

Minnesota Attorney General: Administrative Rules Proceedings

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STATE OF MINNESOTA

MINNESOTA ZOOLOGICAL GARDEN

In the Matter of the Proposed Adoption of Rules of the Minnesota Zoological Garden Governing General Operation Rules.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Steve M. Mihalchick, Hearing Examiner, on the third day of February, 1978, after proper notice required by Minn. Stat. § 15.0412 (Supp, 1977) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having considered all the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having considered the findings of fact and recommendations of the Hearing Examiner,

NOW, THEREFORE, IT IS ORDERED that these rules identified as the Rules of the Minnesota Zoological Garden with the exception of proposed Zoo 104, 404, 501, and 601 and as amended as set forth in the Findings of Fact, Conclusions and Decision incorporated herein, are adopted this 24th day of April, 1978, pursuant to the authority vested in me by Minn. Stat. § 85A.02, subd. 7 (1976).

Minnesota Zoological Garden

U.S. Seal

U.S. SEAL, Chairman

STATE OF MINNESOTA

MINNESOTA ZOOLOGICAL GARDEN

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FINDINGS OF FACT, CONCLUSIONS AND DECISION

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After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all the evidence adduced and upon the records, files and proceedings herein, the Hearing Examiner has made his findings, attached hereto. Upon review of the Hearing Examiner's findings and the evidence and statements submitted by interested parties, I find the following:

1. The Report of the Hearing Examiner is hereby adopted as the findings of fact, conclusions and decision of the Minnesota Zoological Garden (hereinafter "Board") except as noted below.

2. Zoo 101: The Board has accepted the recommendation of the Hearing Examiner to delete all of Zoo 101 except for the last sentence providing that a violation is a misdemeanor. In addition, the Board has accepted the recommendation to change the reference to "regulation(s)" in Zoo 101 and all other rules to read "rule(s)." Therefore, Zoo 101 is amended to read:

> A violation of any rule herein set forth is a misdemeanor.

3. Zoo 102: The Board has accepted the recommendation of the Hearing Examiner to amend the exception contained in the definition of "vehicle" (Zoo 102(f)) to include baby strollers. Therefore, Zoo 102 is modified to read:

> "Vehicle" means any motorized, self-propelled, animal-drawn or human-powered conveyance, including motorized recreation vehicles, and any trailer used in connection with any vehicle with the exception of wheelchairs, baby strollers, or other conveyances necessary for the pedestrian movement of the handicapped, children, or infants.

4. Zoo 104: The Board has concurred in the recommendation of the Hearing Examiner to delete Zoo 104.

5. Zoo 105: The Board has accepted the recommendation of the Hearing Examiner to delete the phrase "and in accordance with Minnesota Statutes" from Zoo 105. Therefore, Zoo 105 is amended to read:

> These rules may be enforced by any peace officer or law enforcement agency or person designated, appointed or ratified by the director to act in a security capacity on the Zoo premises.

5. Zoo 201: The Board has adopted the recommendation of the Hearing Examiner to modify Zoo 201 to provide that it shall be unlawful for any person or vehicle to enter the Zoo premises without a valid ticket or pass. As proposed, Zoo 201 would have made it unlawful for any person or vehicle to be present on the Zoo premises without a valid ticket or pass. Therefore, as amended, Zoo 201 shall read:

> It is unlawful for any person or vehicle to enter the Zoo premises without a valid ticket or pass.

6. Zoo 301: The Board has adopted the recommendation of the Hearing Examiner to modify Zoo 301 to proscribe only intentional disturbance of wildlife and to exclude any prohibition against unintentional disturbance. As amended, Zoo 301 shall read:

> It is unlawful for any person intentionally to injure, destroy, or remove any wildlife, vegetation, rock, soil, or mineral on the Zoo premises or to kill, trap, hunt, pursue, or in any manner intentionally disturb, alter, or cause to be disturbed or altered any species of wildlife within or on the Zoo premises.

7. Zoo 305: The Board has adopted the recommendation of the Hearing Examiner to amend Zoo 305 to prohibit the possession of wildlife on Zoo premises. Zoo 305, as amended, shall read:

> It is unlawful for any person to bring, possess, introduce, abandon, or release on the Zoo premises any wildlife including domestic animals.

8. Zoo 307: The Hearing Examiner found Zoo 307 to be unreasonable. Zoo 307 makes it unlawful for any person to attempt to make or to make physical contact with any wildlife on the Zoo premises except as authorized in certain areas of the Children's Zoo. Although the Hearing Examiner found that there is a need to prevent injury to animals and visitors, he suggested that this purpose should be served by the design of the exhibit area rather than by Zoo 307. He further suggested that where the exhibit area could not be designed to prevent visitor contact with the animals, "the visitor should not be sanctioned for touching or merely making a gesture toward an animal that is right next to him." Finally, the Hearing Examiner implicitly indicated that Zoo 205, prohibiting unauthorized entry into restricted areas, served the purposes of Zoo 307.

The Board submits that the Hearing Examiner's conclusion overlooks the particular design features of the Zoo and the limits of design capabilities generally. In addition, the Board submits that Zoo 205 does not serve the purposes of Zoo 307 and, therefore, the Board has adopted Zoo 307 as proposed.

The Zoo is designed to separate unobstrusively the visitors from the animals on exhibit. Generally, this is accomplished by separating animals and visitors by floor-to-ceiling transparent partitions or by utilizing guard rails and moats. In most cases, the guard rails are at least three to four feet high and, in many cases, elevation differences are employed in connection with the moats. In no exhibit area can a visitor touch an animal by merely gesturing or casually extending an arm or leg from the viewing area.

Zoo 307 is not intended to prohibit mere gestures or casual extensions of visitors' limbs in the direction of the exhibit area. Further, it should not be construed to encompass such conduct by interpreting its scope apart from the context of the unique and specific design features of the Zoo.

The Hearing Examiner's first suggestion was that visitor-animal separation should be exclusively the function of the structural design of the Zoo. The simple fact is that the Zoo's barriers, while designed for the visitors' and animals' safety, are not fool-proof. The guard rails can be scaled and the moats can be crossed. Furthermore, since the design must balance the exhibit function with the need for safety, a fool-proof visitor-animal separation is not practical.

Recognizing that a fool-proof design might not be possible, the Hearing Examiner suggested that Zoo 205 would sufficiently prevent visitor-animal contact, thereby implying that Zoo 307 was redundant. The Board submits that Zoo 205 does not adequately accomplish the intent of Zoo 307.

Zoo 307 addresses contact between visitors and animals. Zoo 205 prohibits trespassing. Thus, while Zoo 307 concerns interaction between visitor and animal; Zoo 205 affects only real property of the Zoo and any prohibition contained in Zoo 205 against visitor-animal contact arises only by inference. The Board submits that the concern over preventing visitor-animal contact is too grave to leave to inference. Zoo 307 makes the prohibition unmistakeably explicit.

Furthermore, Zoo 205 does not insure that unauthorized visitor-animal contact will be absolutely prohibited. At best, Zoo 205 only indirectly prohibits such contact if the visitor trespasses in a posted restricted area. However, it is very possible that Zoo 205 could be construed not to pertain to animal exhibit areas.

Zoo 205 provides:

> It shall be unlawful for any person or vehicle to pass into any posted restricted area, except that entry into restricted areas shall be permitted in such areas as the Director may specifically designate when such admittance is under the auspices and control of an authorized special tour guided by Zoo personnel.

When Zoo 205 is read as a whole, it contemplates that restricted areas may be open to visitors during special tours. In this sense, restricted areas would include such places as the Zoo's veterinary facilities, animal holding areas, or staff working areas. It is very unlikely that an animal exhibit area would be open to a special tour, especially if an animal, dangerous or not, was present. Thus, the concept of restricted areas arguably is not one which applies to animal exhibit areas. Therefore, under that construction, Zoo 205 would be useless in preventing visitor animal contact in exhibit areas.

Finally, the Hearing Examiner suggests that Zoo 307 could be construed to prohibit simple gesturing directed at an exhibit animal. As noted above, no exhibit area at the Zoo is designed to enable a casual gesture made from the viewing area to result in contact with an animal. Indeed, a strenuous or elaborate effort would be required of a visitor to make contact with any of the animals. Consequently, it would be unreasonable to construe Zoo 307 to prohibit simple gestures.

Separation of the visitors from the Zoo's animals is obviously critical. It is probably one of the most important safety concerns of any zoo. While a mere request or an admonishment without sanction may be adequate notice of the proscription against contact with the animals for most visitors, it will not suffice for those who earnestly seek to reach an exhibit animal either to pet it, harm it, or release it. Coupling the admonishment with misdemeanor sanctions is not unreasonable when it is understood that not only is contact between visitors and animals possible for visitors intent on accomplishing such

contact, but that any contact, if it occurs, has potentially tragic consequences. For these reasons, the Board has adopted Zoo 307 as proposed.

9. Zoo 404, 405, 406, 407, 409: The Hearing Examiner found Zoo 404, 405, 406, 407, and 409 to be unreasonable. The basis of the Hearing Examiner's finding was twofold. First, because Zoo 404 incorporates state traffic statutes, it ". . . is unreasonable because it invokes a penalty which exceeds the maximum penalty for similar traffic offenses established in Minn. Stat. § 169.89, subd. 1." Second, insofar as Zoo 405, 406, 407, and 409 prohibit conduct already proscribed in the state traffic statutes, they are unnecessary because the state traffic statutes apply on the Zoo premises.

The Board submits that the Zoo's roads are private roadways as that term is defined in Minn. Stat. § 169.01, subd. 30 (1976): "'Private road or driveway' means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons."

The Zoo's roads are private roadways because access to them is limited to vehicles operated by persons visiting the Zoo for official or authorized purposes or members of the public who purchase and present a valid admissions pass. They are not open to the public as a matter of right. The fact that the roads are state-owned does not preclude them from being private roadways. Meritt v. Stuve, 215 Minn. 44, 49-51, 9 N.W.2d 329, 332-33 (1943).

Because the Zoo's roads are private roadways, the premise upon which the Hearing Examiner based his finding that Zoo 405, 406, 407, and 409 are unreasonable is incorrect. That is, the state traffic statutes do not necessarily apply to the Zoo premises.

Minn. Stat. § 169.05 (1976) provides:

> Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.

Therefore, because the Zoo's roads are private roadways, the Zoo has authority under Minn. Stat. § 169.05 to regulate travel on them as it sees fit. For that reason, the Board has adopted Zoo 405, 406, 407, and 409 as proposed. However, the Board accepts the recommendation of the Hearing Examiner to delete Zoo 404.

11. Zoo 501: The Board has accepted the recommendation of the Hearing Examiner to delete Zoo 501.

12. Zoo 504 and 505: The Hearing Examiner found Zoo 504 and 505 to be unreasonable and/or unnecessary. Zoo 504 prohibits the use of intoxicating liquors or controlled substances on the Zoo premises and persons under their influence from entering the Zoo. Zoo 505 creates an exception to the prohibition on the use of intoxicating liquors for special events held within the main Zoo complex.

The Hearing Examiner essentially found no nexus between intoxication or the unauthorized use of alcoholic beverages or controlled substances and the efficient operation of the Zoo. He made this finding in spite of the fact that the Board contended at the hearing that persons whose abilities were impaired by intoxication were prone to injury or disruptive activities. The Hearing Examiner did not find that the use of alcohol or controlled substances did not impair judgment or physical abilities, but rather, he found that the consequences of that disability could be regulated by such proposed rules as those prohibiting disorderly conduct and entrance into restricted areas.

The finding of the Hearing Examiner fails to properly consider the interests of the Zoo in insuring its orderly operation and the protection of the safety of its visitors and animals. Furthermore, it is well established that states and their agencies have extraordinary latitude to regulate liquor and its use. Federal Distillers v. State, 304 Minn. 28, 40, 229 N.W.2d 144, 154 (1975).

The restrictions on the use of alcohol and controlled substances are necessary here because of the paramount concerns of the Zoo for the protection of its visitors and animals. The Hearing Examiner apparently gave less weight to these concerns than he did to the fact that the Zoo is a "public place." If

The mere fact that a public place is the situs of the regulation should not be determinative. Instead, the function and characteristics of the place should be the focus of any inquiry as to the reasonableness of the proposed regulations. Otherwise, one could argue that prohibition against the use of alcohol while driving on the public highways or in public school classrooms was invalid because of the "public" nature of the regulated area.

The Board has set forth on the record its reasons for prohibiting the unauthorized use of liquor and controlled substances. In substance, those concerns reflect the fact that the Zoo has a unique and specific function; it is not a general purpose facility designed to accommodate all interests however legitimate that those interests might be in another setting. The uniqueness of that function includes peculiar crowd-control concerns and safety considerations. In addition, the specific function of the Zoo is to provide a complete experience for the Zoo visitor through the natural display of plants and animals in a setting conducive to instilling a respect and an appreciation for wildlife. The Board feels that the Zoo's specific and unique function will be served by a prohibition against the unauthorized use of alcohol and controlled substances and the Board submits that its position is amply supported by the record.

Finally, the Board submits that the use of alcoholic beverages at special events in designated areas of the Zoo as sanctioned and supervised by the Board or Zoo employees is reasonable. Zoo 505, authorizing such limited use of liquor and beer, accommodates the need to promote the Zoo at special functions while at the same time insuring that the use of alcoholic beverages will be strictly limited to avoid the harm that Zoo 504 is designed to prevent.

For the above reasons and based upon its Statement of Need, the Board has adopted Zoo 505 as proposed. However, in order to limit the prohibition of Zoo 504 to the use of intoxicating liquors, controlled substances, or beer on the Zoo premises, the Board has amended Zoo 504 to read:

> It is unlawful to use any intoxicating liquor, controlled substances, or beer on the Zoo premises or to enter the Zoo premises under the influence of any intoxicating liquor, controlled substance or beer except as provided in Zoo 505.

The Board has adopted Zoo 504 as proposed and amended.

13. Zoo 601: The Board has adopted the recommendation of the Hearing Examiner to amend Zoo 601 to read:

> Misdemeanor statutes and ordinances. No aspect of or omission in these rules shall operate to deprive the criminal laws of the State of Minnesota or the misdemeanor ordinances of the City of Apple Valley from having full force and effect on the Zoo premises.

14. Zoo 606: The Board has adopted the recommendation of the Hearing Examiner to delete Zoo 606.

15. Zoo 607: The Hearing Examiner found that Zoo 607 was an impermissible attempt to protect Zoo visitors from the "petty annoyances of civilization." Zoo 607 provides that the "operation of public address systems, radios, and broadcasting devices is prohibited in the admissions area."

Zoo 607 affects only the admissions area of the Zoo, in other words, it does not apply in the parking areas or on the

Zoo's roadways. Thus, its prohibition applies primarily to the animal exhibit, dining, and rest areas of the Zoo.

