

**HOUSTON COUNTY
ORDINANCE #10:**

**Park Rules and Regulations
Botcher Park**

Adopted: April 8, 2008

The land known as Botcher Park consists of approximately 40 acres located on CSAH #10 and was donated to Houston County by Robert H. Botcher in 2006.

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Chapter I – Purpose & Authority
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Section A -Purpose

The Houston County Board of Commissioners deems it reasonable, necessary, and desirable to enact ordinances specifying rules and regulations in order to provide: for the safe and peaceful use of park lands; for the education and recreation of the public; for the protection and preservation of the property, facilities, and natural resources; and for the safety and general welfare of the public.

Section B - Statutory Authority

The Houston County Board of Commissioners, under Minnesota Statutes, Section 398 in performing its primary duty of the acquisition, development, operation and maintenance of county parks, and related facilities and-providing the means for public access natural resources; is granted full power and authority to acquire and establish the above facilities and to operate, maintain, protect, and improve all parks owned operated or leased by the County. 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 a misdemeanor.

Chapter II - Public Use

Section A - Park Use

The land known as Botcher Park consists of approximately 40 acres located on CSAH #10 and was donated to Houston County by Robert H. Botcher in 2006.

Botcher Park is a natural wildlife area to be specifically used for public park purposes.

“Public park purpose” means any activity which is conducted primarily for the purposes of pleasure, rest or relaxation and is dependent on and/or derives its principal benefit from the natural surroundings such as hunting and hiking.

Because of this, Botcher Park is to be maintained in its natural pristine state with no development allowed on this land.

Section B – Hours

Botcher Park is open for public use during daylight hours.

It shall be unlawful for any person to enter or remain in Botcher Park after sunset and before sunrise the next day.

Chapter III – Regulation of General Conduct

Section 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 County Park, if five (5) years of age or older.

Section B -Drug and Alcohol Use

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

1. Serve, possess, consume, sell, barter, furnish, give, purchase or attempt to purchase any alcoholic beverage;
2. Be under the influence of alcohol or other controlled substance;
3. Use or be under the influence by reason of inhaling any substance defined or considered as an "inhalant"; or
4. 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 C - Gambling

It shall be unlawful for any person to gamble or participate in any game of chance in a County Park.

Section D – Disorderly Conduct/Nuisance/Private Property

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

1. Commit any act that constitutes disorderly conduct. "Disorderly Conduct" is defined by Minnesota Statutes and includes:
 - (a) Engaging in brawling or fighting; or
 - (b) Disturbs an assembly or meeting, not unlawful in its character; or
 - (c) Engages in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others;
2. Commit any act that constitutes a nuisance. A "Nuisance" means anything 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;
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 facilities therein; or
4. Leave or store personal property.

Section E -Littering

It shall be unlawful for any person in a Botcher Park to:

1. Deposit, scatter, drop, or abandon any bottles, cans, glass or broken glass, sewage, waste, refuse or any other materials; or
2. Dispose of animal carcasses, trash, refuse, rocks, wood, or other debris.

Section F – Possession/Use of Fireworks

It shall be unlawful, when in Botcher Park, for any person to possess, set off or attempt to set off or ignite any firecrackers, fireworks, smoke bombs, rockets; or other pyrotechnic or explosive devices.

Section G - Interference with Employee Performance of Duty

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

Chapter IV – Regulations Pertaining to General Parkland Operation

Section A - Commercial Use/Solicitation/Advertising

It shall be unlawful for any person to:

1. Use any County Park or park property for commercial purposes;
2. Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in Botcher Park; or
3. Expose, distribute or place any sign, advertisement, notice, poster, or display in Botcher Park.

Section B – Noise/Amplification of Sound

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

1. Operate or permit the use or operation of any loudspeaker, sound amplifier or other device for the production or reproduction of sound;
2. Use, operate or permit the use or operation of any radio, phonograph, television set 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
3. Willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or is an annoyance to any reasonable park visitor of normal sensitivity.

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 noise;

- (2) the intensity of the noise;
- (3) whether the nature of the noise is usual or unusual;
- (4) the level and intensity of the background noise, if any;
- (5) the 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) the time of the day the noise occurs; and
- (8) the duration of the noise.

Section C – Gathering Firewood and Camp Fires Prohibited

Gathering firewood disrupts the forest and soil cycle and is not permitted.

Campfires are not permitted.

It shall be unlawful, when in Botcher Park, for any person to start a recreational fire or a fire for culinary purposes even if the fire is in a fire ring, grill or portable stove.

Section D - Pets in Parks

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:

1. Bring a pet into or have a pet in a Botcher Park without it being under physical control on a leash no more than six feet in length, except during small game season when hunting dogs are to be under the immediate control of the hunter at all times. Training and allowing pets off leash are prohibited at all other times.
2. Cause or allow any pet to roam or be at large in any park;
3. Permit a pet to disturb, harass, or interfere with any park visitor, park visitor's property, or park/county employee;
4. Allow a pet to damage park property, resources, or facilities;
5. Tether a pet to a tree, plant, building or park equipment, or leave a pet unattended in a County Park;
6. Permit any pet or domestic animal to graze or browse in any park.

Section H - Unlawful Occupancy

It shall be unlawful for any person to occupy any part of Botcher Park after the posted closing time, or before the posted opening time, or contrary to any posted notice.

Section A – Destruction/Defacement of Park Property/Signs

It shall be unlawful for any person to:

1. Intentionally deface, vandalize, tamper with, remove or otherwise cause destruction to park property; or
2. Intentionally deface, destroy, cover, damage, tamper with or remove any placard, notice, marker or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the County.

Section B - Disturbance of Natural Resources

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

1. Intentionally remove, alter, injure, or destroy any tree, plant, or other vegetation, soil, mineral or other natural resource;
2. Intentionally remove materials from, alter, or destroy an archeological site or resource, or site of scientific significance or interest;
3. Dig trenches, holes, or other excavations;
4. Allow a pet to act in violation of Chapter V. Section B, subdivision I, 2 or 3;
5. Divert, impound or alter a watercourse; or
6. Introduce, release, abandon or dispose of any plant or animal.

Section C - Disturbance of Wildlife

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 species of wildlife, contrary to the game laws for the State of Minnesota;
2. Intentionally remove, alter, injure, or destroy habitat used by any species, including but not limited to nests, dams, or burrows; or
3. Allow a pet to act in violation of Chapter V. Section C, subdivision 1 or 2.

Section D - Release of Harmful or Foreign Substances

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, drain or drainage ditch flowing onto such land or waters; or
2. Discharge wastewater, sewage or any other waste in a County Park, except into designated containers, drain or dumping stations, if any.

Section E - Interference of Park Property

It shall be unlawful for any person to 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 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 VI – Regulation of Recreational Activities

Section A – Camping Prohibited

It shall be unlawful for any person to camp overnight in Botcher Park.

Section B – Hunting

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

1. Hunt in violation of any Minnesota Statute or Rule;
2. Engage in target shooting or practice;
3. Distribute feed or bait, or hunt over areas where feed or bait is placed;
4. Use nails, wire, screws or bolts to attach a stand to a tree, or hunting from a tree, into which a metal object has been driven or screwed to support a hunter; or
5. Fail to remove portable or temporary hunting blinds or stands at the end of each hunting day;

Section C – Trapping Prohibited

It shall be unlawful, when in a Botcher Park, for any person to engage in the trapping of small game and furbearing animals.

Chapter VII - Regulation of Motor Vehicles, Traffic and Parking

Section A - Vehicle Operation

With the exception of licensed peace officers and/or county employees performing official duties, it shall be unlawful, when in Botcher Park, for any person to operate, park, or leave any motorized vehicle except upon roadways, parking areas, or other designated locations, if any.

Section B - Parking Vehicles

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

1. Park or leave a vehicle, camper or any type of trailer standing except in a designated area, if any, and then only in a manner so as not to restrict normal traffic flow and/or cause a safety hazard;
2. Park or leave a vehicle, camper or trailer standing after posted closing hours; or
3. Allow a vehicle, camper or trailer to remain illegally parked, or disabled vehicles to remain for more than 72 hours. Illegally parked or disabled vehicles, campers or boat trailers may be towed away and impounded at the owner's expense.

Section D - Motorized Recreational Vehicles

With the exception of licensed peace officers and/or county employees performing official duties, it shall be unlawful for any person to operate a motorized recreational vehicle within a County Park. This includes, but is not limited to motorcycles, mini-bikes, snowmobiles and all terrain vehicles.

Chapter VIII – Enforcement

Section A - Park Patrol Authority/Authorized Agents

Law enforcement authorities where any County Park is situated shall have jurisdiction to patrol and enforce any Houston County Park Ordinance on County Park property. They shall also have jurisdiction to enforce any violation of state law or local laws which occurs on County Park property.

Section B -Additional Rules and Regulations

The Park Board or County Board shall have the right to issue rules and regulations relative to this ordinance. No person shall violate rules and regulations that may be established by the Park Board or County Board.

Section C - Fines and Penalties

Violations of the provisions of this ordinance or failure to comply with any of its requirements, or rules and regulations established by the Park Board or County Board, shall constitute a misdemeanor and shall be punishable as defined by law.

Chapter IX – Miscellaneous

Section A – Exemptions

All county employees, contractors, emergency and enforcement personnel while acting in the performance of their assigned duties are exempt from the provisions of this ordinance.

Section B – Repeal

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

Section C –Enactment

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

Section D – Notification

It shall be the responsibility of Houston County to provide for adequate notification of the public, which shall include placement of signs at key locations within the park outlining essential elements of the ordinance.

Section E – Severability

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

Section F - Amendment

This ordinance or the fees described herein may be amended from time to time by the Houston County Board of Commissioners.

Approved by the Houston County Board of Commissioners on April 8, 2008.

Signed this 8th day of April, 2008, by

Ann Thompson – Board Chair

Attest:

A. Peter Johnson – County Auditor