

MOTION TO AMEND ORDINANCE 24-031-O

BY COUNCILOR AWAL:

I move to amend Ordinance 24-031-O as follows:

The city of Duluth does ordain:

Section 1. That Article I, Section 35-1 of Chapter 35 of the Duluth City Code is hereby amended as follows:

Sec. 35-1. Injury, defacing, etc., of structures, etc., prohibited.

(a) For purposes of this Article, the term “publicly owned property” means property owned by the city of Duluth;

(b) No person shall cut, break, or in any way injure or deface any of the buildings, fences, structures, improvements, or any other city property or any trees or shrubbery upon or within any of the parks of the city, upon or within publicly owned property, or any of the trails, paths, or roads or road ways constructed upon or across such parks or publicly owned property;

(bc) No person shall dig, excavate, or disturb any earth or turf upon or within any of the parks of the city or publicly owned property without written permission of the director of parks and recreation;

(ed) No person shall damage or cause to be damaged, either directly or through the use of a vehicle, any turf, sod, grass or shrubbery in any park or publicly owned property;

(de) Any person convicted of a violation of this Section shall make restitution to the city for damage, done and any judge sentencing such person may order restitution as a part of the sentence.

(f) A person found to be in violation of this Section is subject to a **City Code violation for a first offense in a twelve-month period. A person found to be in violation of this Section for a second offense in a twelve-month period is subject to a** misdemeanor offense for which a sentence of not more than 90 days or a fine of not more than \$1000, or both, may be imposed.

Section 2. That Article I, Section 35-6 of Chapter 35 of the Duluth City Code is hereby amended as follows:

Sec. 35-6. Vehicles, parking and recreational trails and paths.

(a) For the purpose of this Section, words used herein shall have the meanings respectively ascribed to them in sections 33-1 and 33-224 of this Code;

(b) No person shall operate any motor vehicle or bicycle or ride a horse in any area of any park except on the roadway portion of streets, or highways, or parking areas in such park. Notwithstanding the above, the city council may establish special trails or paths for use by snowmobiles, bicycles, hikers, horseback riders, cross-country skiers or snowshoers. As authorized by M.S.A. Sec. 85.018, or M.S.A. Sec. 84.92 - Sec. 84.929, or its successor, (where applicable), the city council may regulate traffic on these trails including, but not limited to, designating direction of traffic flow and speed limits on the trail and prohibiting certain vehicles or modes of travel on the trail. These trails or paths shall be clearly marked with signs which specify what type of vehicle is permitted and set forth other traffic restrictions. No person shall operate any nonpermitted vehicle on any specially designated path or trail or violate any of the traffic regulations (see Section 45-6.3);

(c) When any motor vehicle is found parked and unattended off of the roadways or parking areas in any park, the director of parks and recreation or his designee or any police officer may remove such vehicle by having it towed away, as authorized by M.S.A. Sec. ~~169.044~~168B.035, et. seq., or its successor;

(d) When any park is closed to the public pursuant to the provisions of this Chapter or by order of the director of parks and recreation, no person shall park a motor vehicle or allow a motor vehicle to remain parked in such park after such closing hour except in an after-hours parking area established by the director of parks and recreation. The director of parks and recreation or any police officer may tow any vehicle found parked and unattended in such park in any area other than an after-hours parking area. No person other than a fisherman, boater or

person with a special permit to use the park after-hours shall park in any after-hours parking area after the park is closed. For the purposes of this Section, the record owner of a motor vehicle shall be prima facie responsible for parking violations.

(e) A person found to be in violation of Section 2(b) is subject to a [City Code violation for a first offense in a twelve-month period. A person found to be in violation of this Section for a second offense in a twelve-month period is subject to a misdemeanor offense for which a sentence of not more than 90 days or a fine of not more than \\$1000, or both, may be imposed.](#)

Section 3. That Article I, Section 35-7 of Chapter 35 of the Duluth City Code is hereby amended as follows:

Sec. 35-7. Setting fires, prohibited.

(a) Except as provided in this Section, no person shall start or maintain any fire or hot coals in any park, or publicly owned property; other than in

(b) Fires and/or hot coals may be started or maintained in designated park grills or privately-owned grills suitable for the purpose for which they are used in parks;

(b~~c~~) The director of parks and recreation may allow, by written permit, other fires in parks provided that he finds:

(1) That the fire will not endanger persons or property and will be adequately tended;

(2) That the fire will not be a nuisance or inconsistent with public enjoyment of the park;

(3) That the applicant for the permit has received all necessary permits from the Duluth fire chief;

(e~~d~~) The director of parks and recreation or the fire chief may ban all burning, including burning in grills, in parks at times of high fire danger.

(e) Violations of this Section are a ~~City Code violation for a first offense in a twelve-month period. A person found to be in violation of this Section for a second offense in a twelve-month period is subject to a~~ misdemeanor offense for which a sentence of not more than 90 days or a fine of not more than \$1000, or both, may be imposed.

Section 4. That Article I, Section 35-8 of Chapter 35 of the Duluth City Code is hereby amended as follows:

Sec. 35-8. Prohibited activities.