The Board submits that three important considerations justify and support Zoo 607. First, the Zoo has been designed to present an "experience in wildness" and, in that sense, it is more than a "place." Animals are not displayed in the traditional parallel rows of cages; rather, they are exhibited in natural settings which minimize the impression of captivity. For example, in the tropical building, nearly one hundred animals are exhibited in a single building in replicas of their natural settings with natural barriers separating visitors from the animals and the animals from each other. In addition, even the non-exhibit areas have been designed through the use of rockwork and plants to reinforce and complement the natural settings employed in the exhibit areas.

Because of this unique design of the Zoo, the use of public address systems, radios, or televisions by visitors would be more than a "petty annoyance." Indeed, they would be significant intrusions into the natural setting that has so painstakingly been designed and preserved at the Zoo site. The Zoo has as much a right and a duty to protect its natural environment from intrusions by broadcasting devices as would the state to prohibit logging or motor-powered vehicles in a state-owned pristine wilderness area.

Second, an important operational consideration of the Zoo is the movement of people from exhibit to exhibit. The Zoo has been deliberately designed to encourage a continuous flow of visitors to avoid congested areas. Therefore, to allow a broadcasting device to counteract this deliberate design and to encourage congestion would be inimical to the efficient operation of the Zoo.

Finally, the operation of broadcasting devices presents the potential for the unauthorized triggering of electronic perimeter security gate controls and interference with complex radio telemetry devices and early warning signals used in the

Zoo's security, research, and mechanical systems.

For the above reasons, the Board has adopted Zoo 607 as proposed.

16. Zoo 610: The Hearing Examiner recommended that Zoo 610 be deleted. Zoo 610 prohibits the bringing of sports equipment into the admissions area. The Hearing Examiner found the rule to be an unreasonable means of preventing irritation to visitors, disruption of Zoo operations, or damage to Zoo property or exhibits.

The Board has adopted Zoo 610 as proposed. It did so for the reason that it has the right and the obligation to insure the Zoo will operate efficiently, that Zoo visitors will have the unimpeded opportunity to enjoy the total Zoo setting and that Zoo property and exhibits will not be harmed.

The Zoo was not designed for athletic contests. There are no playing fields or athletic facilities. Instead, the Zoo is devoted to one purpose, the exhibition of animals in a natural setting. That natural setting has to accommodate, in an orderly fashion, large numbers of visitors seeking to view the animals. The animals that are being viewed must be protected from any harm that might be occasioned by the Zoo's visitors.

No visitor need possess nor does he have an independent right to possess sports equipment in the admissions area. Balanced against the absence of any need or right to possess sports equipment in admissions area is the potential harm that might be occasioned by the mere possession of such equipment. While the harmful potential of a baseball bat should be self-evident, a ping-pong ball can be equally lethal if dropped or thrown into an animal's exhibit area where it could be ingested by the animal. Similar harm could result from the use, misuse, or presence of the myriad other forms of sports equipment in the admissions area. Therefore, it is not unreasonable to prohibit the possession of sports equipment in the admissions area. Those

bent on using sports equipment on the Zoo premises may do so in the parking areas or in those picnic areas outside the admissions area.

17. Zoo 701: The Board has adopted Zoo 701 as proposed.

Dated: _____, 1978

Minnesota Zoological Garden

U.S. SEAL, Chairman

JOHN E. TILTON, Vice Chairman

MINNESOTA ZOOLOGICAL GARDEN

ADOPTED RULES GOVERNING
GENERAL OPERATION

CHAPTER ONE GENERAL

Zoo 101 Purpose and Authority Violation.. ~~These regulations are promulgated pursuant to authority granted the Minnesota Zoological Board by Minn. Stat. 85A.02, subd. 7 (1976) and are intended to govern the efficient protection of the Minnesota Zoological Garden and related facilities and the conduct of persons entering therein.~~ A violation of any ~~regulation~~ rule herein set forth is a misdemeanor.

Zoo 102 Definitions

(a) "Director" means the chief executive officer of the Minnesota Zoological Garden.

(b) "Admission area" means those parts of the Minnesota Zoological Garden except the roadway entrance to the parking areas and the parking areas.

(c) "Parking areas" means those parts of the Minnesota Zoological Garden premises which are designated for public parking.

(d) "Zoo premises" means the entire real estate, personal property and air space owned or controlled by the Minnesota Zoological Garden.

(e) "Zoo visitor" means any person or legal entity of any kind entering or occupying any part of the zoo premises.

(f) "Vehicle" means any motorized, self propelled, animal-drawn or human-powered conveyance, including motorized recreation vehicles, and any trailer used in connection with any vehicle with the exception of wheelchairs, baby strollers, or other conveyances necessary for the pedestrian movement of the handicapped, children, or infants.

(g) "Motorized recreational vehicle" means any self-propelled, off-the-road, or all terrain conveyance, including but not limited to a snowmobile, minibike, amphibious vehicle, motorcycle, go-cart, trail bike, or dune buggy.

(h) "Weapon" means any instrument the possession of which is unlawful under Minnesota law and any device from which shot or projectile of any type can be discharged by means of an explosive, gas, or compressed air, or otherwise propelled, including but not limited to firearms, bows and arrows, slings, and spring guns.

(i) "Wildlife" means all living creatures, not human, who are by nature endowed with sensation and power of voluntary motion.

(j) "Intoxicating liquor" means any liquor which is intoxicating pursuant to Minnesota law and includes ethyl alcohol, distilled, fermented, spiritous, vinous, and malt beverages containing in excess of 3.2% of alcohol by weight.

(k) "Beer" means any alcoholic malt beverage containing not more than 3.2% alcohol by weight.

(l) "Controlled substances" means any drug, the use, possession, or sale of which is a violation of federal ~~of~~ or Minnesota law.

Zoo 103 Applicability. These ~~regulations~~ rules shall apply to all persons on the zoo premises or causing any effect upon or within the zoo premises.

~~Zoo 104 Penalties. A person guilty of violating any provision of these regulations shall be punished by a fine of not more than $300.00 together with taxible costs, or by imprisonment for a period not to exceed 90 days, or both.~~

~~Zoo 105~~ Zoo 104 Enforcement. These ~~regulations~~ rules may, ~~and in accordance with Minnesota Statutes~~, be enforced by any ~~person~~, peace ~~officer~~, ~~or law enforcement agency designated, appointed or ratified by the Director to act in a law enforcement capacity on the zoo premises.~~ peace officer, or law enforcement agency or person designated, appointed or ratified by the Director to act in a security capacity on the zoo premises.

CHAPTER TWO ADMISSION

Zoo 201 Tickets or Passes Required. It is unlawful for any person or vehicle ~~to be present upon~~ to enter the zoo premises without a valid ticket or pass.

Zoo 202 Entry to Zoo Premises. It shall be unlawful for any person or vehicle to enter the zoo premises except at designated entrances.

Zoo 203 Hours. The hours during which zoo visitors may be on zoo premises shall be designated by the Director. It shall be unlawful for any person or vehicle to enter or be on zoo premises except during such hours.

Zoo 204 Whole or Partial Closure of Zoo Premises. The zoo premises or any portion thereof may be declared closed to the public by the Director at any time and for any interval of time as the Director shall find reasonably necessary and the presence of any person or vehicle in such area is prohibited.

Zoo 205 Restricted Areas. It shall be unlawful for any person or vehicle to pass into any posted restricted area, except that entry into restricted areas shall be permitted in such areas as the Director may specifically designate when such admittance is under the auspices and control of any authorized special tour guided by zoo personnel.

Zoo 206 Aircraft. It is unlawful for any person to land an aircraft on the zoo premises ~~or to operate an aircraft above or near the zoo premises in any manner which might tend to, or might distrub the wildlife in the Minnesota Zoological Garden.~~

CHAPTER THREE PROTECTION OF WILDLIFE AND NATURAL RESOURCES

Zoo 301 Protection of Wildlife and Natural Resources. It is unlawful for any person to injure, destroy, or remove any wildlife, vegetation, rock, soil, or mineral on the zoo premises or to kill, trap, hunt, pursue, or in any manner intentionally disturb, alter, or cause to be disturbed or altered any species of wildlife within or on the zoo premises.

Zoo 302 Shooting. It is unlawful for any person to shoot any weapon on the zoo premises or into or above the zoo premises from beyond zoo boundaries.

Zoo 303 Pets. It is unlawful for any person to bring any dog, cat, or other domesticated animal or pet onto the zoo premises except on a leash and then only into the parking areas with the exception of hearing ear/seeing eye dogs properly identified as such.

~~Zoo 304 Foreign Wildlife or Agents. It is unlawful for any person to bring, possess, introduce or release on the zoo premises any chemical or other agent potentially harmful to the vegetation or wildlife of the zoo.~~

Zoo 304 Chemical Agents. It is unlawful for any person to release on the zoo premises any chemical or other toxic agent harmful or potentially harmful to the wildlife or vegetation of the zoo.

Zoo 305 Release of Wildlife. It is unlawful for any person to bring, possess, abandon or release on the zoo premises any wildlife including domestic animals.

~~Zoo 305~~ Zoo 306 Feeding Wildlife. It is unlawful to feed any species of wildlife on the zoo premises except as specifically authorized in designated areas.

~~Zoo 306 Physical or Verbal Contact Prohibited. It is unlawful for any person to attempt to make physical contact with any wildlife on the zoo premises except for authorized contact in the Children's Zoo. It is unlawful for any person to attempt to make or to make any other contact including verbal with any wildlife on the zoo premises in a manner likely to or tending to disturb or disturbing any wildlife.~~

Zoo 307 Physical Contact. It is unlawful for any person to attempt to make or to make physical contact with any wildlife on the zoo premises except as authorized in contact areas of the Childrens' Zoo.

Zoo 308 Audible harrassment. It is unlawful for any person to attempt to use or to use any audible means for the purpose of agitating the wildlife on the zoo premises to the point of harming themselves, other wildlife, zoo visitors or damaging the physical property of the zoo.

~~Zoo 307~~ Zoo 309 Horses. Horses are prohibited on the zoo premises.

CHAPTER FOUR TRAFFIC

Zoo 401 Roadways. No vehicle shall be operated on or occupy any part of the zoo premises except parking areas and roadways.

Zoo 402 Motorized Recreational Vehicles. No motorized recreational vehicles shall be allowed on the zoo premises except road licensed vehicles.

Zoo 403 Right-of-way. Pedestrians and wildlife have the right-of-way on the zoo premises at all times in all places. ~~Drivers of all vehicles must yield right-of-way.~~

~~Zoo 404 Incorporation of State Statutes. Minnesota Statutes, Chapters 169, 170, and 171 and all other applicable Minnesota Statutes relating to traffic, parking, and the operation of vehicles, as amended from time to time, are hereby incorporated into and made a part of this rule, and the same shall be in full force and effect as to all parts of the zoo premises and as to the operation of vehicles therin and thereon, and shall have the same force and effect as though the said provisions were fully set out herein and it shall be unlawful for any person to violate the same.~~

~~Zoo 405~~ Zoo 404 Speed Limit. No person shall drive a vehicle on zoo premises at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or wildlife. The maximum speed limit is 15 miles per hour or 24 kilometers per hour.

~~Zoo 406~~ Zoo 405 Lawful Orders and Posted ~~Regulations~~ Rules. It shall be unlawful for any person to operate a vehicle on zoo premises in violation of posted ~~regulations~~ rules, orders or directions of traffic officers or zoo employees authorized to direct traffic.

~~Zoo 407~~ Zoo 406 Parking and Standing. It is unlawful to park or leave a vehicle standing on zoo premises except within a designated parking area.

~~Zoo 408~~ Zoo 407 Overnight Parking. Overnight parking of any vehicle is prohibited and all vehicles present on the zoo premises at after closing time are subject to removal at the expense of the owner.

~~Zoo 409~~ Zoo 408 Obstruction of Traffic. It is unlawful to obstruct vehicle traffic.

CHAPTER FIVE FOOD, BEVERAGES, AND CONTROLLED SUBSTANCES

~~Zoo 501 Locations. It is unlawful to consume food or beverages on the zoo premises except at locations authorized by the Director.~~

~~Zoo 502~~ Zoo 501 Cookouts and Fires. Cookouts and barbeques and other open fires of any kind are prohibited.

~~Zoo 503~~ Zoo 502 Tailgating and Picnicking. Tailgating and picnicking shall be permitted in designated areas only.

~~Zoo 504~~ Zoo 503 Intoxicating Liquors and Controlled Substances. It is unlawful to use, ~~possess or sell~~ any intoxicating liquor, controlled substances, or beer on the zoo premises or ~~to be under the influence of any intoxicating liquor~~, to enter the zoo premises under the influence of any intoxicating liquor, contolled substance or beer except as provided in Zoo ~~505~~ Zoo 504.

~~Zoo 505~~ Zoo 504 Intoxicating Liquors and Beer at Special Events. The use of intoxicating liquors and beer shall be allowed within the main zoo ~~building~~ complex at such special zoo events and subject such conditions as the Board shall designate.

~~Zoo 601 Incorporation of Misdemeanor Statutes. The misdemeanor statutes of the State of Minnesota and the misdemeanor ordinances of the City of Apple Valley relating to the conduct of persons and the protection of life and property are hereby incorporated into and made a part of these regulations and the same shall be in full force and effect as though said statutes were fully set forth herein, and it shall be unlawful for any person to violate the same. No aspect of or omission in these regulations shall operate to deprive the criminal laws of the State of Minnesota from having full force and effect on the zoo premises.~~

Zoo 601 Misdemeanor statutes and ordinances. No aspect of or omission in these rules shall operate to deprive the criminal laws of the State of Minnesota or the misdemeanor ordinances of the City of Apple Valley from having full force and effect on the zoo premises.

~~Zoo 602 Fires. Fires are prohibited on the zoo premises.~~

~~Zoo 603~~ Zoo 602 Weapons. Possession of any concealed or unconcealed weapon on the zoo premises is prohibited.

~~Zoo 604~~ Zoo 603 Wading and Swimming. Wading and swimming are prohibited on the zoo premises.

~~Zoo 605~~ Zoo 604 Smoking. Smoking is prohibited in the admission area except in designated areas.

~~Zoo 606~~ Zoo 505 Boating and Fishing. Boating and fishing on zoo premises are prohibited.

~~Zoo 607 Disturbance. It shall be unlawful for any person to use threatening, abusive, insulting, obscene or indecent language or to act in an indecent or lasivious manner or to disturb, harass, or interfere with any zoo visitor or zoo visitor's property or to do any other act which constitutes a breach of the public peace on the zoo premises.~~

~~Zoo 608 Sound Trucks. Operation of sound trucks or mobile vehicles equiped with public address systems, or vehicles upon which any advertising signs, political or otherwise, have been affixed in any manner, whether such vehicles are in motion or parked on the zoo premises, is prohibited.~~

~~Zoo 609 Radio and Broadcasting Devices. No radio or other broadcasting device is permitted in the admissions area.~~

Zoo 607 Operation of Public Address Systems. Operation of public address systems, radios, and broadcasting devices is prohibited in the admissions area.

