

Yellow Medicine County, Minnesota Ordinances

Ordinance No. 1-2019 Yellow Medicine County Park Ordinance

Date Approved: October 22, 2019

Date Published: October 1, 2019

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 22nd, of October, 2019.

Approved as to form;

Greg Renneke, Chairman
Board of County Commissioners

Keith Helgeson, County Attorney

Attest: _____
Angie Steinbach, Administrator

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Yellow Medicine County, Minnesota

Ordinance No. 1-2019

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 their 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 elected members of the Yellow Medicine County Board of Commissioners.
- (d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of section 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.
- (e) Camping means staying in a park through the night in a camper or tent. There are three types of Camping; 0-29 days, 30-89 days, and 90 plus days but no more than five months.
- (f) Park Manager means the person selected by the Board to oversee the Parks.
- (g) 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.

- (h) Natural Resources means all flora and fauna within the Parks and the physical factors upon which they depend; including air, water, soil, and minerals.
- (i) Park means any land or water area and all facilities thereon, under the jurisdiction, control or ownership of Yellow Medicine County.
- (j) Permit means the written permission that must be obtained from the Parks Department to carry out a given activity.
- (k) Person or Persons means individuals, firms, corporations, societies or any group or gathering whatsoever.
- (l) Pet means any animal that is tamed and domesticated and kept as a companion.
- (m) Pollutant means any substance (solid, liquid or gas) which could cause contamination of air, land, or water to create or cause a nuisance, render the air, land or water to become unclean, noxious, or impure so as to be actually or potentially harmful, detrimental, or injurious to public health, safety or welfare.
- (n) Property means any land, waters, facilities, or possessions of Yellow Medicine County.
- (o) 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.
- (p) 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, to immobilize or incapacitate persons by the use of an electric current.
- (q) Wildlife means any non-human living creature, wild by nature, including but not limited to mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.
- (r) 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 and/or aiding and abetting another in possessing a controlled substance.

Chapter II: Regulation of Public Use

Section 1 - Park availability

- (a.) Parks shall be open to the public daily each year on or about May 1 through November 1 (based on weather). It shall be unlawful for any person to enter or remain in a park at any other time without a permit.
- (b.) Check-in time shall be 3:00 p.m. on the day of the renter's registration period. Campers are expected to vacate the campsite by 1:00 p.m. the day after their payment period.
- (c.) The Park Manager 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 – Applications, User Fees and Failure to Pay

Any person wishing to camp in the Parks must register online at www.co.ym.gov.

Must be 18 years old or older to make a reservation

REGISTRATION AND FEES

Timm County Campground Daily Fees

Daily	\$27.00 plus tax
Weekly (7 Days)	\$135.00 plus tax
Monthly (30 Days)	\$405.00 plus tax
Tent sites	\$15.00 plus tax

Oraas County Campground

Daily Fees:

Daily	\$27.00 plus tax
Weekly (7 Days)	\$135.00 plus tax
Monthly (30 Days)	\$405.00 plus tax
Tent sites	\$10.00 plus tax

Persons wishing to use the Parks for a one-day event must complete an on-line application found at www.co.ym.gov or by contacting the Parks Manager.

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

Section 3- Camper reservation cancellation policy

More than 30-day Camper

1. If you cancel your reservation at least 60 days prior to your check in date you will be refunded the amount paid minus a \$30.00 cancellation processing fee
2. No refunds for cancellation of your reservation fewer than 60 days ahead of your check in date

Less than 29-day Camper

1. If you cancel your reservation at least 30 days prior to reservation check in date, you will be refunded the amount paid minus \$30.00 cancellation fee charge.
2. If cancellation or no shows are fewer than 30 days prior to reservation, there is no refund.

No Shows or Early Check Out

No refunds for no shows or early check outs.

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. 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 the park, unless the pet is caged or kept on a leash not more than 6 feet in length.
- (b.) Pets are not allowed on the beach and public swimming area.
- (c.) Pet owners are responsible for cleaning up after their pets.
- (d.) Dogs with aggressive or vicious tendencies are not allowed in Yellow Medicine County Parks nor are wild or exotic animals including, without limitation, bears, wolves, lions, cougars, bobcats or other large carnivores. Persons with such animals will be required to remove the animal immediately. Failure to do so will result in loss of all park privileges. Any person not leaving upon demand of the park manager shall be considered a trespasser.
- (e.) An animal's leash length cannot cross the lot line of the campsite and into another campsite. Campers failing to clean up after pets can be charged a fee for clean up by park managers.

Section 2 - Noise/Amplification of Sound

Quiet Hours are 10:00pm to 7:00am daily.

Generators are not allowed when electricity is provided.

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 the Parks Manager or the Board.
- (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 to 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) The Park Manager or their designee, shall allow, deny or control the level of sound amplifying equipment utilized 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.

Section 4- Grass and Weed Control

All campers staying in the park longer than 7 days must control any overgrowth of all grass, noxious weeds and other rank growths directly surrounding camping structures or personal vehicles (including recreational vehicles), including tall weeds, tall grass and unmown grass in excess of twelve inches (12") in length.

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 authorization from the Park Manager or the Board.
- (d.) Intentionally have fires in anything besides designated fire rings or self-contained grills.

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;
- (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 Department.

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 wastewater or any other wastes in a park, except into designated containers, drain or dumping stations.

Section 5 – Prevention of Tree Diseases

No firewood shall be brought into a Yellow Medicine County Park or Recreation Area unless it is from a county bordering Yellow Medicine County (Lac Qui Parle, Chippewa, Renville, Redwood, Lyon or Lincoln Counties in MN and Deuel County in SD) OR was obtained from the MN Department of Natural Resources (DNR) OR was obtained from an approved and/or certified firewood vendor.

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.) Have more than one camping unit per registration.
- (c.) Camp without first paying online for the campsite reservation.
- (d.) Occupy a campsite with more than eleven (11) people.
- (e.) Possess explosives of any kind. It is also against the law for any person to possess a firearm (including an air gun) unless the firearm is unloaded and completely contained in a fully enclosed gun case or unloaded and contained in the closed trunk of a vehicle. A person who is legally permitted under MS 624.714 to carry a handgun in the State of Minnesota may legally carry that handgun in county parks.
- (f.) Park more than two vehicles at each campsite. Extra vehicles may park in designated parking areas at the County Park at no charge.
- (g.) Place any temporary, or permanent, storage type structures in individual campsite areas.
- (h.) Place fencing structures around campsites.
- (i.) Have more than one golf cart per site.

Section 2 – Removal for Cause

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

- (a.) 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.
- (b.) As per Public Health rules, glass containers will not be allowed on the beaches 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.

Golf Carts may be used in the Parks with the following conditions:

1. Driver must be 16 years of age or older,
2. They are only driven during daylight hours, and
3. Drivers will drive on paths/roads only.
4. Only one golf cart is allowed per site.

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. A Campground Host has authority to enforce Park Ordinances.

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. If necessary, 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 has adopted, by resolution, a schedule of fines for offenses initiated by administration citation. The schedule of fines and the corresponding fine are included in this Ordinance.

Subd. 4. The Board has adopted 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 must 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.

Subd. 3. The Parks Manager shall have the authority to revoke for good cause any permit. Any permit or reservation may be revoked upon violation of any ordinance, rule or regulation of Yellow Medicine County.

Article 4 - Criminal Penalties.

Upon a failure to pay the administrative fine noted above within the above said 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. 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.

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. 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.

ACKNOWLEDGEMENT OF RULES AND REGULATIONS

In order to finalize a reservation of a campsite, the camper must complete and return the Acknowledgment of Rules and Regulations listed in the Appendix to the Yellow Medicine County Park Policies. Reservations must be made online and the renter must sign this acknowledgement of Rules and Regulations at the time the reservation is made. The terms within this Acknowledgment constitute other terms agreed to by the camper to use a location at a Yellow Medicine County park. Failure to complete this Acknowledgment may result in losing the campsite and fees paid.

Yellow Medicine County Park Policies:

See our full policy here: <link>

Acknowledgment of Rules and Regulations for Yellow Medicine County Parks

Rules and Regulations: Camper acknowledges receipt of the Yellow Medicine County Park Policies and agrees to comply with them at all times.

Release of Liability: Campers, for themselves, and for any of their children/ guests, agree as follows: Campers and guests enter the property at their own risk, and specifically accept the Property in its then existing condition, and unconditionally release Yellow Medicine County from all liabilities, costs, expenses, claims, and damages for which Yellow Medicine County Campground might otherwise become liable by reason of any accidents, or injuries to, or death of any persons including guests, or damage to property, or both, in any manner arising or resulting from, caused by connected with, or related to the presence of any such person or property upon the property, regardless of how, where, or when such injury, death, or damage occurs, even if caused by the negligence of other guests, or Yellow Medicine County Campground, or due to conditions on or defects in the Property or property of other guests.

By entering the property owned or controlled by Yellow Medicine County Campground, campers and guests agrees to indemnify, defend, and hold harmless Yellow Medicine County Campground from, against and in respect of (I) any and all actions causes of action, suits, claims, demands, judgments, proceedings, and investigation, of any kind whatsoever arising out of, by reason of, as a result of, or in connection with the presence of Guest on the Property; and (II) any and all liabilities, damages, losses, costs, expenses (including attorney's fees and the expenses and disbursements of counsel), amounts of judgments, assessments, financial penalties and amounts paid in compromise of settlement, suffered, incurred, or sustained by Yellow Medicine County Campground as a result of, by reason of, or in connection with the actions of Guest.

**Reservations made online must sign this acknowledgement of Rules and Regulations when the reservation is made.

Initial: _____

Date: _____