

# DAKOTA COUNTY PLANNING COMMISSION

Dakota County Western Service Center – Room 106

14955 Galaxie Avenue

Apple Valley, MN 55124

Thursday, September 23, 2021

7:00 PM – 9:00 PM

*This is an in-person meeting. In accordance with a resolution passed by the County Board of Commissioners, all visitors in Dakota County buildings must wear a mask regardless of their vaccination status. The decision is due to Dakota County being at a substantial level of community transmission of COVID-19. According to the CDC, COVID-19 infections happen in only a small proportion of people who are fully vaccinated, even with the more contagious Delta variant. However, preliminary evidence suggests that fully vaccinated people infected with the Delta variant can spread the virus to others.*

## Agenda

### I. Call to Order and Roll Call

### 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 Parks Director Niki Geisler

### VII. Parks Ordinance Update – Information (Jeff Bransford – Parks)

### VIII. Planning Manager Update and County Board Actions

- Authorized agreement with City of Apple Valley for multiple trail design and construction projects along the North Creek Greenway
- Authorized agreement with DNR and MN Zoo for Bison Herd at Spring Lake Park Reserve
- Authorized agreement with City of Burnsville for Lake Marion Greenway design study
- Authorized sustainable design study for Lebanon Hills Regional Park

### IX. Upcoming Public Meetings – Community Outreach

County 66/Hwy 52 Area Study Open House	Tuesday, September 28, 4:30pm – 6:30pm United Steel Workers Hall 18990 Goodwin Avenue, Hastings <a href="https://www.co.dakota.mn.us/Transportation/PlannedConstruction/CR66/Pages/default.aspx">https://www.co.dakota.mn.us/Transportation/PlannedConstruction/CR66/Pages/default.aspx</a>
Thompson (CSAH 8) and Oakdale Ave (CSAH 73) Trail Improvements Open House	Tuesday, October 5, 5:00pm - 7:00pm Dakota Lodge, Thompson County Park, West St. Paul
St. Paul Library Open House	Wednesday, November 10, 5:00pm-7:00pm Central Square Community Center, Centennial Room, South St. Paul <a href="https://www.co.dakota.mn.us/libraries/HoursLocations/SSP/">https://www.co.dakota.mn.us/libraries/HoursLocations/SSP/</a>

- X. **Topics for Next Meeting** (Thursday, October 28, 2021)
  - Miesville Ravine Natural Resource Management Plan and Master Plan update
- XI. **Planning Commissioner Announcements/Updates**
- XII. **Adjourn**

## **DAKOTA COUNTY PLANNING COMMISSION**

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**Date AGENDA ITEM:** Progress Report on Revision of Dakota County Ordinance No. 107 (Park Ordinance)

### **PURPOSE**

Provide Planning Commission:

1. Informational progress report on the comprehensive revision of Dakota County Ordinance No. 107.
2. Facilitated discussion on principles used to guide the revision of certain Ordinance topics.

### **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 Ordinance was enacted in 1997, and over the past twenty-four years, many changes have occurred in technology and 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 is currently underway. It involves the comprehensive development of an updated Ordinance based upon the findings from Phase I as well as internal and external engagement activities planned for this fall. These engagement activities are intended to seek focused input on potential revisions from subject matter experts, existing user groups, and historically under-represented populations.

The project timeline calls for compiling all comments and drafting the revised Ordinance between December 2021 and February 2022. Staff will return to the Planning Commission in early 2022 to review the final proposed Ordinance prior to submission to the County Board for adoption, currently planned for March or April 2022.

### **ATTACHMENTS**

- A. Dakota County Ordinance No. 107 (Current Park Ordinance, adopted 6/3/97)
- B. Phase I Summary of Findings: Topics for Revision Consideration
- C. Suggested Discussion Questions

### **QUESTIONS**

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

*Please see Attachment C*

# 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**

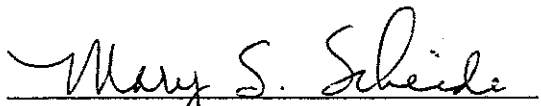
This ordinance may be amended from time to time by the Dakota County Board of Commissioners and such amendment may be shown by either marking the section amended, attaching the amendment to this ordinance, or reprinting the ordinance publication.

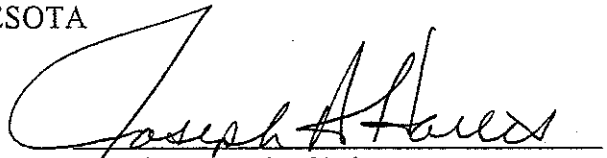
**CHAPTER X - EFFECTIVE DATE**

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

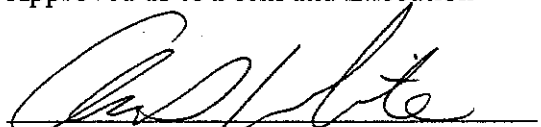
  
\_\_\_\_\_  
Mary Scheide  
Clerk to the Board

  
\_\_\_\_\_  
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

## Attachment B

### Phase I Summary of Findings: Topics for Revision Consideration

Topic	Potential Revision	Ord. Ch.
<b>CHAPTER I – PURPOSE/AUTHORITY/DEFINITIONS</b>		
Definitions	Add definitions for items not currently covered.	I. C
<b>CHAPTER II – REGULATION OF PUBLIC USE</b>		
Greenway	Consider hours of use for commuters; language on pet leash requirements.	II. A
Assembly	Add language on provisions for lawful assembly.	II. B
Fees	Consider allowing Director discretion to waive or reduce fees.	II. C
<b>CHAPTER III – REGULATION OF GENERAL CONDUCT</b>		
Alcohol and Drug Use	Allowances and enforcement clarifications.	III. B
Handbills	Add language covering the distribution of paper literature or fliers.	III. D
Personal Property, Semi-Permanent and Abandonment	Evaluate use of semi-permanent property in parks; allow towing cars, removal of abandoned items.	III. D, VII. B
Littering	Direct Park staff to pursue violations administratively.	III. E
Firearms, Possession	Update language to cover permit to carry.	III. F
Tobacco/E-Cigarette Use	Review and update language to conform to existing policy.	N/A
<b>CHAPTER IV – REGULATIONS PERTAINING TO GENERAL PARKLAND OPERATION</b>		
Photography, Commercial	Add language covering commercial photography.	IV. A
Amplified Noise	Review language.	IV. B
Outdoor Grilling	Add definition; address provisions for outdoor grilling.	IV. C
Drones/Unmanned Aircraft Systems	Consider language covering appropriate use.	IV. D, IV. E
Horse Carts	Consider use of pulling carts.	IV. G
Pets, Impoundment of	Add language expanding authority to remove and impound pets.	IV. G
Restrooms, Use of	Prohibit loitering in restrooms and inappropriate use.	IV. H
Sleeping in Vehicles	Add language that specifically addresses sleeping in vehicles.	IV. H, VI. A
<b>CHAPTER V – PROTECTION OF PROPERTY, STRUCTURES, &amp; NATURAL RESOURCES</b>		
Damage to Park Property	Add language covering damage from skates/skateboards.	V. A
Hammocks	Add language protecting natural resources from misuse.	V. A
Moving Benches/Tables/Other Property	Add language prohibiting the relocation of certain property.	V. A
Animals, Dumping of	Add language covering the dumping of earthworms or other bait.	V. B
Archeological Digging	Address provisions for digging.	V. B
Foraging	Consider allowances for the collection and use of certain items by visitors.	V. B
Hunting	Add language concerning organized hunts.	V. C
Firewood	Add language on visitors collecting firewood for use within County Parks.	N/A
Metal Detecting	Add clarification language, and allow for certain types of detecting.	N/A
Aquatic Invasive Species	Review whether AIS statues are enforceable in County Parks.	N/A
<b>CHAPTER VI – REGULATION OF RECREATION ACTIVITY</b>		
Cabins & Campgrounds	Further define the allowances for enforcing park rules.	VI. A
Sleeping in Vehicles	Add language that specifically addresses sleeping in vehicles.	IV. H, VI. A
Inflatables	Review definition of inflatables.	VI. C
Dangerous Games	Add definition; address provisions for dangerous games.	N/A
Disc Golf	Address provisions for disc golfing.	N/A
Geocaching	Add language concerning the placement of geocaches.	N/A
Golf	Address provisions for golfing.	N/A
<b>CHAPTER VII – REGULATION OF MOTORIZED VEHICLES, TRAFFIC, AND PARKING</b>		
Parking Enforcement	Allow for citation of parking violations and towing.	VII. B
Electric Vehicle Use	Consider allowances for certain electric vehicles on trails.	VII. D
Mobility Devices	See <a href="#">Electric Vehicle Use</a>	VII. D
<b>CHAPTER VIII – ENFORCEMENT</b>		
Authority	Review guidelines on enforcement procedures and authority.	VIII. A
Administrative Offenses	Reclassify certain offenses as administrative.	N/A
Permits, Failure to Display	See <a href="#">Authority</a>	N/A
Signage	Clarify enforcing the failure to abide by signage. See <a href="#">Authority</a> .	N/A
Child Safety	Allow for the authority to enforce supervision of children.	N/A



## **Attachment C**

### **Suggested Discussion Questions**

It is important for the revised Park Ordinance to balance a number of ideals including the protection of park resources, the provision of high-quality visitor experiences, the advancement of inclusion and equity, and the ability for the County to clearly and fairly enforce infractions.

1. Consider the following activities to be addressed by the Ordinance. Under what conditions should they be allowed? Not allowed?
  - Electric Vehicle Use
  - Foraging
  - Amplified Noise
  - Drones / Unmanned Aircraft Systems
  - Commercial Photography
  - Hammocks
  - Metal Detecting
  
2. How might the County say 'yes' to allowing them, reflecting the goal to be purposeful and forward with inclusion?
  
3. What are the best (or worst) ways to convey to visitors and the general public the specific rules and regulations contained in the Park Ordinance?
  
4. Are there any other considerations we should be aware of as we update the Ordinance?