PARK ORDINANCE 2026 UPDATE FOR PUBLIC HEARING

Dakota County Ordinance 107, Park Ordinance: Draft Update for Public Hearing

ORDINANCE NO. 107
PARK ORDINANCE

ADOPTED BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS

_____

APPROVED BY THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES

_____

TABLE OF CONTENTS

Dakota County Ordinance No. 107
County Park System Use

Chapter 1 - Purpose/Authority/Definitions 3
Section 1.1 - Purpose 3
Section 1.2 - Statutory Authority 3
Chapter 2 - Regulation of Public Use 8
Section 2.1 - Parks and Greenway Hours 8
Section 2.2 - Permits 8
Chapter 3 - Regulations of General Conduct 10
Section 3.1 - Proper Attire/Exposure 10
Section 3.2 - Alcohol and Drug Use 10
Section 3.3 - Smoking and Electronic Delivery Device Use 11
Section 3.4 - Gambling 11
Section 3.5 - Nuisance/Private Property 11
Section 3.6 - Littering 11
Section 3.7 - Possession/Use of Firearms/Dangerous Weapons/Fireworks 12
Section 3.8 - Interference with Employee Performance of Duty 12
Section 3.9 - Child Safety 12
Section 3.10 - Assembly 12
Chapter 4 - General Parkland Operation Regulations 13
Section 4.1 - Commercial Use 13
Section 4.2 - Noise/Amplification of Sound 14
Section 4.3 - Fires 14
Section 4.4 - Aviation 15
Section 4.5 - Amusement Contraptions 15
Section 4.6 - Pets in Parks 15
Section 4.7 - Unlawful Occupancy 15
Chapter 5 - Property, Structures, and Natural Resources Protection 16
Section 5.1 - Destruction/Defacement of Park Property/Signs 16
Section 5.2 - Foraging and the Collection/Harvesting of Wildlife and Natural Resources 16
Section 5.3- Disturbance of Natural Resources .....
Section 5.4 - Disturbance of Wildlife 17
Section 5.5 - Release of Harmful or Foreign Substances 17
Section 5.6 - Interference of Park Property 17
Chapter 6 - Recreation Activity Regulations 18
Section 6.1 - Camping 18
Section 6.2 - Picnicking 18
Section 6.3 - Swimming 18
Section 6.4 - Scuba Diving 18
Section 6.5 - Boating 19
Section 6.6 - Fishing 19
Section 6.7 - Horseback Riding 19
Section 6.8 - Bicycling 20
Section 6.9 - Hiking 20

Section 6.10 - Roller-Skating, In-Line Skating, and Skateboarding 20
Section 6.11 - Snowmobiling 20
Section 6.12 - Cross-Country Skiing 21
Section 6.13 - Other Winter Activities 21
Section 6.14 - Games and Active Recreation Activities 21
Section 6.15 - Hammocking, Slacklining, and Other Line-Related Activities 21
Section 6.16 - Metal Detecting 22
Chapter 7 - Motorized Vehicles, Traffic, and Parking Regulations 22
Section 7.1 - Vehicle Operation 22
Section 7.2 - Parking Vehicles 23
Section 7.3 - Motorized Vehicle Maintenance 23
Section 7.4 - Motorized Recreational Vehicles 23
Chapter 8 - Enforcement 25
Section 8.1 - Park Patrol Authority/Authorized Agents 25
Section 8.2 – Penalties 25
Chapter 9 - Miscellaneous 26
Section 9.1 - Exemptions 26
Section 9.2 - Repeal 26
Section 9.3 - Enactment 26
Section 9.4 - Notification 26
Section 9.5 - Severability 26
Section 9.6 - Amendment 26
Chapter 10 - Effective Date 27

Chapter 1 - Purpose/Authority/Definitions

Section 1.1 - Purpose

The purpose of this ordinance is to further the enactment of the mission of the Dakota County Park System as stated in the Dakota County 2050 Vision Plan for Parks, Greenways, and Natural Systems:

> "To enrich lives by providing high quality recreation and education opportunities in harmony with natural resource preservation and stewardship."

In doing so, the Dakota County Board of Commissioners deems it reasonable, necessary, and desirable to enact an ordinance specifying rules and regulations to provide for the safe and peaceful use of park lands, conservation areas, and trails; for the education and recreation of the public; for the protection and preservation of park property, facilities, and natural resources; and for the safety and general welfare of the public.

Section 1.2 - Statutory Authority

The Dakota County Board of Commissioners, under Minn. Stat. §§ 398.31–398.36, in performing its primary duty of the acquisition, development, operation, and maintenance of County parks, trails, and related facilities and providing the means for public access to lakes, rivers, streams and other natural features, is granted full power and authority to acquire and establish the above facilities and to operate, maintain, protect, and improve a park system and implement a recreational program. As 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 punishable per state statute. Violations of the provisions of this ordinance or failure to comply with any of its requirements shall be punishable pursuant to Minn. Stat. § 398.34.

Section 1.3 - Park Rules and Regulations

The Park Director has the authority to establish park rules and regulations which provide specific operational or procedural constraints, exemptions, and/or permissions to ordinance text.

The Park Director and Board of Commissioners reserve the right to promulgate park rules and regulations henceforth as it pertains to this ordinance.

No person shall violate rules and regulations that may be established by the Board or Park Director.

Section 1.4 - Fees

It shall be unlawful for any person to use an area or facility or engage in an activity for which a fee has been established by the County Park Department and County Board without payment of such fee unless

fees are waived pursuant to a Special Use Permit or pursuant to a Parks-authorized community outreach or engagement program.

