

Commissioner Bailey moved the adoption of the following County Park Ordinance. 2nd by Commissioner Napstad. All members voting yes. Resolution approved on May 13, 2008. Resolution #051308-048

County Parks and Recreation Ordinance

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

BE IT RESOLVED, The following ordinance be enacted to establish a County Park Commission, 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 and authority of the Park Commission and County Land Department

Section I

The County Park Commission

- Subd. 1 Members of the Commission. The County Board shall appoint seven members to the Park Commission. Members of the Commission shall be one County Board member, the Land Commissioner and five residents - one from each County Commissioner District of Aitkin County. Each appointed member will serve a four year term on the Park Commission. The Land Commissioner shall be a permanent member of the Park Commission.
- Subd. 2 Officers of the County Park Commission. Each officer will be a member of the Aitkin County Park Commission. The Chairperson, Vice-Chairperson, and Secretary of the County Park Commission will be appointed annually by the members of the Park Commission. The Chairperson shall preside at all meetings. The Chairperson may call special meetings of the Park Commission. The Vice-Chairperson shall preside in the absence of the Chairperson. The Secretary shall prepare minutes of the meetings of the Park Commission. All records shall be kept in a permanent file with the County Land Commissioner.

Section II

Duties of the Park Commission

- Subd. 1 Annual Meetings. At least one annual meeting shall be held by the Park Commission in the first three months of the calendar year- and shall be held at the County Courthouse. Notice of the annual meetings will be published in the official newspaper of the County at least ten (10) days before the meeting is scheduled. The purpose of such meeting shall be to select new officers of the Park Commission and review annual work plans. Annual meetings of the Park Commission shall be open to the general public.
- Subd. 2 Meetings. Regular meetings of the Park Commission shall be held monthly at a time agreed upon by the members. The date and location of said meetings shall be posted on the Aitkin County website. The Chairperson of the Park Commission may call special meetings to review work programs, conduct other business or

approve changes in the annual parks or Long Lake Conservation Center's budget. Such meetings can be held at any location in the County and will require public notice. Park Commission meetings shall be open to the general public.

Section III
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 Park Commission for review, change, or alteration at the annual Park Commission 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 Park Commission directives.
- Subd. 3 The Land Department shall also prepare past expenditure records for review by the Park Commission 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 Park Commission action.

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.

OPEN USE AREAS: shall be all other park land not designated as limited use areas.

Section IV
Expenditures

- Subd. 1 No expenditures shall be made from the County Parks Fund unless included in the annual budget as recommended by the Park Commission 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 V
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. "Park Commission" means the Aitkin County Park Commission appointed by the Aitkin County Board of Commissioners.
 - 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.

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 Park Commission or County Land Commissioner.
6. Use loudspeakers or other amplifying systems in a park, unless authorized in writing by the Park Commission.
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. Shoot 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 first depositing a written ticket and camp fee payment in the designated collection box.
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 Park Commission.

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 Park Commission, 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 Board at any time for any interval of time, or to certain uses as the Aitkin County Park Commission shall find 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.

Subd. 11 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 Park Commission or designated County employees have the authority to revoke for good cause any user permit issued by the Park Commission.
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.

Section VI
Long Lake Conservation Center

- Subd. 1 Long Lake Conservation Center is an environmental education center owned and operated by Aitkin County. The Park Commission shall oversee the entire operation of Long Lake Conservation Center. The Long Lake Conservation Center Executive Director shall be directly supervised by the Land Commissioner.
- Subd. 2 The Executive Director 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, Park Commission 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 Executive Director 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 Executive Director 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 Park Commission or Executive Director of LLCC. 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 Executive Director.
3. For any person to discharge or have in possession a weapon on Long Lake Conservation Center without written permission of the Park Commission.

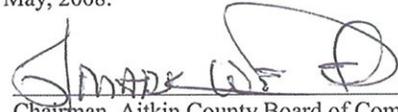
Protection of Natural Resources Within Long Lake Conservation Center
(limited use areas)

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 Park Commission.
3. Permit any dog, cat, or other pet in LLCC buildings, unless authorized by the Executive Director. 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.

Dated at Aitkin, Minnesota, this 13th day of May, 2008.



 Chairman, Aitkin County Board of Commissioners

(ATTEST)

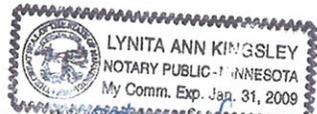

 Auditor, Aitkin County, Minnesota

6-3-08

 Date

State of Minnesota
County of Aitkin

The foregoing instrument was acknowledged before me this 30th day of June, 2008 by Mark Wedel, chairman of the Aitkin County Board of Commissioners, and Kirk Peysar, Auditor of Aitkin County.




 Notary Public