

ORDINANCE NO. 30, 4th SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, AMENDING CITY CODE TITLE XIII GENERAL REGULATIONS, CHAPTER 90 ENTITLED "PUBLIC PARKS" BY ADDING SECTIONS 90.02 THRU 90.19 CAPTIONED "THE GREENWAY" AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY OF EAST GRAND FORKS ORDAINS:

THE GREENWAY

§ 90.02 Purpose.

The city council deems it necessary and desirable to an adopt ordinance to provide for the safe and peaceful use of the greenway areas and facilities for the educational and recreational benefit for the public; the protection and preservation of the greenway; and for the safety and general welfare of the public while using and enjoying the greenway.

§ 90.03 Definitions.

The following definitions are to only apply to the ordinance in this chapter entitled "The Greenway." Any other definition provided by the code is superseded by these definitions concerning the ordinances appearing in this chapter only.

- (A) *Commercial use* means any authorized use of the greenway by a business, club, non-profit organization and/or fraternal society.
- (B) *City council* refers to the East Grand Forks City Council.
- (C) *Employee* means any full-time or part-time employee of the City of East Grand Forks and includes a recognized volunteer for the City of East Grand Forks.
- (D) *Electric-Assist/Pedal-Assist Bicycles* Electric-assist or pedal-assist bicycles must meet the following definition in Minnesota Statutes 169.011, Subdivision 27.

2 or 3 wheels. A saddle and fully operable pedals for human propulsion. An electric motor that is: 1,000 watts or less, incapable of propelling faster than 20 miles per hour, incapable of further increasing the speed of the device when human power alone is used to propel the vehicle at a speed of more than 20 miles per hour, and disengages or ceases to function when the vehicles brakes are applied.

- (E) *Greenway* refers to the physical space controlled by the city council generally described as the wet side of the toe of the levee adjacent to the riverbank, including areas controlled by the State of Minnesota recognized as the Red River State Recreational Area and excluding flood protection features such as floodwalls, levees, and pump stations. The

greenway generally starts at the north pedestrian bridge and ends at the up and over at the south end of the Laurel Drive along the Red River and at the east end of 13th St SE on the Red Lake River branch of the Greenway as more particularly shown on appendix A.

- (F) *Mobility device* means any motorized wheelchair, scooter, tricycle, or similar device designed for and used by a person with disability as a substitute for walking when operated by such person. The term shall not include a golf cart, lawn tractor, mower, off-road vehicle, all-terrain vehicle, snowmobile, or other motor vehicle.
- (G) *Motor vehicle* means every device in, upon, or by which person or property is or may be transported or drawn upon a roadway except devices moved by human power. This term shall not include a wheelchair or mobility device when used by a person with disability as a substitute for walking. The term motor vehicle also shall not include an electric-assist/pedal-assist bicycle or segways or electric personal assistive mobility devices as defined in this section.
- (H) *Person or persons* means individuals, firms, corporations, societies, or any group or gathering whatsoever.
- (I) *Permit* means written permission to conduct specified activities as provided in this article.
- (J) *Special events* refer to any scheduled events which are to be conducted within the physical boundaries of the greenway area.
- (K) *Segways or Electric Personal Assistive Mobility Devices* refers to “a self-balancing device with two nontandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour.”
- (L) *Wheelchair* means a mobility-assisted device of three (3) or four (4) wheels used by and designed for persons with disability as a substitute for walking, whether operated manually or powered and not exceeding thirty (30) inches in width and forty-eight (48) inches in length measured two (2) inches above the ground and which does not weigh more than six hundred (600) pounds when occupied. The term shall not include any motorized unit that has been retrofitted to make it usable by a person with a disability nor shall it include any internal-combustion-powered unit.
- (M) *Wildlife* means any living creature, not human, wild by nature, including, but not limited to, mammals, birds, amphibians, insects, reptiles, crustaceans, or mollusks.

§ 90.04 Hours of operation.

- (A) Except as otherwise authorized by the city council, the greenway shall be open to the public from 5:00 a.m. to 11:00 p.m. unless it is within the Red River State Recreational area which shall be open to the public from 8:00 am to 10:00 p.m. It shall be unlawful for any person to enter or remain in the greenway at any other time without a special permit issued by the city council except for authorized employees of federal, state, or local government.
- (B) The city council is authorized to close the greenway and any portion thereof for the protection of the property, public health, safety, welfare, and or any other reason it deems sufficient.

§ 90.05 Use fee—Failure to pay use fee.

It shall be unlawful for any person to use without payment any facility or area for which a permit is required, or a user fee is charged unless the payment is waived prior to the usage of the facility by the city council.

§ 90.06 Special use and commercial uses.

A permit is required for scheduled special events and commercial uses of the greenway. It shall be unlawful to conduct such a gathering using either the greenway or any of the greenway facilities, including but not limited to the outdoor shelters in the greenway without obtainment of said permit.

§ 90.07 Alcohol use or possession prohibited in greenway without permit.

