

**CHAPTER 5.****ENVIRONMENT****515. PARKS AND RECREATIONAL FACILITIES**

**Section 515.01. Purpose.** The purpose of this ordinance is to promote the safe and peaceful use of city parks and recreational facilities; encourage their use for the educational and recreational benefit and enjoyment by the public; protect and preserve the property, facilities and natural resources of the parks; and promote the safety and general welfare of the public.

**Section 515.03. Definitions.** For the purposes of this ordinance, the following terms shall have the meanings given to them.

**Subd. 1.** "Alcoholic Beverage" means any beverage containing more than one-half of one percent alcohol by volume.

**Subd. 2.** "Amusement Contraption" 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 devices, pinball-type devices, animal ride devices, dunk tanks, ball and hammer devices, trampoline devices and the like.

**Subd. 3.** "Area" means a specified place within a park.

**Subd. 4.** "City Designee" means the appropriate City staff person(s) appointed by the city council to make decisions regarding the parks.

**Subd. 5.** "Controlled Substance" means any drug, substance or immediate precursor included in Schedules I through V, of Minnesota Statutes, Section 152.02, as amended.

**Subd. 6.** "Deadly Weapon" means any device or instrument designed or intended to cause bodily injury or death to humans or animals, including bows and arrows, slingshots, sand clubs, metal knuckles, daggers, dirks, stilettos, switch-blade knives and similar instruments, but not including firearms. The term also includes any device or instrument designed or intended for use in the capture or trapping of animals.

**Subd. 7.** "Firearm" means any gun from which shot or a projectile is discharged by means of explosive, gas or compressed air.

**Subd. 8.** "Fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which required fire underneath to propel them, fire-crackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers, or other

fireworks of like construction, and any fireworks containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25 hundredths grains or less of explosive compound are used and toy pistol caps which contain less than 20 hundredths grains of explosive mixture.

**Subd. 9.** "Guest" means any person physically accompanied within a park by a resident.

**Subd. 10.** "Intoxicating Liquor" means ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing more than 3.2 percent of alcohol by weight.

**Subd. 11.** "Malt Liquor" means any beer, ale or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

**Subd. 12.** "Motorized Recreational Vehicle" means any self-propelled, off-the-road, or all-terrain vehicle including, but not limited to, snowmobiles, minibikes, motorcycles, dune buggies, or all-terrain cycles.

**Subd. 13.** "3.2 Percent Malt Liquor" means malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.

**Subd. 14.** "Park" means any land or water area and all facilities thereon, owned and controlled by Medina and used for park or recreational purposes.

**Subd. 15.** "Permit" means the written permission obtained from the City Designee to carry out specified activities within a park or vehicular parking lot.

**Subd. 16.** "Pet" means any animal that is tamed and domesticated and kept as a companion.

**Subd. 17.** "Pollutant" means any solid, liquid or gaseous substance, which could cause contamination of land or water, so as to create or cause a nuisance or render unclean, noxious, or unpure or be actually or potentially harmful, detrimental or injurious to human health, safety or welfare or the health and safety of wildlife or vegetation.

**Subd. 18.** "Resident" means any person who maintains or occupies a permanent or seasonal home within Medina.

**Subd. 19.** "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

**Subd. 20.** "Wine" means sparkling and carbonated wine, wine made from condensed grape must, wine made from agricultural products other than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, sherry and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use.

**Subd. 21.** “Watercraft” means any motorized boat, including duck boats and personal watercrafts.

**Section 515.05. Hours and Access.**

**Subd. 1.** Parks shall be open daily, from sunrise to 10 p.m. or as specifically posted. It shall be unlawful for any person or vehicle to enter or remain in a park at any other time without notice to the City Designee.

**Subd. 2.** The City Designee is authorized to close any park or specific area thereof at any time for the protection of park property or for the public health, safety or welfare.

**Section 515.07. Permits.**

**Subd. 1.** Permits shall be required for the following:

- (a) The exclusive or special use of all or specific areas of parks, buildings, trails or facilities;
- (b) All organized events, tournaments, exhibitions or any other special use which can reasonably be expected to have fifty (50) or more persons involved or which may potentially create damage to park property, other park users or park facilities;
- (c) Whenever obtaining a permit is required under the terms of this ordinance; and
- (d) For parking boat trailers at the Lakeshore Park public access boat launch area, but such permits may be issued only to Residents.
- (e) For use of the boat launch at Lakeshore Park for the purposes of launching a watercraft, but such permits may be issued only to Residents.

**Subd. 2.** It shall be unlawful for any person to use any park, area, or facility for which a permit and/or fee are required without paying such fee and/or obtaining such permit. Payment of the fee may be waived by the city council. Permittees shall be liable for any loss, damage, or injury to persons or property sustained due to the act or omissions of those attending the permitted event. It shall be unlawful for any person to violate the terms of any permit issued pursuant to this ordinance. Permits are not transferable without the written permission of the City Designee.

**Subd. 3.** Any person seeking a permit required by this ordinance shall apply to the City Designee. The applicant shall provide such information and complete such forms as the City Designee may determine to be reasonably necessary in order to review the permit application. The application must be accompanied by the fee established by the city council.

**Subd. 4.** The City Designee shall review the application for a permit and determine whether its issuance would be inconsistent with the public health, safety and welfare. The City Designee shall consider the following factors at a minimum in reaching this determination:

- (a) whether the activity would conflict with any previously planned or scheduled use of the same park or area;

- (b) whether the activity is likely to result in any damage to the park or any park facility or injury to any person;
- (c) whether the activity is consistent with the purpose for which the park or area has been established or designed; and
- (d) whether the activity is likely to result in the unreasonable annoyance or disturbances of any other park visitor.

The City Designee may limit or condition any permit issued to assure compliance with this ordinance or other city ordinances and to preserve the public health, safety and welfare.

**Subd. 5.** Any person aggrieved by a decision of the City Designee may appeal to the city council.

**Section 515.09. General Conduct - Personal Behavior.** Use of all city parks shall be subject to the following regulations.

**Subd. 1.** Drug and Alcohol Use. It shall be unlawful for any person to:

- (a) Use, possess or sell any controlled substance in violation of state statute;
- (b) Serve, possess or consume any alcoholic beverage in individual serving containers, except malt liquor and wine, within a park or on public property directly adjacent to the park; or
- (c) Sell any alcoholic beverage in any park without a temporary license from the city council; or
- (d) Bring alcoholic beverages into a park in kegs, barrels or case lot quantities without a permit.

**Subd. 2.** Gambling. It shall be unlawful for any person to gamble or participate in any game of chance for any consideration or item of value without written permission from the City Designee.

**Subd. 3.** Public Nuisance. It shall be unlawful for any person to:

- (a) Engage in fighting or exhibit threatening, violent, disorderly or indecent behavior;
- (b) Make unreasonable or coarse utterances, gestures or displays;
- (c) Address abusive language to any person present;
- (d) Otherwise create a hazardous or physically offensive condition to any person present;
- (e) Engage in any course of conduct or participate in any activity in any park which is unreasonably and unnecessarily hazardous to the personal safety of said person or another person; or impairs or limits the lawful use and enjoyment of the park, area or

facility by other persons; or

- (f) Use any park or area of a park in any manner which damages or threatens to damage the land or facilities located thereon.

**Subd. 4. Littering.** It shall be unlawful for any person to deposit, scatter, drop or abandon bottles, cans, broken glass, hot coals, ashes, sewage, waste, household garbage or other material in a park, except in receptacles provided for such purposes.

**Subd. 5. Personal Property.** It shall be unlawful for any person intentionally to disturb, harass, handle or interfere with property of any other visitor to the park. It shall be unlawful for any person to leave or store personal property in a park overnight or in undesignated areas of a park without notice to the City Designee.

**Subd. 6. Possession and Use of Firearms, Deadly Weapons and Fireworks.** It shall be unlawful for any person to have in his or her possession within a park, use, fire or discharge, or cause to be used, fired or discharged across, in, or into any portion of a park, any firearm or deadly weapon. It shall be unlawful for any person to set off or attempt to set off or ignite any fireworks in any park without a permit.

**Subd. 7. Interference with Employee Performance of Duty.** It shall be unlawful for any person to impersonate any employee of the City or interfere with, harass or hinder any employee in the discharge of his or her duties.

**Subd. 8. Operations and Uses.** 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 without a permit;
- (b) Operate a still, motion picture, video or other camera for commercial purposes in a park without a permit;
- (c) Expose, distribute or place any sign, advertising, notice poster or display in any park without a permit;
- (d) Bring a pet into a park, unless such pet be caged or kept on a leash not more than 6 feet in length.
- (e) Permit a pet to disturb, harass, or interfere with any park visitor, a park visitor's property or a city employee;
- (f) Tether any animal to a tree, plant, building or park equipment;
- (g) Have custody or control of any pet in a park without possessing an appropriate method for cleaning up pet feces and disposing of the feces in a sanitary manner;
- (h) Operate a dog sled, except on designated trails or areas;

- (i) Install, use or operate within a park a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purposes of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in or upon any place with the park without a permit;
- (j) Use or operate any radio, tape player, phonograph, television set 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;
- (k) Willfully make or continue, or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace or quiet within any park or which causes discomfort or annoyance to any reasonable park visitor of normal sensitivity, except for special programs at dates and times authorized by permit;
- (l) Start a fire in a park, except in designated areas and only in approved receptacles;
- (m) Leave a fire unattended or fail to fully extinguish a fire, or
- (n) Scatter or leave unattended lighted matches, ashes, burning tobacco, paper or other combustible material.

**Subd. 9. Passenger Aviation.** It shall be unlawful to use any park for a starting or landing field for aircraft, hot air balloons, parachutes, hang gliders or other flying apparatus without a permit.

**Subd. 10. Demonstrations.** It shall be unlawful for any person to conduct public meetings, assemblies, worship services, entertainment, parades, or demonstrations within a park without a permit.

**Subd. 11. Amusement.** It shall be unlawful to bring in, set up, construct, manage or operate any amusement or entertainment contraption, device or gadget in any park without a permit.

**Subd. 12. Models and Toys.** It shall be unlawful for any person to start, fly or use any fuel powered model aircraft, boat or rocket or like powered toy or model in any park without a permit.

**Subd. 13. Unlawful Occupancy.** It shall be unlawful for any person to enter any park building, installation, facility or area that may be under construction, locked or closed to the public, or to enter or be upon any building, installation or area except during the hours of park operation or contrary to any posted notice.

**Subd. 14. Protection of Property and Natural Resources.** It shall be unlawful for any person to:

- (a) Intentionally or negligently remove, alter, injure or destroy any tree, plant, rock, soil or mineral without a permit;
- (b) Dig trenches, holes or other excavations in a park without a permit;
- (c) Introduce any plant, animal or other agent within a park without a permit;
- (d) Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed, any species of wildlife without a permit;
- (e) Remove any wild animal, living or dead, from any park without a permit;
- (f) Release or abandon any animal within a park without a permit;
- (g) Intentionally deface, vandalize or otherwise cause destruction to park property;
- (h) Intentionally deface, destroy, cover, damage or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the City;
- (i) Place any debris or other pollutant in or upon any park land, or any body of water in or adjacent to park land, or any tributary, stream, storm sewer or drain flowing into such waters; or
- (j) Discharge waste water or any other wastes in a park, except into designated containers, drains or dumping stations.

**Subd. 15. Camping.** It shall be unlawful for any person to camp in any Park without a permit.

**Subd. 16. Swimming.** It shall be unlawful for any person to:

- (a) Intentionally expose anyone's genitals, pubic area, buttocks, or female breast below the top of the areola, with less than fully opaque covering while wading, swimming or using any park property; or
- (b) Take any glass bottles or glass containers of any kind into a designated beach or play area.

**Subd. 17. 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;
- (b) Operate any watercraft in a designate swimming area or other prohibited area;
- (c) Operate a watercraft in a park in violation of Minnesota Statutes, Chapter 86B;
- (d) Operate any watercraft in violation of any ordinance or statute limiting boat motor type or horsepower size.

