

## CHAPTER 95: PARK REGULATIONS

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### Section

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### **Cross-reference:**

*Recreation and Park Department, see §§ 31.01 et seq.*

*Parks and Recreation Advisory Commission, see §§ 31.45 et seq.*

### **§ 95.01 PURPOSE; DEFINITIONS.**

(A) *Purpose.* The city deems it appropriate, reasonable and necessary to specify rules and regulations in order to provide for the recreational enjoyment of park areas and facilities; for the protection and preservation of park property, facilities and natural resources of the city; and for the safety and general welfare of the public.

(B) *Definitions.*

**AMUSEMENT CONTRAPTIONS.** 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 device, pinball type devices, animal ride devices, dunk tank, ball and hammer device, trampoline devices and the like.

**AREA or AREAS.** A specified place within a park.

**CITY.** The City of Brooklyn Park, established pursuant to Minnesota Statutes.

**COUNCIL.** Mayor and City Council of Brooklyn Park.

**DIRECTOR.** Either the Director of Recreation and Parks or the Director of Operations and Maintenance.

**EMPLOYEE.** Any city volunteer or full or part-time regular or temporary worker hired by the city.

**GLUE.** 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.

**HIKING.** Traveling on foot, i.e., walking, running or with an assistive mobility device.

**LASER.** Any device which emits a coherent, monochromatic beam of light.

**MOBILITY DEVICE.** Any device powered by batteries, fuel, or other engines used by an individual with mobility disabilities for the purpose of locomotion.

**MOTOR VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway except devices moved by human power or used exclusively upon stationary rails or tracks.

**MOTORIZED RECREATION VEHICLE.** Any self-propelled, off-the-road or all-terrain vehicle including, but not limited to, snowmobile, mini-bike, amphibious vehicle, motorcycle, go- cart, trail bike, dune buggy or all-terrain cycle.

**NATURAL RESOURCES.** All flora and fauna within the city and the physical factors upon which they depend, including air, water, soil and minerals.

**OFF LEASH DOG AREA.** A public, city-designated area where a dog owner is permitted to allow a dog or dogs to socialize and exercise off leash, subject to the rules and regulations for such an area.

**PARK.** Any land, water area, or trail corridor and all facilities thereon, under the jurisdiction, control or ownership of the city.

**PARK PATROL OFFICER.** Any regular, temporary, or intermittent employee vested with the legal authority to enforce the City Ordinance.

**PERMIT/SPECIAL USE PERMIT.** Written permission obtained from the city to carry out certain activities.

**PERSON or PERSONS.** Individuals, firms, corporations, societies or any group or gathering whatsoever.

**PEST.** Any plant, animal, or microorganism that is determined to be undesirable because it conflicts with park management objectives, creates an annoyance to park guests, or has the potential to create a health hazard.

**PESTICIDE.** A chemical or biological substance intended to prevent or destroy a pest; and/or a substance to be used as a plant regulator, defoliant, or desiccant. Repellents are not considered pesticide.

**PET.** A domestic animal that is accompanied by a person in the immediate vicinity of the animal.

**POLICE OFFICER.** Those individuals that are licensed as Minnesota police officers by the Minnesota Post Board vested with the legal authority to enforce laws and ordinances.

**POLLUTANT.** Any substance, solid, liquid or gas, which could cause contamination of air, land or water so as to create or cause a nuisance or render it unclean or noxious or unpure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, or that of wildlife or vegetation.

**POSSESSION.**

(1) **PHYSICAL POSSESSION.** Having a controlled substance on one's person with knowledge of the nature of the substance.

(2) **CONSTRUCTIVE POSSESSION.** Having once possessed a controlled substance or continuing to exercise dominion and control over the substance up to the time of arrest, or aiding and abetting another in possessing a controlled substance.

