

**AN ORDINANCE REGULATING THE USE OF COUNTY RECREATIONAL TRAILS,
PROHIBITING CERTAIN CONDUCT THEREIN AND PROVIDING PENALTIES FOR
VIOLATIONS OF THE ORDINANCE**

ORDINANCE NUMBER 594

THE COUNTY BOARD OF STEARNS COUNTY ORDAINS:

1. GENERAL PROVISIONS

1.1 Authority

This Ordinance is adopted pursuant to Minn. Stat. §§ 398.31-398.35. The purpose of this ordinance is to provide for the use of County Recreational Trails in such a manner and such a means as will maximize their use and enjoyment by the public, while conserving the scenery, natural and historical objects and wildlife therein.

1.2 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected hereby.

2. DEFINITIONS

The following words or terms as used in this Ordinance have the meanings given them in this section.

2.1 “Director” means the Stearns County Park Director acting directly, or through an authorized agent or designee.

2.2 “Person” means any individual, partnership, limited liability company, corporation or association.

2.3 “County Recreational Trail” means any trail so designated by separate resolution of the County Board, and includes all the land contained within the area so designated.

2.4 “Motorized Vehicle” means any motorized conveyance including but not limited to: cars, trucks, motorcycles, tractors, farm machinery, four by four’s, golf carts, minibikes, dune buggies, UTV or ATV. This shall not include motorized wheelchairs or other power-driven mobility devices within the meaning of the Americans with Disability Act, 28 CFR §35.104 or electric assist bicycles as defined by Minnesota Statute §169.011, subd. 27.

2.5 “Non-motorized Vehicle” means any non-motorized conveyance including: bicycles; unicycles; roller blades, roller skis; dog sleds, wheelchairs; wagons, or similar devices; motorized wheelchairs or other power-driven mobility devices within the meaning of the Americans with Disability Act, 28 CFR §35.104, and electric-assisted bicycles as defined by Minnesota Statute §169.011, subd. 27.

2.6 “Trail Treadway” means that part of the trail constructed for travel.

2.7 “Snowmobile” means a self-propelled vehicle designed for travel on snow or ice, steered by skis or runners.

2.8 “Yield” means stop and allow other trail user(s) to pass before proceeding.

3. **TRAIL HOURS**

Stearns County Recreational Trails shall be open year round.

3.1 Exceptions

- 3.11 Stearns County Recreational Trails may be closed by order of the Director.
- 3.12 Stearns County Recreational Trails shall be closed to snowmobiles from April 2 to November 30.
- 3.13 Cities through which a trail passes may restrict hours of use within their jurisdictions.

4. **PUBLIC SAFETY**

- 4.1 No firearm, bow and arrow, nor any weapon, shall be discharged within, into, over or across a trail at any time.
- 4.2 No manner of animal trap shall be set within a trail except where designated or permitted by the Director.
- 4.3 On trails which allow trapping, traps shall not be set within ten feet of the trail treadway.
- 4.4 The Director shall determine boundaries for tobacco, e-cigarette, vaporizer, or similar device free zones along the Stearns County Recreational Trails and shall post and sign the tobacco, e-cigarette, vaporizer, or similar device free zones. It is unlawful to use tobacco, e-cigarettes, vaporizer or similar devices within the designated areas.

5. **ENVIRONMENTAL PROTECTION**

- 5.1 It shall be unlawful to destroy, damage, or remove real or personal property, wildlife, flowers and/or plants along a Stearns County Recreational Trail, unless a permit has been obtained from the Director.
- 5.2 No hunting or trapping is allowed along county recreational trails unless a permit has been obtained from the Director.
- 5.3 No commercial harvesting of any kind is allowed along county trails unless a permit has been obtained from the Director.
- 5.4 The gathering of edible fruits and mushrooms for personal consumption is allowed along a Stearns County Recreational Trail.
- 5.5 Refuse. No person shall burn or dispose of garbage, refuse, litter or trash within a trail. If an appropriate receptacle has not been provided, the person who brought the item onto the trail must haul it away for proper disposal.

6. **FIRES**

- 6.1 Fires along a County Recreational Trail are permitted only in fireplaces, portable fire grills, stove or fire rings.
- 6.2 Fires shall be attended at all times.

7. **DOMESTIC ANIMALS**

- 7.1 Pets will be permitted on County Recreational Trails. All pets shall be attended and effectively restrained by a leash not exceeding six feet. Such pets shall not be permitted to deprive or disrupt the enjoyment or use of any area by another person. Pet owners are responsible for cleaning up any droppings left by their pet.
- 7.2 Horses are only allowed on trails and other areas signed and designated for horses.

