

COUNTY OF JACKSON, STATE OF MINNESOTA

ORDINANCE NO. 102

AN ORDINANCE REGULATING THE USE OF PARKS UNDER THE JURISDICTION
OF THE JACKSON COUNTY PARK COMMISSION.

WHEREAS, Jackson County has established County Parks and a County Park System, following the creation by Ordinance of a County Park Commission;

WHEREAS, Authority for regulating the use of Parks was granted to the Board of County Commissioners by the provisions of Minn. Stat., Subd. 398.34; and

THEREFORE, A public hearing, after due notice, as provided in the aforesaid Subdivision, has been conducted in regard to this Ordinance,

Pursuant to Minnesota Statutes, section 375.51, The County Board of Jackson County ordains:

Section 1.a. Purpose. The purpose of ordaining these rules and regulations is to afford a means of maintaining and enforcing the orderly use of County Parks under the jurisdiction of the Jackson County Park Commission, Jackson County, Minnesota.

Section 1.b. Application. The following rules and regulations shall apply to County Parks and all other areas under the jurisdiction of the Jackson County Park Commission, Jackson County, Minnesota.

Section 1.c. Construction. In the interpretation of this and all succeeding park ordinances, the provisions shall be construed as follows:

- (1) Any term in the singular shall include the plural.
- (2) Any term in the masculine shall include the feminine and neuter.
- (3) Any requirement or prohibitions of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- (4) No provisions hereof shall make unlawful any act necessarily performed by an officer or employee of the County in line of duty or work as such, or by any person, his agent or employees, in the proper and necessary execution of the terms of any agreement with the County.

Section 1.d. Penalty. Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor, punishable by imprisonment in the County Jail for not more than 90 days or by a fine of not more than \$1,000, or both for each violation of this ordinance. In addition, any person who shall violate any provision of this ordinance may be required to immediately leave the Jackson County Parks.

Section 1.e. Separability. Every section, provision or part of this Ordinance is declared separable from every other section, provision, or part thereof, to the extent that if any section, provision or part of this Ordinance shall be held invalid by a Court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

Section 2. Definitions. For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (1) **Adult** means a person age 18 or older.
- (2) **Animal** is any cat, dog, horse, fowl, or any other living creature.
- (3) **Applicant** shall mean any person or organization seeking a permit to use or conduct an activity in a park.
- (4) **Careless** means to operate a vehicle heedlessly in disregard to the safety of the operator or others.
- (5) **County** is the County of Jackson, Minnesota.
- (6) **Park** is a park in the County owned or used by the County, and devoted to active or passive recreation.
- (7) **Parks Department** means the Jackson County Parks, Planning and Environmental Services Department.
- (8) **Permit** shall mean written permission issued by or under the authority of the Director of Park Department permitting a use, event, or activity at a County park.
- (9) **Person** is any persons, firm partnership, association, corporation, company or organization of any kind.
- (10) **Registered** shall mean person(s) whom are listed on both the Jackson County Parks Camping Registration envelope and listed on the receipt displayed on the site post.
- (11) **Sheriff Department** means the Jackson County Sheriff or any member of the Sheriff’s Department.
- (12) **Vehicle** is any conveyance, whether motor powered, animal-drawn, or self-propelled, and also, includes snowmobiles. The term shall include any trailer in tow of any size, kind of description. Exception is made for wheelchairs, baby carriages and vehicles owned or leased by Jackson County.

Section 3.a. Hours. All Jackson County parks are open from 6:00 a.m. until 11:00 p.m..

Except with permission from the Parks Department or Sheriff’s Department no person shall enter, remain in or be in any park between the hours of 11:00 p.m. and 6:00 a.m. except:

- (1) Registered campers may in the park in which they are camping between the hours of 11:00 p.m. and 6:00 a.m. as long as they are compliant with the quiet time restrictions.
- (2) Between the hours of 11:00 p.m. and 6:00 a.m. the public may enter parks to go directly to and from the boat launch and nearest parking lot for lake access for fishing or hunting purposes. Recreational boaters may use the boat launch and roads to directly exit the park from a lake.