~~Zoo 610~~ Zoo 608 Soliciting. It is unlawful to sell, solicit, or carry on any business or fund-raising on the zoo premises without the written permission of the Director.

~~Zoo 611~~ Zoo 609 Meetings, Speeches, Demonstrations, Parades, Picketing, or Distribution of Written Material. It shall be unlawful for anyone to conduct public meetings, assemblies, entertainment, parades, demonstrations, picketing or distribution of written material on the zoo premises without a written permit from the Director and then only in areas designated in the permit. All such events or activities must be conducted in such a manner as not to violate these ~~regulations~~ rules. In no case shall any such event or activity occur in the admissions area or within 100 feet of any admissions booth ~~and the use of any amplifying or audio systems in connection with such events and activities is prohibited.~~

~~Zoo 612~~ Zoo 610 Sports Equipment. It shall be unlawful for any person to bring any sports equipment, including balls, frisbees, games, sleds, snowshoes, skis, or any other equipment used in sports activities into the admissions area without the advance written permission of the Director.

~~Zoo 613 Defacing Property. No person shall deface property on the zoo premises by affixing thereto any manner of advertising material having a gummed or adhesive backing such as labels, lapel badges, car bumper or window stickers or by any other method of defacement.~~

Zoo 611 Defacing Property. No person shall attempt to or alter, deface, injure, knock down or remove any official zoo sign, device or property or affix thereto any manner of material.

~~Zoo 614~~ Zoo 612 Littering. It is unlawful to deposit, scatter, drop or abandon on the zoo premises any bottle, can, broken glass, sewage, waste or other material except in receptacles provided for such purposes or to throw, discharge or place in or upon any of the zoo premises any substance, liquid, solid or gas, or to

drop, throw, or otherwise leave unattended burning cigars, cigarettes, tobacco, paper or other combustible material.

Zoo 615 Zoo 613 Impersonations. No person shall impersonate a zoo officer, ranger, or employee.

CHAPTER SEVEN MISCELLANEOUS

Zoo 701 Effect on Zoo Employees or Agents. Nothing in these ~~regulations~~ rules shall prevent zoo employees or agents from performing their assigned duties or operate to modify rights of third parties contained in contracts with the Minnesota Zoological Garden.

Zoo 702 Severability. If any part or subpart of these ~~regulations~~ rules is held to be invalid, such invalidity shall not affect the validity of any other part or subpart of these ~~regulations~~ rules.

4/24/78
VLU/MZG

APPROVED AS TO FORM AND LEGALITY

May 23, 1977

WARREN SPANNAUS, ATTORNEY GENERAL

BY Jan E. Shelby

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 23 1978
Joan Anderson Growe
Secretary of State
9:55 AM

STATE OF MINNESOTA

MINNESOTA ZOOLOGICAL GARDEN

In the Matter of the Proposed Adoption of Rules of the Minnesota Zoological Garden Governing General Operation.

Certificate of Board's Adoption of Rules Resolution.

I, Norma Hanson, do hereby certify that I am secretary of the Minnesota Zoological Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Zoological Board duly and properly called and held on the 24th day of April, 1978; that a quorum was present at said meeting; (that a majority of those present voted for the resolution); that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to general operation of the Minnesota Zoological Garden be and they hereby are approved and adopted, pursuant to authority vested in us by M.S. 85A and that U. S. Seal, Chairman of the Minnesota Zoological Board, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 24th day of April, 1978.

Norma Hanson

Secretary

John E. Tilton

Attest by one other Officer.

Vice Chairman

STATE OF MINNESOTA

MINNESOTA ZOOLOGICAL GARDEN

In the Matter of the Proposed Adoption of Rules of the Minnesota Zoological Garden Governing General Operation Regulations.

CERTIFICATE OF COMPLIANCE WITH MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Richard S. Slowes, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

Richard S. Slowes
Special Assistant Attorney General

Dated: 5/10/78

ZOO-7[illegible]001-SM

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE ZOOLOGICAL BOARD

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA ZOOLOGICAL GARDEN GOVERNING GENERAL OPERATION REGULATIONS.	REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on February 3, 1978, before Steve M. Mihalchick, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the State Zoological Board on March 24, 1978; and

WHEREAS, the State Zoological Board has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the State Zoological Board has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the State Zoological Board has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the State Zoological Board has the responsibility of submitting the complete hearing record and the rules as adopted by the Board to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 27th day
of April, 1978.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

3/30/78

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE ZOOLOGICAL BOARD

In the Matter of the Proposed Adoption of Rules of the Minnesota Zoological Garden Governing General Operation Regulations.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing in St. Paul on February 3, 1978, before Steve M. Mihalchick, Hearing Examiner assigned by the Chief Hearing Examiner.

This is a rules hearing pursuant to Minn. Stat. Ch. 15, to determine whether the new rules captioned above (coded 5 MCAR § 6.0101 - 6.0702) should be adopted.

Appearing for the State Zoological Board were Vicki L. Uchida, Administrative Assistant; Hugh (Brad) House, Associate Director of Animal and Plant Sciences; Ken Parsch, Director of Security; and Christopher Kelley, Special Assistant Attorney General. Three persons attended the hearing which continued until all interested persons had an opportunity to participate. Only two persons testified or had comments; one was a representative of the Federal Aviation Administration who pointed out some jurisdictional problems that the Board had in attempting to control the airspace over the zoo. The other person testifying was a member of the Apple Valley Police Department who made some short, general comments on the rules and pointed out some difficulties of enforcement.

Pursuant to Minn. Stat. § 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five days.

The Board shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication.

The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Board shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

PROCEDURAL REQUIREMENTS

1. On November 25, 1977, the Board filed the following documents with the Chief Hearing Examiner:

   (a) A copy of the proposed rules;
   (b) A proposed Order for Hearing; and
   (c) A proposed Notice of Hearing.

2. On November 28, 1977, the Board filed an estimate of the length of the hearing and number of witnesses expected to attend.

3. On December 26, 1977, a Notice of Hearing and a copy of the proposed rules were published at 2 State Register 1266.

4. On December 12, 1977, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

5. On January 9, 1978, the Board filed the following documents:

   (a) The Order for Hearing;
   (b) The Notice of Hearing as mailed;
   (c) The Affidavit of Receipt of the Secretary of State's list;
   (d) The Affidavit of Mailing;
   (e) The Secretary of State's Certificate;
   (f) The Statement of Need;
   (g) The Statement of Evidence, including the names of witnesses to be called; and
   (h) Copies of ordinances Nos. 7 and 128 of the City of Apple Valley.

6. On January 25, 1978, the Board filed the Certificate of the Board's authorizing resolution.

All the foregoing documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

7. In response to a number of questions raised at the hearing primarily by the Hearing Examiner and by Cheryl Grasmoen, a law student assisting the Hearing Examiner, the Board requested that the period for comment following the hearing be extended to the maximum of 20 days. It was so ordered, and the record remained open through February 23, 1978 for the receipt of writtent comments and statements. On that date, the Board filed a set of revisions to the proposed rules (hereinafter "posthearing revisions") and an amendment to the Statement of Need. The only public comment received following the hearing was from the City of Apple Valley which made a number of separate suggestions.

STATUTORY AUTHORITY

8. The Board's authority to adopt rules is found in Minn. Stat. § 85A.02, subd. 7:

> "The board may enact regulations governing the efficient protection of the Minnesota zoological garden and the related facilities and the conduct of persons entering therein. Regulations shall become effective in the manner provided by law for the promulgation of rules and regulations by state departments and agencies. A violation of any regulation promulgated by the board under this section is a misdemeanor."

The statute provides no other rulemaking authority to the Board.

CHAPTER ONE - GENERAL

9. Zoo 101 Purpose and authority. In this rule, the Board cites Minn. Stat. § 85A.02, subd. 7, and duplicates the language contained therein by stating that the rules ". . . are intended to govern the efficient protection of the Minnesota Zoological Garden and related facilities and the conduct of persons entering therein. A violation of any regulation herein set forth is a misdemeanor."

Under Minn. Stat. § 15.0412, subd. 1 (Supp. 1977), no agency may adopt a rule which duplicates language contained in

Minnesota Statutes unless the Hearing Examiner determines that duplication of the language is crucial to the ability of a person affected by the rule to comprehend its meaning and effect. The only part of Zoo 101 that meets that standard is the last sentence providing that a violation is a misdemeanor. The remaining portion of the rule must be deleted. That particular sentence is crucial because it is unusual that violations of rules constitute misdemeanors. Due process would seem to require that persons be apprised of that fact.

The fact that the Board has authority only to adopt rules that are misdemeanors means that these proposed rules must be more strictly reviewed in determining their reasonableness. Such due process concepts as vagueness are more strictly applied by the courts in reviewing criminal laws than other types of regulations. A similar strict review should be used during their promulgation. As the City of Apple Valley pointed out at the hearing and in its posthearing comments, some of the rules are vague and may be difficult to enforce. They urged that the proposed rules be amended where appropriate to make them more specific.

10. Zoo 102 Definitions. This rule provides definitions of the terms "director", "admission area", "parking areas", "zoo premises", "zoo visitor", "vehicle", "motorized recreational vehicle", "weapon", "wildlife", "intoxicating liquor", "beer" and "controlled substances". These definitions are necessary and reasonable to provide uniform interpretation of subsequent provisions of the rules. Some of the definitions will be discussed along with the rule in which they are used. At the hearing, the Board submitted a modification to the definition of vehicle. Subsequent rules place limits on the locations that vehicles may be operated, and the modification offered by the Board at the hearing is necessary to except wheelchairs and other conveyances for the handicapped from those limits. The Examiner would further recommend that the exception also include baby strollers

and the like necessary for the conveyance of small children.

11. Zoo 103 - Applicability. This rule states that the rules shall apply to all persons on the zoo premises or causing any effect upon or within the zoo premises. Such a provision is necessary to ensure effectiveness of the rules.

12. Zoo 104 - Penalties. This rule merely recites the statutory definition of misdemeanor and the possible penalties. In doing so, it is essentially duplicating Minn. Stat. §§ 609.02, subd. 3, and 609.03(3). The Examiner finds that this rule is neither crucial nor necessary. Persons are already advised by Zoo 101 that a violation is a misdemeanor - specifying the potential fine or period of incarceration adds very little. The rule should be deleted.

13. Zoo 105 - Enforcement. As originally proposed, this rule provided that the rules could be enforced by any person, police officer or law enforcement agency designated, appointed or ratified by the Director to act in a law enforcement capacity on the zoo premises. There were two difficulties with that provision. First, the security force hired by the zoo does not have law enforcement authority. Second, sworn peace officers and other law enforcement agencies should and do have the authority to enforce criminal laws without direction from the Director. Thus, in its posthearing revisions, the zoo modified this section to provide:

> "These regulations may, and in accordance with Minnesota Statutes, be enforced by any peace officer or law enforcement agency or person designated, appointed or ratified by the director to act in a security capacity on the zoo premises."

The Examiner would suggest that the phrase "and in accordance with Minnesota Statutes" adds nothing to the rule and should be deleted. So modified, the rule is necessary as a means of enforcing the provisions of these rules and reasonably does so.

CHAPTER TWO - ADMISSION

14. Zoo 201 - Tickets or passes required. This rule makes

it unlawful for any person or vehicle to be present upon zoo premises without a valid ticket or pass. It is necessary for the zoo to collect admission fees in order to meet general operating expenses and repay bonds. Purchase of a ticket or possession of a pass is physical proof of having paid an admission fee or having been authorized to enter the zoo on an unpaid basis and validates a person's right to use these facilities. Ticketing procedures also allow admissions officials to control the number of persons on the zoo premises at any one time. While these are legitimate needs, it seems unquestionable that the reasonable action for the zoo to take when somebody is present without a pass or ticket is to ask them to leave. Charging a person who may, in fact, have lost his ticket with a misdemeanor is excessive and unreasonable. It is based, as the Board noted, on the assumption that a person without a ticket or pass, has entered without authorization. Actually, it is the unauthorized entry that must be prevented, and the assumption cannot automatically justify guilt. Therefore, the Examiner finds that this rule is unreasonable. However, the Examiner would suggest that the rule could be modified in a non-substantial manner to provide that it shall be unlawful for any person or vehicle to <u>enter</u> the zoo premises without a valid ticket or pass. So modified, the rule would be reasonable.

15. Zoo 202-- Entry to zoo premises. This rule prohibits entry except at designated entrances and is necessary and reasonable to assure only authorized entry and to prevent damage to the facilities and possible injury to persons using unauthorized entry points.

16. Zoo 203 - Hours. This rule prohibits the presence of zoo visitors on the zoo premises except during designated hours. The Director will determine the visiting hours for the zoo, considering staffing, visitors' safety, zoo security and overall zoo operations. Consideration will also be given to visitor enjoyment in exhibit viewing. The presence of visitors in exhibit

areas during major feeding and cleaning hours could result in a disturbance to the animals and disruption of staff functions. Entrance to any part of the zoo during non-visitor hours would disrupt the basic maintenance and replenishment operations of the zoo. Further, the zoo is without adequate staff to monitor the activities of zoo visitors during certain hours, and there is, thus, a great risk of damage or theft of zoo property. For all these reasons, this rule is reasonable and necessary.

17. Zoo 204 - Whole or partial closure of zoo premises. This rule prohibits the presence of persons or vehicles in areas which the Director finds necessary to close to the public. Where the Director has determined that such a closing is necessary, it is necessary that persons be prohibited from being in those places because their presence could be dangerous to themselves or others or interfere with the zoo operations.

18. Zoo 205 - Restricted areas. This rule is similar to Zoo 204 except that it provides for permanently posted restricted areas where entrance is prohibited and for areas where entrance is prohibited except with a tour guide. Designating certain areas where persons may not enter is obviously necessary. Such areas include animal holding areas, administrative offices, the animal hospital, inventory storage areas, and the garage. This rule is reasonable and necessary for the protection of the facilities, animals and visitors.

19. Zoo 206 - Aircraft. As originally proposed, this rule prevented landing of aircraft on the zoo premises and the operation of aircraft above or near the premises in a manner that might disturb the wildlife. The FAA representative testified that prohibiting aircraft landings on zoo premises was within the Board's jurisdiction, but that regulation of in-flight aircraft operation was pre-empted by the federal government. He stated that a sight-seeing problem with aircraft was foreseeable and suggested that the Board apply to the FAA for a restriction of the area. The City of Apple Valley suggested that the rule

should be deleted or modified so as to provide an exception for the airport located to the southeast of the zoo. In response to these comments, the Board, in its posthearing revisions, deleted the provision on operating aircraft above or near the zoo. The rule now provides that it is unlawful for any person to land an aircraft on the zoo premises. In this form, the rule is reasonable and necessary to prevent injury to the wildlife and facilities.

