

Section 815 - Recreational areas; rules
and regulations

815.01. Definitions. For purposes of this section, the term "park" means public park, playground, beach, swimming pool, recreation center or other area or facility operated by the city for recreational purposes pursuant to council designation.

815.03. General rule. It is unlawful to violate any of the provisions of this section.

815.05. Parks; rules and regulations. Subdivision 1. Closing hours. The closing hour for parks is 10:00 p.m., except in Becker Park where the closing hour is 11:00 p.m., and parks must remain closed until sunrise. A person may not remain in a park after the closing hour, except as provided in subdivision 2. This subdivision does not apply to persons who, without delay, are traveling through a park or upon established walks, paths or drives within a park. The closing hour for activities authorized as part of the city's recreation program may be modified by the city manager in accordance with subsection 815.07. The city council may by resolution further limit the hours for the conduct of specific activities within parks. (Amended, Ord. No. 95-5, Sec. 1)

Subd. 2. Group activities; permits. A group, association or organization wishing to remain in a park after the closing hour may apply to the city manager for a special permit for that purpose specifying the nature of the activity proposed, the hours during which it is conducted, and such other information as the manager may reasonably request. The application must be accompanied by a bond, or other undertaking, in form and substance satisfactory to the manager and the city attorney, holding the city harmless from liability of any kind growing out of the permitted activity. The manager may grant the permit if in the manager's judgment the purposes of this section will not be adversely affected thereby, and if all licenses required by law or the code have been obtained. The manager's decision to grant or deny the application may be appealed to the city council by the applicant or by any resident of the city.

Subd. 3. Motor vehicles. Motorized vehicles or machines of any kind, except those operated by and for the city may not drive on or across any park, except as specifically authorized pursuant to the city code. Motor vehicles must be parked in spaces designated therefor pursuant to the city code, subsection 1310.05, subdivision 5. There may not be parking of motor vehicles in a park or in a parking area in a park after the closing hour.

Subd. 4. Fires. Picnic fires may not be made or lit in a park except in places or containers designated for such purposes. It is unlawful to leave a picnic fire before the fire has been completely extinguished or before all trash and refuse has been placed in receptacles provided or, if no receptacles are provided, the trash and refuse must be carried away from the park and properly disposed of elsewhere.

Subd. 5. Equipment; marking; defacing. It is unlawful to mark, deface or disfigure, injure, tamper with, or displace or remove, any building, bridge, table, bench, waste receptacle, fireplace, railing, paving or paved notice or placard whether temporary or permanent, monument, stake, post or other boundary marker, or other structure, equipment or park property or park appurtenances whatsoever, either real or personal. Notices of park activity may be posted with the permission of the city manager.

Subd. 6. Refuse in city parks and waters. It is unlawful to throw, discharge, or otherwise place or cause to be placed in the water of any foundation, pond, lake, stream, bay or other body of water in or adjacent to any park or in any tributary, stream, storm sewer or drain flowing into such water, any substance, matter or thing, liquid or solid; nor may any person bring in or dump, deposit, or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage, or refuse or any other trash, in any park or portion thereof, or in any waters in or contiguous to any park. All such refuse or trash must be placed in the proper receptacles; where proper receptacles are not provided, all the refuse or trash must be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

Subd. 7. Liquor and beer. The presence of liquor and beer in parks is prohibited, except as permitted under city code, subsection 2005.15.

Subd. 8. Animal wildlife. It is unlawful to injure or destroy any bird or animal nest within the limits of any park, nor must any person air 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.

Subd. 9. Public sales. It is unlawful to, within any park or property, expose or offer for sale, rent or hire any article or thing. Excepted are those who have obtained a special permit to so operate from the city manager, and who have obtained all licenses and permits required by law or the city code. It is unlawful to announce, advertise, or call the public attention to any article or service for sale or hire in any way.

