

Yellow Medicine County, Minnesota Ordinances

Ordinance No. _____ Yellow Medicine County Park Ordinance

Date Approved: 4-11-06

Date Published: 3-¹⁵~~28~~-06

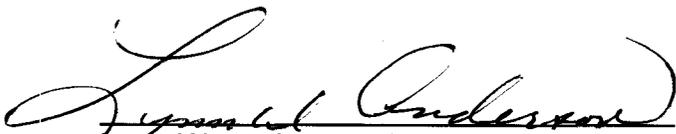
An ordinance specifying rules and regulations in order to provide for the safe and peaceful use of parklands; and for the safety and general welfare of the public.

Title: This ordinance is cited as "The Yellow Medicine County Park Ordinance." This ordinance is enacted pursuant to the authority of Minnesota Statutes 398.31-36 for the purpose of establishing rules and regulations in order to provide for the safe and peaceful use of parklands; for the education and recreation of the public; for the protection and preservation of the property, facilities and natural resources; and for the safety and general welfare of the public.

This ordinance shall be in full force and effect from and after its passage and publication according to law. The full text of the ordinance is available through the Yellow Medicine County Parks Department and copies are on file in the offices of the Yellow Medicine County Administrator and Yellow Medicine County Auditor/Treasurer.

Passed by the Board of County Commissioners of Yellow Medicine County, Minnesota this 11 day of April, 2006.

Approved as to form;


Lynn W. Anderson, Chairman
Board of County Commissioners


Thomas G. Kramer, County Attorney

Attest: 
Carolyn Sherlin,
County Auditor/Treasurer


Myron Hagelstrom, Parks Director

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Yellow Medicine County, Minnesota
Ordinance No. _____

An Ordinance Governing Parks under the Jurisdiction of Yellow Medicine County

Chapter I Purpose/Authority/Definitions

Section 1 - Purpose

The Yellow Medicine County Board of Commissioners deems it reasonable, necessary and desirable to provide an ordinance specifying rules and regulations in order to provide: for the safe and peaceful use of Parklands; for the education and recreation of the public; for the protection and preservation of the property, facilities, and natural resources; and for the safety and general welfare of the public.

Section 2 - Authority

The Yellow Medicine County Board of Commissioners, under Minnesota Statutes 398.31 - 398.35 in performing its primary duty of the acquisition, development and maintenance of parks, wildlife sanctuaries, forest and other reservations and providing the means for public access to historic sites, lakes, rivers, streams and other natural phenomena; is granted full power and authority to acquire and establish parks and to operate, maintain protect and improve a park system and conduct a recreational program. As aid to the accomplishment of there duties, the Board is granted the authority to enact ordinances and to declare that the violation there of shall be a misdemeanor.

Section 3 - Definitions

- (a) Area or areas means a specified place within a park.
- (b) Beach means that part of a body of water and shore designated for swimming.
- (c) Board means the appointed and elected members of the Yellow Medicine County Board of Commissioners.
- (d) Director means the person selected by the Board to serve as the Parks Manager.
- (e) Motorized Recreation Vehicle means any self-propelled, off the road or all terrain vehicle including, but not limited to, snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail bike, dune buggy or all terrain cycle.
- (f) Natural Resources means all flora and fauna within Parks and the physical factors upon which they depend; including air, water, soil, and minerals.
- (g) Park means any land or water area and all facilities thereon, under the jurisdiction, control or ownership of Yellow Medicine County.
- (h) Permit means the written permission that must be obtained from the Parks Section to carry out a given activity.

- (i) Person or Persons means individuals, firms, corporations, societies or any group or gathering whatsoever.
- (j) Pet means any animal that is tamed and domesticated and kept as a companion.
- (k) Pollutant means any substance, liquid or gas, which could cause contamination of air, land, or water so as to create or cause a nuisance or render unclean or noxious or unpure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare.
- (l) Property means any land, waters, facilities, or possessions of Yellow Medicine County.
- (m) Weapon means any device including, but not limited to, firearms, bows, electronic weapons, slings, and pellet or B-B guns from which a shot or projectile of any type is discharged or propelled by means of an explosive, gas, compressed air, or other means. An electronic weapon means a portable device which is designed, used or intended to be used, offensively or defensively, or immobilize or incapacitate persons by the use of an electric current.
- (n) Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- (o) Wildlife means any living creature, not human, wild by nature, endowed with sensation, power of voluntary motion, including but not limited to mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.
- (p) Possession
 - (i.) Physical Possession: having a controlled substance on one's person with knowledge of the nature of the substance, or
 - (ii.) Constructive Possession: having once possessed a controlled substance, continuing to exercise dominion and control over the substance up to the time of arrest, aiding and abetting another in possessing a controlled substance.

Chapter II Regulation of Public Use

Section 1 - Park Hours

- (a.) Parks shall be open to the public daily from 6:00 a.m. until 10:00 p.m. It shall be unlawful for any person to enter or remain in a park at any other time without a use permit or except when the park area or facility is otherwise designated by the Board.
- (b.) The Director or designee is authorized to close any park or portion thereof at any time for the protection of park property or for the public health, safety or welfare.

Section 2 - Use Fee, Failure to Pay

It shall be unlawful for any person to use, without payment, any facility or area for which a user fee is charged, unless the payment is waived by permit.

Chapter III Regulation of General Conduct - Personal Behavior

Section 1 - Littering

It shall be unlawful for any person to deposit, scatter, drop or abandon in a park; bottles, cans, broken glass, hot coals, ashes, sewage, waste or other material, except in receptacles provided for such purposes.

Section 2 - Possession and Use of Firearms/Dangerous Weapons/Fireworks

It shall be unlawful for any person to:

- (a.) Fire, discharge, or cause to be discharged across, in, or into any portion of the park any weapon, except in areas and at times designated by the Director for such use, or with a permit; or
- (b.) Set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics without authorization from the Board.

Chapter IV Regulations Pertaining to General Parkland Operation

Section 1 - Pets in Parks

It shall be unlawful for any person to:

- (a.) Bring a pet into an authorized area of a park, unless caged or kept on a leash not more than 6 feet in length, unless in a pet exercise or training area designated by the Director;

Section 2 - Noise/Amplification of Sound

It shall be unlawful for any person to:

- (a.) Operate or permit the use or operation of any loudspeaker, sound amplifier or other device for the production or reproduction of sound without authorization by permit; and except for special programs at dates and times as authorized by permit.
- (b.) Use, operate or permit the use or operation of any radio, phonograph, television set or other machine or device for the production or reproduction of sound in such a manner as to be disturbing or a nuisance to reasonable persons of normal sensitivity within the area of audibility;
- (c.) Willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace of quiet within any park or which causes discomfort or annoyance to any reasonable park visitor of normal sensitivity.

The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following;

- (1) level of the noise;
- (2) the intensity of the noise;
- (3) whether the nature of the noise is usual or unusual;
- (4) the level and intensity of the background noise, if any;
- (5) the type of area within which the noise emanates;
- (6) the intensity of human use of the area during the time at which the noise emanates;
- (7) the time of the day or night the noise occurs;
- (8) the duration of the noise; and
- (9) interpretation of this criteria by assigned staff of the Parks Section shall allow, deny or control level of sound amplifying equipment by park users.

Section 3 - Alcohol and Controlled Substances.

It shall be unlawful for any person to use, possess, or sell any alcohol or controlled substances in violation of Minnesota Statutes.

Chapter V Protection of Property, Structures and Natural Resources

Section 1 - Disturbance of Natural Features

It shall be unlawful for any person to:

- (a.) Intentionally remove, alter, injure or destroy any tree, other plant, rock, soil or mineral;
- (b.) Dig trenches, holes or other excavations in a park without a permit; or
- (c.) Introduce any plant or other agent within a park without a permit.

Section 2 - Disturbance of Wildlife

It shall be unlawful for any person to:

- (a.) Kill, trap, hunt, remove, harass, annoy, pursue or in any manner disturb or cause to be disturbed, any species of wildlife, except as permitted in designated areas;
- (b.) Release or abandon any animal within a park without a permit.

Section 3 - Destruction/Defacement of Park Property/Signs

It shall be unlawful for any person to:

- (a.) Intentionally deface, vandalize or otherwise cause destruction to park property; or
- (b.) Intentionally deface, destroy, cover, damage or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the Parks Section.

Section 4 - Release of Harmful or Foreign Substance

It shall be unlawful for any person to:

- (a.) Place any debris or other pollutant in or upon any body of water in or adjacent to a park, or any tributary, stream, storm sewer, or drain flowing into such waters; or
- (b.) Discharge waste water or any other wastes in a park, except into designated containers, drain or dumping stations.

Chapter VI Regulation of Recreation Activity

Section 1 - Camping

It shall be unlawful for any person to:

- (a.) Camp in a park except in areas provided and designated for that purpose;
- (b.) Camp without a permit from the Parks Section;
- (c.) Occupy camp sites for more than eleven (11) consecutive days;
- (d.) Re-occupy a camp site after an eleven (11) day occupancy without a seven (7) consecutive day vacancy from the park;
- (e.) Occupy a camp site with more than eleven (11) people.

Section 2 – Removal

The Director or designee is authorized to remove any camper in violation of Section 1(c), 1(d), or 1(e) and the owner and/or possessor of the camper shall be responsible for any resulting towing and storage fee.

Section 3 - Swimming/Beaches

It shall be unlawful for any person to move, place or throw sand, mud, rocks, park property of any kind including but not limited to picnic tables, or any dangerous objects on the beach or in the water or to use park property of any kind including but not limited to picnic tables on the beach or in the water.

Chapter VII Regulation of Motorized Vehicles, Traffic & Parking

Section 1 - Motorized Recreation Vehicles

It shall be unlawful for any person to operate a motorized recreation vehicle within a park.

Section 2 - Vehicle Operation

It shall be unlawful for any person to operate or park a vehicle in the area between the posts surrounding a beach and the water.

Chapter VIII Enforcement

Section 1 - Officer Authority

Yellow Medicine County Sheriff, local police, other peace officers and those County Park employees authorized by the County Board shall have the authority to enforce the provisions of this ordinance.

Section 2 - Fines and Penalties

Article 1 - Purpose.

The Yellow Medicine County Board finds that there is a need for alternative methods of enforcing this ordinance. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the county and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of administrative regulations. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard city code violations as being important. Accordingly, the county board finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for ordinance violations.

Article 2 - General Provisions.

Subd. 1. A violation of a provision of this ordinance may be subject to an administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.

Subd. 2. An administrative offense may be subject to a civil penalty not exceeding \$2000.00.

Subd. 3. The county board must adopt by resolution a schedule of fines for offenses initiated by administration citation.

Subd. 4. The County Auditor must adopt procedures for administering the administrative citation program.

Article 3 - Administrative Citation.

Subd. 1. A person authorized to enforce provisions of this ordinance may issue an administrative citation upon belief that a violation of this ordinance has occurred. The citation must be issued in person or by mail to the person responsible for the violation or attached to the motor vehicle in the case of a vehicular offense. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled fine, and the manner for paying the fine.

Subd. 2. The person responsible for the violation may pay the scheduled fine within thirty (30) days after issuance. Payment of the fine constitutes admission of the violation. A late payment fee of 10 percent of the scheduled fine amount may be imposed.

Article 4 - Criminal Penalties.

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished according to law. Upon a failure to pay the administrative fine noted above within the abovesaid 30 days, the administrative citation may be dismissed and a person authorized to enforce provisions of this ordinance may issue a criminal citation in accordance with the laws of this state and the rules of criminal procedure.

Article 5 – Administrative Citation Fine Schedule

Camping permit violation	\$ 50.00
Motorized recreation vehicle Operation Violation	\$ 100.00
Move, place or throw objects on beach/water	\$ 100.00
Use park property on the beach/water	\$100.00
Failure to pay camping permit fee	Double the daily rate
Failure to pay any resulting towing and storage fee required upon a violation of Section 1(c), 1(d), or 1(e)	\$500.00
Unlawful vehicle operation	\$100.00
Unleashed Animal Violations	\$25.00
Hunting and Firearm Violations	\$100.00
Littering Violations	\$50.00
Loud Noise Violations	\$ 50.00
Fireworks Violations	\$50.00
Ordinance Violations Not Listed	\$100.00
Repeat Violation Within 90 days	Double

Section 3 - Additional Rules and Regulations

The Director shall have the right to issue rules and regulations relative to these Ordinances.

Section 4 - Impoundment of Pets

Yellow Medicine County shall have the authority to impound pets found running at large and shall collect an impoundment fee plus the per diem fee specified in contract for impounding of animals which may be in force between Yellow Medicine County and the pound keeper at that time.

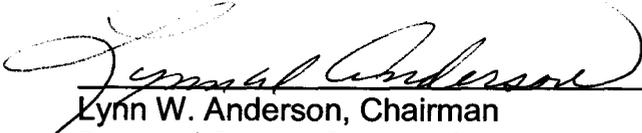
Section 5 - Permit Revocation

The Parks Section shall have the authority to revoke for good cause any permit. Any permit or reservation may be revoked upon violation by the permittee of any ordinance, rule or regulation of Yellow Medicine County.

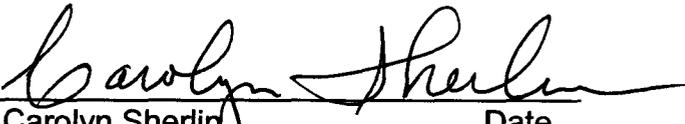
Chapter IX Effective Date

This Ordinance shall be in full force and effect from and after its passage, by the Yellow Medicine County Board of Commissioners and publication according to laws.

Passed by the Board of Commissioners of Yellow Medicine County, Minnesota the 11 day of April, 2006.



Lynn W. Anderson, Chairman Date
Board of County Commissioners

Attest: 

Carolyn Sherin Date
County Auditor/Treasurer