

Chapter 20

PARKS AND RECREATION*

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***Cross reference(s)**--Parks and recreation advisory commission, § 2-241 et seq.; environment and public health, ch. 12; littering prohibited, § 12-92; streets, sidewalks and other public places, ch. 24; vegetation, ch. 34.

State law reference(s)--Parks and parkways, M.S.A. § 430.01 et seq.

Sec. 20-1. Definitions.

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

Park means a park, playground, swimming pool, lake, pond, stream, trail, nature area, open space area, town green or recreation center. It shall also mean any other property owned, leased, used or controlled, wholly or partly, by the city for park and recreation use.

(Code 1976, § 6-402; Ord. No. 2235-03, § 2, 3-3-2003)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 20-2. Closing hours.

All public parks will close at 11:00 p.m. each day and shall remain closed to the public until 5:00 a.m. on the next day. No person shall be in, remain in or enter any public park between the hours of 11:00 p.m. and 5:00 a.m., and no person shall drive into or remain in a public parking area within a public park during the hours when such park is closed, except as authorized in sections 20-3 and 20-4.

(Code 1976, § 6-403; Ord. No. 2235-03, § 2, 3-3-2003)

Sec. 20-3. Activities permitted after closing of parks.

The following activities may continue in parks after the parks have closed:

- (1) Use of an indoor ice arena.
- (2) City-sponsored and city-supervised activities.
- (3) Activities sponsored by any individual or group, association or organization which has applied for and received a permit for such activity from the city.
- (4) Activities of custodial or maintenance personnel in the course of their official duties.
- (5) Reasonable use of the town green by the public when all applicable laws are observed.

(Code 1976, § 6-404; Ord. No. 2235-03, § 2, 3-3-2003)

Sec. 20-4. After hours permits.

Application for the issuance of a permit to conduct activities in a park after closing hours shall be submitted to the city on the forms provided, at least two weeks prior to the date of the activity. Permits shall be issued if it appears that the applicant can comply with the city's current regulations of the city governing parks.

(Code 1976, § 6-405)

Sec. 20-5. Prohibited acts; regulations.

The following prohibitions and regulations shall apply to all parks. They shall apply to all vehicles including snowmobiles, motor bikes, all-terrain vehicles, and all other vehicles.

- (1) *Speed limit.* No person shall drive or operate a motor vehicle in any park except on roads or designated parking areas, on any body of water or in other such areas as the director of public works shall determine, and no person shall operate a motor vehicle within a park at a speed in excess of 15 miles per hour.

- (2) *Parking in proper areas.* No person shall park any motor vehicle in any place in a park except in designated parking areas.
- (3) *Open flame fires and devices.* Open flame devices are allowed for use only as follows, provided appropriate precautions are taken to prevent ignition of combustible material or personal injury:
 - a. Grills, barbecues and devices designed for cooking may be used in designated areas.
 - b. Candles may be used when necessary for ceremonial or religious purposes. Mosquito repellent candles may also be used in picnic areas . All candles shall be in secure devices or holders constructed to prevent the spillage of wax.
 - c. No open flame devices fueled by combustible liquids of any kind are allowed.
- (4) *Fireworks and firearms.* No person shall discharge any fireworks or firearms in a park without the written permission of the city and without a permit; in the case of fireworks, from the fire chief; in the case of firearms, from the chief of police.
- (5) *Reserved.*
- (6) *Reserved.*
- (7) *Throwing objects.* No person shall throw stones, wood or rubbish of any kind in any park, or into any lake, pool or watercourse.
- (8) *Reserved.*
- (9) *Liquors and beer; possession or consumption prohibited; exception.* No person shall possess, display, consume or use alcoholic beverages in any city park. Alcoholic beverages may be consumed or used in the banquet room at the St. Louis Park Recreation Center in connection with banquets, receptions or other social functions, subject to the terms of a user agreement between the host and the city. The user agreement shall be executed on a form provided by the city. It is in the sole discretion of the city to determine whether to enter into such user agreement.
- (10) *Animals.* No person shall disturb or interfere with any birds, animals, animal habitat or nesting area in a park.
- (11) *Retail sales.* Retail sales shall be allowed in parks without permit if offered in conjunction with activities sponsored by the parks and recreation department or approved by the director of parks and recreation.
- (12) *Pets.* Pets are allowed in all parks as defined in section 20-1, provided that pet owners abide by the provisions listed in this subsection with the following exceptions:
 - a. *Exceptions.* Pets shall be allowed in playground structure areas, athletic fields, picnic shelters, park buildings or wading pools. Pets are not allowed anywhere in the Westwood Hills Nature Center or the Rec Center. Seeing-Eye dogs, other

disability assisting creatures and police dogs are allowed in any area where they are needed. The parks and recreation director shall be authorized to post additional restricted areas that may be determined inappropriate for pets.

