Ordinance No. 2017-04
An Ordinance amending sections 1135.010, 1135.015, 1135.020, 1135.025, 1135.030 and 1135.035 of the Minnetonka City Code, relating to park regulations

The City of Minnetonka Ordains:

Section 1. Section 1135.010, subdivision 3 of the Minnetonka City Code, relating to definitions, is amended to read as follows:

1135.010. Definitions.

For the purpose of this section, the following terms have the meanings given below.

1. "Director" means the department director to whom the specific duties have been assigned by the city manager.

2. "Domestic animal" means any animal that would be allowed by this code to reside in a residential dwelling of the city.

23. "Park facility" means any area owned or operated by the city of Minnetonka as a public park, beach, recreational trail, athletic field, skating rink, or other outdoor recreational facility, excluding indoor ice arenas.

34. "Picnic shelter area" means that portion of a park facility containing a picnic shelter and picnic tables and all area within 50 feet of the shelter and tables.

45. "Public swimming beach" means any public land adjoining public waters, which has been or may be used in connection with swimming in the adjacent water.

5. "Sexual conduct" means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

The stricken language is deleted; the underlined language is inserted.
6. "Watercraft" means any device designed or used to transport a person on water, whether motorized or not. It does not include a device which is designed to have a portion of the person in the water at all times during use.

Section 2. Section 1135.015, subdivision 1 of the Minnetonka City Code, relating to park hours of operation, is amended to read as follows:

1. Public parks will be open for public use only between 5:00 a.m. and 10:00 p.m. of each day, except that Big Willow Park athletic fields may remain open to the extent provided in city council policy 11.10 lighted athletic fields and adjacent areas may remain open 20 minutes after the final inning or quarter of a scheduled game.

Section 3. Section 1135.020 of the Minnetonka City Code is amended to read as follows:


The following rules apply in and on all park facilities.

Animals
1. Horses are permitted only in areas designated for their use. Horses must be maintained under control at all times and cannot be ridden in a manner which endangers the safety or property of any person.

12. Except as allowed in this subdivision, a person may not transport any animal to or be accompanied by any animal at any park.

a. Domestic animals are allowed in the following areas only, subject to the restrictions in this subdivision:
   (1) improved trails;
   (2) maintained turf areas other than athletic fields;
   (3) unimproved and unmaintained areas; and
   (4) parking lots as necessary to transport the animal to and from the park areas specified above.

b. At all times while present in the park, a domestic animal must be accompanied by a competent person in the immediate vicinity of the animal, who is responsible for the animal.

c. When on improved trails, maintained turf areas other than athletic fields, or parking lots, domestic animals must be either kept in a secure container from which the animal cannot escape or must be kept on a

The stricken language is deleted; the underlined language is inserted.
leash no longer than six feet in length. Tethering animals is not permitted.

d. Unless otherwise signed, dogs may be off-leash within areas of a park that are unimproved and unmaintained, provided the following conditions are met:
   (1) the person responsible for the dog must maintain sight of the dog at all times;
   (2) the maximum number of dogs that any person may accompany off-leash at any time is two;
   (3) the person must be able to demonstrate that the dog will respond to the person's voice command on the first command given.

e. No person may allow a domestic animal under his or her responsibility to disturb, harass, or interfere with any park visitor, a park visitor's property or a park employee.

f. A person may not have custody or control of any domestic animal in a park without possessing an appropriate device for cleaning up the animal's feces and disposing of the feces in a sanitary manner.

g. Paragraphs a. and b. above do not apply to service animals as defined by the federal Americans with Disabilities Act, or to law enforcement animals. With the exception of seeing-eye and police dogs, dogs and cats are not permitted within a beach area, nature center area, refuge area, picnic area, and park building, and on any developed, improved or maintained area of turf, asphalt, and hard surface, and in any other unauthorized area. In areas that are not improved and not maintained, a dog or cat must be kept under human control either by a leash or voice command. On all trails, a dog or cat must be maintained on a leash no longer than six feet in length.

23. Wild animals including birds may not be fed, except pursuant to a city sponsored program.

34. Wild animals may not be killed, trapped, pursued, caught, or removed, except when necessary to protect the immediate safety of a person or domestic animal. This prohibition does not apply to a law enforcement officer, or other person authorized by the director, who is performing official duties.

**Damage to Park Property**

46. A person must not plant, cut, burn, damage, disturb, or remove any vegetation, except as permitted by the city.

The stricken language is deleted; the underlined language is inserted.
56. A person must not start or maintain a fire, except in grills, fire slabs, or fire rings provided as part of the park facility. A person responsible for a fire must safely and completely extinguish the fire before leaving. The smoking of cigarettes, cigars and pipes is regulated elsewhere and does not constitute a fire-regulated by this section.

67. A person must not deposit or discard upon land or water any bottles, glass, cans, paper, ashes, garbage, trash, rubbish, litter, snow or other substance that would mar the appearance, create a stench or a nuisance, adversely affect the cleanliness or safety of the land, or be likely to injure any person, property, or animal. A person must not discard large items and items unrelated to use of the park facilities into dumpsters or other garbage containers located at the park facilities.

78. A person must not distribute leaflets or other written or printed materials without first notifying the director of the proposed activity and depositing an amount determined by the director to be sufficient to reimburse the city for any cleanup costs resulting from the activity.

Vehicles

89. Only motorized vehicles that are currently licensed to travel on public streets may be in or on a park facility, and those are permitted allowed only on parking lots and roadways that provide access to the park facilities. The following vehicles are excepted from the provisions of this subdivision: Exceptions to this prohibition are:

   a. (a) city-authorized maintenance and public safety vehicles; and
   b. (b) electric-powered wheelchairs and small electric carts operated by physically handicapped people wherever this can be done safely. Electric-assisted bicycles as defined by state law; and
   c. wheelchairs and "other power driven mobility devices" as defined by the Americans with Disabilities Act and associated regulations, to the extent necessary to accommodate reasonable and safe use of trails by persons with disabilities dependent on motorized transport.

9. A person must not operate a snowmobile, all-terrain vehicle, or motorized trail bike anywhere within a park.

The stricken language is deleted; the underlined language is inserted.
10. A person must park motorized vehicles only within designated parking stalls in parking lots. If parking is allowed by permit only, the city permit must be conspicuously displayed on the vehicle at all times while it is parked.

11. A person must not operate a motorized vehicle at a speed in excess of 15 miles per hour or other posted speed limit.

12. Non-motorized bicycles are allowed only on parking lots, roadways, and trails established and maintained by the city and in areas designated and signed for bicycle use. A person must not ride a bicycle in other areas of a park.

Specific Activities

1342. A person must not use recreational equipment, including but not limited to such as frisbees, flying discs, snowboards, or skateboards, on parking lots and driveways. Skateboards may be used only on improved trails and designated skateboard areas.

1443. A person must not use a golf club to hit, drive, or otherwise propel a golf ball or other object.

1544. A person must not camp in, or erect, a tent or other structure, except as part of a city-sponsored program or as authorized by a permit issued by the director.

1646. A person must not use a sled, toboggan, or other means of sliding on snow and ice in areas where this activity is prohibited by signs.

1746. A person must not sell or offer for sale any item or service, except as authorized by the director.

1817. A person must not engage in sexual conduct or commit the offense of public indecency as provided in city code section 1045.015. Use of tobacco-related products, as defined at section 625.005 of this code, is prohibited within 50 feet of park areas designated for use by youth, including playgrounds, youth athletic fields, skating rinks, tennis courts, basketball courts, multipurpose courts and informal ball fields.

1948. A person must not have any glass container in a park facility.

The stricken language is deleted; the underlined language is inserted.
Noise

2019. A person must not use or operate a radio, musical instrument, phonograph, stereo, or other device used for reproduction of sound, in a manner to disturb the peace or comfort of others in its vicinity. Prima facie evidence of a violation of this provision exists when the device is operated so that it is plainly audible 50 feet away in any direction.

20. A person must not use loudspeakers or other amplifying systems without obtaining and being in compliance with a permit from the city, as provided below in section 1135.030.

Permit Required

21. A person must not possess, consume, or serve any alcoholic beverage without obtaining and being in compliance with a permit from the city, as provided below in section 1135.030.

22. A group of 25 people or more must not gather for any reason without obtaining and being in compliance with a permit from the city, as provided below in section 1135.030.

23. Non-motorized bicycles are permitted only on parking lots, roadways, and trails established and maintained by the city and in areas designated and signed for bicycle use. A person must not ride a bicycle in other areas of a park.

Section 4. Section 1135.025 of the Minnetonka City Code is amended to read as follows:

1135.025. Special Rules.

In addition to the general rules, the following special rules are applicable to the areas designated.

1. In or on Shady Oak Lake Park and Libbs Lake Park, a person must not engage in the following conduct:
   a. be in water within 50 feet of the shoreline that is not specifically designated for swimming;

The stricken language is deleted; the underlined language is inserted.
b. be in the designated swimming area adjacent to a public swimming beach when the beach is closed to public use or when a lifeguard is not on duty or outside of posted "no lifeguard on duty" hours;

c. be in the designated swimming area adjacent to the Shady Oak Lake Park public swimming beach when no lifeguard is on duty or after written or verbal notice that the lifeguard is going off duty;

d. use floatation devices beyond the areas designated for their use;

e. fish in water designated as a swimming area or no fishing area;

f. take cans, bottles or glass objects of any kind other than eyeglasses onto a public swimming beach;

g. possess, use, or launch a watercraft on any land within the parks, except as part of a city-sponsored program or by authorized city personnel in the performance of life-saving or law enforcement duties; and

h. occupy a watercraft in the designated swimming area adjacent to a public swimming beach or in water up to 50 feet away from that area, except authorized city personnel in the performance of life-saving or law enforcement duties.

2. On any recreational trail, each person must:

a. provide sufficient room for other trail users traveling in the opposite direction;

b. use caution when passing another user traveling in the same direction;

c. stay on the improved portion of the trail;

d. when riding a bicycle, yield the right of way to pedestrians and comply with state laws governing the use of bicycles on public roads;

e. obey all official signs and traffic control markings and signals;

f. yield to motor vehicle traffic at intersections with roadways;

The stricken language is deleted; the underlined language is inserted.
g. comply with the following prohibitions:

(1) no lurking and loitering in violation of section 508 of the city code;

(2) no horses in areas which are not designated for their use;

(3) no dogs unless each is on a leash no longer than six feet in length and unless the person in control of the dog cleans up the dog’s feces; and

(4) no motorized vehicles except those permitted allowed in section 1135.020(89).

3. Use of Minnetonka Mills park and the Burwell site must comply with city council policy 11.6.

Section 5. Section 1135.030 of the Minnetonka City Code is amended to read as follows:

1135.030. Permits.

1. Applications for permits for alcoholic beverages, large group events, and sound amplification must be submitted to the city in accordance with procedures and fees prescribed by the director. The director may deny a permit application when the proposed activity may adversely affect the public health, safety, or welfare, or the condition of the park facility. The director may add conditions to any permit to mitigate potential adverse effects or to ensure the quiet and orderly use and enjoyment of the park facility. Any person aggrieved by action of the director may appeal to the city council by submitting a request in writing to the director within 10 days after notice of the action.

2. Permits for alcoholic beverages are subject to the following requirements.

   a. Permits will be only for beer and wine in non-glass containers.

   b. Permits will be issued only to groups of 25 people or more and for parks that have facilities available for large group picnics for use at a picnic shelter for which a reservation has been made.

The stricken language is deleted; the underlined language is inserted.
c. Permitted alcoholic beverages may be possessed and consumed only in picnic shelter areas. Alcoholic beverages are not permitted on any athletic field, tennis court, skating rink, or adjacent areas and not in any parking lot.

d. The person responsible for the gathering must remain within the area for which the permit was issued on the premises at all times that alcoholic beverages are being served, must have the permit in possession, and must display it upon the request of authorized city personnel.

e. Alcoholic beverages are not permitted between before 10:00 a.m. or after 9:00 p.m. and 10:00 a.m.

Section 6. Section 1135.035, subdivision 1 of the Minnetonka City Code, relating to park administration, is amended to read as follows:

1. The director may regulate the use of recreational facilities such as picnic shelter areas and ballfields within a park facility. This includes the authority to require advance reservations.

Section 7. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on April 24, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

The stricken language is deleted; the underlined language is inserted.
Action on this Ordinance:

Date of introduction:  March 27, 2017
Date of adoption:    April 24, 2017
Motion for adoption: Wagner
Seconded by:         Acomb
Voted in favor of:   Wagner-Ellingson-Acomb-Wiersum-Bergstedt-Schneider
Voted against:      None
Abstained:           None
Absent:              Allendorf
Ordinance adopted.

Date of publication: May 4, 2017

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city
council of the City of Minnetonka, Minnesota, at a meeting held on April 24, 2017.

David E. Maeda, City Clerk