CHAPTER THREE - PROTECTION OF WILDLIFE AND NATURAL RESOURCES

20. Zoo 301 - Protection of wildlife and natural resources. This rule is a general prohibition that provides:

> "It is unlawful for any person to injure, destroy, or remove any wildlife, vegetation, rock, soil, or mineral on the zoo premises or to kill, trap, hunt, pursue, or in any manner disturb, alter, or cause to be disturbed or altered any species of wildlife within or on the zoo premises."

The subsequent rules in Chapter Three provide for specific prohibitions within this general rule.

One objective of the zoo, as stated in the Minnesota Zoological Garden Objectives and Guidelines is:

> "The zoo design shall preserve to the maximum degree possible the natural attributes of the site, including land forms, desirable vegetation, ponds and existing wildlife habitat."

As it has been designed, all of the animals, vegetation and physical environment, whether specimens or not, are part of the total zoo experience. In the opinion of the Board, to disturb, alter or destroy any of the natural resources of the zoo would depreciate the value of the zoo in terms of both the physical property and the visitor experience. In light of these goals and purposes, the Examiner finds this rule to be necessary and with one exception, reasonable. The Examiner finds it unreasonable to prohibit unintentional disturbance of the wildlife. Imposing a misdemeanor penalty in such a case would be excessive and the Board cannot impose a lesser penalty. The words "or in any manner disturb, alter, or cause to be disturbed or altered" must be deleted. In the alternative, the Examiner would suggest

that a non-substantial change could be made by inserting the word "intentionally" in that portion of the rule. So modified, the rule would be reasonable.

21. Zoo 302 - Shooting. This rule prohibits shooting of any weapon and is clearly necessary and reasonable for the protection of the wildlife and facilities, as well as the visitors and staff.

22. Zoo 303 - Pets. This rule prohibits domesticated animals on the zoo premises. At the hearing, the Board submitted a revision excepting hearing-ear and seeing-eye dogs from the prohibition. The rule is necessary to protect the wildlife from possible disease and disturbance. Zoo personnel testified that, in their experience, hearing-ear and seeing-eye dogs are exceptionally well-behaved, and therefore, the exception is justified. The Examiner finds that the rule is necessary and reasonable as modified.

23. Zoo 304 - Foreign wildlife or agents. In its posthearing revisions the Board separated this into two rules: Zoo 304, Chemical Agents, and Zoo 305, Release of Wildlife. The new 304 prohibits the release on the premises of any chemical or other toxic agent harmful or potentially harmful to the wildlife or vegetation. This rule is necessary to protect the wildlife and vegetation and reasonably does so. The original proposed rule had also prohibited the mere possession of chemical agents which, technically, could have prohibited carrying aerosol perfume. The revised rule is a significant improvement.

New Zoo 305, Release of Wildlife, makes it unlawful for any person to abandon or release on the zoo premises any wildlife, including domestic animals. It is necessary to prohibit the introduction of non-native animals because some carry diseases or insects which may cause sickness and death to certain of the animals or plants in the exhibit areas or may disturb the wildlife and destroy some of the property. The rule is necessary and reasonable as modified, and the Examiner would suggest

that the words "bring, possess and introduce" found in the original rule should also be included in the new Zoo 305. Technically, as it is now proposed, the rule does not prohibit any person from bringing wildlife into the zoo as long as he does not release it.

24. Zoo 306 - Feeding wildlife. This rule, previously numbered 305, prohibits feeding any of the wildlife on the zoo premises except as specifically authorized in designated areas. The rule is necessary because the diets of all zoo animals are carefully controlled. Feeding incorrect foods or substances could cause illness or death for the exhibit animals. The natural wildlife on the site have sufficient natural foods for their needs. If they are encouraged to beg from visitors, these animals could become a public nuisance, and, as with the exhibit animals, incorrect foods or substances could cause illness or death.

25. Zoo 307 - Physical contact. The original Zoo 306 prohibited both physical and verbal contact with the animals. In its posthearing revisions, the Board separated it into two distinct rules. Zoo 307 makes it unlawful for any person to attempt to make or to make physical contact with any wildlife on the zoo premises except authorized in contact areas of the children's zoo. The Board stated that physical contact with exhibit animals, except in the designated area, could result in damage to the animal, harm to the visitor, or both. While there is a need to prevent injury to animals and visitors, this rule unreasonably attempts to meet that need and imposes too severe penalty for a natural response. If the animals are dangerous to the visitors, they should be sufficiently separated from the visitors so that contact is not possible unless the visitor enters a restricted area, which is a prohibited act. If the design of the zoo allows animals to approach visitors so closely that touching may occur without entry into unauthorized areas, the visitor should not be sanctioned for touching or merely

making a gesture towards an animal that is right next to him. There is nothing to prevent the zoo from posting signs requesting that people do not touch the animals, but making it a crime is too extreme.

26. Zoo 308 - Audible harassment. This is the second portion of the former Zoo 306, and it provides:

> "It is unlawful for any person to attempt to use or to use any audible means for the purpose of agitating the wildlife on the zoo premises to the point of harming themselves, other wildlife, zoo visitors or damaging the physical property of the zoo."

This revised rule is necessary to protect the wildlife, visitors and property. It reasonably does so because it requires a specific intent to agitate the wildlife.

27. Zoo 309 - Horses. This rule was formerly numbered Z00 307 and simply prohibits horses on the zoo premises. As with the rules prohibiting pets and non-native wildlife, one of the purposes of this rule is to prevent the introduction by such animals of disease. Horses may also cause a disruption to traffic flow and could present a problem of cleanliness should they be ridden or left standing in parking lots. One written comment stated that this rule would prohibit horses as exhibit animals. At the hearing, the Board proposed to add "except as authorized by the director", but withdrew the addition when it submitted its post-hearing revisions, stating that the provisions of Z00 701, providing exceptions for zoo employees and agents from the rules, was sufficient for that purpose. The Examiner agrees. The rule is reasonable and necessary as proposed.

CHAPTER FOUR - TRAFFIC

28. Zoo 401 prohibits operation of vehicles except in parking areas and roadways, Zoo 402 prohibits motorized recreational vehicles entirely, and Zoo 403 provides that pedestrians and wildlife shall have the right of way at all times in all places. These rules are necessary for the protection of the wildlife and facilities, as well as the visitors and staff and are reasonable.

29. Zoo 404 - Incorporation of Minnesota Statutes. This rule states that all Minnesota Statutes relating to traffic, parking and operation of vehicles are incorporated as if they were fully set forth within the rule and that it is unlawful for any person to violate the same. It specifically lists Minn. Stat. Chs. 169, 170 and 171. The Examiner finds that this rule is unreasonable because it invokes a penalty which exceeds the maximum penalty for similar traffic offenses established in Minn. Stat. § 169.89, subd. 1. With certain exceptions, all traffic violations under the statutes are petty misdemeanors with a maximum penalty of $100.00. Again, the Board is limited to adopting rules the violation of which is a misdemeanor. To apply misdemeanor penalties to traffic violations is unreasonable. Nor does it seem that the rule is necessary. The Board has pointed out no provision which would prevent the normal operation of the traffic statutes on the zoo premises. For the same reasons, Zoo 405, speed limit; Zoo 406, lawful orders and posted regulations; Zoo 407, parking and standing; and Zoo 409, obstruction of traffic, are unreasonable and unnecessary. The Board may do all those things under the procedures established in the traffic statutes.

30. Zoo 408 - Overnight parking. In its posthearing revisions, the Board made a minor wording change to this rule, and as it now stands, it provides:

> "Overnight parking of any vehicle is prohibited and all vehicles present on the zoo premises after closing time are subject to removal at the expense of the owner."

The zoo does not have overnight camping, toilet or water supply facilities and does not have the staff to maintain the parking areas as a camping facility. Therefore, it is necessary that no overnight parking or camping be allowed. This rule is reasonable and necessary.

CHAPTER FIVE - FOOD, BEVERAGES AND CONTROLLED SUBSTANCES

31. Zoo 501 - Food consumption. This rule was modified by

the Board in its posthearing revisions and makes it unlawful to consume food or beverages on the zoo premises "except in designated areas." It had formerly provided "except at locations authorized by the Director". The change is non-substantial and is an improvement because designated areas will have been authorized by the Director and will be posted. The Board presented three justifications for this rule. First, the need to keep food and food containers away from exhibit animals. Waste foods and such items as wrappers, unless controlled, might enter the exhibit areas where their consumption could be dangerous to the animals. Second, indiscriminate eating and throwing of food wastes results in littering, necessitating expensive upkeep of the grounds. The third reason presented by the Board was to remove temptations to visitors to walk off the paths onto grassy areas not designed for zoo traffic and to sit down and eat. Repeated use of certain easily accessible areas may damage or destroy the grass and plants of those areas.

The Examiner finds this rule to be unnecessary. As will be discussed later, Zoo 612 prohibits littering, which meets the first two needs expressed. Likewise, Zoo 503 limits tailgating and picnicking to designated areas, thus adequately satisfying the third need expressed. Nor is the rule reasonable because the penalty is excessive for the sin committed. Under the proposed rule, it would be a misdemeanor to chew gum in other than designated areas.

33. Zoo 502 - Cookouts and fires. This rule prohibits cookouts, barbecues and open fires of any kind. The zoo by design choice does not provide facilities for cookouts and fires. Thus, there are no locations where fires may safely be built. Any open fire would present a fire hazard, especially with the amount of dense natural vegetation close to the designated picnic areas. For these reasons, the rule is necessary and reasonable.

33. Zoo 503 - Tailgating and picnicking, permits such activities in designated areas only. Picnicking in undesignated areas could destroy natural vegetation or obstruct pedestrian and vehicle traffic flow. Containing tailgating and picnicking in designated areas also makes control of litter easier. For these reasons, the rule is necessary and reasonable.

34. Zoo 504 - Intoxicating liquors and controlled substances, and Zoo 505 - intoxicating liquors and beer at special events. These rules were revised in the Board's posthearing revisions and now provide:

> "Zoo 504 - intoxicating liquors and controlled substances. It is unlawful to use, possess or sell any intoxicating liquor, controlled substances, or beer on the zoo premises or to enter the zoo premises under the influence of any intoxicating liquor, controlled substance or beer except as provided in Minn. Reg. Zoo 505.

> "Zoo 505 - intoxicating liquors and beer at special events. The use of intoxicating liquors and beer shall be allowed within the main zoo complex at such special events and subject to such conditions as the board shall designate."

The revision made to 505 was to change the word "building" to "complex". Zoo 504 was changed from prohibiting <u>being</u> under the influence of any intoxicating liquor to <u>entering</u> under the influence. The change was made at the hearing in anticipation of the argument that the status of being under the influence of an intoxicating liquor is synonymous with drunkenness, which the legislature decriminalized in Minn. Stat. § 340.961. However, the legislative determination that intoxication alone is not criminal cannot be circumvented by the Board's revision. The result is unaltered. Reasons given for the rule reflected the Board's concern for injuries suffered by the intoxicated person resulting from impaired judgment and physical abilities. However, the potential for such injuries is not limited to intoxicated persons. A rule justified on this basis is not reasonable. The Board also contended that an intoxicated person might enter a restricted area. The rule is not necessary to regulate

that sort of conduct since the restricted area prohibitions already apply. In light of the legislative intent to decriminalize the state of intoxication and the Board's failure to demonstrate that intoxication leads to conduct which is not already regulated or which should be regulated, the Examiner finds this rule unnecessary and unreasonable insofar as it applies to entering the premises under the influence of any intoxicating liquor, controlled substance or beer.

Any regulation of controlled substances is unnecessary because they are already controlled by statutes that, in many instances, apply penalties greater than a misdemeanor.

The Board has also failed to justify its absolute prohibition of the use of intoxicating liquors or beer upon penalty of a misdemeanor. No relationship between drinking such beverages short of intoxication and harm to the facilities and wildlife was demonstrated. In fact, by proposing Zoo 505, the Board concedes the suitability of reasonable use of alcohol. Thus, the Examiner finds that the Board has failed to demonstrate that this portion of the rule is necessary and reasonable.

The portion of the rule prohibiting sale of intoxicating liquors and beer is reasonable but not necessary. Zoo 608, soliciting, prohibits selling and other business activities without written permission of the Director. The City of Apple Valley submitted a comment that the rule should be amended to make it clear that there shall be no sale of either intoxicating liquors and beer or non-intoxicating beer unless a license for the sale of such substances had been obtained from the city of Apple Valley. Because sale of these items is not proposed by the Board, it is not necessary to address the question in the rule.

Zoo 505 is vague, but apparently would allow persons to obtain permits for events at which drinking would be allowed. However, it is clear from the Statement of Need that the Board had in mind that such special events would be limited to those

involving the Staff, Board and invited guests at significant happenings for the zoo, not the public. Had the Examiner found Zoo 504 to be reasonable, he would have found Zoo 505 to be unreasonable because the Board failed to justify the need for an exception to the general provision. However, because Zoo 504 is unreasonable, Zoo 505 becomes unnecessary.

It should be noted that the Examiner can well conceive of justifications for limiting the use of intoxicating liquors and beer to designated areas or even entirely. But such justifications were not presented. To justify elimination of such substances on the grounds that it would result in a cleaner, healthier and safer environment and a more pleasant experience loses sight of the fact that the zoo is a public place and that the penalty imposed is a misdemeanor.

CHAPTER SIX - SPEECH AND CONDUCT

35. Zoo 601 - Incorporation of misdemeanor statutes. As originally proposed, this rule incorporated all misdemeanor statutes of the State of Minnesota relating to the conduct of persons and the protection of life and property. The Board has presented no evidence or argument demonstrating that such a rule is necessary to invoke the effect of those statutes.

The City of Apple Valley suggested that this rule should be amended so as to include the misdemeanor ordinances of the City of Apple Valley. In response to that comment, and similar comments at the hearing, the Board, in its posthearing revisions, added the phrase "and the misdemeanor ordinances of the City of Apple Valley" to the rule. Minn. Stat. § 15.0412, subd. 4, provides the procedure that must be followed when rules are proposed that incorporate by reference provisions of federal law or rule or other materials. One principal requirement that was not met in this hearing was that the prior approval of the Chief Hearing Examiner must be obtained. Therefore, the misdemeanor statutes and the misdemeanor ordinances cannot be incorporated by reference in this rule at this time. However, it did not

appear to be the intention of the Board to re-adopt those statutes and ordinances but rather to insure that they could be enforced on zoo premises. The Examiner would suggest, therefore, that Zoo 601 be amended to read:

> "Misdemeanor statutes and ordinances. No aspect of or omission in these rules shall operate to deprive the criminal laws of the State of Minnesota or the misdemeanor ordinances of the City of Apple Valley from having full force and effect on the zoo premises."

36. Zoo 602 - Fires. As proposed, this rule prohibited fires on the zoo premises. In its posthearing revisions, the Board deleted this rule because it was redundant. Zoo 502 covers fires.