**PROPERTY.** Any land, waters, facilities or possessions of the city.

**RESPONSIBLE PERSON.** The parent, guardian, or person having lawful custody and control of a juvenile.

**ROLLERSKATER.** Any person riding or propelling oneself by human power or gravity on wheeled devices that are worn on a person's feet or stood upon by a person. Such devices specifically include, but are not limited to, rollerskates, in-line skates, rollerskis, skateboards and scooters.

**SERVICE ANIMAL.** Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

**WATERCRAFT.** Any contrivance used or designed for navigation on water.

**WEAPON.** All those weapons included under M.S. § 609.02, Subd. 6 but also includes spears, crossbows, bows and arrows, sling shots, paintball gun or any other dangerous weapon or projectile.

**WILDLIFE.** Any living creature, not human, wild by nature, including, but not limited to, mammals, birds, fish, amphibians, insects, reptiles, crustaceans and mollusks.

(Ord. 2002-969, passed 5-13-02; Am. Ord. 2010-1114, passed 4-26-10; Am. Ord. 2022-1269, passed 1-10-22)

**§ 95.02 REGULATION OF PUBLIC USE.**

(A) *Park hours* .

(1) Parks shall be open to the public from 6:00 a.m. until 10:00 p.m. It shall be unlawful for any person to enter or remain in a park at any other time without a use permit except when the park area or facility is otherwise designated by the city, or the park area or facility is being used as part of an authorized city program.

(2) The City Manager, his/her designee or an on-duty police/fire supervisor is authorized to close any park or portion thereof at any time for the protection of park property or the public health, safety or welfare.

(B) *Permits*.

(1) City permits shall be required for the exclusive or special use of all or portions of park areas, special use facilities, buildings or trails or for the use of park areas and facilities when they are otherwise closed to the public.

(2) Permits shall be required for an entertainment, tournament, commercial filming, exhibition or any other special use which can reasonably be expected to have 25 or more persons involved or potentially have a detrimental effect on park property or other park users. Security, insurance and/or security bonds may be required and paid by permit holder prior to usage.

(3) It shall be unlawful for a person to violate any provision of a permit.

(C) *Use fee; failure to pay use fee.* It shall be unlawful for any person to use, without payment, any facility or area for which a permit is required and user fee charged, unless the payment is waived by the city.

(Ord. 2002-969, passed 5-13-02; Am. Ord. 2010-1114, passed 4-26-10; Am. Ord. 2022-1269, passed 1-10-22)Penalty, see § 10.99

**§ 95.03 REGULATION OF GENERAL CONDUCT; PERSONAL BEHAVIOR.**

(A) *Drug and alcohol use.* It shall be unlawful for any person to:

(1) Use, possess or sell any alcoholic beverage in violation of state statutes or City Code §112.047 and unless expressly approved by city permit or license.

(2) Consume or display any alcoholic beverage at sites where the city or its agent is a licensed vendor of alcoholic beverages, unless purchased at that site, or authorized by special permit.

(3) Possess or bring beer or wine into a park in kegs, barrels, or other bulk tap quantities, except by city permit.

(4) Use, manufacture, possess, constructively possess, sell, give away, barter, exchange, distribute, or otherwise transfer any controlled substance, except on a lawful prescription by a person licensed by law to prescribe and administer controlled substances as specifically defined in City Code Chapter 135.

(5) Inhale, breathe, or drink or be or become intoxicated by reason of inhaling, breathing, or drinking any substance defined as "glue."

(6) Sell, furnish or deliver intoxicating liquor for any purpose to any minor or to any person obviously intoxicated or to any other person to whom sale is prohibited by state statute or by the City Code.

(B) *Public nuisance; personal safety.* It shall be unlawful for any person to:

(1) Engage in fighting or exhibit threatening, violent, disorderly or indecent behaviors.

(2) Make unreasonable coarse utterance, gesture or display.

(3) Address abusive language tending to incite a breach of the peace or to be inimical to the peace of any person present.

