

Letter of intent Re: Recreational Ordinance Becker County

From: Becker County Board of Commissioners

February 14, 2012

To All:

It is the intent of the Becker County Board of Commissioners by adoption of this Ordinance to continue to work for the protection, use, and future of “Becker County Lands”, as described in the Ordinance.

This ordinance relies on Minnesota Criminal and Civil Statutes whenever possible, yet reinforcing issues that are inherent responsibilities of Becker County. The following document is considered to be a guide for employees and citizens that are both reasonable and enforceable.

It is not the intent of the Board to restrict or eliminate uses of lands as described for hunting, gathering or other such legal activities as prescribed by law.

Additionally the Becker County Board of Commissioners have included in this process a cognoscente realization that the “White Earth Nation” encompasses a large portion of Becker County lands, and as such will continue working with Tribal Officials in regards to land use, and its’ protection now and in the future.

We the Board are addressing the citizens with the realization this is a working and living document, and as we enter into a new phase of land use, changes are inevitable. With this in mind, amendments, and reclassifications may or will be adopted in the future assuring an eco-system that thrives for generations to come.

Becker County Board of Commissioners

Becker County Parks and Recreation Ordinance

Preface

This ordinance is enacted pursuant to Minnesota Statutes for the purposes of securing the orderly and suitable, use, protection, and enjoyment of developed and undeveloped county owned or managed land, including but not limited to: county parks, recreation areas, limited use areas, recreational trail systems, forestlands, campgrounds, historical sites, and public water accesses, and to further the safety, health, and comfort of all persons using these areas.

Definitions

- A. Alcoholic Beverage. Any beverage containing more than one-half of one percent alcohol by volume.
- B. County Forest Road. Becker County Land inventoried forest access roads designed and maintained for use by most motor vehicles. Forest roads are not part of the public road infrastructure as defined by Minnesota Statute Section 160.02.
- C. County Forest Trail. A trail designed for temporary or intermittent use.
- D. County-managed Land. Land managed by Becker County, including but not limited to: park lands, recreation areas, limited use areas, public water accesses and tax-forfeited lands.
- E. Recreation Area. Any land or water area designated and posted by the County Board where the main purpose is outdoor recreation.
- F. Designated Recreational Trail. A trail or strip of land (or permitted proxy for trails on tax forfeited land) designated by Becker County for specific recreational purposes, such as hiking, ATV, snowmobile, cross-country skiing, etc.
- G. Limited Use Area. Any designated land or water area which restricts or prohibits certain activities.
- H. Motor Vehicle. Any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes, and all-terrain vehicle; but not including snowmobiles.
- I. Off Highway Vehicle (OHV). All-terrain vehicles (ATVs), off highway motor cycles (OHM), or off road vehicles (ORV) as defined by Minnesota Statute.
- J. Park. Any land or water area, and all facilities thereon, established as a park or recreation area.

- K. Vehicle. Any motorized, self-propelled, animal drawn or human powered conveyance.
- L. Weapons. Any device from which a shot or a projectile of any type can be discharged by means of an explosive, gas, or compressed air, or otherwise propelled, including but not limited to firearms, bows, slings, and spring guns.
- M. Sewage. Refuse liquids or waste matter usually carried off by sewers.

Section 1 Prohibited Conduct, Generally, on County-Managed Lands

A. Generally

It is unlawful for any person to:

1. Willfully destroy (without written permission), deface, or steal public infrastructure.
2. Use threatening, abusive, insulting, obscene, or indecent language or to act in an indecent manner, disturb, harass, or interfere with any visitor or visitor's property, or to do any act which constitutes a breach of the public peace.
3. Deposit, scatter, drop, or abandon, any bottles, cans, broken glass, sewage waste, or other material, except in receptacles provided for such purposes.
4. Operate off-trail any motor vehicle on county-managed land, except to retrieve downed big game animals during legal hunting season.
5. Start a fire, except in a designated area, without an acceptable enclosure/fire ring, or fail to fully extinguish such a fire.
6. Sell, solicit, or carry on any business or commercial enterprise unless authorized in writing by the County Board Designee.
7. Use loudspeakers or other amplifying systems unless authorized in writing or unless used while lawfully taking game.

B. Natural Resources

It is unlawful for any person to:

1. Destroy or remove any tree, shrub, flower, plant, rock, soil or mineral without a proper permit issued by the Land Commissioner. The gathering of berries, mushrooms and other hand harvested consumables is not prohibited. Incidental destruction or removal during allowed activities should be minimized.

2. Drop, throw, or otherwise leave unattended lighted matches, burning cigars, cigarettes, tobacco, paper or other combustible material.

C. Public Water Accesses

It is unlawful for any person to:

1. Launch or place into public waters any watercraft non-compliant with the Minnesota Invasive Species Act.
2. Wade, swim, or use any beach without wearing bathing attire or to violate Minnesota Statute Section 617.23, Indecent Exposure, in any way.
3. Take glass containers of any kind into a designated beach area.
4. Park a vehicle in any area other than a designated parking space or park in such a manner as to obstruct any avenue of ingress or egress to the public water access except temporarily for the purpose of unloading or loading boats or other equipment.
5. Camp on or remain on any public access prior to or past the posted hours of operation.
6. Leave, store, abandon, or otherwise cause to remain on any access site any fish house, shelter, dark house, pier, or dock without written authorization from the County Board Designee.
7. Leave, store, abandon, moor, or otherwise cause to remain on or directly in front of any access, any boat, pontoon, personal watercraft, canoe, kayak, raft, or other watercraft, including float planes.

D. Vehicles

It is unlawful for any person to:

1. Operate any vehicle within a park, recreation area, or limited use area except upon roadways, designated recreation trails, parking areas, or other designated locations.
2. Operate a vehicle in a park, recreation area, or limited use area at a speed in excess of the posted speed limit or legal speed limit if not posted.
3. Park or leave the vehicle within a park or limited use area except in a designated parking area.
4. Operate a vehicle in a reckless or careless manner on any county-managed lands.

5. Operate a vehicle in the park while intoxicated, while consuming alcoholic beverages, or to have in possession a bottle or receptacle containing alcoholic beverages that has been opened, or the seal broken, or the contents of which has been partially removed.

E. Meetings, Speeches, Demonstrations, and Parades

It is unlawful to conduct public meetings, assemblies, parades, or demonstrations, for which it is planned (or is reasonable to expect) 300 or more persons to attend and remain on the site for eighteen or more consecutive hours unless authorized in writing by the County Board Designee and a Mass Gathering license is obtained from the County Zoning Office.

F. Camping

It is unlawful for any person to:

1. Dig or trench around tents or other camping shelters.
2. Camp on lands that are posted or designated as prohibiting camping, or camp on county lakeshore/shoreline or 300 feet from any river shoreline, unless in a designated campsite.
3. Collect firewood, unless it is dead and lying on the ground. Wood collected and used for campfires may not be removed from county-managed land.
4. Camp on tax-forfeited lands within one mile of a county-managed fee campground, unless in a designated remote campsite, or camp within 500 feet of any resort or private campground.
5. Construct permanent camping structures.
6. Place wood, nails, screws or other fasteners into a living tree at a campsite.
7. Dispose of human waste within 150 feet of a water body.
8. Discharge sewage from a camping vehicle or trailer onto the ground.
9. Camp in any one location in excess of 14 days from the first Saturday in May to the second Sunday in September or in excess of 21 days the rest of the year.
10. Leave camping equipment unattended. Any equipment left in excess of 14 days will be removed by the County, stored for 30 days, and if unclaimed, the equipment shall be transferred to the Sheriff's Department for disposal in accordance with state law.

Section 2 Prohibited Conduct within a County Park, Recreation Area, or Limited Use Area

A. Generally

It is unlawful for any person to:

1. Use threatening, abusive, insulting, obscene, or indecent language or to act in an indecent manner, disturb, harass, or interfere with any visitor or visitor's property, or to do any act which constitutes a breach of the public peace.
2. Deposit, scatter, drop, or abandon any bottles, cans, broken glass, sewage waste, or other material, except in receptacles provided for such purposes. Only park use refuse shall be deposited in such receptacles.
3. Start a fire, except in a designated area, without acceptable enclosure/fire ring, or fail to fully extinguish such a fire.
4. Bring in firewood that is not approved by the Commissioner of Natural Resources.
5. Sell, solicit, or carry on any business or commercial enterprise unless authorized in writing by the County Board Designee.
6. Use loudspeakers or other amplifying systems unless authorized in writing by the Department.
7. Allow any pet waste to be left in a mowed or maintained area without being removed and placed in an appropriate waste container.

B. Natural Resources

It is unlawful for any person to:

1. Kill, trap, hunt, disturb, or cause to be disturbed any species of wildlife.
2. Shoot or discharge any weapon.
3. Permit any dog, cat, or other pets in a picnic area, park building, or campground, unless on a leash or within a cage.
4. Permit a dog, cat, or other pet to disturb, harass, or interfere with any visitor or visitor's property.
5. Possess any loaded and/or uncased weapon without a conceal-carry permit.

C. Camping in Limited Use Areas

It is unlawful for any person to:

1. Camp in a limited use area except in areas provided and designated for that purpose.
2. Camp in a limited use area without first depositing a written ticket and camp fee payment in the designated collection box, if required.
3. Cause, create or make a noise which disturbs the peace, quiet, and tranquility of the camping area.

Section 3 Forest Roads, Trails, and Designated Recreation Trails

- A. Operating a motor vehicle or snowmobile on any trail that is designated as non-motorized is prohibited.
- B. No person shall construct any road, trail or path within any county-managed land (excluding trails for timber harvest acquired through county auction) without approval by the County Board.
- C. Motor vehicles on county forest roads, trails, or designated recreation trails must travel at a reasonable and prudent speed, obey regulation signs, observe closures, and may not operate in a manner that causes damage to the road, land, or other natural resources.
- D. Consuming alcoholic beverages or to have in possession any bottle or receptacle containing alcoholic beverages that has been opened, or the seal broken, or the contents of which have been partially removed, while operating a motor vehicle on a county forest road, trail or designated recreation trail is prohibited.
- E. Depositing litter on or adjacent to a county forest road, trail, or designated recreational trail is prohibited.
- F. Operating a motor vehicle in a reckless manner on a county forest road, trail, or designated motorized recreation trail is prohibited.
- G. Placing unauthorized signage on or along a county forest road, trail or designated recreation trail is prohibited.
- H. A person may not operate a motor vehicle within the boundaries of an area that is posted and designated as closed to such use.

Section 4 Park Operation

Hours and rules of operation for any park or recreation area are limited as determined by the County Board.

Section 5 Enforcement and Penalties

- A. A person found guilty of violating any provision of this ordinance is guilty of a misdemeanor which is punishable by 90 days in jail and a fine of \$1000.
- B. In addition to other remedies, the County Board Designee may institute appropriate actions or proceedings to prevent, restrain, correct or abate any violations or threatened violations.
- C. Peace Officers, Conservation Officers, and designated county employees may, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance and eject from county-managed lands, persons acting in violation of this ordinance.
- D. The County Board Designee has the authority to revoke for any good cause any permit issued by the County Board Designee.
- E. No person shall impersonate any employee or designated volunteer of the County, nor interfere with, harass, or hinder any employee in the discharge of his/her duties.
- F. Nothing in this ordinance shall prevent employees or agents of the County from performing their assigned duties.

Section 6 Miscellaneous

- A. Repeal. Existing park ordinances and any provisions of ordinances, rules and regulations in conflict with this Ordinance, or any parts thereof, are hereby repealed, except that such ordinances, provisions of ordinances, rules, and regulations are deemed to be in force for the purpose of protecting any rights vested, accrued, or arising there from.
- B. Separability. The provisions of this Ordinance are separable, and the invalidity of any section, paragraph, subparagraph, subdivision, or other part shall not make void, impair, invalidate, or affect the remainder.