37. Zoo 602 - Weapons. This rule, formerly numbered Zoo 603, prohibits the possession of any concealed or unconcealed weapons on zoo premises. This rule is necessary and reasonable to protect the wildlife facility, visitors and staff.

38. Zoo 603 - Wading and swimming. The rule prohibits such activities. The Board stated that the zoo is a natural setting with no facilities for wading or swimming. The ponds in the area are not monitored by zoo staff and have not been checked as to their safety for bathing or wading. They may create a health risk and are a definitely a safety risk to zoo visitors. The Board pointed out that wading into these ponds and standing on the banks would destroy the plants and the natural habitat for many of the wild animals that live on the zoo site.

A misdemeanor penalty for wading and swimming in a pond may be extreme, but it is the only means available under the statute for the Board to protect these natural resources. The rule is therefore necessary and reasonable.

39. Zoo 604 - Smoking. Originally numbered Zoo 605, this rule prohibits smoking except in designated areas. The Board listed a number of factors justifying the prohibition in its Statement of Need:

"In food and rest areas, consideration must be given for the non-smoker and to ventilation. Along pathways and in buildings, there is always the potential for fires, particularly during dry times. Consideration must also be given for areas of congestion, and the potential for injury or difficulty of evacuation in particular areas of the zoo.

"The plants and animals in the wild and exhibit areas must also be considered. A cigarette thrown into an exhibit may burn an animal or destroy the plants. A cigarette carelessly thrown along the path may cause a brush fire which would destroy the nest of a wild animal.

"In general, limiting the area where smoking is permitted decreases the potential for damage to the natural and man-made elements of the zoo."

The Examiner finds that the rule is necessary and reasonable because of the potential for fire and the possible damage to the facility and valuable animals.

40. Zoo 605 - Boating and fishing, prohibits such activities on zoo premises. The Board justified this because boating and fishing are not part of the planned zoo experience, no facilities have been established, and no staff is planned to monitor the lakes and ponds on the zoo site. Boat traffic on the ponds and people entering them to fish or boat would damage the grasses and bushes there, destroying natural habitat. For the same reasons stated in Zoo 603, wading and swimming, the Examiner finds that this rule is necessary and reasonable.

41. Zoo 606 - Disorderly conduct. This rule exactly duplicates the language of Minn. Stat. § 609.72, subd. 1, except that the term "in a public or private place" found in the statute is replaced by the term "on zoo premises." This duplication of the statute is neither crucial nor necessary. The rule should be deleted.

42. Zoo 607 - Operation of public address systems. The originally proposed Zoo 608, sound trucks, and Zoo 609, radio and broadcasting devices, have been combined into one rule which states: "Operation of public address systems, radios, and broadcasting devices is prohibited in the admissions area." Broad-

casting devices is not defined, though the Board apparently meant it to include devices capable of projecting amplified sounds of one sort or another. The main concern expressed by the Board in the amended Statement of Need was that zoo visitors not disrupt the flow of vehicle and pedestrian traffic by attracting crowds to a particular area through the use of a public address system or even the use of a radio or television. They go on to state: "The zoo does not want someone to bring his children to the zoo and sit on the plaza with a television set watching the football game. It would disrupt the operation of the zoo."

While it is commendable that the Board wants to make everyone's zoo experience as pleasant as possible, it is neither the duty nor the right of a governmental agency to protect people from the petty annoyances of civilization. The Board has failed to demonstrate that the proposed rule is reasonable and necessary for the protection of the zoo, wildlife, or persons entering therein.

43. Zoo 608 - Soliciting. This rule originally provided that it was unlawful to sell, solicit or carry on any business or fund-raising on the zoo premises. In its posthearing revisions, the Board added the proviso, "without the written permission of the Director." The Board clearly has a right to control commercial activity on its premises and to protect itself from financial loss by allowing such activity only with permission.

44. Zoo 609 - Meetings, speeches, demonstrations, parades, picketing or distribution of written material. This rule, originally numbered Zoo 611, requires a written permit from the Director prior to conducting any of the listed activities. It also limits the areas in which they may be conducted. This rule is necessary in order to prevent activities that could disturb the animals and interfere with normal zoo operations. It is reasonable because it allows such activities and only controls

the places in which such activities may be conducted. The originally proposed rule also prohibited the use of amplifying and audio systems in connection with any such event but that provision was deleted in the Board's posthearing revisions. In its amended Statement of Need, the Board stated that such equipment may be allowed if the persons requesting the permit also request that they be allowed to do so. The permit would be conditioned so as to prevent potential injury to wildlife.

45. Zoo 610 - Sports equipment. This rule, previously numbered Zoo 612, makes it unlawful to bring any sports equipment, including balls, Frisbees, games, sleds, snowshoes, skis and any other equipment used in sports activities into the admissions area without the advance written permission of the Director. In its Statement of Need, the Board stated:

> "The use of sports equipment in the admission areas of the zoo would be a safety hazard, would impede traffic flow, would irritate zoo visitors, could lead to destruction of property (i.e., a ball thrown through a window, a Frisbee flying into an exhibit area, etc.), could disrupt the regular zoo functions and disturb the animals."

The Examiner finds that the Board has failed to demonstrate that this rule is reasonable or necessary. The rule is patently unreasonable; it makes possession of a pingpong ball a misdemeanor. The rule does not meet the need shown by the Board, that is, the potential irritation, disruption or damage caused by use of sports equipment. Moreover, the Board has failed to demonstrate that even a rule prohibiting only the use of such equipment is necessary. Zoo 301 already protects wildlife and natural resources on the zoo premises from harm. The next rule, Zoo 611, defacing property, protects the structures and equipment on the facility. Minor irritations to members of the public are not within the Board's authority to prohibit, and significant disturbances are covered by criminal statutes and ordinances. This rule should be deleted. It might also be noted that some sports activities do not require equipment; e.g., foot races.

46. Zoo 611 - Defacing property. This rule, originally numbered Zoo 613, was rewritten in the Board's posthearing revisions. The revised rule addresses the same subject matter but clarifies what could have been confusing statements in the original rule. It now provides:

> "No person shall attempt to or alter, deface, injure, knock down or remove any official zoo sign, device or property or affix thereto any manner of material."

This rule is clearly necessary for the protection of zoo property and reasonably describes the prohibited acts.

47. Zoo 612 - Littering. This rule prohibits leaving any sort of material anywhere except in the proper receptacle, and also prohibits leaving burning cigars, cigarettes and other smoking or combustible material unattended. Littering, of course, would create a nuisance and detract from the natural setting of the zoo. More importantly, it could be a health hazard to the exhibit animals. Unattended cigarettes create a fire hazard. This rule is necessary and reasonable for the protection of the wildlife, facilities and persons on the zoo premises.

48. Zoo 613 - Impersonations. This rule prohibits any person from impersonating a zoo officer, ranger or employee. It is necessary and reasonable to protect the normal operation of the zoo, to enforce these rules and to maintain security.

CHAPTER SEVEN - MISCELLANEOUS

49. Zoo 701 - Effect on zoo employees or agents. This rule provides:

> "Nothing in these regulations shall prevent zoo employees or agents from performing their assigned duties or operate to modify the rights of third parties contained in contracts with the Minnesota Zoological Garden."

Many of the rules (i.e., restricted areas, no feeding, etc.) cannot be applied to zoo employees as it would not allow them to do their assigned work. It is necessary and reasonable to exempt employees and the zoo's contract agents from the rules. The

Examiner would suggest that a provision be added to the rule creating a specific exemption for peace officers and other public officials while engaged in the performance of their official duties. As the rule now stands, such persons would only be excepted from the operation of the rules if they were working under a contract with the zoo.

50. Zoo 702 - Severability. This is a standard severability clause, and it is necessary because some courts have held that in the absence of such a clause, it is presumed that the agency adopting the rules intended them to stand or fall as one.

CONCLUSIONS

1. Timely and adequate notice of the hearing was properly served and published by the Board. All other substantive and procedural requirements have been fulfilled.

2. Except as noted in the Findings, the Board has demonstrated its statutory authority to adopt the proposed rules.

3. Except as noted in the Findings, the Board has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts.

4. The suggestions made by the Examiner are not intended to preclude the Board from making its own non-substantial changes or improvements to the rules. The Examiner would suggest, for example, that the word "regulation" be changed to "rule" wherever it appears within the rules.

RECOMMENDATION

The Hearing Examiner recommends that the proposed rules be modified as suggested in the Findings, and that so modified, they be adopted.

Dated this 24th day of March, 1978.

STEVE M. MIHALCHICK
Hearing Examiner

DOCKET 200-78-002-SM

DATE 2-3-78

Record Documents

TITLE Rules governing general operations

EXHIBIT	PARTY: Board's	PARTY: Public's	MARKED	REC'D	OBJECTION
Proposed Rules	A		✓	11-25-77	
" Order	B		✓	"	
" Notice	C		✓	"	
Est of Nbr. & Length	D		✓	11-29-77	
2 State Register 1266 (12-26-77)	E		✓	12-26-77	
Order	F		✓	1-9-78	
Notice as mailed (rules attached)	G		✓	"	
Affit of Receipt of SoS list	H		✓	"	
SoS Cert (12-12-77)	I		✓	"	
Affit of mailing (12-14-77)	J		✓	"	
Statement of Evidence & Agy Witnesses	K		✓	"	
Apple Valley Ord's 74 128	L		✓	"	
Statement of Need	M		✓	"	
H.K. Anderson		1	✓	12-19-77	
N. H. Langley		2	✓	1-9-78	
Resolution (1/20/78)	N		✓	1-25-78	
MnDot		3	✓	"	
Changes	O		✓	2-3-78	
Map of Area	P		✓	"	
Map of Zoo	Q		✓	"	
Hearing Register			—	"	
Tapes # 159, 165	—	—	—	"	
City of Apple Valley		4	✓	2/15/78	
Boards changes	R		✓	2/23/78	

RECEIVED
JAN 9 1978
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
MINNESOTA ZOOLOGICAL GARDEN

In the Matter of the)
Proposed Adoption of Rules)
of the Minnesota Zoological Garden)
Governing General Zoo Operations)

STATEMENT OF EVIDENCE

In addition to the "Statement of Need" which is available for inspection or purchase at the Office of Hearing Examiners, Room 300, 1745 University Ave., St. Paul, Minnesota 55104, Steve Mihalchick, examiner, and in support thereof the Minnesota Zoological Garden will introduce the following evidence:

The Minnesota Zoological Garden will introduce facts and expert opinions with regard to the dangers involved in feeding wildlife and exhibit animals, making physical and/or verbal contact with animals or allowing unchecked movement of zoo visitors through the entire zoo site. The testimony will point out the danger to the zoo visitor and the animals and explain the financial and public image repercussions should rules and regulations for the conduct of visitors not be adopted and become enforceable.

The Minnesota Zoological Garden will also discuss the natural setting of the zoo; the open waters and grassy , rolling hills which will be left relatively untouched. The M.Z.G. will emphasize the desires of the Board, designers and staff and the ecological and esthetic need to preserve the natural setting and, therefore, the need to control the movement and conduct of visitors to the Minnesota Zoological Garden.

We may call one or more of the following expert witnesses to testify:

Donald D. Bridgwater, General Director
Minnesota Zoological Garden

Mr. Bridgwater will give expert testimony to the history and philosophy of the Minnesota Zoological Garden project and will draw from his previous zoo work experiences to explain general operating needs of a well run zoo.

Hugh (Brad) House, Associate Director
Animal & Plant Sciences
Minnesota Zoological Garden

Mr. House will draw on his extensive work in zoo's to explain animal behavior and zoo visitor - exhibit animal interaction ; what can be anticipated and what preventative measures other zoos have taken that are essential for the safety of all.

Vicki L. Uchida, Administrative Assistant
Minnesota Zoological Garden

Ms. Uchida will be available to discuss the process taken by the zoo in determination of the rules and the overall justifications and documentation used.

Bd's Exhibit No. K
File No.

We intend to introduce the following manuals, books, scientific treatises, and other documentary evidence:

Village of Apple Valley Ordinance No. 7 & 128

We will be citing the following statutes and case law:

Minn. Stat. §§ 85A.02, subd. 7 (1976)
Minn. Stat. §§ 85A.01, subd. 2 (1976)
Minn. Stat. § 85A.03, subd. 4 (a) (1976)
Minn. Stat., Chapters 169, 170, 171, and all other applicable Minnesota Statutues relating to traffic, parking, and the operation of vehicles as amended from time to time
Village of Apple Valley Ordinance No. 7 and 128 Firearms

Vicki L. Uchida

Vicki L. Uchida
Administrative Assistant
Minnesota Zoological Garden

Date: Jan 6, 1978

STATE OF MINNESOTA

MINNESOTA ZOOLOGICAL GARDEN

RECEIVED

JAN 9 1978

OFFICE OF HEARING EXAMINERS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA ZOOLOGICAL GARDEN GOVERNING GENERAL ZOO OPERATIONS.

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

Vicki Uchida, being duly sworn on oath deposes and says:

1) That she is an employee of the Minnesota Zoological Garden, an agency of the State of Minnesota.

2) That on the 12th day of December, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 12th day of December, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Vicki Uchida

Subscribed and sworn to before me this 13 day of December, 1977

Notary Public, [illegible] County, Minnesota

My commission expires 1979.

VERNON M. PLUCKER
NOTARY PUBLIC - MINNESOTA
My Commission Expires Sept. 5, 1979.

Vernon M. Plucker

Bd's Exhibit No. H

File No. [illegible]

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JAN 9 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed Adoption
of Rules of Minnesota Zoological ~~Division~~ Garden
Governing General Operating Regulations

I hereby certify that the attached 488 names on 13 sheets constitute the complete list of persons, associations, and other interested groups who as of 10:30 o'clock A .M, this 12th day of December, 19 77, have requested pursuant to M.S. 19 76, 15.0412 , that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Bd's EXHIBIT No. I
File No.
Date

Secretary of State
Joan Anderson Growe

By Randall W. Sayers

RECEIVED
JAN 9 1978
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA

MINNESOTA ZOOLOGICAL GARDEN

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA ZOOLOGICAL GARDEN GOVERNING GENERAL ZOO OPERATIONS	AFFIDAVIT OF MAILING

Vicki Uchida, being duly sworn, deposes and says:

Than on the fourteenth (14th) day of December, 1977, at the City of Eagan, County of Dakota, State of Minnesota, she served the attached Notice of Hearing by properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Vicki Uchida

Subscribed and sworn to before me this 14 day of December. 1977

VERNON M. FLICKER
NOTARY PUBLIC
DAKOTA COUNTY
My Commission Expires Sept. 5, 1979.

