

45B. USE OF PARKS, PARK TRAILS, AND PARKWAYS

45B.01. Definitions. Subdivision 1. Except as provided in subdivision 2, the term “park” as used in this chapter shall be construed to include all public ground and squares maintained as leisure grounds in the city. The term “parkway” used herein shall be construed to include all the thoroughfares, park approaches and trails subject to the jurisdiction and control of the Rochester Board of Park Commissioners, hereinafter referred to as “Board.”

Subd. 2. The term “park” does not include the Peace Plaza as that term is defined in section 45D.01, subdivision 1.

(3866, 5/5/08)

45B.011. Park Board Authority. In order to exercise its responsibility under City Charter to manage and control the parks, parkways, and other facilities designated by the Council, the Board shall adopt such rules, policies and guidelines that are reasonably necessary to direct the operations of the Park Department and to regulate activities in the parks, parkways, and designated facilities.

(3977, 8/2/10)

45B.02. Firearms and Fireworks. Subdivision 1. No person shall do any of the following within a park or upon the parkways or trails:

- a. fire or discharge any gun, pistol or other firearm;
- b. possess or shoot off any rocket or other fireworks of any description, except as is hereinafter provided ; or,
- c. throw any stones or missiles.

(#3852, 1/23/08)

Subd. 2. Notwithstanding any provision to the contrary, the board of park commissioners may issue a permit allowing fireworks to be discharged within any park or parkway subject to the conditions imposed by the board. Such conditions may include, but are not limited to, state certification under Minn. Stat. Chapter 624, obtaining certificates of insurance, and executing indemnification agreements in favor of the city.

45B.03. Protection of Trees, Plants and Structures. No person shall, within any of the parks, parkways, or park trails, do any of the following:

- a. climb any trees, or pluck any flowers or fruit, whether wild or cultivated;
- b. break, cut down or trample upon or remove, or in any manner injure or deface any statue, ornament, tree, plant, shrub, flower bed, curb, or any of the buildings, fences, bridges or other construction; or
- c. write on any building, structure, statue, fence, bench, rock or stone within such parks or parkways.

45B.04. Regulation Of Traffic. Subdivision 1. No person shall drive, ride, or operate

any bicycle, motorcycle, horse or other animal used for riding or pulling a vehicle, or any other vehicle upon any part of the park or park trail, except upon the streets or drives within a park, or upon such other trails, footwalks, paths or other places specifically designated for such purpose.

Subd. 2. No person shall park or leave a vehicle or animal pulling a vehicle at any location other than at such places as the board of park commissioners shall designate for such purpose.

Subd. 3. No person shall ride or drive a bicycle, automobile or other vehicle within the parks or upon the parkways or park trails at a speed faster than a posted speed limit or faster than is reasonable under the circumstances.

Subd. 4. The board of park commissioners, in its discretion, may forbid any automobile, motorcycle, bicycle or other vehicle from entering upon or traveling over any of the parks, parkways or trails, or upon or over any portion of the same, whenever the board deems the restriction necessary for the safety of the public or preservation of public property. The park board may call for the erection or use of signs, barricades or other devices to prevent such entry or travel. No person shall enter upon or travel over such designated areas.

45B.05. Commercial Transactions. No person shall engage in the commercial sale or display of goods, merchandise, or any other articles in the parks or upon any drive therein, without having first obtained a permit for such activity. Permits for commercial sale and display shall be issued by the park department under the direction of guidelines and criteria established by the Board.

45B.06. Carriage Rides. No person shall offer or provide for-hire horse carriage rides for passengers within or upon any park or parkway without first obtaining a permit from the Board. The Board may charge a reasonable application fee for such permit and may adopt reasonable rules and regulations governing the permitted activity.

45B.07. Signs Restricted. No person shall post or affix any printed or written bill, sign, placard, notice or other paper upon any tree, structure or thing within the parks or parkways, or upon any gate, fence, or enclosure within the limits thereof, except that park notices and other authorized bulletins or signs may be put up at the direction of the superintendent of parks.

