

**CITY OF CHAMPLIN
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**ORDINANCE AMENDING CHAPTER 42 (PARKS AND RECREATION) OF THE CITY
CODE**

Chapter 42 PARKS AND RECREATION

ARTICLE I. IN GENERAL

Sec. 42-1. Boat launch.

(a) It shall be unlawful to launch or put into the water any boat or other watercraft in or upon or adjacent to any part of the shore line of the Mississippi River within the city park located in Government Lot 3, Section 19, Township 120, Range 21, Hennepin County, Minnesota which park lies northerly of Highway No. 169 and southerly of the Mississippi River (hereinafter known as Mississippi Point Park), except at such places as may be designated by the city council as boat landing sites.

(b) Boats may only be launched during regular park hours (7:00 a.m.—10:30 p.m.) or by special permit.

(c) The boat launch may also be closed by the city or the state department of natural resources at their discretion.

Secs. 42-2—42-20. Reserved.

ARTICLE II. PUBLIC CONDUCT IN PARKS

Sec. 42-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motorized vehicle means any vehicle having a self-contained unit for propelling the vehicle by means of converting stored energy. The term "motorized vehicle" shall include, but shall not be limited to, automobiles, trucks, motorbikes, minibikes, snowmobiles, and battery-powered carts.

Parks, open space and waterways means any area located in the city which is reserved, designated, or used for active or passive recreation, and which is owned, operated, or controlled by the city, or which is located within the city but owned, operated, or controlled by another governmental unit.

Sec. 42-22. Closing hours.

The closing hours for city parks is 10:00 p.m., and parks shall remain closed until 7:00 a.m. An extension of closing hours for Andrews Park, Northland Park, and the boat launch, event center, and amphitheater at Mississippi Point Park, will be made until 10:30 p.m. These parks and facilities may remain open later for special permitted events. No person shall remain in a park after the closing hour. The closing hour for activities authorized as part of the city's recreation programs may be modified by the city. Parking at the Lower Mississippi Point Park parking lot will be available for parking until 2:30 a.m. to supplement the Mississippi Crossings restaurant parking Monday - Sunday.

Sec. 42-23. Group activities.

(a)Special use permit required. Whenever any individual, group, association, business or organization desires to use park facilities for a particular purpose including but not limited to, ~~such as~~ picnics, sporting activities, parties, weddings, wedding receptions or theatrical or entertainment performances, they shall first obtain an exclusive use permit from the city administrator or in his absence their designee Parks & Facilities Manager, for such purposes.

(b)Approval. The city administrator or in his absence their designee Parks & Facilities Manager, shall grant the application if it appears that the special event will not interfere with the general use of the park or the individual members of the public and if the applicant meets all other conditions contained in the application.

(c)Indemnity bond. The application may contain a requirement for an indemnity bond to protect the city from any liability of any kind or character and to protect city property from damage. The application may also contain a requirement for an insurance certificate and proof of State/County licenses.

(d)Occupancy levels. The application may contain a requirement setting forth occupancy limitations for park buildings and field rentals provided that said occupancy requirement is consistent with the city's facility use policy and applicable codes. A damage/conduct deposit shall be required as set forth in chapter 22. In addition to other remedies that may be available to the city, the damage/conduct deposit shall be withheld for any event in which the occupancy levels established in the application are exceeded without prior written permission from the city administrator or their designee Parks & Facilities Manager.

(e)Damage/conduct deposit. A damage/conduct deposit may be required by the city for the following parks facility rentals: Any event anticipated to have over 50 attendees over the course of the event, any event at which alcohol is to be served, any wedding, any time special permission is given to exceed the occupancy levels set forth in the city's facility use policy, any special event held in a park that is not part of the city's established rental program, and any time an event is anticipated to generate a significant amount of refuse. In addition to other remedies that may be available to the city, the deposit will be withheld or reduced for violations of the city's facility use policy and applicable codes in an amount or amounts established in the policy. Events hosted by the city and Champlin athletic associations are exempt from this deposit requirement.

(f)Special facilities or expenses. The city administrator or in his absence their designee Parks & Facilities Manager, shall require that group activities requiring extra police protection or other special facilities or expense to the city shall be provided at the sole

expense of the applicant requesting a permit and may require that the indemnity bond cover such services.

(g)Time limit. Special use permits with permission for alcohol consumption shall not be granted for longer than ~~four~~ twelve hours.

(h)Alcoholic beverages. In addition to the regulations set forth under section 42-27, special use permit applicants wishing to serve alcohol at their event must:

(1)Have a valid, confirmed, dated invoice physically present at the park during the event or a copy of the special use permit.

(2)Pay the required security fee for the event as set forth in chapter 22, Fees.