Bd'o Exhibit No. J
File No.
Date

PROPOSED
REGULATIONS OF THE
MINNESOTA ZOOLOGICAL GARDEN

CHAPTER ONE GENERAL

Zoo 101 Purpose and Authority. These regulations are promulgated pursuant to authority granted the Minnesota Zoological Board by Minn. Stat. 85A.02, subd. 7 (1976) and are intended to govern the efficient protection of the Minnesota Zoological Garden and related facilities and the conduct of persons entering therein. A violation of any regulation herein set forth is a misdemeanor.

Zoo 102 Definitions.

(a) "Director" means the chief executive officer of the Minnesota Zoological Garden.

(b) "Admission area" means any area comprising the Minnesota Zoological Garden except the roadway entrance to the parking areas and the parking areas.

(c) "Parking areas" means those parts of the Minnesota Zoological Garden premises which are designated for public parking.

(d) "Zoo premises" means the entire real estate, personal property and air space owned or controlled by the Minnesota Zoological Garden.

(e) "Zoo visitor" means any person or legal entity of any kind entering or occupying any part of the zoo premises.

(f) "Vehicle" means any motorized, self-propelled, animal-drawn or human-powered conveyance, including motorized recreation vehicles, and any trailer used in connection with any vehicle.

(g) "Motorized recreation vehicle" means any self-propelled, off-the-road, or all terrain conveyance, including but not limited to a snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail bike, or dune buggy.

(h) "Weapon" means any instrument the possession of which is unlawful under Minnesota law and any device from which shot or projectile of any type can be discharged by means of an explosive, gas, or compressed air, or otherwise propelled, including but not limited to firearms, bows and arrows, slings, and spring guns.

(i) "Wildlife" means all living creatures, not human, who are by nature endowed with sensation and power of voluntary motion.

(j) "Intoxicating Liquor" means any liquor which is intoxicating pursuant to Minnesota law and includes ethyl alcohol, distilled, fermented, spiritous, vinous, and malt beverages containing in excess of 3.2% of alcohol by weight.

(k) "Beer" means any alcoholic malt beverage containing not more than 3.2% alcohol by weight.

(l) "Controlled substances" means any drug, the use, possession, or sale of which is a violation of federal of Minnesota law.

Zoo 103 Applicability. These regulations shall apply to all persons on the zoo premises or causing any effect upon or within the zoo premises.

Zoo 104 Penalties. A person guilty of violating any provision of these regulations shall be punished by a fine of not more than $300 together with taxible costs, or by imprisonment for a period not to exceed 90 days, or both.

Zoo 105 Enforcement. These regulations may, and in accordance with Minnesota Statutes, be enforced by any person, peace officer, or law enforcement agency designated, appointed or ratified by the Director to act in a law enforcement capacity on the zoo premises.

Board's Exhibit A

CHAPTER TWO ADMISSION

Zoo 201 Tickets or Passes Required. It is unlawful for any person or vehicle to be present upon zoo premises without a valid ticket or pass.

Zoo 202 Entry to Zoo Premises. It shall be unlawful for any person or vehicle to enter the zoo premises except at designated entrances.

Zoo 203 Hours. The hours during which zoo visitors may be on zoo premises shall be designated by the Director. It shall be unlawful for any person or vehicle to enter or be on zoo premises except during such hours.

Zoo 204 Whole or Partial Closure of Zoo Premises. The zoo premises or any portion thereof may be declared closed to the public by the Director at any time and for any interval of time as the Director shall find reasonably necessary and the presence of any person or vehicle in such area is prohibited.

Zoo 205 Restricted Areas. It shall be unlawful for any person or vehicle to pass into any posted restricted area, except that entry into restricted areas shall be permitted in such areas as the Director may specifically designate when such admittance is under the auspices and control of an authorized special tour guided by zoo personnel.

Zoo 206 Aircraft. It is unlawful for any person to land an aircraft on the zoo premises or to operate an aircraft above or near the zoo premises in any manner which might tend to, or might disturb the wildlife in the Minnesota Zoological Garden.

CHAPTER THREE PROTECTION OF WILDLIFE AND NATURAL RESOURCES

Zoo 301 Protection of Wildlife and Natural Resources. It is unlawful for any person to injure, destroy, or remove any wildlife, vegetation, rock, soil, or mineral on the zoo premises or to kill, trap, hunt, pursue or in any manner disturb, alter, or cause to be disturbed or altered any species of wildlife within or on the zoo premises.

Zoo 302 Shooting. It is unlawful for any person to shoot any weapon on the zoo premises or into or above the zoo premises from beyond zoo boundaries.

Zoo 303 Pets. It is unlawful for any person to bring any dog, cat, or other domesticated animal or pet onto zoo premises except on a leash and then only into the parking areas.

Zoo 304 Foreign Wildlife or Agents. It is unlawful for any person to bring, possess, introduce or release on the zoo premises any chemical or other agent potentially harmful to the vegetation or wildlife of the zoo.

Zoo 305 Feeding Wildlife. It is unlawful to feed any species of wildlife on the zoo premises except as specifically authorized in designated areas.

Zoo 306 Physical or Verbal Contact Prohibited. It is unlawful for any person to attempt to make physical contact with any wildlife on the zoo premises except for authorized contact in the Children's Zoo. It is unlawful for any person to attempt to make or to make any other contact including verbal with any wildlife on the zoo premises in a manner likely or tending to disturb or disturbing any wildlife.

Zoo 307 Horses. Horses are prohibited on the zoo premises.

CHAPTER FOUR TRAFFIC.

Zoo 401 Roadways. No vehicle shall be operated on or occupy any part of the zoo premises except parking areas and roadways.

Zoo 402 Motorized Recreation Vehicles. No motorized recreation vehicles shall be allowed on zoo premises except road licensed vehicles.

Zoo 403 Right-of-Way. Pedestrians and wildlife have the right-of-way on zoo premises at all times and places. Drivers of all vehicles must yield right-of-way.

Zoo 404 Incorporation of State Statutes. Minnesota Statutes, Chapters 169, 170, and 171, and all other applicable Minnesota Statutes relating to traffic, parking, and the operation of vehicles, as amended from time to time, are hereby incorporated into and made a part of this rule, and the same shall be in full force and effect as to all parts of the zoo premises and as to the operation of vehicles therein and thereon, and shall have the same force and effect as though the said provisions were fully set out herein and it shall be unlawful for any person to violate the same.

Zoo 405 Speed Limit. No person shall drive a vehicle on zoo premises at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or wildlife. The maximum speed limit is 15 miles per hour or 24 kilometers per hour.

Zoo 406 Lawful Orders and Posted Regulations. It shall be unlawful for any person to operate a vehicle on zoo premises in violation of posted regulations, orders or directions of traffic officers or zoo employees authorized to direct traffic.

Zoo 407 Parking and Standing. It is unlawful to park or leave a vehicle standing on zoo premises except within a designated parking area.

Zoo 408 Overnight Parking. Overnight parking of any vehicle is prohibited and all vehicles present on the zoo premises at closing time are subject to removal at the expense of the owner.

Zoo 409 Obstruction of Traffic. It is unlawful to obstruct vehicle traffic.

CHAPTER FIVE FOOD, BEVERAGES, AND CONTROLLED SUBSTANCES.

Zoo 501 Locations. It is unlawful to consume food or beverages on the zoo premises except at locations authorized by the Director.

Zoo 502 Cookouts and Fires. Cookouts and barbecues and other open fires of any kind are prohibited.

Zoo 503 Tailgating and Picnicking. Tailgating and picnicking shall be permitted in designated areas only.

Zoo 504 Intoxicating Liquors and Controlled Substances. It is unlawful to use, possess or sell any intoxicating liquor, controlled substances, or beer on the premises or to be under the influence of any intoxicating liquor, controlled substance, or beer except as provided at Minn. Reg. Zoo 505.

Zoo 505 Intoxicating Liquors and Beer at Special Events. The use of intoxicating liquors and beer shall be allowed within the main zoo building at such special zoo events and subject to such conditions as the Board shall designate.

CHAPTER SIX SPEECH AND CONDUCT.

Zoo 601 Incorporation of Misdemeanor Statutes. The misdemeanor statutes of the State of Minnesota relating to the conduct of persons and the protection of life and property are hereby incorporated into and made a part of these regulations and the same shall be in full force and effect as to all parts of the zoo premises and shall have the same force and effect as though said statutes were fully set forth herein, and it shall be unlawful for any person to violate the same. No aspect of or ommission in these regulations shall operate to deprive the criminal laws of the State of Minnesota from having full force and effect on the zoo premises.

Zoo 602 Fires. Fires are prohibited on zoo premises.

Zoo 603 Weapons. Possession of any concealed or unconcealed weapon on zoo premises is prohibited.

Zoo 604 Wading and Swimming. Wading and swimming are prohibited on zoo premises.

Zoo 605 Smoking. Smoking is prohibited in the admission area except in designated areas.

Zoo 606 Boating and Fishing. Boating and fishing are prohibited.

Zoo 607 Disturbance. It shall be unlawful for any person to use threatening, abusive, insulting, obscene or indecent language or to act in an indecent or lascivious manner or to disturb, harass, or interfere with any zoo visitor or zoo visitor's property or to do any other act which constitutes a breach of the public peace on the zoo premises.

Zoo 608 Sound Trucks. Operation of sound trucks or mobile vehicles equipped with public address systems, or vehicles upon which any advertising signs, political or otherwise, have been affixed in any manner, whether such vehicles are in motion or parked on the zoo premises, is prohibited.

Zoo 609 Radio and Broadcasting Devices. No radio or other broadcasting device is permitted in the admission area.

Zoo 610 Soliciting. It is unlawful to sell, solicit, or carry on any business or fund-raising on zoo premises.

Zoo 611 Meetings, Speeches, Demonstrations, Parades, Picketing, or Distribution of Written Material. It shall be unlawful for anyone to conduct public meetings, assemblies, entertainment, parades, demonstrations, picketing or distribution of written material on the zoo premises without a written permit from the Director and then only in areas designated in the permit. All such events or activities must be conducted in such a manner as not to violate these regulations. In no case shall any such event or activity occur in the admissions area or within 100 feet of any admissions booth and the use of any amplifying or audio systems in connection with such events and activities is prohibited.

Zoo 612 Sports Equipment. It shall be unlawful for any person to bring any sports equipment, including balls, frisbees, games, sleds, snowshoes, skis, or any other equipment used in sports activities into the admissions area without the advance written permission of the Director.

Zoo 613 Defacing Property. No person shall deface property on the zoo premises by affixing thereto any manner of advertising material having a gummed or adhesive backing such as labels, lapel badges, car bumper or window stickers or by any other method of defacement.

Zoo 614 Littering. It is unlawful to deposit, scatter, drop or abandon on zoo premises any bottle, can, broken glass, sewage, waste or other material except in receptacles provided for such purposes or to throw, discharge or place in or upon any of the zoo premises any substance, liquid, solid or gas, or to drop, throw, or otherwise leave unattended burning cigars, cigarettes, tobacco, paper or other combustible material.

Zoo 615 Impersonations. No person shall impersonate a zoo officer, ranger, or employee.

CHAPTER SEVEN MISCELLANEOUS.

Zoo 701 Effect on Zoo Employees or Agents. Nothing in these regulations shall prevent zoo employees or agents from performing their assigned duties or operate to modify rights of third parties contained in contracts with the Minnesota Zoological Garden.

Zoo 702 Severability. If any part or subpart of these regulations is held to be invalid, such invalidity shall not affect the validity of any other part or subpart of these regulations.

STATE OF MINNESOTA

MINNESOTA ZOOLOGICAL GARDEN

In the Matter of the Proposed Adoption
of Rules of the Minnesota Zoological Garden
Governing General Operating Regulations.

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in Room B-9 of the Transportation Building, John Ireland Boulevard, St. Paul, Minnesota 55155 on February 3, 1978 commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

Donald D. Bridgwater
General Director
Minnesota Zoological Garden

Date: 11/22/77

Bd's No. B

STATE OF MINNESOTA

MINNESOTA ZOOLOGICAL GARDEN

RECEIVED
NOV 25 1977
OFFICE OF HEARING EXAMINERS

In the Matter of the Proposed Adoption of Rules of the Minnesota Zoological Garden Governing General Operating Regulations.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter will be held in Room B-9 of the Transportation Building, John Ireland Boulevard, St. Paul, Minnesota 55155 on February 3, 1978 commencing at 9:00 A.M. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Steve Mihalchick, State Hearing Examiner's Office, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104 either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would govern the efficient protection of the Minnesota Zoological Garden and related facilities and the conduct of persons entering therein. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Zoological Garden, 12101 Johnny Cake Ridge Road, Apple Valley, Minnesota 55124. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn Stat. § Chapter 85A.02 Subd. 7. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn Stat. § 10A.01, Subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Bd's Exhibit No. C

File No.

Donald D. Bridgwater
General Director
Minnesota Zoological Garden

Date: 11/27/77

STATE OF MINNESOTA

MINNESOTA ZOOLOGICAL GARDEN

RECEIVED
JAN 9 1978
OFFICE OF HEARING
EXAMINERS

In the Matter of the Proposed Adoption of Rules of the Minnesota Zoological Garden Governing General Operation Regulations.

STATEMENT OF NEED

The above captioned rules are the purposed original rules governing the efficient protection of the Minnesota Zoological Garden, (hereinafter known as the Zoo), promulgated pursuant to authority granted the Minnesota Zoological Board by Minn. Stat. § 85A.02, subd. 7 (1976) Powers and Duties

> Subdivision 7. The Board may enact regulations governing the efficient protection of the Minnesota Zoological Garden and the related facilities and the conduct of persons entering therein. Regulations shall become effective in the manner provided by law for the promulgation of rules and regulations by state departments and agencies. A violation of any regulation promulgated by the Board under this section is a misdemeanor.

Such rules are necessary in order that the director of the agency and his appointed staff may have the necessary authority to protect the natural and/or man-made elements of the Zoo from damage, thievery, or death, and to help regulate the conduct of visitors for their own health and safety and for the health and safety of the Zoo employees and wildlife.

It is submitted that the proposed rules as a whole are needed and reasonable. Each rule is explained and justified rule by rule in the paragraphs that follow.

Zoo 101 PURPOSE AND AUTHORITY

These regulations are promulgated pursuant to authority granted the Minnesota Zoological Board by Minn. Stat. § 85A.02, Subd. 7 (1976) and are intended to govern the efficient protection of the Minnesota Zoological Garden and related facilities and the conduct of persons entering therein. A violation of any regulation herein set forth is a misdemeanor. (Spelled out above)

Zoo 102 DEFINITIONS

(a) The "Director is the chief executive officer of the MZG, appointed by the Zoological Board by authority granted under Minn. Stat. § 85A.01, Subd. 2.

> Subdivision 2. The Board shall annually elect a chairman from among its members and such other officers as it may deem necessary for the performance of its duties. It shall appoint a director to serve at its pleasure who is in the unclassified service of the State and who shall be chosen solely on the basis of his training, experience, and other qualifications in the field of zoo management. The director shall act as executive secretary and appoint administrative officers and employees of the Board with the approval of the Board. With the approval of the Board, he shall exercise the powers and duties set forth in Section 85A.03.

