

CHAPTER 21.01

Secure The Quiet, Orderly And Suitable Use And Enjoyment Of Public Parks Established By The City Of Howard Lake, And To Further The Safety, Health, Comfort And Welfare Of All Persons In The Use Thereof

SECTION 2: DEFINITIONS.

For the purpose of this Ordinance, the terms defined in this section shall have the meanings given them in this section.

Subdivision 1. “Alcoholic Beverage” means any intoxicating beverage as defined by Minnesota Statutes and includes, but is not limited to, intoxicating liquor, strong beer, 3.2 beer, and wine.

Subdivision 2. “Controlled Substance” means any substance defined as a controlled substance by Minnesota Statutes Chapter 152, or by other statutes or federal law or regulations.

Subdivision 3. “Park” means any land or water area, and all facilities thereon, established as a park by the City of Howard Lake pursuant to Minnesota Statutes.

Subdivision 4. “Motorized Recreation Vehicles” means any self propelled, off-the-road, or all terrain conveyance, including but not limited to, a snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail bike or dune buggy.

Subdivision 5. “Park visitor” means any person, firm, partnership, association, corporation, government unit, company or organization of any kind within a park.

Subdivision 6. “Vehicle” means any motorized, self-propelled, animal-drawn or human powered conveyance.

Subdivision 7. “Weapon” means any device including, but not limited to, firearms, bows and arrows slings, and spring guns, pellet or BB guns, and electronic weapons, from which a shot or arrow can be fired.

Subdivision 8. “Wildlife” means all living creatures, not human, wild by nature, endowed with sensation and power or voluntary motion, including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

Subdivision 9. “City Parks” means that property located inside the city limits of Howard Lake designated as a park by the Howard Lake City Council.

Section 3. Regulation of General Conduct.

A. Possession and Use of Alcohol and Controlled Substances.

It shall be unlawful for any person to:

- (1) Serve, possess or consume any alcoholic beverage or controlled substance within a park, except that beer may be consumed within

a park by the members of an identified group of individuals provided said identified group has previously obtained a special use permit. The special use permit shall only authorize members of the identified group to consume beer. The special use permit shall restrict beer consumption to a specific date and to specific hours. The special use permit shall only be granted by the Howard Lake City Council or their authorized representative.

- (2) Exhibit any offensive behavior while under the influence of any alcoholic beverage or controlled substance.

B. Public Nuisance - Breach of Peace It shall be unlawful for any person to:

- (1) Use threatening, abusive, insulting, obscene or indecent language, or to act in an indecent manner, or to do any act which constitutes a breach of the public peace in a park.
- (2) Disturb, harass, or interfere with any park visitor or a park visitor's property.
- (3) Gamble in a park.
- (4) Use loudspeakers or other amplifying systems in a park, except with written permission from the City Council or their representative.

C. Littering - Release of Foreign Substance

It shall be unlawful for any person to:

- (1) Deposit, scatter, drop or abandon in a park any bottles, cans, broken glass, sewage, waste, or other material, except in receptacles provided for such purposes. Said waste receptacles are to be used only by park visitors for such wastes as are created during use of the park for recreational activities. Other use of said waste receptacles is a violation of this Ordinance.
- (2) Throw, discharge, or place in any park or upon any lake or other body of water in or adjacent to any park. or upon any storm sewer, or other drain flowing into such waters, any foreign substance, liquid, solid, or gas.

D. Fires.

It shall be unlawful for any person to:

- (1) Start a fire in a park, except in a designated area, such as a fireplace or fire ring, or as otherwise allowed by a permit from the Howard Lake City Council or their representative.
- (2) Leave a fire unattended or fail to fully extinguish a fire.

- (3) Drop, throw, or otherwise leave unattended in a park, lighted matches, burning cigars, cigarettes, tobacco, paper, or other combustible material.

E. Destruction of Park Property:

It shall be unlawful for any person to intentionally deface, vandalize, or otherwise cause destruction to park property.

F. Possession and use of Weapons:

It shall be unlawful for any person to:

- (1) Possess any weapon within a park without a permit obtained from the Howard Lake Chief of Police.

- (2) Shoot any weapon into a park from beyond park boundaries

G. Commercial Use - Public Meetings and Assemblies.

It shall be unlawful for any person to:

- (1) Sell, solicit, or carry on any business or commercial enterprise or service in a park unless authorized by the Howard Lake City Council or their representative.

- (2) Conduct public meetings, assemblies, entertainment, parades or demonstrations, within a park, without first obtaining a written permit from the Howard Lake City Council or their representative.

H. Pets.

It shall be unlawful for any person to:

- (1) Bring a dog, cat, or other pet into a park unless caged or kept on a leash not more than six feet in length, or to tether any animal to a tree or other plant.

- (2) Permit a dog, cat, or other pet to disturb, harass, or interfere with any park visitor or a park visitor's property.

Section 4. Regulations for Protection of Natural Resources.

A. It shall be unlawful for any person to:

- (1) Injure, destroy, or remove any tree, flower, shrub, plant, rock, soil or mineral in a park.

- (2) Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed, any species of wildlife within a park, except that fishing may be permitted in designated areas.

- (3) Remove any wildlife, living or dead, from a park, and any wildlife so removed or taken contrary to the provisions of this Ordinance or

any laws of the State of Minnesota shall be considered contraband and subject to seizure and confiscation.

- (4) Release within a park any plant, chemical, or other agent intentionally harmful to the vegetation or wildlife of the park.

Section 5. Regulations of Recreational Activities.

A. Camping.

It shall be unlawful for any person to:

- (1) Camp in a park except in areas provided and designated for that purpose.
- (2) Camp in a park without a written permit from the Howard Lake City Council or their authorized representative.
- (3) Dig trenches or make any other excavations in a park without Howard Lake City Council approval.
- (4) Occupy camp sites in a park contrary to a written permit, or otherwise violate provisions of a permit.

B. Swimming

It shall be unlawful for any person to:

- (1) Wade or swim within a park except at beaches designated for that purpose, and then only between sunrise and sunset, and park visitor shall swim or wade at their own risk when lifeguards are not on duty.
- (2) Wade, swim, or use any beach in a park without proper bathing attire.
- (3) Take cans, bottles, or glass of any kind, except eye glasses, into a designated beach area.

C. Boating,

It shall be unlawful for any person to:

- (1) Launch or land any boat, yacht, canoe, raft or other water craft upon any water, lagoon, lake, pond or slough within a park except at locations and times designated for that purpose.
- (2) Leave unattended any boat or other water craft except in areas designated for that purpose.
- (3) Operate any water craft in a designated swimming area or other prohibited areas.

- (4) Operate any water craft in a park in violation of Minnesota Statutes Chapter 86B “Water Safety, Water craft and Water craft Titling”.

D. Fishing,

It shall be unlawful for any person to:

- (1) Fish in an area designated for swimming only.
- (2) Leave, store, abandon, or otherwise cause to remain on any park property or access site, any fish house, dark house, portable shelter, or other structure. Any such structure left on park property for more than 72 hours will be confiscated and/or destroyed.

E. Bicycling.

It shall be unlawful for any person to:

- (1) Operate a bicycle except on park designated bikeways and roadways, and except as close to the right-hand side thereof as conditions will permit.
- (2) Ride or operate a bicycle in a less than prudent and careful manner, or at speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

F. Roller skating/rollerblading.

It shall be unlawful for any person to:

- (1) Roller skate or rollerblade in a park.

G. Snowmobiling.

It shall be unlawful for any person to:

- (1) Operate a snowmobile in a park except at such times and at such places as may be designated therefore.
- (2) Operate a snowmobile in a park in excess of the posted speed limits, at a rate of speed greater than reasonable or proper under current conditions, or in a careless, reckless or negligent manner so as to endanger the person or property of another, or to cause injury or damage thereto.

Section 6. Regulations of Vehicles.

A. Operation.

It shall be unlawful for any person to:

- (1) Operate any vehicle within a park except upon roadways, parking areas, or other designated locations therefore.
- (2) Operate a vehicle in a park at a speed in excess of posted speed limits.

(3) Operate a vehicle in a park in a reckless or careless manner.

(4) Operate a vehicle which emits excessive or unusual noise, noxious fumes, dense smoke or other polluting matter in a park.

B. Parking.

It shall be unlawful for any person to:

(1) Park or leave a vehicle standing within a park except in a designated parking area.

(2) Park or leave a vehicle standing after posted closing hours without a valid camping permit or other special use permit issued by the Howard Lake City Council or their authorized representative.

C. Wash and Repair.

It shall be unlawful for any person to wash, polish, grease, change oil or repair any vehicle in a park.

Section 7. Park Operation.

A. Hours of Operation

(1) Parks shall be open to the public daily from 6:00 A.M. until 10:30 P.M., unless otherwise posted. It shall be unlawful for a person to enter or remain in a park at any other time, except by permit.

B. Permits.

(1) A person may be granted a permit by the Howard Lake City Council or their authorized representative for special uses or activities within a park, or for temporary exclusive use of a reserved space within a park.

(2) Permits shall be required for any entertainment, tournament, exhibition, or any other special use or gathering which can reasonably be expected to involve 50 or more persons.

(3) The Howard Lake City Council or their authorized representative may impose conditions upon use in connection with the granting of a permit. Any person, whether the permit applicant or not, who is using a park in accordance with a permit that has been granted, shall comply with the conditions of said permit.

(4) It shall be unlawful for a person to violate any conditions of a permit.

(5) Any permit granted pursuant to this section may be revoked by the Howard Lake City Council, its authorized representative, or the Howard Lake Chief of Police, upon the violation by the permit holder of any portion of this Ordinance or any provision of

Minnesota Statutes.

C. Liability.

The City of Howard Lake shall not be liable for any loss, damage, or injury to property or persons sustained by any park visitor.

Section 8. Enforcement and Penalties.

A. Enforcement.

- (1) The Howard Lake City Council shall have the right to issue administrative rules and regulations for the purpose of clarifying and administering this Ordinance.
- (2) The Howard Lake Police Department, Wright County Sheriffs Department, other peace officers, DNR Conservation Officers, and designated Howard Lake City employees, shall have the authority to enforce the provisions of this Ordinance and may eject from a park any persons acting in violation of this Ordinance.
- (3) Nothing in this Ordinance shall prevent Howard Lake City employees from performing their assigned duties.
- (4) No person shall interfere with, harass, or hinder any Howard Lake City employee in the discharge of his/her duties.

B. Penalties.

- (1) A person convicted of violating any provision of this Ordinance is guilty of a misdemeanor.