

**CITY OF WALKER
CASS COUNTY, MINNESOTA
ORDINANCE No. 2019-04**

**AN ORDINANCE AMENDING CHAPTER 22 PARKS AND RECREATION
AND CHAPTER 24 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES**

WHEREAS, because of circumstances that resulted in arbitrary usage of the City of Walker Public Park; and

WHEREAS, the City Council feels that the Public Park be put to the maximum beneficial use of all the public and unreasonable private use be prevented when possible; and

WHEREAS, areas of the Park be designated for tents, camping and duration of stay.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALKER:

SECTION 1. The City Council of the City of Walker is hereby authorized and directed to implement the applicable provisions of this Ordinance upon their determination that such implementation is necessary to protect the public health, welfare and safety.

SECTION 2. Part 1 Code of Ordinances. Chapter 22 Parks and Recreation Article II. PUBLIC CONDUCT IN PARKS AND RECREATIONAL FACILITIES is amended to read:

Chapter 22 - PARKS AND RECREATION

ARTICLE II. - PUBLIC CONDUCT IN PARKS AND RECREATIONAL FACILITIES

Sec. 22-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

3.2 malt liquor means a beverage containing not more than 3.2 percent alcohol by weight.

Administrator/city clerk-treasurer means the person designated by the council with the responsibility for the operation and management of the parks, or their authorized representative.

Applicant means any person or organization seeking a permit to use or conduct an activity in the park.

City park means a park in the city.

Drug means any substance defined as a controlled substance by state statutes or federal law or regulations.

Intoxicating liquors means any liquor which is intoxicating pursuant to state law and includes ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight.

Lower Park Area: Denotes the area on the East side of the Tennis Courts addressed as 220 Park Avenue.

Motorized recreational vehicle means any self-propelled, off-the-road, or all-terrain conveyance, including, but not limited to, a mini bike, amphibious vehicle, motorcycle, go-cart, trail bike, or dune buggy.

Park means any land or water area, and all facilities thereon, established as a park by the city pursuant to state statutes.

Permit means any written license issued by or under the authority of the council permitting a use, event, or activity in a city park.

Person means any individual, partnership, corporation, firm, company, association, society or group of any kind within a park.

South Park Area: Denotes the area on the South side of the corridor tunnel of Minnesota Avenue East addressed as 111 Minnesota Avenue East.

Upper Park Area: Denotes the area West of the Tennis Courts addressed as 211 Second Street North.

Vehicle means any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. The term "vehicle" 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 city.

Weapon means any device from which shot or a projectile of any type can be discharged by the means of an explosive, gas, or compressed air or otherwise propelled, including, but not limited to, firearms, bows and arrows, slings and spring guns; provided that except for provisions prohibiting the discharge of weapons, the term "weapon" does include a firearm.

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.

(Code 2000, § 98.02; Res. No. 21-2001, 12-20-2001)

Sec. 22-20. - Purpose and scope.

The purpose of this article is to secure the quiet, orderly, and suitable use and enjoyment of public parks, and public access to lakes, in parks established by the city or the state, and to further the safety, health, comfort, and welfare of all persons in the use thereof. The provisions of this article apply to city parks.

(Code 2000, § 98.01; Res. No. 21-2001, 12-20-2001)

Sec. 22-21. - Enforcement.

- a) Officers of the police department or county sheriff's department or other law enforcement agency may, in connection with their duties imposed by law, diligently enforce the provisions of this article.
- b) Designated park employees may, in connection with their duties imposed by law, diligently enforce the provisions of this article and may eject from parks any persons acting in violation of this article.
- c) The city council, administrator/city clerk-treasurer, or their authorized representative, shall have the authority to revoke for good cause any permit issued.
- d) The city council shall have the right to issue administrative rules and regulations that may be recommended by the park board as it deems necessary.
- e) Nothing in this article shall prevent employees or agents of the park system from performing their assigned duties.
- f) No persons shall interfere with, harass, or hinder any employee in the discharge of their duties.
- g) Must obey all traffic laws.
(Code 2000, § 98.14; Res. No. 21-2001, 12-20-2001)

Sec. 22-22. - General conduct.

