

CITY OF DEEPHAVEN
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CHAPTER 8. PUBLIC GROUNDS, BEACHES, TREES AND SHRUBS

SECTION 800 PUBLIC GROUNDS - REGULATIONS

800.01 Park Regulations.

Subd. 1. Hours. No person may be present in, or park a vehicle in, any park, playground or public beach, between 12 midnight and 6 a.m., except those who, without delay, are traveling on the established walks, paths, and streets.

Subd. 2. Picking Plants Prohibited. No person, other than an employee of the City, may pick or cut any wild or cultivated flower, or cut, break, or in any way injure or deface any tree, shrub or plant within any park, playground or public beach, or carry within or out of any park, playground, or public beach any wild flower, tree, shrub, plant, branch or soil.

Subd. 3. Fires. No person may start a fire in any park, playground, or public beach, except that a small fire for culinary purposes may be made in a fire-proof container in a park except as posted otherwise. Every person who starts a fire or uses a fire must completely extinguish the fire before leaving the park.

Subd. 4. Charcoal Fires. No person may deposit ashes from charcoal or any other fire in any park, playground, or public beach, except in containers provided for refuse, and then only after ashes or coals are sufficiently cold to prevent damage.

Subd. 5. Swimming. No person may swim in or enter the waters of or adjoining any park, playground, or public beach except at swimming places designated by the Council.

Subd. 6. Camping. Overnight camping is permitted in Burton Park only upon prior registration with the Clerk.

Subd. 7. Garbage. No rubbish, trash, or organic or inorganic waste may be deposited or allowed to accumulate. Such waste must be removed or placed in receptacles provided.

800.02 Beach Regulations.

Subd. 1. Children under Ten. No child under ten years of age is allowed on any public beach unless under the supervision of a competent person.

Subd. 2. Litter. No person may place or leave in the water or upon any public beach any lighted cigars, cigarettes, glass, bottles, nails, tacks, wire, crockery, cans or other sharp or cutting substances, or any refuse of any kind. If any glass is broken, the person responsible for the breakage must immediately pick up the pieces and place them in a trash container. No glass objects are allowed in the beach area.

Subd. 3. Beach Hours. No person may be present at any public beach for the purpose of swimming, bathing or congregating with others between the hours of 10 p.m. and 6 a.m. of the following day.

Subd. 4. Swimming Boundaries. No person may swim beyond buoys marking outer limits of a swimming area.

Subd. 5. Conduct. Mud or sand throwing is prohibited at any public beach.

800.03 Public Tennis Court Regulations. For the protection of the public and the orderly use of public tennis courts, the following rules are established for public tennis courts in the City:

Subd. 1. No Street Shoes. No person is allowed on public courts in street shoes.

Subd. 2. No Bicycles. No bicycles or other vehicles are allowed on public courts.

Subd. 3. Tennis Only. Public tennis courts will be used only for playing tennis.

Subd. 4. Courts. No person may use the tennis courts when the courts are wet.

Subd. 5. Net and Fence. No person may climb upon, tamper with, or damage any net or fence on or surrounding the tennis courts.

Subd. 6. Time Limit. If other persons are waiting for an opportunity to play tennis, play must be limited to 45 minutes at any one time.

800.04 Public Skating Rink Regulations. For the protection of the public in the orderly use of public skating rinks in the City:

Subd. 1. Posting. Skating areas will be posted for "hockey" or for "free skating." No hockey sticks or pucks are allowed in the areas posted for free skating.

Subd. 2. No Vehicles. No vehicles are allowed on any skating area.

Subd. 3. No Glass Objects. No glass objects are allowed on any skating area.

Subd. 4. Skating Rink Hours: City skating rinks will be closed between 9:00 p.m. and 8:00 a.m., unless a permit is obtained from the Director of Public Works.

800.05 Public Launch Regulations.

Subd. 1. Weight Restrictions. The total combined weight of the vehicle, trailer, and watercraft using the public launch shall not exceed two (2) tones per axle.

Subd. 2. Separate Launch Lanes. The public launch shall be divided into two separate launch lanes to enable the launching and retrieval of two watercrafts simultaneously. Users of the public launch shall launch and retrieve their watercraft from either lane and shall be prohibited from launching or retrieving their watercraft from the center portion of the launch.

Subd. 3. Aquatic Invasive Species. All watercraft using the public launch are required to adhere to all applicable laws, rules and regulations adopted by the State of Minnesota, the Minnesota Department of Natural Resources, the Lake Minnetonka Conservation District, the Minnehaha Creek Watershed District and the City of Deephaven pertaining to Aquatic Invasive Species.

Subd. 4. Minimum Fine. The mandatory minimum fine for a violation of this ordinance is \$500.00.

800.06 Public Fishing Regulations.

Subd. 1. Permitted Public Fishing Locations. Fishing on public property is only permitted at the following three locations:

- The Burton Park nature dock
- The Deephaven Beach fishing pier
- The St. Louis Bay canoe launch.

Subd. 2. Hours. No person may fish at a permitted public fishing location between 10:00 p.m. and 6:00 a.m.

Subd. 3. Garbage. No rubbish, trash, organic or inorganic waste may be allowed to accumulate on the fishing docks.

Subd. 4. Conduct. Fishing or casting within 5 (five) feet of any defined swimming area is prohibited.

SECTION 805 TREES AND SHRUBS

805.01 Purpose. The purpose of this Section is to (a) provide for the minimal care of trees and shrubs on public rights-of-way and on City-owned property, (b) reduce the spread of tree diseases within the City, and (c) prohibit and/or mitigate the removal of or damage to trees and shrubs on public rights-of-way, on City-owned property, and in other areas of the City, and (d) remove those hazardous trees on public and/or private property that pose an immediate hazard to public safety.

805.02 Public Tree and Shrub Planting, Care and Removal. Only the City and its employees or agents will have the right to prune, maintain, remove or perform any other arboricultural practices on any public right-of-way or City-owned property, and no planting may be done on such property without the knowledge and consent of the City.

805.03 Damage to Public Trees. Unless specifically authorized by the City, no person shall intentionally damage any tree or shrub on any public right-of-way or City-owned property by cutting, carving, attaching any rope, wire, nails, advertising posters, or other contrivances to any tree or shrub. It is unlawful for any person to top any tree or severely cut back its branches, on any public right-of-way or City-owned property without prior authorization from the City.

805.04 Shade Tree Disease Program and the Removal of Hazardous Trees. It is the intention of the City to conduct a program of shade tree control pursuant to authority granted by Minnesota Statutes, Section 18.023 with the intention to control and eliminate Dutch Elm disease fungus, elm bark beetles, oak wilt fungus and any other disease that is harmful to shade trees within the City and remove all hazardous trees on public and/or private property that poses an immediate hazard to life and property within the City.

- (a) The City shall have the right to order or cause the removal of any trees that are dead or diseased on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city.
- (b) Unless such trees pose an immediate hazard to public safety, the owner of such trees will be ordered, in writing, to remove said trees, stating the reason for removal and the location of said tree or trees to be removed. Removal shall be achieved by said owner at the owner's expense with fourteen (14) days after the date of the order to remove or a time parameter placed by the Zoning Coordinator in consideration of time of the year or

protection against disease. In the event an owner fails to comply with such order to remove, or if public safety consideration requires immediate removal, the City shall then proceed to remove said tree or trees, and to charge removal cost to the owner of the property as provided by law in the case of special assessments.

805.05 Other Provisions in Effect. In addition to the provisions of this Section 805, trees and shrubs in the Shoreland Overlay District are subject to the provisions of Section 1350.05.