Section 3.b. Quiet Hours. Shall be enforced in all designated County Campgrounds from the hours of 11:00 p.m. to 6:00 a.m. Any conduct which may adversely affect the stay of other campers within the campground during that time will be considered in violation of this Ordinance.

Section 4. Prohibited Conduct Generally. It shall be unlawful, except with express written permission from the Director of the Park Department, for any person in a public park to:

- (1) Mark, deface, disfigure, injure, tamper with or remove any buildings, bridges, tables, benches, fireplaces, fire-rings, railings, paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (2) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means.
- (3) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or access such lands, except with a written permit.
- (4) Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.
- (5) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which may result in the pollution of said waters.
- (6) Take into, carry through, or put into any park, any rubbish, refuse, garbage or other materials. Such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- (7) Leave any glass beverage container in any park or leave any broken glass in a park.
- (8) No kegs or half kegs of alcohol may be possessed in a park.

- (9) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw objects at any animal, wildlife, reptile or bird. Fishing is allowed within the Minnesota Game and Fish Regulations and Laws.
- (10) The curfew ordinance for minor children adopted by the Jackson County Board of Commissioners shall apply in all Jackson County Parks as well.

Section 5. Prohibited Conduct Regarding Vehicles. It shall be unlawful for any person in a public park to:

- (1) Drive any motor vehicle on any area except the park roads or designated parking areas. Campers and their guests may park anywhere within the boundaries of their registered campsite.
- (2) Operate any unregistered vehicle upon park property.
 - a. ATV usage is permissible on park roads subject to all Minnesota Statutes and DNR rules. However, ATV's are only allowed in campground areas if they are traveling directly to or from a specific campsite or boat launch.
 - b. Golf carts (hereinafter "cart") or handicapped motorized scooters (hereinafter "scooter") are allowed only for persons with a signed physician's statement of medical necessity. The form may be obtained from the Jackson County Parks Department. The person for whom the cart or scooter is medically necessary must be on the cart or scooter at any time it is operated within the park. If the cart or scooter is operated after sunset or before sunrise there must be an illuminated amber light that is visible to the front and rear of the cart or scooter. In addition, any cart or scooter being operated in a park must have an orange slow moving triangle affixed in a clearly visible space on the rear of the cart or scooter. Any person operating a cart or scooter in a park must abide by all traffic laws and posted speed limits.
- (3) Cause or allow a vehicle's tires to make a squealing noise or to throw or disturb gravel on the park road surface upon acceleration or operation.
- (4) Operate any vehicle in excess of the posted speed or in any way fail to use due care in the operation of a vehicle.
- (5) This ordinance fully adopts State traffic laws in chapters 168, 169 and 171.

Section 6.a. Weapons. Except as allowed by Minnesota Statute § 624.714 and in Section 6. b. (Weapons, exceptions) of this ordinance, it shall be unlawful for any person to bring into or have in his possession in any park:

- (1) Any pistol or revolver or objects upon which loaded or blank cartridges may be used.
- (2) Any rifle, shotgun, BB gun, air gun, spring gun, slingshot, blow gun, bow and arrow, or other weapon in which the propelling force is gunpowder, a spring or air. Said items may be allowed if unloaded and properly cased during legal hunting seasons.

Section 6.b. Weapons, exceptions. The following exceptions apply to Section 6.a. (Weapons) of this ordinance:

- (1) When on Public Hunting Land, all Minnesota Game and Fish Regulations and Laws regarding the possession and use of weapons shall be followed.
- (2) Paintball guns may be possessed and used in County parks if a written permit, from the Director of the Park Department, is obtained first. They must be used in a safe manner and only in areas specifically designated on the written permit.
- (3) This ordinance fully adopts State fireworks laws.

Section 7. Fires. No person shall kindle, build, maintain or use a fire except in places provided by the Parks Department for such purposes. Any fire shall be continuously under the care and direction of a competent adult from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, boat or vehicle, or under any tree or in underbrush.

Section 8. Camping, Picnic and Shelter Sites. It shall be unlawful for any person in a park to:

- (1) Camp or stay overnight anywhere except with a valid permit in an area designated for camping or staying overnight in vehicles or trailers. Permits shall be authorized by the Parks Department. All permits must be prepaid to be valid.
- (2) Permitted campers need to be off their designated campsite by 4:00 p.m. of the last day of their registration.
- (3) Campers under the age of 18 must be accompanied by an adult who is responsible for supervising them.
- (4) Fail to produce and exhibit any permit claimed to have, upon request of any Parks or Sheriff's Department employee or volunteer who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
- (5) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
- (6) Picnic and shelter sites may not be used to the exclusion of others unless the site was previously reserved with the Parks Department.
- (7) Sites designated as "Handicapped Accessible" may not be used for more than seven (7) consecutive nights by a camping party who does not possess a valid, state issued handicapped parking permit.

Section 9. Amplified Music.

- (1) **Generally.** Radios, tape players, CD players, MP3 players or other such music/video devices or televisions may be used in the parks as long as they do not disturb other park users.
- (2) **Amplified Sound.** It shall be unlawful to operate any loudspeaker or amplifier or other device by which sounds are magnified and may be heard by persons other than a person using earphones or a hearing aid device unless a written permit is previously obtained from the Jackson County Parks Department and parties are in compliance with all conditions of said permit.

Section 10. Boating. In respect to waters lying within the boundaries of county Parks, and waters extending beyond such boundaries, but lying within 300 feet of that part of the shore of such waters lying within such boundaries, no person shall operate a water craft within a water area which has been marked off or set aside as a swimming or bathing area.

Section 11. Domestic Animals (included but not limited to dogs, cats and horses).

- (1) All solid waste (i.e.: feces) from all domestic animals shall be removed from park property or disposed of in designated trash receptacles.
- (2) All domestic animals shall be on a leash or harness system and under control at all times by the owner.
- (3) Horseback riding is restricted to trails designated for this use, and improved roads.

Section 12. Advertisements. Commercial advertisements shall not be posted, distributed or displayed in any park area, without written authority from the Jackson County Park Commission.

Section 13. Private Operations. No person, association or corporation shall engage in or solicit any business within areas affected by this ordinance, unless authorized in writing by the Jackson County Park Commission, and such sales do not violate any health or sanitary food regulations of the State of Minnesota.

Section 14. Permits.

- (1) **Permits.** Permits for uses in parks required by this ordinance shall be obtained by contacting the Jackson County Parks Department.
- (2) **Revocation.** The Sheriff's Department or Parks Department employees are authorized to revoke a permit immediately upon a finding of a violation of any park rule, ordinance or permit condition.
- (3) **Liability.** Applicant shall be liable for any loss, damage or injury sustained by virtue of the activity conducted pursuant to the permit.

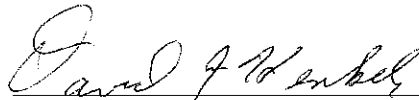
Section 15. Authority of Sheriff's Department and County Parks Department Employees.

- (1) The Sheriff's Department and/or Parks Department shall have the authority to close areas of the parks to the public for construction work in the park, to prevent access to dangerous areas, protect seedlings and plantings, for maintenance purposes, and for natural disasters.
- (2) The Sheriff's Department shall, in connection with their duties, enforce the provisions of this ordinance. They shall have the authority to eject from the park any person acting in violation of this ordinance or any state law. They shall also have the authority to seize and confiscate any property, thing or device in the park which violates this ordinance or any state law.

Section 16. Effective Date. This ordinance shall be in force and effective beginning May 1, 2011.


Duly passed and adopted this 12 day of April, 2011.

Jackson County Board of Commissioners



David J. Henkels, Chairman

Attested to:



By: Janice Fransen, Coordinator

