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ORDINANCE AMENDING DULUTH CITY CODE SECTIONS 35-12 THROUGH 35-25 REGARDING PUBLIC GOLF COURSES.

The city of Duluth does ordain:

Section 1. That Duluth City Code Sections 35-12 through 35-25 be amended as follows:
Article III. Public Golf Courses.

Sec. 35-12. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Alcoholic beverages. The term shall mean intoxicating liquor and 3.2 percent malt liquor, but such term shall not include any beverage containing less than 1/2 of one percent of alcohol by volume, or so-called soft drinks.

Clubhouse. A building on the golf course used as the operational headquarters, golf shop, food/beverage space lunch room, locker rooms and lavatories and the grounds and benches immediately adjacent thereto.

Golf course. Any golf links owned and operated by the city for the playing of the game of golf, the practice thereof and for golf exhibitions.

Intoxicating liquor. Ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight.

3.2 percent malt liquor. Any liquid potable as a beverage, containing not more than 3-2/10 percent of alcohol by weight, nor less than 1/2 of one percent of alcohol by volume.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn, whether said device is propelled on wheels, skids, skis, or is animal drawn or self-propelled. Exception is made herein for golf carts and vehicles owned or in the service of the city of Duluth or owned and in use by individual players during the course of the game.

Golf course supervisor. Individual(s) responsible for the grounds, maintenance, and use of the golf course under the direction of the parks and recreation director or appointee. The supervisor may be either a City employee or employed or contracted by a third-party service provider.

Sec. 35-13. Official opening and closing of courses.

The official opening and closing of the city golf courses shall be declared by the director of parks and recreation or their designee.

Sec. 35-14. Registration with starter; payment of fees.

No person shall play golf upon any municipal golf course or enter upon any such golf course as a spectator, for the purpose of accompanying any player about the course or for any other purpose whatever, other than to perform work ordered by the department of public parks and recreation, without first registering with the starter and paying the green fee or exhibiting his their season ticket or all other fees that may be required to be paid for the use of the course, such as special fees for tournaments, exhibitions or special events.

The golf course supervisor may authorize the admission of spectators upon the golf courses when tournaments, exhibitions or special events are being conducted, upon such terms and conditions as the golf course supervisor may prescribe.

In addition to all other penalties provided by law, any person who goes upon any golf course in violation of the terms of this Section and who persists in remaining thereon after being requested to leave ~~by the golf course supervisor or other authorized employee of the department of public recreation~~ may be ejected therefrom forthwith. ~~It shall be the duty of any police officer of the city or county to carry out the foregoing provision.~~

Sec. 35-15. Council to establish oversight of green fees, season ticket fees, etc.

The green fees, season ticket fees and other special fees to be paid for the use of the golf course in the city shall be set by the golf course supervisor under the direction of the parks and recreation director as described in an applicable Council-approved service agreement. Fees shall represent a reasonable price point for financially accessible and sustainable public golf. ~~fixed from time to time by resolution of the city council.~~

Sec. 35-16. Season tickets.

Season tickets shall be valid for the playing of golf from the day of official opening of the golf course until its official closing; provided, that a holder of a season ticket may be refused permission to use the golf course when, in the opinion of the golf course supervisor, it is unfit for play due to weather conditions, or during tournaments, exhibitions or special events. No season ticket shall be transferable.

In addition to all other penalties provided by law, any season ticket may be revoked for violation of this Article and no refund thereon shall be made.

Sec. 35-17. Golf tickets--generally.

All permits sold for the use of the golf courses shall be good for the number of holes marked thereon and valid only on the date when issued, unless otherwise marked thereon. All tickets shall be nontransferable. The transfer of any ticket in violation of this Section shall subject each of the parties connected with or a party to such transfer to be barred from all the golf courses of the city. The golf course supervisor may refuse to sell permits when, in his opinion, the golf course is unfit for play due to weather conditions or because of tournaments or special events being conducted thereon.

Sec. 35-18. Same--To be in possession of holder while on golf course; display to authorized persons.

Each person using the golf course shall keep his golf ticket in his possession at all times while using the golf course, whether such use be as a player or a spectator, and shall show and present such ticket to the golf course supervisor or other authorized employee of the department of public recreation when requested to do so.

Sec. 35-19. Same--Rain checks for 18 hole tickets.

When not more than five holes have been played and unfavorable weather prevents further play, any holder of an 18 hole permit may have his permit stamped for future play. No nine hole permits may be stamped for future play.

Sec. 35-20. Same--Conditions.

The selling or issuance of any golf tickets by any of the golf courses shall carry with it the understanding between the city and the purchaser that the purchaser shall properly conduct himself while on the golf course, that he will at all times, while on the golf course, use due diligence and care in protecting the golf course from any damage whatsoever and that any player who shall wilfully or negligently damage or destroy any part of any golf course shall be subject at all times to be removed from such golf course and barred from future play on any of such golf courses. The

Conditions for selling, issuing, using, or revoking golf tickets shall be set and enforced by the golf course supervisor under the direction of the parks and recreation director. Any applicable City Ordinance or golf course policy shall apply.

