

Chapter 16

PARKS AND RECREATION*

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***Cross references** –park fee dedication in subdivisions, § 12-1270; operation of motor vehicles on bicycle and hiking trails, § 22-32.

State law reference – Authority to establish, maintain and manage parks, M.S.A. § 412.491.

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ARTICLE I. IN GENERAL

Sec. 16-1. 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:

Body-gripping device includes, but is not limited to, any snare (neck, body, or leg), kill type trap (Conibear), leg hold trap (steel-jaw, padded, and offset), and any other device designed to grip a body or body part. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping devices.

(Ord 08-2013, § 16.1, 8/20/2013)

Park means any land or water area and all facilities thereon devoted to recreational use or proclaimed to be park property, including all city access roads adjacent thereto.

Weapons means any device from which shot or a projectile of any type can be discharged by means of an explosive gas or compressed air, or otherwise propelled, including, but not limited to firearms, bows, arrows, slings, and spring guns.

(Code 1982, § 1301.101)

Cross reference--Definitions generally, § 1-2; Use, Possession of Weapons, § 14-1.

Sec. 16-2. Enforcement.

Compliance with this chapter shall be enforced by the county sheriff's department or other police authority on behalf of the city.

(Code 1982, § 1301.109)

(Ord 08-2013, § 16.1 – 16-2, 8/20/2013)

ARTICLE II. CITY PARKS

Sec. 16-3. General conduct in city parks.

It shall be unlawful for any person to do any of the following within a city park:

1. Deposit, scatter, drop or abandon any bottles, cans, glass, sewage, waste, or other debris or refuse except in receptacles provided for such purposes.
2. Shoot or discharge any weapon, fireworks, or explosives, or to possess any weapon, fireworks, or explosives.
3. Dig trenches or make any other excavations.
4. Ride a horse, except in designated areas.

(Code 1982, § 1301.108)

Sec. 16-4. Defacing or destroying property prohibited.

No person shall deface, destroy, diminish or impair the value of public or private property located within any public park in the city, including buildings, structures, or trees, shrubs or vegetation located thereon or growing therein.

(Code 1982, § 1301.102)

Sec. 16-5. Parking and driving of vehicles.

No person shall drive a motorized vehicle in a public park other than on public roads within such park. No person shall park a motorized vehicle in a public park in an area not specifically posted with signs permitting parking of motorized vehicles nor in an area posted with signs prohibiting such parking.

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(Code 1982, § 1301.103)

Cross reference--Traffic and vehicles, Ch. 22.

Sec. 16-6. Speed of vehicles.

No person shall drive or operate a motorized vehicle at a speed in excess of 15 miles per hour in any park unless legally signed for a higher speed.

(Code 1982, § 1301.104)

Cross reference--Traffic and vehicles, Ch. 22.

Sec. 16-7. Open fire prohibited.

No person shall build a fire in any place in any park except in fireplaces or receptacles provided for the building of fires or in an area specifically posted with signs permitting the building of an open fire not in a fireplace or receptacle.

(Code 1982, § 1301.105)

Cross reference--Open burning prohibited, § 12-1856.

Sec. 16-8. Swimming or wading in certain areas prohibited.

No person shall wade or swim in an area in which signs have been posted prohibiting swimming or wading. In all areas wherein swimming and wading is permitted, the city council shall have the authority by resolution to prohibit the use of such equipment as they deem dangerous to persons engaged in swimming or wading, and to prohibit such activities or conduct as they deem dangerous or hazardous to those engaging in it or to other persons in a park. When a sign has been posted prohibiting the use of such equipment or engagement in such activities or conduct as may be specified therein, no person shall use such equipment or engage in such activities or conduct.

(Code 1982, § 1301.106)

Sec. 16-9. Hours.

All public parks shall be closed from sunset until 6:00 a.m.

(Code 1982, § 1301.107)

(Ord 08-2013, § 16-3 – 16-9, 8/20/2013)

ARTICLE III. TRAPPING

Sec. 16-10. Intent.

It is the intent of the City of Afton to protect public health and safety, and animal welfare by prohibiting the use of body-gripping devices on all public lands on all public rights-of-way. The ordinance is necessary to preserve wild animals and prevent the un-selective catching, maiming of wild animals including birds, endangered and threatened species, and companion animals, as well as injury to children and adults that come into contact with these devices.

Sec. 16.11. Permit Required.

No trapping that may otherwise be permitted by law within the boundaries of the City of Afton may occur without the issuance of a trapping permit from the City.

A permit will be granted for trapping only if the applicant submits an application form provided by the City which describes the approximate location of any traps to be placed within the City, as well as the type and make of trap and the type of animal which is intended to be trapped. Any information so obtained shall be public data.

Sec. 16-12. Prohibitions.

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- A. It shall be unlawful for any person to set or use, or attempt to set or use, a body-gripping device of any kind designed or intended to take hold of, capture or kill any animal within any City of Afton parks, public lands held in conservation easements, or in any public rights-of-way.
- B. It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within Afton city limits or any residence or business premises situated thereon to knowingly permit the use of a body-gripping device upon the property, residence or premises by anyone other than the owner without that person or persons first obtaining a trapping permit from the City of Afton.
- C. Trapping of any kind shall be prohibited in all City of Afton Public Parks unless under the direct authorization of the City Administrator.

Sec. 16-13. Exemptions.

- A. The provisions of this act shall not prohibit federal, state, county, or municipal government employees or their duly authorized agents from using a Conibear trap in water, padded-jaw leghold trap, or non-strangling type foot snare where use of such device is the only method available to protect human health and safety.
- B. The provisions of this act shall not prohibit federal or state employees or their duly authorized agents from using a Conibear trap in water, padded-jaw leghold trap, or non-strangling type foot snare where use of such device is the only means of protecting threatened and endangered species, as listed under the Federal and State Endangered Species Act.

Sec. 16-14. Impounding of Body-Gripping Devices.

Whenever a body-gripping device is used contrary to the prohibitions outlined in this Act within the confines of any City of Afton Park, lands held in conservation easements within the city limits, or in any public rights-of-way; or traps of any kind are used within any City of Afton parkland, the same may be impounded by any duly authorized police officer or by any State Fish & Game Warden until judicial action occurs.

Sec. 16-15. Violations and Penalties.

Any violation of the provisions of this article or failure to comply with any of its requirements shall be administered according to Section 1-13 of the Afton City Code.