

DAKOTA COUNTY PLANNING COMMISSION

Dakota County Western Service Center – Room L139

14955 Galaxie Avenue

Apple Valley, MN 55124

Thursday, October 27, 2022

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 (September 22, 2022)

VI. Park Ordinance 107 Update – Review final draft

Niki Geisler and Jeff Bransford - Parks Department

VII. Planning Manager Update, and County Board Actions at Physical Development Committee

- Approved ACRE Plan
- Provided direction on Greenway Acceleration projects/funding levels
- Summary of bison emergency procedures – written report from Tom Lewanski

VIII. Upcoming Public Meetings – Community Outreach

Meeting	Details
Miesville Ravine Park Reserve Master Plan Update On-line Survey and story map	https://www.co.dakota.mn.us/parks/About/ParkMasterPlans/Pages/miesville-ravine-park-master-plan.aspx Available through November 6.
Dakota County Crisis and Recover Center (proposed on the Dakota County Northern Service Center grounds) Open House, and meetings with City officials	Open House: November 10, 1pm and 6pm at the Northern Service Center, room 520. West St. Paul Planning Commission: November 15 West St. Paul City Council: November 29

IX. Topics for Next Meeting (Thursday, November 17, 2022)

- None at this time

X. Planning Commissioner Announcements/Updates

XI. Adjourn

DAKOTA COUNTY PLANNING COMMISSION

Date: 10/27/2022

AGENDA ITEM: Proposed Draft Revisions 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. Discussion on draft revisions of 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 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 is currently underway and nearing completion. It has 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 has sought focused input on potential revisions from subject matter experts, attorneys, law enforcement, existing user groups, and historically under-represented populations. Engagement will be ongoing through the final adoption of the Ordinance.

Proposed revisions are paraphrased and summarized in Attachment B. Note that the existing and proposed new Ordinance delegates authority to the Parks Director to issue park rules and regulations (PR&R). The revised Ordinance transfers certain details and specifics to PR&Rs for increased adaptability and efficiency over time.

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 April 2023.

ATTACHMENTS

- A. Dakota County Ordinance No. 107 (Current Park Ordinance, adopted 6/3/97)
- B. Phase II Summary of Revised Draft

QUESTIONS

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

1. Do the proposed revisions reflect an appropriate balance of visitor experience, resource protection, enforceability, and inclusion?
2. Are there omissions or areas that need clarification?

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.

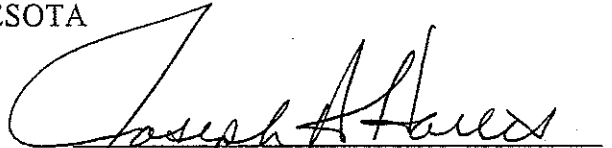
Passed by the Board of Commissioners on this 3rd day of June 1997.