~~Within any public park, no person shall:~~

(a) Within any park or on publicly owned property, no person shall:

(1) Discharge any firearm, air gun, crossbow, bow and arrow, slingshot or other missile firing device, ~~gel soft guns provided that the director of parks may, unless~~ authorized by written permit issued at the discretion of the director of parks for archery exhibitions and contests, ~~or unless within areas designated by the city council, as authorized by Chapter 6, of the Duluth City Code.~~

(b) (2) Do any hunting or trapping or in any other manner disturb or injure or attempt to disturb or injure any animal, including birds;

(c) (3) Urinate or defecate anywhere but in a proper toilet facility;

(4) Dump any garbage, solid waste, yard waste or earth in any stream, river, wetland, lake, or pond adjacent to the park or publicly owned property;

(d) (5) Throw, deposit or place or cause to be thrown, deposited or placed any papers, bottles, cans or any other garbage or waste at any place except into a trash container;

(e) (6) Tip over any trash container or otherwise cause the contents of a trash container to be deposited on the ground;

(f) (7) Carry any garbage or solid waste into any park for the purpose of disposing of the same in trash containers in the park;

~~(g)~~ (8) Place any garbage or solid waste in trash containers in the park if such garbage or solid waste was generated by activities occurring outside the park;

~~(h)~~ Dump any garbage, solid waste or earth in any stream, lake or pond in or adjacent to any park;

~~(i)~~ Possess any glass beverage container while outside of a motor vehicle;

~~(j)~~ Consume alcoholic beverages or possess opened or unopened alcoholic beverages unless:

~~(1)~~ An alcohol consumption permit has been issued for the area pursuant to Section 35-9(a)(4); or

~~(2)~~ An on-sale license has been issued for the area pursuant to Chapter 8 of this Code; or

~~(3)~~ An unopened container of alcoholic beverages is being transported through the park on a thoroughfare that runs through the park; or

~~(4)~~ An unopened container of alcoholic beverages is being transported through the park to a boat launch in the park on a road that leads directly to the boat launch.

~~(k)~~ Ingest by smoking or vaping any cannabinoid as defined by Section 28-63(c)

(b) The following additional activities are prohibited within public parks:

(1) Consuming alcoholic beverages or possession of opened or unopened alcoholic beverages unless:

(A) An alcohol consumption permit has been issued for the area pursuant to Section 35-9(a)(4); or

(B) An on-sale license has been issued for the area pursuant to Chapter 8 of this Code; or

(C) An unopened container of alcoholic beverages is being transported through the park on a thoroughfare that runs through the park; or

(D) An unopened container of alcoholic beverages is being transported through the park to a boat launch in the park on a road that leads directly to the boat launch

(2) Possession of any glass beverage container while outside of a motor vehicle;

—(c) Penalty. A violation of Section 35-8 (a) is a **City Code violation for a first offense in a twelve-month period. A person found to be in violation of this Section for a second offense in a twelve-month period is subject to a** misdemeanor offense for which a sentence of not more than 90 days or a fine of not more than \$1000, or both, may be imposed.

Section 5. That Article I, Section 35-9.3 of Chapter 35 of the Duluth City Code is hereby amended as follows:

Sec. 35-9.3. Use of parks between certain hours prohibited without prior registration, exceptions.

(a) Except as provided herein, no persons shall enter or remain in any public park or public recreation area, except Canal Park, between the hours of 12:00 midnight and 6:00 a.m. on any day. No event at Bayfront Festival Park shall terminate later than 11:00 p.m. on Sunday through Thursday of any week, and no later than 11:59 p.m. on Friday and Saturday of any week.

(b) The director of parks and recreation of the city is hereby authorized to close any public park or public recreation area between the hours of 10:00 p.m. and midnight, or any part of such time period, by posting appropriate signs to such effect at such park or recreation area, and in such case, no person shall enter or remain in such park or recreation area during such hours.

Provided, however, that before exercising his authority pursuant to this paragraph, the director of parks and recreation shall file notice with the city council of his intention to do so at least three days prior to a council meeting and, if the council does not disapprove such action by resolution adopted no later than the second council meeting after such notice is filed, the director may then proceed to implement the closing of the park.

(c) Except for Bayfront Festival Park, the director of parks and recreation of the city is hereby authorized to suspend the provisions of the first and second paragraphs of this Section with respect to any park or recreation area for special events or occasions.

(d) The provisions of this Section shall not be applicable to law enforcement personnel, nor to employees of the city while carrying out duties within the scope of their employment with the city.

(e) The provisions of this Section shall not be applicable to any person if such person or a group of which such person is a member or guest has received a permit to be in such park or recreation area during such time from the director of parks and recreation of the city. The director of parks and recreation shall issue permits authorizing use of public parks or public recreation areas during the hours such parks or recreation areas are closed pursuant to this Section to all persons or groups requesting such permits; provided, however, that any person or any group including any person who has been convicted of violating any law while in a public park or public recreation area during such hours, shall not be issued such a permit for a period of one year after such conviction.

(f) The provisions of this Section shall not be applicable to any person while he is making use of any park or recreation area for fishing or boating purposes, or to any person while driving a vehicle on a park road for purposes of passing through such park, or to any person while a passenger in or on such a vehicle.

(g) Any permit holder exceeding the termination time for Bayfront Festival Park shall be subject to additional fees which shall be set by resolution in accordance with Section 31-6(a) of the Code.

(h) A violation of paragraphs (a) or (b) is a [City Code violation for a first offense in a twelve-month period. A person found to be in violation of this Section for a second offense in a twelve-month period is subject to a](#) misdemeanor offense for which a sentence of not more than 90 days or a \$1000 fine, or both, may be imposed.

Section 6. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.