- (A) No alcoholic beverage shall be consumed or possessed in the greenway except at such locations and times as may be authorized by permit issued by the city as provided herein.
- (B) The city may attach such terms and conditions to a permit as may be reasonably necessary to protect public health, welfare, and safety.
- (C) Notwithstanding the issuance of a permit, no alcoholic beverage shall be allowed in restroom facilities located on city property in the greenway or within one hundred (100) feet of any swimming or playground area in the greenway.
- (D) No person shall bring any kegs upon city property in the greenway without first obtaining a permit therefor issued by the city.
- (E) Notwithstanding the issuance of a permit, no person shall bring or possess glass bottles upon city property in the greenway.
- (F) The provisions of this section shall not apply to the sale, purchase, consumption, or possession of alcoholic beverages authorized pursuant to a permit issued by the city.

§ 90.08 Public safety.

It shall be unlawful for any person to:

- (A) Have in his/her custody, possession, or control within the Greenway any dangerous weapon as defined in section 132.01 of the East Grand Forks City Code.
- (B) This section shall not prohibit the possession of a dangerous weapon by a licensed law enforcement official acting within the scope of his or her official duties.
- (C) This section shall not prohibit the possession of a dangerous weapon by a holder of a permit to carry as authorized by Minn.Stat. § 624.714.

§ 90.09 Environmental protections.

It shall be unlawful for any person to:

- (A) Possess any paint or marking materials that may be used to tamper with or alter any sign, building or other structure within the greenway.

- (B) Collect or gather any firewood from within the greenway.
- (C) Conduct research studies or experiments within the greenway without a permit.
- (D) Operate, possess, or bring into the greenway any chainsaws, or generators, except as otherwise authorized by the city council.
- (E) To light or start a fire in any unauthorized portion of the greenway.
- (F) Leave any fire still burning or smoldering without totally extinguishing the fire. Any discarding of burning materials including coals, embers, cigarettes, matches, or any other burning material is strictly prohibited.
- (G) Camp within the greenway unless conducted in designated areas and as authorized by the city council.
- (H) No person except greenway personnel shall enter, disturb, or alter any culturally sensitive area as defined or designated by the city.

§ 90.10 Disturbance of natural features.

It shall be unlawful for any person to:

- (A) Intentionally remove, alter, injure, or destroy any tree, shrubs, grass, flowers, other vegetative or plant material, rock, soil, or mineral without special permit.
- (B) Harvest, grow, or cultivate any plants, flowers, or other vegetation without prior obtainment of a permit within the greenway.

§ 90.11 Animals in greenway.

It shall be unlawful for any person to ride or bring any horse, cattle, mule, donkey, sheep, goat, or other hard-hoofed animal into the greenway without first obtaining a permit therefor from the city.

§ 90.12 Protection of wildlife.

It shall be unlawful for any person to release or abandon any animal within the greenway without first obtaining a permit therefor.

§ 90.13 Picnicking.

It shall be unlawful for any person to:

- (A) Assume exclusive use of a picnic site or shelter without a permit.
- (B) Use a shelter or picnic area within the greenway if said shelter has been reserved by another group or entity.
- (C) Conduct picnic activity at the reservation site or shelter contrary to the permit issued or otherwise violate any provisions this chapter.
- (D) Set up temporary shelters, tents, tarps, canopies, and other such devices without authorization or special permit by the city through the special event application.

§ 90.14 Motor vehicles.

It shall be unlawful for any person to:

- (A) Operate a motor vehicle except in designated areas.
- (B) Park or leave a vehicle standing except in a designated area and then only in a manner not to restrict normal traffic flow.
- (C) Leave a motor vehicle parked in the greenway for more than twenty-four (24) hours.
- (D) Wash, polish, grease, or perform any other maintenance on a vehicle in the greenway. This provision shall not, however, apply to necessary repairs to remove a vehicle from the greenway.
- (E) The provisions of this section shall not apply to law enforcement or emergency response personnel and vehicles, maintenance vehicles or any other personnel or vehicles specifically authorized by the city.

§ 90.15 Application for permits.

Any person seeking the issuance of a permit required under this article shall file an application with either the city or his/her designee.

§ 90.16 Standards for issuance of a permit.

The city shall issue a permit hereunder only upon the findings:

- (A) That the proposed event, activity, or use of the park property will not unreasonably interfere or detract from the general public's enjoyment of the greenway.
- (B) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
- (C) That the proposed activity and use is not reasonably anticipated to incite violence, crime, or disorderly conduct.
- (D) That the proposed activity will not entail unusual, extraordinary, or burdensome expenses of maintenance, cleanup, security, or police operations.
- (E) That the granting of the permit will not conflict with any other permit already granted or for which application is pending.
- (F) That the granting of the permit will not create a substantial risk of injury to persons or damage to property in the Greenway or surrounding area.

§ 90.17 Revocation of permit.

The city reserves at its discretion the right to revoke or suspend any permit issued under this ordinance when the City of East Grand Forks finds that any of the standards for issuance of a permit no longer are complied with or when the public health, safety, and welfare warrant the revocation of said permit.

§ 90.18 Delegation of authority.

Authority granted under this article may be delegated.

§ 90.19 Penalties for criminal offenses.

Every person convicted of a violation of a THE GREENWAY ordinance is classified as a misdemeanor offense and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days or by both.

Voting Aye: Riopelle, Olstad, DeMers, Larson, and Vetter.

Voting Nay: Johnson.

Absent: Helms.

ATTEST:

City Administrator

President of Council

I hereby approve the foregoing Ordinance this 7th day of September, 2021.

Mayor