ATTEST: COUNTY OF DAKOTA, STATE OF MINNESOTA



Mary Scheide
Clerk to the Board

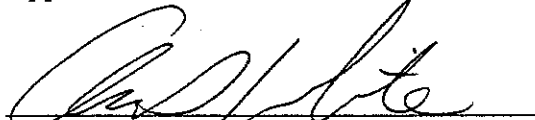
Date: 6-9-97



Joseph A. Harris, Chair
Dakota County Board of Commissioners

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

Phase II Summary of Revised Draft

Topic (*includes revision)	Proposal (paraphrased for brevity; <u>revisions underlined</u>)
PURPOSE/AUTHORITY	
Purpose	Board of Commissioners enacts the Ordinance for safe and peaceful use; for education and recreation; protection and preservation of property, facilities, and resources; and safety and welfare of the public.
Park Rules & Regulations	Board of Commissioners and/or Parks Director have authority to establish park rules and regulations (PR&R). Violations are violations of the Ordinance.
Fees*	<ol style="list-style-type: none"> 1. <u>Director can reduce and/or waive certain fees based on need or to promote participation.</u> 2. Unlawful to use a fee-based facility or engage in activity without payment of the fee. 3. Director may assess damages/restitution for loss, damage, or injury.
PUBLIC USE	
Park & Greenway Hours*	<ol style="list-style-type: none"> 1. Open from 5:00am to 10:00pm unless otherwise designated, when camping with permit, <u>or when traveling on greenway without delay.</u> 2. Director may close any park or portion thereof when necessary. 3. <u>Director may modify certain facility hours using PR&R.</u>
Permits	Special Use Permits (SUPs) are required for exclusive/special use.
GENERAL CONDUCT	
Proper Attire/Exposure*	Unlawful to intentionally expose themselves if 5 years of age or older, <u>except while nursing.</u>
Alcohol and Drug Use*	Unlawful to use or sell in violation of MN Statutes or city ordinance. Unlawful to serve, consume, or sell except by SUP or agreement. <u>[simplification]</u>
Tobacco and E-Cigarette Use*	<u>Prohibited (including vaping) except in parking lots, roadways, or campsites. Exceptions for cultural use by Indigenous Peoples.</u>
Gambling	Unlawful except when authorized by SUP.
Nuisance/Private Property*	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Commit any act that constitutes a nuisance; 2. <u>Disturb, harass, or interfere with a park visitor's property;</u> 3. Place/park vehicles or property that interferes with traffic or enjoyment of others; 4. <u>Distribute literature in violation of a PR&R;</u> 5. Leave/store personal property <u>without SUP or approval by Director.</u> <p><u>Staff may impound any item which, upon probable cause, is found to be used/possessed in violation.</u></p> <p>➤ <u>PR&R: Distribution of literature/handbills is limited to areas designated as Public Forum areas.</u></p>
Littering	Unlawful to deposit, scatter, litter, or abandon waste/refuse except in appropriate receptacles.
Possession/Use of Firearms/Weapons/Fireworks*	<u>The possession or discharge of firearms and other dangerous weapons in or into parks are not allowed, except as permitted by Minnesota law, local ordinances, or by SUP.</u>
Interference with Employee Performance of Duty*	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Impersonate or interfere with any employee or contractor in the discharge of their duty; 2. <u>Disturb or harass any employee or contractor verbally or through written word.</u>
Child Safety*	<u>Children under the age of 10 must be accompanied and supervised by an adult or caregiver.</u>
Assembly*	<u>Unlawful to conduct public meetings, assemblies, etc. except when authorized by SUP.</u>
GENERAL OPERATION	
Commercial Use*	<p><u>Commercial use is prohibited except as allowed by PR&R.</u></p> <ul style="list-style-type: none"> ➤ <u>PR&R: The following commercial activities may be approved by SUP: filming, photography, class/group instruction, product demonstrations, sale/rental/promotion of merchandise or services, food/beverage sales, drone operation.</u> ➤ <u>No SUP required for Low-impact Filming and Photography, defined as involving five people or less in areas open to the general public with equipment carried at all times.</u>
Noise/Amplification of Sound*	<p><u>Amplified noise is prohibited except in designated areas or when allowed by SUP or PR&R.</u></p> <ul style="list-style-type: none"> ➤ <u>PR&R: Amplification is permissible when the sound does not create a nuisance; occurs between 7am-10pm; and is in a designated area. Designated areas include facilities reserved for private use, mowed lawn areas, parking areas, picnic areas (and immediate surroundings), swimming beaches, and trailheads.</u>
Fires*	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Start/maintain a fire, <u>grill, or stove</u> outside of designated area; 2. Leave a fire, <u>grill, or stove</u> unattended or fail to fully extinguish; 3. Drop, throw, or leave unattended lighted matches, etc.; 4. Dispose of ashes or embers except in containers designated for that purpose.