(3)The applicant may not have previously received a citation for a violation of this ordinance or any other ordinance or city regulation regarding park use, alcohol or drugs or convicted of a law involving disturbing the peace, disorderly conduct or drug or alcohol violation.

(4)The city may require the applicant to provide proof of insurance covering the event.

(5)At Mississippi Point Park (Mississippi Crossings Area) the special permit shall require the permit holder to have dram shop insurance and a license to serve alcohol at these facilities.

(i)Special use permit fee. The fee for a special use permit shall be set forth in chapter 22, Fees.

(j)Security fee. A security fee is required for all events authorized through a special use permit. Chapter 22, Fees, sets forth the fee schedule based on the permitted number of attendees and whether or not alcohol is permitted as part of the permit. The security fee covers the cost of providing an on-site security presence during the rental period. Permit holders may not contract for their own security.

(k)Appeal. The city administrator's or in his absence their designee's, ~~the Parks & Facilities Manager's~~ decision to grant or deny the application may be appealed to the city council.

(l)Application; standards for issuance.

(1)A person seeking issuance of such a permit shall file an application with the city. The application shall state:

a.The type of activity;

b.The name and address of the applicant;

c.The name and address of the person sponsoring the activity, if different from the applicant;

d.The day and hours for which the permit is desired;

e.The park or portion thereof for which such permit is desired;

f.An estimate of the anticipated attendance;

g.If alcohol will be served during the event; and

h.Any other information that the city shall find reasonably necessary for a fair determination as to whether a permit should be issued.

(2)The city shall issue a permit when it finds that:

a.The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

b.The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

- c. The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- d. The proposed activity will not involve unusual, extraordinary or burdensome expense or police operation by the city; and
- e. The facilities desired have not been reserved for other use.

Sec. 42-24. Motor vehicles.

No motorized vehicle or machines of any kind, except those operated by and for the city may drive on or across any park, except as specifically authorized pursuant to this Code. Motor vehicles shall be parked in spaces designated only for parking. There shall be no parking of motor vehicles in a park or in a parking area in a park after the closing hour.

Sec. 42-25. Fires.

No picnic fires shall be set in a park except in places or containers designated for such purposes. No person shall leave a picnic fire before the fire has been completely extinguished. No fires or smoking shall be allowed in designated nature areas. This does not include City fire pits.

Sec. 42-26. Advertisement.

No person shall paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any park other than informational signs as authorized by the city.

Sec. 42-27. Alcoholic beverages.

(a) No persons shall possess or consume any alcoholic beverage in any park or open space unless authorized by the city as outlined in this section.

(b) Alcohol is permitted for consumption at the Andrews Park Softball Complex, by licensed vendor purchase only, and within the designated boundaries of the softball complex, which includes the volleyball courts located inside the hockey rink and free skate areas during the months of April through October. Patrons will not be allowed to bring their own alcoholic beverages into the park. No coolers will be allowed into the softball complex. Violators will be subject to citations.

(c) Alcohol is permitted for private events through the issuance of a ~~alcohol~~ special use permit by the parks and recreation department. The permit holder must have the permit on-site throughout the event and make it available for inspection upon request by the police department or city staff. City security staff are required to be hired at any event in which alcohol is present. For the Mississippi Crossings area, (Mississippi Point Park), licensed vendors are required to have a special use permit where alcohol is requested to be served, and dram shop insurance is required.

Alcohol is permitted at Mississippi Crossings in designated areas only. Alcohol is permitted at the Mississippi Crossings Event Center by permit. Alcohol is permitted at the Mississippi Crossings outdoor performance area (amphitheater) during performances only. Beverages must be provided by the licensed onsite restaurateur or licensed catering vendors approved by the City of Champlin. Patrons are not allowed to bring alcoholic beverages into the park.

No person shall bring alcohol onto the City docks system either by watercraft or via the park property, with the exception of Section 42-27 (d) and (f).

(d)No person shall bring glass containers or glass drinking containers into a park or open space. Glass containers can be provided by the Mississippi Crossings Off-sale licensed restauranteur establishment but must remain in specifically packaged cooler or container and remain unopened while in park or dock areas.

(e)No alcohol will be consumed on city park premises by any person under the legal drinking age.

(f)Valid identification may be requested of any person(s) who appear to be under age at any time during an event authorized by the city through a special use permit. All guests must have a valid ID if they consume alcoholic beverages while attending an event authorized through a special use permit.

Alcohol can be purchased at the restaurant at Mississippi Crossings (Mississippi Point Park), and consumed onsite in designated areas only. Off-sale alcohol purchased from the licensed restaurant can be escorted down to watercraft by restauranteur employees provided it stays in specifically identified restauranteur containers/coolers and remain unopened while on park or dock areas.

Sec. 42-28. Animal wildlife.

