ORDINANCE NO. 17-0621-01

CHISAGO COUNTY PARK ORDINANCE

06/21/2017: Public Hearing held at 7:02 p.m. during the County Board Meeting.

08/16/2017: Motion approved by County Board to repeal the existing 1998/2003 Parks Ordinances and approve/adopt Ordinance No. 17-0621-01 Park Ordinance.

12/14/2017: Ordinance No. 17-0621-01 Park Ordinance published in the Chisago County Press.
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The County Board of Chisago County, Minnesota, does ordain:

CHAPTER I - PURPOSE/POLICY/AUTHORITY/DEFINITIONS

Section 1 – Purpose, Mission and Vision

The purpose of the Chisago County Parks and Trails Department is to impact positively the quality of life in Chisago County by providing parks and outdoor recreation services for the public. The mission encompasses the protection of the natural environment and resources, balancing the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide safe and accessible place for leisure time activities while improving the health of citizens and supporting a strong local economy. The vision for the Chisago County Parks and Trails system, as adopted in the Comprehensive Parks and Trails Plan by the County Board in 2014, is to develop “a park and trail system focusing on diverse natural resources and the recreational needs of Chisago County residents and visitors.” In accomplishing the mission and vision, the department seeks to preserve, enhance and interpret natural resources and wildlife and create user-friendly facilities, services and opportunities for relaxation and enjoyment while promoting leisure well-being with an emphasis on outdoor recreation and nature appreciation. The department also seeks to provide safe, clean and well-maintained facilities to accommodate a broad and diverse population of users so all users may enjoy the park system.

Section 2 - Policy

In order to accomplish the purpose, mission and vision of the County Parks and Trails, the Chisago County Board of Commissioners deems it reasonable, necessary and desirable to have an ordinance specifying rules and regulations in order to provide:

a. for the safe and peaceful use of parklands and trails;
b. for the education and recreation of the public;
c. for the protection and preservation of the property, facilities and natural resources; and
d. for the safety and general welfare of the public.

Section 3 - Authority

The CHISAGO COUNTY BOARD OF COMMISSIONERS, under Minnesota Statutes § 398.31-398.35, in performing its primary duty of the acquisition, development and maintenance of parks, wildlife sanctuaries, forest and other reservations, and providing the means for public access to historic sites, lakes, rivers, streams and other natural phenomena; is granted full power and authority to acquire and establish parks and to operate, maintain, protect and improve a park and trail system. As an 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 4 - Definitions

a. "Alcoholic Beverage" includes any intoxicating beverage as defined by Minnesota law and includes beer and wine as further defined in this ordinance.

b. "Amusement Devices" 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 device, pinball type device, electronic videos, animal ride devices, dunk tank, ball and hammer device, trampoline devices, and the like.

c. "Area" or "areas" means a specified place within a park.

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

e. "Beach" means that part of a body of water and shore designated for swimming.

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

g. "Bicycle" means a vehicle with one to three wheels and a seat that is human powered, and includes a bicycle with an attached electric motor to assist with pedaling.

h. "Board" means the appointed and elected members of the Chisago County Board of Commissioners.

i. "Case Lot Quantity" means more than twelve 12-ounce containers or a total of 144 ounces of intoxicating or non-intoxicating alcoholic malt beverage brought into a park per person 21 years of age or older per day. This includes "party balls" containing more than 144 ounces.

j. "Contractor" means any person or company contracted by Chisago County to provide specific services.

k. "Constitutionally protected rights of expression" means a political, religious, or other constitutionally protected expression or activity of a non-commercial or non-business character as is specified under the United States and Minnesota Constitutions.

l. "Controlled substance" means any drug substance or immediate precursor in schedules 1 through 5 of Minnesota Statutes, Section 152.02.

m. "Director" means the person appointed by the Board to serve as the Director of Environmental Services and/or their designee.

n. "Disc Golfing" means a game played much like traditional golf. Instead of using a ball and clubs, players use a flying disc, from a tee area to an elevated target basket that is the "hole."

o. "Dog Park" means an enclosed area of land where dogs are permitted to be off leash.

p. "Drone" means a small, unmanned, remote controlled flying aircraft that is less than 55 pounds in weight as defined and regulated by the Federal Aviation Authority (FAA).

q. "Employee" means any full or part-time regular, temporary, authorized volunteer or seasonal worker in the employ of the County Parks and Trails Department.

r. "Enforcement Officer" means the MN DNR Commissioner, the Director of the Enforcement Division, a conservation officer, Sheriff’s Deputy or other peace officer that has the authority to arrest, without a warrant, any person detected in the actual violation of Chisago County Ordinance #

s. "Geocaching" means an outdoor recreational activity that involves the use of a Global Positioning System (GPS) receiver to find an object or geocache placed at a pre-determined location. The Internet is often used to provide the direction and coordinates of the
geocache.
t.  “Glass Container” means any receptacle or holder used to contain or transport a liquid.
u.  “Glue” means any substance that releases vapors and that 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.
v.  “Hiking” means traveling by foot; i.e., walking, running, or with an electric personal assistive mobility device.
w.  “Horse” means a horse, mule or donkey.
x.  “Horseback Riding” is the riding, leading, or tethering of a horse, mule or donkey.
y.  “Keg” means a small cask or barrel containing more than 288 ounces of intoxicating or non-intoxicating malt liquor.
z.  “Law Enforcement Officer” means any “Peace Officer” licensed by the Board of Peace Officers Standards and Training and meeting the definition assigned to it in Minnesota Statutes, Section 626.84, subdivision 1, clause (c).