	<p><u>PR&R may establish designated areas for fires and regulations for collection/use of firewood.</u></p> <p>➤ <u>PR&R: Camping/portable stoves are permitted but are only allowed in uncovered outdoor areas. Firewood must be MN DNR approved.</u></p>
Aviation*	Aviation takeoffs or landings (including drones or other flying apparatus) are not allowed <u>except when authorized by SUP or PR&R.</u>
Amusement Contraptions	Unlawful to bring in, set up, construct, manage, or operate any amusement or entertainment contraption, device, or gadget except by SUP.
Pets*	<p>Unlawful to, excluding service animals:</p> <ol style="list-style-type: none"> 1. Have a pet without it being caged or on a six-foot leash, <u>except in off-leash designated areas;</u> 2. Bring a pet into <u>any undesignated area;</u> 3. Allow a pet to disturb/interfere with any visitor, employee, property, etc.; 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; 6. Bring a pet without possessing/using a device for cleaning up /disposing of pet feces; 7. Lead/control a pet while on in-line skates, skateboard, skis, bicycle or any other means except while on foot, unless authorized by SUP; 8. Operate a cart, wagon, dog sled, skijoring device, or any other equipment pulled by a pet or other animal unless authorized by SUP or PR&R. <p><u>Staff may impound pets which, upon probable cause, is found to be in violation.</u></p>
Unlawful Occupancy*	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Enter any building or area that may be under construction or locked/closed to public use; 2. Enter or be upon any building or area after posted closing time or before posted opening time, or contrary to posted notice; 3. <u>Loiter, sleep, congregate, remain for any period of time beyond that required, or enter for the purpose to engage in any criminal act in any building, installation, or area any time.</u>
PROTECTION OF PROPERTY, STRUCTURES, & NATURAL RESOURCES	
Destruction/Defacement of Park Property/Signs*	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. <u>Move/remove park furniture, amenities, etc. outside of designated area and/or use for reason(s) other than the intended purpose(s) and/or in an unsafe manner.</u> 2. Deface, vandalize, tamper with or otherwise cause destruction to park property; 3. Deface, destroy, tamper with, or remove any sign/notice posted or exhibited.
Disturbance of Natural Resources*	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Remove, alter, or destroy any vegetation, soil, mineral, or other natural resource; 2. Remove materials from, alter, or destroy any archeological site or resource, or site of scientific significance or interest, except by SUP and in accordance with state and federal laws; 3. Dig trenches, holes, or other excavations; 4. Allow a pet to act in violation this section; 5. Divert, impound, or alter a watercourse; or 6. Introduce, transport, import, release, abandon, or dispose of any plant or animal, <u>including fishing bait except in receptacles approved for that purpose.</u> <p><u>Foraging may be allowed by SUP and/or PR&R.</u></p> <p>➤ <u>PR&R: Foraging is permitted for items that are above ground. Limitations on specific species, quantities, locations, and timing/seasons are enumerated. SUPs are required for any other item(s), with the exception of flora used by Indigenous Peoples for ceremonies and events.</u></p>
Disturbance of Wildlife*	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Kill, trap, hunt, injure, feed, or disturb any animals/wildlife, except fishing <u>or hunting</u> pursuant to State laws; 2. Remove, alter, injure, destroy, or disturb <u>by presence</u> habitat used by any species; 3. Allow a pet to act in violation of this section.
Release of Harmful or Foreign Substances	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Place any debris/pollutant in or upon any lands or body of water in or adjacent to a park; or 2. Discharge wastewater or other wastes in a park, except into designated containers, etc.
Interference of Park Property	Unlawful to encroach on park property with fences or gardens, or to disturb the natural landscape, vegetation, or structures on park property or otherwise use park property for private use.
RECREATIONAL ACTIVITY	
Camping*	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Camp, <u>dwelt, or sleep overnight</u> except in areas provided and designated for that purpose; 2. Camp in a designated camping area <u>or cabin</u> without a camping permit; 3. Occupy campsites <u>or camping cabins</u> contrary to or in violation of a permit;