It shall be unlawful for any person to:

- (1) Use or to have in his possession glass beverage containers, or to use or have in their possession intoxicating liquors or 3.2 malt liquor containers larger than one quart. There shall be no kegs without special permit issued by council, or their authorized representative.
- (2) Be under the influence of illegal drugs.
- (3) Disturb, harass, or interfere with a city park visitor or any park visitor property.
- (4) Except in an emergency, use any land or body of water within a city park for a starting or landing field for aircraft, balloons, or parachutes without a permit from the council, or their authorized representative.
- (5) Start a fire in a city park, except a small fire for culinary purposes in a designated area, or fail to fully extinguish such a fire.
- (6) Leave unattended in a city park lighted matches, burning cigars, cigarettes, tobacco, paper or other combustible material.
- (7) Sell, solicit, or carry on any business or commercial enterprise or service in a city park unless authorized by the council in writing.
- (8) Use loud speakers or other amplifying systems in a city park, except with written permission from the council, or their authorized representative.
- (9) Discharge gray water or any other waste in the city park except into designated dumping stations. Boats, pontoons, personal watercraft and equipment used for the maintenance of or the installation or removal of docks and lifts are exempt from this section when emptying water in the course of leaving the boat ramp.
- (10) Dig trenches or make any other excavations in the city park, including but not limited to the placement of tent stakes or anchors for temporary tents without first filing a locate request with GSOC.
- (11) Use a boat for sleeping quarters while tied on the city park water frontage.
(Code 2000, § 98.03; Res. No. 21-2001, 12-20-2001; Res. No. 12-2007, 3-5-2007)

Sec. 22-23. - Protection of natural resources and wildlife.

It shall be unlawful for any person to:

- (1) Injure, destroy, or remove any tree, flower, shrub, plant, rock, soil or mineral from a city park.
- (2) Kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed any species of wildlife within a city park, except that fishing may be permitted in designated areas.
- (3) Shoot any weapon in or into a park from beyond park boundaries.
- (4) Bring or permit any unleashed pet within the city park.
- (5) Possess any weapon within the city park.
- (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 of 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 article, or laws of the state, shall be considered contraband and subject to seizure and confiscation.

(Code 2000, § 98.04; Res. No. 21-2001, 12-20-2001)

Sec. 22-24. - Camping.

- (1) Overnight tent camping may be allowed in area designated by City Council by special permit for organized groups that are sponsored by bona fide nonprofit corporations that are registered and in good standing with the state. Overnight tent camping is only allowed in the area designated as the South Park area. In the case that the South Park area has reached maximum capacity and another park area is needed to accommodate the overnight tent campers the area designated the Upper Park can be used. The Application for the permit shall be submitted to the park board, for its consideration and recommendation to the city council, at least 45 days in advance of the Park Advisory Board Meeting. The application shall include a plan addressing the following criteria:

- a. The maximum number of tent campers in the group;
- b. Suitable portable toilet and shower facilities if the group is larger than can be reasonably accommodated by existing facilities;
- c. Routine waste disposal or recycling.
- d. Noncompliance with applicable ordinances may result in immediate termination of the permit.

(Code 2000, § 98.05; Res. No. 21-2001, 12-20-2001; Res. No. 12-2007, 3-5-2007)

Sec. 22-25. - Swimming.

It shall be unlawful for any person to:

- (1) Wade or swim within the city park except at beaches designated for that purpose, and then only between sunrise and sunset, or such hours as designated by the park board, administrator/city clerk-treasurer, or their authorized representative. Park visitors shall swim or wade at their own risk.
- (2) Take glass of any kind, except eyeglasses, into a designated beach area.

(Code 2000, § 98.06; Res. No. 21-2001, 12-20-2001)

Sec. 22-26. - 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 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 city park in violation of state statutes or any other law, statutes, or ordinance dealing with water and watercraft safety.

(Code 2000, § 98.07; Res. No. 21-2001, 12-20-2001)

Sec. 22-27. - Fishing.

It shall be unlawful for any person to:

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

(Code 2000, § 98.08; Res. No. 21-2001, 12-20-2001)

Sec. 22-28. - Horseback riding.

It shall be unlawful for any person to ride, lead, or permit a horse to be within a park.

(Code 2000, § 98.09; Res. No. 21-2001, 12-20-2001)

Sec. 22-29. - 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 city council, or their authorized representative, and then only in areas designated in the permit.