Subd. 10. Sports. Organized or unorganized sport activity and games may be conducted only in designated areas within parks. All other casual recreational activity must be conducted in such a manner as not to interfere with the reasonable enjoyment of the park by other persons or with the reasonable right of adjoining property owners. Golf play in parks is prohibited, but golf practice with light plastic balls is permitted in designated areas.

Subd. 11. Dogs. Dogs in parks must be effectively leashed by a leash not in excess of six feet in length. Persons conducting leashed dogs must have in their possession suitable utensils for the removal of animal excrement and must promptly and effectively remove all excrement deposited by the animal under their control.

Subd. 12. Plant life. It is unlawful to wilfully and without authority cut, pluck, or otherwise injure any flowers, shrubs or trees growing in or around any public park, or on other public grounds.

815.07. Enforcement. This section is enforced by the city manager. It is unlawful for any person to disobey an order given pursuant to this section. The manager may prepare and publicize further regulations not inconsistent with this section for conduct within parks.

815.09. Park closing. The chief of police may close any public park, parkway, beach or drive, and for such period as deemed necessary, in order to protect or restore order or terminate or prevent breaches of the peace and order of the city. A person having been informed of such an order closing any such area may not remain in the area longer than is necessary to leave the closed area.

815.11. Other regulations. Other provisions of the city code governing conduct in public places within the city apply to parks.

815.13. Liquor and beer in parks. Subdivision 1. General rule. Except as otherwise permitted by this subsection, the use, consumption, display, and presence of intoxicating liquor (liquor) and non-intoxicating liquor (beer) as those terms are defined in chapter XII of this code, is prohibited in parks and related facilities including vehicle parking facilities immediately adjoining a park and the Crystal community center.

Subd. 2. Special permits. The council may on the recommendation of the city manager issue a special permit for the use, consumption, and display of liquor and beer in a park or a related facility in the park.

Subd. 3. Eligible persons. A special permit may be issued to persons in connection with a social event conducted by a family, an employee group, a club, or a charitable, religious or other non-profit organization solely for the enjoyment of the persons invited to the event by the applicant for the permit. A special permit will not be issued to a person holding a license to sell liquor or beer except as provided in subsection 1200.41 of this code.

Subd. 4. Duration. The special permit allows the presence of liquor and beer in the park or related facility only during the time specified in the permit which time may not exceed 12 consecutive hours in one calendar day.

Subd. 5. Rules and regulations. The city manager is directed to prepare further regulations for the conduct in parks of a person issued a special permit under this subsection.

Subd. 6. Application. The application for a special permit is prepared by the city clerk. The application must specify the purpose of the social event, the nature of the activity proposed, the hours during which it is to be conducted, the maximum number of persons expected to attend, and such other information as the clerk reasonably requests. The application must be accompanied by a bond or other undertaking in form and substance satisfactory to the city manager and city attorney, holding the city and its officers, employees, and agents from liability of any kind arising out of the permitted activity. If the applicant is a business partnership, club, corporation or non-profit association the application must be accompanied by a certificate of insurance showing current liability insurance naming the city as an additional insured party under the insurance policy.

Subd. 7. Fee. The fee for a special permit issued under this subsection shall be as determined by the city council in Appendix IV of this code. (Amended, Ord. No. 2010-05, Sec. 1)

Subd. 8. Special condition. The use, consumption, display and presence of liquor and beer in parks and related park facilities is a matter of special concern to the city as such activity relates to the peace and good order of the city. For that reason the issuance of a special permit under this subsection is determined to be a matter within the sole discretion of the city council, and its determination to issue or not to issue a special permit is final. The council may impose additional conditions in the granting of a special permit. The application for the special permit must be accompanied by (i) a copy of this subsection, (ii) an acknowledgement by the applicant that the subsection has been read and is understood by the applicant, and (iii) that applicant agrees not to challenge or in any way contest the determination of the city council with regard to the issuance of the special permit.

815.15. (Deleted, Ord. No. 2011-4; Added, Ord. No. 2011-4) Special events in parks. Subdivision 1. General rule. Notwithstanding any other ordinance to the contrary, all special events in city parks shall be regulated by this subsection.

Subd. 2. Declaration; purpose. The purpose and intent of this section is to:

- a) Provide a systematic application process for events having an effect on public property and/or public services.
- b) Lessen undue impact on private property.
- c) Ensure that city, state and federal codes are adhered to.
- d) Recapture any city expenditures lost for the development of, and operational costs for a privately sponsored event.

Subd. 3. Definitions. For the purposes of this subsection, the terms defined have the meanings given them.

- a) “Event” means any parade, race or special event that requires closure of a public street or special traffic control, or use of a park or recreational area.
- b) “Parade” means parade, march, or procession in or upon any street except the sidewalks thereof, or in or upon any street or alley in the city.
- c) “Race” means any organized bicycle race, foot race, race walking, wheelchair racing, rollerblading, marathon, jogging event, and similar events.
- d) “Special event” means any privately sponsored event as defined by this subdivision, which occurs on a public street, sidewalk or any municipal property, park or recreational area. This includes, but is not limited to, any fair, show, carnival, sporting event, school event and grand opening.

- e) “Permit Holder” means the private person, or individual identified by a group, business entity or governmental agency, who has applied for and been issued the permit required by this section to hold an event, race, parade or special event as defined by this section.

Subd. 4. Permit required; exceptions. No person, group, entity or organization of any type shall engage in, participate in, aid, form or start any event, unless a permit has been procured therefore. The permit shall be issued or denied by the city manager. No permit shall be required for:

- a) Funeral processions.
- b) Block parties on a residential street that has an average daily traffic volume of less than 1000 vehicles per day provided that the block party does not occur more than once annually for in excess of 8 hours.
- c) Lawful picketing.

Subd. 5. Application for permit. A person seeking issuance of an event permit shall file an application with the recreation director on forms provided by the recreation director. The application shall be accompanied by the fee set forth in Appendix IV of this code. To ensure an orderly approval process, permit applications should be filed as soon as possible in advance of the event. Permit applications must be filed not less than thirty (30) days or more than one year before the date on which the event is proposed to take place. Failure to file in a timely manner may be grounds for denial of the permit.

Subd. 6. Contents of application. The application for a permit shall set forth the following information:

- a) The name, address and telephone numbers, daytime and nighttime, of the person who will be responsible for performance of the duties of the Permit Holder.
- b) The date when the event is to be conducted.
- c) The details of proposed route requested, the starting point, the termination point and the desired location of any assembly areas.
- d) The approximate number of persons who, and animals and vehicles which will, constitute such event; the type of animals, and description of the vehicles.
- e) The hours when such desired event will assemble, start and terminate.
- f) A statement as to whether the event would occupy all or only a portion of the width of the streets proposed to be traversed or the park or recreation area permitted to be used for the event.
- g) Listing of all food vendors and merchandise vendors of any type, and whether it is proposed to sell or furnish wine or beer to patrons of the event.

- h) The estimated number of participants in the most recent year of the event or proposed for a new event.
- i) Such other information as the recreation director shall find necessary to evaluate the application.

Subd. 7. Deposit for city expenses. The recreation director may require the applicant to deposit with the city the estimated cost of city services to be performed in connection with the event. The estimated cost shall be as stated in the Fee Schedule at Appendix IV. In the case of large community events, the city manager may in addition require that a bond or other security satisfactory to the city be supplied to cover the estimated cost of city services.

Subd. 8. Duties of Permit Holder.

- a) A Permit Holder hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The Permit Holder or the person designated by subdivision 6 a) above shall carry the event permit upon his or her person during the conduct of the event.
- b) Subject also to the requirements of subdivision 15 of this subsection, within the two (2) hour period immediately following the end of the event, the Permit Holder or event coordinator will commence the clean up of the site of the event , remove and dispose of all litter or material of any kind, which is placed or left on the street, park recreation area or other public property because of such event and finish such clean up not later than the final day of the event, weather permitting or as directed by the city manger or designee. Should the Permit Holder or event coordinator fail to do so; in addition to any other remedy available to the city under this subsection or at law, the city will bill the permittee or event coordinator for all costs related to the clean up, removal and disposal of litter because of the event. In addition, no future applications will be considered until all obligations are satisfied.
- c) Required undertakings. In addition to the information required in subdivision 6, the Permit Holder may be required, at Permit Holder's expense, and without expense to the city, to undertake any or all of the following:
 - 1) Provide either authorized civilian or police personnel at all intersections requiring traffic-control personnel, as determined by the chief of police or their designee.
 - 2) Provide volunteers to monitor any required barricades at all intersections not requiring traffic-control personnel, as determined by the chief of police or designee.
 - 3) Provide, install and remove the barricades, signs and delineation equipment as directed by the engineer, police chief, or their designees.

Subd. 9. Notice To Abutting Property Owners. The Permit Holder for a special event may be required by the city manager to notify residents of neighborhoods of the pendency of the special event by any reasonable means as directed by the city manager, including but not limited to, the preparation of an informational leaflet. If a leaflet is required, the leaflet shall briefly describe the nature of the event, shall identify the name and telephone number of the Permit Holder and the date and time of the event, shall contain a map of the route if any, or the location of the special event, and shall describe all restrictions upon traffic and parking on or crossing the event route.

Subd. 10. Insurance. Upon compliance with all other provisions of this subdivision, a permit for an event may be granted only after the applicant has secured and filed with the Clerk the insurance provided for in this section. The policy or policies shall specifically provide for payment by the insurance company on behalf of the insured all sums which the insured's shall be obligated to pay by reason of liability imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insured pursuant to the provisions of this chapter. All insurance required in this subsection shall be issued by insurance companies acceptable to the city and admitted in Minnesota. The insurance specified may be in a policy or policies of insurance, primary or excess and shall provide:

- a) Workers' compensation insurance that meets the statutory obligations with coverage B.
- b) Commercial general liability insurance which in the opinion of the city manager will cover the primary risks associated with the special event and with limits of at least \$1,500,000 for any number of claims arising out of a single occurrence; \$50,000.00 fire damage, and \$5,000.00 medical expense for any one person. The policy shall be on an "occurrence" basis for any number of claims arising out of a single occurrence, and shall include contractual liability coverage.

Acceptance of the insurance by the city shall not relieve, limit or decrease the liability of the event Permit Holder or the sponsoring entity. Any policy deductibles or retentions shall be the responsibility of the Permit Holder or the sponsoring entity. The Permit Holder shall control any special or unusual hazards and be responsible for any damages that result from those hazards. The city does not represent that the insurance requirements are sufficient to protect the Permit Holder's interests or provide adequate coverage.

Evidence of coverage is to be provided in the form of a certificate of insurance in the most recent edition of the applicable ACORD forms (or similar insurance service organization forms), as approved by the city manager. The Permit Holder shall notify and identify the city to its insurance carrier(s) and require its insurance carrier(s) to provide the statutory cancellation notice if the policy is cancelled, not renewed or materially changed. The Permit Holder shall require any of its participants using automobiles in a race or in connection with a special event to carry automobile liability insurance meeting the statutory limits of the State of Minnesota in the form of a certificate of insurance in the most recent edition of the applicable ACORD forms (or similar insurance service organization forms), as approved by the city manager. At its option, the city may require that it be listed as an additional named insured on such insurance policy or policies. The Permit Holder shall require any of its subcontractors to comply with these provisions.

Subd. 11. Indemnification. Not with standing the insurance requirements of subdivision 10, the Permit Holder agrees to defend, indemnify and hold the city, its officers, agents and employees harmless from any liability, claim, damages, costs, judgments, or expenses, including attorney's fees, resulting directly or indirectly from an act or omission including, without limitation, professional errors and omissions, of the Permit Holder or event sponsor/promoter, its agents and employees, arising out of or by any reason of the conduct of the activity authorized by such permit and against all loss caused in any way be reason of the failure of the Permit Holder or event sponsor/promoter, its agents and employees to fully perform all obligations under this subdivision.

Subd. 12. Emergency issuance of permit. In extraordinary circumstances, the city manager or designee shall be authorized to waive or otherwise expedite any or all of the review process and to issue a special event permit upon payment by the Permit Holder of all applicable fees and costs for such event.

Subd. 13. Vendors for special events.

- a) Sales permitted. The sale of food, including the sale of beer and/or wine, or any merchandise or services of any type by a vendor may be allowed as a component of a special event provided such vendor is approved and authorized in writing by the Permit Holder of the event and shall be conducted in accordance with such conditions and limitations as shall be imposed in writing by the Permit Holder and submitted as a part of the application for a permit.
- b) Authorization of vendors. The Permit Holder of a special event shall have sole responsibility and authority to allow or disallow sidewalk or street vending as a component of an event and to designate the location and activities of such vendors, subject to the requirements of this sub-section. The Permit Holder shall not discriminate on the basis of race, gender, nation origin or ethnicity in the authorization of such vendors. It shall be unlawful for any vendor to engage in such business at any location or in any manner not authorized by the Permit Holder of the event.
- c) Identification required. Any vendor authorized by the event Permit Holder shall be required to prominently display on his or her person a badge identifying the vendor as an authorized participant in the event. Said identification shall be not less than three (3) inches by three (3) inches, shall state that the bearer is an official participant in the event, and shall bear the signature of the Permit Holder of the event.
- d) Permit not required. Vendors authorized by the Permit Holder of an event as a component of the event shall not be required to obtain any separate vendors permit to operate during the period of the event. All merchandise, food and alcoholic beverage vendors shall be assessed a registration fee for city costs of enforcement as stated in Appendix IV of this code.

- e) Unauthorized vending prohibited. It shall be unlawful for any vendor not authorized by the Permit Holder of a special event as provided under this section to engage in such business within a distance of twenty-five (25) yards of such event from one (1) hour before until one (1) hour after the event.
- f) Food Sales. The vendor of any food, whether hot or cold, included as a part of a special event shall be subject to all rules and regulations of the Minnesota Department of Health, the Minnesota Department of Agriculture or Hennepin County, as applicable. It shall be the responsibility of the Permit Holder of an event to assure compliance with this section by any such vendors.

Subd 14. Beer and/or wine. Designated areas where beer and/or wine may be dispensed and consumed may be permitted only within the delineated boundaries of a special event as approved by the city, and subject to the following conditions:

- a) The dispensing of beer and/or wine shall not be permitted at any special event except by persons appropriately licensed by the state.
- b) Upon compliance with applicable ordinances and laws relating to the provision, sale and/or consumption of alcoholic beverages, this subsection, and with the approval of the city council, the Permit Holder of a special event shall have the discretion to provide special areas where beer and/or wine may be served by licensed persons within the delineated boundaries of the special area as approved by the city for the event.
- c) Whenever any event will include the dispensing and consumption of beer and/or wine, the Permit Holder of such event, at least forty five (45) days prior to the event, shall meet with appropriate staff members of the city as designated by the city manager in order to review the plans, conditions and restrictions pertaining to the event. Prior to the issuance of a permit for the event, the Permit Holder shall sign a statement of understanding of and agreement to the terms and conditions imposed on the event. Such statement shall become a part of the conditions of the permit for the event.
- d) A designated area within the approved site of a special event where beer and/or wine is permitted by the city as provided in this subsection shall be securely enclosed on all sides by a fence, barricade, or other similar such structure, approved by the chief of police and city engineer, or designees, so as to completely separate that area from the areas in which alcoholic beverages are not permitted.
- e) Every designated area permitted under this subsection shall provide seating and food service available for every person admitted to such area, and the permitted occupancy limit for such area will be reasonably determined by the city manager or designee.