



# OTTER TAIL COUNTY - MINNESOTA

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## PARKS AND TRAILS ORDINANCE

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## I. Purpose

The purpose of this chapter, which is enacted pursuant to [Minn. Stat. Chapter 398](#), as it may be amended from time to time, is to secure the quiet, orderly and suitable use and enjoyment of public park and trail properties by the Board of Commissioners.

## II. Authority

The Board of Commissioners, under [Minn. Stat. §§ 398.31 to 398.36](#), as it may be amended from time to time, in performing its primary duty of the acquisition, development and maintenance of parks, trails, wildlife sanctuaries, forest and other reservations and providing the means for public access to historic sites, lakes, rivers, streams and other natural phenomena is granted full power and authority to acquire and establish parks and trails and to operate, maintain, protect and improve a park system and conduct a recreational program. As an aid to the accomplishment of these duties, the Board is granted the authority to enact ordinances and to declare that the violation thereof shall be a penal offense.

## III. Definitions

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

1. **AMUSEMENT CONTRAPTIONS.** Any device, contrivance, 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 device, pinball type device, electronic videos, animal ride devices, dunk tank, ball and hammer devices, trampoline devices, inflatables and other similar devices.
2. **BICYCLE.** Any non-motorized vehicle which is driven by means of pedaling. Such vehicles include, but are not limited to, road bicycles, mountain bicycles, recumbent bicycles, tricycles, and mopeds with the motor off.
3. **BOARD.** The appointed and elected members of the Board of Commissioners.
4. **METAL DETECTING.** To use an electronic or mechanical device to locate metals or other artifacts that are underground or under water.
5. **MOTORIZED RECREATIONAL VEHICLE.** Any self-propelled, off the road or all-terrain vehicle including, but not limited to snowmobile, minibike, amphibious vehicle, motorcycle, go-cart, trail bike, dune buggy or all terrain cycle.
6. **PARK.** Any land, water area, or trail corridor and all facilities thereon, under the jurisdiction, control or ownership of the County for the recreational enjoyment of the public.
7. **SMOKE/SMOKING.** The inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking includes the inhalation of nicotine, tobacco, or any other substance intended for human consumption to stimulate smoking through inhalation of a vapor or aerosol form an electronic delivery device manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.
8. **POLLUTANT.** Any substance, solid, liquid or gas, which could cause contamination of air, land or water so as to create or cause a nuisance or render unclean or noxious or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, or that of wildlife or vegetation.

9. **VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a roadway, except devices moved by human power or used exclusively upon stationary rails or tracks.
10. **WEAPON.** Any device, including, but not limited to firearms (including black powder), bows, electronic weapons (including tasers and stun guns), slings and pellet or B-B guns from which a shot or projectile of any type is discharged or propelled by means of an explosive, gas, compressed air or other means.
11. **WILDLIFE.** Any living creature, not human, wild by nature, endowed with sensation, power of voluntary motion, including but not limited to mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

#### IV. Public Use Regulations

##### 1. Hours of Operations

- a. Parks shall be open daily to the public at hours established by the County Administrator or designee. It shall be unlawful for any person to enter or remain in a park at any other time without a use permit, except when the park area or facility is otherwise designated open to the public.
- b. The County Administrator or designee is authorized to close any park or portion thereof at any time for the protection of park property or for the public health, safety or welfare.

##### 2. Use Permits

- a. Use permits shall be required for the exclusive or special use of all or portions of park areas, buildings or trails; for use of park areas and facilities when they are closed to the public; to conduct certain activities not normally permitted as per conditions of this chapter; for regulation of large group activities, as defined herein.
- b. Procedures to issue use permits shall be in accordance with guidelines established by the County Administrator or designee.
- c. Use permits shall be approved by the County Administrator or designee, or if required by this chapter, by the Board. However, the County Administrator reserves the right to defer any use permit approval to the Board.
- d. It shall be unlawful for a person or persons to violate any provisions of an approved use permit.
- e. It shall be unlawful for a person or persons to engage in any activity requiring a use permit without first obtaining the permit.

##### 3. Use by Groups

Use permits shall be required for any gathering, social event, entertainment, tournament, exhibition or any other use which can reasonably be expected to have 50 or more persons involved, such as weddings, worship services or assemblies, or potentially have a detrimental effect on park property or other park users.

##### 4. Use Permit Fees

- a. Use permit fees shall be set by Board resolution.
- b. Requests to reduce or eliminate fees shall be approved by the County Administrator or designee. The County Administrator reserves the right to defer any fee modification request to the Board.
- c. Upon group request for reduction or elimination of fees, the issuing authority shall evaluate the request including, but not limited to the following factors:
  - a. Charitable nonprofit;
  - b. Property or income tax supported; and
  - c. Educational or religious.
- d. It shall be unlawful for any person to use, without payment, any facility or area for which a use permit fee is charged, unless payment is waived by the County Administrator or designee.

## V. Conduct

### 1. Drug and Alcohol Use

- a. Beer and wine are allowed at designated campsites and shelters that have been reserved online through the county website. Wine may only be consumed in plastic/paper cups. Beer can be consumed in plastic/paper cups as well as aluminum cans.
- b. Large quantities of alcohol (kegs, party balls, etc.) are not permitted without a use permit.
- c. No person shall use, possess, consume, administer, dispense, sell, give away, or be under the influence of, any controlled substance as set forth in Schedules I-V, [Minn. Stat. Chapter 152](#), as amended from time to time, except when such use, possession, influence, and administration are authorized by statutes.
- d. It is unlawful to be under the influence of drugs or alcohol to the point of intoxication, or loss of motor skills or consciousness while in the park. Anyone found to be intoxicated will be required to leave the park.
- e. Any person requesting to offer for sale, any beer or wine, in accordance with [Minn. Stat. § 340A](#). et. seq., must obtain a use permit.

### 2. Property of Others

It shall be unlawful for any person to:

- a. Intentionally disturb, harass or interfere with a park visitor's property.
- b. Leave or store personal property on park property without a use permit.

### 3. Littering

It shall be unlawful for any person to deposit, scatter, drop or abandon bottles, cans, broken glass, hot coals, ashes, sewage, waste or other materials in a park, except in receptacles provided for the purposes.

### 4. Firearms, Dangerous Weapons and Fireworks

It shall be unlawful for any person to:

- a. Have in their possession, fire or discharge, or cause to be fired or discharged across, in, or into any portion of a park any gun or firearm, spear, bow and arrow, crossbow, sling shot, air or gas weapon, paintball gun or any other dangerous weapon or projectile, except for purposes of bow fishing and spearing in accordance with Minnesota fishing regulations. Persons who possess a valid Minnesota permit, or a valid permit from another state which is recognized in Minnesota; may carry, hold, keep, store, or possess a pistol within the park lands, facilities, and buildings to the extent permitted by Minnesota law.
- b. Set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, black powder guns or other pyrotechnics without a use permit.

### 5. Smoking and Tobacco Use

In accordance with the Otter Tail County Smoke-Free Policy approved on 02/19/13, smoking, including the use of e-cigarettes, is prohibited on all Otter Tail County owned property. This policy applies to all contractors, vendors and other people on county-owned property.

### 6. Interference with Employee Performance of Duty

It shall be unlawful for any person to impersonate any county employee, or interfere with, harass or hinder any employee in the discharge of their duties.

## VI. Operations Requirements

### 1. Commercial Use:

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 use permit.
- b. Operate a still, motion picture, video or other camera for commercial purposes in a park without a use permit.
- c. Expose, distribute or place any sign, advertisement, notice, poster or display in a park without a use permit.

### 2. Pets

- a. No person shall bring any dog, cat or other pet into a park or trail, unless caged or kept on a leash not more than six feet in length and under the handler's control.
- b. No person shall allow any dog, cat or other pet to enter a beach area, nature center area, refuge area, park building or other "no pet" designated areas.
- c. No person shall permit a pet under his or her control to disturb, harass or interfere with any user, a user's property or an employee.
- d. No person shall have custody or control of any dog or domestic pet in a designated area without possessing an appropriate device for cleaning up pet feces and disposing of it in a sanitary manner.

### 3. Noise

It shall be unlawful for any person, without a use permit, to:

- a. Install, use or operate within the 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 within the park.
- b. Use or operate or permit the use or operation of any radio, tape player, phonograph, television set, music amplifier or other machine or device for the production or reproduction of sound in a manner as to be disturbing or a nuisance to reasonable persons of normal sensitivity within the area of audibility.

### 4. Fires

It shall be unlawful for any person to:

- a. Start a fire, except in a designated area, and then only in fire rings, portable stoves or grills.
- b. Leave a fire unattended or fail to fully extinguish a fire.
- c. Scatter or leave unattended lighted matches, ashes, burning tobacco, paper or other combustible material.

### 5. Amusement Contraptions

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

### 6. Unlawful Occupancy

It shall be unlawful for any person to enter in any way any building, installation or area that may be under construction or locked or closed to public use or to enter or be upon any building, installation or area after the posted closing time or before the posted opening time or contrary to posted notice.

### 7. Aviation

It shall be unlawful to use park property for a starting or landing field for aircraft, including but not limited to: drones, hot air balloons, parachutes, hang gliders, or other flying apparatus without a user permit.

