

CITY OF FERTILE

ORDINANCE NO. 2016-02

AN ORDINANCE AMENDING TITLE VII OF THE FERTILE CITY CODE CONCERNING USE OF TRAILS AT AGASSIZ ENVIRONMENTAL LEARNING CENTER

The City Council of the City of Fertile hereby ordains as follows:

Title VII of the Fertile City Code is hereby amended with the addition of Chapter 75 as follows:

CHAPTER 75: AGASSIZ ENVIRONMENTAL LEARNING CENTER TRAILS

Section

Trail Uses

- 75.01 In General
- 75.02 Motor Vehicles
- 75.03 Snowmobiles
- 75.04 Horses
- 75.05 Trail Hours
- 75.06 Traffic Control
- 75.07 Special Events

Protection of Trails

- 75.20 Environment
- 75.21 Bill Posting
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- 75.31 Intoxication
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- 75.33 Pets
- 75.34 Peddling or soliciting
- 75.35 Safety

Enforcement

- 75.40 Criminal and Administrative Violations

TRAIL USES

' 75.01 IN GENERAL.

Subject to the limitations imposed by these parts and other duly enacted ordinances, or unless specifically prohibited, trails may be used for snowmobiling and all non-motorized forms of recreation, including but not limited to hiking, bicycling, horseback riding, snowshoeing, cross-country skiing, and picnicking.

' 75.02 MOTOR VEHICLES.

No unauthorized motor vehicle, other than a snowmobile, shall be operated within a trail, except upon a legal road or highway as those terms are defined in Minnesota Statutes, section 160.02, subdivision 26.

' 75.03 SNOWMOBILES.

No snowmobile shall be operated within a trail except upon those designated for such use and under conditions considered adequate for the protection of the trail.

' 75.04 HORSES.

No one shall ride, lead, or drive a horse or other beast of burden upon a trail except upon those designated for such use.

' 75.05 TRAIL HOURS.

Any specific use of a trail may be limited to hours designated by the City Council and any use in violation of such limitation is unlawful.

' 75.06 TRAFFIC CONTROL

Traffic control:

(A) Trail signs shall be obeyed.

(B) When on a trail, all trail users must stay on the right half of the trail when meeting or being passed by another trail user.

(C) When passing another trail user traveling in the same direction, a trail user must pass on the left half of the trail 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 overtaken.

(D) Any trail user who is about to enter onto or cross a trail, shall yield the right of way to any trail user already on the trail to be entered or crossed.

(E) When at approximately the same time, two trail users are about to enter an otherwise unmarked intersection from different trails or are approaching an otherwise unmarked merger of two trails from any two directions, the trail user on the left shall yield the right-of-way to the trail user on the right.

' 75.07 SPECIAL EVENTS.

No special events shall be held within a trail except with a written permit of the City Administrator previously obtained. Such permit may exempt the holder and other participants from the operation of any of the rules contained herein, and may be revoked or suspended by the City Administrator at any time.

PROTECTION OF TRAILS

' 75.20 ENVIRONMENT.

No person shall disturb, destroy, injure, damage, or remove any property within trails including but not limited to vegetation, ruins, wildlife, geological formations, signs, or facilities except edible fruit and deer legally taken with an appropriate State archery license and Learning Center permit and vegetation unavoidably damaged or destroyed by the ordinary uses of the trail as specifically permitted by these parts. Collections for scientific and educational purposes may be made in conjunction with Agassiz Environmental Learning Center education programs and activities.

' 75.21 BILL POSTING.

No persons shall post, paste, fasten, paint, or affix any placard, bill, notice, or sign upon any structure, tree, stone, fence, or enclosure in a trail.

' 75.22 OBSTRUCTIONS.

No person shall place or cause to remain within any trail, any snowmobile, trailer, horse, bicycle, or other object so as to obstruct the free use and enjoyment of said trail. 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 provisions of Minnesota Statutes, section 16B.25 concerning the disposal of lost or abandoned property.

' 75.23 REFUSE.

No person shall burn or dispose of garbage, refuse, litter, or trash within a trail except in receptacles provided for that purpose.