Sec. 35-21. ~~Where play started; starter may require foursomes.~~

~~Each player shall start playing golf at the point designated by the starter. The starter shall have the right and discretion to require all players to go off in a group of four, but no more.~~

Sec. 35-22. ~~Practice on golf course, practice greens, etc.~~

~~Practice time on the golf courses, practice greens or practice areas shall be allowed only at the discretion of the golf course supervisor under the direction of the parks and recreation director golf course supervisor assigned to such golf course or the person in charge thereof. No person shall practice on such golf course, practice green or practice area until he such permission has been granted via the appropriate authorizing person(s).has received permission to do so.~~

Sec. 35-23. ~~Golf bag and putter required of all players.~~

~~Each player playing golf upon the golf courses of the city shall have a bag in which to carry his clubs and shall have a putter for his individual use for playing the ball when on the green. No club, other than a putter, shall be used upon any of the greens.~~

Sec. 35-24. ~~Control and supervision of golf courses.~~

~~The control and supervision of the golf courses shall be under the manager of the municipal golf division, parks and recreation director or designee. The manager director is hereby authorized to establish reasonable rules and regulations governing the use of the golf courses and the buildings thereon and to appoint golf course supervisors and others to manage and maintain the golf courses. The parks and recreation director may authorize alternate uses of all or portions of the golf course when doing so will not interfere with play, conditions, or maintenance of the course. Any rules and regulations established by the manager director shall be binding only when not inconsistent with the provisions of this Article., and then only after they have been posted in a prominent place in the club house of the golf course affected by such rule and filed in the office of the city clerk for a period of seven days.~~

Sec. 35-25. ~~Restrictions as to use of golf course.~~

In addition to all other sections of this Chapter and other applicable law;~~No~~ person on a golf course shall:

- (a) Post or display any sign, banner or advertisement, write upon, cut, mutilate, deface or otherwise, disturb any building, bench, ornament, flowers, trees or other property upon such golf course. No person shall commit any depredation in or upon any golf course;
- (b) Sell or beg upon such golf course without the authority of the city council
- (c) Permit or allow any dog or other domestic animal in or upon any golf course except during the Winter season, when the course is fully covered in snow. No domestic pets or animals may be allowed to run at large on any area of the golf course at any time as described in Sec. 35-2;
- (d) Hunt for, take or carry away from any such golf course or from any public place adjacent to such golf course any golf ball without the permission of the golf course supervisor ~~of such golf course~~ or other authorized recreation department employee, exception is hereby provided for the owner of a lost golf ball;
- (e) Attempt to sell any golf ball or other golf or recreational supplies or accessories relevant to the recreational amenities offered in, on or about any such golf course, or public property adjacent thereto except those persons duly licensed to do so by the department of public parks and recreation under the authority of the city council;
- (f) Remain or stand nearer than 100 feet to the fairway of any such golf course during the progress of any golf game upon such golf course. This Section shall not apply to persons actually taking part in any golf game, nor to official caddies acting under the authority of the golf course supervisor or other person in charge of the course, nor to persons attending any exhibition or other special event or tournament under authority of the golf course supervisor or the municipal golf division;
- (g) Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any wild animal, reptile or bird on or adjacent to any golf course;
- (h) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or

other body of water in or adjacent to any golf course in the city any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters. Nor shall any person bathe, swim or wade in such waters, other than to retrieve his their golf ball;

(i) Ride, drive or operate any vehicle on the golf courses of the city, including the service roads on such golf courses, except to perform work ordered by the department of public parks and recreation or in the course of use by individual players. Exception is hereby made when the ~~manager of the municipal golf division~~ director of parks and recreation or designee designates areas for temporary or seasonal operation of vehicles;

(j) Park any vehicle in other than established or designated parking area. Such use shall be in accordance with the posted directions thereat and with the instructions of the golf course supervisor or other authorized recreation department employee. Failure to obey the regulations of this paragraph shall subject the violator or the owner of the vehicle wrongfully parked to the expense of removing such vehicle in addition to any other penalty provided in this Code;

(k) Except as provided in this Section, use, consume or have in possession any intoxicating liquor on any golf course in the city. ~~3.2 percent malt liquor sold on the premises under the authority of the city council may be consumed on the golf course or in the club house. Intoxicating liquor sold on the premises of the Enger Park Golf Course under the authority of the city council may be consumed on the Enger Park Golf Course or in the Enger Park Club House;~~

~~(k)(f)~~ Enter upon or use the golf course or the buildings facilities thereon during times other than the regular golf season as a place of recreation or other use, except when approval from the parks and recreation director is thereby given;~~when ordered by the golf course supervisor or other authorized municipal golf division employee to desist therefrom;~~

~~(l)(m)~~ Expose or offer for sale any article or thing or station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing on such golf course. Exception is hereby made ~~as to any regularly licensed concessionaire acting by and under authority of the city council to sell on such golf course~~ to those persons duly licensed to do so by the department of parks and recreation under the authority of the city council;

(n) No person under the age of ten years shall enter upon the golf course during the golf season for any purpose, unless accompanied by an adult person, and then only by permission of the golf course supervisor of the golf course.

~~(m)(e)~~ Conduct or take part in any gambling games on any golf course. In addition to any other penalties provided in this Code, a person violating any of the provisions of this Section shall pay the cost of repairs or replacement resulting from such violation.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: This ordinance modifies Article III (Public Golf Courses) of Chapter 35 (Parks and Recreation) to adjust the process for fee setting and distinguish between the rules of play and the policies applicable to land use and management of the public golf courses.

The public golf courses are operated under third-party contracts that require the operator to submit and have approved by City Council, an annual operating budget. By removing the public golf courses from the Parks and Recreation portion of the annual fee schedule, the third-party operator may more readily respond to trends affecting the financial operations of the course and be more aligned with other third-party operated facilities within the Parks and Recreation system.

Other revisions to this portion of City Code represent the current third-party operation of the public golf program, which was previously operated directly by City-employed staff. And, the amendments further distinguish and clarify appropriate uses of this parkland.