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(b) "Admission area" means any area comprising the Minnesota Zoological Garden except the roadway entrance to the parking areas and the parking areas.

"Admission area" has been defined as a more limited area than the MZG as a whole because conduct of visitors and concern for the welfare of the exhibit animals becomes more crucial once inside the admission gates. It is also an area where more control can be accomplished. Thus, in order to define where a particular rule or rules will and may be enforced, a demarkation of areas has been established.

(c) "Parking areas" means those parts of the Minnesota Zoological Garden premises which are designated for public parking.

"Parking areas". If an admissions area is to be defined, then the area or areas outside the admissions area open to the general public must be defined for the same reasons as listed above.

(d) "Zoo premises" means the entire real estate, personal property and air space owned or controlled by the Minnesota Zoological Garden.

"Zoo premises". In order to describe the areas of enforcement of a rule that applies to all properties owned or controlled by the MZG, without listing each area separately, the term Zoo premises was established. This term encompasses the two areas described above plus other property owned by the Zoo but not open to the general public.

(e) "Zoo Visitor" means any person or legal entity of any kind entering or occupying any part of the zoo premises.

"Zoo visitor". The term Zoo visitor is defined in such all-encompassing terms so that no exceptions can be construed when question of applicability of a rule arises with exception of those people sited in Zoo 701.

(f) "Vehicle" means any motorized, self-propelled, animal-drawn or human-powered conveyance, including motorized recreation vehicles, and any trailer used in connection with any vehicle, but excluding wheelchairs or other handicapped vehicles necessary.

"Vehicle". The term has been defined in such an all-encompassing manner as a measure against any and all exceptions which might be taken to those rules which apply to a vehicle driven on the MZG site. Wheelchairs or other handicap conveyances have been excluded because of the need by some people to use such a vehicle for normal pedestrian movement.

(g) "Motorized recreation vehicle" means any self-propelled, off-the-road, or all terrain conveyance, including but not limited to a snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail bike, or dune buggy.

"Motorized recreational vehicle". The term is defined as such to give clarification to rule Zoo 402.

(h) "Weapon" means any instrument the possession of which is unlawful under Minnesota law and any device from which shot or projectile of any type can be discharged by means of an explosive, gas, or compressed air, or otherwise propelled, including but not limited to firearms, bows and arrows, slings, and spring guns.

"Weapon". The definition of weapon has been stated as such in order to clarify all inclusions to rule Zoo 603.

(i) "Wildlife" means all living creatures, not human, who are by nature endowed with sensation and power of voluntary motion.

"Wildlife" has been defined in order to give full meaning to the extent of coverage of rules referring to wildlife in their contents.

(j) "Intoxicating Liquor" means any liquor which is intoxicating pursuant to Minnesota law and includes ehtyl alcohol, distilled, fermented, spiritous, vinous, and malt beverages containing in excess of 3.2% of alcohol by weight.

(k) "Beer" means any alcoholic malt beverage containing not more than 3.2% alcohol by weight.

(l) "Controlled substances" means any drug, the use, possession, or sale of which is a violation of federal of Minnesota law.

"Intoxicating liquor", "beer", and "controlled substances" have been stated as defined by federal and Minnesota law. The definitions exist to clarify the meanings of reference to each in the rules.

Zoo 103 APPLICABILITY

These regulations shall apply to all persons on the zoo premises or causing any effect upon or within the zoo premises. (Not addressed in justification.)

Zoo 104 PENALTIES

A person guilty of violating any provision of these regulations shall be punished by a fine of not more than $300 together with taxible costs, or by imprisonment for a period not to exceed 90 days, or both. (Defined by Minn. Stat. 85A.02 subd. 7 and the State definition of misdemeanor penalties.)

Zoo 105 ENFORCEMENT

These regulations may, and in accordance with Minnesota Statutes, be enforced by any person, peace officer, or law enforcement agency designated, appointed or ratified by the Director to act in a law enforcement capacity on the zoo premises. (Not addressed in justification.)

Zoo 201 TICKETS OR PASSES REQUIRED

It is unlawful for any person or vehicle to be present upon zoo premises without a valid ticket or pass.

The MZG is authorized under Minn. Stat. § 85A.03, Subd. 4(a), to meet general operating expenses and to repay bonds. Purchase of a ticket (either in advance or at the gate), or possession of a pass, is physical proof of having paid an admission fee or been authorized to enter the MZG on a nonpay basis, and as such validates a person's right to use the Zoo facilities. Failure to

pay an admission fee would result in loss of revenue for the MZG general operations. Without a ticket or pass, it must be assumed that a person has entered without authorization.

Zoo 202 ENTRY TO ZOO PREMISES

It shall be unlawful for any person or vehicle to enter the zoo premises except at designated entrances.

Access to the MZG must be strictly controlled for safety and security reasons. The MZG is a large (500 acre) natural area of wooded hills enclosed by a chain link fence. Many areas along the fence line are far from the general Zoo activity and/or very close to animal exhibit areas. Entrance over these fences or through service gates where entrance could not be monitored, may result in harm to exhibit animals and/or physical property of the MZG or harm to the person or persons attempting such unauthorized entry. Without authority to designate entrances or to control access, there would also be a loss of gate revenue and possible loss of MZG property.

Zoo 203 HOURS

The hours during which zoo visitors may be on zoo premises shall be designated by the Director. It shall be unlawful for any person or vehicle to enter or be on zoo premises except during such hours.

The hours during which a visitor may be on the Zoo premises must be stated and limited by the Director so that consideration for staffing, exhibit viewing, security and overall Zoo operating guidelines and budgets may be regulated. The MZG, as a whole, is not designed for after sunset activities, therefore, hours may be determined by the season of year. The staff complement is determined by the budget approved the State Legislature. Thus, the Director assess the best hours given the necessary functions that can be carried out by a given staff on a daily basis. Consideration must also be given to visitor enjoyment in exhibit viewing. The presence of visitors in exhibit areas during major feeding and cleaning hours could result in disturbance of animals and a poor Zoo experience for the visitor. Entrance to any part of the Zoo during non-visitor hours would disrupt the basic maintenance/replenishment operations of the MZG.

Zoo 204 WHOLE OR PARTIAL CLOSURE OF ZOO PREMISES

The zoo premises or any portion thereof may be declared closed to the public by the Director at any time and for any interval of time as the Director shall find reasonably necessary and the presence of any person or vehicle in such area is prohibited.

The Director must have the authority to close parts or all of the MZG on occasion for planned or unplanned reasons such as a natural disaster (e.g., tornado, fire, severe weather, etc.), an animal emergency (e.g., transport of

a sick animal through an exhibit area, an animal loose outside the exhibit area, etc.). a pedestrian or vehicular accident, construction work or work in exhibit areas not considered appropriate for visitor viewing (e.g., physical examination of an animal, repair to an exhibit area, etc.). Unauthorized entrance into such areas would disrupt the functions of Zoo staff or its agents causing work delays and/or safety hazards to both the visitor and employees of the Zoo.

Zoo 205 RESTRICTED AREAS

It shall be unlawful for any person or vehicle to pass into any posted restricted area, except that entry into restricted areas shall be permitted in such areas as the Director may specifically designate when such admittance is under the auspices and control of an authorized special tour guided by zoo personnel.

Restricted areas are designated as such because they are areas which might prove to be a safety hazard to unauthorized personnel (e.g., animal holding areas), obstruct the progress of employees trying to carry out their work (e.g., administrative offices, animal hospital) or be areas where controlled substances are maintained (e.g., inventory storage areas, garage). Entrance by the general public into any of these areas could severely disrupt the operation of the Zoo and/or result in destruction or loss of Zoo property.

Zoo 206 AIRCRAFT

It is unlawful for any person to land an aircraft on the zoo premises or to operate an aircraft above or near the zoo premises in any manner which might tend to, or might disturb the wildlife in the Minnesota Zoological Garden.

The is not designed to permit the landing of any aircraft. Thus, an attempt to land any form of aircraft would be a safety hazard to both the Zoo visitor and the exhibit animals on the site. Low flying aircraft which would be unusually loud or fly unusually low or in a reckless manner could frighten the animals enough to disrupt feeding, infant rearing or could cause a disturbance to Zoo visitors.

Zoo 301 PROTECTION OF WILDLIFE AND NATURAL RESOURCES

It is unlawful for any person to injure, destroy, or remove any wildlife, vegetation, rock, soil, or mineral on the zoo premises or to kill, trap, hunt, pursue or in any manner disturb, alter, or cause to be disturbed or altered any species of wildlife within or on the zoo premises.

The Zoo is designed as a total exhibit area.

Minnesota Zoological Garden Objectives and Guidelines- OBJECTIVE F: The zoo design shall preserve to the maximum degree possible the natural attributes of the site including land forms, desirable vegetation, ponds and existing wildlife habitat.

All of th animals vegetation and physical environment, be they exhibit specimens or not, are part of the total Zoo experience. To disturb, alter, or destroy any of the natural resources of the Zoo, would result in depreciation of the value of the Zoo in terms of both the physical property and the visitor experience. The end result would be loss of revenue and/or loss of home or life for the wildlife and the exhibit plants and animals of the MZG.

Zoo 302 SHOOTING

It is unlawful for any person to shoot any weapon on the zoo premises or into or above the zoo premises from beyond zoo boundaries.

Shooting of weapons is against the law within the Apple Valley city limits. For the safety of both the Zoo visitor and the animals housed within the Zoo, no shooting can be permitted. (Apple Valley Firearms Ordinances 7 and 128).

Zoo 303 PETS

It is unlawful for any person to bring any dog, cat, or other domesticated animal or pet onto zoo premises except on a leash and then only into the parking areas.

A pet or any other domesticated animal on the Zoo site within the admission area may cause a number of problems for both staff and Zoo visitors: The animal may be frightened by the smell, sight, or noises of the wild animals causing a disruption (i.e., running, biting, or barking). The wild animals may be disturbed by the noises of a domesticated animal and could bolt or charge, damaging the exhibit area or itself.

Domesticated animals, especially in any large numbers, on the paths and walkway would cause a disruption in the flow of traffic and would be an irritation to Zoo visitors. Domesticated animal waste left along the walkway and paths on the grounds would be very damaging to Zoo hygiene and could possibly spread diseases to exhibit animals. As a matter of safety and general Zoo enjoyment, all domesticated animals (pets) are best restricted to the parking areas.

Zoo 304 FOREIGN WILDLIFE OR AGENTS

It is unlawful for any person to bring, possess, introduce, or release on the zoo premises any chemical or other agent potentially harmful to the vegetation or wildlife of the zoo.

The releasing of foreign wildlife on the Zoo premises could result in a health hazard to the exhibit animals/plants. Some wildlife carry diseases or insects which could cause sickness and possible death to certain species of animals/plants. Chemicals or other agents (e.g., DDT) are potentially harmful could cause sickness and/or death of plant or animal life, which would not only be cruelty to animals but would also destroy the natural setting resulting in

a large financial loss in exhibit animals and/or plants.

Zoo 305 FEEDING WILDLIFE

It is unlawful to feed any species of wildlife on the zoo premises except as specifically authorized in designated areas.

The diets of all Zoo exhibit animals are carefully controlled for the health and safety of the animals. Feeding incorrect foods or substances other than food products may cause illness or death for the exhibit animals. Other wildlife on the site (i.e., birds, ducks, squirrels, etc.) have sufficient natural foods for their needs. Encouraged to beg from visitors, these animals could become a public nuisance. Or, as with exhibit animals, incorrect foods or substances other than food products could cause illness or death to the wildlife.

Zoo 306 PHYSICAL OR VERBAL CONTACT PROHIBITED

It is unlawful for any person to attempt to make physical contact with any wildlife on the zoo premises except for authorized contact in the Children's Zoo. It is unlawful for any person to attempt to make or to make any other contact including verbal with any wildlife on the zoo premises in a manner likely or tending to disturb or disturbing any wildlife.

Physical contact with exhibit animals in areas other than those so designated could result in damage to the animal, harm to the Zoo visitor handling or attempting to handle animal or both. Damage or death of the exhibit animal, either at the hands of the Zoo visitor or in the process of removing the visitor from the exhibit area, would be a financial loss to the Zoo. It would also deplete animals necessary for the Zoo experience.

Verbal contact in the form of heckling or disturbing noises (i.e., a loud whistle, a horn, etc.), may cause the animals to become so excited that they would hurt themselves or other animals within the exhibit area. Again, this would result in a poor Zoo experience for those observing the incident and for future visitors who would be deprived of seeing the damaged animal(s). It would also be a financial loss to the Zoo, both in the value of the animals and the staff time necessary to repair or replace the damaged animal.

Zoo 307 HORSES

Horses are prohibited on the zoo premises.

Horses on the Zoo premises may cause a disruption to traffic flow and would be a great inconvenience and a cleanliness problem should they be ridden or left standing in parking lots.

The presence of horses in the exhibit area would be a health and safety problem. Diseases carried by horses could unknowingly be introduced into exhibit areas causing losses in exhibit animals.

Same justification apply as are stated in Zoo 303 (pets) with regard to causing a disturbance and Zoo hygiene.

Zoo 401 ROADWAYS

No vehicle shall be operated on or occupy any part of the zoo premises except parking areas and roadways.

Visitor parking or driving in areas other than the posted parking lots and roadways could constitute movement into restricted areas. The result would be obstruction of zoo vehicles trying to operate in their daily functions or obstruction of walkways for the visitors. Parking in areas other than those posted could also obstruct emergency vehicles or cause conjestion for general traffic flow.

Zoo 402 MOTORIZED RECREATION VEHICLES

No motorized recreation vehicles shall be allowed on zoo premises except road licensed vehicles.

Movement or parking of recreational vehicles as defined in Zoo 102 (g) could lead to conjestion in the parking lots and could cause a greater temptation to enter restricted areas (i.e., a mini-bike, dirt bike, or snowmobile that would come through the gates and be ridden on the hills surrounding the parking lots.) The Zoo roads are public roads, therefore, a road license is required to operate a vehicle on zoo roads. No provisions have been made for alternate paths for recreational motor vehicles.

Zoo 403 RIGHT-OF-WAY

Pedestrians and wildlife have the right-of-way on zoo premises at all times and places. Drivers of all vehicles must yield right-of-way.

By Minnesota law and as a safety measure and a matter of common courtesy all pedestrians must have the right-of-way. Also, the zoo is designed as a total exhibit area. Animals, be they exhibit animals or not, are part of the total zoo experience and must be given right-of-way as a protective measure in all areas of the zoo premises. (i.e., a pheasant or duck on the road).

