

ORDINANCE NO. 4157

ORDINANCE ENACTING ARTICLE 4 OF CHAPTER XIV OF THE GRAND FORKS CITY CODE RELATING TO THE GRAND FORKS GREENWAY

BE IT HEREBY ENACTED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF GRAND FORKS, NORTH DAKOTA, THAT:

SECTION 1. ENACTING CLAUSE

Article 4 of Chapter XIV of the Grand Forks City Code is hereby enacted to read as follows:

14-0401. Purpose.

The City Council of Grand Forks deems it necessary and desirable to adopt ordinances to provide for the safe and peaceful use of the greenway areas and facilities for the educational and recreational benefit for the public; the protection and preservation of the Greenway; and for the safety and general welfare of the public while using and enjoying the Greenway.

14-0402. Definitions.

The following definitions are to only apply to the ordinances in this chapter entitled "The Greenway." Any other definition provided by the code is superceded by these definitions concerning the ordinances appearing in this chapter only.

- (A) "Commercial Use" means any authorized use of the Greenway by a business, club, non-profit organization and/or fraternal society.
- (B) "City Council" refers to the Grand Forks City Council.
- (C) "Employee" means any full-time, part-time, or volunteer of the City of Grand Forks.
- (D) "Greenway" refers to the physical space controlled by the City Council generally described as the wet side of the toe of the levee adjacent to the riverbank, excluding areas leased to the Park District and flood protection features such as floodwalls, levees, and pump stations. The Greenway generally starts at approximately fifty (50) feet north of the centerline of the north pedestrian bridge, north of Riverside Dam, to the centerline of the south end drainway as more particularly shown on appendix A.
- (E) "Motor Vehicle" means every device in, upon, or by which person or property is or may be transported or drawn upon a roadway except devices moved by human power.

- (F) "Person" or "persons" means individuals, firms, corporations, societies, or any group or gathering whatsoever.
- (G) "Permit" means written permission to conduct specified activities as provided in this article.
- (H) "Special Events" refer to any scheduled events which are to be conducted within the physical boundaries of the Greenway area.
- (I) "Wildlife" means any living creature, not human, wild by nature, including but not limited to mammals, birds, amphibians, insects, reptiles, crustaceans, or mollusks.

14-0403. Hours of Operation.

- (A) Except as otherwise authorized by the City Council, the Greenway shall be open to the public from 5:00 AM to 11:00 PM. It shall be unlawful for any person to enter or remain in the Greenway at any other time without a special permit issued by the City Council except for authorized employees of federal, state or local government.
- (B) The City Council is authorized to close the Greenway and any portion thereof for the protection of the property, public health, safety, welfare, and or any other reason it deems sufficient.

14-0404. Use Fee – Failure to Pay Use Fee.

It shall be unlawful for any person to use without payment any facility or area for which a permit is required or a user fee is charged unless the payment is waived prior to the usage of the facility by the City Council.

14-0405. Special Use and Commercial Uses.

A permit is required for scheduled special events and commercial uses of the Greenway. It shall be unlawful to conduct such a gathering using either the Greenway or any of the Greenway facilities, including but not limited to the outdoor shelters in the Greenway without obtainment of said permit.

14-0406. Alcohol Use or Possession Prohibited in Greenway Without Permit.

- (A) No alcoholic beverage shall be consumed or possessed in the Greenway except at such locations and times as may be authorized by permit issued by the City of Grand Forks or the director of the Park District of the City of Grand Forks as provided herein.
- (B) The City of Grand Forks and/or the director of the Park District of the City of Grand Forks or his or her designee may attach such terms and conditions to a permit as may be reasonably necessary to protect public health, welfare, and safety.

- (C) Notwithstanding the issuance of a permit, no alcoholic beverage shall be allowed in restroom facilities located on City property in the Greenway or within one hundred (100) feet of any swimming or playground area in the Greenway.
- (D) No person shall bring any kegs upon City of Grand Forks property in the Greenway without first obtaining a permit therefor issued by the City of Grand Forks or the director of the Park District of the City of Grand Forks.
- (E) Notwithstanding the issuance of a permit, no person shall bring or possess glass bottles upon City of Grand Forks property in the Greenway.
- (F) The provisions of this section shall not apply to the sale, purchase, consumption or possession of alcoholic beverages authorized pursuant to a permit issued by the City of Grand Forks or the director of the Park District of the City of Grand Forks.

14-0407. Public Safety.

It shall be unlawful for any person to:

- (A) Have in his/her custody, possession or control within the Greenway any dangerous weapon as defined in Section 9-0120 of the Grand Forks City Code.
- (B) This section shall not prohibit the possession of a dangerous weapon by a licensed law enforcement official acting within the scope of his or her official duties.

14-0408. Environmental Protections.

It shall be unlawful for any person to:

- (A) Possess any paint or marking materials that may be used to tamper with or alter any sign, building or other structure within the Greenway.
- (B) Collect or gather any firewood from within the Greenway.
- (C) Conduct research studies or experiments within the Greenway without a permit.
- (D) Operate, possess or bring into the Greenway any chainsaws, or generators, except as otherwise authorized by the City Council.
- (E) To light or start a fire in any unauthorized portion of the Greenway.
- (F) Leave any fire still burning or smoldering without totally extinguishing the fire. Any discarding of burning materials including coals, burning embers, cigarettes, matches, or any other burning material is strictly prohibited.
- (G) Camp within the Greenway unless conducted in designated areas and as authorized

by the City Council.

- (H) No person except Greenway personnel shall enter, disturb or alter any culturally sensitive area as defined or designated by the City of Grand Forks.

14-0409. Disturbance of Natural Features.

It shall be unlawful for any person to:

- (A) Intentionally remove, alter, injure, or destroy any tree, shrubs, grass, flowers, other vegetative or plant material, rock, soil or mineral with out special permit.
- (B) Harvest, grow, or cultivate any plants, flowers, or other vegetation without prior obtainment of a permit within the Greenway.

14-0410. Animals in Greenway.

It shall be unlawful for any person to ride or bring any horse, cattle, mule, donkey, sheep, goat or other hard-hoofed animal into the Greenway without first obtaining a permit therefor from the City of Grand Forks.

14-0411. Protection of Wildlife.

It shall be unlawful for any person to release or abandon any animal within the Greenway without first obtaining a permit therefor.

14-0412. Picnicking.

It shall be unlawful for any person to:

- (A) Assume exclusive use of a picnic site or shelter without a permit.
- (B) Use a shelter or picnic area within the Greenway if said shelter has been reserved by another group or entity.
- (C) Conduct picnic activity at the reservation site or shelter contrary to the permit issued or otherwise violate any provisions this chapter.
- (D) Set up temporary shelters, tents, tarps, canopies, and other such devices without authorization or special permit by the Grand Forks Public Information Office through the special event application.

14-0413. Motor Vehicles.

It shall be unlawful for any person to:

- (A) Operate a motor vehicle except in designated areas.
- (B) Park or leave a vehicle standing except in a designated area and then only in a manner not to restrict normal traffic flow.
- (C) Leave a motor vehicle parked in the Greenway for more than 24 hours.
- (D) Wash, polish, grease, or perform any other maintenance on a vehicle in the Greenway. This provision shall not, however, apply to necessary repairs to remove a vehicle from the Greenway.
- (E) The provisions of this section shall not apply to law enforcement or emergency response personnel and vehicles or any other personnel or vehicles specifically authorized by the City of Grand Forks.

14-0414. Application for Permits.

Any person seeking the issuance of a permit required under this article shall file an application with either the City of Grand Forks or the Park District of the City of Grand Forks or his/her designee.

14-0415. Standards for Issuance of a Permit.

The City of Grand Forks or the Park District of the City of Grand Forks shall issue a permit hereunder only upon the findings:

- (A) That the proposed event, activity, or use of the park property will not unreasonably interfere or detract from the general public's enjoyment of the Greenway.
- (B) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
- (C) That the proposed activity and use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (D) That the proposed activity will not entail unusual, extraordinary, or burdensome expenses of maintenance, cleanup, security, or police operations.
- (E) That the granting of the permit will not conflict with any other permit already granted or for which application is pending.
- (F) That the granting of the permit will not create a substantial risk of injury to persons or damage to property in the Greenway or surrounding area.

14-0416. Revocation of Permit.

The City of Grand Forks and the Park District of the City of Grand Forks reserves the right to, at

his/her discretion, revoke or suspend any permit issued under this ordinance when the City of Grand Forks or the Park District of the City of Grand Forks finds that any of the standards for issuance of a permit no longer are complied with or when the public health, safety, and welfare warrant the revocation of said permit.

14-0417. Delegation of Authority.

Authority granted under this article may be delegated.

14-0418. Penalties for Criminal Offenses.

Every person convicted of a violation of a criminal offense as set forth in Grand Forks City Code 14-0407, shall be punished by a fine not to exceed One Thousand and No/100 (\$1,000.00) Dollars or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment in the discretion of the court. The court shall have the power to suspend said sentence and to revoke the suspension thereof, except as otherwise provided.

14-0419. Penalties for Non-Criminal Offenses.

Except as otherwise provided herein, every person convicted of a violation of a non-criminal offense as set forth in this article except 14-0407 shall be punished by a fine not to exceed Five Hundred and No/100 (\$500.00) Dollars in the discretion of the court. Except as otherwise provided, the court shall have the power to suspend said sentence and to revoke the suspension thereof.

SECTION II. EFFECTIVE DATE

This ordinance shall be in full force and effect after its passage and approval as provided by law.

MICHAEL R. BROWN, Mayor

ATTEST:



JOHN M. SCHMISEK, Director
Finance & Administrative Services

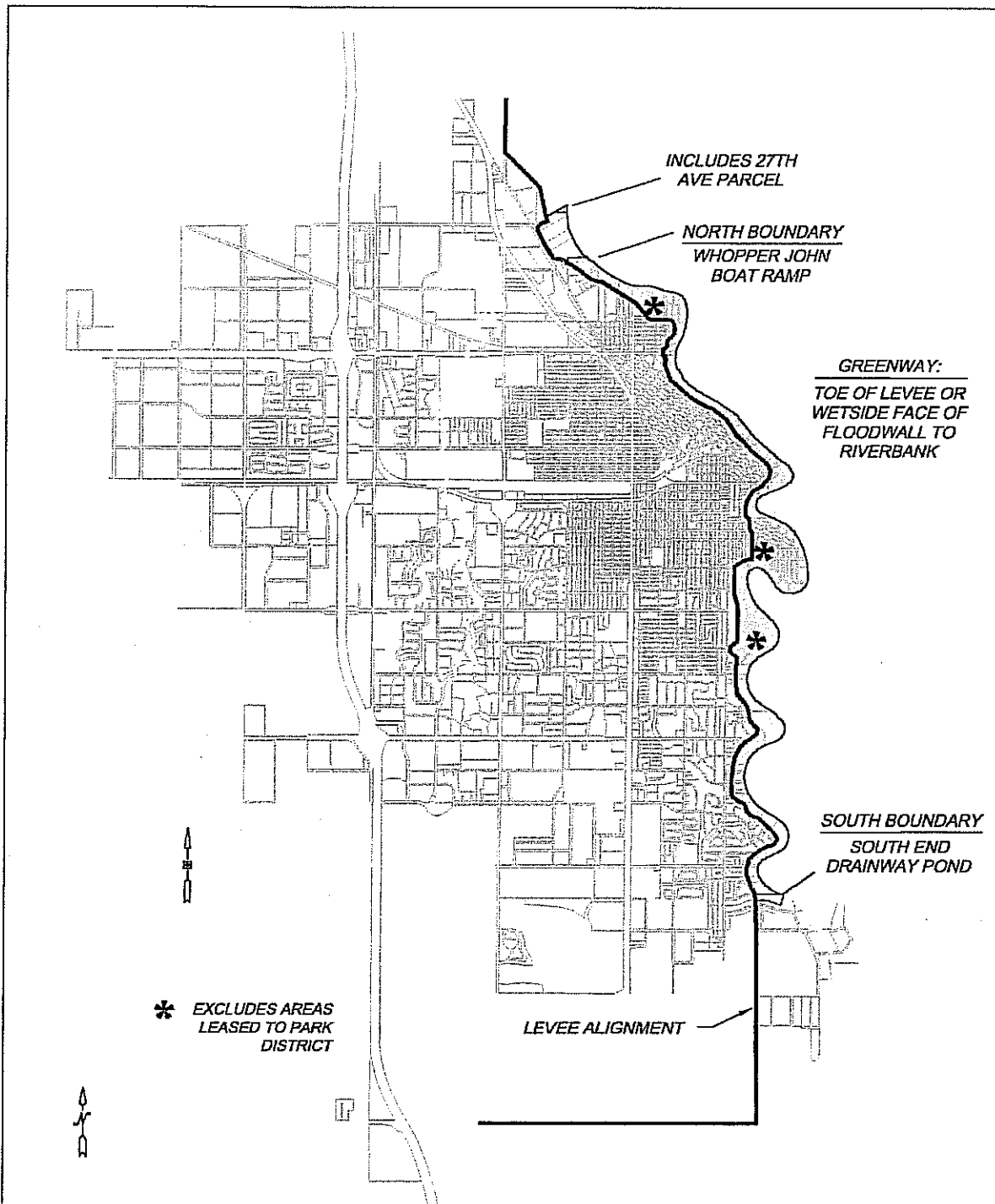
Introduction and first reading: **August 7, 2006**


Public Hearing: **N/A**

Second reading and final passage: **November 20, 2006**

Approved: **November 20, 2006**

Published: **Title and Penalty Clause. December 2, 2006.**




GRAND FORKS FLOOD PROTECTION PROJECT
GREENWAY DELINEATION MAP

DATE: November 15, 2006
 SCALE: NONE

APPENDIX A
 FILE: K:\Flood\Map\Flood Protection Map\Flood Protection Map.dwg