(4) Engage in any course of conduct or participate in any activity in any park after he or she is advised by a police officer or other park employee or park patrol agent having authority to regulate or manage the area, that such conduct or participation is unreasonably and unnecessarily hazardous to the personal safety of said person or another person; or impairs or limits the lawful use and enjoyment of the facility or area by other persons.

(5) Intentionally expose his or her own genitals, pubic area, buttocks, or female breast below the top of areola, with less than a fully opaque covering, except while breast feeding, while on park property, if ten years of age or older.

(6) Otherwise create a hazardous or physically offensive condition to any person present.

(C) *Property of others.* It shall be unlawful for any person to:

(1) Intentionally disturb, harass or interfere with a park visitor's property.

(2) Leave or store personal property on city property.

(D) *Littering.* It shall be unlawful for any person to deposit, scatter, drop or abandon in a park any bottles, cans, broken glass, hot coals, ashes, sewage, waste or other material, except in receptacles provided for such purposes.

(E) *Possession and use of firearms; weapons; fireworks* Except for a licensed police officer, it shall be unlawful for any person to:

(1) Have in his/her possession within any city park, fire or discharge, or cause to be fired or discharged across, in, or into any portion of a park all those weapons included under M.S. § 609.02, Subd. 6, but also includes a spear, bow and arrow, crossbow, sling shot, paintball gun, or any other dangerous weapon or projectile, except for purposes designated by the city in areas and at times designated by the city.

(2) Possess, set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics without a city permit.

(3) Shine a laser in the face of another person.

(F) *Interference with employee performance of duty.* It shall be unlawful for any person to impersonate or pretend to be any employee of the city or interfere with, harass or hinder any employee in the discharge of his/her duties.

(Ord. 2002-969, passed 5-13-02; Am. Ord. 2022-1269, passed 1-10-22) Penalty, see § 10.99

#### **§ 95.04 REGULATIONS PERTAINING TO GENERAL PARKLAND OPERATION.**

(A) *Commercial use; solicitation; advertising; photography.* It shall be unlawful for any person to:

(1) Solicit, sell, or in any manner charge admission, or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a park except by authorized concessionaire with a city permit and the required licenses from the city.

(2) Operate a still, motion picture, video or other camera for commercial purposes in a park without a city permit. News coverage or media journalism is not considered a commercial purpose.

(3) Expose, distribute or place any sign, advertisement, notice poster or display in a park without a city permit.

(B) *Pets in parks.* It shall be unlawful for any person to:

(1) Bring a pet, except a service animal, into a park unless caged or kept on a leash not more than six feet in length, except that an owner of a dog is not required to restrain a dog or dogs by a chain or leash in an off leash dog exercise area,

subject to the rules and regulations for such an area and Chapter 92 of this code.

(2) Permit a pet under his/her control to disturb, harass or interfere with any park visitor, a park visitor's property or park employee.

(3) Tether any animal to a tree, plant, building or park equipment.

(4) Have custody or control of any dog or domestic pet in a park without possessing and using an appropriate device for cleaning up pet feces and disposing of the feces in a sanitary manner.

(C) *Noise; amplification of sound.* It shall be unlawful for any person except emergency equipment operated by public emergency personnel to install, use or operate or permit the use or operation within a park of any of the following devices:

(1) Loudspeaker or sound amplifying equipment without a city permit.

(2) Radios, tape players, musical instruments 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.

(D) *Fires.* It shall be unlawful for any person to:

(1) Start a fire in a park, except in a designated area, and then only in fire rings or grills, except for city employees or contractors engaged in cleaning or maintaining public property.

(2) Leave a fire unattended or fail to fully extinguish a fire.

(3) Scatter or leave unattended lighted matches, hot coals, burning tobacco, paper or other combustible material.

(E) *Aviation.* It shall be unlawful, except for emergency aircraft, to use city property for a starting or landing field for aircraft, hot air balloons, parachutes, hang gliders, drones or other flying apparatus without a city permit.