	4. Camp overnight in a park if under 18 years of age unless accompanied by a parent/adult.
Picnicking*	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Assume exclusive use of a reservation picnic area without a permit; 2. Use a portion of a reservation picnic area without a permit if reserved by another group; 3. Set up shelters, tents, tarps, canopies, etc. <u>larger than 20 sq ft and/or staked</u> except by SUP; 4. <u>Use shelters, tents, tarps, canopies, etc. resulting in assembly or unapproved use.</u>
Swimming*	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Wade/swim except at beaches designated for such use unless designated by the Director; 2. Allow a child wearing diapers to swim/wade in a swimming area without swim diaper; 3. Take glass or breakable containers onto a designated beach, into the water, or on any lake. <p><u>Inflatable toys are prohibited. Exceptions and/or allowable items may be specified in PR&R.</u></p> <p>➤ <u>PR&R: Inflatable (or foam) noodles, kickboards, and all coast guard approved flotation devices are allowed in designated swim areas; all other inflatables are prohibited.</u></p>
Scuba Diving	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Scuba dive in violation of state law; 2. Scuba dive in a designated swimming area; 3. Scuba dive within 100 feet of watercraft access point; 4. Conduct scuba diving instruction without a permit.
Boating	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Launch or land a motorized watercraft except at designated locations and times; 2. Leave unattended any boat or other watercraft except in designated park areas; 3. Operate a watercraft in violation of state laws, rules, and regulations; 4. Operate a watercraft within a designated swimming area or other restricted area; 5. Tow a person on water skis, inner tube, or any other device or use a surfboard or kneeboard in a designated swimming area or boat launching area or other area closed to boating activities; 6. Launch or remove any watercraft in violation of state laws, rules, and regulations.
Fishing*	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Fish in violation of state laws, rules, and regulations; 2. Fish in an area designated as a "no fishing" area; 3. Clean fish without disposing of the fish carcass in a waste receptacle. <p><u>Definitions of "fish" or "fishing" may be further specified in PR&R to include other aquatic species such as turtles, frogs, etc.</u></p>
Horseback Riding	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Ride/allow a horse on parkland except in designated areas, hours, and seasons; 2. Ride a horse which cannot be held under such control that it may be reasonably stopped; or 3. Ride a horse so as to create a nuisance or to endanger safety or property.
Bicycling	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Operate a bicycle except on designated bikeways/trails and during the designated season; 2. Operate a bicycle so as to create a nuisance or to endanger safety or property; 3. Operate a bicycle at a speed faster than is reasonable and safe; 4. Operate a bicycle in violation of state law; or 5. Park a bicycle except at a bicycle rack or where they will not create hazards.
Hiking	Unlawful to hike in areas designated for other uses, or in areas closed to public use.
Roller-Skating, In-Line Skating, and Skateboarding	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Skate/skateboard except on designated bikeways/trails; 2. Skate/skateboard so as to create a nuisance or to endanger safety or property; 3. Skate/skateboard at a speed faster than is reasonable and safe.
Snowmobiling	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Operate a snowmobile except on designated trails and only during the designated season; 2. Operate a snowmobile in excess of posted speed limits or greater speed than reasonable; 3. Operate a snowmobile so as to create a nuisance or to endanger safety or property; 4. Operate a snowmobile in violation of state laws, rules, and regulations; 5. Operate a snowmobile in violation of any posted trail sign.
Cross-Country Skiing	<p>Unlawful to:</p> <ol style="list-style-type: none"> 1. Operate skis except on designated trails and only with a permit during the designated season; 2. Operate skis so as to create a nuisance or to endanger safety or property; 3. Conduct a race or event on cross-country ski trails without an SUP.
Other Winter Activities	It shall be unlawful for any person to ice skate, coast, snowshoe, or downhill ski except at such times and in such areas designated by the Park Director.

