

Ordinance No. 22-_____

The Olmsted County Board of Commissioners does ordain as follows:

**AN ORDINANCE CREATING SECTIONS 3950-3969 OF THE
OLMSTED COUNTY CODE OF ORDINANCES –
ESTABLISHING GRAHAM PARK RULES AND REGULATIONS**

Section 1. Section 3951 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3951. APPLICATION – The following rules and regulations shall apply to Graham Park. These Graham Park Rules and Regulations have been specifically approved by the Olmsted County Fair Board to apply during the County Fair. In addition, in the event a person or organization has rented a building at Graham Park in connection with an event, to the extent the requirements of the Facility Use Agreement may conflict with these Rules and Regulations, the requirements of the Facility Use Agreement shall supersede these Rules and Regulations inside the rented building for the duration of the event. In addition, in the event a person or organization has rented Graham Park in its entirety including both the buildings and outdoor common areas pursuant to an agreement with the City or the County, to the extent the requirements of the Rental Agreement may conflict with these Rules and Regulations, the requirements of the Rental Agreement shall supersede these Rules and Regulations within Graham Park for the duration of the event.

Section 2. Section 3952 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3952. PENALTIES – Any person who willfully violates any these rules and regulations during the Olmsted County Fair is guilty of a misdemeanor criminal offense pursuant to Section 38.01 of the Minnesota Statutes. Offenses are punishable by a fine of not more than \$1,000 and/or a jail term of not more than 90 days upon prosecution for that offense. A violation of these rules and regulations may also be grounds for being barred from Graham Park property for a period of time at the discretion of Facilities and Building Operations Staff to the extent needed to insure public health and safety.

Section 3. Section 3953 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3953. DISORDERLY CONDUCT – No person shall engage disorderly conduct as set forth in Minnesota Statutes Section 609.72. This includes:

- A. engaging in brawling or fighting;
- B. disturbing a lawful assembly or meeting, not unlawful in its character;
- C. engaging in offensive, obscene, abusive, boisterous, or noisy conduct or

language tending reasonably to arouse alarm, anger, or resentment in others;

D. refusing to comply with Graham Park rules and regulations as directed by Facilities and Building Operations Staff in a manner which threatens to provoke a breach of the peace.

Section 4. Section 3954 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3954. EXCESSIVE NOISE – No person shall use amplified speakers and public address systems without advance permission of the Director of Facilities and Building Operations or his/her designee. Making noise which is loud enough to disturb others in the vicinity is prohibited. Violating posted quiet hours in Graham Park after 10:30 p.m. and prior to 7:00 a.m. daily is prohibited.

Section 5. Section 3955 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3955. VANDALISM – No person shall destroy alter, injure or remove any real or personal property, improvements to real property, vegetation, or harass wildlife brought to Graham Park for exhibition purposes.

Section 6. Section 3956 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3956. SANITATION – No person shall fail to separate and dispose of garbage and recyclables by placing these materials in the containers provided. Disposal of solid waste within Graham Park which was generated outside of Graham Park is prohibited. For persons authorized to camp in the campground, RV wastewater must be collected in an enclosed tank and disposed of at the designated dump station. Wastewater disposal onto the ground is prohibited.

Section 7. Section 3957 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3957. FIRES – No person shall have a campfire except in portable campfire pits in designated areas and only if approved by Facilities and Building Operations Staff.

Section 8. Section 3958 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3958. LICENSED MOTORIZED VEHICLES - No person shall operate licensed motor vehicles except on improved roads and in designated parking areas in Graham Park, except as needed by Facilities and Building Operations Staff in connection with maintenance activities. Temporary exceptions to this requirement may be permitted with

the advance permission of Facilities and Building Operations Staff as needed in order to provide access for disabled visitors to specific areas of Graham Park not served by improved roads. No person shall operate a licensed motor vehicle at greater than the posted speed limit on public right of ways within Graham Park or in a manner which places the public in the surrounding area at significant risk of harm.

Section 9. Section 3959 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3959. MOTORIZED RECREATIONAL VEHICLES – No person shall operate motorized recreational vehicles in Graham Park including, but not limited to trail bikes, all-terrain vehicles, etc. No person shall operate golf carts or mopeds in Graham Park. Temporary exceptions to this requirement may be permitted with the advance permission of Facilities and Building Operations Staff as needed in order to provide access for disabled visitors to specific areas of Graham Park not served by improved roads. While use of bicycles and in-line skates is permitted on improved roads in Graham Park, no person shall use them in any playgrounds or playscapes.

Section 10. Section 3960 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3960. DOMESTIC PETS –

A. **Pet Control.** No person shall bring domestic pets to Graham Park unless they are confined on a leash not exceeding 6 feet long.
Exceptions:

- 1) However, service animals on a leash are permitted with their owners in all areas of Graham Park so long as they are not causing a disturbance to persons or other animals in the vicinity.
- 2) In addition, this restriction shall not apply during permitted events inside enclosed structures such as dog shows.
- 3) In addition, no person shall bring domestic pets to Graham Park at any time during the Olmsted County Fair even if confined to a leash not exceeding 6 feet long.

B. **Pets Running at Large.** No person shall permit a domestic pet to run at large in Graham Park. Domestic pets found running at large must be removed from Graham Park upon a request by Facilities and Building Operations Staff.

C. **Clean Up of Pet Feces.** No person shall fail to clean up after their domestic pet and properly dispose of any feces deposited in Graham Park.

