



Board of County Commissioners Agenda Request

5B

Agenda Item #

Requested Meeting Date: 4/11/2017

Title of Item: Set public hearing date - County Park Ordinance update

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <small>*provide copy of hearing notice that was published</small>
Submitted by: Land Commissioner		Department: Land Department
Presenter (Name and Title): Mark Jacobs		Estimated Time Needed: 5-minutes
Summary of Issue: MN Statute 398.34 requires a public hearing with at least 3-weeks notice in the official newspaper of the County; to enact or update a County Park Ordinance. As we are in the process of updating the Aitkin County Park Ordinance I am requesting that a public hearing be set for May 9th, 2017 - 11:00 AM at the Aitkin County Courthouse in Aitkin. The DRAFT County Park Ordinance is included in the packet.		
Alternatives, Options, Effects on Others/Comments:		
Recommended Action/Motion: A motion to set the public hearing on the Aitkin County Park Ordinance for May 9th, 2017 at 11:00 AM - Aitkin County Courthouse, Aitkin, MN.		
Financial Impact: <i>Is there a cost associated with this request?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>What is the total cost, with tax and shipping? \$</i> <i>Is this budgeted?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

4/4/2017 DRAFT

County Parks and Recreation Ordinance

WHEREAS, The County Board is, by law, designated with the authority to establish a County Park Ordinance under Minnesota Statutes 398.34-36 and 375.51;

BE IT RESOLVED, The following ordinance be enacted to govern the operation of the County Parks System, the Long Lake Conservation Center, and the recreational use of lands managed by Aitkin County; and establish the duties of the County Land Department and authority of the Natural Resources Advisory Committee.

Section I Duties of the County Land Department

Subd. 1 The County Land Department shall prepare yearly budgets of expenditures. They shall prepare annual work plans of park development to present to the Natural Resources Advisory Committee for review, change, or alteration at the annual Natural Resources Advisory Committee meeting.

Subd. 2 The Land Department and its staff shall supervise work projects manage personnel and purchase equipment, supplies and other items needed to build picnic areas, camping areas, boat accesses, recreational trails and related facilities. The Land Department shall also post signs, enforce regulations, maintain and clean camp areas in accordance with Natural Resources Advisory Committee directives.

Subd. 3 The Land Department shall also prepare past expenditure records for review by the Natural Resources Advisory Committee and County Board of Commissioners.

Subd. 4 The Land Department shall classify park land into two main categories; LIMITED USE and OPEN USE areas. Classification can be changed by Natural Resources Advisory Committee action.

Section II Expenditures

Subd. 1 No expenditures shall be made from the County Parks Fund unless included in the annual budget as recommended by the Natural Resources Advisory Committee and approved by the County Board. The County Board may approve expenditures over the allotted budget requests, as per County policy. Warrants submitted for payment shall be signed by the County Land Commissioner.

Section III
Protection of Parks and Recreation Areas

Subd 1. Purpose. The purpose of this ordinance, which is enacted pursuant to Minnesota Statutes, is to secure the orderly, suitable use and enjoyment of developed and undeveloped recreation areas such as, recreational trail systems, forestlands, campgrounds, historical sites, and public water accesses that are managed or established by Aitkin County. The purpose is also to further the safety, health, comfort, and welfare of all persons using these facilities.

Subd. 2 Definitions.

