

DEVELOPED COUNTY PARKS AND RECREATION AREA ORDINANCE NO. 47

THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF BELTRAMI ORDAINS:

1. GENERAL PROVISIONS

- 1.1 **PURPOSE.** This Ordinance shall prescribe the rules and regulations for the recreational use and enjoyment of **Developed Recreational Areas** (*Rognlien Park, Movil Maze, Three Island Park, Grant Creek Horse Camp, Mississippi High Banks, Rice Lake, Pine Point, or any future areas designated by the Beltrami County Board as parks or recreational areas*) in order to help conserve the natural, scenic, recreational, and commercial value of their natural resources.
- 1.2 **AUTHORITY.** This Ordinance is adopted pursuant to Minnesota Statutes Sections 398.31-398.36.

2. DEFINITIONS

- 2.1. "All-Terrain Vehicle" (ATV) as defined in Minnesota Statute 84.92, subdivision 8.
- 2.2. "Campground" are areas developed and maintained by the NRM Department for camping and related recreational activities.
- 2.3. "Carry-In, Carry-Out" means the removal of garbage or refuse brought or created in an area. Areas without refuse containers will be considered "carry-in, carry-out" and garbage will be properly removed by the user upon departure.
- 2.4. "Cross-Country Ski Trail" denotes trails that have been authorized, approved, and maintained by the NRM Department for public recreational skiing.
- 2.5. "Cross-Country Travel" means any land or water travel off a developed road or trail that has been authorized, constructed, and approved by the NRM Department.
- 2.6. "Damage" means any detrimental or potentially detrimental effect on the natural resources, features, or facilities owned and operated by Beltrami County.
- 2.7. "Day Use Area" signifies a designated area used for daytime activities, such as picnic areas, swimming beaches, and boat accesses. Day use hours are considered sunrise to sunset unless otherwise posted.
- 2.8. "Director" refers to the Beltrami County NRM Department/Land Commissioner.
- 2.9. "Domestic Animal" means any animal raised to live in or about the habitation of humans and is dependent on people for food and shelter.
- 2.10. "Family" means a camping party composed of a parent, parents, grandparents, or step-parent with their unemancipated children or grandchildren.
- 2.11. "Firearm" as defined in Minnesota Statute 97A.015, subdivision 19.
- 2.12. "High-Use Recreation Area" is a maintained and developed recreation site including but not limited to shelter areas, campgrounds, campsites, picnic areas, day use areas, beaches, parking lots, interpretive sites, and trailheads.

- 2.13. "Highway Vehicle" means any motor vehicle that is or can be licensed for use on public highways or is intended to be licensed by the State of Minnesota.
- 2.14. "Historic Resource" means any archaeological artifact or historical article that is in association with events or lives of persons in the past.
- 2.15. "Horse" includes a horse, mule, donkey, llama, alpaca, or other ungulate or ruminant that is used to transport people, equipment, or materials.
- 2.16. "Livestock" includes horses, cattle, sheep, goats, rabbits, fowl, or any other domestic animals typically ridden or used in the production of food, fiber, or other products or activities defined as agricultural.
- 2.17. "Metal Detecting" means to use an electronic or mechanical device to locate metals or other artifacts that are underground or underwater.
- 2.18. "Motor Vehicle" means any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, minibikes, motorcycles, trail bikes, and all-terrain vehicles (ATVs), but not including snowmobiles.
- 2.19. "Mountain Bike Trail" refers to any trail or area designed for non-motorized off-road bicycle use.
- 2.20. "Natural Resource" means any flora or fauna and the physical factors they depend on including air, water, soil and minerals.
- 2.21. "NRM Department" means the Beltrami County Natural Resource Management Department.
- 2.22. "Occupy" means to be present in, located in, or reside in.
- 2.23. "Off-Highway Motorcycle" (OHM) as defined in Minnesota Statute 84.787, subdivision 7.
- 2.24. "Off-Highway Vehicle" (OHV) includes any all-terrain vehicles (ATVs), Off-Highway Motorcycles (OHMs), and Off-Road Vehicles (ORVs). This would include, but is not limited to: four-wheel drive units, dune buggies, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), off-highway motorcycles (OHMs), motorcycles, motor bicycles (dirt bikes), mopeds, mini-bikes, go-carts, amphibious vehicles, air-cushioned vehicles, air boats, and golf carts.
- 2.25. "Off-Road Vehicle" (ORV) is any motorized vehicle designed for or capable of cross-country travel on or immediately over land, sand, snow, ice, marsh, swampland, or other natural terrain.
- 2.26. "Person" implies any individual, partnership, corporation, or association.
- 2.27. "Service Animal" means an animal that performs or assists in tasks for a person as defined in Minnesota Statute 256C.02.
- 2.28. "Snowmobile" as defined in Minnesota Statute 84.81, subdivision 3.
- 2.29. "Structure" refers to any building, camping enclosure, tree stand, freestanding stand, or ground blind consisting of at least two walls and a roof.

