

## Park Ordinance Engagement Results Analysis

The Ramsey County park ordinance was adopted in 1992 and last amended in 2007. The purpose is to promote the safety, health, enjoyment and welfare of everyone in their use of parks, and to protect park property and resources. The Park Ordinance requires routine updating to stay current and align with community needs. The ordinance revision process aims to:

- Respond to long-standing community feedback about park access.
- View the ordinance through a racial equity lens.
- Modernize the ordinance and address contemporary park issues.
- Make changes that result in an ordinance that is equitable, consistent and streamlined; promotes greater enjoyment of the parks; ensures user safety; and protects park facilities, property and natural resources for everyone to enjoy.

Community engagement objectives:

- Use a phased approach with early review and guidance from regulatory and legal entities, as well as key municipal partners and county committees.
- Share information about the current ordinance, and discuss possible updates based on internal and racial equity reviews.
- Understand racial equity impacts of the current ordinance and ensure that final revisions reduce negative impacts.
- Gather community feedback on changes residents would like to see in the ordinance.

The goal of engagement was to consult with the public to obtain feedback on analysis, alternatives and/or decisions. Project organizers committed to keep the public informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.

The overall process of the ordinance revision was as follows:

- Phase 1: Internal Review, Racial Equity Review.
- Phase 2: Community engagement.

### Process

#### Phase 1: Review and assessment

The purpose of Phase 1 was to evaluate the current ordinance to identify ways that the ordinance could advance equity, reduce recreational conflict, protect park property adequately, reflect modern advances and understanding, and promote positive park usage. The ordinance was also examined for potential negative racial equity impacts through an Internal Review and a Racial Equity Review. Results from this phase were then used to determine the topics for Phase 2 community engagement.

The following Ramsey County groups were included in the Internal Review process from winter 2020 through fall 2021:

- Parks & Recreation.
- Sheriff's Office.
- County Attorney's Office.
- Policy & Planning.

- Diversity, Inclusion & Organizational Development.
- Enterprise Risk Management.

The Racial Equity Review process began in April 2021. Parks & Recreation staff conducted virtual sessions with the following groups to examine the ordinance and uncover ways that the current ordinance could have a negative racial equity impact:

- Ramsey County Equity Action Circle.
- Public Health Law Center.
- Public Defenders working in Ramsey County.
- Ramsey County Parks Commission.
- Ramsey County Parks & Recreation Racial Equity Leadership Team.

Several key issues and priorities emerged from these Phase 1 engagements:

- The ordinance should be written in plain language to support accessibility, comprehension and compliance.
- Current park hours are too restrictive and should be expanded to provide greater access.
- Currently, every ordinance infraction can be cited as a misdemeanor, which is a criminal penalty carrying a maximum of a \$1,000 fine and 90 days in jail. This can disproportionately impact communities of color and people in poverty, and efforts should be made to decriminalize ordinance violations.
- Foraging for fruits, nuts and mushrooms is important to some communities and cultures and should be balanced with protecting natural resources.
- Smoking and tobacco use is detrimental to health and limiting its use in the parks should be considered, without restricting tobacco use for cultural and ceremonial purposes.
- The loitering section of the ordinance could be enforced in discriminatory ways and should be removed.
- Elements of the ordinance that are redundant with state statute could be removed.

Results from this phase of engagement were the foundation upon which the topics for Phase 2 were designed.

### **Phase 2: Community engagement**

Phase 2 focused on feedback from residents on the entire ordinance, with special attention placed on three topics that needed detailed public input per guidance from Phase 1: Park access, smoking and tobacco use, and fines and penalties for violations.

Community engagement took place during the summer of 2021 and included the same content offered in two formats:

- Virtual community conversations:
  - August 11, noon, 40 participants.
  - August 17, 7 p.m., 5 participants.
- Online survey:
  - Open July 17-August 20.
  - 1,495 participants offered 8,673 comments.

More than 125 participants identified as Black, Indigenous and People of Color (BIPOC). As part of the racial equity review, project organizers compared these responses to those from people who identified as white or did not identify their race or ethnicity. Feedback from BIPOC participants aligned with the feedback received from participants who identified as white in the areas of fines and penalties, park access, and smoking and tobacco use.