1. "Natural Resources Advisory Committee" (NRAC) means the Aitkin County Natural Resources Advisory Committee appointed by the Aitkin County Board of Commissioners to advise and make recommendation to the County Board on matters related to natural resources (i.e. forestry, recreation/parks, etc.).
2. "Drug" means any substance defined as a controlled substance by Minnesota Statutes Chapter 152, or other statutes, Federal Law or regulation.
3. "Intoxicating Beverage" means any beverage which is intoxicating pursuant to Minnesota Law and includes ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages.
4. "Park" means any land or water area, and all facilities thereon, established as a Park by Aitkin County pursuant to Minnesota Statutes.
5. "County Managed Land" is land owned or managed by Aitkin County, such as County Tax-Forfeited land.
6. "Park User" means any person, firm, partnership, association, corporation, governmental unit, company, or organization of any kind visiting a park.
7. "Recreational Trail" means a trail or strip of land designated and administered by Aitkin County for a specific recreational purpose, such as hiking, ATV, snowmobile, cross country skiing, etc.
8. "County forest road" is an Aitkin County Land Department inventoried forest access road. Forest roads are not considered part of the public road infrastructure.
9. "Off-Highway Vehicle" (OHV) means all-terrain vehicles (ATV), off-highway motorcycles (OHM), or off-road vehicles (ORV) as defined by MN Statute
10. "Vehicle" means any motorized, self-propelled, animal drawn or human powered conveyance.
11. "Weapons" 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, slings, and spring guns.
12. "LIMITED USE AREAS": include camping areas, parking areas, tent camping areas, boat accesses, limited access nature trails, swimming areas, recreation trails, ball fields, environmental education areas, wayside rests, scenic areas, etc
13. "OPEN USE AREAS": shall be all other park land not designated as limited use areas.
14. "Long Lake Conservation Center Management Team" means a group that oversees the day-to-day operation of LLCC; consisting of the LLCC Business Manager, LLCC Education Director, and Land Commissioner.

Subd. 3 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, disturb, harass, or interfere with any park visitor or park visitor's property or to do any act which constitutes a breach of public peace in a park.
2. Deposit, scatter, drop or abandon in a park, any bottles, cans, broken glass, sewage, waste or other material, except in receptacles provided for such purposes. Only park use refuse shall be deposited in such receptacles.
3. Start a fire in a limited use area except a small fire in a designated area, or fail to fully extinguish such a fire.
4. Drop, throw, or otherwise leave unattended in a park, lighted matches, burning cigars, cigarettes, tobacco, paper or other combustible material.
5. Sell, solicit, or carry on any business or commercial enterprise in a park unless authorized in writing by the Natural Resources Advisory Committee or County Land Commissioner.
6. Use loudspeakers or other amplifying systems in a park, unless authorized in writing by the Natural Resources Advisory Committee or County Land Commissioner.
7. Willfully destroy, deface, or steal park property.

Subd. 4 Protection of Natural Resources Within Developed Parks and Recreation Areas.
(limited use areas)

IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

1. Injure, destroy, or remove any tree, shrub, flower, plant, rock, soil or mineral in a limited use area.
2. Kill, trap, hunt, disturb, or cause to be disturbed any species of wildlife within a designated camping or swimming area.
3. Discharge any weapon in a designated camping or posted area.
4. Permit any dog, cat, or other pet in a picnic area, park building, campground unless on a leash.
5. Permit a dog, cat, or other pet to disturb, harass or interfere with any park visitor or park visitor's property.
6. Possess any loaded uncased weapon (as defined in Subd. 2) within a campground.

Subd. 5 Camping in limited use areas.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

1. Camp in a limited use area except in areas provided and designated for that purpose.
2. Camp in a limited use area without paying the appropriate fees.

3. Cause, create or make a noise which disturbs the peace, quiet and tranquility of the camping area.

Subd. 6 Swimming.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

1. Wade, swim, or use any beach in a limited use area without proper bathing attire.
2. Take cans, bottles, or glass of any kind except eye glasses into a designated beach area.
3. Wade, swim, or use developed beaches during restricted hours.

Subd. 7 Meetings, Speeches, Demonstrations, and Parades in Parks.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

1. Conduct public meetings, assemblies, parades, or demonstrations within a park unless authorized in writing by the Natural Resources Advisory Committee or County Land Commissioner.

Subd. 8 Vehicles.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

1. Operate any vehicle within a park except upon roadways, recreation trails, parking areas, or other designated locations.
2. Operate a vehicle in a park at a speed in excess of posted speed limit or legal speed limit if not posted.
3. Park or leave a vehicle within a limited use area except in a designated parking area.
4. Operate a vehicle in a reckless or careless manner in a park.
5. Operate a vehicle in a park while intoxicated or while consuming intoxicating beverages or to have in possession any bottle or receptacle containing intoxicating beverages that has been opened, or the seal broken, or the contents of which have been partially removed.

Subd. 9 Park Operation.

1. Only registered campers in designated campsites are allowed within a developed County campground between the hours of 10:00 P.M. and 7:00 A.M.
2. It is unlawful for any person to use any park facility for which a fee is charged without payment of such fee.
3. Aitkin County, the Aitkin County Board of Commissioners, the Aitkin County Natural Resources Advisory Committee, the Aitkin County Land Department, and Aitkin County employees shall not be liable for any loss, damage, or injury sustained by a park visitor.
4. Any park or portion thereof may be declared closed to the public by the Aitkin County

Land Commissioner or designated employee at any time for any interval of time, or to certain uses as reasonably necessary.

Subd. 10 Forest Roads and Recreation Trails

1. County forest roads are open to highway licensed vehicle use unless gated or posted closed.
2. Off-highway vehicle (OHV) operation is prohibited on County forest roads or recreation trails unless designated open for a specific OHV use.
3. Off-highway vehicle travel on County forest roads or recreation trails not designated open to OHV use is prohibited except for ATV's used for trapping during open season and big game hunting during October – December.
4. Operating a motorized vehicle on a designated non-motorized trail is prohibited
5. Off-trail, cross-country travel with a motorized vehicle is prohibited on County managed land, except to retrieve downed big game animals with ATV's during legal hunting season.
6. No person shall construct an unauthorized permanent trail on County managed lands.
7. Motorized vehicles on County forest roads or recreation trails must travel at a reasonable and prudent speed; obey regulation signs; observe closures; and may not operate in a manner that causes damage to the road, land, or other natural resources.
8. Consuming intoxicating beverages or to have in possession any bottle or receptacle containing intoxicating beverages that has been opened, or the seal broken, or the contents of which have been partially removed, while operating a motorized vehicle on a County forest road or recreation trail is prohibited.
9. Depositing litter on or adjacent to a County forest road or recreation trail is prohibited
10. Operating a motorized vehicle in a reckless manner on a County forest road or recreation trail is prohibited
11. Placing unauthorized signage on a County forest road or recreation trail is prohibited
12. Motorized recreation vehicles may not operate within the boundaries of an area that is posted and designated as closed to such use.
13. Unauthorized off-trail travel with a motorized vehicle from a recreation trail is prohibited.

Section IV

Axtell Technical Riding Area (ATRA) S. 23-T. 48 R. 24W

It shall be unlawful to:

1. To operate any motor vehicle:
 - a) Between October 31 and May 15
 - b) Between the hours of 8:00 p.m. and 8:00 a.m.
2. To operate any motor vehicle other than Class I and Class II All-terrain vehicles (ATVs) or Off-highway motorcycles without permission of the Aitkin County Natural Resources Advisory Committee
3. To enter or exit the park through any location other than the designated entrance adjacent to the Soo Line trail
4. Possess or Consume alcoholic beverages without written permission of the Natural Resources Advisory Committee or County Land Commissioner.

5. Operate any permitted vehicle with a sound levels greater than 96 db as measured sung SAE International (SAE) J1287 Measurement of Exhaust Sound Levels of Stationary Motorcycles.
6. Operate any vehicle with tire tread greater than 3/4" tread height
7. Operate any permitted vehicle contrary to any applicable state law
8. Discharge a firearm in ATRA between May 15 and October 31.
9. Camp overnight in ATRA

**Section V
Long Lake Conservation Center**

Subd. 1 Long Lake Conservation Center is an environmental education center owned and operated by Aitkin County. The Long Lake Conservation Center Management Team shall be directly supervised by the Land Commissioner.

