

DAKOTA COUNTY PLANNING COMMISSION

Dakota County Western Service Center – Room L139

14955 Galaxie Avenue

Apple Valley, MN 55124

Thursday, March 23, 2023

7:00 PM – 9:00 PM

Agenda

I. Call to Order

II. Pledge of Allegiance

III. Public Comments:

Anyone wishing to address the Planning Commission on an item not on the agenda may address the Planning Commission at this time (comments are limited to 5 minutes).

IV. Approval of the Agenda

V. Approval of Previous Meeting Minutes

VI. Welcome New Planning Commissioner—Mike Cahn (Led by Vice Chair Jim Guttman)

VII. Dakota County Parks Ordinance No. 107 – Review and Comment (Niki Geisler – Parks)

VIII. Planning Manager Update and County Board Actions

- County Board provided direction on scope of Miesville Park Reserve Master Plan concepts
- County Board will consider authorizing approval of grant applications to the Legislative-Citizen Commission On Minnesota Resources (LCCMR) for Spring Lake Park Reserve, Mississippi River Greenway, and River to River greenway at the Physical Development Committee meeting scheduled for March 21, 2023.

IX. Upcoming Public Meetings – Community Outreach

Butler Avenue (CSAH 4) multi-use trail project Open House	Tuesday, April 25, from 5:30pm-7:30pm Dakota Lodge at Thompson County Park
McAndrews (CSAH 38) multi-use trail feasibility study Open House	Wednesday, April 26, 5:30pm-7:30pm Dakota County Western Service Center Atrium
185 th Street (CSAH 60) road and roundabout construction Open House	Wednesday, March 29, 3:30pm-6:30pm 185thStreetExtension.com

X. Topics for Next Meeting (Thursday, April 27, 2023)

- None at this time

XI. Planning Commissioner Announcements/Updates

XII. Adjourn

DAKOTA COUNTY PLANNING COMMISSION

Date: March 23, 2023

AGENDA ITEM: Proposed Draft Revisions of Dakota County Ordinance No. 107 (Park Ordinance)

PURPOSE

Provide Planning Commission:

1. Discussion on newest draft revisions of Ordinance topics.
2. Request for recommendation to County Board for information item, public hearing, and adoption.

BACKGROUND

Ordinance No. 107 is a far-ranging document that provides rules and regulations on the public use of County park lands. This includes rules for recreational activities, public safety, fair use, and the preservation of natural and cultural resources, among others.

The existing Ordinance (Attachment A) was enacted in 1997, and over the past twenty-five years many changes have occurred in the way that visitors use County parks. New activities, emerging safety and social issues, and other missing topics in the Ordinance have created uncertainty for staff tasked with planning and providing park uses. Furthermore, several areas within the Ordinance require clarification to allow for proper enforcement.

Dakota County initiated a multi-phase project in 2019 to update the Ordinance. Phase I was conducted by the Office of Performance and Analysis (OPA) in conjunction with the Parks Department and other internal stakeholders. It included conducting background research to provide a summary of pertinent topics that should be addressed in the update. Phase I also involved a benchmark review of ordinance documents from similar agencies and preliminary research into best practices for managing certain park uses. The Planning Commission was provided an informational update on the outcomes of Phase I in November 2019.

Phase II has now been completed and involved the comprehensive development of an updated Ordinance based upon the findings from Phase I as well as internal and external engagement activities. Engagement in this phase sought focused input on potential revisions from subject matter experts, attorneys, law enforcement, existing user groups, and historically under-represented populations.

The project timeline calls for engagement, finalization of the Ordinance document itself, development of supporting materials, and approvals to occur through spring, with final adoption planned for May 2023.

ATTACHMENTS

- A. Dakota County Ordinance No. 107 (Current Park Ordinance, adopted 6/3/97)
- B. Updated County Ordinance No. 107 (Proposed Park Ordinance to go to the County Board on April 18th)

QUESTIONS

The following questions are intended to help assist in review of the packet materials.

1. Do the recent revisions made to Park Ordinance No. 107 satisfy the direction given to staff at the last presentation to PLANC in October 2022?
2. Do you recommend that staff present the revised Park Ordinance No. 107 to the County Board at the PDC meeting on April 18th as an information item?

DAKOTA COUNTY



ORDINANCE NO. 107 PARK ORDINANCE

ADOPTED BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS
JUNE 3, 1997

APPROVED BY THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES
MAY 13, 1997

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CHAPTER I - PURPOSE/AUTHORITY/DEFINITIONS

Section A - Purpose

The purpose of this ordinance is to further the enactment of the Dakota County Park System's mission as stated in the Dakota County Park Policy Plan:

"The mission of the Dakota County Park System is to provide for the protection and preservation of land in its natural state, while providing for outdoor natural resource-oriented recreation activities"

In doing so, the Dakota County Board of Commissioners deems it reasonable, necessary, and desirable to enact an ordinance specifying rules and regulations in order to provide: for the safe and peaceful use of park lands and trails; 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 B - Statutory Authority

The Dakota County Board of Commissioners, under Minnesota Statutes, Section 398.31 - 398.35 in performing its primary duty of the acquisition, development, operation and maintenance of County parks, trails, and related facilities and providing the means for public access to lakes, rivers, streams and other natural features; is granted full power and authority to acquire and establish the above facilities and to operate, maintain, protect, and improve a park system and implement a recreational program. As aid to the accomplishment of these duties, the Board is granted the authority to enact ordinances and to declare that the violation thereof shall be a misdemeanor.

Section C - Definitions

"Alcoholic Beverage" includes any intoxicating beverage as defined by State Statute and includes beer and wine as further defined in this ordinance.

"Amusement Contraption" means any contrivance, device, gadget, machine, or structure designed to test the skill or strength of the user or to provide the user with any sort of ride, lift, swing, or fall experience including, but not limited to, ball throwing contest devices, electronic videos, animal ride devices, dunk tanks, ball and hammer devices, trampoline devices and the like.

"Authorized Adult" means any person who is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and control of a juvenile.

"Barrels" means any various units of volume or capacity, as a liquid measure of 31 to 42 gallons.

"Beer" means any alcoholic malt beverage, including 3.2 beer.

"Board" means the elected members of the Board of Commissioners of Dakota County.

"Case Lot Quantity" means a quantity greater than 12 - 12 ounce containers or a total of 144 ounces of alcoholic beverages. This includes "party balls" containing more than 144 ounces.

“Controlled substance” means any drug substance or immediate precursor in schedules 1 through 5 of Minnesota Statute §152.02.

“County Park” means those parks, park reserves, trails and other areas within the County of Dakota under the control of the Board of Commissioners and designated by them as being a part of the County Park System.

“Dangerous Weapon” means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

As used in this subdivision, “flammable liquid” means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, “combustible liquid” is a liquid having a flash point at or above 100 degrees Fahrenheit.

“Designated Area” means an area or facility identified by the Parks Director for use in a specific manner.

“Inhalant” means any substance that releases vapors and which is used by a person for the purpose of inducing symptoms of intoxication, elation, excitement, confusion, dizziness, paralysis, irrational behavior, or in any manner changing, distorting or disturbing the balance or coordination of a person’s audio, visual, or mental processes.

“Keg” means a small cask or barrel containing more than 288 ounces of alcoholic beverage.

“Motorized Recreational Vehicle” means any motorized self-propelled, off-road, or all terrain conveyance including but not limited to a snowmobile, ATVs, mini-bike, amphibious vehicle, go-cart, trail bike or dune buggy.

“Nuisance” means anything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

“Park Director” means the person appointed by the Board to serve as the chief administrative officer of the County Park Department.

“Park Visitor” means any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind within a County Park.

“Permit” means the written permission that must be obtained from the County Parks Department to carry out a given activity.

“Permittee” means an individual, firm, corporation, society or any group to whom a permit is issued.

“Person” or “Persons” means individuals, firms, corporations, societies or any group or gathering whatsoever.

“Possession” in relation to a controlled substance means -

Physical Possession: Having a controlled substance on one’s person with knowledge of the nature of the substance, or

Constructive Possession: Having once possessed a controlled substance, continuing to exercise dominion or control over the substance up to the time of arrest, aiding and abetting another in possessing a controlled substance, or being in the condition of having consumed or ingested a controlled substance.

“Special Use” means the use of an area or facility in a County Park for the holding of tournaments, entertainment, or exhibitions; or, in a manner not customary or usual or normally allowed for that area or facility.

