governing parks rules and regulations to contribute to a safe, healthy and peaceful public use of Le Sueur County Parks and facilities; for the recreational and educational benefit and enjoyment of the public, for the protection and preservation of the property, facilities, and natural resources of Le Sueur County, and for the general safety of the public.

Section 2: Authority: The Le Sueur County Board of Commissioners, under Minnesota State Statutes, Chapter 398.31 – 398. 37, in performing its primary duty of the acquisition, development, operations and maintenance of Le Sueur County parks, trails, facilities, wildlife sanctuaries, forests, historical sites, and other natural features, and public access to lakes, rivers, and streams; is granted full power and authority to enact ordinances and to declare that the violation thereof shall be a petty misdemeanor or misdemeanor.

Section 3: Definitions: The following words or terms, whenever they occur in this Ordinance, are defined as follows:

- a. **Alcohol:** Any alcohol which is intoxicating pursuant to Minnesota Law.
- b. **Beach:** Part of a body of water and shore designated for swimming.
- c. **Controlled Substance:** Any drug, substance or immediate precursor defined in Minnesota Statutes 152.02 Schedules I through V.
- d. **County Board:** Elected members of the Le Sueur County Board of Commissioners.
- e. **Designated Employee:** Any full time, part-time or seasonal employee, or authorized volunteer, of Le Sueur County or Ney Nature Center.
- f. **Director:** The person appointed by the County Board to serve as Parks Director of Le Sueur County Parks Department.
- g. **Drone:** Powered aerial vehicle that does not carry a human, uses aerodynamic forces to provide a lift, can fly autonomously or be piloted remotely, or can be expendable or recoverable.
- h. **Firework:** Any firecracker, firework, smoke bomb, rocket, bottle rocket, black powder gun or other pyrotechnic or device that makes unwanted noises, flashes or explosions.
- i. **Geocaching:** Outdoor Recreational activity that involves the use of a GPS receiver to find an object or geocache placed at a predetermined location.
- j. **Motorized Recreational Vehicle:** Any recreational vehicle, all-terrain vehicle (ATV), utility task/terrain vehicle (UTV), 4-Wheeler, off highway vehicle (OHV), side by side (SXS), off highway motorcycle (OWM), dirt bike, golf cart, or other motorized vehicle.
- k. **Park:** Any land or water area and all facilities thereon, under the jurisdiction, control or ownership of Le Sueur County for the recreational enjoyment of the public.
- l. **Parks Board:** The board appointed by the Le Sueur County Board of Commissioners for referral and guidance of Parks matters under Minnesota State Statute 398.36.
- m. **Park Visitor:** Any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind within a park.

- n. **Permit:** The written permission that must be obtained from the Parks Director, Parks Board, or County Board.
- o. **Pet:** Any animal that is tamed, domesticated or kept as a companion.
- p. **Property:** Any land, waters, facilities or possessions of the county.
- q. **Special Use:** Any event, gathering, program, activity or means of entertainment, tournament, race, practice, or any other organized activity which can reasonably expect to have 12 or more persons involved or potentially have a negative effect on park property or guests.
- r. **Tobacco:** Any smoking product including cigars, cigarettes, or pipes; smokeless tobacco product, and nicotine delivery device such as e-cigarettes, vaping, or other related products.
- s. **Vehicle:** Any motorized, self-propelled, animal drawn, or human powered vehicle.
- t. **Watercraft:** Any contrivance used or designated for navigation on water.
- u. **Weapon:** 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, bow, arrows, slings, pellet guns, BB guns, paint-ball guns. Other weapons include things that may be thrown, aimed or hit that include a protruding sharp or blunt object including but not limited to knives, axes, and swords.
- v. **Wildlife:** Any living creature, not human, wild by nature, endowed with sensation and power or voluntary motion, including but not limited to mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

Chapter 2: Regulations of General Parkland Operations and Use

Section 1: Park Hours:

- a. County Parks will be open each day from 6:00am to 10:00pm, unless closed by order of the County Parks Director, Parks Board or County Board.
- b. No person shall remain within a park between the hours of 10:00pm and 6:00am, except registered campers in designated camping areas.
- c. Any park or portion of park may be declared closed to the public by the Parks Director, Parks Board or County Board at any time and for any interval of time, or to certain uses, as is necessary.