Survey and community conversations were communicated through the county website, multiple newsletters, signage throughout park system, organic and paid social media ads to Ramsey County residents, partnership with cities, Spokesman Recorder, and outreach to stakeholder groups.

## Results

### Park Access

#### Information provided to participants

Background: Parks staff have heard concerns from the public about limited park hours.

Issues and information:

- Park hours are currently a half hour before sunrise and a half hour after sunset. However, due to the size and accessibility of park entrances, no park is physically closed to prevent entry.
- In contrast to Ramsey County parks, most local park agencies have hours from 5 or 6 a.m. until 10 or 11 p.m.
- Most city sidewalks and boulevards have no scheduled hours of use.
- With limited winter daylight hours, the current park hours restrict early morning and evening uses such jogging, ice fishing, cross country skiing or bike commuting on regional trails.
- Most Ramsey County parks do not currently have lighting.
- Regardless of current or future park hours:
  - Various city curfew ordinances for people under 18 remain in effect and apply to parks.
  - Ramsey County park noise ordinance and city noise ordinances remain in effect and apply to parks.
- No overnight camping is allowed.
- The Ramsey County Sheriff's Office currently patrol parks from noon to 10 p.m. The Sheriff's Office noted that crime can more easily occur in cover of darkness, but more people recreating in a park may deter some criminal activity.

Note: Facility hours, such as bathrooms, would likely remain unchanged due to operational considerations.

**Options** provided for community discussion based on guidance from Phase 1:

- Option A: Setting year-round park hours from 5 a.m.-11 p.m.
- Option B: Eliminating park hours, making them accessible 24/7.

#### Analysis

Option A to set park hours from 5 a.m.-11 p.m. appealed to participants of the community engagement process. Participants commented that this option was consistent and easy to understand, and more closely aligned with municipalities within the county. They also expressed appreciation for the

opportunities for more early morning activities such as running and fishing, as well as a wider variety of winter activity and better year-round access to parks.

Crime, safety and late-night noise were of greatest concern for this option, but did not overwhelm the positives. There were several concerns that posted park hours could be used unfairly by law enforcement to target people of color. Suggested solutions to reduce crime included better lighting and increased patrols.

Option B, to eliminate park hours and make them accessible 24/7, received passionate feedback. While there were some advocates for this option, the overwhelming number of responses were not in favor of this option. Crime and safety was the number one concern, along with late-night noise and partying, and concerns about increased homelessness activity. Disturbance to wildlife and increased law enforcement costs perceived as necessary to manage all-night access to parks also weighed as a concern.

Noted advantages for this option included increased access to public lands, flexibility for those with different work schedules or for different activities that can only happen at night, like stargazing. Climate change concerns also found appeal in this option to recreate during cool night hours.

Suggestions to offset potential negative consequences included lights, increased enforcement and cameras. Respondents also offered alternatives such as quiet hours, leaving only trails open for commuting, and permits for specific night use. There were also some proposals to select only one or two parks to keep open 24/7.

## **Smoking and tobacco use in parks**

### **Information provided to participants**

Background: Research has definitively shown that smoking and tobacco use and vaping tobacco are damaging to the smoker's or vaper's health and also to those nearby through secondhand smoke. The proposed alternatives to limit tobacco use in Ramsey County parks would not apply to ceremonial, cultural or spiritual practices. Smoking and tobacco use are currently allowed on park property.

**Options** provided for community discussion based on guidance from Phase 1:

- Option A: Prohibit smoking and tobacco use within 25 feet of any park building, outdoor event, playground, beach or nature center grounds.
- Option B: Prohibit smoking and tobacco use everywhere on park property, except parking lots.
- Option C: Prohibit smoking and tobacco use everywhere on park property.

### **Analysis**

Some dominant themes emerged in responses to all the options. The primary appeal of prohibiting smoking and tobacco use was the health benefits, particularly for children and other vulnerable populations, supporting parks as places of healthy living.

Concerns about the options that allowed any smoking focused on cigarette litter and fire danger. Several respondents were concerned that smoking regulations in the parks could increase conflicts with law enforcement and result in biased or unfair treatment of park visitors. Others were concerned that enforcement would be difficult or inadequate regardless of which option was chosen.

Some responses were unique to an option:

- Option A, prohibiting smoking and tobacco use within 25 feet of buildings: Concerns included that it didn't limit smoking enough and that 25 feet was difficult to identify and enforce. This approach was appealing since it followed state guidelines or common practices.
- Option B, allowing smoking and tobacco only in parking lots: Benefits included keeping smoke away from recreational activities and that it was very clear where smoking and tobacco use was permitted and where it was not.
- Option C, overall ban on smoking and tobacco use: This appealed to a large portion of respondents, with others finding it unappealing because enforcement would be difficult or detrimental, or that smokers and tobacco users would choose to not use the park at all.

Additional ideas included creating an even smaller "designated smoking area," using signage to encourage smokers to be thoughtful, and providing resources to quit smoking. Others brought up marijuana use and suggested this should be taken into consideration if use becomes legalized in Minnesota.

## **Fines and penalties**

### **Information provided to participants**

Background: Currently, every ordinance violation can be cited as a misdemeanor, which is a criminal penalty carrying a maximum of a \$1,000 fine and 90 days in jail. This applies to all violations, including damaging park property to walking on a ski trail during the winter. These penalties can have negative equity impacts, and go on a person's permanent record as a criminal offense that can affect job status, college or rent applications, or immigration status.

In practice, however, the Sheriff's Office typically uses education to change behavior that is unsafe or violates the ordinance, and issues citations as a last resort. The vast majority of citations given are for parking violations, with a few other citations being issued for people or vehicles being in parks after hours.

Note: Serious criminal behavior violates state law and is prosecuted accordingly.

**Options** provided for community discussion based on guidance from Phase 1:

- Option A: Violations are petty misdemeanors. This is a non-criminal offense with a maximum penalty of \$300. Appeals are through the court system. A petty misdemeanor may show up in an employment background check.
- Option B: Violations result in an administrative fine. This is a non-criminal offense with the fine set by the Ramsey County Board, likely at \$100 or less. Appeals are through a hearing panel. An option of substituting fines with volunteer work is also being examined. Failure to pay the fine or participate in volunteer work could result in it being converted to a misdemeanor with a maximum \$1,000 fine and up to 90 days in jail.

### **Analysis**

While some feedback preferred keeping the current penalties out of concern that these options were too lenient and did not provide a strong enough deterrent to crime, an overwhelming number found options A & B appealing. They found the decriminalization and reduced penalties more equitable and fair, and the concept of substituting fines with volunteer work to be a positive approach, assuming that opportunities to volunteer would be easily accessible and not burdensome.

Administrative fines were appealing to many participants, along with constructive questions and concerns. Concerns included the cost of administration and the punishment for not responding to the fine being converted to a misdemeanor as too harsh; many respondents thought that a “one fine fits all” approach was problematic and recommended that the fine align with the severity of the violation.

Racial equity was central to many responses. Participants wanted assurances that education was the primary approach by law enforcement, enforcement was not racially biased, fines would be within reach to those living in poverty, and the appeals process or volunteer substitutions were accessible and fair.

## All other ordinance sections

### Information provided to participants

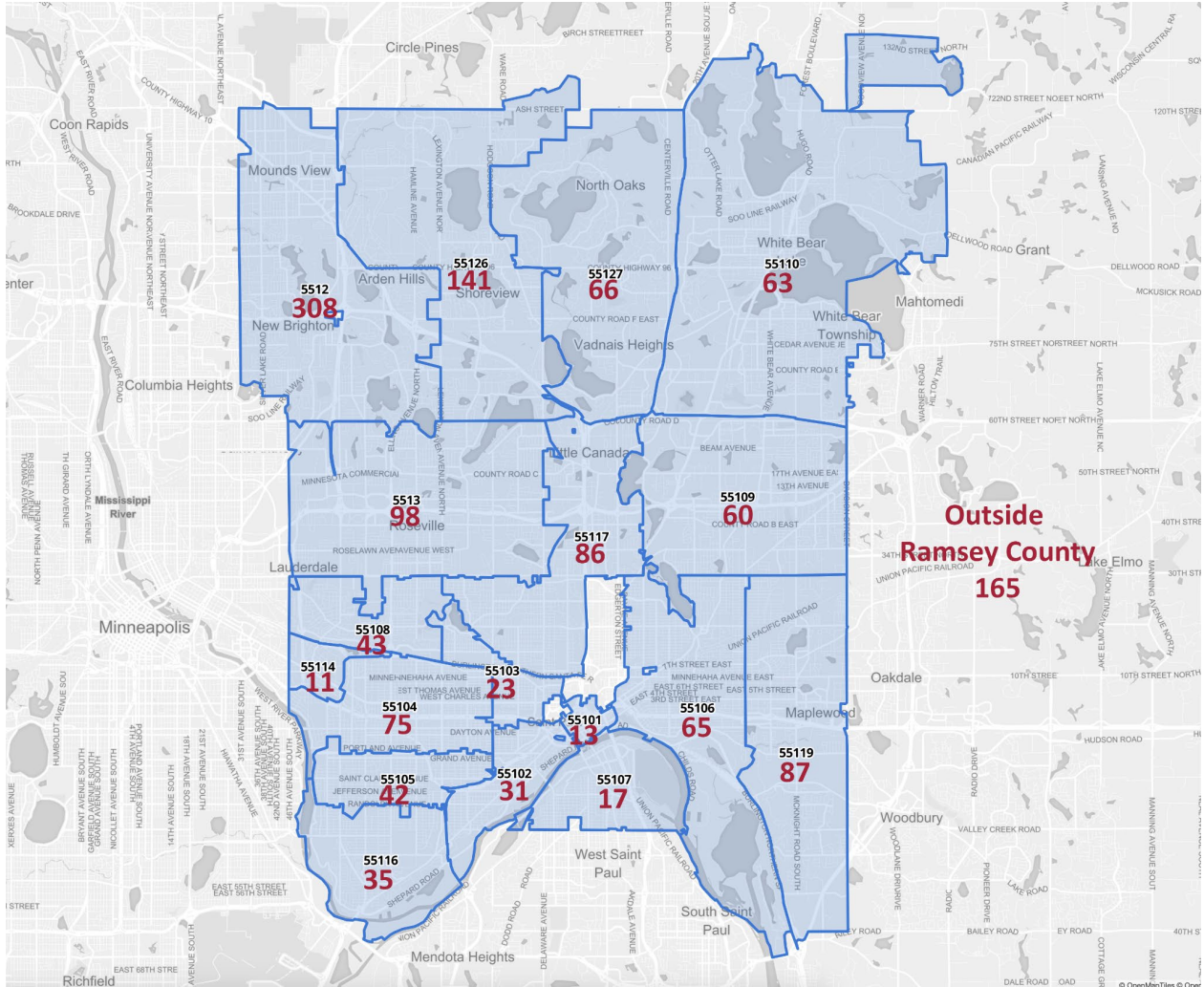
Background: Survey respondents and virtual community conversation participants were offered the opportunity to comment on any of the other sections of the ordinance, with a side-by-side comparison of the original ordinance text alongside draft changes derived from the Phase 1 Internal Review and Equity Review.

Below are highlights from responses about other sections of the ordinance:

- **Inclusion statement:** There was general support for adding an inclusion statement.
- **Permits:** A number of respondents thought the updated draft language, “Permits are required for organized events and activities, or large group gatherings,” was too vague. Recommendations included keeping the current language and identifying “exclusive use” of park land.
- **Disturbance of natural resources:** There was general support for allowing foraging of fruits, nuts and berries.
- **Littering:** There were numerous concerns about littering, and suggestions to add details about specific items to the list.
- **Amplified sound:** Concerns that the use of the word “should” in the draft language was not clear. The word “must” would be clearer and more enforceable.
- **Disturbing the peace:** Participants had concerns about removing this section and solely relying on state statute, preferring to retain this section in the park ordinance.
- **Loitering:** Participants expressed concerns about voyeurism and sexual assaults in restrooms. Note: This sort of activity, if left out of the park ordinance, would still be enforced through state statute.
- **Alcohol and controlled substances:** Some didn’t want alcohol allowed in parks at all, while others had concerns about the limited definitions included.
- **Aviation:** There was some interest in creating a designated area for drones.
- **Pets:** There were many concerns about enforcement. There were a number of requests to allow pets in picnic areas despite the known issues with dogs around food and other park users, as well as urine and feces in picnic areas.
- **Picnicking:** There is a desire to allow the public to use picnic shelters for free when not rented.
- **Swimming:** Concerns about requiring “appropriate swimwear,” and the vagueness of that phrase.
- **Bicycling:** Some felt the 20 mph limit is too low, and others thought it is too high.

## Community engagement ZIP code distribution

There were 1,427 responses to the home ZIP code question in the online survey, out of the 1,495 total surveys collected.

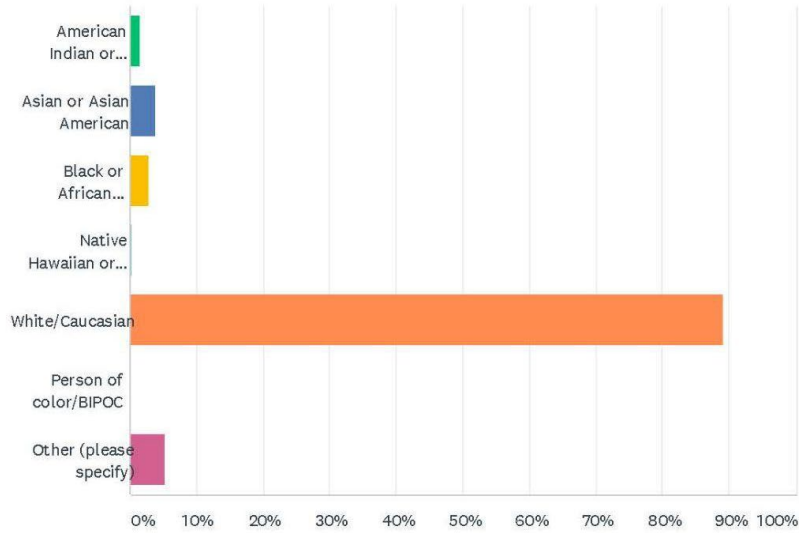


### Community engagement race and ethnicity

There were 1,455 responses to this question in the online survey, out of the 1,495 collected.

#### Q2 How do you describe your race or ethnicity?

Answered: 1,455 Skipped: 40



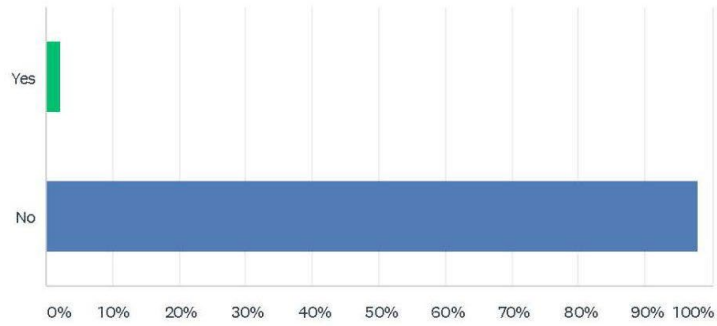
| ANSWER CHOICES                            | RESPONSES |       |
|---|-----------|-------|
| American Indian or Alaska Native          | 1.51%     | 22    |
| Asian or Asian American                   | 3.78%     | 55    |
| Black or African American                 | 2.75%     | 40    |
| Native Hawaiian or other Pacific Islander | 0.14%     | 2     |
| White/Caucasian                           | 89.07%    | 1,296 |
| Person of color/BIPOC                     | 0.00%     | 0     |
| Other (please specify)                    | 5.29%     | 77    |
| Total Respondents: 1,455                  |           |       |



There were 1,431 responses to this question in the online survey, of the 1,495 collected.

### Q3 Are you Hispanic / Latino / Latinx?

Answered: 1,431 Skipped: 64



| ANSWER CHOICES | RESPONSES |       |
|----------------|-----------|-------|
| Yes            | 2.17%     | 31    |
| No             | 97.83%    | 1,400 |
| TOTAL          |           | 1,431 |