(F) *Amusement contraptions.* It shall be unlawful to bring in, set up, construct, manage or operate any amusement or entertainment contraption, inflatables, device or gadget without a city permit.

(G) *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 or rocket or like powered toy or model without a city permit unless in an area designated by the city.

(H) *Unlawful occupancy.* It shall be unlawful for any person to:

(1) Enter in any way any building, installation, or area that may be under construction, locked or closed for public use except public safety workers.

(2) Enter in any way 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 park.

(3) Enter in any way any building, installation or area after receiving a permit revocation or unlawful occupancy notification during the time period specified.

(Ord. 2002-969, passed 5-13-02; Am. Ord. 2010-1114, passed 4-26-10; Am. Ord. 2022-1269, passed 1-10-22) Penalty, see § 10.99

## **§ 95.05 PROTECTION OF PROPERTY, STRUCTURES AND NATURAL RESOURCES.**

(A) *Disturbance of natural features.* It shall be unlawful for any person to:

(1) Intentionally remove, alter, injure or destroy any tree, other plant, rock, soil or mineral without a permit.

(2) Dig trenches, holes or other excavations in a park.

(3) Introduce any plant, animal or other agent within a park.

(4) Harvest, grow or cultivate controlled substances.

(B) *Wildlife.* It shall be unlawful for any person to:

(1) Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed, any species of wildlife, except as permitted by city permit in designated areas.

(2) Remove any animal, living or dead, from a park. Any animal so removed or taken contrary to the provisions of this chapter or laws of the State of Minnesota shall be considered contraband and subject to seizure and confiscation.

(3) Release or abandon any animal within a park.

(4) Feed any wildlife or feral animals in a park.

(C) *Destruction; defacement of park property; signs* It shall be unlawful for any person to:

(1) Intentionally deface, vandalize or otherwise cause destruction to park property.

(2) Intentionally deface, destroy, cover, damage or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the city.

(3) Graffiti: reference Graffiti Ordinance.

(D) *Release of harmful or foreign substances.* It shall be unlawful for any person to:

- (1) Place any debris or other pollutant in or upon any city lands or any body of water in or adjacent to a park or any tributary, stream, storm sewer or drain flowing into such waters.
- (2) Discharge waste water or any other wastes in a park, except into designated containers, drains or dumping stations.
- (3) Release a pesticide in or upon any park lands except by city permit.

(E) *Interference of park property.* It shall be unlawful for any person to build an encroaching structure, such as a fence, shed or garden, on park property.

(Ord. 2002-969, passed 5-13-02; Am. Ord. 2022-1269, passed 1-10-22) Penalty, see § 10.99

#### **§ 95.06 REGULATION OF RECREATION ACTIVITY.**

(A) *Camping; swimming.* It shall be unlawful for any person to:

- (1) Camp in a park without a written city permit.
- (2) Wade or swim within a park, except at designated areas.

(B) *Picnicking.* It shall be unlawful for any person to:

- (1) Assume exclusive use of a reservation picnic site without a permit.
- (2) Use a reservation picnic area without a permit if the area is reserved by permitted group.
- (3) Conduct picnic activity at reservation picnic sites contrary to a city permit, or otherwise violate provisions on the city permit.
- (4) Set up temporary shelters, tents, tarps, canopies and other such devices without a city permit.

(C) *Fishing.* It shall be unlawful for any person to fish in a park except in designated areas.

(D) *Horseback riding.* It shall be unlawful for any person to:

- (1) Ride, lead or allow a horse or other animal within a park except in designated areas or trails at designated hours.
- (2) Ride a horse in a reckless manner so as to create a nuisance or to endanger the safety or property of any park visitor.
- (3) Tether a horse to a tree, other plant, building or park equipment.
- (4) Allow a horse to graze or browse.