Section 2: Permits and Special Use:

- a. A person may be granted a permit for temporary, exclusive use of a reserved space within a park by the County Parks Director, Parks Board or County Board.
- b. Any permit granted pursuant to this ordinance may be revoked upon the violation by the permittee of an ordinance, rule or regulation by the Parks Director, Parks Board or County Board.
- c. Permits are required for any public or private meeting, event, program, activity, entertainment, tournament, race, practice or other organized activity that can reasonably expect to have 12 or more people involved or potentially have a negative impact to the park property, park peacefulness, or other park guests. Permits may be granted from the Parks Director, Parks Board or County Board.

Section 3: Business or Commercial Use: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To sell, solicit, or carry on any business or commercial enterprise, including any goods, wares, merchandise, services, liquids, or edibles in a county park except by authorized permission from the Parks Director, Parks Board, or County Board.

Section 4: Photography:

- a. Photographers that are taking photos at any Le Sueur County Park for a fee or for profit must obtain an annual designated Photographer Level Membership from Ney Nature Center.
 - a. Photographers must contact Ney Nature Center at least one business day in advance of their photo shoot within any Le Sueur County Park.
 - b. Ney Nature Center or Parks Director has the right to deny photography based on daily park programs, events, or similar activities.
- b. Photographers that are taking pictures for their personal use and not for profit are allowed to take pictures within any Le Sueur County Parks.
- c. For weddings that are held within a Le Sueur County Park, photographers may take photos without an annual membership
 - a. For weddings held at another location, but photos taking place within a Le Sueur County Park, photographers must have an annual membership.
- d. Photographers must keep half of the trail or pathway clear for unobstructed use by other park guests.
- e. Photographers cannot verbally, physically, or in any other way block, remove or ban any park visitor from any area of a park or park facility open to the public.
- f. Photographers may not remove, damage, cut, mow, trim, paint, tie/nail, attach object to, or in any way alter any plant, tree, or other form of vegetation, park equipment, or facility.
- g. Photographers cannot enter any building, facility, area, or property that may be under construction, locked, fenced, gated, or closed to the public.

Section 5: Facilities:

- a. It shall be unlawful for any person to use a facility or area for which a fee or charge has been established by the County Board without payment of such fee or charge. A person may use a shelter or fire pit during daytime park hours if the facility or area is not currently reserved, but they must leave the area immediately when the reservation time period begins or when asked to by the Parks Director or designated employee.

Chapter 3: Regulations of General Conduct & Personal Behavior

Section 1: Alcohol: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To use or have in their possession glass beverage containers.
- b. To use or have in their possession alcohol in containers larger than 1.75L.
- c. To be under the influence of alcohol.

Section 2: Behavior, Language and Appearance: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. Use threatening, abusive, insulting, obscene, or indecent language.
- b. To act in an indecent manner.
- c. To do any act which constitutes a breach of the public peace on the public lands.
- d. To use a speaker, amplifier or other noise producing equipment at a volume that can reasonably disturb others in the surrounding area.
- e. Be dressed so that the genital area of males and females and the breast area of females are uncovered
- f. Set up a shelter, tent, tarp, canopy larger than 10'x10' without permit or proper authorization.

Section 3: Controlled Substances: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To be in possession of or under the influence of controlled substances.

Section 4: Fireworks: It shall be unlawful for any person County Parks to do any of the following acts:

- a. To possess, set off, attempt to set off or ignite any firecracker, firework, smoke bomb, rocket, black powder gun or other pyrotechnic without approval from the Parks Director, Parks Board or County Board.

Section 5: Glass: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To possess any glass bottles, whether containing alcohol or not.
- b. To possess, leave, litter, or throw away any glass object within a county park.

Section 6: Personal Property: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To disturb, harass or interfere with any park visitor or park visitor's property.
- b. To leave any vehicle, trailer, structure, boat, ice house, etc., in the park for more than 12 hours or overnight.

Section 7: Pets, Dogs, Cats, and other animals: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To have a pet unleashed or on a leash longer than six feet in length.
- b. To be tethered to a tree, plant, building, park equipment, or other permanent or temporary structure.
- c. To disturb others within a park, or destroy any public or personal property.
- d. To fail to pick up and properly dispose of the waste of any pet.
- e. To enter any facility, picnic area, park building, shower or restroom facility, or any other unauthorized area within a park where their presence may be prohibited.
- f. To release any living or deceased animal, insect, fish, or wildlife within a park, whether domesticated or wild.

Special events and programs may temporarily ban pets from specific parks or locations within parks, with approval from the Parks Director, Parks Board or County Board.

Section 8: Tobacco: All Le Sueur County Parks and Park facilities are tobacco free areas unless noted below.

- a. Tobacco use is permitted at individual rented campsites at Lake Washington Regional Park & Campground and Clear Lake Park.
- b. Tobacco use is permitted in parking lots.

It is unlawful to drop, throw, or otherwise leave unattended any lighted matches, burning cigars, cigarettes, tobacco, papers, or other combustible materials in areas where tobacco use is allowed.

Section 9: Weapons: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. Possess, shoot or discharge a firearm or other weapon within a park or into the park from outside the park boundaries. A person who is legally permitted under Minnesota State Statute 624.714 to carry a handgun in the State of Minnesota may legally carry that handgun in Le Sueur County Parks to the extent permitted by Minnesota Law.

Weapons may be possessed, unloaded and in a case, at designated boat accesses when used in pursuing legal hunting where the boat access is used to access the hunting location. Designated boat accesses are: Lake Francis Access, Fish Lake Access, Lake Gorman Park and Dam Access, Lake Pepin Park & Access, Sabre Lake Access, Steele Lake Access, Sunfish Lake Access.

Archery is permitted at the designated Archery Range in Bradshaw Woods Park from sunrise to sunset. Only field or target tips may be used. Broadhead targets are not allowed.

Recreational or educational programming or special events may temporarily be exempt with prior approval from Parks Director, Parks Board or County Board.

Section 10: Waste, Garbage and Littering: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To deposit, scatter, drop or abandon any form of garbage, including bottles, cans, glass, sewage, waste, animal parts, tobacco products, fishing supplies.
- b. To throw, discharge or place any garbage including liquids, solids and gases, in or upon any body of water, lake, river, stream, sewer, or drain in or adjacent to the public area or County Park.
- c. To bring or dispose of personal, household, or other garbage into a County Park.

Garbage is to be properly disposed of in trash receptacles when and where provided. If trash receptacles are not provided, any garbage or material brought into a park is also to be hauled out of the park by the park user.

Chapter 4: Regulations of Camping

Section 1: Camping: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To camp in any park for any length of time, with the exception of designated camping spots at Lake Washington Regional Park & Campground with a reservation and Clear Lake Park on the first come – first serve honor system.

- b. To leave any structure or shelter unattended within a park or campground for more than 24 hours.
- c. To cause, create or make any noise that disturbs the peace, quite, and tranquility of the camping area.
- d. To discharge water or waste in a park or drain, except as a paying campground guest at Lake Washington Regional Park & Campground's dump station.
- e. To dig or disturb the ground when setting up your shelter, with the exception of tent stakes or anchors in designated camping areas.
- f. To occupy campsites in a park contrary to written permit or reservation, or otherwise violate provisions of permit or reservation.
- g. To camp under the age of 18 years old, unless accompanied by and in the presence of a parent or guardian, unless with prior approval, camping is part of an organized group with adequate adult supervision.
- h. Camp for more than seven consecutive nights without approval of the Parks Director, Parks Board or County Board.
- i. To use a boat for sleeping quarters while tied to park shoreline.
- j. To have more than one RV, Camper, Trailer, or similar unit per campsite.
- k. One tent may be added to campsite provided it does not interfere with nearby guests.
- l. To have more than two tents per tent, non-electric, or primitive campsite.
- m. To have more than a maximum of six guests per campsite or one family residing under the same household.

Section 2: Fires and Firewood: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To build, create or permit a campfire or any other open fire, except in designated permanent fire pits or above ground portable stoves or grills.
- b. To transport, possess or burn firewood within a Le Sueur County Park unless the firewood is purchased at the park or campground, purchased from a Minnesota Department of Natural Resources approved firewood vendor within 100 miles of the park or campground, or cut from non-ash trees within Le Sueur County.
- c. To burn any lumber, pallets, wood, boards, or any other materials that is not firewood.
- d. To fail to fully extinguish a fire or campfire.
- e. To transport any firewood into Ney Nature Center or use the fire pit or fire ring without prior approval of Ney Nature Center.

Chapter 5: Regulations of Recreational Activities

Section 1: Aviation and Drones:

Section 1a. Aviation: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To use park property for a starting or landing field for aircraft, drones, model airplanes, hot air balloons, parachutes, hang gliders or other flying apparatus, unless otherwise authorized by permit.
- b. To operate a drone, model plane, or other unmanned aircraft within a county park boundary; whether flown and landed from inside or outside of the parks boundaries.

Section 1b. Drones:

- a. Recreational drone use is permitted only at designated areas while following all FAA and government regulations. Designated areas are open grass areas at Ney Nature Center, Ray's Lake Park, and Clear Lake Park. Drones used at Ney Nature Center must have a Conditional Use Form filled out from Ney Nature Center.
- b. Drone use shall be restricted to no more than 200 foot altitude.
- c. Drones must remain in visual line of site of the drone operator.
- d. Drone operator must carry liability insurance for drone operation.
- e. Drones must not be flown near or over other groups of people or migrating, nesting or mating wildlife.
- f. Drones may not be operated in a reckless manner or way that creates a risk of public alarm or nuisance by causing noise that is unreasonable or hazardous.

Section 2: Bicycling: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To operate a bicycle on trails that are not designated for bicycles.

Section 3: Boating: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. Launch or land any boat, canoe, kayak, raft, or other watercraft except at locations designated for that purpose.
 - a. County Park locations include: Lake Emily Park (carry in only), Lake Gorman Park and Access (carry in only), Henderson Station River Access and Park (carry in only), Ray's Lake Park (carry in only), Lake Washington Regional Park and Campground (carry in only).
 - b. County Owned Public Water Accesses include: Lake Frances West Access, Fish Lake Access, Kasota River Access (carry in only), Ottawa River Access (carry in only), Lake Pepin Park and Access, Ray's Lake South Access, Sabre Lake Access, Steele Lake Access, Sunfish Lake Access.
- b. To leave unattended any boat or watercraft.
- c. To operate any watercraft in a designated swimming area or other prohibited area.
- d. To operate any watercraft in a park in violation of Minnesota Statutes or any other law, statute, or ordinance dealing with water and watercraft safety.

Section 4: Fishing: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To fish in a park area designated as a swimming area.
- b. To clean fish and dispose of remains at a park, park facility or park garbage receptacle. Remains must be transported out of the park.

Fishing is permitted within County Parks at fishing piers, docks and shore fishing locations. All Minnesota Department of Natural Resources rules and regulations must be followed.

Section 5: Geocaching:

- a. Geocaches must be placed within 25 feet of a trail. Geocaches cannot be placed within 15 feet of a building.

- b. Geocaches cannot be buried or permanently attached to anything within a park including buildings, facilities, amenities, trees, signs or flora.
- c. Geocaches cannot contain items that are potentially offensive, dangerous or illegal.
- d. Geocaches at Ney Nature Center must follow all criteria in Ney Nature Center Geocaching Policy.

Section 6: Horseback Riding: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To ride, lead or permit a horse to be within a park without a special permit from the Parks Director, Parks Board or County Board, or except by designated law enforcement or their volunteers in an emergency.

Section 7: Snowshoeing:

- a. Snowshoeing is permitted in all areas except on designated or groomed cross country ski trails or paths, or closed trails or paths, or closed portions of the park.

Section 8: Swimming: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. Wade, swim or use any beach in a park without proper bathing attire.
- b. Use any air mattresses, inner tubes or flotation devices not approved by the U.S. Coast Guard.

Park Visitors shall swim or wade at their own risk between the hours of sunrise and sunset.

Chapter 6: Regulations of Vehicles and Transportation

Section 1: Motorized Recreational Vehicles: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To operate any recreational vehicle, all-terrain vehicle (ATV), Utility Task/Terrain Vehicle (UTV), 4-Wheeler, Off-Highway Vehicle (OHV), Side by Side (SxS), Off-Highway Motor Vehicle (OWM), Dirt Bike, Golf Cart, or other motorized vehicle within the boundaries of a county park.