.

Section 1.5 - Definitions

The following list defines key terms used in this document.

"Alcoholic Beverage" includes any beverage as defined by State Statute containing more than one-half of one percent alcohol by volume.

"Amplified Noise" means the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound.

"Amusement Contraption" means any contrivance, device, 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, bounce, or fall experience including, but not limited to, ball throwing contest devices, electronic videos, animal ride devices, dunk tanks, ball and hammer devices, trampoline devices, and the like.

"Authorized Adult" means any person who is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and control of a juvenile.

"Barrels" means any various units of volume or capacity as a liquid measure of 31 to 42 gallons.

"Board" means the elected members of the Board of Commissioners of Dakota County.

"Commercial Use of Parks" means any activity conducted in a park system that is associated with any trade, occupation, profession, business, or franchise. Commercial use of parks does not include activities conducted on the County's behalf or in conjunction with the County.

"Controlled Substance" means a drug, substance, or immediate precursor in schedules I through V of Minn. Stat. 152.02.

"County Park" means those parks, park reserves, conservation areas, trails, greenways, and other areas designated by Dakota County Board of Commissioners as being a part of the County Park System.

"Dangerous Weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

As used in this subdivision, "flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, "combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.

"Designated Area" means an area or facility identified by the Parks Director for use in a specific manner.

"Electronic Delivery Device," per Minn. Stat. § 609.685, subd. 1(c), " means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery device includes but is not limited to devices manufactured, marketed, or sold as electronic

cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor."

"Electric Powered Device (EPD)" means any electric mobility device used for the purpose of locomotion or any electric mobility device designed to operate in areas without defined pedestrian routes but that is not an ADA device such as a wheelchair. Example devices include electric scooters, e-bikes (electric-assist/pedal-assist), Segways, and the like. An e-bike is a bicycle with two or three wheels, a saddle, and fully operable human-propelled pedals.

"Fishing" means the activity of catching fish, either for food or as a sport.

"Foraging" means to search for and gather provisions.

"Greenway" means a shared-use regional trail and associated land set aside for recreational use or environmental protection.

"Hiking" means traveling on foot, i.e., walking, running, or with an assistive mobility device.

"Inhalant" means any substance that releases vapors, and which is used by a person for the purpose of inducing symptoms of intoxication, elation, excitement, confusion, dizziness, paralysis, irrational behavior, or in any manner changing, distorting, or disturbing the balance or coordination of a person's audio, visual, or mental processes.

"Invasive Species" means an organism that causes ecological or economic harm in a new environment where it is not native.

"Keg" means a small cask or barrel containing more than 288 ounces of alcoholic beverage.

"Limited Designated Public Forum" means areas within Dakota County parks that are intentionally opened for use by the public for a limited purpose, including, for example and without limitation, for use by certain persons/groups or for discussion of certain subjects.

"Low-Impact Filming and Photography" means outdoor filming and photography activities in areas open to the public involving five people or fewer, using equipment that will be carried at all times (except for small tripods used to hold cameras).

"Metal Detecting" means using an electronic device for detecting the presence of metal objects, typically located shallowly underground.

"Motorized Recreational Vehicle" means any motorized self-propelled, off-road, or all-terrain conveyance, including but not limited to a snowmobile, ATV, mini-bike, amphibious vehicle, go-cart, trail bike, or dune buggy.

"Nonpublic Forum" means areas within Dakota County parks that are not, either traditionally or by Dakota County parks designation, a forum for public communication, discourse, or expressive activity.

"Nuisance," per Minn. Stat. § 561.01, means "[a]nything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property…."

"Park Director" means the person appointed by the Board to serve as the chief administrative officer of the County Parks Department. The "Park Director" shall be deemed to be the Superintendent for purposes of Minn. Stat. § 398.35, subd. 1, and any other relevant law. The Park Director may also assign a designee to fulfill their responsibilities; and, therefore, *designee* is synonymous with Park Director as it pertains to this ordinance.

"Park Visitor" means any person, firm, partnership, association, corporation, governmental unit, company, or organization of any kind within a County Park.

"Permittee" means an individual, firm, corporation, society, or any group to whom a permit is issued.

"Person or Persons" means individuals, firms, corporations, societies, or any group or gathering whatsoever.

"Pet" means a domestic or tamed animal kept for companionship or pleasure.

"Possession," in relation to a Controlled Substance, means:

Physical Possession: Having a controlled substance on one's person with knowledge of the nature of the substance; or

Constructive Possession: Having once possessed a controlled substance, continuing to exercise dominion or control over the substance, aiding and abetting another in possessing a controlled substance, or being in the condition of having consumed or ingested a controlled substance.

"Prepackaged beverages" means beverages that are in their original, distributor or manufacturer direct container, bottle, box, or packaging.

"Public Forum" means the paved areas/sidewalks immediately outside public facilities (such as but not limited to visitor's centers and nature centers) but not including parking lots/areas.

"Service Animal" means any dog that is individually trained to do work or perform tasks for an individual with a disability.

"Smoking," per Minn. Stat. § 144.43, subd. 4, "means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device, as defined in section 609.685."

"Special Use Permit" means the written permission that must be obtained from the County Parks Department to carry out a given activity.

"Trail" means a dedicated path within a park boundary, often with specific design, maintenance, and use standards and is distinct from a Greenway/Regional Trail as defined.

"Unmanned Aerial Vehicle (UAV)" (commonly known as a drone) means an aircraft without any human pilot, crew, or passengers on board.

"Vehicle" means any motorized, self-propelled, animal-drawn, or human-powered conveyance.

"Volunteer" means a board- or department-appointed individual who provides services to the County without compensation.

"Watercraft" means any contrivance used or designed for navigation on water, except (1) a duck boat during the duck hunting season, (2) a rice boat during the harvest season, or (3) a seaplane. This definition includes but is not limited to motorboats, personal watercraft or jet skis, paddleboats, canoes, sailboards, and rafts.

"Wildlife" means any living creature, not human, wild by nature, endowed with sensation and power of voluntary motion, including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, mollusks, insects, and County- and/or publicly owned animals.

Chapter 2 - Regulation of Public Use

Section 2.1 - County Park Hours

1. County Parks shall be open to the public from 5:00 a.m. until 10:00 p.m. unless otherwise designated by the Park Director. It shall be unlawful for any person to enter or remain in a park between 10:00 p.m. and 5:00 a.m. or such hours as may be posted by the Park Director or be in violation of Ordinance No. 122, Dakota County Juvenile Curfew Ordinance, except when in possession of a permit to do so, when camping in a designated camping area with a camping permit, or as users of a greenway traveling without delay.

2. Any park or portion thereof may be closed to the public by the Park Director at any time and for any interval of time or to certain uses as the Board or Park Director finds reasonably necessary.

3. Open hours for specific areas or facilities within a County Park may be set by the Park Director and may vary from those listed in Subdivision 1, including trailhead facilities located in and around greenways. Information relating to open hours for specific areas or facilities will be maintained on the County's Parks webpage.

The above items only apply to a greenway once jurisdictional transfer is completed; otherwise, local ordinance(s) have oversight. Additionally, all greenways are subject to all rules and regulations set forth in this ordinance.

Section 2.2 - Permits

Special Use Permits (SUPs) shall be required for activities that are reasonably expected to have fifty or more persons involved, for activities involving the exclusive or special use of park grounds, greenways, trails, or facilities as allowed by this ordinance, for the use of park grounds or facilities when they are otherwise closed to the public and for activities for which a SUP is required pursuant to this Ordinance.

SUP conditions:

1. SUPs are issued by the Park Director or designated representative.

2. SUPs are not transferable.

3. The permittee or a permittee's designated representative shall be in attendance at all times and have physical possession of the SUP or be able to produce the SUP at the request of any County staff and/or peace officer.

4. All ordinance provisions shall remain in effect and will be enforced as though the same were inserted in said SUP.

5. It shall be unlawful for a person to violate any provision of a SUP.

6. Any SUP granted pursuant to this ordinance may be revoked upon the violation by the permittee, or associated individual(s), of any provision of the permit, any Minnesota State statute, any County ordinance, any County Park rule or regulation, or for other good cause.

7. The permittee shall be liable for any loss or damage to County Park property or injury to any person by reason of the negligence of the permittee or associated individual(s).

8. It shall be unlawful for any person to refuse to vacate the area designated as reserved by a SUP.

Chapter 3 - Regulations of General Conduct

Section 3.1 - Proper Attire/Indecent Exposure

To promote a positive experience for all park users, it shall be unlawful for any person to intentionally expose their own genitals, pubic area, buttocks, or female breast below the top of the areola (except while breastfeeding) with less than a fully opaque covering while in a County Park.

Section 3.2 - Alcohol and Controlled Substance Use

Certain kinds of alcoholic beverages are permitted in designated areas at all Dakota County parks. No alcohol will be consumed on Dakota County park premises by any person under the legal age. Valid identification may be requested by Park Rangers or Park staff of any person(s) who appear to be underage at any time. All visitors and guests must have a valid ID if they plan to consume alcoholic beverages.

Beer, wine, ciders, flavored alcoholic beverages, and other single serving, prepackaged beverages are permitted in designated areas only.

It shall be unlawful, when in a County Park, for any person to:

1. Use, possess, consume, or sell any Alcoholic Beverages or Controlled Substances in violation of Minnesota Statutes.
2. Serve or sell Alcoholic Beverages without a Special Use Permit or concessionaire agreement.
3. Possess or consume single-serving Alcoholic Beverages outside of designated areas:
    - Reserved Campground or Camper Cabin sites;
    - Trailheads;
    - Swimming Beaches (no glass bottles);
    - Picnic Areas; or
    - Other areas expressly designated by the Park Director.
4. Possess or bring into a County Park alcoholic beverages in kegs or barrels or more than a single case of 24 prepackaged, single serving beverages without a Special Use Permit.
5. Use, manufacture, possess, sell, give away, barter, exchange, distribute, or otherwise transfer any Controlled Substance, except on a lawful prescription by a person licensed by law to prescribe and administer Controlled Substances, or as allowed by state statutes.
6. Be under the influence of a hazardous substance or drugs or alcohol to the point of intoxication, or loss of motor skills or consciousness, or other factors that may injure the party or adversely affect other park visitors.

Selling of alcoholic beverages requires a Special Use Permit, and sales must comply with liquor licensing regulations for the city in which the Park is located.

Section 3.3 - Smoking and Electronic Delivery Device Use

For the health and enjoyment of all park users, smoking of any kind (including vaping) on County Park property and recreational facilities is prohibited, except in parking lots, on roadways, on individually rented campsites in County-owned or operated campgrounds, and for use of tobacco as a traditional Native American spiritual or cultural ceremony.

Section 3.4 - Gambling

In accordance with Minn. Stat. ch. 609, it shall be unlawful for any person to gamble or participate in any game of chance for a consideration of items of value, excepting private social bets or chance drawings not incidental to organized, commercialized, or systematic gambling, except when authorized by Special Use Permit.

Section 3.5 - Nuisance/Private Property

To promote a positive experience for all park users, it shall be unlawful, when in a County Park, for any person to:

1. Commit any act that constitutes a nuisance.
2. Disturb, harass, or interfere with a park visitor's property.
3. Place or park vehicles, equipment or property in a manner or location that interferes with traffic or other park visitor's enjoyment of the County Park or specific facility therein.
4. Distribute literature outside of Public Forum areas. Distribution of publications, including but not limited to newspapers, magazines, political literature, circulars, and pamphlets must be approved by the Park Director and are subject to a fee.
5. Dakota County Parks employees may place notices in non-public areas within Dakota County parks describing, e.g., items for sale, services offered, upcoming events or programs, provided that the posting or activity does not interfere with the performance of Dakota County Parks business and follows all department policies.Leave or store personal property in undesignated areas without a Special Use Permit for any reason other than a County-organized event, program, or activity approved by the Parks Director.

Law Enforcement shall have the authority to seize any unauthorized items collected from and being removed from the park.

Section 3.6 - Littering

To support the County's commitment to environmental stewardship, it shall be unlawful for any person to:

1. Deposit, scatter, litter, or abandon on County Park property any bottles, cans, glass or broken glass, sewage, waste, refuse or other materials, except in receptacles provided for such purposes; or
2. Bring into a County park property any materials listed in Section 3.6, subdivision 1, or hazardous waste, yard waste, solid or liquid waste for the purpose of disposal in receptacles provided in the County Park or on any County Park Property.

Section 3.7 - Possession/Use of Firearms/Dangerous Weapons/Fireworks

The possession of firearms in County parks is allowed, as permitted by Minnesota law, local ordinances, or by Special Use Permit. Archery bows are allowed by Special Use Permit and in a designated archery range only.

It shall be unlawful for any person to:

1. Possess a dangerous weapon other than a firearm or archery bow that is being possessed as allowed by Minnesota law, local ordinance, or Special Use Permit; or
2. Discharge or fire firearms or other dangerous weapons in or into County parks, except as expressly permitted by Minnesota law, local ordinances, or by Special Use Permit; or
3. Possess, set off, or attempt to set off or ignite any explosives, firecrackers, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics without a Special Use Permit.

Section 3.8 - Interference with County Employee or Volunteer Performance of Duty

In support of the County's work, it shall be unlawful for any person to intentionally:

1. Impersonate any employee, volunteer, or contractor of Dakota County; or
2. Interfere with, obstruct, harass, or hinder any employee, volunteer, or contractor in the discharge of their duties.

Section 3.9 - Child Safety

To protect Dakota County Parks' youngest visitors and participants, all children under the age of 10 must be accompanied and supervised by an Authorized Adult or other responsible caregiver when using Dakota County parks, facilities, and greenways.

Section 3.10 - Assembly

A Special Use Permit may be issued for public assemblies involving fifty (50) or more people and in designated areas related to:

- Public meetings;
- Worship services;
- Entertainment;
- Parades;
- Ceremonies;
- Demonstrations; and
- Other assemblies related to First Amendment rights.

A Special Use Permit is required for all public assemblies. Public assemblies may not interfere with other park users, structures, or points of pedestrian egress and ingress and are subject to the terms and conditions outlined in the approved permit. Dakota County parks reserves the right to implement a sliding permit fee scale based on the expected number of people assembled/in attendance.

Chapter 4 - General Parkland Operation Regulations

Section 4.1 - Commercial Use

All permissible commercial use activities must be approved by a Special Use Permit (SUP). Each SUP will contain terms and conditions all permittees must adhere to for the permit to remain valid. The following commercial activities may be approved by a SUP:

- Photography;
- Filming;
- Using park space to instruct or convene a class or group;
- Product demonstrations;
- Sale, rental, or promotion of merchandise or service;
- Food and beverage sales; and
- Flying a drone.

A SUP may not inherently grant exclusive use of space. A SUP for a commercial use provides the permittee a license for the activity in the designated areas and is revocable at will. The permittee and participants must share the designated areas (unless otherwise stated) with other users and cannot block public access.

It shall be unlawful for any person to:

1. Use any County Park or park property for commercial purposes without a permit;
2. Solicit, sell, or otherwise peddle any goods, wares, merchandise, services, liquids, or edibles in a County Park except by authorized concession or written permission from the Park Director; or
3. Expose, distribute, or place any sign, advertisement, notice, poster, or display in a County Park without permission from the Park Director.

Low-Impact Filming and Photography activities (involving five people or fewer per event and using equipment that will be always carried) will not require a SUP. All other filming and photography activities require a permit to address their potential impacts on park resources and visitor activities.

Videographers, producers, directors, news, and other staff associated with filming are reminded that rules and regulations that apply to all park visitors, including park hours and closed areas, still apply to filming activities even if a SUP is not required.

Filming and Photography activities that do not meet the description of Low-Impact Filming and Photography require at least ten (10) days advance notice to Dakota County Parks. Dakota County Parks will determine whether the filming activities will require a SUP for filming. Based on the information provided, a Permit may be required to:

1. Maintain public health and safety;
2. Protect environmental or scenic values;
3. Protect natural or cultural resources;
4. Allow for equitable allocation or use of facilities; or

5. Avoid conflict among visitor use activities.

Section 4.2 - Noise/Amplification of Sound

Amplification of noise/sound is permissible when meeting the following conditions or allowed by Special Use Permit:

1. The sound/noise may not create a nuisance;
2. The sound/noise occurs between 7:00 am–10:00 pm; and
3. The sound/noise is amplified in a designated area.

It shall be unlawful for any person to:

1. Install, use, operate, or permit the use or operation within the Park of any of the following devices: Radios, television sets, musical instruments, personal Bluetooth speakers, loudspeakers, phones, or other devices for the production or reproduction of sound in such a manner as to be disturbing to wildlife, interfere with use of the park by others, or disturb the residents of adjacent properties.
2. Willfully make or continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace and quiet within any park or which interferes with use of the park by others or disturbs the residents of adjacent properties.

The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following: (1) level of the noise; (2) intensity of the noise; (3) whether the nature of the noise is usual or unusual; (4) level and intensity of the background noise, if any; (5) type of area within which the noise emanates; (6) the intensity of human use of the area during the time at which the noise emanates; (7) time of the day or night the noise occurs; (8) duration of the noise; and (9) whether the noise is recurrent, intermittent, or constant.

Interpretation of this criteria shall be made by Park Rangers or designated Park Staff, who shall have full authority to allow, deny, or control levels of sound of park users.

Section 4.3 - Fires

Open fires are only allowed in designated campfire rings established by Dakota County Parks. Portable camp stoves are only allowed in uncovered outdoor areas and as operated per manufacturer's recommendations.

It shall be unlawful, when in a County Park, for any person to:

1. Start or maintain a fire, grill, or stove outside of a designated area equipped for that purpose;
2. Leave a fire, grill, or stove unattended or fail to fully extinguish a fire or stove;
3. Drop, throw, or otherwise leave unattended lighted matches, burning smoking products, or other burning or combustible material; or

4. Dispose of ashes or embers except in containers designated for that purpose.

Firewood must be approved by the Minnesota Department of Natural Resources.

Section 4.4 - Aviation

Aviation takeoffs or landings, including aircraft, hot air balloons, parachutes, hang gliders, or other flying apparatus, are only allowed in a Dakota County park with a Special Use Permit.

Unmanned Aerial Vehicles (UAVs or drones) may only be used in established designated areas.

Section 4.5 - Amusement Contraptions

To support the safety and enjoyment of all park users, it shall be unlawful for any person to bring in, set up, construct, manage, or operate any amusement or entertainment contraption, device, or gadget in a County Park without a Special Use Permit.

Section 4.6 - Pets in Parks (excluding service animals)

To support the safety and enjoyment of all park users, it shall be unlawful for any person owning or having control or custody of any pet to:

1. Bring a pet into or have a pet in a County Park without it being caged or under physical control on a static leash no more than six (6) feet in length, except in areas designated for off-leash;
2. Allow a pet to disturb, harass, or interfere with any park visitor, park visitor's property, park employee, park employee's property, or the employees or property of a contractor of the County, or to endanger the safety of park visitors, park employees, or employees of a contractor of the County;
3. Allow a pet to damage park property, resources, or facilities;
4. Tether a pet to a tree, plant, building or park equipment, or leave a pet unattended in a County Park;
5. Bring a pet into a County Park without cleaning up pet feces and disposing of the feces in a waste receptacle;
6. Lead or control a pet while on in-line skates, skateboard, skis, bicycle, or any other means except while on foot or using an assistive mobility device, unless authorized by permit in a County Park; or
7. Operate a cart, wagon, dog sled, or skijoring device pulled by a pet or other animal in a County Park outside of areas designated for this activity.

Section 4.7 - Unlawful Occupancy

To protect the public assets and to provide a safe environment, it shall be unlawful for any person to:

1. Enter in any way any building, installation, or area that may be under construction or locked or closed to public use;
2. 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 in any County Park; or

3. Be inside a building or closed area and loiter, sleep, congregate, or enter for the purpose to engage in any criminal act in any building, installation, or areas not specifically designated for such use any time.

Chapter 5 - Property, Structures, and Natural Resources Protection

Section 5.1 - Destruction/Defacement of Park Property/Signs

To protect the public assets, it shall be unlawful for any person to:

1. Move or remove park furniture, amenities, and park property outside of the designated use area as defined; and/or use park furniture and amenities for a reason(s) other than the intended purpose(s) of the park furniture and/or amenity in an unsafe manner;
2. Intentionally deface, vandalize, tamper with, or otherwise cause destruction to park property; or
3. Intentionally deface, destroy, cover, damage, tamper with, or remove any placard, notice, or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the Parks Department, without express permission of a Special Use Permit.

Section 5.2 - Foraging and the Collection/Harvesting of Wildlife and Natural Resources

Foraging is allowed only for identified items in approved areas. The Parks Director will maintain a list of items for which foraging is permitted and shall designate the areas where foraging is allowed. No digging or excavating is allowed when foraging.

Special Use Permits are required to forage any item or in any area not designated by the Parks Director. It shall be unlawful for any person to forage or gather flora in any County Park except as permitted under this section 5.2.

Section 5.3 Disturbance of Natural Resources

To protect the natural environment and support restoration activities, it shall be unlawful, when in a County Park, for any person to perform any of the following unless expressly provided in a Special Use Permit:

1. Remove, alter, injure, or destroy any tree, plant, or other vegetation, soil, mineral, or other natural resource, other than for foraging for designated items in designated areas;
2. Remove materials from, alter, or destroy an archeological site or resource or site of scientific significance or interest without a Special Use Permit, which may be issued to allow an approved archaeological dig. All approved archaeological digs must adhere to the State of Minnesota Archaeological Survey Requirements;
3. Dig trenches, holes, or other excavations;
4. Divert, impound, or alter a watercourse; or
5. Introduce, transport, import, release, abandon, or dispose of any plant or animal, including fishing bait, except in receptacles approved for that purpose.

Section 5.4 - Disturbance of Wildlife

To protect wildlife and their habitat, it shall be unlawful, when in a County Park, for any person to:

1. Kill, trap, hunt, injure, pursue, feed, or in any manner disturb or cause to be disturbed any animals and/or species of wildlife, except fishing pursuant to State fish laws and Section 6.6 of this Ordinance, or hunting pursuant to State game laws with a permit during a County-authorized hunting event ; or

2. Intentionally remove, alter, injure, destroy, or otherwise disturb habitat used by any species, including but not limited to nests, dams, or burrows.

Section 5.5 - Release of Harmful or Foreign Substances

To support the County's commitment to environmental stewardship, it shall be unlawful for any person to:

1. Place any debris, pollutant, or other agent in or upon any County Park lands or body of water in or adjacent to a County Park or any tributary, stream, storm sewer, or drain flowing into such waters; or

2. Discharge wastewater or any other wastes in a County Park, except into designated containers, drains, or dumping stations.

Section 5.6 - Interference of Park Property

To protect the natural environment and support restoration activities, it shall be unlawful for any person to knowingly encroach on park property with such items as fences or gardens, or to disturb the natural landscape, vegetation, or structures on park property, or otherwise to use park property for private use. All setbacks and other local zoning regulations are in effect and apply against properties adjacent to a County Park as they would against property adjacent to private property.

Chapter 6 - Recreation Activity Regulations

Section 6.1 - Camping

Camping within Dakota County Park property is allowed in established camping areas and if proper registration has occurred.

It shall be unlawful, when in a County Park, for any person to:

1. Camp, dwell, or sleep overnight except in areas provided and designated for that purpose;
2. Occupy campsites or camper cabins in a park without a camping permit or payment of appropriate fees or otherwise violate provisions of the permit;
3. Camp overnight in a park if under 18 years of age unless accompanied by an authorized adult.

Section 6.2 - Picnicking

Picnicking within Dakota County Park property is allowed.

It shall be unlawful, when in a County Park, for any person to:

1. Assume exclusive use of a reservation picnic site without a reservation permit;
2. Use a portion of a reservation picnic area without a reservation permit if the area is reserved by another group; or
3. Set up temporary shelters, tents, tarps, canopies, and other such devices larger than 200 square feet without authorization by a Special Use Permit.

Section 6.3 - Swimming

Swimming within Dakota County Park property is allowed in established swimming areas.

It shall be unlawful, when in a County Park, for any person to:

1. Wade or swim except at waterfront areas designated for such use and only at during posted times;
2. Allow a child wearing diapers to swim or wade in a swimming area without waterproof swim diaper or diaper cover; or
3. Take glass or breakable containers of any kind onto a designated beach, into the water itself, or on any lake.

Properly fitting U.S. Coast Guard-approved life jackets are allowed and encouraged for use. Inflatable (or foam) noodles, kickboards, and all coast guard approved flotation devices are allowed in designated swim areas; all other inflatables are prohibited, such as inner tubes, rafts, or loungers.

Section 6.4 - Scuba Diving

For the safety and enjoyment of all park users, it shall be unlawful, when in a County Park, for any person to:

1. Scuba dive in violation of State or Federal Law, including Minn. Stat. § 86B.601;

2. Scuba dive in a designated swimming area;
3. Scuba dive within 100 feet of watercraft access point; or
4. Conduct scuba diving instruction without a Special Use Permit.

Section 6.5 - Boating

Boating within Dakota County Park property is allowed in designated areas.

It shall be unlawful, when in a County Park, for any person to:

1. Launch or land a motorized watercraft except at locations and times designated for that purpose;
2. Leave unattended any boat or other watercraft except in park areas designated for that purpose;
3. Operate a watercraft in violation of State or Federal Law, including Minn. Stat. ch. 86B and Minn. Admin. R. 6110.1600–6110.2300;
4. Operate a watercraft within a designated swimming area or posted Lake Byllesby Dam warning area;
5. Tow a person on water skis, inner tube, or any other device or use a surfboard or kneeboard in a park designated swimming area or boat launching area or any other area closed to boating activities; or
6. Launch or remove any watercraft from County Park waters in violation of State or Federal Law, including Minn. Stat. ch. 84D.

Section 6.6 - Fishing

Fishing within Dakota County Park property is allowed in designated areas.

It shall be unlawful, when in a County Park, for any person to:

1. Fish in violation of State or Federal Law, including Minn. Stat. ch. 97C;
2. Fish in an area designated as a “no fishing” area; or
3. Clean fish without disposing of the fish carcass in a waste receptacle.

Section 6.7 - Horseback Riding

Horseback riding within Dakota County Park property is allowed during designated times and in designated areas.

It shall be unlawful, when in a County Park, for any person to:

1. Ride, lead, or allow a horse to be within a County Park except in designated riding areas and trails, at designated hours, and during the designated riding season which is set and posted by the Parks Department;
2. Ride a horse which cannot be held under such control that it may be reasonably turned or stopped; or

3. Ride a horse in such a manner to create a nuisance or to endanger the safety or property of any park visitor, park employee, the rider, or the horse.

Section 6.8 - Bicycling

Bicycling within Dakota County Park property is allowed in designated areas.

It shall be unlawful, when in a County Park, for any person to:

1. Operate a bicycle except on designated greenways, roadways, or trails, and except as close to the right-hand side thereof as conditions will permit; and, for designated mountain bike trails, except during the designated mountain biking seasons which are set and posted by the Parks Department;
2. Operate a bicycle carelessly or heedlessly in disregard of the rights of others, including at a speed faster than is reasonably safe or in any manner that endangers or is likely to endanger any property or any person, including any park visitor, park employee, or the rider;
3. Operate a bicycle in violation of Minn. Stat. ch. 169; or

4. Park a bicycle except at a bicycle rack when such a rack is provided; in instances where bicycle racks are not provided, bicycles are to be parked where they will not create hazards to the activities of other park visitors or disturb park activities. See section 7.4 for additional information on Motorized Recreational Vehicles and Electric Powered Devices.

Section 6.9 - Hiking and Snowshoeing

Hiking or snowshoeing in a County Park on trails is allowed, except on trails that are clearly designated for other uses or in areas closed to public use.

Section 6.10 - Roller-Skating, In-Line Skating, and Skateboarding

Skating and Skateboarding within Dakota County Park property is allowed in designated areas.

It shall be unlawful, when in a County Park, for any person to:

1. Operate skates or a skateboard except on designated greenways, roadways, or trails, and except as close to the right-hand side thereof as conditions will permit;
2. Operate skates or a skateboard in such a manner to create a nuisance or to endanger the safety or property of any park visitor, park employee, or the skater; or
3. Operate skates or a skateboard at a speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

Section 6.11 - Snowmobiling

For the safety and enjoyment of all park users and to protect natural resources, it shall be unlawful, when in a County Park, for any person to:

1. Operate a snowmobile within the Dakota County Park system, except where allowed in public right-of-way, on State designated snowmobile trails, or as allowed by the Department of Natural Resources on public waters or designated access points;

2. Operate a snowmobile in excess of posted speed limits when present or at a rate of speed greater than reasonable or proper under prevailing conditions;

3. Operate a snowmobile in such a manner so as to create a nuisance or to endanger the safety or property of any park visitor, park employee, or the snowmobile rider;

4. Operate a snowmobile in violation of State or Federal law, including Minn. Stat. ch. 84 and Minn. Admin. R. 6100; or

5. Operate a snowmobile in violation of any posted trail sign.

Section 6.12 - Cross-Country Skiing

Cross-County Skiing within Dakota County Park property is allowed in designated areas.

It shall be unlawful, when in a County Park, for any person to:

1. Operate skis except on designated trails, and except as close to the right-hand side thereof as conditions will permit, and only with a permit during the designated cross-country skiing season which is set and posted by the Parks Department;

2. Operate skis in such a manner to create a nuisance or to endanger the safety or property of any park visitor, park employee, or the skier; or

3. Conduct a race or event on cross-country ski trails without a Special Use Permit.

Section 6.13 - Other Winter Activities

For the safety and enjoyment of all park users and to protect natural resources, it shall be unlawful for any person to ice skate, cold water plunge (ice dip), snowboard, or downhill ski in a County Park except at such times and in areas designated for that purpose.

Section 6.14 - Games and Active Recreation Activities

Dakota County Parks encourages family, lawn, and/or “tailgate” games within the park system. However, various activities that involve objects used as projectiles must be stopped upon notification of Dakota County Staff or a member of Park Patrol.

Section 6.15 - Hammocking, Slacklining, and Other Line-Related Activities

Hammocking, Slacklining, and other line-related activities are allowed on Dakota County Parks property in designated areas only.

All hammocks, slacklines, and other line-related activities must adhere to the following conditions:

1. The affixed point of a hammock and/or line must not exceed six (6) feet off the ground;

2. All hammocks and lines must be affixed to trees or designated hammocking posts/stations (not building structures or other park furniture, amenities, and facilities) at least twelve (12) inches in diameter;

3. All straps and lines must be at least one (1) inch in diameter;

4. No straps, lines, or hammocks can cross trails or pedestrian access points;

5. No straps, lines, or hammocks can be "stacked" on top of each other or create "wheel spokes"; and
6. No straps, lines, or hammocks can be left unattended at any point.

The Park Director reserves the right to close areas to hammocks, slacklines, and other line-related activities. County staff can have a user remove a strap, line, or hammock for any purpose.

Section 6.16 - Metal Detecting

Metal detecting is allowed on Dakota County Parks property in designated areas and with a Special Use Permit.

All permissible metal detecting requires:

1. Digging no trenches, holes, or other excavations except on designated swimming beaches;
2. Refilling any hole that has been dug;
3. Remaining at least twenty (20) feet away from park users and animals/wildlife; and
4. Not entering areas closed to general visitor use OR metal detecting activities except as authorized pursuant to a Special Use Permit..

Dakota County Parks reserves the right to publish rules and restrictions associated with various recreation activities that are permissible only in specific locations or areas within a County Park. Rules and restrictions will be posted on the Dakota County Parks website and in some cases, onsite at the park location.

Chapter 7 - Motorized Vehicles, Traffic, and Parking Regulations

Section 7.1 - Vehicle Operation

For the safety and enjoyment of all park users and to protect public assets, it shall be unlawful, when in a County Park, to:

1. Operate, park, or leave any vehicle except upon roadways, parking areas, or other designated locations;
2. Operate, park, or leave a vehicle in violation of posted regulations, State law, Minn. Stat. ch. 169, county or municipal traffic codes, or orders or directions of traffic officers or park employees authorized to direct traffic;
3. Operate a vehicle at speeds of more than 25 miles per hour, or more than posted speed limits; or
4. Operate a vehicle that emits excessive or unusual noise, noxious fumes, dense smoke, or other polluting matter.