aa.  “Leash” means a cord, rope, strap, or chain securely fastened to the collar or harness of a dog or other pet and shall be of sufficient strength to keep such a dog or other pet under control.

bb.  “Model Aircraft” has the same meaning as prescribed by the FAA.
cc.  “Motorized Recreation Vehicle” means 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, off-road side by side, dune buggy, motorized skateboard or all-terrain cycle.

dd.  “Natural Resources” means all flora and fauna within parks and the physical factors upon which they depend; including air, water, soil, and minerals.

ee.  “OPDMD” means other power driven mobility devices (e.g., Segways, golf cars), electric-assisted bicycles and any electric-powered scooters or track mobility chairs or tricycles that are designed to transport a single individual with a mobility disability as a substitute for walking and for the purpose of locomotion.

ff.  “Park” means any land or water area and all facilities thereon including trails, under the jurisdiction, control, or ownership of Chisago County and designated by the Board as a unit of the Chisago County Parks and Trails System.

gg.  “Park Ranger” means any regular, temporary, seasonal, or intermittent employee vested with the authority to enforce the Park Ordinances.

“Parks Director” means the person serving as or is appointed by the Board as Director of Chisago County Parks and Trails and/or the person the Director may designate as such.

hh.  “Parks and Trails Department” means an operating unit of the Chisago County Department of Environmental Services responsible for the acquisition, development, programming, operation and maintenance of the Chisago County Parks and Trails System.

ii.  “Permit” means the written permission that a person must obtain from the Parks and Trails Department to carry out a given activity.

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

kk.  “Pest” means 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.
ll. “Pesticide” means a chemical or biological substance intended to prevent or destroy a pest, and/or a substance to be used as a plant regulator, defoliate, or a desiccant. Repellents are not considered a pesticide.

mm. “Pet” means a dog or house cat that is tamed and domesticated and is kept as a companion.

nn. “Pollutant” means any substance, liquid, solid, or gas that could cause contamination of air, land, or water so as to create or cause a nuisance or render unclean or noxious or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, welfare, or that of wildlife or vegetation.

oo. “Possession” - 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 and control over the substance up to the time of arrest, aiding and abetting another in possessing a controlled substance.

pp. “Property” means any land, waters, facilities, or possessions of Chisago County designated by the Board as a component of the Chisago County Parks and Trails System.

qq. “Responsible Person” means the parent, guardian, or person having lawful custody and control of another person, including juveniles.

rr. “Roller Skater” or “Roller Skating” is any person riding or propelling oneself by human power or gravity on wheeled devices worn on a person’s feet or stood upon by a person. Such devices specifically include, but are not limited to, roller skates, in-line skates, roller skis, skateboards and non-motorized scooters.

ss. “Skijoring” is a sport in which a skier is towed across a frozen surface by a dog.

tt. “Sunrise” means the time of the daily first appearance of the sun above the eastern horizon.

uu. “Sunset” means the time of the daily disappearance of the sun below the western horizon.

vv. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a designated road or parking lot, except devices moved by human power or used exclusively upon stationary rails or tracks.

ww. “Water Park” means an aquatic recreation area with water-based facilities such as pools, slides with flowing water, floating platforms, play features and related support facilities.

xx. “Watercraft” means any contrivance used or designated for navigation on water other than (a) duck boat during the duck-hunting season, (b) rice boat during the harvest season, or (c) seaplane.

yy. “Weapon” means any device including, but not limited to, firearms, bows, paint-ball guns, electronic weapons, slings, and pellet or BB guns from which a shot or projectile of any type is discharged or propelled by means of an explosive, gas, compressed air, or other means. An electronic weapon means a portable device that is designed, used, or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of an electric current.

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

aaa. “Wine” means a vinous alcoholic beverage containing not more than 14 percent alcohol by volume.
CHAPTER II - REGULATION OF PUBLIC USE

Section 1 - Park Hours

a. Parks shall be open to the public daily from 6:00 a.m. until 10:00 p.m. It shall be unlawful for any person to enter, park vehicles, leave vehicles overnight or remain in a park at any other time without a use or camping permit, participation in a county led program or activity, or except when the park area or facility is otherwise designated for use outside of normal park hours by direction of the Board or Director.

b. The Director or designee is authorized to close any park or portion thereof at any time for the protection of park property or for the health, safety, or welfare of the public.

Section 2 - Permits

a. Permits shall be required for the exclusive or special use of all or portions of park areas, buildings, or trails or for use of park areas and facilities when they are closed to the public.

b. Permits shall be required for races, runs and special events not conducted by the County.

c. It shall be unlawful for a person to violate any provisions of a Permit.

d. Permits shall be required for any food or beverage vendor, entertainment, tournament, exhibition or special use.

e. Issuance of Permits shall be established through regulations established by the Director.

f. Issuance of Permits for firewood cutting shall be established through regulations established by the Director.

Section 3 - Use Fee, Failure to Pay

It shall be unlawful for any person to use, without payment, any facility for which a fee is charged, excluding picnic shelters when not otherwise reserved, unless the Director or designee waives the payment.

Section 4 - Vehicle Parking Permits

It shall be unlawful for any person to enter a park (where a vehicle parking permit is required) with a motor vehicle without appropriately displaying a valid annual or daily entry or parking permit unless exempted by special Permit by the Director or designee.