b. *Requirements.*

1. The pet is properly licensed.
2. Pets shall be under control at all times. The pet owner is liable for any action taken or damage caused by the pet.
3. All pets shall be restrained at all times on adequate leashes not longer than six feet. Except that dogs are allowed off leash in a designated off-leash dog park in accordance with section 20-6 of this chapter.
4. Persons in control of pets must have in their possession tools or equipment suitable for the removal of animal fecal material and shall promptly and effectively remove from the ground all fecal material deposited there by a pet. Persons removing animal waste from park surfaces shall dispose of it in a sanitary manner, which may include depositing it in any designated waste receptacle located in the public parks.

c. *Signage.* The parks and recreation department will place in all public parks to inform park users of the distinction between areas where pets are prohibited and allowed in accordance with subsection (12)a. of this section.

(Ord. No. 2297-05, 8-2-2005)

(13) Reserved.

(14) Obey authorized persons. Any person using a park shall obey all orders or directions of authorized city personnel.

(15) Destruction of property. No person shall break, cut, mutilate, injure, remove or carry away any tree, plant, flower, shrub, rock, soil, sand, fence, benches, tables or any other city property located in a park.

(16) Reserved.

(17) Hitting of golf balls. No person shall hit, drive, stroke or otherwise propel a golf ball upon, in, over or across any park unless offered in conjunction with activities sponsored by the parks and recreation department or approved by the director of parks and recreation.

(18) Additional regulations. In order to protect public health, safety and welfare, and to preserve the property of the city, the parks and recreation director is authorized and directed to establish additional written regulations which shall define, in precise detail, the procedures to be followed in the use of the parks.

(19) Bow and arrows. The use of bows and arrows shall be prohibited from use in the parks except in designated areas.

(20) Food sales. No person shall be permitted to sell any food or beverage whatsoever in a park without a permit granted by the city.

- (21) *Swimming.* No person shall bathe, swim or wade in any lake, pool or watercourse except in designated areas, and at designated times.
- (22) *Portable play structures.* No person shall erect or inflate any portable play structure in any park unless in conjunction with activities sponsored by the parks and recreation department or approved by the director of parks and recreation.

(Code 1976, § 6-406; Ord. No. 2149-99, § 1, 12-6-1999; Ord. No. 2235-03, § 2, 3-3-2003, Ord. No. 2297-05, 8-2-05)

Sec. 20-6. Off-leash dog areas; permits and regulations.

Some areas of the city may be designated as off-leash areas if deemed suitable for such activity by the director of parks and recreation.

- (1) Dogs may be unrestrained by chain or leash in areas designated for off-leash activities. No person shall use a designated off-leash area without first having obtained a permit for each dog using such an area from the city.
- (2) The annual fee for an off-leash area permit shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code. A permit may only be granted upon verification that the dog has been issued a current dog license and a current rabies vaccination certificate. The city shall provide a tag containing a registration number and the year registered for each permit. Permits shall be valid from the date of purchase until December thirty-first following the date of purchase.
- (3) Upon application for a permit, the applicant shall be provided with the rules for use of off-leash areas. As a condition for the issuance of a permit, the applicant shall sign and agree to abide by these rules. A permit may be revoked for failure of the applicant, or any person who takes the dog into an off-leash recreation area, to abide by these rules, or for violation of any city ordinance. Permits may be revoked by the director of parks and recreation.
- (4) The person responsible for a dog must have the dog restrained when entering and leaving an off-leash area. If so directed by a law enforcement officer, animal control officer, or authorized parks and recreation employee, persons using an off-leash area must immediately restrain their dogs and remove them from the off-leash area.

(Ord. No. 2297-05, 8-2-05)

Sec. 20-7. Sale of Park Property

(a) *Purpose.* The purpose of this section is to recognize that public parks and open space are essential for the well-being of the city and that their protection and enhancement is a City priority.

(b) *Definitions.* For purposes of this section, the following definitions shall apply:

Park Property. The term “park property” shall mean any city-owned land that, at the time of any proposed sale, either is or has been within the last five years zoned Parks and Open Space.

Sale of Park Property. The term “sale of park property” shall mean the transfer of legal or equitable title to the property, the approval of a joint venture or other similar legal

relationship with a third party which involves the use and control of the property, or a lease of the property, including any renewal options, for five years or more. The term shall not include a lease to a third party for an allowed use in the Parks and Open Space District.

(c) Exception. This section shall not apply to the sale of park property to another governmental entity or non-profit corporation so long as the sale requires the acquiring entity to continue the use of the property for public park purposes consistent with the uses allowed in the Parks and Open Space District with title reverting to the City if such park use is discontinued.

(d) Procedure. In addition to any procedural requirements under state statute and city code relating to comprehensive plan or zoning amendments, before the City Council can consider the sale of any park property to which this section applies, the following procedures must be followed:

(1) Public Information Meeting

- a. A Public Information Meeting shall be conducted by City Staff. The process shall be initiated by the City Manager or its designee at the direction of the City Council. The purpose of the meeting is to inform and receive feedback from the community on the proposed land sale.
- b. The notice of the meeting shall be given in the same manner as the notice of the public hearing before the Planning Commission, except that the published and mailed notice shall be given twenty-one (21) days before the meeting.

(2) Planning Commission hearing.

- a. After the Public Information Meeting, a public hearing shall be conducted by the Planning Commission.
- b. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the City and posted on the city web site at least ten days prior to the date of the hearing.
- c. A notice of the hearing shall also be mailed at least two weeks before the date of the hearing to each owner of record of property located wholly or partly within 1,320 feet of the park property being considered for sale. A notice shall also be mailed to the chair person (if any) of the neighborhood association within which the park property is located.
- d. The notice shall use the records of the County Auditor's office or other appropriate records to determine the names and addresses of owners entitled to written notice. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the person giving the notice and shall be made a part of the record of the proceedings. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with this section.
- e. A sign shall be posted by the City on the property clearly visible from the street advising the public that the property is being considered for sale and appropriate contact information. This sign shall be posted at least two weeks prior to the hearing.

- f. The hearing under this section shall be conducted concurrently with the public hearing required for a comprehensive plan amendment and rezoning of the park property being considered for sale.
- g. After closing the public hearing, the Planning Commission shall make its recommendations to the City Council. The matter shall then be referred to the Park and Recreation Advisory Commission for its review.
- h. In making its recommendation, the Planning Commission shall consider the information and comments expressed at the public hearing, the criteria relating to comprehensive plan and rezoning amendments and all other factors the Commission deems relevant based upon the specific proposal being considered.

(3) Parks and Recreation Advisory Commission Review.

- a. After the Planning Commission has made its recommendation, the Parks and Recreation Advisory commission shall review the matter and provide its comments and recommendation to the City Council.
- b. The Commission shall consider the impact of the proposed sale on the current and long range parks and recreation plans for the City.

(4) City Council consideration:

- a. Except as provided for in Subsection 4(f) herein, the City Council may consider the sale of park property only after the Planning Commission has completed the public hearing and made its recommendation and the Parks and Recreation Advisory Commission has completed its review.
- b. A notice of the time, date, and place of the City Council's first reading of a resolution considering the sale of park property shall be mailed at least ten (10) days in advance of the meeting to each owner of record of property located wholly or partially within 1,320 feet of the park property being considered for sale and the neighborhood president (if any).
- c. Consideration of the sale of park property may occur concurrently with the Council's consideration of a comprehensive plan and rezoning amendments.
- d. The Council's action shall be by resolution requiring a first and second reading separated by a minimum of fourteen (14) days.
- e. An affirmative vote of at least five (5) council members at both the first and second reading of the resolution is required to approve the sale of park property.
- f. If the Planning Commission and Parks and Recreation Commission have not made their recommendations and comments within 75 days of the date of the public hearing, the City Council at its discretion may act on the proposed sale without such recommendations and comments.

(Ord. No. 2321-06, 12-29-06)