No person shall rob, injure or destroy any bird or animal nest within the limits of any park, nor shall any person display or discharge any air gun, sling shot, arrow or other weapon, or throw any stone or other projectile at any bird or animal within any park, nor in any manner capture, kill or harm in any way any bird or animal therein, and no person shall hunt, trap, capture, kill or harass any animal, bird, or other wildlife in any public park.

Sec. 42-29. Public sales.

No person shall, within any park, offer for sale, rent or hire any article or thing. Exceptions are those who have obtained a license required by this Code. No person shall announce, advertise, or call the public attention to any article or service for sale or hire in any way.

Sec. 42-30. Domestic animals/pets.

Except as otherwise provided in Minn. Stats. § 363A.19, and Minn. Stats. § 256C.02, no person in a park shall bring a dog or other domestic animal or pet into park areas where there are signs indicating that domestic animals or pets are not permitted. Domestic animals/pets must be under control at all times. Nothing herein shall be construed as permitting the running of domestic animals and pets at large. All domestic animals and pets shall be restrained at all times on adequate leashes not greater than six feet in length. Persons conducting leashed domestic animals or pets must have in their possession suitable utensils for the removal of animal excrement and shall promptly and effectively remove all such excrement deposited by the domestic animal or pet under their control.

Sec. 42-31. Fireworks and explosives.

No person in a park shall bring or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or

explosives of inflammable material, or discharge them or throw them into any area thereto; nor any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints without special permission from the city.

Sec. 42-32. Fishing.

No person shall fish in a reckless or careless manner so as to create a nuisance or to endanger the safety of said person, or other fishermen or open space users.

Sec. 42-33. Unauthorized golfing prohibited.

No person shall play or practice golf, nor use golf equipment of any kind, in a city park or open space except as a scheduled part of the city's recreation program.

Sec. 42-34. Camping prohibited.

No person shall camp or set up tents, shacks, trailers or any other temporary shelter for the purpose of camping in any city park or open space without special permission from the city.

Sec. 42-35. Glass in parks.

Bottles or glass of any kind, except eyeglasses, shall not be allowed in parks. , except as permitted by Section 42-27.

Sec. 42-36. Audio devices.

No person shall operate or play any musical instrument, radio, television, record or tape player, loudspeaker, public address system or sound amplifying equipment of any kind in any park in such a manner that the sound emanating therefrom is audible beyond the immediate vicinity of the set or instrument, and subsequently interferes with the use of the park by other users or disturbs the residents of adjacent property without special permission from the city. This prohibition does not include City authorized or approved performances at the Mississippi Crossings outdoor performance area (amphitheater).

Sec. 42-37. Games.

No person shall engage in any potentially dangerous activities involving thrown or propelled objects, arrows or golf balls. This does not include programs or leagues offered by the City.

Sec. 42-38. Cutting holes in ice.

No person shall cut any hole in the ice of any park waters larger than 12 inches in diameter, unless said hole shall be completely enclosed by an ice fishing house or spear fishing house. If the house is moved, the hole shall be marked with a danger marker.

Sec. 42-39. Use of parks while closed.

A permit shall be obtained from the City Administrator or their designee ~~Parks & Facilities Manager~~ before participating in park activity involving any private group over ten persons

or for use of the park between the hours of 10:00 p.m. and sunrise. The following provisions shall also apply to this section:

(1)Appeal. Within 20 days after receipt of an application, the city administrator shall issue the permit or apprise an applicant in writing of the reasons for denial of the permit. Any aggrieved person shall have the right to appeal to the city council. Such appeal shall be in writing and shall be filed with the city administrator within ten days after receipt of the decision. The city administrator shall place the appeal on the agenda for the next regular city council meeting at which time the applicant shall appear in support of his appeal. The city council may affirm, deny or alter the terms of the permit. The decision of the city council shall be final.

(2)Liability of permittee. The permittee shall be liable for any loss, damage or injury sustained by any person or whatever by reason of the negligence of the permittee or his agents.

(3)Revocation. The city shall have the authority to revoke a permit upon a finding of violation of any rules or ordinances, or upon good cause shown.

Sec. 42-40. Banishment.

The city shall have the authority to remove or eject from the park any person acting in violation of this article.

Sec. 42-41. Seizure of property.

The city shall have the authority to seize and impound any property, thing or device in the park, used in violation of this article.

Sec. 42-42. Enforcement, separability and penalties.

(a)The city council shall issue all rules and regulations deemed necessary for the operation of the parks in the city.

(b)The police department shall, in connection with their duties imposed by law, diligently enforce the provisions of this article and eject from parks, persons acting in violation of this article.

Sec. 42-43. Fees.

Fees for the use of the city's park and recreation facilities and for participation in park and recreation programs shall be as established by the city.