Section 2: Snowmobiling: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To operate a snowmobile anywhere in a park, except on designated snowmobile trails.
- b. To operate a snowmobile in a park in excess of posted speed limits, or at a rate of speed greater than reasonable, or in a careless, reckless or negligent manner.
- c. To operate a snowmobile in violation of Minnesota Statute.

Section 3: Vehicles: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To operate any motorized vehicle within a park, except upon roadways or parking areas.
- b. To operate a motorized vehicle without a valid driver's license.
- c. To operate a motorized vehicle in a park at a speed in excess of 10 mph or the posted speed limit, whichever is greater.

- d. To park or leave a vehicle in a park, except in a designated parking area.
- e. To park or leave a vehicle, trailer, structure, boat, ice house, etc., within park boundaries overnight or in excess of 12 hours.
- f. To operate a motor vehicle that emits excessive or unusual noise, noxious fumes, smoke, or other polluting matters.
- g. To operate a vehicle in a reckless or careless manner in a park.
- h. To wash, polish, grease, repair, change oil, or make other vehicle repairs in a park.
- i. To operate any motor vehicle on roads that are posted, signed, chained or gated prohibiting vehicle traffic.

Chapter 7: Protection of Park Property and Natural Resources

Section 1: Natural Resources: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To injure, destroy, or remove any tree, flower, shrub, plant, rock, soil, mineral or other natural resource within a park. Temporary exceptions may be approved by the Parks Director, Parks Board or County Board.
- b. To plant or introduce any plant, vegetation or seed within a park.
- c. To introduce any chemical or other potentially harmful agent of wildlife or vegetation within a park.

Section 2: Park Property: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. Intentionally deface, vandalize or otherwise cause destruction to park property.
- b. Intentionally deface, destroy, cover, move, damage or remove any placard, permit, notice, sign or parts thereof, whether permanent or temporary, posted or exhibited by the Parks Department or Designated Employees.
- c. Enter any building, facility, area, or property that may be under construction, locked, fenced, or closed to public use.
- d. Cause or permit physical encroachment upon park property including but not limited to actions such as mowing of grasses, placement of personal property, debris, brush, materials, buildings, structures, or signs.

Section 3: Wildlife: It shall be unlawful for any person on County Parks to do any of the following acts:

- a. To hunt, trap, kill, or disturb any species of wildlife within the boundaries of the parks.
- b. To remove any animal, living or dead, from a park and any animal removed or taken contrary to provisions of this ordinance, or law of the State of Minnesota, shall be considered contraband and subject to seizure and confiscation.

Chapter 8: Regulation of Parks Operations

Section 1: Enforcement of Penalties

- a. A person guilty of violating any provision of this ordinance shall be guilty of a misdemeanor.

- b. Officers of Le Sueur County Sheriff's Department may, in connection with their duties imposed by law, enforce the provision of this ordinance and may eject from parks any person acting in violation of this ordinance.
- c. Designated park employees may, in connection with their duties imposed by law, enforce the provisions of this ordinance and may eject from parks any person acting in violation of this ordinance.
- d. Ejections from the park can result in a permanent ban from the Parks Director, Parks Board or County Board.
- e. The Le Sueur County Parks Board shall have the right to issue administrative rules and regulations that may be established by the County Board as it deems necessary.
- f. No ordinance shall prevent Le Sueur County employees, designated employees, contractors, emergency and law enforcement personnel while acting in and performing their assigned duties
- g. If any provision of this ordinance is held to be invalid, such invalidity shall not affect the validity of any other provision of this ordinance.

Section 2: Parks:

- a. Le Sueur County shall not be liable for any loss, damage, or injury sustained by a park visitor.
- b. No person shall impersonate any employee of the parks system, nor interfere with, harass or hinder any employee in the discharge of his duties.

Section 3: Enactment:

- a. This ordinance shall be effective upon passage and publication by the Le Sueur County Board of Commissioners.
- b. This ordinance shall supersede previously passed Le Sueur County Parks Ordinances

Passed and Approved this 25th day of August, 2020

Le Sueur County Board of Commissioners

By:  (Chairman)

By:  (County Administrator)

By:  (County Attorney)