

ORDINANCE NO. 265-A

**AN ORDINANCE REGULATING USES AND ACTIVITIES
ON PUBLIC LAND, PUBLIC RIGHTS-OF-WAY
AND PUBLIC EASEMENTS IN EMPIRE TOWNSHIP**

The Board of Supervisors of the Township of Empire ordains as follows:

SECTION 1. TITLE

This ordinance shall be known, cited, and referred to as the Empire Township Public Land Regulations Ordinance (hereinafter “this Ordinance”).

SECTION 2. PURPOSE, SCOPE

The purpose of this Ordinance is to protect the public health, safety, and welfare by establishing regulations for uses and activities on and within public land, public rights-of-way, and public easements in Empire Township, including but not limited to public parks, public sidewalks, public trail corridors, public utility corridors, public stormwater ponds, public drainage ways, wetlands, public drainage easements and other public property (hereinafter “Public Lands”). The scope of the regulations is limited to land, rights-of-way, and easements owned by or dedicated to Empire Township. Specific permit requirements for locating private utilities or conducting any authorized work in Empire Township street rights-of-way are located in Ordinance No. 375.

SECTION 3. PRIVATE USE OF PUBLIC LANDS

It shall be unlawful to occupy, use or alter Empire Township’s Public Lands, except as specifically permitted and regulated in this Ordinance. Public Lands are identified by legal descriptions recorded in the office of the Dakota County Recorder or Registrar, included on plat drawings, identified by signage, or delineated by public fencing or landscaping. Lack of knowledge of the location of Public Lands is not a defense for the unlawful occupancy, use or alteration of Empire Township’s Public Lands.

A. Public Parks.

1. Public parks are intended for the recreational use and enjoyment of all residents in the Township. Parks are open, unless otherwise specifically posted, from dawn to dusk. The evening use of certain parks may be extended by field lighting. In such instances, parks close within 30 minutes of lights shutting off.
2. It shall be unlawful to plant or remove any landscaping, to excavate or fill, or to place any personal property in public parks.
3. It shall be unlawful to possess any glass food or beverage containers in public parks.
4. It shall be unlawful to litter in any public park.

5. It shall be unlawful to allow animals in public parks, except leashed, domestic pets, and except animals on display or in events hosted by the Township. All animal feces shall be picked up and properly disposed of by the animals' owners.
6. It shall be unlawful to operate a motorized vehicle in any public park, except within driveways and parking areas intended for public use, and except for public safety vehicles and authorized public works vehicles.

B. Public Trails.

1. Public trails are intended for the recreational use and enjoyment of all residents in the Township. Trails are open, unless otherwise specifically posted, from dawn to dusk.
2. A "public trail corridor" is the dedicated easements or publicly-owned property on which a public trail is located.
3. It shall be unlawful to plant or remove any landscaping, to excavate or fill, or to place any personal property in a public trail corridor.
4. It shall be unlawful to litter in a public trail corridor.
5. It shall be unlawful to allow animals in a public trail corridor, except leashed, domestic pets, and except horses within any public trail corridor clearly designated and posted for such use. All animal feces shall be picked up and properly disposed of by the animals' owners.
6. It shall be unlawful to operate a motorized vehicle in any public trail corridor, except for public safety vehicles and authorized public works vehicles, and except snowmobiles within any public trail corridor clearly designated and posted for such use.

C. Public Stormwater Ponds, Public Drainage Ways, Wetlands, and Public Drainage Easements

1. Public stormwater ponds, public drainage ways, wetlands and public drainage easements (hereinafter "Public Waterways") are generally public open spaces that perform specific public utility or natural functions within the Township.
2. It shall be unlawful to occupy, use or alter Public Waterways for any private purpose, unless specifically excepted and allowed in writing by the Town Board.
3. It shall be unlawful to plant or remove any landscaping, to excavate or fill, or to place any personal property in Public Waterways.
4. It shall be unlawful to litter in Public Waterways.
5. It shall be unlawful to allow animals on Public Waterways, except leashed, domestic pets. All animal feces shall be picked up and properly disposed of by the animals' owners.
6. It shall be unlawful to operate a motorized vehicle on Public Waterways, except for public safety vehicles and authorized public works vehicles.
7. Wetlands and marked buffer areas may not be mowed, filled, excavated or other wise altered.
8. Drainage and utility easements and road rights-of-way may not be filled or excavated but may be mowed and maintained by adjacent property owners. Private trees and fences located within public easements and rights-of-way may be removed by the Township at the adjacent land owner's expense for work conducted by the Township within public easements and rights-of-way.

SECTION 4. VIOLATIONS AND PENALTIES

- A. Civil Remedy. In the event of a violation of this Ordinance, the Township may institute appropriate actions or proceedings, including but not limited to, civil actions for trespass and/or injunctive relief to prevent, restrain, correct or abate such violations or threatened violations, and the Township Attorney may institute such action.

- B. Criminal Remedy. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any of the provisions of this Ordinance or who shall make any false statement in any document required to be submitted under the provisions of this Ordinance, shall be guilty of a petty misdemeanor and, upon conviction thereof, shall be fined as provided by law. Each day that a violation continues shall constitute a separate offense.

SECTION 5. EFFECTIVE DATE

Ordinance No. 265-A repeals Ordinance No. 265 shall take effect upon its adoption and publication according to law. Adopted this 23rd day of July. 2013.

ATTEST:

Terry L. Holmes, Chair

Kathleen B. Krippner, Clerk-Treasurer

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