45B.08. Restricted Areas. The parks and every part thereof are for the use and enjoyment of the public, subject to such restrictions as may be lawfully made for their orderly government. All visitors are free to go upon the grass, lawn or turf of any park or parkway except in any space indicated by visible lines of enclosure on which is posted a sign prohibiting such entry.

45B.09. Miscellaneous Activities. No person shall, within any park or upon any parkway or trail, do any of the following:

- a. play any music in a manner that violates Section 85.10 or Chapter 117 of this Code;
- b. keep or offer for sale, or post or display any sign or placard, flag, target, transparency, advertisement or device of business, unless by the permission of the Board, and subject to such rules and regulations as the Board shall prescribe;
- c. beg or publicly solicit subscription or tell fortunes;
- d. utter loud, threatening or abusive or indecent language or any language tending to cause a breach of the peace;-
- e. engage in any indecent, obscene or disorderly conduct; or
- f. make any oration or harangue in such park or parkway without the written permission of the Board.

45B.10. Animals. No person shall take, ride, drive or conduct into a park or upon any parkway, any quadruped or other animal except the following:

- (1) dogs that are under control of the person by command, leash, chain, cable or suitable enclosure;-
- (2) horses that are being used for carriage rides pursuant to a permit issued by the park board under the provisions of this code; and
- (3) such other animals as shall be permitted under the direction of the superintendent of parks.

Nothing in this section is intended to supercede the provisions of RCO Chapter 106A relating to the regulation of animals.

45B.11. Permits for Exclusive Park Use. Athletic games, sports, picnics and other forms of recreation or amusement sanctioned by the Board may be held or practiced in such parts of the parks as shall be designated for such use, subject to such regulations as may be made by the Board, and subject to the orders of any policeman or other officer connected with the park on duty enforcing the rules of the Board. Permits for the exclusive use of any picnic shelter or park area for any specified date or time, may be granted at the discretion of the Board, and no person shall in any manner disturb or interfere with any club or party occupying the ground under such permit without their consent.

45B.12. Rubbish. No person shall throw, deposit, place or dump, or cause to be thrown, deposited, placed or dumped, any dead carcass, filth, dirt, stone, wood, ashes, garbage matter, substance or rubbish of any kind, upon or within any park, parkway, or park trail.

45B.13. Hours. No person, except police officers and the employees and servants of the Board, shall be present in any park or parkway between the hours of 11:00 p.m. and 5:00 a.m. each day, except that the Board may designate different hours for individual parks or

parkways as deemed appropriate. Enforcement of park closing hours, when different from the general park closing hours indicated above, shall not be made until such time as signs clearly indicating the closing and opening times are erected at all entrances to the park or parkway. This section is not intended to prohibit pedestrian travel along improved trails within a park unless the signs at the entrances to the park or parkway indicate that such travel is prohibited.

45B.14 Golf Prohibited.. No person shall play or practice golf, or otherwise hit any golf balls within the limits of any park, except at the city's three municipal golf courses, the Hawthorne Hills Golf Learning Center, and at such other parks or locations within parks where the hitting of golf balls is expressly allowed by the Board.

45B.15. Water Activities. No person shall swim, bathe, fish or float watercraft in the waters of any park or in any other public waters within the limits of the city's parks, except in places designated by the Board. No person shall kill, injure, molest or unnecessarily disturb the fish in said waters, or any water fowl or other birds, or any animal properly within any park; provided however, that fishing may be permitted in park waters at places designated by the Board.

45B.16. Golf Courses. Subdivision 1. No person shall be or remain within the boundary limits of a municipal golf course between the official opening and closing dates of each year, except employees of the city, authorized caddies, golfers who have paid their green fees and authorized guests, and spectators during tournament play.

Subd. 2. No person shall possess or consume any intoxicating liquor or 3.2 percent malt liquor within the boundaries of a municipal golf course at any time, unless the same was purchased from a person licensed to dispense said intoxicating liquor or 3.2 percent malt liquor on the municipal golf course premises. Nothing in this subdivision shall prohibit any person from bringing intoxicating liquor to a municipal golf course if the golf course concessionaire has obtained a Bottle Club License for private parties during the off-season. The term "off-season" shall refer to the time period between the official closing and opening dates.

45B.17. Alcoholic Beverages in Parks. Subdivision 1. It is unlawful for any person to bring upon, or to possess or consume in, a park the contents of a container of an alcoholic beverage that contains or has a capacity of two or more gallons. This section shall not apply to a person licensed to sell alcoholic beverages on parkland, to an employee or agent acting on behalf of such licensee, nor to a person delivering an alcoholic beverage to such licensee.

Subd. 2 Notwithstanding subdivision 1, it is unlawful for any person to bring upon, or to possess or consume in, Mayo Park a container of an alcoholic beverage. This subdivision shall not apply when the Board issues a permit allowing the sale, possession or consumption of alcoholic beverages in Mayo Park.

Subd. 3. Notwithstanding subdivision 1, it is unlawful for any person to bring upon, or to possess or consume in, Foster-Arend Park a container of an alcoholic beverage. This

subdivision shall not apply when the Board issues a permit allowing the sale, possession or consumption of alcoholic beverages in Foster-Arend Park. (3868, 5/19/08)

45B.18. Down By the Riverside Concert Series Regulations. Subdivision 1. The City has established a tradition of holding free concerts in its Mayo Park commonly referred to as Down By the Riverside Concert Series. It is the purpose and intent of this section to protect and preserve the public health, safety, welfare and morals of those attending these events.

Subd. 2. It has become a frequent practice for event attendees to place chairs, blankets, or other personal items in Mayo Park in an effort to reserve a space to watch the event. Any items of personal property left unattended at Mayo Park shall be at the owner's peril. The City and its staff shall not be liable for the loss or theft of such items. Additionally, City staff may move or remove any such items if reasonably necessary to perform pre-concert duties.

Subd. 3. Notwithstanding any provision of this code to the contrary, no person shall, within Mayo Park and in anticipation of attending a Down By the Riverside Concert Series event, do any of the following:

- A. Pound any stakes, posts, or other items into the ground, or construct or place any other temporary structure thereon;
- B. String any rope, ribbon, or other similar material in an attempt to cordon off a viewing area;
- C. Move, remove or alter any City-installed fencing, posts, stakes or crowd control barriers;
- D. Stand, sit or place any items in a City-established access aisle or clear zone; or
- E. Fail to comply with the lawful directive of any law enforcement officer or other City staff working at the event.

Subd. 4. Notwithstanding any provision of this code to the contrary, no person shall, within Mayo Park at any time after 3:00 p.m. on the day of a Down By the Riverside Concert Series event, do any of the following:

- A. Bring to or keep at the event any animal, except for a service animal or animal under the control of a law enforcement officer;
- B. Start or continue any fire, or ignite or maintain any open flame;
- C. Cook any food items using a heat producing appliance or utensil such as a barbecue grill or fryer, except for any City-permitted

concessionaires; or

- D. Engage in smoking. The term “smoking” means the inhaling or exhaling of smoke from any lighted cigar, cigarette, pipe or any other lighted tobacco or plant product. “Smoking” also includes carrying a lighted cigar, cigarette, pipe or any other lighted tobacco or plant product intended for inhalation. (4005, 3/7/11)

(3338, 6/20/00; 3502, 7/15/02; 3543, 3/17/03; 3852, 1/23/08; 3866, 5/5/08; 3868, 5/19/08; 3972, 6/7/10; 3977, 8/2/10; 4005, 3/7/11)