D. **Dangerous Dogs.** No person shall possess or control a dangerous dog at

Graham Park. A "dangerous dog" means any dog that has:

- 1) when unprovoked, inflicted bites on a person, domestic animal, or captive wild animal; or
- 2) when unprovoked, chased or approached a person, domestic animal, or captive wild animal in an apparent attitude of attack; or
- 3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of persons, domestic animals, or captive wild animals.
- 4) If a dog is determined to be "dangerous" by Facilities and Building Operation Staff or by another government entity, the dog must be immediately removed from Graham Park by the owner or person in possession or control of the dog, and the dog will be permanently barred from returning to Graham Park. This includes any dogs that are designated service animals.

E. Barking Dogs. No person shall possess or control a dog in Graham Park which barks, whines, howls, bays, cries or makes other noise excessively so as to cause annoyance, disturbance or discomfort to any individual provided that such noise lasts for a period of more than five minutes continuously or intermittent barking that continues for more than one hour and is plainly audible outside the campsite, motor vehicle or other area where the dog is kept. It shall not be a violation of this section if the dog was barking, crying or making other noise due to harassment or injury to the dog or a trespass upon Graham Park premises where the dog is located such as a campsite or motor vehicle. Any dogs found to be in violation of this requirement must be removed from Graham Park by the owner or person in possession and control of the dog upon request by Facilities and Building Operation Staff.

Section 11. Section 3961 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3961. PARK HOURS – With the exception of the streets that run through Graham Park, no person other than County Facilities and Building Operations staff or law enforcement shall be present in Graham Park from 12:00 a.m. to 5:00 a.m. daily without the permission of Facilities and Building Operations staff.

Section 12. Section 3962 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3962. FIREARMS AND WEAPONS –

A. No person shall possess or use firearms, explosives, slingshots, bows and arrows, and other weapons in Graham Park, except as needed by Facilities and Building Operations Staff for necessary animal control measures or in emergency situations. Exceptions:

1) **Gun Shows.** However, firearms are permitted in Graham Park in connection with specific events where a person or an organization has leased space from the City or County for a set duration such as a gun show.

2) **Permits to Carry.** In addition, persons who possess a valid permit to carry a firearm are also authorized to carry a firearm while at Graham Park consistent with the requirements set forth in Minnesota Statutes Section 624.714. No permit to carry holder shall fail to carry their permit with them or fail to properly carry or secure their firearm at all times in Graham Park.

Section 13. Section 3963 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3963. USE OF TOBACCO AND E-CIGARETTE TYPE PRODUCTS – No person shall use tobacco and e-cigarette type products inside all Graham Park buildings as required by the Minnesota Clean Indoor Air Act. Use of tobacco and e-cigarette type products is only permitted in designated areas such as Graham Park parking lots and in the campground pursuant to the County's Tobacco Free Grounds Policy.

Section 14. Section 3964 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3964. FIREWORKS – No person shall use fireworks in Graham Park except in connection with an event where a person or an organization has leased space from the City or the County and only following issuance of a valid fireworks display permit from the Rochester Fire Department.

Section 15. Section 3965 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3965. PRIVATE BUSINESS OPERATIONS AND SOLICITATION - No person, business or organization shall operate a private business, post or distribute advertising materials or solicit private business at Graham Park except from paid exhibitor/vendor space leased from the City or County without the express written consent of the Director Facilities and Building Operation or his/her designee. Any violation of this rule will result in being asked to vacate leased space at Graham Park without a refund of the rental fee.

Section 16. Section 3966 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3966. ALCOHOLIC BEVERAGES – No person aged 21 years or older shall possess or consume of alcoholic beverages outside of those areas designated by the Director Facilities and Building Operations or his/her designee. No person aged 20 years and younger shall possess or consume alcoholic beverages in any areas within Graham Park.

Section 17. Section 3967 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3967. CONTROLLED SUBSTANCES – No person shall possess or use illegal controlled substances as defined in Chapter 152 of the Minnesota Statutes and which are not prescribed by a physician for use by the possessor in any areas within Graham Park.

Section 18. Section 3968 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

Section 3968. DRONES

- A. No person shall operate a drone (unmanned aerial vehicle) in the airspace above Graham Park unless the drone operator meets all applicable F.A.A. requirements as set forth in Chapter 1, Subchapter F, Part 107, Subpart D, of Title 14 of the Code of Federal Regulations, as amended.
- B. Drone operators using drones that must be registered with the FAA must carry their actual remote pilot certificate and a form of identification to be produced if requested by law enforcement.
- C. No drone operator shall direct a drone to takeoff or land within the boundaries of Graham Park except as part of a drone light show approved by the County which meets the requirements in Subdivision E below.
- D. No drone operator shall operate a drone within a 500-foot radius of the Olmsted County Sheriff's Office Homeland Security facility located at 1421 3rd Avenue Southeast.
- E. Drone light shows are a permitted use over Graham Park provided all of the following criteria are met:
 - 1) Drone light show operators must have signed a written agreement with the County prior to the show that sets forth the conditions under which the show may occur. This shall include, but is not limited to, prior notice to County staff of the start time and end time of the show and the specific location where the drone light show will occur.
 - 2) Drone light shows shall only take place over areas of Graham Park where no spectators other than drone light show staff are situated beneath the drones.
 - 3) Drones participating in drone light shows over Graham Park shall be used only for that purpose.
- F. No drone operator shall operate a drone inside a building located at Graham Park without obtaining advance written approval of a proposed flight plan from County Building Operations staff.

Section 19. Section 3969 of the Olmsted County Code of Ordinances is hereby created and enacted to read as follows:

3969. PROTESTS/DEMONSTRATIONS – No person shall participate in a protest/demonstration at Graham Park outside of the location designated by the Director of Facilities and Building Operations. The designated location is south of the 14th St. West entrance to Graham Park between Broadway Ave. and the stone wall. No person shall obstruct the entrances or exits to Graham Park or of the public right of ways within and adjacent to Graham Park in connection with any protest/demonstration.

These Rules and Regulations shall take effect May 1, 2022.