Subd. 2 The Management Team shall also post signs, enforce regulations, maintain facilities and operate Long Lake Conservation Center in accordance with State and Federal laws, County Policy and procedure, Natural Resources Advisory Committee directives and job description.

Subd. 3 1967 Laws of Minnesota Chapter 14 states in part: Notwithstanding the provisions of Minnesota Statutes, Section 398.33, all moneys, fees, and donations specified for or received from the operation of the Aitkin County Long Lake Conservation Center shall be deposited in a separate account, other than the park fund, to be under the jurisdiction of the Aitkin County Auditor. This act in no way restricts the transferring of annual profits from the operation of the conservation center to the park fund for other park activities.

Subd. 4 All expenditures shall be made from the Long Lake Conservation Center accounts. Warrants submitted for payment shall be itemized on a verified claim form and shall be approved and signed by the Long Lake Conservation Center Management Team and the Land Commissioner. The Aitkin County Board of Commissioners will authorize payments of bills for Long Lake Conservation Center. Any non-budgeted expenditures will be approved by the LLCC Management Team and the Land Commissioner following Aitkin County Policy. All payment of bills will be authorized by the Aitkin County Board of Commissioners.

General Conduct

IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

1. Operate any motorized or non-motorized recreation vehicle including, but not limited to ATV's, snowmobiles, and dirt bikes within Long Lake Conservation Center (LLCC) unless authorized in writing by the Natural Resources Advisory Committee or the LLCC management team. Non-motorized recreation vehicles can be used, but only on a trail or road designated for that purpose.
2. Have in possession or bring into Long Lake Conservation Center (LLCC), any intoxicating beverage when student or juvenile campers are present at Long Lake Conservation Center (LLCC). Consumption of alcohol on the grounds of LLCC will be permitted only with the written permission of the LLCC Management Team.
3. For any person to discharge or have in possession a weapon on Long Lake Conservation Center without written permission of the Natural Resources Advisory Committee.

**Protection of Natural Resources Within Long Lake Conservation Center
(limited use areas)**

IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

1. Injure, destroy, remove any flora or fauna or remove any soils or minerals from LLCC.

2. Hunt, trap, take, disturb, or cause to be disturbed any species of wildlife within the boundaries of Long Lake Conservation Center unless authorized by the Natural Resources Advisory Committee or LLCC management team.
3. Permit any dog, cat, or other pet in LLCC buildings, unless authorized by the Natural Resources Advisory Committee or LLCC management team. All pets allowed on campus will be on a leash at all times and shall not interfere with any other visitors at LLCC.

Please refer to the rest of the regulations in the Park Ordinance to address any other areas not specifically outlined in this section concerning Long Lake Conservation Center.

**Section VI
Enforcement and Penalties**

1. A person guilty of violating any provision of this ordinance shall be guilty of a misdemeanor which is punishable by a fine and/or imprisonment according to Minn. Statutes.
2. Park Ambassadors, peace officers and designated County employees may, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance and eject from parks, persons acting in violation of this ordinance.
3. The Natural Resources Advisory Committee or designated County employees have the authority to revoke for good cause any user permit issued by the Natural Resources Advisory Committee.
4. No person shall impersonate any employee or designated volunteer of the County, nor interfere with, harass or hinder any employee in the discharge of his/her duties.
5. Nothing in this ordinance shall prevent employees or agents of the County from performing their assigned duties.
6. If any provisions of this ordinance are held invalid, such invalidity shall not affect the validity of any other provisions of this ordinance.

Dated at Aitkin, Minnesota, this ()day of (month), (year).

Chair, Aitkin County Board of Commissioners

(ATTEST)

County Administrator,
Aitkin County, Minnesota
Witnessed by Hand and Seal

Date