- 2.30. "Watercraft" means any boat or vessel that travels on water.
- 2.31. "Yard Waste" means any vegetative waste resulting from the care and maintenance of yards, flowerbeds, gardens, trees, or shrubs.

3. REGULATIONS OF GENERAL CONDUCT

It is prohibited under this Ordinance for a person or persons in Developed Recreational Areas managed by Beltrami County Natural Resource Management Department to:

- 3.1. Occupy areas designated as "Day Use", between sunset and sunrise each day.
- 3.2. Engage in any activity that is in violation of a County sign, notice, regulation, or rule.
- 3.3. Interfere with, harass, or hinder any County employee in the discharge of their duties.
- 3.4. Interfere with, harass, hinder, or negatively impact any user.
- 3.5. Engage in disorderly conduct, fight, use offensive or obscene language, or make noise to arouse alarm or resentment of others by any means.
- 3.6. Post or cause to be posted any sign, picture, advertisement, or other informational device without permission of the Director or their designee.
- 3.7. Sell, solicit, or conduct any business or commercial enterprise unless authorized in writing by the Director.
- 3.8. Conduct public meetings or assemblies, parades, or demonstrations unless authorized in writing by the Director.
- 3.9. Fail to secure the proper permit or approval prior to engaging in an activity, which requires such prior permit or approval.
- 3.10. Use any metal detecting device on mowed areas to dig and/or disturb the grounds.
- 3.11. Occupy any fee-based shelter building, without proper authorization from the NRM Department, between the dates of April 1 – November 30.
- 3.12. Use a valid entry code or key to access locked buildings, gates, or padlocks without proper written authorization from the NRM Department.
- 3.13. Fail to follow all requirements, provisions, regulations, rules, and conditions set forth in any written permit or approval.
- 3.14. Possess or discharge any fireworks.
- 3.15. Discharge, possess, or store an uncased or loaded firearm, BB gun, pellet gun, air gun, paintball gun, slingshot, bow, crossbow, or other weapon in high-use recreation areas. Persons with a permit to carry a handgun or concealed weapon may possess their weapon in accordance with Minnesota State Laws.
- 3.16. Allow pets or domestic animals to enter a building or designated swimming area, except for service animals.

- 3.17. Bring any pet or domestic animal into a high-use recreation area unless caged or kept on a leash not more than six feet in length and under the handler's control. Any pet or domestic animal off-leash in a designated area must be under immediate voice command at all times. No person with a domestic animal shall disrupt others or deprive them from using an area.
- 3.18. Fail to promptly remove pet or domestic animal feces and properly dispose of. In "carry-in, carry-out" areas, animal feces must be removed from the area. Vault toilets are not to be used for disposal. A manure pit is provided at Grant Creek Horse Camp and must be utilized when using that facility.
- 3.19. Use any restroom in an unsanitary manner.
- 3.20. Leave an open fire unattended unless it has no smoke and the entire coal or ash bed is cool to the touch.
- 3.21. Set fire to, burn, or incinerate any garbage, trash, waste, rubbish, or other discarded synthetic materials.
- 3.22. Ignite an open fire unless in a fireplace, grill, or other suitable container provided by the County, or in a container specifically constructed to contain a fire. Portable-gas or liquid-fueled camp stoves or charcoal burners may be used provided they do not create a hazard or danger to the area or to others.
- 3.23. Place a grill or fireplace on picnic tables or near any other structures that may catch fire as a result of radiant heat.

4. REGULATIONS FOR PROTECTION OF RESOURCES

It is prohibited under this Ordinance for a person or persons in Developed Recreational Areas managed by Beltrami County Natural Resource Management Department to:

- 4.1. Damage, remove, possess, or in any manner misuse the natural features, resources, roads, trails, facilities, recreational equipment, signs, informational devices, assets, or property of the County.
- 4.2. Remove or damage any tree, shrub, or plant, or any part thereof without written permission from the Director. Placing nails, screws, or other fasteners that remain in living trees is prohibited.
- 4.3. Gather wood to be used for building campfires in Developed Recreation Areas that is not dead and lying on the ground.
- 4.4. Bring any **ash** firewood into Developed Recreational Areas. The emerald ash borer is a non-native insect that destroys ash trees and may be transported in ash wood. All firewood brought in from outside Beltrami County must be burned or taken with you when you leave. Do not leave firewood for the next visitor.
- 4.5. Deposit, leave, drop, bury, dump, or dispose of any garbage, trash, waste, yard waste, or rubbish in any manner other than by depositing in a designated container as provided by the NRM Department. No trash or rubbish generated off-site is allowed in County waste containers. Rognlien Park is the only location the County provides dumpsters during the summer season. All other areas are considered "carry-in, carry-out" facilities.

- 4.6. Deposit, leave, drop, bury, dump or dispose of any fish or game animal parts or waste in high-use recreation areas or along access roads leading to such facilities.
- 4.7. Construct, place, occupy, use, store, bury, or leave personal property without the written permission of the Director. Any personal property left for more than 16 days shall be deemed abandoned and shall be confiscated and disposed of at the user's expense.
- 4.8. Erect any permanent structure.
- 4.9. Erect any permanent tree stand. All temporary tree stands, ground blinds, and climbing aids must be removed no later than one day following the close of the season.
- 4.10. Tie horses to trees or place them in any enclosure where damage to trees could occur.
- 4.11. Disturb, excavate, collect, or remove any historic resource.
- 4.12. Construct unauthorized trails, by brushing-out, maintaining, or controlling vegetation.

5. REGULATIONS OF VEHICLES

It is prohibited under this Ordinance for a person or persons in Developed Recreational Areas managed by Beltrami County Natural Resource Management Department to:

- 5.1. Operate ATVs, OHMs, or ORVs in Rognlien Park or any areas that prohibit their use.
- 5.2. Operate a highway vehicle beyond the locked gate at Mississippi High Banks without proper written authorization from the NRM Department. OHVs and snowmobiles are prohibited.
- 5.3. Operate a motor vehicle or snowmobile beyond a gate, rock barricade, sign, or any other structure designed to restrict motorized access.
- 5.4. Operate a motor vehicle or snowmobile on trails or roads that are designated non-motorized, including ski, horse, bike, or other accessible trail, unless the trail is also posted open for that particular motorized use. To accommodate the firearms deer season, the main gate at Movil Maze Recreation Area and the North and South gates of the North Snowmobile Trail at Three Island Park will be open for ATV use:
 - Beginning the Saturday prior to the Statewide (A) Firearms deer season opening date;
 - Closing the Monday following the end of the Statewide (A) Firearms deer season;
 - No general recreational ATV/UTV riding is permitted, only use directly associated with the firearms deer season;
 - Hours of hunting related ATV/UTV use during the deer season must comply with MN DNR hunting regulations.
- 5.5. Operate a motor vehicle in any off-road or cross-country travel manner. Snowmobiles may travel in this manner during snow covered, frozen ground conditions only.
- 5.6. Park in non-designated parking spaces or block any access, road, or trail that limits ingress or egress to the area, with the exception of loading and unloading boats or other equipment.

6. REGULATIONS FOR RECREATIONAL ACTIVITIES prohibited under this Ordinance for a person or persons in Developed Recreational Areas managed by the Beltrami County Natural Resource Management Department to:

- 6.1. Damage groomed and tracked cross-country ski or snowmobiles trails by any activity impacting the trails (divot, ruts, post holing, etc.) more than traditional use. Pets, domestic animals, and horses are not allowed on groomed trails unless authorized by the Director.
- 6.2. Damage any mountain bike trails by any activity impacting the trails more than traditional use. No livestock or horses are allowed on mountain bike trails.
- 6.3. Use any trails that have been temporarily closed for maintenance or trail preservation.
- 6.4. Operate a dog sled, skijoring device, or any other sled/ski equipment pulled by a dog or other animal on any trail not designated for such use unless authorized by the Director.
- 6.5. Possess, ride, or locate any livestock on mowed/maintained lawn other than at Grant Creek Horse Camp, Rice Lake, Mississippi High Banks, and Pine Point. No livestock or horses are permitted at Rognlien Park.
- 6.6. Leave, store, or moor any watercraft at or directly in front of a County public access after such person has left the area or cause the watercraft to remain at the access site overnight.
- 6.7. Leave, store, abandon, or otherwise cause to remain on a County boat access site any fish house, shelter, or dark house.
- 6.8. Launch or land any watercraft at a non-designated access.
- 6.9. Operate any watercraft in designated swimming areas.
- 6.10. Wade, swim, or use any designated beach without wearing proper bathing attire.
- 6.11. Swim at water access sites, boat landings, or any non-designated swimming areas.

7. REGULATIONS FOR CAMPING

It is prohibited under this Ordinance for a person or persons in Developed Recreational Areas managed by the Beltrami County Natural Resource Management Department to:

- 7.1. Camp at any Developed Recreation Area in excess of 16 days.
- 7.2. Camp in any high-use recreation area other than Grant Creek Horse Camp, Mississippi High Banks primitive campground, and Pine Point without written permission from the Director.
- 7.3. Camp at Grant Creek Horse Camp for any other purpose than for horseback riding or related horse activities. Camping at Grant Creek Horse Camp will require a minimum of one horse per campsite.
- 7.4. Camp at the Mississippi High Banks primitive campground without proper written authorization from the NRM Department.

- 7.5. Violate designated campground quiet hours, between 10:00 p.m. to 6:00 a.m.
- 7.6. Camp with more than eight non-family members per campsite.
- 7.7. Camp within ¼ mile of any high-use recreation area or along access roads leading to such facilities.
- 7.8. Camp in areas posted or designated to prohibit camping.
- 7.9. Dig or trench around tents or other camping shelters.
- 7.10. Improperly dispose of camp waste. Liquid wastes from cooking and washing may be disposed of on the surface of the ground in a manner that does not endanger a water supply, pollute surface water, create a nuisance, or constitute a hazard to public health and safety.
- 7.11. Improperly dispose of human waste where no public latrine or holding tank is available. Bury waste at least 150 feet from a water body, in a manner that does not endanger a water supply, pollute surface water, create a nuisance, or otherwise constitute a hazard to public health and safety. Construction of a privy and/or outhouse is not permitted. Camping vehicles or trailers with holding tanks or other waste containers must be properly emptied at a trailer sanitation station or other suitable facility.

8. EXCLUSIONS

Nothing in this Ordinance shall prevent any law enforcement officers, active employees of the County NRM Department, or others authorized by the Director or designee from performing their assigned duties.

9. SEVERABILITY

Should any sub-section, clause, or provision of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of the section as a whole or any part thereof, other than the part so declared to be invalid.

10. DISPOSAL OF CONFISCATED PROPERTY

The NRM Department or the County Sheriff's Department may dispose of any personal property that has been confiscated in violation of this Ordinance, abandoned or otherwise remained unclaimed for a period of 30 calendar days after confiscation and/or taking possession of such property.

The property may be retained, sold, destroyed, or otherwise disposed of by any means determined to be in the best interest of the County by the Director of the NRM Department, County Sheriff's Department, or designees.

11. EXPULSION AUTHORITY

The Director of the Natural Resource Management Department, Sheriff, or their designees may expel any person or persons from Developed Recreational Areas for violation of any State law, local law, administrative rule or posted rule or regulation when such violation is deemed by the County to be an immediate threat to the health, well-being, safety and/or welfare of any other person or natural feature, resource, asset or property of the County. Any such expulsion shall be

for a length of time as reasonably determined by the Director of Natural Resource Management Department, Sheriff, or their designees. Expelled persons shall not be eligible for refunds on any user fees. Upon expulsion, any person or persons who thereafter returns to the property before the expulsion period has elapsed shall be in violation of this Ordinance and be subject to all allowable penalties herein.

12. EFFECTIVE DATE

This Ordinance shall take effect and be in force after its passage and publication as required by law.

13. PENALTIES

A person guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor as defined in Minnesota Statute §609.02, subd. 3 and may be fined up to the maximum fine established therein. Increased civil fines may be imposed for repeated violations of this Ordinance. All fines collected under this Ordinance shall be deposited in the county park fund.

Passed by the Beltrami County Board of Commissioners

This 11 day of July, 2017

Chairman: 
Beltrami County Board of Commissioners

ATTEST:

County Administrator: 
Beltrami County Administrator

APPROVED AS TO FORM AND EXECUTION:

County Attorney: 
Beltrami County Attorney

First Reading: June 6, 2017
Second Reading: June 20, 2017
Public Hearing/Third Reading/Adoption: July 11, 2017

AFFIDAVIT OF PUBLICATION

[FORM Rev. 6/15]

STATE OF MINNESOTA }
COUNTY OF BELTRAMI } SS

DENNIS DOEDEN, being duly sworn, on oath states as follows:

1. I am the publisher of THE PIONEER or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the attached Beltrami County Auditor
Notice of Public Hearing
was published in the newspaper are as follows:
Tue., 6/20

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows: \$11.10. The rate actually charged in this matter: \$8.40

5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in BELTRAMI County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

Dennis Doeden

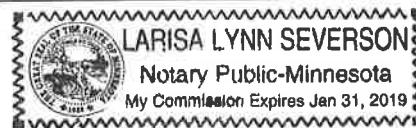
[Signature]

Subscribed and sworn to before me on

This 22nd day of June, 2017.

Larisa Swerson

Notary Public



**-LEGAL ADVERTISEMENT-
NOTICE OF PUBLIC HEARINGS**
**Adoption of Developed County Parks and
Recreation Area Ordinance**
Notice is hereby given that the Beltrami
County Board of Commissioners will hold a
Public Hearing on a proposed County Parks
and Recreation Ordinance. **The Public Hear-
ing will be held on Tuesday, July 11, 2017,
at 5:00 p.m.** The hearing will be held in the
County Board Room, at the County Adminis-
tration Building, at 701 Minnesota Avenue
NW, in Bemidji.
A complete copy of the draft Parks and Rec-
reation Ordinance is available for public re-
view at the County Administrator's Office,
Second Floor, Beltrami County Administration
Building, 701 Minnesota Ave NW, Bemidji, MN
56601 or may be seen on the Beltrami County
website: www.co.beltrami.mn.us.
Dated this day, June 15, 2017
Kay L. Mack, County Administrator
1 da, 6/20

AFFIDAVIT OF PUBLICATION

[FORM Rev. 6/15]

STATE OF MINNESOTA }
COUNTY OF BELTRAMI } SS

-LEGAL ADVERTISEMENT-

At the July 11, 2017 meeting of the Beltrami County Board of Commissioners, following a legally publicized Public Hearing, an Ordinance for the Developed County Parks and Recreation Areas was adopted. The full text of the ordinance is available at the County Administrator's Office and under the Documents tab on the County Website for any person that wishes to review it. A summary of the ordinance:

The Developed County Parks and Recreation Area Ordinance will help govern public usage in developed County Parks and Recreation facilities. These facilities include Rognlien Park, Movil Maze Recreation Area, Three Island County Park, Grant Creek Horse Camp, Mississippi High Banks, Rice Lake, Pine Point and any future areas designated by the Beltrami County Board as parks or recreation areas. This ordinance provides a framework for management of the parks and recreation system, allows staff to respond to issues, provides clarity on rules, and should enhance the quality of experiences for all users.
Kay L. Mack, Beltrami County Administrator
1da;7/23

DENNIS DOEDEN, being duly sworn, on oath states as follows:

1. I am the publisher of THE PIONEER or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the attached Beltrami County Auditor

Board of Commissioners

was published in the newspaper are as follows:

Sat. 7/23

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows: \$11.10. The rate actually charged in this matter: \$8.40

5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in BELTRAMI County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT

Dennis Doeden

[Signature]

Subscribed and sworn to before me on

This 24th day of July, 2017.

Larisa Severson

Notary Public