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

“Watercraft” means any contrivance used or designed for navigation on water, except: (1) a duck boat during the duck hunting season; (2) a rice boat during the harvest season; (3) a seaplane. This definition includes but is not limited to motorboats, personal watercraft or jet skis, paddleboats, canoes, sailboards, and rafts.

“Wildlife” means any living creature, not human, wild by nature, endowed with sensation and power of voluntary motion -- including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

“Wine” means a vinous alcoholic beverage containing not more than 14% alcohol by volume.

CHAPTER II - REGULATION OF PUBLIC USE

Section A - Park Hours

1. Parks shall be open to the public from 5:00 a.m. until 10:00 p.m. unless otherwise designated by the Park Director. It shall be unlawful for any person to enter or remain in a park between 10:00 p.m. and 5:00 a.m. or such hours as may be posted by the Park Director or be in violation of Ordinance No. 122, Dakota County Juvenile Curfew Ordinance, except when in possession of a permit to do so or when camping in a designated camping area with a camping permit.
2. Any park or portion thereof may be closed to the public by the Park Director at any time and for any interval of time or to certain uses as the Board or Park Director finds reasonably necessary.

3. Open hours for specific areas or facilities within a County Park may be set by the Park Director and may vary from those listed in Subdivision 1.

Section B - Permits

1. Permits shall be required for the exclusive or special use of park grounds, trails or facilities, or for the use of park grounds or facilities when they are otherwise closed to the public.
2. Permits shall be required for any use which has or which can reasonably be expected to have fifty (50) or more persons involved or for any use that could potentially have a detrimental effect on park property or other park users.
3. Permits are issued by the Park Director or designated representative.
4. Permits are not transferable.
5. The permittee or a permittee's designated representative shall be in attendance at all times and have physical possession of the permit.
6. A permittee shall be bound by this ordinance and any Department regulations in force as though the same were inserted in said permit.
7. It shall be unlawful for a person to violate any provision of a permit.
8. Any permit granted pursuant to this ordinance may be revoked upon the violation by the permittee, or associated individual(s), of any provision of the permit, State Statute, any County ordinance, or rule or regulation of the County Parks Department.
9. The permittee shall be liable for any loss or damage to County Park property or injury to any person by reason of the negligence of the permittee or associated individual(s).
10. It shall be unlawful for any person to refuse to vacate the area designated as reserved by a permit.

Section C - Fees and Damages

1. The Board shall set fees for the use of designated areas or facilities and activities within the County Park System.
2. It shall be unlawful for any person to use an area or facility or engage in an activity for which a fee has been established by the County Park Department without payment of such fee, unless the payment is waived by permit.
3. The Park Director may assess damages to person or persons responsible for any loss, damage or injury sustained by the County Park System.

CHAPTER III - REGULATION OF GENERAL CONDUCT

Section A - Proper Attire/Exposure

It shall be unlawful for any person to intentionally expose his or her own genitals, pubic area, buttocks, or female breast below the top of the areola, with less than a fully opaque covering while in a County Park, if 5 years of age or older.

Section B - Drug and Alcohol Use

It shall be unlawful, when in a County Park, for any person to:

1. Serve, possess, consume, sell, barter, furnish, give, purchase or attempt to purchase any alcoholic beverage in violation of State Statutes;
2. Serve, possess, or consume any alcoholic beverage, except beer and wine in picnic areas or other areas designated for such use, unless otherwise authorized by permit;
3. Possess in an unsealed container or consume any beer or wine on County Park properties set aside or designated as a parking area, road or parkway;
4. Possess or bring into a County Park beer or wine in kegs, barrels, or case lot quantities without a permit;
5. Be under the influence of alcohol or other controlled substance;
6. Use or be under the influence by reason of inhaling any substance defined as an "inhalant"; or
7. Serve, possess, consume, sell, barter, furnish, give, purchase or attempt to purchase any controlled substance, except the possession or consumption of such substance with a lawful prescription.

Section C - Gambling

It shall be unlawful for any person to gamble or participate in any game of chance in a County Park except when authorized by permit.

Section D - Nuisance/Private Property

It shall be unlawful, when in a County Park, for any person to:

1. Commit any act that constitutes a nuisance;
2. Place or park vehicles, equipment or property in a manner or location that interferes with traffic or other park visitor's enjoyment of the County Park or specific facility therein; or
3. Leave or store personal property.

Section E - Littering

It shall be unlawful for any person to:

1. Deposit, scatter, drop, or abandon in a County Park any bottles, cans, glass or broken glass, sewage, waste, refuse or other materials, except in receptacles provided for such purposes; or

2. Bring into a County Park any materials listed in Section E, subd. 1 or hazardous waste, yard waste, solid or liquid waste for the purpose of disposal in receptacles provided in the County Park or on any County Park Property.

Section F - Possession/Use of Firearms/Dangerous Weapons/Fireworks

It shall be unlawful, when in a County Park, for any person to:

1. Have in their possession or use a dangerous weapon, or
2. Possess, set off or attempt to set off or ignite any *firecrackers, fireworks, smoke bombs, rockets, black powder guns* or other pyrotechnics or explosive device.

Section G - Interference with Employee Performance of Duty

It shall be unlawful for any person to impersonate a park employee or to interfere with, harass, or hinder any employee in the discharge of his/her duties.

CHAPTER IV - REGULATIONS PERTAINING TO GENERAL PARKLAND OPERATION

Section A - Commercial Use/Solicitation/Advertising/Photography

It shall be unlawful for any person to:

1. Use any County Park or park property for commercial purposes without a permit;
2. Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a County Park except by authorized concession or *written permission from the Park Director*; or
3. Expose, distribute or place any sign, advertisement, notice, poster, or display in a County Park without permission from the Park Director.

Section B - Noise/Amplification of Sound

It shall be unlawful, when in a County Park, for any person to:

1. Operate or permit the use or operation of any loudspeaker, sound amplifier or other device for the production or reproduction of sound, except for special programs or events at dates and times as authorized by permit;
2. 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; or
3. Willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or is an 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 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 these criteria by assigned staff of the Parks Department.

Section C - Fires

It shall be unlawful, when in a County Park, for any person to:

1. Start a fire, except a recreational fire or a fire for culinary purposes within containment structures (fire rings, grills, portables stoves) in designated areas;
2. Leave a fire unattended or fail to fully extinguish a fire;
3. Drop, throw or otherwise leave unattended lighted matches, burning tobacco products, or other burning or combustible material; or
4. Dispose of ashes or embers except in containers designated for that purpose.

Section D - Aviation

It shall be unlawful for any person to use a County Park as a starting or landing field for aircraft, hot air balloons, parachutes, hang gliders or other flying apparatus.

Section E - Engine-powered Models and Toys

It shall be unlawful for any person to start, fly or use any fuel- or battery-powered model aircraft, model boat, model car, or rocket or like powered toy or model within a County Park, except in those areas or waters designated by the Park Director for such use.

Section F - Amusement Contraptions

It shall be unlawful for any person to bring in, set up, construct, manage or operate any amusement or entertainment contraption, device or gadget in a County Park without a permit.

Section G - Pets in Parks

It shall be unlawful for any person owning, having control or custody of any pet, excluding animals certified to and assisting persons with disabilities, to:

1. Bring a pet into or have a pet in a County Park without it being caged or under physical control on a leash no more than six feet in length;
2. Allow a pet to enter a swimming beach area, nature center area, youth camp, picnic area, playground, park building, or other unauthorized area within a County Park;
3. Allow a pet to disturb, harass, or interfere with any park visitor, park visitor's property, park employee, park employee's property, the employees or property of a contractor of the County, or to endanger the safety of park visitors, park employees, or employees of a contractor of the County;
4. Allow a pet to damage park property, resources, or facilities;

5. Tether a pet to a tree, plant, building or park equipment, or leave a pet unattended in a County Park;
6. Bring a pet into a County Park without possessing and using an appropriate device for cleaning up pet feces and disposing of the feces in a waste receptacle;
7. Lead or control a pet while on in-line skates, skateboard, skis, bicycle or any other means except while on foot, unless authorized by permit in a County Park; or
8. Operate a cart, wagon, dog sled, skijoring device or any other equipment pulled by a pet or other animal in a County Park, unless authorized by permit or as a participant in a permitted special event.

Section H - Unlawful Occupancy

It shall be unlawful for any person to enter in any way any building, installation, or area that may be under construction or locked or closed to public use; or to enter or be upon any building, installation, or area after the posted closing time or before the posted opening time, or contrary to posted notice in any County Park.

CHAPTER V - PROTECTION OF PROPERTY, STRUCTURES, & NATURAL RESOURCES

Section A - Destruction/Defacement of Park Property/Signs

It shall be unlawful for any person to:

1. Intentionally deface, vandalize, tamper with or otherwise cause destruction to park property; or
2. Intentionally deface, destroy, cover, damage, tamper with or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the Parks Department.

Section B - Disturbance of Natural Resources

It shall be unlawful, when in a County Park, for any person to:

1. Intentionally remove, alter, injure, or destroy any tree, plant, or other vegetation, soil, mineral or other natural resource;
2. Intentionally remove materials from, alter, or destroy an archeological site or resource, or site of scientific significance or interest;
3. Dig trenches, holes, or other excavations;
4. Allow a pet to act in violation of Section B, subdivision 1, 2 or 3;
5. Divert, impound or alter a watercourse; or
6. Introduce, release, abandon or dispose of any plant or animal.

Section C - Disturbance of Wildlife

It shall be unlawful, when in a County Park, for any person to:

1. Kill, trap, hunt, injure, pursue, feed or in any manner disturb or cause to be disturbed, any species of wildlife, except fishing in designated areas pursuant to the State game laws, and except wounded or escaped animals from outside the County Park which may be captured or otherwise dispatched on park property when lawful and necessary.
2. Intentionally remove, alter, injure, or destroy habitat used by any species, including but not limited to nests, dams, or burrows; or
3. Allow a pet to act in violation of Section C, subdivision 1 or 2.

Section D - Release of Harmful or Foreign Substances

It shall be unlawful for any person to:

1. Place any debris, pollutant or other agent in or upon any County Park lands or body of water in or adjacent to a County Park, or any tributary, stream, storm sewer, or drain flowing into such waters; or
2. Discharge wastewater or any other wastes in a County Park, except into designated containers, drain or dumping stations.

Section E - Interference of Park Property

It shall be unlawful for any person to encroach on park property with such items as fences or gardens, or to disturb the natural landscape, vegetation, or structures on park property or otherwise use park property for private use. All setbacks and other local zoning regulations are in effect and apply against properties adjacent to a County Park as they would against property adjacent to private property.

CHAPTER VI - REGULATION OF RECREATION ACTIVITY

Section A - Camping

It shall be unlawful, when in a County Park, for any person to:

1. Camp except in areas provided and designated for that purpose;
2. Camp in a designated camping area without a camping permit;
3. Occupy campsites in a park contrary to a camping permit, without payment of appropriate fees, or otherwise violate provisions of the permit; or
4. Camp overnight in a park if under 18 years of age unless accompanied by a parent or authorized adult.

Section B - Picnicking

It shall be unlawful, when in a County Park, for any person to:

1. Assume exclusive use of a reservation picnic site without a reservation permit;

2. Use a portion of a reservation picnic area without a reservation permit if the area is reserved by another group; or
3. Set up temporary shelters, tents, tarps, canopies and other such devices without authorization by permit.

Section C - Swimming

It shall be unlawful, when in a County Park, for any person to:

1. Wade or swim except at beaches designated for such use and only at such times when an authorized lifeguard is on duty unless otherwise explicitly posted and designated by the Park Director;
2. Allow a child wearing diapers to swim or wade in a swimming area without waterproof covering over the diaper;
3. Take glass or breakable containers of any kind onto a designated beach, into the water itself, or on any lake; or
4. While in the water, use air mattresses, inner tubes or other flotation devices not approved by the U.S. Coast Guard.

Section D - Scuba Diving

It shall be unlawful, when in a County Park, for any person to:

1. Scuba dive in violation of Minnesota Statute §86B.601;
2. Scuba dive in a designated swimming area;
3. Scuba dive within 100 feet of watercraft access point; or
4. Conduct scuba diving instruction without a permit.

Section E - Boating

It shall be unlawful, when in a County Park, for any person to:

1. Launch or land a motorized watercraft except at locations and times designated for that purpose;
2. Leave unattended any boat or other watercraft except in park areas designated for that purpose;
3. Operate a watercraft in violation of Minnesota Statutes Chapter 86B, and Minnesota Rules Parts 6110.1600 - 6110.2300;
4. Operate a watercraft within a designated swimming area or posted Lake Byllesby Dam warning area;
5. Tow a person on water skis, inner tube or any other device; or use a surfboard or kneeboard in a park designated swimming area or boat launching area; or

6. Launch or remove any watercraft from County Park waters in violation of Minnesota Statutes Chapter 84D.

Section F - Fishing

It shall be unlawful, when in a County Park, for any person to:

1. Fish in violation of Minnesota Statutes Chapter 97C;
2. Fish in an area designated as a "no fishing" area; or
3. Clean fish without disposing of the fish carcass in a waste receptacle.

Section G - Horseback Riding

It shall be unlawful, when in a County Park, for any person to:

1. Ride, lead, or allow a horse to be within a County Park except in designated riding areas and trails, at designated hours, and during the designated riding season which is set and posted by the Parks Department;
2. Ride a horse which cannot be held under such control that it may be reasonably turned or stopped; or
3. Ride a horse in such a manner so as to create a nuisance or to endanger the safety or property of any park visitor, park employee, the rider, or the horse.

Section H - Bicycling

It shall be unlawful, when in a County Park, for any person to:

1. Operate a bicycle except on designated bikeways, roadways, or trails, and except as close to the right hand side thereof as conditions will permit, and only during the designated biking season which is set and posted by the Parks Department;
2. Operate a bicycle in such a manner so as to create a nuisance or to endanger the safety or property of any park visitor, park employee, or the rider;
3. Operate a bicycle at a speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area;
4. Operate a bicycle in violation of Minnesota Statutes Chapter 169; or
5. Park a bicycle except at a bicycle rack when such a rack is provided, and in instances where bicycle racks are not provided bicycles are to be parked where they will not create hazards to the activities of other park visitors, or disturb park activities.

Section I - Hiking

It shall be unlawful for any person to hike in a County Park on trails or in areas designated for other uses, or in areas closed to public use.

Section J - Roller-skating/In-line Skating/Skateboarding

It shall be unlawful, when in a County Park, for any person to:

1. Operate skates or a skateboard except on designated bikeways, roadways, or trails, and except as close to the right hand side thereof as conditions will permit;
2. Operate skates or a skateboard in such a manner so as to create a nuisance or to endanger the safety or property of any park visitor, park employee, or the skater; or
3. Operate skates or a skateboard at a speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

Section K - Snowmobiling

It shall be unlawful, when in a County Park, for any person to:

1. Operate a snowmobile except on designated trails, and except as close to the right hand side thereof as conditions will permit, and only during the designated snowmobile season which is set and posted by the Parks Department;
2. Operate a snowmobile in excess of posted speed limits when present or at a rate of speed greater than reasonable or proper under current conditions;
3. Operate a snowmobile in such a manner so as to create a nuisance or to endanger the safety or property of any park visitor, park employee, or the snowmobile rider;
4. Operate a snowmobile in violation of Minnesota Statutes Chapter 84, or Minnesota Rule 6100; or
5. Operate a snowmobile in violation of any posted trail sign.

Section L - Cross-Country Skiing

It shall be unlawful, when in a County Park, for any person to:

1. Operate skis except on designated trails, and except as close to the right hand side thereof as conditions will permit, and only during the designated cross-country skiing season which is set and posted by the Parks Department;
2. Operate skis in such a manner so as to create a nuisance or to endanger the safety or property of any park visitor, park employee, or the skier; or
3. Conduct a race or event on cross-country ski trails without a permit.

Section M - Other Winter Activities

It shall be unlawful for any person to ice skate, coast, snowshoe, or downhill ski in a County Park except at such times and in such areas designated by the Park Director.

CHAPTER VII - REGULATION OF MOTORIZED VEHICLES, TRAFFIC, AND PARKING

Section A - Vehicle Operation

It shall be unlawful, when in a County Park, for any person to:

1. Operate, park, or leave any vehicle except upon roadways, parking areas, or other designated locations;
2. Operate, park, or leave a vehicle in violation of posted regulations, Minnesota Statutes Chapter 169, county or municipal traffic codes, or orders or directions of traffic officers or park employees authorized to direct traffic;
3. Operate a vehicle at speed in excess of 25 miles per hour, or in excess of posted speed limits; or
4. Operate a vehicle that emits excessive or unusual noise, noxious fumes, dense smoke or other polluting matter.

Section B - Parking Vehicles

It shall be unlawful, when in a County Park, for any person to:

1. Park or leave a vehicle standing except in a designated area and then only in a manner so as not to restrict normal traffic flow;
2. Park or leave a vehicle standing after posted closing hours without a valid camping permit or other permit;
3. Park or leave a vehicle without a handicapped parking permit in view in a handicapped parking space; or
4. Park or leave a vehicle without a boat trailer in a parking space designated for vehicles with boat trailers, or leave a vehicle with a boat trailer except in a designated boat trailer parking area when such area is provided.

Section C - Maintenance of Motorized Vehicles

It shall be unlawful for any person to wash, grease, change oil or perform other maintenance on any motorized vehicle in a County Park.

Section D - Motorized Recreational Vehicles

It shall be unlawful for any person to operate a motorized recreational vehicle within a County Park except in such areas and at times as designated by the Park Director.

CHAPTER VIII - ENFORCEMENT

Section A - Park Patrol Authority/Authorized Agents

1. Designated Park employees may enforce the provisions of this ordinance and eject from the County Parks persons acting in violation of this ordinance.

2. Law enforcement authorities where County Park property is situated shall have jurisdiction to patrol and enforce the Dakota County Park Ordinance on County Park property. They also shall have jurisdiction to enforce any violation of state law or local laws which shall occur on County Park property.

Section B - Additional Rules and Regulations

The Park Director or Board shall have the right to issue rules and regulations relative to this ordinance. No person shall violate rules and regulations that may be established by the Board or Park Director.

Section C - Fines and Penalties

Violations of the provisions of this ordinance or failure to comply with any of its requirements, or rules and regulations established by the Board or Park Director, shall constitute a misdemeanor and shall be punishable as defined by law.

Section D - Permit Revocation

1. If any person shall be found guilty in a court of competent jurisdiction of the violation of any provision of this ordinance the conviction shall operate as a revocation of any permit granted by the County Park Department without further action.
2. The Park Director or designee shall have the authority to immediately revoke for good cause any permit or reservation issued by the County Park Department.

CHAPTER IX - MISCELLANEOUS

Section A - Exemptions

All park employees, contractors, emergency and enforcement personnel while acting in the performance of their assigned duties are exempt from the provisions of this ordinance.

Section B - Repeal

All ordinances pertaining to the regulation of Dakota County Parks enacted prior to this ordinance are hereby repealed.

Section C - Enactment

This ordinance shall be in full force and effect from and after its passage and publication according to law.

Section D - Notification

It shall be the responsibility of Dakota County to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access outlining essential elements of the ordinance, as well as the placement of necessary buoys and signs.

Section E - Severability

The provisions of this ordinance shall be separable and the invalidity of any section, paragraph, subparagraph, subdivision, or other part thereof shall not make void, impair, invalidate or affect the remainder hereof.

Section F - Amendment

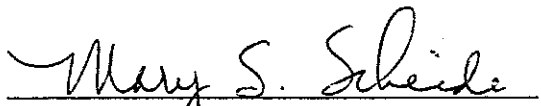
This ordinance may be amended from time to time by the Dakota County Board of Commissioners and such amendment may be shown by either marking the section amended, attaching the amendment to this ordinance, or reprinting the ordinance publication.

CHAPTER X - EFFECTIVE DATE

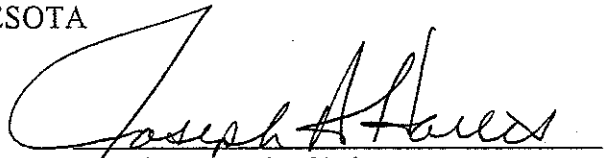
This ordinance shall be effective upon passage and publication by the Dakota County Board of Commissioners.

Passed by the Board of Commissioners on this 3rd day of June 1997.

ATTEST: COUNTY OF DAKOTA, STATE OF MINNESOTA



Mary Scheide
Clerk to the Board

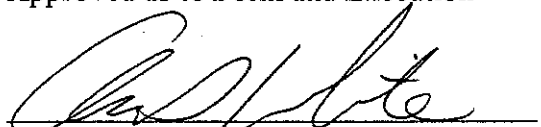


Joseph A. Harris, Chair
Dakota County Board of Commissioners

Date: 6-9-97

Date: 6-9-97

Approved as to Form and Execution



Andrea G. White
Assistant County Attorney

Date: 6/10/97



Minnesota Department of Natural Resources

OFFICE OF THE COMMISSIONER

500 Lafayette Road

St. Paul, Minnesota 55155-4037

May 13, 1997

Mr. Jade Templin
Physical Development Planner
Dakota County - Office of Planning
14955 Galaxie Avenue
Apple Valley, MN 55124-8679

Dear Mr. Templin:

We have reviewed the ordinance that you submitted on behalf of Dakota County Parks. The ordinance would place restrictions on boat launching, water skiing, swimming, scuba diving and snowmobiling.

I hereby approve those sections which are subject to Department of Natural Resources review, provided the following technical changes are made.

Section C - Swimming should read "It shall be unlawful, when in a County Park, for any person to:". In Number 4, you should eliminate all language after "U.S. Coast Guard."

Section D - Scuba Diving should read "It shall be unlawful, when in a County Park, for any person to:

1. Scuba dive ~~in a County Park~~ in violation of Minnesota Statute §86B.601;" and "4. Conduct scuba diving instruction ~~from a park~~ without a permit."

Section E - Boating should read " It shall be unlawful, when in a County Park, for any person to:

1. Launch or land a motorized watercraft except at locations and times designated for that purpose;" and "3. Operate a watercraft ~~in a County Park~~ in violation of Minnesota Statutes Chapter 86B, and Minnesota Rules Parts 6110.1600 - 6110.2300;". Also, if Lake Byllesby Dam is not in a County Park, it should have a separate ordinance. If it is in a County Park, this part is fine.

Section K - Snowmobiling you either need to put the County Park qualifier before the list of numbers (as in Section D and E above), or refer to the County Park in each number. In Number 1., you need to define the designated snowmobile season, or remove this



language if there is not a season designated by the County Parks. Number 4 should read "Operate a snowmobile in violation of Minnesota Statutes Chapter 84, or Minnesota Rule 6100; or"


Tibor Gallo from the Attorney General's Office also had some concern about Chapter VIII - Enforcement, Section A - Park Patrol Authority/Authorized Agents and also Chapter IX - Miscellaneous, Section A - Liability. He thought your County Attorney should take a look at these two sections. If you have questions, you can call him at (612) 296-0694.

Please remember that it is the responsibility of Dakota County to mark the public accesses with signs and notify the public of the conditions of this ordinance.

We will have a personnel change starting on Thursday, May 15, 1997. After the County has adopted the ordinance, please send a final copy to: Marcella Jerome, Boating Staff Specialist, Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4046.

If you have any questions, please contact her at (612) 297-5708.

Sincerely,


Rodney W. Sando
Commissioner

cc: Paul Rice - Region VI Enforcement
Nancy Huonder - Enforcement
Dale Homuth - Region VI Hydrologist
Kim Lockwood - Water Access Section
Duane Shodeen - Region VI Fisheries
Bill Johnson - Region VI Trails and Waterways
Tibor Gallo - Attorney General's Office
Brian McGinn - Dakota County Sheriff's Department



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Chapter 1 - Purpose/Authority/Definitions

Section 1.1 - Purpose

The purpose of this ordinance is to further the enactment of the mission of the Dakota County Park System as stated in the Dakota County Park System Plan:

“To enrich lives by providing high quality recreation and education opportunities in harmony with natural resource preservation and stewardship.”

In doing so, the Dakota County Board of Commissioners deems it reasonable, necessary, and desirable to enact an ordinance specifying rules and regulations in order to provide: for the safe and peaceful use of park lands and trails; 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 1.2 - Statutory Authority

The Dakota County Board of Commissioners, under Minnesota Statutes, Section 398.31 - 398.36 in performing its primary duty of the acquisition, development, operation, and maintenance of County parks, trails, and related facilities and providing the means for public access to lakes, rivers, streams and other natural features; is granted full power and authority to acquire and establish the above facilities and to operate, maintain, protect, and improve a park system and implement a recreational program. As aid to the accomplishment of these duties, the Board is granted the authority to enact ordinances and to declare that the violation thereof shall be punishable per state statute. Violations of the provisions of this ordinance or failure to comply with any of its requirements shall be punishable as defined by law.

Section 1.3 - Park Rules and Regulations

The Park Director has the authority to establish park rules and regulations which provide specific operational, procedural, constraints, exemptions, and/or permissions to ordinance text.

The Park Director and Board of Commissioners reserve the right to promulgate park rules and regulations henceforth as it pertains to this ordinance.

No person shall violate rules and regulations that may be established by the Board or Park Director.

Section 1.4 - Fees

It shall be unlawful for any person to use an area or facility or engage in an activity for which a fee has been established by the County Park Department without payment of such fee unless payment is waived by Special Use Permit.

Section 1.5 - Definitions

“**Alcoholic Beverage**” includes any beverage as defined by State Statute containing more than one-half of one percent alcohol by volume.

“**Amplified Noise**” means the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound.

“**Amusement Contraption**” means any contrivance, device, gadget, machine, or structure designed to test the skill or strength of the user or to provide the user with any sort of ride, lift, swing, bounce, or fall experience including, but not limited to, ball throwing contest devices, electronic





videos, animal ride devices, dunk tanks, ball and hammer devices, trampoline devices and the like.

“Authorized Adult” means any person who is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and control of a juvenile.

“Board” means the elected members of the Board of Commissioners of Dakota County.

“Commercial Use of Parks” means any activity conducted in a park system that is associated with any trade, occupation, profession, business, or franchise. Commercial use of parks does not include activities conducted on the County’s behalf or in conjunction with the County.

“Controlled Substance” means a drug, substance, or immediate precursor in schedules I through V of Minnesota Statute §152.02.

“County Park” means those parks, park reserves, conservation areas, trails, greenways and other areas designated by Dakota County Board of Commissioners as being a part of the County Park System.

“Dangerous Weapon” means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

As used in this subdivision, “flammable liquid” means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, “combustible liquid” is a liquid having a flash point at or above 100 degrees Fahrenheit.

“Designated Area” means an area or facility identified by the Parks Director for use in a specific manner.

“Electronic Delivery Device” - " means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery device includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor." -Minn. Stat. 609.865 Subd. 1 (c).

“Electric Powered Device (EPD)” means any electric mobility device used for the purpose of locomotion or any electric mobility device designed to operate in areas without defined pedestrian routes, but that is not an ADA device such as a wheelchair. Example devices include electric scooters, e-bikes, Segways, golf carts, and the like.

“Fishing” means the activity of catching fish, either for food or as a sport

“Foraging” means to search for and gather provisions.



“Greenway” means a shared-use path and associated land set aside for recreational use or environmental protection.

“Inhalant” means any substance that releases vapors and which is used by a person for the purpose of inducing symptoms of intoxication, elation, excitement, confusion, dizziness, paralysis, irrational behavior, or in any manner changing, distorting or disturbing the balance or coordination of a person’s audio, visual, or mental processes.

“Invasive Species” means an organism that causes ecological or economic harm in a new environment where it is not native.

“Limited Designated Public Forum” means areas within Dakota County parks that are intentionally opened for use by the public for a limited purpose, including, for example and without limitation, for use by certain persons/groups or for discussion of certain subjects.

“Low-Impact Filming and Photography” means outdoor filming and photography activities in areas open to the public involving five people or less, and equipment that will be carried at all times (except for small tripods used to hold cameras).

“Metal Detecting” means using an electronic device for detecting the presence of metal objects, typically located shallowly underground.

“Motorized Recreational Vehicle” means any motorized self-propelled, off-road, or all terrain conveyance including but not limited to a snowmobile, ATVs, mini-bike, amphibious vehicle, go-cart, trail bike, or dune buggy.

“Nonpublic Forum” means areas within Dakota County parks that are not, either traditionally or by Dakota County parks designation, a forum for public communication, discourse, or expressive activity.

“Nuisance Action” means anything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. An action may be brought by any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered. Minnesota Statute §561.01.

“Park Director” means the person appointed by the Board to serve as the chief administrative officer of the County Park Department. The “Park Director” shall be deemed to be the Superintendent for purposes of Chapter 398.35 and any other relevant law. The Park Director may also assign a designee to fulfill his or her responsibilities and therefore, *designee* is synonymous with Park Director as it pertains to this ordinance.

“Park Visitor” means any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind within a County Park.

“Permittee” means an individual, firm, corporation, society or any group to whom a permit is issued.

“Person” or Persons” means individuals, firms, corporations, societies or any group or gathering whatsoever.

“Pet” means a domestic or tamed animal kept for companionship or pleasure.

“Possession” in relation to a Controlled Substance means -

Physical Possession: Having a controlled substance on one’s person with knowledge of the nature of the substance, or

Constructive Possession: Having once possessed a controlled substance, continuing to exercise dominion or control over the substance, aiding and abetting another in possessing a controlled substance, or being in the condition of having consumed or ingested a controlled substance.

“Public Forum” means the paved areas/sidewalks immediately outside public facilities (such as visitor’s centers, nature centers, etc.), but not including parking lots/areas.

“Service Animal” means any dog that is individually trained to do work or perform tasks for an individual with a disability.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated Electronic Delivery Device, as defined in section [609.685](#).
– From MN Clean Indoor Air Act - Minn Stat. 144.413 subd. 4.

“Special Use Permit” means the written permission that must be obtained from the County Parks Department to carry out a given activity.

“Unmanned Aerial Vehicle (UAV)” (commonly known as a drone) means an aircraft without any human pilot, crew, or passengers on board.

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

“Watercraft” means any contrivance used or designed for navigation on water, except: (1) a duck boat during the duck hunting season; (2) a rice boat during the harvest season; (3) a seaplane. This definition includes but is not limited to motorboats, personal watercraft or jet skis, paddleboats, canoes, sailboards, and rafts.

“Wildlife” means any living creature, not human, wild by nature, endowed with sensation and power of voluntary motion -- including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, mollusks, insects, and County/publicly owned animals.

Chapter 2 - Regulation of Public Use

Section 2.1 - County Park Hours

1. County Parks shall be open to the public from 5:00 a.m. until 10:00 p.m. unless otherwise designated by the Park Director. It shall be unlawful for any person to enter or remain in a park between 10:00 p.m. and 5:00 a.m. or such hours as may be posted by the Park Director or be in violation of Ordinance No. 122, Dakota County Juvenile Curfew Ordinance, except when in possession of a permit to do so, when camping in a designated camping area with a camping permit, or users of a greenway traveling without delay.
2. Any park or portion thereof may be closed to the public by the Park Director at any time and for any interval of time or to certain uses as the Board or Park Director finds reasonably necessary.
3. Open hours for specific areas or facilities within a County Park may be set by the Park Director and may vary from those listed in Subdivision 1, including trailhead facilities located in and around greenways. See **Park Rules & Regulations – Greenways** for specific greenway updates and availabilities.

The above items only apply to a greenway once jurisdictional transfer is completed; otherwise, local ordinance(s) have oversight. Additionally, all greenways are subject to all rules and regulations set forth in this ordinance.

Section 2.2 - Permits

Special Use Permits (SUPs) shall be required for the exclusive or special use of park grounds, greenways, trails or facilities, for the use of park grounds or facilities when they are otherwise closed to the public, or for any use that would be considered a violation of the park ordinance.

SUP conditions:

1. SUPs are issued by the Park Director or designated representative.
2. SUPs are not transferable.
3. SUPs are required for any use which has, or which can reasonably be expected to have, fifty (50) or more persons involved or for any use that could potentially have a detrimental effect on park property or other park users.
4. The permittee or a permittee's designated representative shall be in attendance at all times and have physical possession of the SUP or be able to produce the SUP at the request of any County staff and/or peace officer.
5. All ordinance provisions shall remain in effect and will be enforced as though the same were inserted in said SUP.
6. It shall be unlawful for a person to violate any provision of a SUP.



7. Any SUP granted pursuant to this ordinance may be revoked upon the violation by the permittee, or associated individual(s), of any provision of the permit, any Minnesota State statute, any County ordinance, any County Park rule or regulation, or for other good cause.
8. The permittee shall be liable for any loss or damage to County Park property or injury to any person by reason of the negligence of the permittee or associated individual(s).
9. It shall be unlawful for any person to refuse to vacate the area designated as reserved by a SUP.



Chapter 3 - Regulations of General Conduct

Section 3.1 - Proper Attire/Indecent Exposure

It shall be unlawful for any person to intentionally expose their own genitals, pubic area, buttocks, or female breast below the top of the areola, with less than a fully opaque covering while in a County Park, except while breastfeeding.

Section 3.2 - Alcohol and Controlled Substance Use

Certain kinds of alcoholic beverages are permitted in designated areas at all Dakota County parks. No alcohol will be consumed on Dakota County park premises by any person under the legal age. Valid identification may be requested by Park Rangers or Park staff of any person(s) who appear to be underage at any time. All visitors and guests must have a valid ID if they plan to consume alcoholic beverages.

Beer, wine, ciders, flavored alcoholic beverages, and other single-serving beverages are permitted in cans or glass bottles only and only in designated areas.

It shall be unlawful, when in a County Park, for any person to:

1. Use, possess, consume, or sell any Alcoholic Beverages or Controlled Substances in violation of Minnesota Statutes.
2. Serve or sell Alcoholic Beverages without a Special Use Permit or concessionaire agreement.
3. Possess or consume single-serving Alcoholic Beverages outside of designated areas:
 - a. Reserved Campground or Camper Cabin sites
 - b. Trailheads
 - c. Swimming Beaches (no glass bottles)
 - d. Picnic Areas
 - e. Or other areas expressly designated by the Park Director.
4. Possess or bring into a County Park, beer or wine in kegs, barrels, or more than case lot quantities without a Special Use Permit.
5. Use, manufacture, possess, sell, give away, barter, exchange, distribute or otherwise transfer any Controlled Substance, except on a lawful prescription by a person licensed by law to prescribe and administer Controlled Substances, or as allowed by state statutes.
6. Be under the influence of a hazardous substance or drugs or alcohol to the point of intoxication, or loss of motor skills or consciousness, or other factors that may injure the party or adversely affect other park visitors.

Selling of alcoholic beverages requires a Special Use Permit, and sales must comply with liquor licensing regulations for the city in which the Park is located.

Section 3.3 - Tobacco and Electronic Delivery Device Use

The use of tobacco products or smoking of any kind on County Park property and recreational facilities is prohibited, except in parking lots, on roadways, individually rented campsites in County-owned or operated campgrounds and use of tobacco as a traditional Native American spiritual or cultural ceremony.

Section 3.4 - Gambling

It shall be unlawful for any person to gamble or participate in any game of chance for a consideration of items of value; excepting private social bets or chance drawings not incidental to organized, commercialized, or systematic gambling, except when authorized by Special Use Permit.

Section 3.5 - Nuisance/Private Property

It shall be unlawful, when in a County Park, for any person to:

1. Commit any act that constitutes a nuisance;
2. Disturb, harass, or interfere with a park visitor's property;
3. Place or park vehicles, equipment or property in a manner or location that interferes with traffic or other park visitor's enjoyment of the County Park or specific facility therein;
4. Distribute literature outside of Public Forum areas. Distribution of publications, including, but not limited to newspapers, magazines, political literature, circulars, and pamphlets must be approved by the Park Director and are subject to a fee.

Dakota County Parks employees may place notices in non-public areas within Dakota County parks describing items for sale, services offered, upcoming events or programs, etc. provided that the posting or activity does not interfere with the performance of Dakota County Parks business and follows all department policies.

5. Leave or store personal property in undesignated areas without a Special Use Permit for any reason other than a County-organized event, program, or activity approved by the Parks Director.

Law Enforcement shall have the authority to seize any unauthorized items collected from and being removed from the park.

Section 3.6 - Littering

It shall be unlawful for any person to:

1. Deposit, scatter, litter, or abandon on County Park property any bottles, cans, glass or broken glass, sewage, waste, refuse or other materials, except in receptacles provided for such purposes; or
2. Bring into a County park property any materials listed in Section 3.6, subdivision 1 or hazardous waste, yard waste, solid or liquid waste for the purpose of disposal in receptacles provided in the County Park or on any County Park Property.



Section 3.7 - Possession/Use of Firearms/Dangerous Weapons/Fireworks

The possession or discharge of firearms and other dangerous weapons in or into parks are not allowed in Dakota County Parks, except as permitted by Minnesota law, local ordinances, or by Special Use Permit. It is also unlawful for any person to possess, set off, or attempt to set off or ignite any firecrackers, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics without a Special Use Permit.

Section 3.8 - Interference with County Employee Performance of Duty

It shall be unlawful for any person to intentionally:

1. Impersonate any employee or contractor of Dakota County; or
2. Interfere with, obstruct, harass, or hinder any employee or contractor in the discharge of their duties.

Section 3.9 - Child Safety

Children under the age of 10 must be accompanied and supervised by an Authorized Adult or other responsible caregiver when using Dakota County parks, facilities, and greenways.

Section 3.10 - Assembly

A Special Use Permit (SUP) may be issued for public assemblies involving fifty (50) or more people and in designated areas related to:

- Public meetings;
- Worship services;
- Entertainment;
- Parades;
- Ceremonies;
- Demonstrations; and
- Other assemblies related to First Amendment rights.

A Special Use Permit is required for all public assemblies. All public assemblies may not interfere with other park users, structures, or points of pedestrian egress and ingress and are subject to the terms and conditions outlined in the approved permit. Dakota County parks reserves the right to implement a sliding permit fee scale based on the expected number of people assembled/in attendance.



Chapter 4 - General Parkland Operation Regulations

Section 4.1 - Commercial Use

All permissible commercial use activities must be approved by a Special Use Permit (SUP). Each SUP will contain terms and conditions all permittees must adhere to for the permit to remain valid. The following commercial activities may be approved by a Special Use Permit:

1. Photography
2. Filming
3. Using park space to instruct or convene a class or group
4. Product demonstrations
5. Sale, rental, or promotion of merchandise or service
6. Food and beverage sales
7. Flying a drone

A Special Use Permit may not inherently grant exclusive use of space. A SUP for a commercial use provides the permittee a license for the activity in the designated areas and is revocable at will. The permittee and participants must share the designated areas (unless otherwise stated) with other users and cannot block public access.

It shall be unlawful for any person to:

1. Use any County Park or park property for commercial purposes without a SUP;
2. Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a County Park except by authorized concession or written permission from the Park Director; or
3. Expose, distribute or place any sign, advertisement, notice, poster, or display in a County Park without permission from the Park Director.

Low-Impact Filming and Photography activities will not require a Special Use Permit, but non-low-impact filming and photography activities may require a permit to address their potential impacts on park resources and visitor activities.

Videographers, producers, directors, news, and other staff associated with filming are reminded that rules and regulations that apply to all park visitors, including park hours and closed areas, still apply to filming activities even if a SUP is not required.

Filming and Photography activities that do not meet the description of Low-Impact Filming and Photography require at least ten days advance notice to Dakota County Parks. Dakota County Parks will determine whether the filming activities will require a Special Use Permit for filming. Based on the information provided, a Permit may be required to:

- Maintain public health and safety;
- Protect environmental or scenic values;
- Protect natural or cultural resources;
- Allow for equitable allocation or use of facilities; or
- Avoid conflict among visitor use activities.

Section 4.2 - Noise/Amplification of Sound

Amplification of noise/sound is permissible when meeting the following conditions or allowed by Special Use Permit:

1. The sound/noise may not create a nuisance action;
2. The sound/noise occurs between 7am-10pm;
3. The sound/noise is not amplified in non-designated areas or areas closed to general visitor use.

It shall be unlawful for any person to:

1. Install, use, operate, or permit the use or operation within the Park of any of the following devices:
 - a. Loudspeaker or sound-amplifying equipment without authorization by permit.
 - b. Radios, television sets, musical instruments, or other devices for the production or reproduction of sound in such a manner as to be disturbing to wildlife, interferes with use of the park by others, or disturbs the residents of adjacent properties.
2. Willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet within any park or which interferes with use of the park by others or disturbs the residents of adjacent properties.

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) intensity of the noise; (3) whether the nature of the noise is usual or unusual; (4) level and intensity of the background noise, if any; (5) 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) time of the day or night the noise occurs; (8) duration of the noise; and (9) whether the noise is recurrent, intermittent or constant.

Interpretation of this criteria shall be made by Park Rangers or designated Park Staff, who shall have full authority to allow, deny or control levels of sound of park users.

Section 4.3 - Fires

Open fires are only allowed in established campfire rings by Dakota County Parks. Portable camp stoves are allowed in uncovered outdoor areas only and operated per manufacturer's recommendations.

It shall be unlawful, when in a County Park, for any person to:

1. Start or maintain a fire, grill, or stove outside of a designated area equipped for that purpose;
2. Leave a fire, grill, or stove unattended or fail to fully extinguish a fire or stove;
3. Drop, throw, or otherwise leave unattended lighted matches, burning tobacco products, or other burning or combustible material; or
4. Dispose of ashes or embers except in containers designated for that purpose.

Firewood must be Minnesota Department of Natural Resources approved firewood.

Section 4.4 - Aviation

Aviation takeoffs or landings, including aircraft, hot air balloons, parachutes, hang gliders, or other flying apparatus are only allowed in a Dakota County park with a Special Use Permit.

Unmanned Aviation Vehicle (UAV or drone) may only be used in established designated areas. See **Park Rules & Regulations – Unmanned Aviation Vehicle**

Section 4.5 - Amusement Contraptions

It shall be unlawful for any person to bring in, set up, construct, manage, or operate any amusement or entertainment contraption, device, or gadget in a County Park without a Special Use Permit.

Section 4.6 - Pets in Parks

It shall be unlawful for any person owning, having control, or custody of any pet, excluding service animals, to:

1. Bring a pet into or have a pet in a County Park without it being caged or under physical control on a static leash no more than six feet in length, except in areas designated for off-leash;
2. Allow a pet to disturb, harass, or interfere with any park visitor, park visitor's property, park employee, park employee's property, the employees or property of a contractor of the County, or to endanger the safety of park visitors, park employees, or employees of a contractor of the County;
3. Allow a pet to damage park property, resources, or facilities;
4. Tether a pet to a tree, plant, building or park equipment, or leave a pet unattended in a County Park;
5. Bring a pet into a County Park without cleaning up pet feces and disposing of the feces in a waste receptacle;
6. Lead or control a pet while on in-line skates, skateboard, skis, bicycle or any other means except while on foot, unless authorized by permit in a County Park; or
7. Operate a cart, wagon, dog sled, skijoring device pulled by a pet or other animal in a County Park outside of areas designated for this activity per the **Park Rules & Regulations**.

Section 4.7 - Unlawful Occupancy

It shall be unlawful for any person to:

1. Enter in any way any building, installation, or area that may be under construction or locked or closed to public use; or
2. Enter or be upon any building, installation, or area after the posted closing time or before the posted opening time, or contrary to posted notice in any County Park; or
3. Be inside a building or closed area and to loiter, sleep, congregate, or enter for the purpose to engage in any criminal act in any building, installation, or areas not specifically designated for such use any time.



Chapter 5 - Property, Structures, and Natural Resources Protection

Section 5.1 - Destruction/Defacement of Park Property/Signs

It shall be unlawful for any person to:

1. Move or remove park furniture, amenities, and park property outside of the designated use area as defined; and/or use park furniture and amenities for a reason(s) other than the intended purpose(s) of the park furniture; and/or amenity in an unsafe manner.
2. Intentionally deface, vandalize, tamper with or otherwise cause destruction to park property; or
3. Intentionally deface, destroy, cover, damage, tamper with or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the Parks Department, without express permission of a Special Use Permit

Section 5.2 - Foraging and the Collection/Harvesting of Wildlife and Natural Resources

Foraging is allowed for identified items that are above ground and in designated areas per the **Park Rules & Regulations**. No digging or excavating is allowed when foraging.

Special Use Permits (SUPs) are required to forage any item or in any area not listed in the **Park Rules & Regulations**.

Section 5.3 Disturbance of Natural Resources

It shall be unlawful, when in a County Park, for any person to perform any of the following unless expressly provided in a Special Use Permit:

1. Remove, alter, injure, or destroy any tree, plant, or other vegetation, soil, mineral, or other natural resource, other than foraging for designated items in designated areas per the **Park Rules & Regulations**;
2. Remove materials from, alter, or destroy an archeological site or resource, or site of scientific significance or interest without a Special Use Permit (SUP), which may be issued to allow an approved archaeological dig. All approved archaeological digs must adhere to the [State of Minnesota Archaeological Survey Requirements](#);
3. Dig trenches, holes, or other excavations;
4. Divert, impound, or alter a watercourse; or
5. Introduce, transport, import, release, abandon, or dispose of any plant or animal, including fishing bait except in receptacles approved for that purpose.

Section 5.4 - Disturbance of Wildlife

It shall be unlawful, when in a County Park, for any person to:

1. Kill, trap, hunt, injure, pursue, feed or in any manner disturb or cause to be disturbed, any animals and/or species of wildlife, except fishing or hunting pursuant to State game and fish laws and Section 6.6 of this Ordinance or with a permit during a County sponsored hunt.

2. Intentionally remove, alter, injure, destroy, or otherwise disturb habitat used by any species, including but not limited to nests, dams, or burrows; or

Section 5.5 - Release of Harmful or Foreign Substances

It shall be unlawful for any person to:

1. Place any debris, pollutant, or other agent in or upon any County Park lands or body of water in or adjacent to a County Park, or any tributary, stream, storm sewer, or drain flowing into such waters; or
2. Discharge wastewater or any other wastes in a County Park, except into designated containers, drains, or dumping stations.

Section 5.6 - Interference of Park Property

It shall be unlawful for any person to knowingly encroach on park property with such items as fences or gardens, or to disturb the natural landscape, vegetation, or structures on park property or otherwise use park property for private use. All setbacks and other local zoning regulations are in effect and apply against properties adjacent to a County Park as they would against property adjacent to private property.

Chapter 6 - Recreation Activity Regulations

Section 6.1 - Camping

It shall be unlawful, when in a County Park, for any person to:

1. Camp, dwell, or sleep overnight except in areas provided and designated for that purpose;
2. Occupy campsites or camping cabins in a park contrary to a camping permit, without payment of appropriate fees, or otherwise violate provisions of the permit;
3. Camp overnight in a park if under 18 years of age unless accompanied by an authorized adult;

Section 6.2 - Picnicking

It shall be unlawful, when in a County Park, for any person to:

1. Assume exclusive use of a reservation picnic site without a reservation permit;
2. Use a portion of a reservation picnic area without a reservation permit if the area is reserved by another group;
3. Set up temporary shelters, tents, tarps, canopies, and other such devices larger than 20 square feet without authorization by permit.

Section 6.3 - Swimming

It shall be unlawful, when in a County Park, for any person to:

1. Wade or swim except at beaches designated for such use and only at such times when an authorized lifeguard is on duty unless otherwise explicitly posted;
2. Allow a child wearing diapers to swim or wade in a swimming area without waterproof swim diaper or diaper cover; or
3. Take glass or breakable containers of any kind onto a designated beach, into the water itself, or on any lake.

Properly fitting U.S. Coast Guard-approved life jackets are allowed and encouraged for use. Inflatable (or foam) noodles, kickboards, and all coast guard approved flotation devices are allowed in designated swim areas; all other inflatables are prohibited, such as inner tubes, rafts, or loungers.

Section 6.4 - Scuba Diving

It shall be unlawful, when in a County Park, for any person to:

1. Scuba dive in violation of State or Federal Law including Minnesota Statute 86B.601;
2. Scuba dive in a designated swimming area;
3. Scuba dive within 100 feet of watercraft access point; or
4. Conduct scuba diving instruction without a permit.

Section 6.5 - Boating

It shall be unlawful, when in a County Park, for any person to:

1. Launch or land a motorized watercraft except at locations and times designated for that purpose;
2. Leave unattended any boat or other watercraft except in park areas designated for that purpose;
3. Operate a watercraft in violation of State or Federal Law including: Minnesota Statutes Chapter 86B and Minnesota Rules Parts 6110.1600 - 6110.2300;
4. Operate a watercraft within a designated swimming area or posted Lake Byllesby Dam warning area;
5. Tow a person on water skis, inner tube, or any other device or use a surfboard or kneeboard in a park designated swimming area or boat launching area or any other area closed to boating activities; or
6. Launch or remove any watercraft from County Park waters in violation of State or Federal Law including Minnesota Statutes Chapter 84D.

Section 6.6 - Fishing

It shall be unlawful, when in a County Park, for any person to:

1. Fish in violation of State or Federal Law including Minnesota Statutes Chapter 97C;
2. Fish in an area designated as a "no fishing" area; or
3. Clean fish without disposing of the fish carcass in a waste receptacle.

Section 6.7 - Horseback Riding

It shall be unlawful, when in a County Park, for any person to:

1. Ride, lead, or allow a horse to be within a County Park except in designated riding areas and trails, at designated hours, and during the designated riding season which is set and posted by the Parks Department;
2. Ride a horse which cannot be held under such control that it may be reasonably turned or stopped; or
3. Ride a horse in such a manner so as to create a nuisance or to endanger the safety or property of any park visitor, park employee, the rider, or the horse.

Section 6.8 - Bicycling

It shall be unlawful, when in a County Park, for any person to:

1. Operate a bicycle except on designated bikeways, roadways, or trails, and except as close to the right-hand side thereof as conditions will permit, and only during the designated biking season which is set and posted by the Parks Department;
2. Operate a bicycle in such a manner so as to create a nuisance or to endanger the safety or property of any park visitor, park employee, or the rider;
3. Operate a bicycle at a speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area;

4. Operate a bicycle in violation of Minnesota Statutes Chapter 169; or
5. Park a bicycle except at a bicycle rack when such a rack is provided, and in instances where bicycle racks are not provided bicycles are to be parked where they will not create hazards to the activities of other park visitors or disturb park activities.

Section 6.9 - Hiking and Snowshoeing

Hiking or snowshoeing in a County Park on trails is allowed, except on clearly signed trails that are designated for other uses, or in areas closed to public use.

Section 6.10 - Roller-Skating, In-Line Skating, and Skateboarding

It shall be unlawful, when in a County Park, for any person to:

1. Operate skates or a skateboard except on designated bikeways, roadways, or trails, and except as close to the right-hand side thereof as conditions will permit;
2. Operate skates or a skateboard in such a manner so as to create a nuisance or to endanger the safety or property of any park visitor, park employee, or the skater; or
3. Operate skates or a skateboard at a speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

Section 6.11 - Snowmobiling

It shall be unlawful, when in a County Park, for any person to:

1. Operate a snowmobile within the Dakota County Park system, except where allowed in public right-of-way or allowed by the Department of Natural Resources on public waters or designated access points.
2. Operate a snowmobile in excess of posted speed limits when present or at a rate of speed greater than reasonable or proper under current conditions;
3. Operate a snowmobile in such a manner so as to create a nuisance or to endanger the safety or property of any park visitor, park employee, or the snowmobile rider;
4. Operate a snowmobile in violation of State or Federal law including: Minnesota Statutes Chapter 84 and Minnesota Rule 6100; or
5. Operate a snowmobile in violation of any posted trail sign.

Section 6.12 - Cross-Country Skiing

It shall be unlawful, when in a County Park, for any person to:

1. Operate skis except on designated trails, and except as close to the right-hand side thereof as conditions will permit, and only with a permit during the designated cross-country skiing season which is set and posted by the Parks Department;
2. Operate skis in such a manner to create a nuisance or to endanger the safety or property of any park visitor, park employee, or the skier; or

3. Conduct a race or event on cross-country ski trails without a Special Use Permit.

Section 6.13 - Other Winter Activities

It shall be unlawful for any person to ice skate, sled, snowboard, or downhill ski in a County Park except at such times and in areas designated for that purpose.

Section 6.14 - Games and Active Recreation Activities

Dakota County Parks encourages family, lawn, and/or "tailgate" games within the park system. However, various activities that involve objects used as projectiles must be stopped upon notification of Dakota County Staff or a member of Park Patrol.

Dakota County Parks reserves the right to publish rules and regulations associated with various recreation activities that are permissible only in specific locations or areas within a County Park.

Section 6.15 - Hammocking, Slacklining, and Other Line-Related Activities

Hammocking, Slacklining, and other line-related activities are allowed on Dakota County Parks property in designated areas only.

All hammocks, slacklines, and other line-related activities must adhere to the following conditions:

1. The affixed point of a hammock and/or line must not exceed 6' off the ground;
2. All hammocks and lines must be affixed to trees or designated hammocking posts/stations (not building structures or other park furniture, amenities, and facilities) at least 12" in diameter;
3. All straps and lines must be at least 1" in diameter;
4. No straps, lines, or hammocks can cross trails or pedestrian access points;
4. No straps, lines, or hammocks can be "stacked" on top of each other or creating "wheel spokes";
and
5. No straps, lines, or hammocks can be left unattended at any point.

The Park Director reserves the right to close areas to hammocks, slacklines, and other line-related activities. County staff can have a user remove a strap, line, or hammock for any purpose.

Section 6.16 - Metal Detecting

Metal detecting is allowed on Dakota County Parks property in designated areas and with a Special Use Permit.

All permissible metal detecting includes:

1. Not digging trenches, holes, or other excavations except on designated swimming beaches and the holes are refilled;
2. Remaining at least 20' away from park users and animals/wildlife; and
3. Not entering areas closed to general visitor use OR metal detecting activities (per Special Use Permit).

Chapter 7 - Motorized Vehicles, Traffic, and Parking Regulations

Section 7.1 - Vehicle Operation

It shall be unlawful, when in a County Park, to:

1. Operate, park, or leave any vehicle except upon roadways, parking areas, or other designated locations;
2. Operate, park, or leave a vehicle in violation of posted regulations, State law, Minnesota Statutes Chapter 169, county or municipal traffic codes, or orders or directions of traffic officers or park employees authorized to direct traffic;
3. Operate a vehicle at speed in excess of 25 miles per hour, or in excess of posted speed limits; or
4. Operate a vehicle that emits excessive or unusual noise, noxious fumes, dense smoke, or other polluting matter.

Section 7.2 - Parking Vehicles

It shall be unlawful, when in a County Park, to:

1. Park or leave a vehicle, boat, or trailer standing except in a designated area and then only in a manner so as not to restrict normal traffic flow and not in violation of posted signs; or
2. Park or leave a vehicle, boat, or trailer standing after posted closing hours without a valid camping permit or other permit; or
3. Park or leave a vehicle, boat, or trailer without a disability parking placard in view in a designated parking space; or
4. Park or leave a vehicle without a boat trailer in a parking space designated for vehicles with boat trailers or to park or leave a vehicle with a boat trailer in an area not designated for boat trailer parking when such an area is provided.

Vehicles, boats, or trailers illegally parked, disabled, or abandoned may be towed away and impounded at the owner's expense.

Section 7.3 - Motorized Vehicle Maintenance

It shall be unlawful for any person to wash, grease, change oil, or perform other maintenance on any motorized vehicle in a County Park.

Section 7.4 - Motorized Recreational Vehicles

Electric Powered Devices (EPDs) are allowed in Dakota County Parks if they are operated in a safe manner in accordance with any State or Local laws. Additionally, all ADA-approved mobility devices can be used throughout the Dakota County Park system as needed.

Beyond ADA-approved mobility devices, the following EPDs are allowed on all paved surfaces:

- Bikes

- Free-standing devices such as Segways, hover boards, stand-up scooters, skateboards, longboards, etc.
- Kid Powered Ride-ons
- Scooters

All accepted devices must:

1. Be powered by electricity/battery;
2. Be operated in a safe manner, not exceeding speeds above 15 mph;
3. Yield to non-motorized vehicles and devices; and
4. Yield to pedestrians.

Class 1 electric mountain bikes are allowed on designated mountain biking trails.

Animal-Powered Vehicles and Devices: Skijoring and dogsledding are allowed in designated areas per Park Rules & Regulations. It is unlawful to be propelled by an animal on any trail unless the trail is designated for that use.

Chapter 8 - Enforcement

Section 8.1 - Park Patrol Authority/Authorized Agents

1. Designated Park employees may enforce the provisions of this ordinance and ask the persons acting in violation of this ordinance to leave park property.
2. Law enforcement authorities where County Park property is situated shall have jurisdiction to patrol and enforce the Dakota County Park Ordinance on County Park property. They also shall have jurisdiction to enforce any violation of state law or local laws which shall occur on County Park property.

Section 8.2 - Penalties

Violations of the provisions of this ordinance or failure to comply with any of its requirements shall be punishable as defined by law.



Chapter 9 - Miscellaneous

Section 9.1 - Exemptions

All park employees, contractors, volunteers, emergency and enforcement personnel while acting in the performance of their assigned duties may be deemed exempt from the provisions of this ordinance, except when it is a violation of state or federal law.

Section 9.2 - Repeal

All ordinances pertaining to the regulation of Dakota County Parks enacted prior to this ordinance are hereby repealed.

Section 9.3 - Enactment

This ordinance shall be in full force and effect from and after its passage and publication according to law.

Section 9.4 - Notification

It shall be the responsibility of Dakota County to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access outlining essential elements of the ordinance, as well as the placement of necessary buoys and signs.

Section 9.5 - Severability

The provisions of this ordinance shall be separable and the invalidity of any section, paragraph, subparagraph, subdivision, or other part thereof shall not make void, impair, invalidate, or affect the remainder hereof.

Section 9.6 - Amendment

This ordinance may be amended from time to time by the Dakota County Board of Commissioners and such amendment may be shown by either marking the section amended, attaching the amendment to this ordinance, or reprinting the ordinance publication.





Chapter 10 - Effective Date

This ordinance shall be effective upon passage and publication by the Dakota County Board of Commissioners.

Passed by the Board of Commissioners on this ____ day of ____ 2023.

ATTEST: COUNTY OF DAKOTA, STATE OF MINNESOTA

Jeni Reynolds
Clerk to the Board
Date:

Liz Workman, *Chair*
Dakota County Board of Commissioners
Date:

Approved as to Form and Execution

Kathryn M. Keena
County Attorney
Date:

