

CHAPTER 15 PARKS AND RECREATION

Article I	Parks and Recreation Commission
Article II	Open Space Preservation
Article III	Use of Facilities Regulated
Article IV	Tanner's Lake
Article V	Dog Park

ARTICLE I. PARKS AND RECREATION COMMISSION

Sec. 15-01. Commission Established. A Parks and Recreation Commission for the City of Oakdale is hereby established. The commission serves as an advisory board for the City Council, City Administrator, and Recreation Superintendent. All conclusions reached by the commission shall serve as recommendations and powers of execution shall be vested in the City Council.

Sec. 15-02. Functions and Duties of Commission. The Parks and Recreation Commission shall act in an advisory capacity to the City Council, City Administrator, and the Recreation Superintendent in all matters pertaining to parks and recreation planning and programming. Specific responsibilities of the commission shall be:

- (a) To establish plans, policies, and procedures in matters relating to the development and use of parks, trails, open space, and recreational facilities.
- (b) To advise and assist the City Council in planning the development and use of parks and recreational facilities.
- (c) To plan for the best use of the city's natural resources with minimal adverse effect on the environment.
- (d) To help develop a diversity of recreational opportunities for the maximum benefit of all residents.
- (e) To cooperate with various athletic organizations with the city to achieve common goals related to parks and recreation.
- (f) To work with parks and recreation agencies outside the city, including the state, counties, schools, and municipalities to minimize duplication of services and maximize use of land and regional recreational facilities.

Sec. 15-03. Composition of Commission; Appointment to Commission. The Parks and Recreation Commission shall consist of seven (7) regular members, appointed by the City Council. Four (4) serving members shall constitute a quorum. Vacancies shall be filled by City Council appointment for the remainder of the unexpired term. Resignation of Parks and Recreation members shall be submitted in writing to the City Council. At their discretion, the City Council may appoint up to two (2) student representatives to serve on the commission; such individuals shall serve in an advisory role without voting privileges and do not need to meet the residency requirements for a commissioner. (Ord. 836, 02/27/18)

Sec. 15-04. Terms of Members. Members of the Parks and Recreation Commission shall be appointed by the City Council for three (3) year terms. Terms, in general, begin July 1 of each year. Members that have served on one commission for three consecutive terms shall be given the option of submitting an application to be considered for appointment to another advisory commission or to

submit an application to be considered for appointment to the same commission the following June. *Exception:* at the sole discretion of the City Council, seated commissioners that have served on one commission for three or more consecutive terms may be reappointed to the same commission when the continuation of their service on said commission is deemed vital to projects and/or programs under the purview of the commission. The initial term for appointments to the commission shall be staggered so that only three (3) new appointment or reappointments need to be made in any one year. (Ord. 833, 10/10/17)

Sec. 15-05. Organization of Commission. The Parks and Recreation Commission shall elect from its membership, a Chairperson and Vice-Chairperson annually at its first meeting of each year. The election of Chairperson is subject to veto by the Mayor. The Parks and Recreation Commission shall adopt its own Rules of Order and Bylaws for the purpose of governing procedure.

Sec. 15-06. Commission Meetings and Records. The Parks and Recreation Commission shall hold regular meetings as established in the bylaws. These meetings shall be open to the public. The Parks and Recreation Commission shall submit copies of its meeting minutes to the City Council following each scheduled meeting and shall submit periodic reports when requested by the City Council.

Sec. 15-07. Removal of Commission Members. Commission members may be removed, at will, by action supported by a majority of the City Council. Also, given that the City Council expects diligence in attendance by the members of the Parks and Recreation Commission at commission meetings, excessive absences will be considered as grounds for removal from the commission.

Sec. 15-08. Residency Requirement. No person appointed to represent the residents shall continue to serve on the commission once that member has taken residence outside of the corporate limits of Oakdale. A written resignation shall be submitted to the City Council in this instance.

ARTICLE II. OPEN SPACE PRESERVATION

Sec. 15-09. Purpose. The city recognizes that open space not otherwise designated as parkland, owned by the city is a resource that is intended to benefit, because of its status as publicly owned land, all residents of the city. City-owned open space (hereinafter “open space”) generally serves a number of functions, including conservation of natural resources and environmentally sensitive land; screening and buffering of residents from other land uses and developments; preservation of scenic vistas and rural characteristics; and recreational areas. These functions are usually best accomplished through the preservation of open space in a natural state. The following ordinance, rules and regulations are designed and intended to accomplish the purposes described herein.

Sec. 15-10. Definitions. The following words and terms, whenever they occur in this section, are defined as follows:

- **Natural State** means land that is undisturbed by human intrusions, including but not limited to: construction; filling or excavation; removal or destruction of trees, shrubs or vegetation (live or dead); and activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation or the preservation of wildlife.
- **Open Space** means any publicly-owned parcel or area of land or water essentially unimproved except under circumstances noted within this section and set aside, dedicated, designated or reserved for public use or enjoyment.

Sec. 15-11. Rules of Usage.

1. **Intended Uses.** Open space land shall be preserved in a natural state and the use of such land shall be limited to appropriate conservation and recreational purposes that do not cause harm to vegetation and habitat.
2. **Prohibited Uses.** Open space shall not be used for any of the following:
 - (a) Any action that creates a nuisance, poses a real or immediate threat, results in damage to or destruction of open space resources or public property.
 - (b) Removal or intentional destruction of existing vegetation (including mowing) or the illegal harvesting or collection of native plant materials for personal use or sale unless authorized by the city.
 - (c) All forms of hunting, trapping or use of poisonous baits.
 - (d) Motorized vehicle use beyond the limits of established public access roads and designated parking areas.
 - (e) Unrestricted activities of pets such as dogs and/or exotic animals.
 - (f) Possession/consumption of alcoholic beverages.
 - (g) Any other uses prohibited by municipal, State, or Federal rule, regulation, law, ordinance, or statute.
 - (h) Storage of equipment.
 - (i) Placement of structures, signs or sports/play equipment.
 - (j) Deposition of debris (including grass, leaves, brush, construction debris, refuse, etc.)
 - (k) Excavation, filling or regrading.
 - (l) Planting of vegetation (for example, gardens, landscaping).
 - (m) Any other uses similar to uses enumerated in this section.
3. **Enforcement.** The commission of any prohibited act as defined within the provisions of this section shall be considered a misdemeanor and any person so violating this section may be subject to penalty of up to 90 days in jail and a fine of up to \$1000.00 for each such violation. Each date that a violation occurs or continues to occur shall be deemed hereby as a separate violation for the purposes hereof and the city may further issue a citation for any such violation. In addition and separate from the criminal penalties set forth, the city may enforce this section through civil action.
4. **Exceptions.** Open space may only be modified, or the uses thereof expanded, upon approval by the City Council.

ARTICLE III. USE OF FACILITIES REGULATED

Sec. 15-12. Purpose. The purpose of this section is to secure the quiet, orderly and suitable use and enjoyment of city parks, recreation areas, trail systems, and access to bodies of water as established by the City Council.

Sec. 15-13. Definitions. The following words and terms, whenever they occur in this section, are defined as follows:

- **Beer** means any alcoholic malt beverage containing not more than 3.2 percent alcohol by weight.
- **City Council** means the appointed and elected members of the City Council.

- **Disorderly Conduct** as defined in Minnesota Statutes Section 609.72 and also meaning to disturb or annoy the recreational enjoyment of park lands and waters by other members of the public.
- **Drug** means any drug, the use, possession, or sale of which is in violation of Federal or State law.
- **Intoxicating Liquor** means any liquor that is intoxicating pursuant to Minnesota law and includes ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent of alcohol by weight.
- **Park** means any land or water area, and all facilities thereon, established by the City Council as a park recreation area, trail system, and access to bodies of water pursuant to Minnesota Statutes, Chapter 398.
- **Park Visitor** means any person, firm, partnership, association, corporation, governmental unit, company or organization or any kind within a park.
- **Vehicle** means any motorized, self-propelled, animal or human powered conveyance, including but not limited to all-terrain conveyance, snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail bike or dune buggy.
- **Weapon** means any device from which shot or a projectile of any type can be propelled by means of an explosive, gas or compressed air, or otherwise propelled, including but not limited to, firearms, bows and arrows, slings and spring-guns.
- **Wildlife** means all living creatures, not human, wild by nature, endowed with sensations and power of voluntary motion, including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.
- **Wine** means any product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not more than 24 percent alcohol by volume.

Sec. 15-14. General Conduct. It shall be unlawful for any person to:

- (a) Engage in any violent, loud or other disorderly conduct creating or tending to create a breach of the peace, including excessive and annoying noises from all sources within city parks;
- (b) Throw, discharge or place in or upon any lake, stream, creek, pond or other body of water in or adjacent to a park, or any tributary, stream, storm sewer or drain flowing into such water, any substance, liquid, solid or gas;
- (c) Deposit, scatter, drop or abandon in a park, any bottles, cans, broken glass, sewage, waste or other material, except in receptacles provided for such purposes;
- (d) Drop, throw or otherwise leave unattended in a park, lighted matches, burning cigars, cigarettes, tobacco, paper or other combustible material;
- (e) Destroy, deface, damage, or remove any property of the city, including but not limited to, signage, equipment, trees, vegetation, ruins, relics, and geological formations, except by written consent of the City Council.
- (f) Gamble or participate in any game of chance in a park, as defined by Minnesota Statutes Section 609.75;
- (g) Possess or sell any controlled substance in a park, as defined in Minnesota Statutes Section 152.01;
- (h) Sell intoxicating liquor, wine or beer, unless authorized by permit from the City Council, and only at locations designated by the City Council;
- (i) Consume intoxicating beer, malt beverages, wine or liquors in the parks where prohibited;

- (j) Bring beer into a park in kegs, barrels, or other bulk tap quantities unless authorized by the City Clerk;
- (k) Sell, solicit, or carry on any business or commercial enterprise or service in a park unless authorized by the City Council or its authorized representative;
- (l) Distribute or disseminate leaflets, pamphlets, or written or printed material, or conduct public meetings; or to post unauthorized signs on any lands, waters, structures, or property in a park except with written permission from the City Council or its authorized representative;
- (m) Use any land or body of water within a park as a starting or landing field for aircraft, balloons, or parachutes, unless authorized by the City Council;
- (n) Enter a posted restricted area.
- (o) Hunt, injure, trap, or molest any wildlife within a city park, unless so authorized by the City Council;
- (p) Shoot or discharge any weapon, fireworks, or explosives into a park from beyond park boundaries, or possess any weapon (as defined in Section 15-13) without a legal permit, fireworks, or explosives within a park unless authorized by the City Council. Any weapon, fireworks, or explosive shall be subject to seizure, to be disposed of in the same manner as items confiscated by the Police Department;
- (q) Picnic in any open space except in those areas specifically designated and equipped for such use;
- (r) Bring a dog, cat, or other pet into a park unless caged or kept on a leash not more than six (6) feet in length, or tether any animal to a tree or other plant. Dogs can only be unleashed within a designated dog park; (Ord. 819, 03/28/17)
- (s) Permit any dog, cat, or other pet to enter a beach area, Discovery Center Building, park building, or other unauthorized area within a park;
- (t) Permit a dog, cat, or other pet to disturb or interfere with any park visitor;
- (u) Release within a park, any insect, fish, or other wildlife, or introduce within a park any plant, chemical, or other agent potentially harmful to the vegetation or wildlife of the park;
- (v) Remove any wild animal or plant, living or dead, from a park.

Sec. 15-15. Swimming. It is unlawful for any person to:

- (a) Wade or swim within a park except at Tanner's Lake beach at such hours designated by authorized personnel;
- (b) Use air mattresses and other inflatable floating devices in a designated swimming area;
- (c) Take glass bottles or glass receptacles of any kind into a designated beach area;
- (d) Hurl or throw balls, Frisbees, or any other things on the beach or in the water which could cause injury to others.

Sec. 15-16. Boating. It is unlawful for any person to:

- (a) Operate a watercraft in a park in violation of Minnesota Statutes, Chapter 86B, 'Water Safety and Watercraft';
- (b) Launch or land any boat, yacht, canoe, raft, or other watercraft upon any body of water in the city, except at locations and times designated for that purpose by the City Council;
- (c) Operate any watercraft in a designated swimming area or other prohibited area;
- (d) Water ski in a designated swimming area or other prohibited area.

Sec. 15-17. Fishing. It is unlawful for any person to:

- (a) Fish in a park in violation of any provision of Minnesota Statutes, Chapter 97A, 'Game and Fish';
- (b) Fish in a prohibited area;
- (c) Leave any structure or shelter upon a frozen body of water in a park after one-half hour after sunset, except in such areas and at times as may be designated by the City Council;
- (d) Clean fish or dispose of the remains except within a city park.

Sec. 15-18. Bicycling.

- (a) Bicycles shall be operated as closely to the right-hand curb or right-hand side of the path, trail, or roadway as conditions will permit and not more than two bicycles shall be operated abreast;
- (b) No person shall operate a bicycle in any city park faster than is reasonable and safe, with regard to the safety of the operator and other persons in the immediate area;
- (c) Whenever provided, bicycles shall be parked in locations set aside specifically for their storage.

Sec. 15-19. Skate Park. The city's skate park is designated for the use of skateboards, in-line skates, roller skates, and scooters. Due to safety concerns, it is unlawful for any person to:

- (a) Operate any other recreational equipment, specifically bicycles, in the skateboard park;
- (b) Operate skateboards, in-line skates, roller skates, or scooters inside the Richard Walton Park Bandshell/Pavilion complex.
- (c) Operate skateboards, in-line skates, and scooters in the Oakdale City Hall.
- (d) Deposit, throw, or drop in the skate park any bottles, cans, broken glass, waste, or other material, except in receptacles provided for such purposes.

Sec. 15-20. Vehicles. It shall be unlawful for any person to:

- (a) Operate any vehicles within a park except upon roadways, parking areas, or other designated locations therefore;
- (b) Operate a vehicle within the park in violation of posted regulations, Minnesota Statutes, Chapter 169, Motor Vehicle Law, Minnesota Statutes, Chapter 84.81, and sections herein contained dealing with the operation of a snowmobile, County and Municipal Traffic codes, or orders or directions of traffic officers, or park employees authorized to direct traffic;
- (c) Park or leave a vehicle standing within a park except in a designated parking area;
- (d) Grease, change oil, or repair any vehicle in a park.

Sec. 15-21. Snowmobiling. It shall be unlawful for any person to:

- (a) Operate a snowmobile in a park except on trails and areas posted and designated for such use;
- (b) Operate a snowmobile on a designated ski trail.

Sec. 15-22. Winter Activities. It shall be unlawful for any person to:

- (a) Skate, sled, coast, snowshoe, snowmobile, or ski in a park at such times and at such places as may be posted as a prohibited area;

- (b) When utilizing a park for the purpose of scuba diving or any recreational water activity, to remove portions of ice, greater in area than one foot square, and leaving the same unattended, unless such area is clearly marked by means of brightly colored flags;
- (c) To permit a dog, cat, horse, or other pet on designated cross-country trails.

Sec. 15-23. Special Use. No erection, relocation, construction, or maintenance shall be made above or below ground, across or beneath the property of any park by any person, firm, or corporation without first obtaining a Special Event Permit issued by the City of Oakdale.

Sec. 15-24. Park Operation.

- (a) Any person may be granted a permit for use of space within a park. Permits for such use may be issued by the Recreation Department. Applications for a permit shall be made upon forms to be furnished by the authorized representative. In the event more applications for reserved space are received than space available, applications shall be considered in the order received. Nothing herein contained shall exempt the users of reserved space from full compliance with this section;
- (b) It shall be unlawful for any person to loiter, loaf, or idle in, remain in, or leave any vehicle in any park or upon any parkway, or pathway between one-half hour after sunset and one-half hour before sunrise of the following day. Nothing in this section shall apply to persons traveling, without delay, upon established pathways of parks or upon parkways.
- (c) The provisions of subsection (b) of this section do not apply to anyone in certain areas such as lighted tennis courts, softball fields, ice skating areas, organized sports, and/or activities as recognized by or under permit by the Recreation Department;
- (d) Any permit granted pursuant to this section shall become immediately invalid upon the violation by the permittee of any city ordinance;
- (e) The city shall not be liable for any loss, damage, or injury sustained by a park visitor;
- (f) Any park or portion thereof may be declared closed to the public by the City Council at anytime and for any interval of time, or to certain uses, as the City Council shall find reasonable necessary.

Sec. 15-25. Enforcement and Penalties.

- (a) This article may be enforced by duly designated law enforcement officers of the city or any authorized city employees;
- (b) A violation of this article shall be a misdemeanor and any person convicted of violating any provision of this article shall be subject to a fine of not more than \$500 or imprisonment for a term not to exceed ninety (90) days, or both.

Sec. 15-26 to 15-29. Reserved.

ARTICLE IV. TANNER'S LAKE.

Sec. 15-30. Purpose, Intent, and Application. This section is enacted for the purpose and with the intent to control and regulate the use of the waters of Tanner's Lake in Washington County, Minnesota, said bodies of water being located entirely within the boundaries of Washington County, to promote its fullest use and enjoyment by the public in general and the citizens of Washington County in particular; to insure safety for persons and property in connection with the use of said waters; to harmonize and

integrate the varying uses of said waters; and to promote the general health, safety and welfare of the citizens of Washington County, Minnesota.

Sec. 15-31. Definitions. Terms used in this section related to boating are defined in M.S. §86B.005

Sec. 15-32. Surface Zoning of Tanner's Lake by Restricting Speeds of Operation.

- (a) No watercraft shall be operated in excess of ten (10) miles per hour unless a permit is obtained from the Washington County Sheriff's Department.
- (b) A Slow No-wake speed shall be in effect when the lake level on Tanners Lake exceeds 964.0 feet above sea level. Such restriction shall become effective when the water level reaches the 964.0 foot level on gauges located at all Public Access points and at other locations on the lake. Each gauge shall have the 964.0-foot level conspicuously marked with the slow no wake restriction posted on the gauge. When high water levels have subsided and have remained below the 964.0 above mean sea level for one (1) day, said restriction shall be removed.

Sec. 15-33. Exemptions. All authorized Resource Management, Emergency and Enforcement Personnel, while acting in the performance of their assigned duties are exempt from the foregoing restrictions.

Sec. 15-34. Notification. It shall be the responsibility of the city 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 section, as well as the placement of necessary buoys and signs.

Sec. 15-35. Enforcement and Penalties.

- (a) The Primary responsibility for enforcement of this section shall rest with the Washington County Sheriff's Department. This, however, shall not preclude enforcement by the Oakdale Police Department, other licensed peace officers, or DNR personnel.
- (b) A violation of this Article shall be a misdemeanor and any person convicted of violating any provision of this Article shall be subject to a fine of not more than \$500 or imprisonment for a term not to exceed ninety (90) days, or both. (Ord. 815, 09/13/16).

ARTICLE V. DOG PARK

Sec. 15-40. Rules. The city's dog park is designated for the use of unleashed dogs only. Due to safety concerns, the following rules apply to those using the park:

- (a) Dogs must be properly licensed, vaccinated, and not designated as a dangerous dog or in heat.
- (b) Dogs must be leashed prior to entering and upon leaving the off-leash area and in transition corridors
- (c) Dogs must stay within fenced area
- (d) Owners must be in verbal control of their dogs at all times and prevent aggressive behavior, biting, fighting or excessive barking.
- (e) Owners are liable for damage or injury inflicted by their dogs.
- (f) Owners must have a visible leash at all times.
- (g) Owners must clean up and dispose of feces.
- (h) Owners must be 16 years or older, and not handling more than two dogs. (Ord. 819, 03/28/17)