



*City Council Memorandum*

**To: Mayor Fasbender & City Councilmembers**  
**From: Chris Jenkins, Parks & Recreation Director**  
**Date: April 15, 2024**  
**Item: 1<sup>st</sup> Reading City Ordinance 94 – Repeal and Replace**

**Council Action Requested:** Conduct 1<sup>st</sup> reading for repealing and replacing City Ordinance 94.

**Background Information:** This is a cleanup of City Ordinance 94 in an effort to simplify, consolidate, and add some new language to be consistent with current permits, leases, and other City ordinances.

Action tonight is to conduct the 1<sup>st</sup> reading. A 2<sup>nd</sup> reading and motion to adopt will occur at the May 6, 2024 City Council meeting.

**Financial Impact:** N/A

**Advisory Commission Discussion:** During the Parks & Recreation Commission meeting of August 16, 2023, revisions were discussed and support given to move ahead with the changes while working with Hastings Police and legal counsel.

**Council Committee Discussion:** N/A

**Attachments:**

- Proposed City Ordinance 94

**ORDINANCE NO. XXX****AN ORDINANCE FOR THE CITY OF HASTINGS, MINNESOTA, REPEALING AND REPLACING HASTINGS CITY CODE CHAPTER 94 REGARDING PARKS AND RECREATION**

The City Council of the City of Hastings, Dakota County, Minnesota, does hereby ordain as follows:

SECTION 1. REPEAL AND REPLACE. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 94 is hereby repealed and replaced as follows:

**PARKS AND RECREATION****94.01 Definition**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates otherwise or requires a different meaning.

**PARK.** A park, playground, swimming pool, lake, pond, stream, trail, nature area, open space area, or recreational center, including adjacent parking areas, owned or operated by the city.

**94.02 Park Hours**

Except for city employees or volunteers as authorized by the city and in the performance of their duties, it is unlawful for unauthorized persons or vehicles to enter or remain in parks between the hours of 10:00 p.m. and 6:00 a.m., except as allowed in specific parks as identified in this subsection.

- A. For Veterans Athletic Complex and Roadside Tennis Courts unauthorized hours are between 11:00 p.m. and 6:00 a.m.
- B. For Mississippi River Boat Launch unauthorized hours during open water season are between the hours of midnight and 4:00 a.m. For the remainder of the year, general park hours apply.

**94.03 Intoxicating and Nonintoxicating Liquor and Cannabis Beverages.**

It is unlawful to possess or consume intoxicating or nonintoxicating liquor or cannabis beverage in any park outside of Park Hours stated in Section 94.02, unless approved as part of a community-wide festival or special event permit.

**94.04 Vehicles**

It is unlawful to drive, park, or leave a motorized vehicle, including a motorized recreational vehicle on park property, public recreational trails, or public athletic fields, except in areas designated by the city, within the posted speed limits. If no speed limit is posted, then no motorized vehicle may exceed 20 mph. Public safety and maintenance vehicles, and vehicles of contractors engaged by the city or the county are exempt from the provisions of this subsection.

**94.05 Animals**

Dogs and cats in parks must be restrained pursuant to City Code Section 91.05. However, no animals are allowed on the athletic fields at Veterans Athletic Complex. Park visitors who bring animals into a park must effectively remove from the ground or surface of any park, all fecal material deposited by the animal. Animals shall not be allowed to harass, interfere or disturb other park visitors or damage or destroy park property.

**94.06 Sales**

No person shall sell, offer or solicit for sale any goods, wares or merchandise in a park without a permit from the city.

**94.07 Camping**

Camping or sleeping outdoors overnight is not permitted in a park without written authorization from the Parks and Recreation Director.

**94.08 Permit Procedures**

- A. It is unlawful to conduct any activity in a park for which a permit is required by this section without first obtaining a permit from the city.
- B. The following activities, when conducted in a park, require a permit:
  1. Neighborhood or community celebration, fundraiser, public meeting, assembly, parade or demonstration.
  2. A gathering of 50 or more park visitors for one event or occasion, including picnics or political gatherings that are open to the general public by invitation through means of flyers, advertisements, invitations or like means.
- C. A permit holder is bound by all park rules and regulations and all applicable ordinances, including noise control. The city may impose reasonable conditions on a permit that protect the public health, safety, welfare, comfort and recreation in the park. The permit holder is liable for any loss, damage, or injury sustained by any park visitor when due to the negligence of the permit holder. Within 24 hours after the expiration of the permit, a permit holder must restore the park premises to its condition prior to the permit holder's use of the park.

**94.09 Unlawful Acts**

It is unlawful in any park for any person to:

- A. Bring into, use, or discard any glass or glass containers in any city park.
- B. Build or maintain a recreational fire in any park except in places or facilities provided by the city.
- C. Disturb or interfere with any birds, animals, animal habitat, or nesting area in a park.

- D. Damage, remove, alter, injure or destroy park property, including natural resources.
- E. Be in possession of any explosive or other similar device, unless authorized in writing by the city.
- F. Discharge any pollutants into any body of water in any park.
- G. Feed waterfowl.
- H. Vaporize or smoke nicotine, tobacco or cannabis products. A violation of this subsection shall be a petty misdemeanor with a fine of \$100.
- I. Ride any vehicle on trails at speeds in excess of 20 mph.

**94.10 Special Regulations For Lake Rebecca Park**

It shall be unlawful for any person to operate any type of motor-powered boat upon Lake Rebecca except for electric powered boats.

**94.11 Special Regulations for Mississippi River Boat Launch and Dock**

The following regulations apply for the Mississippi River Boat Launch and Dock:

- A. Mooring of boats is only allowed within 50 feet of shore and within 500 feet upstream of the dock. No mooring of boats is allowed downstream of the dock or upstream of the launch. No overnight mooring is allowed at the dock or within the upstream mooring area.
- B. No boats shall be tied off to pilings or trees.
- C. No swimming, diving or fishing from the dock.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

The text amendment adopted by the Hastings City Council on \_\_\_\_\_, 2024 modifies the City Ordinance to update the rules and regulations surrounding the activities allowed at city parks.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Mary Fasbender, Mayor

Attest:

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Kelly Murtaugh, City Clerk

Published in the \_\_\_\_\_ on [Date].