

ORDINANCE NO. 154

AN ORDINANCE REGULATING PUBLIC USE AND TRESPASS UPON CITY LANDS AND RIGHTS OF WAYS

The City Council of the City of Moose Lake, Minnesota ordains:

Section 1. **Purpose.** The purpose of this Ordinance is to regulate public use and promote necessary uses of city land and protect city lands from environmental harm and protect the public from unauthorized uses of city lands.

Section 2. Definitions.

A. **City lands** means all public rights of ways, parking lots, parks, shelters, walkways, trails, ditches, spaces under city bridges, and the city campground

B. **Camping** means use any space on city lands for day or night residency.

C. **Drug.** "Drug" means any drug, controlled substance, or immediate precursor found in schedules I through V of Minnesota Statutes, section 152.02, and marijuana, as defined in Minnesota Statutes, section 152.01, subdivision 9.

D. **Intoxicating liquor.** "Intoxicating liquor" for the purposes of this ordinance means liquors which are intoxicating pursuant to Minnesota Statutes, section 340A.101, subdivision 14, and malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.

Section 3. **Camping.** It is unlawful for any person to use city lands for camping or any manner of temporary residency, except for registered campers at the city campground, and except for public use of city parks during hours of operation.

Section 4. **Disorderly conduct.** It is unlawful for a person to engage in disorderly conduct, as provided under Minnesota Statutes, section 609.72, on city lands.

Section 5. **Noise.** No person shall make noise reasonably tending to arouse alarm or resentment of others by means of a public address system, radio, stereo, amplifier, or power equipment, or by any other means, on city lands.

Section 6. **Liquor.** It is unlawful for a person on city lands to consume intoxicating liquors, or to display in public intoxicating liquor containers, except as specifically allowed in the city campground and except as allowed under a city permit for designated special events.

Section 7. **Disturbance.** No person shall engage in brawling or fighting, or use threatening conduct reasonably tending to arouse alarm, anger, or resentment in others, on city lands.

Section 8. **Drugs.** A person's possession and use of drugs on city lands shall be in accordance with state laws.

Section 9. **Fires.** It is unlawful to disobey a law enforcement officer or city official or city staff when ordered to extinguish a fire in any location on city lands at any time

Section 10. **Refuse.** It is unlawful to place refuse anywhere on city lands except in receptacles provided. If no receptacle is available, the refuse shall be removed from the city lands. It is unlawful to place refuse generated outside the city lands into the receptacles on city lands.

Section 11. **Littering.** It is unlawful to litter on city lands. Minnesota Statutes, sections 85.20, subdivision 6, 115A.99, and 609.68, forbidding littering, are incorporated in this Section 11 by reference.

Section 12. **Environment.** No person shall disturb, destroy, injure, damage, or remove any property within or on city lands, including but not limited to vegetation, ruins, wildlife, geological formations, signs, or facilities, except for vegetation unavoidably damaged or destroyed by the ordinary uses of the ATV trail as specifically permitted. Collections for scientific and educational purposes may be made with the written consent of the city clerk previously obtained.

Section 13. **Hunting, Trapping.** It is unlawful to engage in firearm or bow and arrow hunting of game animals or birds within the city limits except as allowed by special city permit. No rifle, shotgun with slug, or bow and arrow shall be discharged upon, over, or across the city rights of way at any time. The placement of any manner of animal trap in or on city lands by any party, unless allowed by city permit, is unlawful.

Section 14. **Other prohibitions.** On city lands, a person may not:

A. install or affix in a permanent manner a camping facility, camping equipment, or a camping structure, other than a registered camper at the city campground; or

B. bring in, move or remove picnic tables, fire rings, or other camping facilities; or

C. dig or excavate.

Section 15. **Obstruction of passage or use.** No person shall leave standing, whether attended or unattended, a motor vehicle, trailer, boat, fish house, or other equipment or personal property so as to block, obstruct, or limit the use of a city lands,

roads, ATV trail, waterway, water access, parking area, or winter sport facility. Any such obstruction shall be removed at the owner's expense. If not claimed and payment of expenses offered within a reasonable time, which in no case shall be more than 30 days, it shall be disposed of according to the state statute on abandoned property.

Section 16. **Severability.** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

Section 17. **Penalty.** Any person violating any provision of this ordinance shall, upon conviction, be punished by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 90 days, or both, plus, in either case, the costs of prosecution.

Section 18. **Effective date.** This ordinance becomes effective from and after its passage and publication.

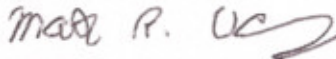
Passed by the City Council of Moose Lake on September 8, 2010.

Approved:



Mayor

Attested:



City Clerk