- (e) Operate a watercraft in such a manner that its wash or wake will endanger, harass or unnecessarily interfere with any person or property; or
- (f) Land or operate any water craft in the area southeast of the boat launch area on Independence Beach.

**Subd. 18. Fishing.** It shall be unlawful for any person to:

- (a) Fish in a park in violation of any provision of Minnesota Statutes, Chapter 97A and 97C;
- (b) Fish in a prohibited lake or area; or
- (c) Leave any structure, shelter or ice house upon a frozen body of water, after 11:00 p.m., except in such areas and at such times as may be designated by city code or other responsible public agency.

**Subd. 19. Horses and 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 and at designated times;
- (b) Ride a horse in a reckless manner so as to create a nuisance or endanger the safety or property of any park visitor;
- (c) Tether a horse to a tree, plant, building or park equipment; or
- (d) Allow a horse to graze or browse.

**Subd. 20. Bicycling.** It shall be unlawful for any person to:

- (a) Operate a bicycle, except on paved bike trails, paths or roadways and except as close to the right hand side of paved bike trails, paths or roadways as conditions permit;
- (b) Operate a bicycle in violation of Minnesota Statutes, Chapters 168C and 169;
- (c) Ride or operate a bicycle except in a prudent and careful manner and at a speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area; or
- (d) Park any bicycle, except at a bicycle rack or designated area.

**Subd. 21. Snowmobiling.** It shall be unlawful for any person to:

- (a) Operate a snowmobile in a park except on designated trails and only on the right side of the trail;
- (b) Operate a snowmobile in violation of Minnesota Statutes, Sections 84.81 et seq;
- (c) Tow another person or object except through the use of a rigid tow bar attached to the rear of the snowmobile, except in emergencies; or
- (d) Operate a snowmobile in violation of any posted sign.



**Subd. 22. Other Activities.** It shall be unlawful for any person to participate in or conduct any activity in any park, except those uses for which the park area or facility has been planned, promoted or designated if such use or activity damages or threatens to damage the land or facilities.

**Subd. 23. Vehicle Operation - Other.** It shall be unlawful for any person to:

- (a) Operate a vehicle at a speed in excess of 20 miles per hour or the posted speed limit;
- (b) Operate any vehicle except in designated areas and at designated times;
- (c) Operate a vehicle within a park in violation of posted regulations, Minnesota Statutes, Chapter 169, county or municipal traffic codes, or orders or directions of traffic officers or park employees authorized to direct traffic;
- (d) Operate a vehicle in a careless or reckless manner;
- (e) Operate a vehicle which emits excessive or unusual noise, noxious fumes, dense smoke or other pollutants; or
- (f) Fail to yield right of way to pedestrians and other trail users.

**Subd. 24. Parking.** It shall be unlawful to:

- (a) Park or leave a vehicle except in a designated area and only in a manner so as not to restrict normal traffic flow;
- (b) Leave a vehicle after the park closes without notice to the City Designee;
- (c) Park in a space designated for handicapped parking except with a valid handicapped vehicle license or permit;
- (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.

**Subd. 25. Maintenance of Personal Vehicles.** It shall be unlawful for any person to wash, polish, grease, change oil or perform other maintenance on any vehicle in a park, except in an emergency.

**Section 515.13. Penalties.** Any person who violates any provision of this ordinance or of any permit issued pursuant to this ordinance shall be guilty of a misdemeanor.

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**Amendment History of this Section**

*Amended April 6, 1992 (Ord. 265). A large-scale revision of Section 515 occurred, and most subsections were amended. Also adding new subsections regarding prohibited activities and permit requirements.*

*Amended June 20, 2006 (Ord. 405). Amended alcohol definitions to match Section 625.*

*Amended February 3, 2009 (Ord. 456). A small-scale revision of the entire Section 515.*

*Amended July 3, 2012 (Ord. 529). Added Section 515.03, Subd. 21 defining "Watercraft". Amended Section 515.07 Subd. 1 and Subd.2 requiring a permit to launch a watercraft at Lakeshore Park.*