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**CHAPTER 11      PARK REGULATIONS<sup>4</sup>****Article I:    In General.****Section 11-1. Purpose.**

The purpose of this Chapter is to specify rules and regulations in order to provide for the following:

- (a) Safe and peaceful use of park land and trails;
- (b) Education and public recreation;
- (c) Protection and preservation of the park and recreation property, facilities, and natural resources; and
- (d) The general welfare of the public.

**Section 11-2. Statutory Authority.**

This Chapter regulating the parks of Athens Township is adopted pursuant to and in accordance with M. S. A. §462.357, Subd. 1.

**Section 11-3. Interpretation.**

The provisions of this Chapter shall be liberally construed to effect its purpose.

**Section 11-4. Separability.**

The provisions of this Chapter 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 thereof.

**Section 11-5. Definitions.**

For the purpose of this Chapter, certain words and terms shall have the following meaning:

Alcoholic Beverage. Includes any intoxicating beverage as defined by Minnesota Statutes and includes beer and wine as further defined in this Chapter.

Amusement Contraption. 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, 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. 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.

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<sup>4</sup> Adopted under Ordinance #2000-01, July 20, 2000.

Barrels. Any various units of volume or capacity, as a liquid measure of 31 to 42 gallons.

Beer. Any alcoholic malt beverage, including 3.2 beer.

Board. The Athens Town Board of Supervisors.

Case Lot Quantity. A quantity greater than twelve – 12 ounce containers or a total of 144 ounces of alcoholic beverages. This includes “party balls” containing more than 144 ounces.

Controlled Substance. Any drug substance or immediate precursor in schedules 1 through 5 of Minnesota Statutes §152.03, as amended.

Dangerous Weapon. Any firearm, whether loaded or unloaded, 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 Chapter, “flammable liquid” means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding forty (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. An area or facility identified by the Township for use in a specific manner.

Inhalant. 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.

Keg. A small cast or barrel containing more than 288 ounces of alcoholic beverages.

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

Nuisance. Anything that is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as interfere with the comfortable enjoyment of life or property.

Park. Any dedicated or publicly owned recreation area under the jurisdiction or control of the Town of Athens.

Park Visitor. Any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind within a Township park.

Permit. The written permission that must be obtained from the Township to carry out a given activity.

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

Person or Persons. Individuals, firms, corporations, societies, or any group or gathering whatsoever.

Possession. In relation to a controlled substance means:

- (1) Physical Possession. Having a controlled substance on one's person with knowledge of the nature of the substance, or
- (2) Constructive Possession. Having once possessed a controlled substance, continuing to exercise dominion or control over the substance up to the time of arrest, aiding and abetting another in possessing a controlled substance, or being in a condition of having consumed or ingested a controlled substance.

Town, Township, Town Board of Supervisors. All terms relating to Athens Township, Isanti County, Minnesota.

Vehicle. Any motorized, self-propelled, animal drawn or human powered conveyance.

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

Wildlife. Any living creature, not human, wild by nature, endowed with sensation and power of voluntary motion -- including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

Wine. A vinous alcoholic beverage containing not more than 14% alcohol by volume.

Zoning Administrator. The person or persons employed by the Township to administer the Township Zoning Ordinance.

Section 11-6. **Hours.**

- (a) Athens Township parks shall be open each day from sunrise to sunset.
- (b) An After Hours Permit, which is available from the Zoning Administrator, is required for presence in a park beyond the established hours.
- (c) The Zoning Administrator and one township Supervisor or any peace officer are hereby authorized to close any park, beach, trail, recreation area, or any portion thereof at any interval of time, whether temporary or at regular stated intervals, as found necessary for the protection of the park property or for the public health, safety or welfare.

Section 11-7. **Permits.**

Permit applications are available from the Township Zoning Administrator.

- (a) Temporary Permits for Group Gatherings. The Zoning Administrator shall issue a temporary permit upon a determination by the Zoning Administrator that the applicant has shown the following:
  1. The proposed use of the park will not reasonably interfere with or detract from the general public enjoyment of the park;
  2. The proposed use will not reasonably interfere or detract from the promotion of the public health, safety or welfare; and
  3. The proposed use is not reasonably anticipated to lead to or incite violence, crime, disorderly conduct or injury or damage to wildlife or to the park property.