Games and Other Recreation Activities*	<p><u>The County reserves the right to publish PR&Rs associated with various recreation activities that are permissible only in specific locations or areas.</u></p> <p>➤ <u>PR&R: Lawn games are permitted in mowed lawn areas. Activities using projectiles that threaten safety or property or other dangerous games are prohibited.</u></p>
Hammocking, Slacklining, and Other Line-Related Activities*	<p><u>The County reserves the right to publish PR&Rs associated with various recreation activities that are permissible only in specific locations or areas.</u></p> <p>➤ <u>PR&R: All hammocks, slacklines, and other line-related activities must adhere to the following conditions:</u></p> <ol style="list-style-type: none"> <u>The affixed point of a hammock and/or line must not exceed 6' off the ground;</u> <u>All lines must be affixed to trees at least 12" in diameter or designated posts/stations;</u> <u>All straps/lines must be at least 1" in diameter;</u> <u>No straps/lines can cross trails or pedestrian access points;</u> <u>No straps/lines can be "stacked" on top of each other or used to create "wheel spokes";</u> <u>No straps, lines, or hammocks can be left unattended at any point.</u>
Metal Detecting*	<p><u>Metal detecting is prohibited except in designated areas or when allowed by SUP or PR&R.</u></p> <p>➤ <u>PR&R: Metal detecting is permissible under the following conditions:</u></p> <ol style="list-style-type: none"> <u>No digging trenches/holes except on swimming beaches and holes are refilled;</u> <u>Remaining at least 20 feet away from park users and animals/wildlife;</u> <u>Not entering areas closed to general visitor use or metal detecting activities.</u>
MOTORIZED VEHICLES, TRAFFIC, AND PARKING	
Vehicle Operation	<p>Unlawful to:</p> <ol style="list-style-type: none"> Operate/park a vehicle except upon roadways, parking areas, or other designated locations; Operate/park a vehicle in violation of posted regulations, state law, traffic codes, etc.; Operate a vehicle at speed in excess of 25 miles per hour, or in excess of posted speed limits; Operate a vehicle that emits excessive or unusual noise, noxious fumes, dense smoke, etc.
Parking Vehicles*	<p>Unlawful to:</p> <ol style="list-style-type: none"> Park a vehicle, <u>boat, or trailer</u> except in designated areas; Park a vehicle, <u>boat, or trailer</u> after closing hours without a valid permit; Park a vehicle, <u>boat, or trailer</u> without a disability parking placard in a designated space; or Park a vehicle without a boat trailer in a space designated for vehicles with boat trailers. <p>Vehicles, boats, or trailers illegally parked may be towed and impounded.</p>
Motorized Vehicle Maintenance	Unlawful to wash, change oil, or perform other maintenance on any motorized vehicle.
Motorized/Other Recreational Vehicles*	<p><u>Electric Powered Devices (EPDs) are allowed when operated in a safe manner. ADA-approved mobility devices may be used. PR&Rs may further specify use of other/motorized vehicles.</u></p> <p>➤ <u>PR&R: The following EPDs are permitted on paved surfaces unless otherwise prohibited: e-bikes, scooters, Segways, hover boards, skateboards, and longboards. All permissible EPDs must be powered by something other than gas; be operated in a safe manner not exceeding speeds above 20 mph; and yield to pedestrians and non-motorized vehicles.</u></p> <p>➤ <u>PR&R: Skiing and dogsledding are allowed on trails designated for such activity. It is unlawful to be propelled by an animal on any trail unless the trail is designated for that use.</u></p>
ENFORCEMENT	
Park Patrol Authority/Authorized Agents	<ol style="list-style-type: none"> Designated employees may enforce the provisions of this ordinance and eject from the County Parks persons acting in violation of this ordinance. Law enforcement authorities where County Park property is situated shall have jurisdiction to patrol and enforce the 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.
Additional Rules and Regulations	<p>The Park Director or Board shall have the right to issue rules and regulations relative to this ordinance.</p> <p>No person shall violate rules and regulations that may be established by the Board or Park Director.</p>
MISCELLANEOUS	
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.
Repeal	All ordinances pertaining to the regulation of Dakota County Parks enacted prior to this ordinance are hereby repealed.
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.