Section 7.2 - Parking Vehicles

To promote a positive experience for all park users, it shall be unlawful, when in a County Park, to:

1. Park or leave a vehicle, boat, or trailer standing except in a designated area and then only in a manner so as not to restrict normal traffic flow and not in violation of posted signs;
2. Park or leave a vehicle, boat, or trailer standing after posted closing hours without a valid camping permit or other permit;
3. Park or leave a vehicle, boat, or trailer without a disability parking placard in view in a designated parking space; or
4. Park or leave a vehicle without a boat trailer in a parking space designated for vehicles with boat trailers or to park or leave a vehicle with a boat trailer in an area not designated for boat trailer parking when such an area is provided.

Vehicles, boats, or trailers illegally parked, disabled, or abandoned may be towed away and impounded at the owner's expense.

Section 7.3 - Motorized Vehicle Maintenance

For the safety and enjoyment of all park users and to protect natural resources, it shall be unlawful for any person to wash, grease, change the oil of, or perform other maintenance on any motorized vehicle in a County Park.

Section 7.4 - Electric Powered Devices and Motorized Recreational Vehicles

Electric Powered Devices (EPDs) are allowed on Dakota County Park Greenways if they are operated in a safe manner in accordance with any State or Local laws. EPDs are not allowed on trails inside a County Park, with the exception of ADA-approved mobility devices..

The following EPDs are allowed on greenways:

- ADA-approved electric mobility devices
- E-bikes (electric-assist/pedal-assist)
- Free-standing electric devices such as Segways, hover boards, stand-up scooters, skateboards, longboards
- Kid-powered electric ride-ons
- Electric scooters

All accepted devices must:

1. Be powered by electricity/battery;
2. Not be operated carelessly or heedlessly in disregard of the rights of others, including at a speed faster than is reasonably safe or in any manner that endangers or is likely to endanger any property or any person, including any park visitor, park employee, or the rider;
3. Not be operated in violation of Minn. Stat. ch. 169;
4. Yield to non-motorized vehicles and devices;
5. Yield to pedestrians and slower users; and

6. Always pass other users on the left, with an audible signal in advance of passing.

Class 1 electric mountain bikes are allowed on designated mountain biking trails.

Motorized vehicles and uses not allowed on County Park Greenways and trails

- Golf carts/Go karts
- Motorized bicycles (e-motos)
- Motorized scooters with dual motors, gas motors, or wattage exceeding state law
- Motorized vehicles, such as all-terrain vehicles, off-highway motorcycles, or off-highway vehicles, except when specifically permitted
- Any vehicle that is larger than half the width of the trail
- Modified e-bikes, such as a change to electric motor or the electric drive system, or the use of an application to increase or override the electric drive system, or through any other means that makes the device no longer meet the requirements or classification of an e-bike

Animal-Powered Vehicles and Devices, such as skijoring and dogsledding, are allowed in designated areas. It is unlawful to be propelled by an animal on any trail unless the trail is designated for that use.

Chapter 8 - Enforcement

Section 8.1 - Park Patrol Authority/Authorized Agents

The following authority is permitted to enforce the ordinance:

1. Designated Park employees may enforce the provisions of this ordinance and ask the persons acting in violation of this ordinance to leave park property.
2. Law enforcement authorities where County Park property is situated shall have jurisdiction to patrol and enforce the Dakota County Park Ordinance on County Park property. They also shall have jurisdiction to enforce any violation of state law or local laws which shall occur on County Park property.
3. Failure to comply with State or local laws or County ordinance may also result in the loss of park or recreation facility use privileges and ejection from the park for at least 24 hours. Responding Park staff or law enforcement will exercise appropriate enforcement discretion as circumstances warrant. Repeat, ongoing, or more serious offenses may result in being trespassed from County Park property.

Section 8.2 - Penalties

Violations of the provisions of this ordinance or failure to comply with any of its requirements shall be punishable pursuant to Minn. Stat. § 398.34.

Chapter 9 - Miscellaneous

Section 9.1 - Exemptions

All park employees, contractors, volunteers, emergency, and enforcement personnel, while acting in the performance of their assigned duties, may be deemed exempt from the provisions of this ordinance, except when it is a violation of state or federal law.

Section 9.2 - Repeal

All ordinances pertaining to the regulation of Dakota County Parks enacted prior to this ordinance are hereby repealed.

Section 9.3 - Enactment

This ordinance shall be in full force and effect from and after its passage and publication according to law.

Section 9.4 - Notification

It shall be the responsibility of Dakota County to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access outlining essential elements of the ordinance, as well as the placement of necessary buoys and signs.

Section 9.5 - Severability

The provisions of this ordinance shall be separable and the invalidity of any section, paragraph, subparagraph, subdivision, or other part thereof shall not make void, impair, invalidate, or affect the remainder hereof.

Section 9.6 - Amendment

This ordinance may be amended from time to time by the Dakota County Board of Commissioners and such amendment may be shown by either marking the section amended, attaching the amendment to this ordinance, or reprinting the ordinance publication.

Chapter 10 - Effective Date

To BE UPDATED AFTER PUBLIC HEARING

This ordinance shall be effective upon passage and publication by the Dakota County Board of Commissioners.

Passed by the Board of Commissioners on this _____ day of _____.

ATTEST: COUNTY OF DAKOTA, STATE OF MINNESOTA

_____

Jeni Reynolds
Clerk to the Board

Date:

_____

Laurie Halverson, *Chair*
Dakota County Board of Commissioners

Date:

Approved as to Form and Execution

_____

Assistant County Attorney

Date: