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ADMINISTRATION PAGE

RESOLUTION
AMENDING THE MARTIN COUNTY PARK ORDINANCES FOR THE
ESTABLISHMENT OF A COUNTY PARKS COMMISSION

SUBMITTED BY:
SCOTT HIGGINS
COUNTY COORDINATOR

April 5, 2007

R-#15/07

RESOLUTION
AMENDING THE MARTIN COUNTY PARK ORDINANCES FOR THE
ESTABLISHMENT OF A COUNTY PARKS COMMISSION

Motion by Commissioner Boler, seconded by Commissioner Schmidtke,

WHEREAS, the Park Board recommended the need to have and formalize an organizational structure to its Park Board; and

WHEREAS, The County Board is, by law, designated with the authority to establish a County Parks Commission by ordinance under Minnesota Statutes 398.36;

WHEREAS, the Martin County Board of Commissioners after proper notice and publication, held a public hearing on February 6, 2007 at the Martin County Commissioners Room to adopt the following amendments:

Section I

The County Parks Commission

- (1) The County Board shall appoint seven members to the Parks Commission. Members of the Commission shall be one citizen from each commissioner district and two at large citizens. One Commissioner and one alternative Commissioner may also be appointed to the Park Board.
- (2) The term of each member shall be for three years. Appointments will be made at the beginning of each calendar year. Members may be eligible at the discretion of the County Board for reappointment.
- (3) The County Board may designate any County Officer, County Employee, or park representative as an ex-officio member of the Commission.
- (4) The Commission may call for the removal of any member for non-performance of duty or misconduct in office. If a member has four consecutive unexcused absences in any one year, the secretary shall certify this fact to the Commission and the Commission shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.
- (5) Should any vacancy occur among the members of the Park Commission by reason of resignation, death, disability or otherwise, immediate notice thereof shall be given to the Chairman of the County Board by the Secretary.
- (6) The members of the Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission.
- (7) The Parks Commission shall elect a Chairperson, a vice-chairperson, and a Secretary from among its members annually. The Chairperson shall preside at all Park Commission meetings. The Vice-chairperson shall preside in absence of the

chairperson. The Secretary shall prepare minutes of the meetings and be responsible for getting these minutes to the Auditors/Treasurers Office for distribution.

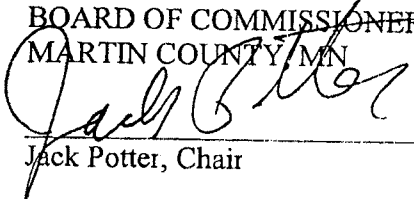
- (8) The County Commissioners may by Ordinance assign additional duties and responsibilities to the Park Commission as they see fit.

WHEREAS, the Martin County Board of Commissioners have determined that the proposed Amendments to the Martin County Park Ordinance serves the best interest of the County of Martin, the organizational structure of the Park Board, and the Martin County Park System; and for the citizens of County of Martin, MN, and

NOW THEREFORE BE IT RESOLVED, that the Martin County board of Commissioners, after due deliberation, voted unanimously to adopt the amendments to the Martin County Park Ordinance for the establishment of a Parks Commission and that it be enacted to establish a County Parks Commission, to govern the operation of the County Parks System as authorized by Minnesota Statute 398.36, and that these amendments to the Martin County Park Ordinances shall be in effect after its passage and approval and publication as required by law.

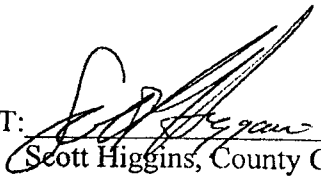
Duly passed and adopted this 6th day of February, 2007.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN



Jack Potter, Chair

ATTEST:



Scott Higgins, County Coordinator

MARTIN COUNTY PARK COMMITTEE

This committee is under the jurisdiction of the Martin County Highway Department and it functions as an advisory group to the County Board of Commissioners regarding the state of the six county parks. Any decisions that concern the parks are recommendations only that are made by the committee. The County Engineer then presents those recommendations to the County Board of Commissioners for a decision.

Currently, there are members on the committee who live close to each of the six parks in the county. These representatives will monitor/oversee the condition of those parks and report to the whole committee at each monthly meeting regarding the status of that park which they are monitoring. The total number of members on the committee has been loosely structured in recent years, but generally is one person per park. People who wish to be part of the Park Committee submit an application to the County Coordinator's office, those are reviewed by the Martin County Highway Department with recommendations made to the County Board of Commissioners, and they approve/disapprove the application(s).

Meetings are held once a month from April or May until October, unless there is business that warrants more meetings. The committee meets to determine what is needed in each park and to report on the status of each park. This may include, but is not limited to removal of trees, gravel on roads, mowing and garbage removal, painting of buildings, toilet repairs, picnic tables, playground equipment and other items that come to the attention of the Highway department maintenance staff or the park maintenance worker.

Historically, some park committee members have submitted expenses for per diem and mileage costs for each park committee meeting. This does not include the paid county administrative staff (engineer and auditor/treasurer) or commissioner(s) who are on the committee but does cover costs for the park maintenance person. These amounts are what the paid county staff or commissioners receive for those expenses.

One of the volunteer committee members has been chair and another has functioned as secretary. The chair can meet with the county engineer to set an agenda for each meeting as needed. The secretary types the minutes and gives them to the county auditor's office within a week of the meeting to be sent out to all committee members. Those are then sent out with a meeting notice: day of week, date, time and location, about 2 weeks prior to the meeting.

The park committee does not have to be an open public meeting, since there is only one public official on the committee (county commissioner). However, the public is not discouraged from attending.

June 2001

May, 2002

MARTIN COUNTY PARKS RULES AND INFORMATION

The following park rules are designed to provide a safe and enjoyable environment for all users. They are taken from the park ordinance passed by the Martin County Board in May 1996. This ordinance is enforceable by all law enforcement personnel and violations are considered misdemeanors. The full ordinance is available from law enforcement personnel or at the county auditor's office at the courthouse.

EMERGENCIES:

Dial 911. Identify your location and the nature of the emergency so that appropriate personnel can be dispatched.

Cedar-Hanson Park, Martin County, Cedar Township, Section 24
Perch Lake Park, Martin County, Westford Township, Section 19

NON-EMERGENCY ASSISTANCE:

Law enforcement concerns should go to Martin County Law Enforcement Center at 507-238-4481. Concerns about matters such as park maintenance should go to the Martin County Highway Department at 507-235-3347.

OVERNIGHT CAMPING:

All motorized, licensed vehicles in the park between 11 p.m. and 7 a.m. must display a **MARTIN COUNTY PARKS windshield sticker**. These can be purchased for \$20 and are good until the end of the calendar year. They can be purchased in three locations:

Martin County Auditor's Office, Courthouse in Fairmont,
8:30-4:30 Monday through Friday

Cenex Convenience Store in Trimont (7 a.m. - 11 p.m.)
Cenex Convenience Store in Truman (24 hours)

Vehicles without stickers will be asked to leave the park and can be ticketed for a misdemeanor violation.

Vehicles left unattended for more than 48 hours will be ticketed and towed.

Persons under the age of 18 are not allowed in the park between 11 p.m. and 7 a.m. unless accompanied by a parent or guardian.

A campsite shall not be occupied continuously for longer than seven (7) days so that park maintenance may be accomplished.

AN ORDINANCE GOVERNING PARKS
UNDER THE JURISDICTION OF THE MARTIN COUNTY BOARD

SECTION I

PURPOSE: The purpose of this ordinance, which is enacted pursuant to Minnesota Statutes, is to secure the quiet, orderly, and suitable use and enjoyment of public park reserves, county recreation areas, county-wide trail systems, wildlife sanctuaries, forests, historical sites, and public access to lakes, rivers, and streams in parks established by Martin County or the State of Minnesota, and to further the safety, health, comfort, and welfare of all persons in the use thereof.

SECTION II

DEFINITIONS: For the purpose of this ordinance, the terms defined in this section shall have the meanings given herein. When not inconsistent with the context, words used in the present tense shall include the future, works in the plural number shall include the singular word, and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "MARTIN COUNTY PARKS" means a park organization in Martin County.
- (2) "BOARD" means the County Board of Commissioners of Martin County, Minnesota.

- (3) **"Park"** means any land or water area, and all facilities thereon, established as a park by Martin County pursuant to Minnesota Statutes.
- (4) **"Park Board"** means the committee appointed by the Board.
- (5) **"Park Visitor"** means any person, firm, partnership, association, corporation, governmental unit, company, or organization of any kind within a park.
- (6) **"Vehicle"** means any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. The terms shall include any trailer in tow of any size, kind, or description. Exception is made for wheelchairs, baby carriages, and vehicles in the service of the Martin County parks.
- (7) **"Motorized recreational vehicle"** means any self-propelled, off-the-road, or all terrain conveyance including but not limited to a snowmobile, minibike, amphibious vehicle, motorcycle, go-cart, trail bike, or dune buggy.
- (8) **"Weapon"** means any device from which shot or a projectile of any type can be discharged by means of an explosive, gas or compressed air or otherwise propelled, including but not limited to firearms, bows and arrows, slings, and spring guns.
- (9) **"Wildlife"** means all living creatures, not human, wild by nature, endowed with sensation and power or voluntary motion including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.
- (10) **"Intoxicating Liquors"** means any liquor which is intoxicating pursuant to Minnesota law and includes ethel alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent of alcohol by weight.
- (11) **"Nonintoxicating Malt Liquor"** means a beverage containing not more than 3.2 percent alcohol by weight.
- (12) **"Drug"** means any substance defined as a controlled substance by Minnesota Statutes or federal law or regulations.
- (13) **"Permit"** shall mean any written license issued by or under the authority of the Board permitting a use, event, or activity in the park organization.
- (14) **"Applicant"** shall mean any person or organization seeking a permit to use or conduct an activity in a park or recreation area.

SECTION III

GENERAL CONDUCT: It shall be unlawful for any person to:

- (1) Use threatening, abusive, insulting, obscene, or indecent language or to act in an indecent manner, or to do any act which constitutes a breach of public peace in a park.
- (2) To use or to have in his possession glass beverage containers, or to use or have in his possession intoxicating liquors or nonintoxicating liquors in container larger than one quart.
- (3) To be under the influence of intoxicating liquors or non-intoxicating liquors or to use, be in possession of, or be under the influence of drugs.
- (4) Disturb, harass, or interfere with any park visitor or any park visitor's property.
- (5) Deposit, scatter, drop, or abandon in any park any bottles, cans, broken glass, sewage, waste, or other material, except in receptacles provided for such purposes.
- (6) Throw, discharge, or place in or upon any lake, stream, creek pond, or other body of water in or adjacent to a park, or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, liquid, solid, or gas.
- (7) Use any land or body of water within a park for a starting or landing field for aircraft, balloons, or parachutes without a permit from the Board, or their authorized representative.
- (8) Start a fire in a park, except a small fire for culinary purposes in a designated area, or fail to fully extinguish such a fire.
- (9) Drop, throw, or otherwise leave unattended in a park lighted matches, burning cigars, cigarettes, tobacco, paper, or other combustible material.
- (10) Sell, solicit, or carry on any business or commercial enterprise or serve in a park unless authorized by the Board in writing.
- (11) Use loud speakers or other amplifying systems in a park except with written permission from the Board, the Park Board, or their authorized representative.

SECTION IV

PROTECTION OF NATURAL RESOURCES AND WILDLIFE: It shall be unlawful for any person to :

- (1) Willfully cut, injure or destroy any live tree, shrub, timber, evergreen or ornamental plant of any kind, nor shall any person willfully injure, remove, destroy, deface or mutilate any guideboard, guidepost, furniture, fixture, improvement, monument, tablet or other personal or real property within the boundaries of any County Park.
- (2) Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing may be permitted in designated areas.
- (3) Shoot any weapon in or into a park from beyond park boundaries.
- (4) (A) Bring or permit any pet within any county park, unless the animal is restrained on a leash not longer than (6) feet.
(B) Fail to pick up and properly dispose of the refuse left by any pet under the person's control.
- (5) Possess any weapon within a park without a permit obtained from the Board, or their authorized representative.
- (6) Release within a park any insect, fish, or other wildlife, or introduce within a park any plant, chemical, or other agent potentially harmful to the vegetation or wildlife or the park.
- (7) Remove any animal, living or dead, from a park, and any animal so removed or taken contrary to the provisions of this ordinance, or laws of the state of Minnesota, shall be considered contraband and subject to seizure and confiscation.

SECTION V

CAMPING: It shall be unlawful for any person to:

- (1) Camp in a park except in designated camping areas provided and designed for that purpose.
- (2) Camp in a park without a written permit, if required, from the Board, Park Board or their authorized representative.
- (3) No camper shall be left unattended for a period of more than 48 hours.

- (4) Cause, create, or make any noise which disturbs the peace quiet, and tranquility of the camping area.
- (5) Discharge water or any other waste in a park except into designated containers, drains, or dumping stations.
- (6) Dig trenches or make any other excavations in a park except that the placement of tent stakes or anchors in the ground for the erection of tents is permitted.
- (7) Occupy campsites to a park contrary to a written permit, or otherwise violate provisions of a permit.
- (8) Camp if under the age of 18 years unless accompanied by and in the presence of a parent or guardian, unless with prior approval, and such camping is part of an organized group with adequate adult supervision.
- (9) Exceed either one family or four (4) individuals per tent as specified by permit.
- (10) Use a boat for sleeping quarters while tied on park water frontage unless registered as a camper.

SECTION VI

SWIMMING: It shall be unlawful for any person to:

- (1) Wade or swim within a park except at beaches designated for that purpose, and then only between sunrise and sunset, or such hours as may be designated by the Board, Park Board, or their authorized representative. Park visitors shall swim or wade at their risk.
- (2) Take cans, bottles, or glass of any kind, except eyeglasses, into a designated beach area.
- (3) Use air mattresses, inner tubes, or other inflatable devices except in designated beach areas.

SECTION VII

BOATING: It shall be unlawful for any person to:

- (1) Launch or land any boat, yacht, canoe, raft, or other watercraft upon any water, lagoon, lake, pond, or slough within a park except at locations and times designated for that purpose.

- (2) Leave unattended any boat or other watercraft except in areas designated for that purpose.
- (3) Operate any watercraft in a designated swimming area or other prohibited area.
- (4) Operate any watercraft in a park in violation of Minnesota Statutes or any other law, statutes, or ordinance dealing with water and water-craft safety.

SECTION VIII

FISHING: It shall be unlawful for any person to:

- (1) Fish in a park in violation of any provision of Minnesota Statutes.
- (2) Fish in a park area designated as a no-fishing area.
- (3) Fish in a park area designated as a swimming area.

SECTION IX

HORSEBACK RIDING: It shall be unlawful for any person to:

- (1) Ride, lead, or permit a horse to be within a park

SECTION X

BICYCLING: It shall be unlawful for any person to operate a bicycle except on park-designated bikeways and roadways and except as close to the right-hand side thereof as conditions will permit.

SECTION XI

WINTER ACTIVITIES: It shall be unlawful for any person to skate, sled, coast, snowmobile, snowshoe, or ski in a park except at such times and at such places as may be designated therefor.

SECTION XII

MEETINGS, SPEECHES, DEMONSTRATIONS, AND PARADES: It shall be unlawful for any person to conduct public meetings, assemblies, entertainment, parades, or demonstrations within a park without first obtaining a written permit from the Board, the Park Board or their authorized representative, and then only in areas designated in the permit.

SECTION XIII

VEHICLES: It shall be unlawful for any person to:

- (1) Operate any vehicle within a park except upon roadways, parking areas, or other designated locations therefor.
- (2) Operate a motorized vehicle without a valid driver's license.
- (3) Operate a vehicle in a park in a speed in excess of posted speed limits.
- (4) Park or leave a vehicle standing within a park except in designated parking area.
- (5) Operate a vehicle which emits excessive or unusual noise, noxious fumes, dense smoke, or other polluting matter.
- (6) Operate a vehicle in a reckless or careless manner in a park.
- (7) Grease, change oil, or repair any vehicle within a park.
- (8) To operate any nonlicensed motorized vehicles such as dirt bikes or minibikes within the boundaries of any county park.
- (9) To operate any motor vehicle on roads which are posted, chained, or gated prohibiting vehicular traffic.

SECTION XIV

MOTORIZED RECREATIONAL VEHICLES: It shall be unlawful for any person to:

- (1) Operate a motorized recreational vehicle within a park except in such areas and at such times as designated by the Board, Park Board or their authorized representative.
- (2) Operate a motorized recreational vehicle without a valid drivers's license.

SECTION XV

PARK OPERATION:

- (1) A person may be granted a permit for temporary, exclusive use of a reserved space within a park.
- (2) No persons shall remain within a park within the hours of 11:00 P.M. and 7:00 A.M. except registered campers in designated camping areas.
- (3) Any permit granted pursuant to this ordinance may be revoked upon the violation by the permittee of any ordinance, rule, or regulation of the Board or of any other local ordinance, law or state statute.
- (4) It shall be unlawful for any person to use any facility or area for which a fee or charge has been established by the Board without payment of such fee or charge.
- (5) The Board shall not be liable for any loss, damage, or injury sustained by a park visitor.
- (6) Any park or portion thereof may be declared closed to the public by the Board, the Park Board, or their authorized representative, at any time, and for any interval of time, or to certain uses, as the Board, Park Board, or their authorized representative shall find it reasonably necessary.

SECTION XVI

ENFORCEMENT OF PENALTIES:

- (1) A person guilty of violating any provision of this ordinance shall be guilty of a misdemeanor. A misdemeanor is punishable by a fine and/or by imprisonment as established in Minnesota Statutes Section 609.03 (3) or as thereafter amended.
- (2) Officers of the Martin County Sheriff's Department may, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance.
- (3) Designated park employees may, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance and may eject from parks persons acting in violation of this ordinance.
- (4) The Board, Park Board, or their authorized representative, shall have the authority to revoke for good cause any permit or reservation issued.
- (5) The Board shall have the right to issue administrative rules and regulations that may be established by the Board as it deems necessary.
- (6) Nothing in this ordinance shall prevent employees or agents of the park system from performing their assigned duties.
- (7) No persons shall impersonate any employee of the park's system nor interfere with, harass, or hinder any employee in the discharge of his duties.
- (8) If any provision of this ordinance is held to be invalid, such invalidity shall not affect the validity of any other provisions of this ordinance.

Hi, Steve:

Scott

Enclosed is a copy of the park rules which states that the Park Ordinance was adopted by the County Commissioners in May, 1996. It states that unlicensed motorized vehicles and snowmobiles are not allowed (2nd page – last section).

That is taken from the ordinance: Section II – Definitions: (page 2, (7)) Motorized recreational vehicle: means any self-propelled, off-the-road, or all terrain conveyance including but not limited to a snowmobile, minibike, amphibious vehicle, motorcycle, go-cart, trail bike, or dune buggy. Also Section XIII – Vehicles: (page 7, (8)) To operate any nonlicensed motorized vehicles such as dirt bikes or minibikes within the boundaries of any county park.

In talking with Jean Burkhardt who was on the County Commission during this period, she indicated that all the proper procedures of public hearings and adoption of this ordinance did take place. I would think that the Commissioner minutes would have a record of the adoption of the ordinance. However, the ordinance as it currently stands does not have a date on it.

So, my thoughts on this are that we can go ahead and publish a notice re: ATVs, etc not being allowed in the parks, and perhaps give copies of the ordinance to the Sheriff's Dept for their vehicles.

The rules have been updated and dated when there is a fee change for stickers. The Park Committee information sheet was one that I created with help from Kevin so that the new members of the Park Board (Committee) were aware of what the function of the committee was. I don't believe it was ever formally stated.

I hope that this helps. I'm also giving a copy of this information to Scott Higgins. *Kevin*

Judy Beckman
7-27-02

Judy

*Kevin
Peyman*