## **VII. Protection of Property, Structures and Resources**

### **1. Disturbance of Natural Features**

It shall be unlawful for any person to:

- a. Intentionally remove, alter, injure or destroy any tree, other plant, rock, soil or mineral.
- b. Dig trenches, holes or other excavations.
- c. Introduce any plant, animal or other agent within a park.
- d. Harvest/grow/cultivate a controlled substance.
- e. Cut or gather wood.
- f. Engage in metal detecting.
- g. Transport, possess, or burn firewood.

### **2. Disturbance of Wildlife**

It shall be unlawful for any person to:

- a. Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed, any species of wildlife, except fish in accordance with Minnesota fishing regulations.
- b. Remove any animal, living or dead, from a park without a use permit and any animal so removed or taken contrary to the provisions of this chapter or laws of the state, shall be considered contraband and subject to seizure and confiscation; and/or Release or abandon any animal within a park.

### **3. Destruction or Defacement**

It shall be unlawful for any person to:

- a. Intentionally deface, vandalize or otherwise cause destruction to park property; and/or
- b. Intentionally deface, destroy, cover, damage or remove any placard, notice or sign or parts thereof whether permanent or temporary, posted or exhibited by the Public Works Division.

### **4. Release of Harmful or Foreign Substance**

It shall be unlawful for any person to:

- a. Place any debris or other pollutant in or upon any park lands or any body of water in or adjacent to a park, or any tributary, stream, storm sewer or drain flowing into the waters; and/or
- b. Discharge wastewater or any other wastes in a park, except into designated containers, drains or dumping stations.

### **5. Interference of Park Property**

It shall be unlawful for any person to cause or permit physical encroachment upon park property including, but not limited to actions such as mowing of grasses, and/or placement of personal property, debris, materials, buildings, sheds, other structures, informal trails or signs on park lands unless permitted.

## **VIII. Recreation Activities**

### **1. Camping**

It shall be unlawful for any person to:

- a. Camp in a park, except in areas provided and designated for that purpose.
- b. Camp without a use permit from the park system.
- c. Occupy camp sites in a park contrary to a permit or otherwise violate provisions of a use permit.
- d. Operate any vehicle within a campground during posted quiet hours, except in emergencies.
- e. Camp overnight in a park if under 18 years of age, unless accompanied by an adult.
- f. Camp in a park longer than ten consecutive days.
- g. Camp in a park more than 14 days in a calendar month without a use permit.

## 2. Picnicking

It shall be unlawful for any person to:

- a. Assume exclusive use of a picnic shelter without a use permit or online reservation.
- b. Use a portion of a picnic shelter if the area is reserved by another group.
- c. Set up temporary shelters, such as tents, tarps, canopies and other devices other than in designated camping areas without a use permit.

## 3. Horses and Horseback Riding

It shall be unlawful for any person to ride, lead or allow a horse within a park except on designated trails or roadways.

## 4. Bicycling

It shall be unlawful for any person to:

- a. Operate any type of bicycle, except on roadways, paved or aggregate surfaced trail and designated trails.
- b. Ride or operate a bicycle, except in a prudent and careful manner and at speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

## 5. Snowmobiling

It shall be unlawful for any person to operate a snowmobile anywhere in a park, except on designated trails.

# IX. Traffic Regulations

## 1. Motorized Recreational Vehicles

It shall be unlawful for any person to operate a motorized recreational vehicle within a park without a use permit.

## 2. Vehicle Operation

It shall be unlawful for any person to operate any vehicle within a park, except upon roadways, parking areas or other designated locations.

- a. Parking vehicles: It shall be unlawful for any person to park on the grass or sides of roads. Vehicles must be parked in designated parking areas.

## 3. Maintenance of Personal Vehicles

It shall be unlawful for any person to wash, polish, grease, change oil or perform other maintenance on any vehicle on park property, except in emergencies.

# X. Enforcement and Penalty

- a. The County Sheriff's Department, local law enforcement agencies and agents of the State Department of Natural Resources, in connection with duties imposed by law, shall enforce the provisions of this chapter.
- b. The Board shall have the right to adopt by resolution additional rules and regulations relative to this chapter.
- c. Nothing in this chapter shall prevent employees or agents of the county from performing their assigned duties.
- d. A person guilty of violating any provision of this chapter shall be guilty of a misdemeanor, pursuant to [Minn. Stat. § 398.34](#).
- e. All fines collected under this chapter shall be deposited into the County Park Fund.

**XI. Severability and Savings Clause**

If any section or portion of this Ordinance is found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that section or portion shall be considered severable and the finding shall not serve as invalidation or affect the validity or enforceability of any other section or provision of this Ordinance. All permits issued under this Ordinance are permissive only and shall not release the permittee from any liability or obligation imposed by Minnesota Statutes, Federal Law, or local ordinances relating hereto.

**XII. Effective Date: March 1, 2020.** Adopted by Otter Tail County Resolution 2020 – 18 on February 25, 2020.