Section 5 - Permits for Motor Vehicles

a. Except as provided in Clause C (below), it shall be unlawful for any person to bring a motor vehicle or be permitted to bring a motor vehicle into Fish Lake Park, Fridays, Saturdays and Sundays between Memorial Day Weekend and Labor Day and on the Memorial Day Holiday, the JULY 4TH (INDEPENDENCE DAY) HOLIDAY and on the Labor Day Holiday, unless it has affixed to its windshield in the lower right-hand corner thereof a motor vehicle parking permit that is provided for hereinafter. The primary purpose for the County requiring parking permits is to assist in parking lot management and access and for crowd control in the park.
b. The County shall issue without charge a County Motor Vehicle parking permit to any County employee who, while performing official duties, must enter places where the County requires motor vehicle park permits. The County employee shall display the permit on his motor vehicle in the same manner as County park permits are displayed. A motor vehicle displaying only a County employee’s permit may not enter a place where park permits are required if the vehicle is used for purposes other than performing official duties.

c. No motor vehicle park permit shall be required for County-owned vehicles when brought to the park for performing official duties.

d. The requirement for permits for motor vehicles to enter Fish Lake Park also is applicable for vehicles towing boats into the park to use boat launch facilities.

Section 6 – Motor Vehicle Park Permits

The Director of the Chisago County Parks System shall procure motor vehicle park permits for each calendar year that shall grant permission to park a motor vehicle at the County park facilities during times requiring said permits. Permits for each calendar year shall be provided and placed on sale on and after May 1st of each year and may be affixed and used on or at any time after that date until the end of the calendar year for which issued. The specific fees to be charged for the motor vehicle park permits to be issued hereunder shall be set by resolution of the Chisago County Board.

CHAPTER III - REGULATION OF GENERAL CONDUCT - PERSONAL BEHAVIOR

Section 1 – Drug, Alcohol, Tobacco and Vaping Use

It shall be unlawful for any person to:

a. Serve, possess or consume any alcoholic beverage within a park in violation of Minnesota Statutes; or
b. Serve, possess, or consume any alcoholic beverage, except beer and wine within a park, unless otherwise authorized by special Permit; or

c. 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; or

   d. Inhale, breathe, or drink or be or become intoxicated by reason of inhaling, breathing, or drinking any substance defined as “glue”; or

e. Sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age; or

   f. Purchase or attempt to purchase any alcoholic beverage, if under the age of 21; or

   g. Induce a person under the age of 21 years to purchase or procure any alcoholic beverage; or

   h. Possess or bring beer or wine into a park in kegs, barrels, or case lot quantities; or

   i. Sell, buy, give, receive, or consume any beer or wine on county park properties set aside or designated by the Director as a parking area, park road, or trail; or

   j. Possess or bring beer or wine into a park in kegs, barrels, or case lot quantities; or

   k. Sell, buy, give, receive, or consume any beer or wine on county park properties set aside or designated by the Director as a parking area, park road, or trail; or
j. Consume or display any alcoholic beverage at sites where the Parks and Trails Department or its agent is a licensed vendor of alcoholic beverages, unless purchased at that site, or authorized by special County Permit.

k. Vape, use tobacco products or electronic cigarettes within 100 feet of any beach or playground, restroom or other location as designated.

Section 2 - Gambling

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

Section 3 - Public Nuisance/Personal Conduct

It shall be unlawful for any person to:

a. Intentionally expose his or her genitals, pubic area, buttocks, or female breast below the top of the areola, with less than a fully opaque covering while wading, swimming, or using any beach or other areas within a park, if five (5) years of age or older; or

b. Conceal their identity in a public place by means of a robe, mask, or other disguise, unless incidental to amusement or entertainment or weather protection, is guilty of a misdemeanor; or

c. For purposes of this ordinance, Minnesota Statutes Chapter 609, Sections 609.705, 609.71, 609.713, 609.715, 609.72, 609.74, are hereby incorporated by reference and are listed as follows:

i. 609.705 Unlawful Assembly - When three or more persons assemble, each participant is guilty of unlawful assembly, which is a misdemeanor, if the assembly is:
   1. With intent to commit any unlawful act by force; or
   2. With intent to carry out any purpose in such manner as to disturb or threaten the public peace; or
   3. Without unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace.

ii. 609.71 Riot - When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to person or property, each participant therein is guilty of riot and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $1,000, or both; or if the offender, or to the offender's knowledge any other participant, is armed with a dangerous weapon or is disguised, to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

iii. 609.713 Threats of Violence
   1. Subdivision 1. Whoever threatens to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience may be sentenced to imprisonment for not more than five years.
2. Subdivision 2. Whoever communicates to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or an incendiary device is present at a named place or location, whether or not the same is in fact present, may be sentenced to imprisonment for not more than three years.

iv. 609.715 Presence at Unlawful Assembly - Whoever without lawful purpose is present at the place of an unlawful assembly and refuses to leave when so directed by a law enforcement officer is guilty of a misdemeanor.

v. 609.72 Disorderly Conduct
1. Subdivision 1. Whoever does any of the following in a public or private place, knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, is guilty of disorderly conduct, which is a misdemeanor.
   a. Engages in brawling or fighting; or
   b. Disturbs an assembly or meeting, not unlawful in its character; or
   c. Engages in offensive, obscene, or abusive language or in a boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others.

vi. 609.74 Public Nuisance - Whoever by an act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:
1. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
2. Interferes with, obstructs or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
3. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

Section 4 - Property of Others

It shall be unlawful for any person to intentionally disturb, harass, or interfere with a park visitor’s property or the property of an employee or contractor of the Chisago County Parks and Trails Department.

Section 5 - Littering/Dumping

It shall be unlawful for any person to:

a. Deposit, scatter, drop, dump, dispose, or abandon in a park: bottles, cans, broken glass, hot coals, ashes, paper, boxes, cans, dirt, rubbish, garbage, sewage, waste or other material, except in receptacles provided for such purposes; or

b. Dispose, dump or deposit any residential, household or yard waste or commercial waste or commercial debris in a park, except yard waste at county designated compost sites, in accordance with compost site rules and regulations; or
c. Leave or store personal property in any park outside of park hours without a Permit.

Section 6 - Possession and Use of Firearms/Dangerous Weapons/Fireworks/Hunting

It shall be unlawful for any person to:

a. Have in their possession, fire, discharge, or cause to be fired or discharged across, in, or into any portion of a park or park preserve, any gun or firearm, spear, bow and arrow, crossbow, sling shot, air or gas weapon, or any other dangerous weapon or projectile, except in areas and at times designated by the Board or Director for such use, or with a Permit; or

b. Possess, set off, or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns, or other pyrotechnics without authorization from the Board or Director; or

c. Engage in hunting or the taking of wild animals as defined in Minnesota Statute 97A.015, subdivisions 55, 47 and 26, within any park or park preserve, except in areas provided and designated for that purpose or, without having a Permit from the Board or the Director.

Section 7 - Interference with Employee Performance of Duty

It shall be unlawful for any person to impersonate any employee or contractor of Chisago County or interfere with, harass, or hinder any employee or contractor in the lawful discharge of their duties.

CHAPTER IV - REGULATIONS ABOUT GENERAL PARKLAND OPERATION

Section 1 - Commercial Use/Solicitation/Advertising/Photography

It shall be unlawful for any person to:

a. Solicit, sell, or otherwise peddle any goods, wares, merchandise, services, liquids, or edibles in a park except by authorized concession or written permission granted by Permit from the Board, the Director or designee; or

b. Operate a still, motion picture, video, or other camera for commercial purposes in a park without permission granted by the Board, the Director or designee; or

c. Expose, distribute, or place any sign, advertisement, notice, poster, or display in a park without authorization from the Director or designee.

Section 2 - Pets in Parks

It shall be unlawful for any person to:

a. Bring a pet into a park, unless controlled on a leash, or unless in a dog park established for off-leash uses; or

b. Permit a pet to disturb, harass, or interfere with any park visitor or a park visitor's property, property of a park employee, contractor of the county, or park wildlife; or

c. Tether any animal to a tree, plant, building, or park equipment; or
d. Operate a dog sled, skijoring device, or any other sled/ski equipment pulled by a pet or other animal except on designated trails for dog sleds at dates and times designated by a permit; or

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

f. For any person to intentionally abandon or release any animal, living or deceased, within the boundaries of Chisago County Parks; or

g. For any person to leave intentionally any animal in circumstances likely to endanger the health and safety of the animal or to disturb, anger, alarm, or annoy other park users.

Section 3 - Noise/Amplification of Sound

It shall be unlawful for any person to:

a. Install, use, or operate or permit the use or operation within park boundaries any of the following devices:
   i. Loudspeaker or sound amplifying equipment without authorization by Permit; or
   ii. Radios, compact disc players, digital music player, audio or video devices, televisions, 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 without authorization by Permit; or
   iii. Willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise that disturbs the peace and quiet within any park or which causes discomfort or annoyance to any reasonable park visitor of normal sensitivity.

The standards that shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

1. Level of the noise.
2. 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.
9. Interpretation of these criteria by staff of the County Parks Department, by other enforcement officers or by law enforcement officers shall allow, deny, or control level of sound amplifying equipment by park users.
Section 4 - Fires

It shall be unlawful for any person to:

a. Start a fire in a park, except in a designated area and then only in fire rings, portable stoves or grills; or any other use exclusively allowed by Permit; or

b. Leave a fire unattended or fail to fully extinguish a fire; or

c. Scatter or leave unattended lighted matches, burning tobacco, paper, or other combustible material.

Section 5 - Aviation

It shall be unlawful to use park property for a starting or landing field for aircraft, hot air balloons, parachutes, hang gliders, or other flying apparatus, unless otherwise authorized by Permit.

Section 6 - Assembly, Meetings, Speeches, Demonstrations, Religious Services, Parades

It shall be unlawful for any person to conduct public meetings, assemblies, worship services, entertainment, parades, or demonstrations within a park without a Permit.

Section 7 - Amusement Devices

It shall be unlawful to bring in, set up, construct, manage, or operate any amusement or entertainment device or gadget without a Permit.

Section 8 - Unlawful Occupancy

It shall be unlawful for any person to enter any building, installation, or area that may be under construction, locked or closed to public use; or to enter or be upon any building, installation, or area after the posted closing time, before the posted opening time, or contrary to posted notice in any park without a Permit.

Section 9 - Engine-Powered Models and Toys

It shall be unlawful for any person to start, fly, or use any fuel-powered model aircraft, model boat or model car, or rocket or like-powered toy or model except at those areas or waters designated by the Director for such use, or without a Permit.

Section 10 – Use of Drones and Small Unmanned Aircraft

The County follows strict regulations for the use and operation of drones and small-unmanned aircraft in Chisago County parks. These regulations apply to all aircraft weighing more than 0.55 pounds and less than 55 pounds, including payloads such as on-board cameras. The regulations for flying or operating drones or small-unmanned aircraft in County parks are:

a. Any person using or operating drones or small-unmanned aircraft shall follow the current operational limitations and rules set by the FAA (Federal Aviation Administration).
b. No flying or operating of aircraft within a five-mile radius of any airport.
c. All such aircraft must fly below 400 feet altitude.
d. The operator must keep the drone or unmanned aircraft in sight at all times.
e. All such flights must give way to manned aircraft.
f. There shall be no flying over groups of people, sports fields and beaches when in use, or over parking lots or sporting events.
g. There shall be no flying near emergency response efforts or activities.
h. All owners or operators of drones or small unmanned aircraft must have registered their drone or aircraft with the FAA and provide proof of such if requested by a County employee or an enforcement agent.
i. Notwithstanding the above regulations, the County reserves the right to require the owner or operator of a drone or a small unmanned aircraft to cease flight operations if an enforcement officer or a County staff person determines the flight patterns or operations are causing a nuisance or it is being flown in a reckless or in an unsafe manner.
j. There shall be no drone flights in or over parks or trails the County has posted as “no-fly zones.”

CHAPTER V - PROTECTION OF PROPERTY, STRUCTURES AND NATURAL RESOURCES

Section 1 - Disturbance of Natural Features

It shall be unlawful for any person to:

a. Intentionally remove, alter, injure, or destroy any tree, plant, rock, soil, or mineral without a Permit; or
b. Dig trenches, holes, or other excavations in a park without a Permit; or
c. Introduce any plant or other agent within a park without a Permit.

Section 2 - Disturbance of Wildlife

It shall be unlawful for any person to:

a. Kill, trap, hunt, remove, harass, annoy, pursue, or in any manner disturb or cause to be disturbed, any species of wildlife, except as permitted in designated areas; or
b. Release or abandon any animal within a park without a Permit; or
c. Feed any wildlife in a park without permission of the Director or designee; or
d. Remove any animal, living or dead, from a park without a Permit and any animal so removed or taken contrary to the provision of this ordinance or laws of the State of Minnesota, shall be considered contraband and subject to seizure and confiscation.

Section 3 - Destruction/Defacement of Park Property/Signs/Structures

It shall be unlawful for any person to:

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

c. Remove any cultural artifacts from any park by any means, except by Permit.
d. Climb trees or other natural growths or flagpoles or buildings or structures, unless specifically designed and constructed for that purpose.

Section 4 - Release of Harmful or Foreign Substance

It shall be unlawful for any person to:

a. Place any debris or other pollutant in or upon any body of water in or adjacent to a park or any tributary, stream, storm sewer, or drain flowing into such waters; or
b. Release a pesticide in or upon any park land except as permitted by the Board or Director; or

c. Discharge any wastes in a park; or
d. Discharge any waste water except into a designated dumping station; or
e. Bring any material into a park that the State of Minnesota or any other agency with lawful powers deems to be a hazard to the natural environment, park facilities, or visitors.

Section 5 - Interference of Park Property

It shall be unlawful for any person or any adjacent property owner to establish, build or maintain an encroaching structure or activity, such as a fence or garden, on park property except by authorized Permit.

CHAPTER VI - REGULATION OF RECREATIONAL ACTIVITY

Section 1 - Camping

It shall be unlawful for any person to:

a. Camp in a park except in areas provided and designated for that purpose; or
b. Camp without a Permit issued by the Parks and Trails Department, except in those campsites that do not expressly require a Permit; or
c. Occupy camp sites in a park contrary to a Permit or otherwise violate provisions of a Permit; or
d. Operate any vehicle within a campground during posted curfew hours, except in emergencies; or
e. Cut or gather living wood; or
f. Conduct picnic activities at a campground or any designated campsite without a Permit to camp, or
g. Camp in a park campground for more than two (2) consecutive days without written permission from the Director or designee, or
h. Build fires outside of designated fire rings; or
i. Place tents anywhere except on designated tent pads; or
j. Make noise that disturbs others. The hours between 10:00 PM and 8:00 AM are designated quiet hours.
The violation of any of these camping regulations may result in immediate removal from the park as directed by the Director, his designee or an enforcement officer and/or constitutes a violation of this ordinance that includes possible penalties as prescribed herein.

Section 2 - Picnicking

It shall be unlawful for any person to:

a. Assume use of a picnic shelter if the area is reserved by a permitted group; or
b. Conduct picnic activities at reservation picnic sites contrary to a Permit or otherwise violate provisions of a Permit; or
c. Conduct picnic activities at a county campground or any designated campsite without the intention of camping and obtaining a Permit to camp, or
d. Set up temporary shelters, tents, tarps, canopies and other such devices that are greater than 150 square feet in area without a Permit; or
e. Destroy or remove a Permit posted at a park facility.

Section 3 - Swimming/Beaches/Aquatic Facilities

It shall be unlawful for any person to:

a. Fail to obey posted safety rules established by the Board or Director at any swimming area, beach, or water park; or
b. Wade or swim within a park except in such areas specifically designated by signs and buoys for such use; and only between the dates and hours posted; or
c. Occupy a swimming area that is designated for the exclusive use by a contractor, licensee and/or lessee of Chisago County, including, but not limited to, designated day camp swimming facilities without permission of the operator or the Director; or
d. Take glass containers, or glass of any kind, except eye glasses into designated swimming area, beach, or aquatic facility without approval by the Director or his designee; or
e. Use within a designated swimming beach area, any inner tube, life raft, or other inflatable or buoyant object or flotation device intended to support a person, except a United States Coast Guard approved Type I, II, III, or V personal flotation device may be used when it is properly secured, of the proper size, and undamaged; or
f. Throw sand, mud, rocks, or any other dangerous objects on the beach or in the water that could cause injury to others; or
g. Swim beyond boundary buoys or markers; or
h. Fish or operate boats or watercraft in an area designated for swimming.
Section 4 - Scuba Diving and Snorkeling

It shall be unlawful for any person to:

a. Scuba dive or snorkel in a park in violation of Minnesota Statutes, Chapter 86B “Water Safety and Watercraft Safety”; or
b. Scuba dive or snorkel in a designated swimming area, pool, or aquatic facility unless authorized by Permit; or
c. Scuba dive or snorkel within 100 feet of watercraft access point; or
d. Conduct scuba diving instruction from a park without a Permit.

Section 5 - Boating

It shall be unlawful for any person to:

a. Launch or land any watercraft upon any waters within a park except at designated locations and times or by Permit; or
b. Leave any watercraft unattended except in designated areas; or
c. Operate any watercraft in a designated swimming area or other prohibited area; or
d. To launch or operate a watercraft in a park in violation of Minnesota Statutes, Chapter 86D, and rules/regulations adopted based thereon; or
e. Tow a person on water skis, inner tube, or any other device; or use a surfboard, kneeboard, or other water recreation device in a designated swimming area, boat launching area, or other unauthorized area; or
f. Launch or operate any watercraft in violation of rules and regulations controlling surface water use as established by the Board or Minnesota Department of Natural Resources; or
g. Operate a watercraft in such a manner that its wash or wake will endanger, harass, or interfere with any person or property.

Section 6 - Fishing

It shall be unlawful for any person to:

a. Fish in a park in violation of any provisions of Minnesota Statutes, Chapter 97C; or
b. Fish in a prohibited area; or
c. Leave any structure, shelter, or ice house upon a frozen body of water in a park after sunset, except in such areas and times as may be designated by the Director; or
d. Clean fish and dispose of the remains except at a facility provided for that purpose.

Section 7 - Horseback Riding

It shall be unlawful for any person to:

a. Ride, lead, or allow a horse within a park except in designated areas or trails at designated hours; or
b. Ride, lead, or allow a horse on any hard surface, roadway, or trail except at designated trail crossings; or

c. Ride a horse in a reckless manner so as to create a nuisance or endanger the safety or property of any park visitor; or

d. Tether a horse to a tree, other plant, building, or park equipment in situations likely to endanger natural habitat; or

e. Allow a horse to graze on growing grasses or browse on seedlings, trees, shrubs or bushes.

Section 8 - Bicycling

It shall be unlawful for any person to:

a. Operate a bicycle, except on designated trails and roadways and except as close to the right-hand side of bike trail or roadway as conditions permit; or

b. Operate a bicycle in violation of Minnesota Statutes, Chapter 169, “Minnesota Traffic Regulations”; or

c. Ride or operate a bicycle except in a prudent and careful manner or at a speed faster than is reasonable and safe with regard to the safety of the operator and other persons on a trail, or in the immediate area; or

d. Ride a bike in excess of a posted speed limit; or

e. Park or leave a bicycle on any beach, in any county building, or in any picnic shelter, or in any other area where likely to endanger the health and safety of the public.

Section 9 - Snowmobiling

It shall be unlawful for any person to:

a. Operate a snowmobile in a park except on designated trails and then only on the right-hand side of the trail; or

b. Operate a snowmobile in a park contrary to rules and regulations established by the Director; or

c. Operate a snowmobile in a park in excess of posted speed limits, at a rate of speed greater than reasonable or proper under current condition, or in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto; or

d. Operate a snowmobile in violation of Minnesota Statutes, Section 84.81-84.90 “Snowmobile Laws” and Minnesota Rule 6100 “Snowmobile Rules and Regulations” (all rules and regulations therein pertaining to ‘public land and water’ shall apply on park property); or

e. Tow another person or thing, except in emergencies and only through the use of a rigid tow bar attached to the rear of the snowmobile; or

f. Operate a snowmobile in violation of any posted trail sign; or

g. Operate a snowmobile with metal traction control devices, including carbide studs, on the Sunrise Prairie and on the Swedish Immigrant Regional Trails except for designated snowmobile trail crossings. Law enforcement officers are exempt from this provision in the performance of their duties; or
h. Operate a snowmobile on the paved portion of the Sunrise Prairie and on the Swedish Immigrant Regional Trails except areas groomed as part of the official snowmobile trail bridges and designated snowmobile trail crossings.

Section 10 - Cross-Country Skiing and Skijoring

During the cross-country ski season, it shall be unlawful for any person to:

a. Cross-country ski or skijor in any park except on designated trails at designated times; or
b. Conduct a race or event on park cross-country ski trails or skijor trails without a Permit from the Director or designee; or
c. Cross-country ski or skijor in a park in violation of Minnesota Statutes, 1983 Supplement, Section 85 - “Cross-Country Ski License”; or
d. Use a designated cross-country ski trail or skijor trail for any purpose other than cross-country skiing or skijoring except by special Permit or on those trails and times so designated by the Director; or
e. Operate a dog sled or any motorized recreation vehicle on cross-country ski trails, or operate a motorized recreation vehicle on a skijor trail except by special Permit from the Director or their designee; or
f. Cross-country ski or skijor on park trails contrary to rules and regulations issued by the Director or in violation of any posted trail sign.

Section 11 - Other Winter Activities

It shall be unlawful for any person to ice skate, sled, coast, snowshoe, snowboard, or downhill ski except at designated times and places.

Section 12 - Golfing

It shall be unlawful for any person to strike or propel a regulation golf ball, plastic type golf ball, or similar object using a golf club or comparable device in any area of a park not designated for such purpose. All patrons shall abide by the rules and regulations established by the Director or designee and posted at the site.

Section 13 - Roller Skating/In-line Skating/Skateboarding

It shall be unlawful for any person to:

a. Roller skate in a park, including the activities of skateboarding and in-line skating, except on paved bike/hike trails unless posted otherwise; or
b. Roller skate/in-line skate or skateboard 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 other persons in the immediate area; or
c. Roller skate/in-line skate or skateboard except as close to the right-hand side of the authorized trail as conditions permit or cross to the left of a center line; or
d. Intentionally cause damage to any park facility in the act of roller skating or in-line skating;
or

c. Roller-skate, including the activities of skateboarding, in-line skating, and roller-skating, in a park building, stairway, railing, picnic table or other park structure.

Section 14 - Geocaching

It shall be unlawful for any person to place inappropriate or illegal materials in a geocache in a County park or trail. All geocache materials are subject to removal by County staff.

Section 15 - Disc Golfing

It shall be unlawful for any person to play disc golf in a park except in areas and at times designated by the Board or Director.

Section 16 - Regulations for Use of Other Power-Driven Mobility Devices (OPDMD) in Chisago County Parks, Properties and Trails

A. INTRODUCTION

1. These regulations ("regulations") address the use of other power-driven mobility devices ("OPDMDs") by individuals with mobility disabilities on (1) properties owned by Chisago County and managed by the Chisago County Environmental Service’s Parks and Trails Division (CCPTD) and (2) properties managed by CCPTD under a lease, easement or use agreement. These properties are collectively referred to in these regulations as "CCPTD Properties." For (1) properties acquired with CCPTD funds that have been conveyed to Chisago County and (2) properties owned by the County and leased or licensed to the Parks and Trails Division for park and trail purposes, the lessee or licensee shall be responsible for regulating the appropriate use of OPDMDs.

2. The use of OPDMDs on CCPTD Properties is governed by 42 U.S.C. 126, Subchapter II, Part A of the Americans with Disabilities Act of 1990, as may be amended (the "Act"), and 28 C.F.R. Part 35, as amended by the final rule published on September 15, 2010. These Guidelines specifically pertain to the provisions of Sections 35.101 through 35.150 of 28 C.F.R. Part 35 (the "Regulations"). The relevant provisions of the Act and the Regulations are included in the Appendix to these Guidelines.

3. An OPDMD is defined as "any mobility device powered by batteries, fuel, or other engines— whether or not designed primarily for use by individuals with mobility disabilities— is used by individuals with mobility disabilities as a substitute for walking and for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMD), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section." This regulation also defines a "wheelchair" as "a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion."
B. APPLICATION OF THE REGULATIONS TO CCPTD PROPERTIES

1. CCPTD manages over 2000 acres of land and many miles of public trails in Chisago County. The vision of the CCPTD Program is to develop “a park and trail system focusing on diverse natural resources and the recreational needs of Chisago County residents and visitors.” The unregulated use of OPDMDs on CCPTD Properties has the potential to create a risk of harm to the environment and natural resources of CCPTD Properties and may fundamentally alter the nature of the CCPTD Program without proper regulation.

2. CCPTD parks and trails provide sites for outdoor, natural and safe recreation experience for its users while protecting the natural environment. This aspect of the Program is expressed in the mission statement in the County Parks and Trails Comprehensive Plan. “Encompass the protection of the natural environment and resources, balancing the demand for recreation with the need for conservation, offer recreation opportunities that encourage healthy lifestyles and provide safe and accessible place for leisure time activities while improving the health of citizens and supporting a strong local economy.” Trails have been located and developed to optimize user safety and outdoor experience and to limit natural resource damage. The types of terrain, habitats and natural resources vary considerably throughout the CCPTD Properties. Inherent risks to users of CCPTD Properties include (1) rough, steep, and weather-impacted trails, (2) unimproved topographic hazards like cliffs, ravines, loose or falling rocks and (3) user conflict due to, for example, high traffic, user speed differentials, narrow trail widths and limited sight distances. The unregulated use of OPDMDs on CCPTD Properties may increase these inherent safety risks to all users and fundamentally alter the nature of the CCPT Program without proper regulation.

C. SAFETY REQUIREMENTS AND CRITERIA FOR USE OF OPDMDs ON CCPTD PROPERTIES

1. Except as set forth below, the use of OPDMDs in a Park is unlawful.

2. A person with a mobility disability may use an OPDMD on all paved, aggregate or natural surface trails, including access routes to County Park buildings and facilities.

3. Individuals with a mobility disability also may use OPDMDs within open picnic shelters when safe and prudent to do so and when associated with a use of that facility.

4. Individuals with a mobility disability also may use OPDMDs in other areas of County Parks with the prior approval of the Director.

5. All individuals using OPDMDs in Chisago County Parks and Trails shall be subject to the following safety requirements and criteria:
a. An OPDMD may only be operated on trails with grades (slopes) of 12% or less.
b. An OPDMD may be up to 32 inches wide.
c. An OPDMD may be up to 6 feet long.
d. An OPDMD may weigh up to 150 pounds (excluding the user’s weight).
e. An OPDMD must be electric powered.
f. The user must operate the OPDMD at a safe speed. When other users are present on a trail, a safe speed for an OPDMD is deemed the average speed at which the other users are travelling on the trail. The maximum speed for an OPDMD when other users are present is 5 mph. When other users are not present, the maximum speed for an OPDMD is 10 mph.
g. An OPDMD must have the capacity to negotiate trail features safely and obstructions such as steps and other vertical displacements, water dams, loose gravel and rocks.

CHAPTER VII - REGULATION OF MOTORIZED VEHICLES, TRAFFIC AND PARKING

Section 1 - Motorized Recreation Vehicles

It shall be unlawful for any person to use a self-propelled vehicle, including, but not limited to, motor vehicles as defined in Minnesota Statutes. Chapter 169, other self-propelled vehicles, motorized skateboards and scooters, go-carts, snowmobiles and all-terrain vehicles (ATVs), within county parks, except on established roadways, trails or other areas designated for such purpose within said parks except by Permit from the Director or designee.

Section 2 - Vehicle Operation

It shall be unlawful for any person to:

a. Operate a vehicle at a speed in excess of 25 miles per hour or posted speed limits; or
b. Operate any vehicle within a park except upon roadways, parking areas, or other designated locations; or

c. Operate a vehicle within a park in violation of posted regulations, Minnesota Statutes, Chapter 169, or municipal traffic codes, or orders or directions of traffic officers or park employees authorized to direct traffic; or

d. Operate a vehicle in a careless or reckless manner; or

e. Operate a vehicle that emits excessive or unusual noise, noxious fumes, dense smoke, or other pollutants; or

f. Fail to yield right-of-way to pedestrians.
Section 3 - Parking Vehicles

It shall be unlawful to:

a. 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, unless authorized by Director or designee; or
b. Leave a vehicle standing after posted hours in any area of a park without a Permit issued by the Director or designee; or in a campground after posted closing hours without a valid camping Permit; or at a boat launch except for the purpose of nighttime angling where permitted; or canoe or carry-in camping by special Permit; or at those areas and times as so designated by the Director; or

c. Park in a space designated for handicapped parking only, except with handicapped license or Permit; or

d. Park or leave a vehicle without a boat trailer in a parking space designated for vehicles with boat trailers; or

e. Park a vehicle with a boat trailer except in designated boat trailer parking areas.

Section 4 - Maintenance of Personal Vehicles

It shall be unlawful for any person to wash, polish, grease, change oil, or perform other maintenance on any vehicle on park property except in emergencies and only when authorized by the Director or designee.

CHAPTER VIII - ENFORCEMENT

Section 1 - Officer Authority

a. The Chisago County Sheriff, local police, other law enforcement officers, and County employees shall have the authority to enforce the provisions of this ordinance.

b. The Director and County personnel shall uphold, in connection with their prescribed duties, the provisions of this ordinance and, except as limited by the Director or his designee, issue warnings and eject from a park, persons acting in violation of this ordinance.

c. The Director and County personnel, in connection with their prescribed duties, shall have the authority to seize and confiscate any property, thing or device in any park used in violation of any of the provisions of this ordinance.

Section 2 - Fines and Penalties

A person guilty of violating any provision of this ordinance shall be guilty of a misdemeanor and may be punished by a fine and/or by imprisonment. All fines collected under this ordinance shall be deposited in the county park fund to the extent authorized by the State of Minnesota or other legally designated authority.
Section 3 - Additional Rules and Regulations

The Director shall have the right to issue rules, regulations and policies relative to this ordinance.

Section 4 - Impoundment of Pets

Chisago County Parks and Trails Department staff shall have the authority to impound or contain pets found running at large.

Section 5 - Permit Revocation

The Director or his designee shall have the authority to revoke for good cause any Permit. Any Permit or reservation may be revoked upon violation by the permittee of any ordinance, rule, or regulation of Chisago County.

Section 6 - Employee Performance of Duty

Nothing in this ordinance shall prevent employees or agents of the county from performing their assigned duties.

Section 7 - Closing of Park Roads, Trails, and Other Areas

The County Parks Director or his designee shall have the power to close without notice any county park roadway, trail, or other area within the county park system provided these areas are not part of:

1. The county highway system,
2. The county state aid highway system, or
3. A local road system.
CHAPTER IX - MISCELLANEOUS

Section 1 - Conflict

This ordinance amends and restates all previous Park ordinances, which are hereby repealed.

Section 2 - Enactment

This ordinance shall be in full force and effect from and after its passage approval and publication by the Chisago County Board of Commissioners.

Section 3 - Captions and Headings

The captions and headings used herein are for convenience of reference only and do not define or limit the contents of each paragraph.

Section 4 - Severability

The provisions of this ordinance shall be deemed to be severable and the invalidity or unenforceability of any provisions shall not affect the validity and enforceability of the other provisions hereof.

Section 5 - Amendments

This ordinance may be amended from time to time by the County Board and such amendment may be shown by either marking the section amended, attaching the amendment to this ordinance, reprinting the ordinance publication, or filling in the below schedule of information.

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<th>DATE</th>
<th>CHAPTER</th>
<th>SECTION</th>
<th>AMENDMENT TITLE OR DESCRIPTION</th>
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CHAPTER X - AMENDING/REPEALING OLD ORDINANCES/EFFECTIVE DATE

This ordinance amends and restates all previous ordinances relating to the use of county park property thereby repealing said ordinances and shall be in full force and effect from and after its passage, by the Chisago County Board of Commissioners and publications according to laws.

Passed by the Board of Commissioners of Chisago County, Minnesota, the 21st day of June 2017.

Attest: Chase Burnham
Clerk of the Board

Ben Montzka, Chair