Any peace officer shall have the authority to revoke a temporary permit upon finding a violation of any of the regulations contained in this Chapter. It shall be unlawful to use a Township park or any portion thereof for group celebrations, meetings, or entertainment which are not open to the public without first obtaining a temporary permit.

In no case shall such group gathering constitute a mass gathering as defined in the Township Zoning Ordinance.

(b) After Hours Permit. The Zoning Administrator shall issue an After Hours Permit upon a determination by the Zoning Administrator that the applicant has shown the following:

1. The proposed use of the park will not reasonably interfere with or detract from the general public enjoyment of the park;
2. The proposed use will not reasonably interfere or detract from the promotion of public health, safety or welfare; and
3. The proposed use is not reasonably anticipated to lead or incite violence, crime, disorderly conduct, or injury or damage to wildlife or to the park property.

Any peace officer shall have the authority to revoke an After Hours Permit upon finding a violation of any of the regulations contained in this Chapter.

(c) General Permit Regulations.

1. Permits are not transferable and will be issued to Township residents only.
2. The permittee or a designated representative of the permittee shall be in attendance at all times and have physical possession of the permit.
3. A permittee shall be bound by this Chapter as though the same were inserted in said permit.
4. It shall be unlawful for a person to violate any provision of a permit.
5. The permittee shall be liable for any loss or damage to the park or injury to any person by reason of negligence of the permittee or associated individual(s).
6. It shall be unlawful for any person to refuse to vacate the area designated as reserved by the permit.

**Section 11-8. Fees.**

- (a) The Athens Township Board of Supervisors shall establish park permit fees.
- (b) It shall be unlawful for any person to use a park or park facility or engage in an activity for which a fee has been established by the Athens Township Board without payment of such fee.

- (c) The Zoning Administrator may request Town Board action to assess damages to a person or persons responsible for any loss, damage, or injury sustained by the Township due to use of the park by such person(s).

Section 11-9 thru 11-20.      **Reserved.**

**Article II: Regulation of General Conduct****Section 11-21. Use of Trash Receptacles.**

Where trash receptacles are provided in any park, all refuse and trash related to park use shall be placed therein.

(a) The following activities are prohibited in a Township park:

- (1) Placing of residential, commercial or construction trash or debris in park trash receptacles.
- (2) Dumping, depositing, or leaving any of the following:

Bottles  
Broken glass  
Discarded vegetation, including, but not limited to, Christmas trees.  
Ashes.  
Paper.  
Boxes.  
Cans.  
Dirt.  
Rubbish.  
Waste.  
Garbage or refuse.  
Any other trash.

Burning or attempting to burn any of the items listed in this section is prohibited.

**Section 11-22. Regulation of General Conduct.**

- (a) Proper Attire/Exposure. It shall be unlawful for any person to intentionally expose his or her own genitals, pubic area, buttocks, or female breast below the top of the areola, with less than a fully opaque covering while in a Township park, if five (5) years of age or older.
- (b) Drug and Alcohol Use. It shall be unlawful, when in a Township park, for any person to:
  1. Be under the influence of, or use, serve, possess, consume, sell, barter, furnish, give, purchase, or attempt to purchase any alcoholic beverage;
  2. Possess in an unsealed container or consume any alcoholic beverage on Township properties set aside or designated as a parking area, road or parkway; or

3. Be under the influence of, use, serve, possess, consume, sell, barter, furnish, give, purchase or attempt to purchase, any controlled substance except the possession or consumption of such substance with a lawful prescription.

Section 11-23. **Gambling.**

It shall be unlawful for any person to gamble or participate in any act of gambling, as defined in Minnesota Statutes §609.755, Subd (1), (2) or (3), as amended, in a Township Park.

Section 11-24. **Nuisance/Private Property.**

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

- a. Commit any act that constitutes a nuisance.
- b. Place or park vehicles, equipment, or property in a manner or location that interferes with traffic or other park visitor(s) enjoyment of the Township park or specific facility therein; or
- c. Leave or store personal property.

Section 11-25. **Possession/Use of Firearms/Dangerous Weapons/Fireworks.**

It shall be unlawful, when in a Township park, for any person to:

- a. Have in their possession or discharge firearms, air rifles, BB guns, sling shots, bows and arrows and other weapons.
- b. Possess, set off or attempt to set off or ignite any firecrackers, fireworks smoke bombs, rockets, black powder guns, or other pyrotechnics or explosive device.

Section 11-26. **Interference with Employee Performance of Duty.**

It shall be unlawful for any person to impersonate a Township employee or to interfere, harass, or hinder any employee in the discharge of his/her duties.

Section 11-27 thru 11-40. **Reserved.**



**Article III: Regulations Pertaining to General Park Operations.**

Section 11-41: **Commercial Use/Solicitation/Advertising.** It shall be unlawful for any person to:

- (a) Use any Township park for commercial purposes.
- (b) Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a Township Park except by authorized concession or permission by the Town Board.
- (c) Expose, distribute or place any sign, advertisement, notice, poster or display in a Township park without permission of the Zoning Administrator.

Section 11-41. **Noise/Amplification of Sound.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound, except for special programs or events at dates and times as authorized by permit; or
- (b) Use, operate or permit the use or operation of any radio, phonograph, television set, compact disc player, or other machine or device for the production or reproduction of sound in such a manner as to be disturbing or a nuisance to reasonable persons of normal sensitivity within the area of audibility; or
- (c) Willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise that disturbs the peace or is an annoyance to any reasonable park visitor of normal sensitivity.

The standards that 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 noise;
- (2) Intensity of noise;
- (3) The nature of the noise is usual or unusual;
- (4) Level and intensity of background noise, if any;
- (5) Type of area within which the noise emanates;
- (6) Intensity of human use of the area during the time at which the noise emanates;
- (7) Time of the day or night during which the noise occurs;
- (8) Duration of the noise; and
- (9) Interpretation of these criteria by a peace officer.

**Section 11-42. Fires.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Start a fire, except a recreational fire or a fire for culinary purposes within containment structures (fire rings, grills, portable stoves) in designated areas;
- (b) Leave a fire unattended or fail to fully extinguish a fire;
- (c) Drop, throw, or otherwise leave unattended, lighted matches, burning tobacco products, or other burning or combustible materials; or
- (d) Dispose of ashes or embers except in containers designated for that purpose.

**Section 11-43. Amusement Contraptions.**

It shall be unlawful for any person to bring, set up, construct, manage or operate any amusement or entertainment contraption, device or gadget in a Township park without approval of the Town Board.

**Section 11-44. Pets.**

It shall be unlawful for any person owning, having control or custody of any pet, excluding animals certified to and assisting persons with disabilities, to:

- (a) Allow a pet to disturb, harass, interfere with, or endanger any park visitor or visitor's property or any Township employee or employee's property;
- (b) Allow a pet to damage park property, resources or facilities;
- (c) Tether a pet to a tree, plant, building, or park equipment or leave a pet unattended; or
- (d) Bring a pet into a Township park area without possessing and using an appropriate device for cleaning up pet feces and disposing of the feces in a waste receptacle.

**Section 11-45. 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 in any Township park.

**Section 11-46 thru 11-60. Reserved.**

**Article IV. Protection of Property, Structures, and Natural Resources.****Section 11-61. Destruction/Defacement of Park Property/Signs.**

It shall be unlawful for any person to:

- (a) Intentionally deface, vandalize, tamper with or otherwise cause destruction to park property.
- (b) 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 Township.
- (c) To use any restroom in any park in other than a clean and sanitary manner.
- (d) To climb trees or other natural growths or flagpoles, buildings, or structures, unless specifically designed and designated for that purpose.

**Section 11-62. Disturbance of Natural Resources.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Intentionally remove, alter, injure, or destroy any tree, plant or other vegetation, soil, mineral, or other natural resource.
- (b) Intentionally remove materials from, alter, or destroy an archeological site or resource, or site of scientific significance or interest.
- (c) Dig trenches, holes or other excavations.
- (d) Divert, impound, or alter a watercourse.
- (e) Introduce, release, abandon, or dispose of any plant or animal.

