

**Park - Recreation - Trails Ordinance
State of Minnesota, County of Todd
Ordinance Number 201101**

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The Board of Commissioners of Todd County, State of Minnesota, does hereby ordain as follows:

Article I. Purpose, Establishment of Parks and Trails Board.

Section 1.01 Purpose.

The purpose of this ordinance is to establish a Todd County Park Commission in compliance with Minnesota Statute Section 398.36. This Commission shall be known as the Todd County Parks and Trails Board. The Todd County Commissioners may delegate to the Parks and Trails Board any of the powers conferred on the County Board by Minnesota Statutes sections 398.32 to 398.35, except the power to acquire or sell land or water interests therein, to levy taxes, to appropriate money, or to enact ordinances. The Parks and Trails Board may make recommendations to the County Board with respect to any matter relating to County Parks requiring County Board Action.

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Section 1.02 Parks and Trails Board Membership.

- (a) Composition. The Todd County Parks and Trails Board members shall be composed of seven members. One member from each commissioner district and two at large members.
- (b) Liaison members. Two county commissioners shall be appointed by the Todd County Board of Commissioners to serve on Parks and Trails Board as liaison, non-voting members.
- (c) Appointment. Appointments to the Todd County Parks and Trails Board shall be made upon a vote of the Todd County Board of Commissioners.
- (d) Term of Office. The term of office for all Parks and Trails Board members shall be for four years from the date of appointment.
- (e) Filling vacancies. If a Commissioner is unable to make a recommendation for appointment within 90 days of a vacancy coming open, the Parks and Trails Board is permitted to recruit members regardless of district of residence, and recommend appointment to the County Board to fill said vacancy.

Section 1.03 Meetings of the Parks and Trails Board.

- (a) Meeting times and dates. The Todd County Parks and Trails Board shall set dates and times for meetings as they deem appropriate for their purpose and function.
- (b) Open meetings. All meetings of the Todd County Parks and Trails Board are subject to Minnesota Open Meeting laws.
- (c) Per diems and mileage. All members of the Todd County Parks and Trails Board are eligible to receive per-diem and mileage payments for regular meetings of the Parks and Trails Board, and other Parks and Trails Board approved activities. The County Board of Commissioners shall set the rate of per-diem and mileage.

Section 1.04 State Statute Adopted by Reference.

Minnesota Statutes Sections 398.31 to 398.36 regarding County Park Districts, are incorporated herein and made a part of this ordinance.

Section 1.05 Authorities of the Todd County Parks and Trails Board.

- (a) Spending Authority. Spending authority shall be limited to \$2500.00 dollars per expenditure, not to exceed the annual budgeted expenditures without approval by the County Board.
- (b) Contracts. The Todd County Parks and Trails Board does not have the authority to sign contracts on behalf of Todd County.

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- (c) Planning. The Todd County Parks and Trails Board may engage in Parks and Trails planning in accordance with the County Board approval.
- (d) Maintenance. The Todd County Parks and Trails Board shall oversee and provide for the routine maintenance of Todd County recreational areas with approval of the County Board.
- (e) Permits. The alteration of any recreational area subject to Park –Recreation-Trails Ordinance will be subject to all other ordinances of Todd County. The County Board must authorize the application for any necessary permits.
- (f) Improvements, alterations. The Todd County Parks and Trails Board may recommend improvements or alterations to Todd County recreational areas. Including, but not limited to:
 - (i)Removal or planting of vegetation
 - (ii)Modification of existing facilities and structures
 - (iii)Building of new structures of any type
- (g) Fees. The Todd County Parks and Trails Board may establish fees for the following activities:
 - (i)Camping
 - (ii)Facility and recreational area rental
- (h) Policies and procedures related to camping and facility and recreational area rental. The Parks and Trails Board may establish policies and procedures related to camping, facility and recreational area rental, as permitted by this ordinance.
- (i) Annual Report. An annual report shall be made by the Todd County Parks and Trails Board and will be presented to the Board of Commissioners with Board Chair approval.

Section 1.06 Definitions.

- (a) “Parks and/or Recreation Areas” shall mean any tract of land owned or operated by Todd County designated as a park, trail, campsite, historic site, and/or recreational area for use by the public.
- (b) “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or trucks.
- (c) “Motor Vehicle” means every vehicle that is self-propelled. Motor vehicle does not include an electric personal assistive mobility device or a vehicle moved solely by human power.

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Article II. Restrictions and Regulations.

Section 2.01 Firearms.

It shall be unlawful for any person to have in his or her possession, out of doors, within the boundaries of, or upon the premises known and designated as Todd County Parks and/or Recreation Areas, any rifle, shotgun, pistol, revolver, muzzle loading or other firearms. Target practice with a firearm is prohibited at all times during the year. The following exceptions apply:

- (a) Waterfowl hunting is allowed at Battle Point Park during the seasons permitted by law.
- (b) This section shall not apply to any peace officer being upon said premises while in the performance of his or her duties.
- (c) Provided, further, that this section shall not apply to persons permitted to carry a pistol or revolver under the provisions of Minnesota Statutes 624.714 and 624.715 and/or engaged in rodent or pest control authorized by the Todd County Parks and Trails Board.

Section 2.02 Fires.

Any person who starts or maintains a fire in an authorized area (Grills, Fire Rings) shall exercise continuous supervision from the time the fire is kindled until it is extinguished. No fire shall cause damage or constitute a threat to site vegetation and resources, nor shall it cause discomfort to other park users. This section does not apply to County employees or contractors engaged in cleaning or maintaining the areas.

Section 2.03 Camping.

No person shall camp overnight in any park, except in areas specifically designated for such use.

Section 2.04 Boating.

All persons launching or landing any boat, canoe, raft or other watercraft shall be within the designated area. No person shall operate any watercraft within an area designated as a swimming area.

Section 2.05 Preservation of Vegetation.

No person, without the approval of the Todd County Board of Commissioners shall:

- a) Injure, cut, destroy, mutilate, uproot, disturb or remove any flower, tree, shrub or any plant whether wild or cultivated or any part thereof
- b) Plant or cause to be planted any wild, cultivated or exotic tree, shrub, or plant except in specifically designated areas
- c) Fell or climb any tree, pick any flower, fruit or vegetable, trample any flower, tree seedlings, flowerbeds or turf seedlings
- d) Hitch any animal or fasten, anchor or otherwise attach any wire, rope, cable, signs, posters, or other articles to any tree, shrub or plant
- e) Remove any device, apparatus or material installed for the protection of, support of or preservation of any tree, shrub or plant

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- f) Excavate any ditch, trench, tunnel or hole

Section 2.06 Structures.

It shall be unlawful to leave, store, abandon or otherwise cause to remain in a Todd County Park and/or Recreation Area, any fish house, shelter or dark house.

Section 2.07 Vehicles.

It shall be unlawful to park a vehicle in a place other than a designated parking space, or in such a manner as to obstruct any avenue of ingress or egress to the area, except for the purpose of unloading and loading. A motor vehicle may be operated only on designated roads and parking areas. Motor vehicles may not be driven on roads that are posted, chained or gated prohibiting motor vehicles.

Section 2.08 Glass.

No Glass beverage container shall be allowed in any beach area.

Section 2.09 Littering.

No person shall throw, deposit, place or dump any glass, paper, metal or other trash, waste, animal carcass or refuse of any kind in the park, except in the refuse containers provided for this purpose. No smoking in beach area.

Section 2.10 Vandalism.

No person shall write upon, mark, destroy or otherwise deface in any way property or things pertaining to or in said Parks and Trails areas.

Section 2.11 Domestic Animals.

Pets will be permitted in recreational areas. All pets shall be attended and effectively restrained by a leash. No person owning or having control of any pet or animal shall allow said animal to disturb, harass, or interfere with the enjoyment of other park users or their property. Persons bringing pets into the park shall be responsible for picking up and removing pet droppings from the park and properly disposing of them.

Section 2.12 Audio Devices.

With the exception of activities permitted by the Todd County Parks and Trails Board under policies and procedures adopted by that Board, no person shall operate or play any musical instrument, radio, television, other audio devices, loudspeaker, public address system, or sound amplifying equipment of any kind in the park, in such a manner that interferes with the use and enjoyment of park users or disturbs the residents of adjacent property.

Article III. Trail Use.

In addition to the requirements of Article II. The following rules apply with regards to the use of Todd County recreational Trails.

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Section 3.01 Authorized Use without Permit.

The recreation trail governed by this ordinance allows use without a permit for:

- (a) Pedestrian, bicycle and non-motorized vehicles from April 1st through November 30th of each year.
- (b) Snowmobiles from December 1st through March 31st of each year. The County reserves the right to close the trail when inadequate snow cover causes potential trail surface damage.
- (c) Access to County owned property for management purposes, fire protection and fire prevention activities, law enforcement and emergency purposes, maintenance work on public drainage systems, and as an emergency alternate, or temporary public roadway.

Section 3.02 Unauthorized Uses.

The recreation trail governed by this ordinance shall not be used for:

- (a) A permanent public transportation route for normal highway traffic.
- (b) A permanent driveway or access to property not administered by Todd County.
- (c) A parking or storage area.
- (d) A gravel, peat, mineral storage or processing area.
- (e) A dumping area for garbage, refuse, debris, equipment/spoils or other refuse of any kind at any time.
- (f) A roadway for two wheel vehicle, trucks, dune buggies or all terrain vehicles at any time, unless allowed by special permit.
- (g) Equestrian uses on the surface of the developed trail.

Section 3.03 Safety.

While being ridden or operated within a trail, motorized and non-motorized vehicle must be under control of the operator at all times. It is unlawful for any person to operate or halt any motorized vehicle within the trail carelessly or heedlessly in disregard of the rights of others or in a manner that endangers or is likely to endanger any property or any person, including the driver or passenger of the vehicle.

Article IV. Enforcement and Administration.

Section 4.01 Enforcement.

- (a) Criminal penalties. Any person violating any provision of this ordinance shall be guilty of a Petty Misdemeanor and upon conviction shall be punished as provided by Minnesota Law.
- (b) Civil penalties. In the event of a violation or threatened violation of State law or this Ordinance, the County of Todd, In addition to other remedies, may initiate civil court actions or civil administrative proceedings to prevent, restrain, correct or abate such violations or threatened violations. It shall be the duty of the County Attorney or of

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County Civil Counsel appointed by the Todd County Board of Commissioners under MN Statutes 375A.10 to review evidence of such violations, or threatened violations, and take such action as may be warranted and necessary.

Section 4.02 Administration.

The Todd County Parks and Trails Board, is responsible for general administration of this ordinance. The County Board, or their designee such as the County Administrator or appropriate Director, shall oversee the Parks and Trails Board on behalf of the County Board. The County Board is the final administrative authority for the purposes of this ordinance.

Section 4.03 Severability.

Should any section, paragraph, sentence or phrase of this Ordinance be found invalid by a court of competent jurisdiction, then such section, paragraph, sentence or phrase shall be severed from this Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

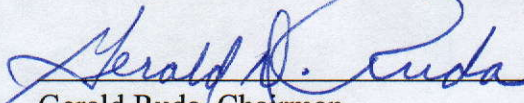
Section 4.04 Repeal of Previous Park Ordinances.

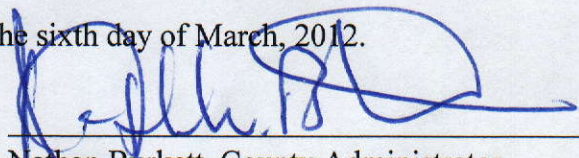
Any previous Todd County Park and Recreation Ordinances are hereby repealed.

Section 4.05 Effective Date.

This ordinance shall be published in the newspaper of Todd County and shall be in full force and effect on and after the date of such publication.

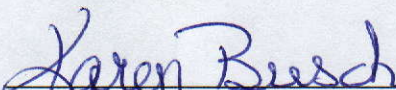
Passed by the Board of County Commissioners on the sixth day of March, 2012.


Gerald Ruda, Chairman


Nathan Burkett, County Administrator

	Y	N
Blessing	<u>x</u>	—
Kircher	<u>x</u>	—
Kneisl	<u>x</u>	—
Neumann	<u>x</u>	—
Ruda	<u>x</u>	—

This document has been filed with the appropriate documentation in the Office of the Todd County Auditor/Treasurer and is in effect as of April 1, 2012


Karen Busch, County Auditor/Treasurer