

**BROWN COUNTY
ORDINANCE NO. 2009-01
USE OF PARKS**

AN ORDINANCE REGULATING THE USE OF PARKS UNDER THE JURISDICTION OF THE BROWN COUNTY BOARD OF COMMISSIONERS.

WHEREAS BROWN COUNTY has provided for the creation and establishment of County Parks, County Monuments, County Recreation Areas, and County Waysides for the purpose of conserving the scenery, natural and historic objects and wildlife therein, and WHEREAS, authority for regulating the use of parks was granted to the Board of County Commissioners by the provisions of Minn. Stat. 398.34; and WHEREAS, a public hearing, after due notice, as provided in the afore-said Section, has been conducted in regard to this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, MINNESOTA, AS FOLLOWS:

SECTION 1 **PURPOSE.** The purpose of ordaining these rules and regulations is to afford a means of maintaining and enforcing the orderly use of County Parks under the jurisdiction of the Brown County Board of Commissioners.

SECTION 2 **APPLICATION AND PENALTY.** Any person who shall violate any provision of this Ordinance shall be subject to immediate removal from the Park and shall be guilty of a misdemeanor.

SECTION 3 **HOURS.** Occupancy of areas affected by this Ordinance shall be posted and allowed by the Brown County Board of Commissioners.

SECTION 4 **DISORDERLY CONDUCT.** No person shall engage in any violent, immoral, abusive, loud, obscene or other conduct creating or tending to create a breach of the peace or to disturb or annoy the recreational enjoyment of park lands and waters by other members of the public.

SECTION 5 **VANDALISM.** No person shall destroy, injure or damage any land or personal property of the County, including but not limited to trees, vegetation, ruins, relics, and geological formations. Investigation or collections for scientific or educational purposes are permitted, but only by written consent of the County Board of Commissioners.

SECTION 5A **METAL DETECTORS.** The use of metal detectors is prohibited throughout Brown County Parks.

SECTION 6 **WILDLIFE.** No person shall kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing may be permitted in designated areas or as otherwise permitted by the Brown County Board or the Brown County Park Commission.

SECTION 7 **LITTERING.** No person shall burn or otherwise dispose of garbage, rubbish, sewage, or trash of any kind except to dispose of the same in receptacles provided for that purpose.

SECTION 8 **FIRES.** Fires are permitted only in fireplaces, fire rings, or other authorized sites.

SECTION 9 **WILDLIFE, FIREARMS, WEAPONS.** All park property shall be closed to public hunting. No person shall discharge the following weapons within a County Park:

- 1) Firearms
- 2) Archery Equipment
- 3) BB and/or Pellet Guns
- 4) Slingshot
- 5) Paintball Guns

SECTION 10 **PETS.** Pets are permitted in County Parks, provided no person shall allow any dog, cat, or other pet animal to enter any building or bathing beach. All such dogs, cats or other pet animals shall be effectively restrained by a leash not exceeding six feet, and such animals shall not deprive or disrupt the enjoyment of use of any area by other persons.

SECTION 11 **PICNICKING AND CAMPING.** Picnicking and camping is permitted only in designated areas, provided no person or group of persons shall exclude others from a picnic area.

SECTION 12 **NOISE RESTRICTION.** No person shall use a public address system, play amplified music or otherwise make noise that can be heard beyond the immediate area of said equipment.

SECTION 13 **USE OF SITES.** Installation of permanent or semi-permanent facilities, use of trees as guideposts and digging in any camping site is prohibited.

SECTION 14 **BOATING.** With respect of waters lying within the boundary of County Parks, and waters extending beyond such boundaries, but lying within 300 feet of that part of shore of such waters lying within such boundaries, no person shall operate a water craft within a water area which has been marked off or set aside as a swimming or bathing area.

SECTION 15 **SNOWMOBILES OR ALL-TERRAIN VEHICLES.** No snowmobile, dirt bike, All-Terrain ("ATV") or other off road vehicle shall be permitted in Park Property. Park Caretakers may use ATVs, dirt bikes, or other vehicles in Park Property as needed as long as they are performing park business or duties. Golf carts are only allowed in Park Property if the caretaker is contacted prior to use and only during sanctioned events for the sole purpose of transporting elderly or disabled visitors.

SECTION 15A **WINTER FISHING ACCESS.** Notwithstanding the provisions of Section 15, winter fishing access on the Wellner-Hageman Flood Control Pool is allowed by motorized vehicle, including snowmobiles and All-Terrain vehicles, on the route so designated by the Brown County Board of Commissioners. All motorized vehicles on the Wellner-Hageman Flood Control Pool shall be subject to a speed limit of 5 mph.

SECTION 15B **SPEED LIMIT.** All motorized vehicles on County Park land shall be subject to the speed limit of 20 mph.

SECTION 16. **HORSEBACK RIDING.** Horseback riding is restricted to trails designated for this use and improved roads.

SECTION 17 **ADVERTISEMENTS.** Private notices or advertisements shall not be posted, distributed or displayed in any areas affected by this Ordinance, without prior written approval from the Brown County Board of Commissioners.

SECTION 18 **PRIVATE OPERATIONS.** No person, business, association, or corporation shall engage in or solicit any business within areas affected by this Ordinance, unless authorized in writing by the Brown County Board of Commissioners.

SECTION 19 **GLASS RESTRICTION.** No glass beverage containers shall be allowed in Brown County Parks.

SECTION 20 **INTOXICATING LIQUORS.** Any misuse of intoxicated liquors will result in expulsion from the campground or other park property.

SECTION 21 **DRUGS.** No person shall use, be in possession of, or be under the influence of non-prescribed controlled substances.

SECTION 22 **ENFORCEMENT.** The Park Supervisor, his designee, or the Sheriff and his Deputies of Brown County in connection with their duties shall enforce the provisions of this Ordinance. They shall

have the authority to eject from the park any person acting in violation of this Ordinance. The County Sheriff and Deputies shall have the authority to seize and confiscate any property, thing, or device in the park which violates the Ordinance.

SECTION 23 SEPARABILITY. Should any section of this Ordinance be declared by a Court of Competent Jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be involved.

SECTION 24 EFFECTIVE DATE. This Ordinance shall be effective upon its due passage.

Duly passed and adopted this 8th day of January, 1991. Section 15A and 15B were amended on the 22nd day of October, 1996. Sections 5A, 9, 15 and 19 were amended on the 3rd day of March, 2009. Section 15 was amended on the 23rd day of February, 2016.

Brown County Board of Commissioners
Scott Windschitl /s/
Chairman

Attest:
Charles Enter /s/
County Administrator

This motion carried 3-2 with Potter and Windschitl dissenting.