**Section 11-63. Disturbance of Wildlife.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Kill, trap, injure, pursue, feed or in any manner disturb or cause to be disturbed, any species of wildlife, except fishing in designated areas pursuant to the State game laws, and except wounded or escaped animals from outside the Township park which may be captured on park property when lawful and necessary. Trapping for pest control shall be exempt from this provision.
- (b) Intentionally remove, alter, injure or destroy habitat used by any species, including, but not limited to, nests, dams or burrows.

**Section 11-64. Release of Harmful or Foreign Substances.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Place any debris, pollutant or other agent in or upon any Township park of body of water in a Township park; or any tributary, stream or drainage area that flows into such waters.
- (b) Discharge wastewater or any other wastes in a Township park except in designated containers, drain or dumping stations.

Section 11-65 thru 11-70.     **Reserved.**

**Article V. Regulation of Recreation Activity.****Section 11-71. Camping.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Camp except in areas provided and designated for that purpose.
- (b) Camp overnight in a park if under eighteen (18) years of age unless accompanied by a parent or authorized adult.

**Section 11-72. Snowmobiling.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Operate a snowmobile except on designated trails, and except as close to the right hand side thereof as conditions will permit.
- (b) Operate snowmobiles in excess of posted speed limits when present or at a rate of speed greater than reasonable or proper under current conditions.
- (c) Operate a snowmobile in such a manner as to create a nuisance or to endanger the safety or property of any park visitor, employee or snowmobile rider.
- (d) Operate a snowmobile in violation of Minnesota Statutes § 84, or Minnesota Rule 6199, as amended.
- (e) Operate a snowmobile in violation of any posted trail sign.

**Section 11-73. Boating.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Launch watercraft in any area outside a public boat launch.
- (b) Operate a watercraft in violation of Minnesota Statutes § 86B and Minnesota Rules, parts 6110.1600 – 6110.2300, both as amended.

Section 11-74 thru 11-80. **Reserved.**

**Article VI. Regulation of Motorized Vehicles, Traffic and Parking.****Section 11-81. Vehicle Operation.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Operate, park, or leave any vehicle except upon roadways, parking areas, or other designated locations.
- (b) Operate, park, or leave a vehicle in violation of the Township Road Ordinance.

**Section 11-82. Parking Vehicles.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Park or leave a vehicle standing except in a designated area and then only in a manner so as not to restrict normal traffic flow.
- (b) Park or leave a vehicle standing after posted closing hours without a valid After Hours Permit.
- (c) Park or leave a vehicle without a handicapped parking permit in view in a handicap accessible parking space.
- (d) Park or leave without a boat trailer in a parking space designated for vehicles with boat trailers, or leave a vehicle with a boat trailer except in a designated boat trailer parking area when such area is provided.

**Section 11-83. Maintenance of Motorized Vehicles.**

It shall be unlawful for any person to wash, grease, change oil or perform other maintenance on any motorized vehicle in a Township park.

**Section 11-84. Motorized Recreational Vehicles.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Operate a motorized recreational vehicle except in authorized areas.
- (b) Operate a motor vehicle or any device propelled by human power except on roads, paths, or areas designated for such use.

**Section 11-85. Exceptions.**

An activity otherwise prohibited under this Chapter may be allowed to occur under one or more of the following circumstances and upon such terms and conditions as required by the Town Board:

- (a) When the activity is conducted by a duly authorized public employee performing a necessary public function.
- (b) When the Town Board makes written findings that the health, safety and welfare of the general public requires a specified exemption.

Section 11-86 thru 11-90.     **Reserved.**

**Article VII. Violations and Enforcement.****Section 11-91. Violations.**

Any person, firm, company or corporation violating any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine or a sentence under Minnesota Statutes § 609.02.

**Section 11-92. Enforcement.**

Any peace officer may enforce the provisions of this Chapter and shall specifically have the authority to:

- (a) Eject from any Township park any person acting in violation of this Chapter.
- (b) Continually exclude such ejected person(s) from any or all Township parks.
- (c) Seize and confiscate any property, animal, thing or device in any Township park used in violation of any of the provisions of this Chapter.
- (d) Issue citations for violation(s) of this Chapter.