' 75.24 FIRES.

It is unlawful to build a fire within a trail except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves may be used within a camping or rest area if such use does not create a hazard or danger to the trail or to others.

PROTECTION OF OTHER USERS

' 75.30 PERSONAL CONDUCT.

Within a trail, no person, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger, or disturb others, or provoke an assault, shall breach the peace by engaging in the following conduct:

(A) brawling, fighting, or other violent conduct directed toward another; or

(B) offensive, obscene, or abusive language, or boisterous and noisy conduct which might be reasonably expected to arouse alarm, anger, or resentment in others.

' 75.31 INTOXICATION.

No person while within a trail shall be in a state of intoxication brought about by the consumption of intoxicating liquor.

' 75.32 DRUGS.

No person shall use, be in the possession of, or be under the influence of drugs within a trail unless such use, possession, or influence is pursuant to and in compliance with a prescription from a licensed physician.

' 75.33 PETS.

No persons shall allow any pet animal to be unrestrained or unattended. Pets shall be restrained by a leash not exceeding six feet.

' 75.34 PEDDLING OR SOLICITING.

No person shall peddle or solicit business of any nature, within a trail, or use any of the lands or structures as a base for commercial operations.

' 75.35 SAFETY.

While being ridden or operated within a trail, horses, bicycles, and snowmobiles must be under the control of the operator at all times.

ENFORCEMENT

' 75.40 CRIMINAL AND ADMINISTRATIVE VIOLATIONS.

Any person found in violation of any provision of this Chapter may be charged criminally in Polk County District Court or issued an administrative fine by the enforcement officer through the issuance and service of an administrative citation.

(A) *Administrative Citation.* If an administrative citation is issued, it shall include a statement that the administrative fine may be appealed and that a hearing before the City Administrator or designated hearing officer may be obtained by filing a written request with the City Clerk within ten (10) days of service of the administrative citation. Service of an administrative citation is sufficient and adequate when served personal or by regular mail. It is the intent of the City to impose an administrative fine to defray costs associated with the costs of enforcement. The administrative fine must reflect the costs associated with enforcement of this Chapter and shall be set and may, from time-to-time, be amended, by the City Council by resolution. If a person fails to pay an administrative citation, the matter shall be referred to the appropriate law enforcement agency and/or prosecuting authority for criminal prosecution.

(B) *Appeal of Administrative Citation.* A person may appeal an administrative citation and obtain a hearing in accordance with this section. The hearing must be requested by submitting a written request to the City Clerk within ten (10) days of service of an administrative citation or order for abatement. The hearing shall be held on

a date determined by the City Administrator or a hearing officer designated by the City Administrator but in no event shall the hearing be held more than ten (10) days after receipt of the written request for hearing. A notice shall be mailed to the person requesting the hearing stating the date, time, place and subject of the hearing. The hearing shall be conducted by the City Administrator or a designated hearing officer. At the hearing, the owner shall have an opportunity to present evidence and testimony before the hearing officer. The hearing officer may receive evidence and testimony from the enforcement officer and other parties who wish to be heard. After considering all the evidence, the hearing officer shall make an order as he or she deems proper.

(C) *Enforcement Officer.* An enforcement officer shall be designated by the City Administrator to enforce the provisions set forth in this Chapter. The enforcement officer shall have the authority to issue administrative citations for any violation of this Chapter.

(D) *Criminal and Civil Enforcement.* Nothing in this section shall prevent the City from pursuing any criminal or civil proceeding to enforce the provisions of this Chapter.

(E) *Criminal Penalty.* Any person convicted of a criminal violation of any provision of this Chapter is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

(F) *Inconsistent Provisions.* Any provision(s) of previous ordinance(s) inconsistent with this Chapter is/are repealed.

(G) *Severability.* If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

(H) *Effective Date.* This ordinance shall take effect and be in force from and after its passage and publication.

ADOPTED by the Fertile City Council on this 10th day of October, 2016.

Signed: _____
Brian Nephew, Mayor

Attest: _____
Lisa Liden, City Administrator