8. **TRAFFIC CONTROL**

Subject to the limitations imposed by this ordinance and other duly enacted statutes, rules and ordinances, or unless specifically prohibited by the Director, trails may be used for snowmobiling, any form of non-motorized recreation, and motorized wheelchairs or other power-driven mobility devices within the meaning of the Americans with Disability Act, 28 CFR §35,104, and electric-assisted bicycles as defined by Minnesota Statute § 169.011, subd. 27.

8.1 **Traffic Control**

- 8.11 Trail signs shall be obeyed.
- 8.12 When on a trail treadway, all trail users must stay on the right half of the trail treadway when meeting or being passed by another trail user.
- 8.13 When passing another trail user traveling in the same direction, a trail user must pass on the left half of the trail treadway and may pass only when such left half is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safety of any trail user approaching from the opposite direction or any trail user being overtaken.
- 8.14 Any trail user who is about to enter onto or cross a trail treadway shall yield the right of way to any trail user already on the treadway to be entered or crossed.
- 8.15 When at approximately the same time, two trail users are about to enter an unmarked trail treadway intersection from different treadways, or are approaching an otherwise unmarked merger of two trail treadways from any two directions, the trail user on the left shall yield the right of way to the trail user on the right.
- 8.16 Motorized and non-motorized vehicles must be under control of the operator at all times and shall not be operated in a careless or reckless manner.
- 8.17 Snowmobiles must stay on the treadway of the trail.
- 8.18 The maximum speed limit for snowmobiles on the trail is 50 miles per hour and when traveling through cities will be 30 miles per hour unless the city sets and posts another speed limit.
- 8.19 The maximum speed limit for all other vehicles, motorized and non-motorized, is 20 miles per hour on trails.
- 8.20 On trails signed and designated for horseback riding, all other users must yield to the horseback riders.

- 8.21 A person may operate a snowmobile only on designated and posted trails, and over areas having conditions of snow cover that is considered adequate for the protection of the park by the Director.

9. **PEDDLING AND SOLICITING PROHIBITED**

- 9.1 It is unlawful for any person to engage in or solicit business of any nature whatsoever along a County Recreational Trail.
- 9.2 The placing of advertising, decoration, or any other device on the trail is prohibited without authorization from the Director.

10. **PERMITS**

Permits may be obtained from the Director or the Director's designee.

- 10.1 Organized groups utilizing trails must comply with the Stearns County Event Policy.
- 10.2 The use of electronic sound equipment, including, but not limited to stereos, public address systems, and amplifiers, shall be prohibited, unless a permit for such use shall have been first obtained from the Director.
- 10.3 All persons claiming possession of a permit issued by the Director must produce or exhibit it upon request.
- 10.4 A person to whom a permit is issued shall be liable for any loss or damage to trail property. The Director may require proof of authority to act on behalf of any organization.
- 10.5 The Director shall have the authority to revoke any permit or reservation upon a violation of any rule or ordinance, or upon good cause shown.
- 10.6 The Director may refuse any permit when, in the Director's judgment, it is in the best interest of the trail system.

11. **ENFORCEMENT**

- 11.1 Penalty. Any person who violates any of the provisions of this ordinance, or who fails or refuses to comply with the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of \$700 or by imprisonment for 90 days or both.
- 11.2 It shall be the duty of the Director, and such other County park employees as the County Board may designate, and the Stearns County Sheriff, to enforce the provision of the Ordinance.
- 11.3 Nothing in this Ordinance shall prevent employees of the city, county, state, or federal governments, emergency service providers, approved contractors, or agents of Stearns County from performing their assigned duties.

12. **ORDINANCE REPEALED**

Stearns County Ordinance #525 and amendments, as presently enacted, are hereby repealed, and replaced by this Ordinance upon its effective date.

13. **EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

PASSED by a majority vote of the Stearns County Board of

Commissioners on the 17th day of December, 2019.

APPROVED BY:

A handwritten signature in black ink, appearing to read "Joseph E. Perske", written over a horizontal line.

Joseph E. Perske, Chair
Stearns County Board of Commissioners

ATTEST BY:

A handwritten signature in black ink, appearing to read "Randy R. Schreifels", written over a horizontal line.

Randy R. Schreifels
Stearns County Auditor-Treasurer
Clerk of Stearns County Board of Commissioners