

ORDINANCE NO. 2020-22

AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota does hereby ordain:

Section 1. That Article III of Chapter 5 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 5: PUBLIC FACILITIES AND PROPERTY

ARTICLE III: PARKS

5.21 REGULATIONS.

The rules and permits in this section are required to ensure the safety and general welfare of the public and the quiet and orderly use and enjoyment of the city's parks. The City Council may adopt fees and policies pursuant to this section in furtherance of these objectives. The following regulations shall apply to all city parks.

(1) No person shall drive or operate a motor vehicle in any park except on roads or designated parking areas or such other areas as the Director of Parks and Recreation shall designate, and no person shall operate a motor vehicle within a park at a speed in excess of 15 mph.

(2) ~~[Parking.]~~

~~[(A)]~~ No person shall park any motor vehicle in any place in public parks between the hours of 10:00 p.m. and one hour before sunrise without a permit approved by the Director. During the hours when parking is permitted, said vehicles must be parked only in designated parking areas. Any unoccupied vehicle found in violation of park regulations may be removed and impounded by any police officer or duly authorized person in accordance with Chapter 8, Article III, Division B, of this code.

~~[(B) No person shall park within the designated portions of the Hyland Bush Anderson Lakes Regional Park System without displaying a valid seasonal or daily parking permit issued by the city.]~~

(3) No fires shall be lighted or made in any park except in places provided for such purposes, and except for fires lighted by city employees engaged in clearing the area.

(4) No person shall discharge any fireworks or firearms in any park without a permit from the Director of Parks and Recreation and in the case of fireworks, from the Fire Marshal and, in the case of firearms, from the Chief of Police.

(5) No person shall scatter about or litter the grounds with any form of waste material. No person shall carry upon park property any glass bottles or glass containers.

(6) No person shall commit any nuisance or any offense against decency or public morals in a public park.

(7) Beaches and public waters.

(A) No person shall throw refuse of any kind in any lake, pond or watercourse.

(B) The Director of Parks and Recreation shall designate authorized beaches. Swimming is allowed only at authorized beaches.

(C) No person shall frequent any park waters or beach for the purpose of swimming or congregating with others or to swim or congregate thereat between the hours of 10:00 p.m. and 6:00 a.m. of the following day unless with the written permission of the Director of Parks and Recreation.

~~[(D) No person or persons shall have air mattresses, inner tubes or other inflated articles or flotation equipment on any park property unless such flotation devices shall have a Minnesota state watercraft license.]~~

~~[(E)]~~ (D) No person shall use a tobacco-related product at any of the city's designated beach areas, or other designated pool and play areas at city-owned swimming pools and aquatic facilities. These areas shall be posted by appropriate signs and markers as designated by the Director of Parks and Recreation.

(8) No person shall paste or affix or inscribe any handbill or poster on any structure or property in any of such parks or any place or square or highway surrounding the same.

(9) ~~{No person shall possess, display, consume or use intoxicating liquors in any park. No person shall possess, display, consume or use 3.2% malt liquors in any park except that 3.2% malt liquor may be consumed in designated picnic areas or when a valid, special event license has been issued under § 13.02.01(c) of this code.}~~ A person may possess or consume malt liquor, as defined in section 13.02, in designated picnic areas or when purchased from a licensee pursuant to a valid on-sale special event license under § 13.03(a)(4) or a caterer's permit issued under M.S. 340A.404, subd. 12.

(10) No person shall disturb or interfere with any birds or animals kept or found in any park.

(11) Commercial use and photography. No person shall:

(A) Solicit, sell, or otherwise peddle any goods, wares, merchandise, services, liquids, or edibles in a park, except by permit approved by the city.

(B) Operate a still, motion picture, video, or other camera for commercial purposes in a park without a permit approved by the city.

(12) Dogs are allowed in city parks and on other city-owned property while restrained by a leash as described in § 14.87 of this code, except that dogs may be allowed unleashed within the boundaries of city parks or other city-owned property designated and posted by the Director of Parks and Recreation as an off-leash site.

(13) All parks shall close at 10:00 p.m., and no person shall remain in any park after that time, unless written permission shall have been given by the Director of Parks and Recreation for parties to remain longer therein.

(14) No person shall write upon or mark or deface in any manner or use in any improper way any property or thing pertaining to or in said parks.

(15) All persons shall obey all reasonable orders or directions of the Director of Parks and Recreation or designee.

(16) No person shall break, cut, mutilate, injure, remove or carry away any tree, plant, flower, shrub, rock, soil, sand, fence, bench or any other property in any park.

(17) No person shall ride a horse or other animal in any park except on designated trails or paths or allow any animal to go unattended or without physical restraint. This provision shall not apply to the use or riding of horses for law-enforcement purposes.

~~[(18) No person shall use scuba or other diving equipment in any park without a permit from the city.]~~

~~[(19)]~~ (18) Park and recreation programs.

(A) No person involved in any event of the Park and Recreation Department, including, but not limited to, sponsors of teams thereof, shall commit an unfair discriminatory practice or deny another person access to, admission to, or utilization of, or benefit from any such event because of race, color, creed, religion or national origin.

(B) Exception: the provisions of subsection ~~[(20)]~~ (18)(A) above shall not apply to a religious organization with respect to qualifications based on religion, when religion shall be a bona fide qualification for membership.

~~[(20)]~~ (19) No person shall use a tobacco-related product on city-owned athletic play fields, including their spectator areas, while the fields are being used for organized youth athletic events or organized adult recreational events. These areas shall be posted by signs and markers as directed by the Director of Parks and Recreation.

~~[(24)]~~ (20) No person shall use a tobacco-related product on city-owned property during city sponsored cultural programs. The Director of Parks and Recreation may permit the use of tobacco-related products for special events such as historical programs and theatrical productions if such use is an integral part of the event. These areas shall be posted by signs and markers as directed by the Director of Parks and Recreation.

~~[(22)]~~ (21) City-owned parks, open spaces and recreation areas.

(A) No person shall use a tobacco-related product on city-owned golf courses and on the exterior premises of the Bloomington Ice Garden. These areas shall be posted by signs and markers as directed by the Director of Parks and Recreation.

(B) No person shall use a tobacco-related product on city-owned parks, conservation areas and open spaces, including trails used for walking and biking or on property for which the city retains a perpetual easement for public use as a park. These areas shall be posted by signs and markers as directed by the Director of Parks and Recreation.

(C) No person shall use a tobacco-related product at city-owned picnic shelters during private rentals of these facilities. These areas shall be posted by signs and markers as directed by the Director of Parks and Recreation.

(D) This section does not apply to the use of a tobacco-related product in a motor vehicle parked on the premises of a city-owned park, conservation area, open space and recreational facility.

~~[(23)]~~ (22) No person shall use sound amplifying equipment without obtaining a permit from the city.

~~[(24)]~~ (23) No person shall intentionally take a photograph or otherwise record a child without the consent of the child's parent or guardian.

~~[(25)]~~ (24) No person shall use an aircraft of any kind, whether motorized or non-motorized without first obtaining a permit from the city.

~~[(26)]~~ (25) Rental permits are required for the exclusive use of all or portions of specific areas, building, and other facilities for conducting special events.

Section 2. This Ordinance shall be effective after passage and publication, except that Section 5.21(9) shall be effective on the same date as the amendments to Section 13.02 of Chapter 13 of the City Code allowing consumption of Malt Liquor in city parks, which are anticipated to be adopted by the City Council during June 2020.

Passed and adopted this 1st day of June, 2020.

/s/ Tim Busse
Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson
Secretary to the Council

/s/ Melissa J. Manderschied
City Attorney