(Code 2000, § 98.10; Res. No. 21-2001, 12-20-2001)

Sec. 22-30. - 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.
- (2) Operate a motorized vehicle without a valid driver's license.
- (3) Operate a vehicle in a park at a speed in excess of posted speed limits.
- (4) Park or leave a vehicle standing within a park, except in a designated parking area.
- (5) Operate a vehicle that 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) Wash, polish, grease, change oil, or repair any vehicle within a park unless prior authorized by the City Administrator.
- (8) Operate any non-licensed motorized vehicles such as dirt bikes or mini bikes within the boundaries of any city park.
- (9) Operate any motor vehicle on roads that are posted, chained, or gated prohibiting vehicular traffic excluding maintenance vehicles or by permit excluding maintenance vehicles or by permit.

(Code 2000, § 98.11; Res. No. 21-2001, 12-20-2001)

Sec. 22-31. - Motorized recreational vehicles.

It shall be unlawful for any person to:

- (1) Licensed ATV's are allowed on the roadways within the park and must obey all traffic laws.
 - (1) Operate a motorized recreational vehicle without a valid driver's license.
- (Code 2000, § 98.12; Res. No. 21-2001, 12-20-2001)

Sec. 22-32. - Park operation.

- a) A person may be granted a permit for temporary use of a space within the park.
- b) No person shall remain within the park between the hours of 11:00 p.m. and 5:00 a.m.
- c) Any permit granted pursuant to this article may be revoked upon the violation of any ordinance, rule, or regulation of the city council or of any other local ordinance, law, or state statute.
- d) It shall be unlawful for any person to use any facility or area for which a fee or charge has been established by the city council without payment of such a fee or charge.
- e) The city shall not be liable for any loss, damage, or injury sustained by a park visitor.
- f) Any park or portion thereof may be declared closed to the public by the city council, administrator/city clerk-treasurer, or his authorized representative, at any time, and for any interval of time, or to certain uses, as the city council, administrator/city clerk-treasurer, or his authorized representative shall find it reasonably necessary.

(Code 2000, § 98.13; Res. No. 21-2001, 12-20-2001)

SECTION 3. Part 1 Code of Ordinances. Chapter 23 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES Article III. Park/City Property Assemblies is amended to read:

ARTICLE III. - PARK/CITY PROPERTY ASSEMBLIES

Sec. 24-90. Permit Required.

Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Event Tent- 400 square or foot or larger tent with an assembled framework made of aluminum or steel pipes that supports the fabric roof and defines the shape of the structure. The rigid framework allows the tent to be free standing without additional support, but requires the same rope or cable anchoring system as a pole-supported tent to hold it in place, as specified by applicable fire or building codes.

Camping Tent- a collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used for recreational outdoor camping which have sleeping space for one to ten people.

Commercial use. Commercial use refers to all individuals, groups or businesses who charge admissions, class fees, sell tickets, food or other items, solicit funds or donations, offer other money making activities or promote a commercial business. Examples: bazaar, craft fairs, fundraisers, concerts or performances where admission is charged or any event that includes food or merchandise vendors. This fee is for event date(s) only, additional days are subject to additional day fee.

Event. A company of persons gathered together at any location at any single time for any purpose.

Non commercial use. Non commercial refers to all individuals, groups, businesses who reserve a facility for private or public use where no fees are charged, nothing is sold or promoted for commercial gain or no donations are collected or solicited. Examples: birthday parties, family or company picnics and neighborhood meetings.

Person. Any individual, partnership, corporation, firm, company, association, society or group.

Reduced commercial. Reduced commercial refers to non-profit organizations with 501c or other tax exempt status. A copy of the status letter from the IRS must be on file at the City of Walker. This fee is for event date(s) only, additional days are subject to additional day fee. (C) For the purpose of defraying expenses, the fee for each permit shall be determined by city council §36.03 that may be amended time to time; and shall be payable to the clerk-treasurer.

No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell, or sell or give tickets to an actual or reasonably anticipated event, on public property, unless a permit authorizing an event in the city has first been approved by the city council, and issued by the city administrator, application for which must be made to the city administrator on the prescribed city form at least 60 days in advance of the event. When applying for said permit, the sponsor must submit certified copies of other required Minnesota state licenses and/or permits, necessary to support the application. Such a license issued to one person shall permit such person to engage in any lawful activity in connection with the holding of the permitted event. Upon receipt of an application, the city administrator shall refer the application to the designated representative of the park advisory board for a determination of compliance with the licensing requirements. The designated representative shall then present the park board's recommendations to the city council for their approval. (Ord. No. 2016-14 , § 1(§ 99.01), 12-5-16)

Sec. 24-91. Permit requirements.

Before any such permit may be issued, the applicant shall first:

- (1) Determine the maximum number of people, which will be assembled or admitted to the location of the event, provided that the maximum number shall not exceed the maximum number, which can reasonably assemble at the location of the event in consideration of the nature of the event.
- (2) Submit, with the application, a detailed plan by the applicant for each requirement set forth herein, detailing how the applicant shall comply with each of these requirements.
 - a) Plans for providing toilet facilities shall detail the source, number and location, type and means of disposing of waste deposited.
 - b) Provisions shall be made for providing medical care as follows:
 - i. 1,000 to 3,000 people - One ambulance on call;
 - ii. Over 3,000 people - One ambulance physically present.

- iii. Availability of minimum service for maintaining communication for receiving and transmitting emergency messages, which minimum service is considered to be a cell phone.
 - iv. Plans for such communications service shall include the source, number and location of the communications available.
- c) Security to be coordinated by the Chief of Police per permit. Provisions shall be made that the sponsors shall be in a position to be contacted by the local authorities and law enforcement personnel inside the event at any time during the time of the event. Plans shall detail the method by which local authorities and law enforcement personnel may remain in contact with the sponsors during the time of event.
- d) If food is to be sold or distributed during the event, provisions shall be required to ensure that the methods of and the facilities for the storage, refrigeration, cooking, service and trash disposal of food are adequate and in compliance with any rules and regulations of the Minnesota Department of Health and local health authorities. License from the Minnesota Department of Health and/or local health authorities must be posted and visible to the public.
- e) Plans for food concessions shall set forth the names and addresses of all concessionaires together with their license or permit number and location of food concessions on the grounds.
- f) A liability insurance policy from an insurance company licensed to do business in Minnesota, providing liability coverage in the minimum amount of \$2,000,000, in the name of the sponsors or owners(s) of the premises for any injuries or damages suffered by anyone as a consequence of the negligence of the sponsor, its agents, employees, concessionaires or other parties involved in the event, arising out of the operation of the event. The policy shall name the city (including its employees) as additional insureds. Said policy shall contain a clause indemnifying and holding harmless the city or any of its agents, officials, servants and employees from any liability or causes of action which might arise by reason of the granting of this permit.
- g) Commercial Use and Reduced Commercial will provide a damage deposit, a fee determined by City Council in accordance with City Code Sec 4-61 Fees that may be amended time to time; which shall cover payment of employees for services rendered by the city, and from any costs incurred in cleaning up any waste material produced or left by the event.
- h) Event Tents as defined, larger than 400 square feet are allowed in the area designated per the permit.
- i) Camping Tents are allowed in the area designated as the South Park area. In the case that the South Park area has reached maximum capacity and another park area is needed to accommodate the overnight tent campers the area designated the Upper Park can be used.
(Ord.No. 2016-14m §1(\$99.02), 12-5-16

Section 24-92.-Application for Permit.

- (1) Application permitting a large event in the city for an actual or anticipated event shall be made in writing to the Park Advisory Board/City Council through the office of the city at least 60 days prior to the event.
- (2) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be

signed and sworn to or affirmed by the individual making application in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group, or, if there are no officers, by all members of such association, society, or group.

(3) The application shall contain:

- a. The name and residence address of the sponsors, with the name, residence and mailing address of the record owner or owners of all such property, the nature or purpose of the event, the total number of days and/or hours during which the event is to last, the maximum number of persons which the applicant shall permit to assemble at any time, the plans of the applicant as required by City Code Sec 24-91 herein; and
- b. The application shall be accompanied by a permit fee to be determined from time to time by the city council.

(Ord. No. 2016-14 , § 1(§ 99.03), 12-5-16)

Sec. 24-93. - Revocation of Permit.

The permit may be revoked by the city council or their designated representative at any time, if any of the conditions necessary for the issuance of or contained in the permit are not complied with or if any conditions previously met cease to be complied with.

(Ord. No. 2016-14 , § 1(§ 99.04), 12-5-16)

Sec. 24-94. - Enforcement of Permit Regulations.

The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

The holding of an event in violation of any provision or condition contained in this chapter shall be deemed a public nuisance and may be abated as such.

(Ord. No. 2016-14 , § 1(§ 99.05), 12-5-16)

SECTION 4. This ordinance becomes effective from and after its passage and publication.

ADOPTED this _____ day of _____, 2019, by the City Council of the City of Walker.

Jed Shaw, Mayor

Terri Bjorklund, City Clerk

MOTION:

SECOND:

Hansen:

Moore:

Senenfelder:

Shaw:

Wilkening: