

PUBLIC USE OF COUNTY PARKS, PUBLIC ACCESSES, AND WAYSIDES

.01 PURPOSE

The purpose of parts 01.01 to 01.24 is to provide for public enjoyment of county parks and other recreational areas in a way that will leave them unimpaired and minimize conflicts among users.

.02 SCOPE.

Parts 01.01 to 01.24 apply to county parks, recreational areas, historic sites, and waysides under the control of or operated by the Traverse County Board of Commissioners.

Parts 01.01 to 01.24 shall not apply to a person lawfully engaged in the performance of the person's duties in the management and administration of these areas including, but not limited to, the Traverse County Commissioners, the commissioner's agents, employees, those persons operating under contract with Traverse County and law enforcement officers.

.03 PENALTY.

A person who violates any of parts 01.01 to 01.24 is guilty of a misdemeanor and subject to immediate removal from the park.

.04 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 01.01 to 01.24, unless a different meaning is manifest from the context, the terms defined in this part have the meanings given them.

Subpart 2. **Beach.** "Beach" means that part of a body of water and shore designated for swimming and sunning.

Subpart 3. **Commissioner.** "Commissioner" means the Traverse County Board of Commissioners directly or through authorized agents.

Subpart 3a. **Disabled person.** "Disabled person" means a person who is unable to walk with or without crutches, braces, or other mechanical support.

Subpart 4. **Campground.** "Campground" means those areas developed and maintained by Traverse County for camping and related recreational activities.

Subpart 5. **Day use area.** "Day use area" means a designated area to be used for daytime activities such as picnic areas, swimming beaches, boat accesses, and the like.

Subpart 5a. **Highway.** "Highway" means roads or highways as defined in Minnesota Statutes, section 160.02.

Subpart 6. **Intoxicating liquor.** "Intoxicating liquor" means intoxicating liquor as defined in Minnesota Statutes, section 340A.101

Subpart 7. **Motor vehicle.** "Motor vehicle" means any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, mini-bikes, motorcycles, trail bikes, and all terrain vehicles (ATV's), but not including snowmobiles.

Subpart 7a. **Recreational motor vehicle.** "Recreational motor vehicle" means a self-propelled vehicle or a vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including, but not limited to, snowmobile, trail bike, or other all-terrain vehicle, hovercraft, or

motor vehicle licensed for highway operation, which is being used for off-road recreational purposes.

Subpart 8. **Person.** "Person" means any individual, partnership, or association.

Subpart 9. **Shelter.** "Shelter" means equipment used to sleep in or on, excluding sleeping bags. Examples are tents, trailer, pickup campers, busses, station wagons, motor homes, and boats.

Subpart 10. **Snowmobile.** "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

Subpart 10a. **Special Event.** "Special event" means an event that is held on lands under the authority of the Traverse County Board of Commissioners where an activity is occurring that is not normally allowed on the land or where an event will attract large numbers of people that could disrupt normal use of the land. Special events include, but are not limited to, motorcycle enduros, snowmobile races, orienteering trials, group camp outs that do not occur at designated group camps, dog sled races, sports car rallies, and dog trials.

Subpart 11. **Watercraft.** "Watercraft" means any contrivance used or designed for navigation on water other than duck boats during the duck hunting season, rice boats during the harvest season, or seaplanes.

.05 HOURS AND DAYS OF OPERATION.

Subpart 1. **County parks.** County parks will be open each day of the year from 8:00 a.m. to 10:00 p.m., unless otherwise posted, and except during emergencies.

After 10:00 p.m. and until 8:00 a.m. the next day, no person shall enter or remain in a county park unless as a registered overnight guest, except that during these hours, commissioners may, at their discretion, allow entrance for direct access to specific locations within the park so that guests may engage in specific approved activities. Between the hours of 10:00 p.m. and 8:00 a.m., motor vehicle travel by registered overnight guests shall be restricted to entering their registered place of lodging, or exiting their lodging area for specific locations, as above, or to leave the park.

.06 PERSONAL CONDUCT AND PROHIBITIONS.

A person's conduct shall be as prescribed in Minnesota Statutes, section 609.72.

No person shall make noise tending reasonably to arouse alarm or resentment of others by means of a public address system, radio, stereo, amplifier, or power equipment, or by any other means.

It is unlawful for any person in a county park to consume or possess intoxicating and non-intoxicating liquors.

No person shall engage in brawling or fighting, or use offensive, obscene, or abusive language, or engage in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.

A person's possession and use of drugs shall be in accordance with state laws.

.07 PUBLIC SAFETY; HUNTING; FIREARMS; WEAPONS.

Subpart 1. **Restrictions.** While in a county park, except as provided in subpart 3 or by special permit from the commissioners, it is unlawful for any person to:

- A. possess explosives of any kind;
- B. possess a firearm, including an air gun, unless the firearm is unloaded both in barrel and magazine and completely contained in a gun case expressly made for that purpose, which is fully enclosed by being zipped, snapped, buckled, tied, or otherwise fastened, or unless unloaded and contained in the trunk of a car with the trunk door closed;
- C. possess a bow and arrows, unless either unstrung or completely contained in a case or contained in the trunk of a car with the trunk door closed;
- D. use or display any other type of weapon including but not limited to slingshots, switchblade knife, traps, and spears; and
- E. hunt, trap, or in any manner take wild animals except as authorized by the commissioners.

Subpart 2. **Waiver of restrictions.** When hunting, trapping, or taking wild animals is authorized in a county park, the restrictions in subpart 1 on firearms, bows and arrows, and traps are waived to the extent necessary to allow the authorized activity. However, it is unlawful at any time to construct, occupy, or use any elevated scaffold or other elevated device for the purpose of hunting, watching for, or killing big game, except that portable tree stands may be used for this purpose provided they are removed each day at the close of hunting hours and do no permanent damage to trees in which they are placed.

Subpart 3. **Exception.** During the official open seasons for hunting, a person may carry an unloaded, uncased firearm or bow and arrows from a campground or day use area to engage in hunting outside of the campground or day use area.

Subpart 4. **Restriction of pursuit of wildlife.** It is unlawful while hunting to pursue wildlife into a county park or to chase wildlife out of a county park without permission of commissioners.

.01 ENVIRONMENTAL PROTECTION.

Subpart 1. **Generally.** The environment is for the enjoyment of all. No person shall disturb, destroy, injure, damage, deface, molest, or remove any county property, including, but not limited to, wildflowers or vegetation of any kind dead or alive, ruins, wild animals; geological formations, historical or archaeological artifacts or sites; historic structures; signs, or facilities, except edible fruit, mushrooms, and wild animals legally taken, and vegetation unavoidably damaged or destroyed by the ordinary uses of these areas as specifically permitted by parts 01.01 to 01.24. Collections for scientific and educational purposes may be made only with the written permission of the commissioners. It is unlawful to damage vegetation or damage and deface rock formations with rock-climbing equipment.

Subpart 2. **County Park.** Within a county park, any collecting, harvesting, or taking of any tangible object for resale or commercial use is prohibited, except by written permission of the commissioners.

Collection of firewood in county parks, except where expressly permitted, is prohibited.

Subpart 3. **County campgrounds and day use areas.** Within county campgrounds and day use areas, wood that is dead and lying on the ground may be used to build fires, as long as it is used within the area and not removed.

.02 FIRES AND REFUSE.

Subpart 1. **Prohibition and permitted uses.** It is unlawful to build or maintain a fire except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or day use area if such use does not create a hazard or danger to the area or to others. It is unlawful to disobey a law enforcement officer when ordered to extinguish a fire in any location at any time.

Subpart 2. **Fire bans.** The commissioners may limit or ban fires by declaring that a fire emergency exists. The declaration will be posted conspicuously at the entrance of the area affected.

Subpart 3. **Firewood.** If firewood is provided at no charge, the removal of the firewood for the park, campground, or day use area is prohibited.

Subpart 4. **Refuse.** It is unlawful to place refuse anywhere except in receptacles provided. If no receptacle is available, the refuse shall be removed from the park, campground, or day use area. It is unlawful to place refuse generated outside the park, campground, or day use area into the receptacles.

Subpart 5. **Littering.** Minnesota statutes, sections 85.20, subdivision 6, and 609.68, forbidding littering, are incorporated in this part by reference.

.03 PETS.

Although pets are permitted, no person shall allow any dog, cat, or other pet animal except hearing or Seeing Eye dogs, to enter any building or beach; or permit any dog, cat, or other pet animal to be unrestrained. Pet animals shall be personally attended at all times and shall be effectively restrained by a portable enclosure or by a leash not exceeding six feet in length, and the animals shall not disrupt other persons or deprive them from using any area.

Pet waste deposited in mowed or maintained areas must be immediately cleaned up by the pet owner or caretaker and deposited in an appropriate waste container. Horse waste must be removed by the owner or custodian.

.04 PICNICKING.

Picnicking is permitted only in areas designated for picnicking. No person or group of persons shall unreasonably exclude others from a picnic area or shelter, except when the shelter has been reserved with consent of the commissioners.

.05 CAMPING AREAS AND DAY USE AREAS

Subpart 1. **County parks.** The following camping restrictions apply in county parks:

- A. A campsite's occupancy is limited to:
 1. one camping group of six people or less using:
 - a. one camping shelter;
 - b. one vehicle;
 - c. additional shelter, person, or vehicles only with prior approval of the commissioners.
- B. Camping is permitted only at assigned sites in designated camping areas or in watercraft within the restrictions described in item A.
- C. A person may not camp in the park for more than 14 days in succession, provided, however, the commissioners may allow camping for additional days when use conditions warrant.
- D. Each camping party must register. Registration must be in person and is as follows:

1. A responsible person of a camping party shall register for the group, giving the number in the group. Names of all persons in the party are required when requested by the commissioners.
 2. The rental period must begin with the day of registration, and all fees must be paid in full at the time of registration. The registration may be canceled if the site is not personally occupied the first night. The commissioners may, upon order, remove or have removed any camping equipment placed on a campsite by an unregistered party, or any equipment on a site which has been forfeited by failure to occupy the site on the first night of registration.
 3. Camping permits shall expire at 4:00 p.m. On departure, the campsite shall be left in a neat and clean condition.
 4. Campers occupying a campsite must reregister by 11:00 a.m. to hold the campsite for that night.
- E. Power units including those used to generate electricity for camping units, shall not be operated between the hours of 10:00 p.m. and 8:00 a.m., nor at other hours of the day if such operation causes a disturbance for other visitors.

Subpart 2. Campgrounds and day use areas.

- A. Only one individual or group shall occupy a single campsite. A group cannot exceed eight people unless camping at a posted designated group camping site. Additional fees will be charged for the use of these sites.
- B. A maximum of two motor vehicles per campsite is permitted except that no more than one motor vehicle may be a motorized camper.
- C. The maximum number of camping shelters permitted per campsite is two, however, no more than one of the camping shelters may be a camping trailer or motorized camper. More than two shelters are permitted at posted designated group sites.
- D. Disposal of liquid waste from a camping trailer or motorized camper must be in accordance with chapter 4630.
- E. Moving or removing picnic tables, fire-rings, or other facilities from a campsite, day use area, or the campground is prohibited.
- F. Complete enclosure of the picnic shelters as to exclude other individuals' use of the picnic shelter or electrical supplies located within the picnic shelters is prohibited.

Subpart 3. Other prohibitions. It is unlawful for a person to install or affix in a permanent manner any camping facility, equipment, or structure.

The placement of tent stakes or anchors in the ground for the erection of tents is permitted. Digging or excavating is prohibited.

A watercraft used for shelter or sleeping which is tied on water frontage of a county park, campground, or day use area, or is anchored in waters which are completely within the boundary of a county park, constitutes camping and is subject to parts 01.01 to 01.24.

In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are designated quiet hours and it is unlawful to make noise at a level above that of a quiet conversation.

.01 BOATING.

Boating conforming to Minnesota laws and rules is permitted on waters within or adjacent to county parks, campgrounds, and day use areas except that:

- A. no one shall operate a boat, watercraft, or motor on any body of water or portion of any body of water specifically posted prohibiting that use;
- B. no one shall moor a boat on any beach or area specifically posted prohibiting that use.

.01 FISHING.

Fishing for fish only, is permitted when conforming to Minnesota laws and rules in the waters within and adjacent to county parks, campground, and day use areas. When spear fishing or bow and arrow fishing is permitted, the restriction on spears or bows and arrows is waived to the extent necessary to allow the activity.

If a fish-cleaning facility is provided, no person shall clean fish and dispose of the remains except at that facility.

.02 SWIMMING IN COUNTY PARKS.

Activities in and upon the beaches and swimming areas shall be under the direction of the lifeguard, if one is present.

It is unlawful to swim in or enter any body of water or area where prohibited.

It is unlawful in any area where swimming is not prohibited, including designated beaches, to:

- A. while in the water, use air mattresses, inner tubes, and other flotation devices not approved by the Coast Guard, except when an area is specifically designated for that use;
- B. enter the water before sunrise or after sunset;
- C. engage in any activity which is hazardous and could cause injury to others; or
- D. use any soap detergent, or shampoo.

In addition to items A to D, it is unlawful on designated beaches to possess glass containers; enter with any boat, canoe, or raft; fish; or change clothes except in a facility designated for that use, where a facility is provided.

01.16 MOTOR VEHICLE USE; STORAGE, AND ABANDONMENT OF BOATS, TRAILERS, FISH HOUSES, AND OTHER EQUIPMENT.

Subpart 1. **Licensed vehicles.** Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within county parks, campgrounds, and day use areas. The operator must have a valid driver's license.

Subpart 2. **Designated roads.** The motor vehicle may be operated only on designated roads and parking areas, and shall be properly parked in designated parking areas or parking spurs only. It may not be driven on roads which are posted, chained, or gated prohibiting motor vehicles. Parking in any area not designated as a parking area is prohibited and subjects the vehicle to being towed at the owner's expense.

Subpart 3. **Speed limit; recklessness.** The motor vehicle shall not be operated in excess of posted speeds or in a reckless, careless, or exhibitivie manner. No person shall operate any vehicle in such a manner as to create unnecessary engine noise, tire squeals, skidding, or sliding. Minnesota Statutes, chapter 169, governing motor vehicle use on public roads in incorporated by reference to apply to all roads within county parks.

Subpart 4. **Storage and abandonment.**

- A. No person shall leave standing, whether attended or unattended, a motor vehicle, trailer, boat, fish house, or any other equipment or material in any manner so as to block, obstruct, or limit the use of any road, trail, waterway, water access, parking area, winter sport-facility, or picnic shelter.
- B. No vehicle, trailer, boat, fish house, or any other equipment or material may be stored, abandoned, or parked overnight. This does not apply, however, to overnight parking for the appropriate use of campsites or to fish houses on lakes where overnight use is permitted, or to the temporary storage of such items by a person who remains in the immediate vicinity during normal operating hours. In county parks, for certain approved activities, overnight parking or storage of equipment by persons not remaining in the immediate vicinity may be allowed with prior approval of the commissioners. In campgrounds and day use areas, overnight parking is permitted in designated parking lots.
- C. Any vehicle, trailer, boat, or any other equipment or material except fish houses located on the ice surface of a body of water, left for a period longer than 30 days shall be deemed abandoned and shall be transferred to the custody of the Sheriff for disposal pursuant to Minnesota Statutes, section 16B.25.

.017 SNOWMOBILES IN COUNTY PARKS.

No person shall operate a snowmobile in a county park unless on trails and areas posted and designated for such use, under conditions of snow cover considered adequate for protection of the park by the commissioners.

Within county parks no snowmobile shall be operated before 8:00 a.m. or after 10:00 p.m., except as otherwise posted.

01.18 RECREATIONAL MOTOR VEHICLES; LANDS UNDER AUTHORITY OF COMMISSIONERS.

Subpart 1. **Required equipment.** A recreational motor vehicle may not be driven on county lands, roads, or trails under the authority of the commissioners which are open to recreational motor vehicle use, unless equipped with:

- A. When operating during the hours of darkness, at least one headlamp having a minimum candle power of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead under normal atmospheric conditions. The headlamp must be so aimed that glaring rays are not projected into the eyes of oncoming vehicle operators.
- B. When operated during the hours of darkness, at least one red tail lamp having a minimal candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions.
- C. Brakes adequate to control the movement of, and to stop, and to hold the vehicle under normal operating conditions.
- D. A throttle so designed that when pressure used to advance the throttle is removed, the engine will immediately and automatically return to idle.

Subpart 2. **Sled, trailer, or device towed by recreational motor vehicle.** A sled, trailer, or other device being towed by a recreational motor vehicle during the hours of darkness under normal atmospheric conditions must be equipped as follows:

- A. Unobstructed and visible reflector material of at least 16 square inches must be mounted on each side and at the rear of the sled, trailer, or other device.
- B. The reflector material required must have at least the minimum intensity values prescribed in Table II of Federal Specifications, L-S-300C, dated March 29, 1979, or

must be in accordance with Reflex Reflectors, Society of Automotive Engineers, SAE J 594E, which are incorporated by reference, are not subject to frequent change, and are universally available. The manufacturer's trade name, or other decorative material, if meeting minimum reflective standards, may be included in computing the required 16 square inch area.

Subpart 3. **Mufflers.** A person may not operate a recreational motor vehicle on county lands under the authority of the commissioners unless it is equipped with a functioning spark arrester type muffler as required by Minnesota Statutes, section 88.21, subdivision 4, or equipped with a United States Forest Service approved spark arrester or combination thereof.

A person shall not operate a recreational motor vehicle on county lands under the authority of the commissioners unless it is so equipped that overall noise emission does not exceed a sound level limitation of not more than 99 decibels on the A scale from a distance of 20 inches using test procedures and instrumentation as set forth in the Society of Automotive Engineers' Standard, SAEJ 1287, June 1988.

01.19 USE OF COUNTY LANDS UNDER AUTHORITY OF COMMISSIONERS.

Subpart 1. **Operation of recreational motor vehicles.** It is unlawful on county lands under the authority of the commissioners, trails or roads which are open for use, for any person to drive or operate a recreational motor vehicle in any of the following ways:

- A. At a speed greater than is reasonable or proper under all of the surrounding circumstances or greater than the posted speed limit. Where necessary, the commissioners may establish and post at reasonable intervals, a reasonable and safe maximum speed limit for the operation of recreational motor vehicles along a specific road or trail or on other county lands under the authority of the commissioners. The speed limit will be effective when signs are erected and any operation of a recreational motor vehicle within the posted portion of road, trail, or land in excess of the posted speed limit is unlawful.

This speed limit may be waived in writing by the commissioners for special events held on county lands under the authority of the commissioners.

- B. Without a lighted headlamp and tail lamp when operated at night or during reduced visibility.
- C. In a manner that destroys, kills, or harasses wildlife.
- D. In a manner that destroys county property.
- E. And ATV or off-road motorcycle operated or ridden by a person under 18 years of age on county lands under the authority of the commissioners unless wearing a safety helmet approved by the commissioners.
- F. For a recreational motor vehicle operator after having received a visual or audible signal from a peace officer or law enforcement officer to come to a stop, to:
 1. operate a recreational motor vehicle in willful or wanton disregard to the signal to stop;
 2. interfere with or endanger the law enforcement officer or any other person or vehicle; or
 3. increase speed or attempt to flee or elude the officer.
- B. In a tree nursery or area regenerating to trees, whether planted or natural, in a manner that damages or destroys the trees.

Subpart 3. **Special events.** A special event may not be held on county lands under the authority of the commissioners except with a written permit from the commissioner obtained prior to the event.

The commissioner may charge the sponsor or permittee of a special event a fee for use of the land, and may require security such as a bond or cashier's check to ensure that appropriate cleanup measures, the removal of signs, repair of damage, and other actions are completed.

Subpart 4. **Operating under the influence of alcohol or a controlled or hazardous substance.** A person may not operate or be in control of a recreational motor vehicle on county lands under the authority of the commissioners while under the influence of alcohol or a controlled or hazardous substance. Arrest and testing procedures will be as defined in Minnesota Statutes, sections 84.91 to 84.911.

01.20 NONMOTORIZED USE.

Subpart 1. **On foot, ski, or snowshoe.** People on foot, ski, or snowshoe may go anywhere that is not posted otherwise, or is not further limited by stipulations in subparts 2 to 6.

Subpart 2. **Horses.** No person shall ride, lead, or have a horse except upon trails and areas designated for use by horses. Horses are prohibited from using county campgrounds unless the area has been specifically designated for use by horses or a special use permit from a commissioner has been obtained.

Subpart 3. **Bicycles.** People riding bicycles may travel only on designated bike trails, or where motor vehicles are allowed except in areas posted to prohibit such use.

Subpart 4. **Restricted sensitive areas.** Hikers, skiers, and snowshoers shall not knowingly enter deeryards or other sensitive restricted areas.

Subpart 5. **Ski trails.** On groomed and tracked ski trails, activities which tend to damage the track or interfere with and disrupt use by skiers are prohibited.

Subpart 6. **Dog sledding.** Dog sledding is permitted in county parks only on trails designated for such use, or as approved by the commissioners. Any other dog sledding use is prohibited.

No person in a county park, campground or day use area, shall bicycle, ski, or ride a horse in a reckless or careless manner, at an unreasonable or out of control speed, or in any way that unnecessarily endangers oneself or other users.

01.21 RESTRICTED AREAS.

It is unlawful to enter by any means a restricted area which has been posted to prohibit entrance.

It is unlawful for any person to use a county park facility that requires a special use permit or a fee, without first obtaining a permit or paying the fee.

01.22 AIRCRAFT.

It is unlawful for any person to land any aircraft on lands or waters totally within the boundaries of any county park except by permit, or on a designated airport, or landing strip, or in making an emergency landing, conducting rescue operation, or in conducting or assisting in official business of the United States of America, the state of Minnesota, or Traverse County.

01.23 PROTECTION FROM PEDDLING AND SOLICITING.

It is unlawful for any person to engage in or solicit business of any nature whatsoever from visitors, or to post signs, handbills, or advertisements, except for authorized concessions, without the prior written consent of the commissioners.

.024 SUSPENSION OF RULES.

In situations of emergency or in the case of authorized special events, the commissioners may provide temporary exceptions to the general rules for a specific county park, campground, day use area, or on county lands under the authority of the commissioners by posting notice of the exception at the unit, trail, road, or land.

Enacted this 3rd day of June, 2003.

Dean L. Gallup
Chairman, Traverse County Board of Commissioners

Attest:

John A. Muellenbach
Traverse County Auditor