

AN ORDINANCE REGULATING THE USE OF PUBLIC PARKS IN THE CITY OF OAK PARK HEIGHTS AND IMPOSING PENALTIES FOR THE VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

- 802.01 Definition.
“Public Parks” or “Park” is any land owned or leased by the City for the use of the public for any one or combination of the following uses, to-wit: recreation, amusement, playground and field, swimming beaches, trails and trailways, and any area used by the public for relaxation.
- 802.02 Motor Vehicles.
A motor vehicle is any self-propelled vehicle or vehicle propelled or drawn by a self-propelled vehicle, including any vehicle commonly referred to as a snowmobile.
- 802.03 Defacing or Destroying Property Prohibited.
No person shall deface, destroy, damage, or impair the value of any public or private property located within any public park in the City including buildings, structures, signs, trees, shrubs, or vegetation located therein.
- 802.04 Littering Prohibited.
No person shall litter, cast, or throw rubbish, trash, or garbage in any public park, including any surrounding water area within the City except in containers and receptacles duly designated for said purpose.
- 802.05 Parking and Driving Motor Vehicles.
No motor vehicle shall be driven in a public park, except on roadways and trailways designated and developed for said purpose. No motor vehicles shall be parked in any public park or public paths and trailways, except in those areas duly posted, designated, or developed for the parking of motor vehicles.
- 802.06 Park Hours.
From October 1st through April 30th the park hours shall be from 6:00 am of until 10:00 P.M. of each day. Between May 1st and September 30th the park hours shall be between 5:00 am and 10:00 pm. No person shall enter any park before the opening hour and shall leave on or before the closing hour. No motor vehicles shall be parked in a public park, except in those hours designated in which said parks are open to the public. Special permission for groups of persons to remain in any park for a longer period than those designated herein may be obtained from the City Council at their discretion. However, such permits and permission shall specify what special conditions must be observed by said persons. Duly

designated City employees may enter the park at any time to enforce the provisions of this Ordinance.

802.07 Speed of Vehicles.

No person shall operate a motor vehicle at a greater speed than fifteen (15) m.p.h. in any park.

802.08 Regulation of Operation of Motor Vehicles..

All applicable provisions of Minnesota Statutes 1967 and amendments thereto known as the Minnesota Traffic Regulation Act, are hereby made a part of this Ordinance by reference, except as to those items herein modified by this Ordinance or incapable of being applied to public parks.

802.09 Park Events and Alcohol Consumption

Any person, entity or group desiring to rent or reserve a City Park Shelter and/or rent a City Park Facility shall first secure a permit subject to the provisions of this Ordinance. Unless a permit for alcohol use and consumption is granted by the City to be used in conjunction with the rental event, alcoholic beverages shall not be permitted within City parks.

1. Small Events: For small events that are anticipated to be less than 200 persons, an application shall be submitted on forms provided by the City and shall be fully completed and submitted not less than then (10) days prior to the event. In conjunction with reserving of the park shelter, an application for a permit to consume alcohol on the premises must be first applied for and obtained from the City. A non-refundable application fee for such permit shall be \$15.00. No sale of alcohol will be permitted under any circumstances.
2. Large Events: Should an event at a park facility, or in conjunction with a park shelter reservation, be estimated to exceed 200 persons, the applicant shall first secure a park permit from the City to be issued by the City Council in its discretion. The following criteria should be followed by the application prior to and in any consideration by the City Council for such event:
 - a. The application shall be on forms provided by the City and shall be fully completed and submitted not less than forty-five (45) days prior to the event.
 - b. Any alcoholic sales and consumption shall be confined to a specific area of the event and shall be delineated with proper temporary fencing.

- c. A permit shall be secured by the Minnesota Alcohol and Gambling Control Division at least thirty (30) days prior to the event.
- d. All servers of alcoholic beverages shall have first passed the “SERVSAFE” Alcohol Training Program; provide documentation to the City.
- e. The Applicant shall provide proof of general liability coverage naming the City as an additionally insured party in an amount of not less than \$1,000,000 covering any and all aspects of the applicants use of the City facility. Such insurance shall be provided at the time of the application.
- f. The Applicant shall provide a deposit of \$5.00 per planned attendee, but shall be not less than \$500.00 nor more than \$2,000.00. This deposit shall be refunded to the Applicant after the event is concluded subject to the following: The City will evaluate the site after the event and will deduct reasonable costs for any site clean-up not performed by the Applicant. Should clean-up or repair costs exceed the deposit balance, the Applicant does agree to pay any costs so deemed necessary by the City and shall waive any rights to appeal such enforcement.
- g. The City Chief of Police shall determine if any Police Services are required to be present at such event and the Chief shall estimate such costs. These Police Services costs shall be the sole responsibility of the Applicant and shall be paid in advance of the event and such fees are separate from the Deposit.
- h. The City Police Department may terminate this permit at any time and/or order the closing of the event should conditions warrant.
- i. The Applicant agrees that the City bears no responsibility to ensure the Park facility is set-up with any specific tables, chairs, port-a-pots, garbage facilities. It remains the Applicant sole responsibility to secure these facilities from other vendors. The City facilities is provided in an “as-is” condition under the permits issued herein. The Applicant bears the full responsibility to clean-up and repair all facilities and address any damages that occur upon the site during their event and at their sole expense. The Applicant is responsible for all elements of the event and the behavior of their patrons and guests.
- j. The Applicant shall provide an emergency plan – including an evacuation plan with complete contact information. The Applicant, it’s staff and/or leadership shall be on the site at all times during any

approved event. The general safety of attendees is the sole responsibility of Applicant.

- k. Use of City Park for a Large Event that is open to the general public and for a FOR-PROFIT purpose is strictly prohibited.
- l. No one applicant or their related group(s) may secure more than two Large Event Permits during a twelve (12) month period.

802.10 Open Fire Prohibited.

No person shall build a fire in any area in a park, except in fireplaces or receptacles duly provided for said purpose, except as in such areas as may be specifically designated for open fires by signs.

802.11 Certain Equipment and Activities Prohibited.

In all areas where swimming and wading are permitted, the City Council shall have the authority to prohibit the use of such equipment as it deems dangerous to persons in such pursuit. In all park areas all activities which are likely to endanger persons or property are prohibited. The Council or its duly designated agents shall determine what activities are dangerous and shall be duly authorized to terminate such dangerous activities.

802.12 Animals.

No animals shall be permitted in any public park, unless they are under leash at all times.

802.13 Firearms Prohibited.

No person shall be permitted to carry firearms of any kind within the park areas, except for authorized police officers.

802.14 Rules.

The City Council may promulgate from time to time such rules as they may deem to be necessary for the safety of persons using said parks.

802.15 Unauthorized Removal Prohibited.

No person other than City employees or designated City agents shall cut and/or remove any trees, shrubs, bushes, or other vegetation, including seeds or spores, from any City park or property owned by the City. Removal of trees marked by the City inspector to be diseased shall be removed only by those persons or businesses designated by the City Council for that purpose.

802.16 Enforcement.

This Ordinance may be enforced by duly designated law enforcement officers of the City of Oak Park Heights, County of Washington, State of Minnesota, or any other employees of the City duly designated by the City Council as park police.

802.17

Penalties for Violations.

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and on conviction thereof shall be subject to a fine not in excess of Seven Hundred Dollars (\$700.00) or to imprisonment not in excess of ninety (90) days in jail, or both.

Ordinance Amended 11/30/04

Section 802.09 Amended by the City Council on 5/9/2017