Bison Emergency Response Plan- Executive Summary

Introduction

If provided with adequate food, water and social structure, bison are not likely to attempt to leave the paddock that they are residing. However, while escapes are very rare, it can still happen and is important to have a well-planned response. Bison are herd animals that have a strong desire to stay together or to return to their group if they become separated. This instinct is a useful trait that can be used if a bison were to get out of the range. Bison are motivated by food and herd instincts. Being a prey animal, their behavior is greatly influenced by the fear of predation, which usually results in a fight or flight response. Due to this fear, it is preferential to lead a bison rather than chase or drive them to reduce the chance of instigating a fight response. Each situation (animal, location, time of day, season, conditions, etc.) will be unique and therefore it is impossible to predetermine and preplan the exact action required. Decisions will need to be made on location and at the time by the Incident Response Team.

Plan contents

The plan contains sections on basic response information; an emergency contact list; responding to a person in a paddock that contains bison; Incident Response Team roles; and presents three possible escape scenarios and general response actions for each.

Scenarios

Zone A. This zone is essentially areas within the park adjacent to the fenced range. If a bison was to get out of the range perimeter fence, but was located within Zone A (the case for most escapes), the animal is likely searching for a way to get back into the paddock to rejoin its group. In this scenario, the remedy could be as simple as opening the nearest gate and applying gentle pressure to push or lead the animal back inside the perimeter fence, ideally within the paddock that contains the rest of the herd.

Human safety is of the utmost importance when responding to an escape. While this escape scenario represents the easiest and safest opportunity to recapture an escaped bison, it is also the scenario that is the most likely to be within sight lines of and in proximity to park visitors. This escape scenario lies almost exclusively within the SLPR and therefore there may be park visitors/trail users in the vicinity of an escaped bison, depending on the day, time, and weather conditions at the time of the incident. A temporary perimeter will be established to keep park visitors at a safe distance from a bison that is outside of its fenced paddock.

Zone B. This zone is located south and east of the bison range. The defining feature in this zone is the residential housing. The Incident Response Lead may decide to enact the Everbridge Notification System to alert the people in the neighborhood that a bison is in the area and to stay inside. A bison in this area necessitates the assistance from law enforcement. The first plan of action is to lure and/or pressure the bison back to the fenced range. If unsuccessful at luring the bison back to the park or in the case of the bison threatening the safety of residents, a large animal Veterinarian from the MN Zoo may need to anesthetize or euthanize the bison.

Zone C. This scenario has the escaped bison moving away from the park and toward Hwy 55. The Incident Response Lead may decide to enact the Everbridge Notification System to alert the people in the neighborhood that a bison is in the area and to stay inside. Bison in this zone requires the assistance of law enforcement and MN Zoo Veterinarian. The first plan of action is to lure and/or pressure the bison back to the fenced range. If unsuccessful at luring the bison back to the park or in the case of the bison threatening the safety of residents or vehicles on Hwy 55, a large animal Veterinarian from the MN Zoo may need to anesthetize or euthanize the bison.

Responding to a person in a paddock containing bison. If there is a person in a paddock that contains the bison, immediate steps should be taken to get the person safely out of that paddock as soon as possible. This needs to be approached so as to not endanger the safety of the rescuer or anyone else. This could mean instructing the person, if they are able to understand commands, to slowly and calmly walk toward the gate.

An injured person in the paddock. If the person inside of the paddock containing bison appears to be or is obviously injured, the responding staff person should call 911. Whether the injury was caused by the bison or not, the responding staff at the site should drive their vehicle through the nearest gate and into the paddock, making sure to close the gate behind them. The vehicle should be placed between the injured person and the bison. Ideally, this should be undertaken by two staff people, with one monitoring the bison and the other attending to the person. If the person is down and unconscious and the bison are not in the immediate vicinity, the injured person should be evaluated per First Aid/CPR protocol. If the bison do not pose additional threat to the people involved, the injured person should not be moved, administer First Aid/CPR if required, and wait until medical assistance arrives.

County staff will do an after-incident review to better understand what caused the incident, the effectiveness of the response and ways to reduce the chance of similar incidents occurring in the future.