(E) *Cross-country skiing.* It shall be unlawful for any person to:

- (1) Cross-country ski on any city golf course or sports complex except on designated trails.
- (2) Conduct a race, meet, or ski team practice with over 12 participants on city ski trails without a city permit.
- (3) Cross-country ski on park trails contrary to rules and regulations issued by the city or in violation of any posted trail sign.

(F) *Rollerskating; in-line skating.* It shall be unlawful for any person to:

- (1) Rollerskate, including the activities of skateboarding, in-line skating and rollerskiing in a park except on paved areas unless posted otherwise.
- (2) Rollerskate in a park except in a prudent and careful manner and at a speed that is reasonable and safe with regard to the safety of the operator and others in the immediate area.
- (3) Rollerskate except as close to the right hand side of the authorized trail or roadway as conditions permit.
- (4) Rollerskate including the activities of skateboarding, in-line skating, and rollerskiing in or on a city building, stairway, railing, or other park structure.

(G) It shall be unlawful for any person to participate in or conduct any activity, except those uses for which a park area or facility has been planned or promoted by the city, without a permit or written authorization from the city.

(Ord. 2002-969, passed 5-13-02; Am. Ord. 2022-1269, passed 1-10-22) Penalty, see § 10.99

#### **§ 95.07 REGULATION OF MOTORIZED VEHICLES, TRAFFIC AND PARKING.**

(A) *Motorized recreation vehicles.* It shall be unlawful for any person to operate a motorized recreation vehicle within a park except in such areas and at times as may be designated by the city.

(B) *Snowmobiles.* It is unlawful to operate a snowmobile upon the roadway, public boulevard or on any public lands within the city in accordance with § 73.32 of the Brooklyn Park City Code.

(C) *Vehicle operation.* It shall be unlawful for any person to:

- (1) Operate a vehicle at a speed in excess of 15 miles per hour or posted speed limits, except for emergency vehicles.
- (2) Operate a vehicle within a park in violation of posted regulations, M.S. 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 in a careless or reckless manner.
- (4) Operate a vehicle which emits excessive or unusual noise, noxious fumes, dense smoke or other pollutants.
- (5) Fail to yield right of way to pedestrians and other trail users.

(D) *Parking vehicles.* It shall be unlawful 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) Leave a vehicle standing after posted closing hours without written permission. The city reserves the right to impound cars after 24 hours.
- (3) Leave a vehicle in a park for purposes of offering it for sale.
- (4) Park or leave a vehicle in an area designated for drop-off only.
- (5) Park in a space designated for handicapped parking without a handicapped vehicle license or permit.
- (6) Park a vehicle with a boat trailer except in designated boat trailer parking areas.
- (7) Leave a vehicle unattended with keys in the ignition.

(E) *Maintenance of personal vehicles.* It shall be unlawful for any person to wash, grease, change oil or perform other maintenance on any vehicle on park property, except in a designated area or except in emergencies.

(Ord. 2002-969, passed 5-13-02; Am. Ord. 2022-1269, passed 1-10-22) Penalty, see § 10.99

#### **§ 95.08 ENFORCEMENT.**

(A) Police officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter and may issue citations, arrest, arrest with warrant, and eject from parks persons acting in violation of this chapter.

(B) Police officers shall have the authority to seize, confiscate and impound any substance, plant, animal, vehicle or other article which, upon probable cause, they find to be used or possessed in violation of this chapter.

(C) Park Patrol Officers shall, in connection with their duties as prescribed by the city diligently enforce the provisions of the chapter and, except as limited by the City Manager, issue warnings to persons acting in violation of this chapter.

(D) The city retains the right to require security insurance and/or security bonds for any event or activity occurring on public property if it is determined to be necessary for the safety and security of the park guests or general public. The cost of the above security will be paid by the permit holder prior to the usage of the park facility.

(E) Future usage of park facilities may be revoked if permit holders, participants or spectators violate any section of this chapter.

(Ord. 2002-969, passed 5-13-02) Penalty, see § 10.99