Zoo 404 INCORPORATION OF STATE STATUTES

Minnesota Statutes, Chapters 169, 170, and 171, and all other applicable Minnesota Statutes relating to traffic, parking, and the operation of vehicles, as amended from time to time, are hereby incorporated into and made a part of this rule, and the same shall be in full force and effect as to all parts of the zoo premises and as to the operation of vehicles therin and thereon, and shall have the same force and effect as though the said provisions were fully set out herein and it shall be unlawful for any person to violate the same.

Incorporation of the State Statutes insures completion of the zoo rules with regard to operation of vehicles on State of Minnesota property.

Zoo 405 SPEED LIMIT

No person shall drive a vehicle on zoo premises at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or wildlife. The maximum speed limit is 15 miles per hour or 24 kilometers per hour.

Fifteen (15) miles per hour or 24 kph has been determined as the safest speed for operation of vehicles on the zoo site. A faster speed would be unsafe for the stopping and starting necessary with pedestrians moving through parking lots and across roadways. A very slow speed is also necessary given the anticipated number of cars at the site on any one day. Faster speeds could lead to many minor accidents due to the constant stopping and starting in congested traffic flow.

Zoo 406 LAWFUL ORDERS AND POSTED REGULATIONS

It shall be unlawful for any person to operate a vehicle on zoo premises in violation of posted regulations, orders or directions of traffic officers or zoo employees authorized to direct traffic.

Lawful Orders and Posted Regulations is an all encompassing rule with reference to speed limit requirements for observing signs, one-way directions, stop signs, restricted access postings, etc. Posted instructions are given to aid all Zoo visitors in following the rules and regulations fo the Zoo. Failure to heed the signs is failure to follow many of the rules of the Zoo (i.e., entrance into restricted areas, speeds over 15 mph, etc.). The need to include "orders or directions of traffic officers or Zoo employees authorized to direct traffic" is included because at times traffic will be directed in opposition to the posted signs or may be directed through restricted areas for better, faster movement of traffic. At such times, the verbal direction given by authorized personnel should be as legally binding as the posted signs.

Zoo 407 PARKING AND STANDING

It is unlawful to park or leave a vehicle standing on zoo premises except within a designated parking area.

Parking and Standing is a more defined rule of the same basic justification as Zoo 401 (Roadways). Parking or leaving a car standing on a service road, a pedestrian pathway or on an access road would lead to obstruction of pedestrian, service vehicle and possibly emergency vehicular traffic. Such obstructions would disrupt the general operation of Zoo and/or make the Zoo experience poor for the visiting public.

Zoo 408 OVERNIGHT PARKING

Overnight parking of any vehicle is prohibited and all vehicles present on the zoo premises at closing time are subject to removal at the expense of the owner.

The MZG does not have overnight camping, toilet, or water supply facilities, nor does it have the staff to maintain the parking areas as a camping facility. Therefore, no overnight parking/camping can be allowed. Parking overnight is also a security risk in that visitors may try to enter the admissions unattended area and unmonitored exhibit areas during the night which could result in loss or destruction of MZG property and/or harm to the intruder and/or animals.

Zoo 409 OBSTRUCTION OF TRAFFIC

It is unlawful to obstruct vehicle traffic.

Obstruction of traffic slows the movement of traffic both into and out of the Zoo. It could also pose a danger in the event of a need to bring in emergency vehicles or to move traffic off the site quickly. Justifications parallel points made in Zoo 401, (Roadways), and Zoo 406, (Lawful Orders and Posted Regulations).

Zoo 501 LOCATIONS

It is unlawful to consume food or beverages on the zoo premises except at locations authorized by the Director.

Areas for food consumption are determined and designated based on the need to keep food and food containers away from the exhibit animals. Left near exhibit areas where the wind might blow them into the exhibits, or thrown into animal exhibit areas, these foods and food containers may result in improper or dangerous consumption by the animals.

Indescriminate eating and throwing of food wastes also results in littering necessitating extensive up-keep of the grounds. Littering is unsightly to the visiting public and the need for maintenance is costly to the Zoo.

A third reason for designating eating areas is to remove the temptations by Zoo visitors to walk off the paths onto grassy areas not designed for Zoo traffic, to sit and eat. Repeated use of certain easily accessible areas may cause damage or destroy the grass and plants of the areas.

Zoo 502 COOKOUTS AND FIRES

Cookouts and barbecues and other open fires of any kind are prohibited.

Since the Zoo, by design choice, does not provide facilities for cook-outs, and fires. Fires built in the parking lot or in the grounds surrounding the parking lots would have to be built directly on the paved surface, on the ground or in a barbecue. Uncontained fires would present a great fire hazard, especially in the drier seasons of the year. Briquets from charcoal fires dumped on the ground or into trash barrels could result in a brush fire or trash can fire. Fires built on the paved surface, even in a container, may damage the pavement because of the heat produced.

Water facilities are not available in the parking lots making the dousing of an open fire or briquets difficult, thus adding to the temptation to leave a live fire burning.

It is generally felt that with all the dense natural vegetation so close to parking and picnic areas, it is best not to even introduce the possibility for a fire disaster.

Zoo 503 TAILGATING AND PICNICKING

Tailgating and picnicking shall be permitted in designated areas only.

Tailgating and picnicking must be limited to designated areas in order to keep the temptation to feed the animals improper foods to a minimum. It is also a matter of defacement of property with litter and the possibility that a picnic in an undesignated area could lead to the obstruction of pedestrian or vehicle traffic flow.

Zoo 504 INTOXICATING LIQUORS AND CONTROLLED SUBSTANCES

It is unlawful to use, possess or sell any intoxicating liquor, controlled substances, or beer on the premises or to be under the influence of any intoxicating liquor, controlled substance or beer except as provided at Minn. Reg. Zoo 505.

The use of intoxicating liquors or controlled substances on the Zoo site, as anywhere else, could result in a person or persons loosing full control of their actions, thus causing a nuisance or danger to the other Zoo visitors, to themselves, or the animals.

Persons under the influence of alcohol or other controlled substances, due to their loss of good judgment, may fall either on a walkway or into an exhibit area. They may enter a restricted area or block an exhibit entrance. A number of situations of abuse or annoyance of fellow visitors and MZG employees may result.

Possession or sale of intoxicating liquors or controlled substances leads to the temptation or actual use of such substances. In general, elimination of all such substances from the MZG site will result in a cleaner, healthier, safer environment for all Zoo visitors and a more pleasant Zoo experience.

Zoo 505 INTOXICATING LIQUORS AND BEER AT SPECIAL EVENTS

The use of intoxicating liquors and beer shall be allowed within the main zoo building at such special zoo events and subject to such conditions as the Board shall designate.

A rule to allow use of intoxicating liquors and beer at special events within the main Zoo complex has been included to give the Board some latitude in permitting liquor on those special occasions when serving liquor might prove to be an enhancement of an activity. Examples of the type of function where liquor could be allowed would be: a special V.I.P. reception at opening, a ball or festival held for a specially invited guest list, or a special toast by the staff, Board and/or invited guests at a significant completion point or event happening at the Zoo site.

The use of this rule would be strictly controlled by the Board. All applications of the rule would be reviewed by the Director and the Board before any permission for use of alcohol at a function would be granted.

Zoo 601 INCORPORATION OF MISDEMEANOR STATUTES

The misdemeanor statutes of the State of Minnesota relating to the conduct of persons and the protection of life and property are hereby incorporated into and made a part of these regulations and the same shall be in full force and effect as to all parts of the zoo premises and shall have the same force and effect as though said statutes were fully set forth herein, and it shall be unlawful for any person to violate the same. No aspect of or ommission in these regulations shall operate to deprive the criminal laws of the State of Minnesota from having full force and effect on the zoo premises.

The incorporation of the State misdemeanor statutes is necessary to insure inclusive protection of the existing State of Minnesota misdemeanor statutes.

Zoo 602 FIRES

Fires are prohibited on zoo premises.

Because of the natural setting with large numbers of trees, grass, and underbrush, covering most of the Zoo site, fires pose a great safety hazard to all concerned the same reasons apply as are stated in Zoo 502, (Cookouts and fires).

Zoo 603 WEAPONS

Possession of any concealed or unconcealed weapon on zoo premises is prohibited.

Possession of a weapon which is defined as "any instrument, the possession of which is unlawful under Minnesota law, and any device from which shot or projectile of any type can be discharged by means of an explosive, compressed air, or otherwise propelled, including but not limited to firearms, bows and arrows, slings, and spring guns" (Zoo 102(h) Definitions), constitutes a real or potential safety hazard and security for the Zoo visitor, the MZG staff and the animals on the site. (Apple Valley Firearms Ordinances 7 and 128).

The possession of a weapon is in no way necessary for the enjoyment of the Zoo experience.

Zoo 604 WADING AND SWIMMING

Wading and swimming are prohibited on zoo premises.

The MZG is a natural setting with absolutely no facilities for wading or swimming. The ponds that abut the parking areas or within the admissions area are not monitored by Zoo staff nor have they been checked as to their safety for bathing or wading. The ponds may be a health risk and are definitely a safety risk to Zoo visitors.

Wading into these ponds or standing on the banks by any number of Zoo visitors, would destroy plants that grow on the banks, thus destroying the habitat for many of thewild animals that live on the Zoo site.

Trampling of grasses and bushes or dropping litter into the ponds destroys the natural setting. The result is a poor Zoo experience for everyone and a decrease in the value of the property.

Zoo 605 SMOKING

Smoking is prohibited in the admission area except in designated areas.

The rule with regard to smoking has been limited to the admissions area because it is virtually impossible to enforce in the parking areas of the Zoo. Inside the admissions area a number of factors require that smoking of any form be regulated. In food and rest areas, consideration must be given for the non-smoker and to ventilation. Along pathways and in buildings, there is always the potential for fires, particularly during dry times. Consideration must also be given for areas of congestion and the potential for injury or difficulty of evacuation in particular areas of the Zoo.

The plants and animals in the wild and the exhibit areas must also be considered. A cigarette thrown into an exhibit may burn an animal or destroy the plants. A cigarette carelessly thrown along a pathway may cause a brush fire

The use of radios and other broadcasting devices disrupts the visiting public's enjoyment of the natural setting; it may disturb both the exhibit animals and the wildlife inhabiting the Zoo site; and it could cause conjestion in pedestrian walkways should people stop to watch or listen.

Zoo 610 SOLICITING

It is unlawful to sell, solicit, or carry on any business or fund-raising on zoo premises.

Selling, soliciting or fund-raising on the zoo premises could cause and impediment to traffic flow, would irritate visitors and could be bad for the image of the zoo. Dairy Queen has a contract for the exclusive rights to food sales and the Zoo stores have rights to sale of all merchandise. Allowing outside sales would result in loss of revenue to the Zoo, and loss of control of the quality of the goods sold.

Zoo 611 MEETINGS, SPEECHES, DEMONSTRATIONS, PARADES, PICKETING, OR DISTRIBUTION OF WRITTEN MATERIAL

It shall be unlawful for anyone to conduct public meetings, assemblies, entertainment, parades, demonstrations, picketing or distribution of written material on the zoo premises without a written permit from the Director and then only in areas designated in the permit. All such events or activities must be conducted in such a manner as not to violate these regulations. In no case shall any such event or activity occur in the admissions area or within 100 feet of any admissions booth and the use of any amplifying or audio systems in connection with such events and activities is prohibited.

Unauthorized demonstrations, speeches, meetings, etc., would disrupt regular zoo functions, would be an irritant to zoo visitors, would impede vehicle and pedestrian traffic flow and could possibly be a disturbance to the animals.

Zoo 612 SPORTS EQUIPMENT

It shall be unlawful for any person to bring any sports equipment, including balls, frisbees, games, sleds, snowshoes, skis, or any other equipment used in sports activities into the admissions area without the advance written permission of the Director.

The use of sports equipment in the admission areas of the zoo would be a safety hazard, would impede traffic flow, would irritate zoo visitors, could lead to distruction of property (i.e., a ball thrown through a window, a frisbee flying into an exhibit area, etc.), could disrupt the regular zoo functions and disturb the animals.

Zoo 613 DEFACING PROPERTY

No person shall deface property on the zoo premises by affixing thereto any manner of advertising material having a gummed or adhesive backing such as labels, lapel badges, car bumper or window stickers or by any other method of defacement.

which would destroy the nest of a wild animal.

In general, limiting the area where smoking is permitted decreases the potential for damage to the natural and man-made elements of the Zoo.

Zoo 606 BOATING AND FISHING

Boating and fishing are prohibited.

Boating and fishing are not part of the planned Zoo experience. No facilities for either have been established on the site and no staff is planned or will be hired to monitor the lakes and ponds on the Zoo site. Boat traffic on the ponds and people walking to and from the ponds either to fish or boat would damage the grasses and bushes there, destroying the habitat of much of the Zoo's natural wildlife. Boating and fishing would ruin the natural concept of the Zoo as cited above in Objective F (Zoo Objectives and Guidelines).

Zoo 607 DISTURBANCE

It shall be unlawful for any person to use threatening, abusive, insulting, obscene or indecent language or to act in an indecent or lascivious manner or to disturb, harass, or interfere with any zoo visitor or zoo visitor's property or to do any other act which constitutes a breach of the public peace on the zoo premises.

The use of threatening, abusive, insulting or obscene language is an irritant to all Zoo visitors and staff. It is an infringement on the rights of others and, as stated, is a breach of the public peace.

Loud and abusive disturbances, if allowed to continue without controls, could lead to possible physical entanglements and/or decline in visitor attendance. It would lead to a very poor public image of the Zoo and an eventual loss of gate revenue.

Zoo 608 SOUND TRUCKS

Operation of sound trucks or mobile vehicles equipped with public address systems, or vehicles upon which any advertising signs, political or otherwise, have been affixed in any manner, whether such vehicles are in motion or parked on the zoo premises, is prohibited.

The use of sound trucks or mobile vehicle with a public address system on the Zoo site would disrupt the flow of vehicle and pedestrian traffic should they stop or move slowly along roadways or in pedestrian crosswalks. The noise produced by the sound systems would disrupt the general enjoyment of the visiting public and disturb the exhibit animals and other wildlife inhabiting the Zoo.

Zoo 609 RADIO AND BROADCASTING DEVICES

No radio or other broadcasting device is permitted in the admission area.

Defacement of property would damage or destroy property thus causing a financial loss to the zoo and a very unpleasant atmosphere for zoo visitors which again, could lead to loss of revenue at the admission gates and in the shops.

Zoo 614 LITTERING

It is unlawful to deposit, scatter, drop or abandon on zoo premises any bottle, can, broken glass, sewage, waste or other material except in receptacles provided for such purposes or to throw, discharge or place in or upon any of the zoo premises any substance, liquid, solid or gas, or to drop, throw, or otherwise leave unattended burning cigars, cigarettes, tobacco, paper or other combustible material.

Littering is a form of defacement of property which would lead to an unsightly and potentially dangerous zoo premises (i.e., broken bottles, cans, burning cigarettes, etc.), thus causing loss of property and/or loss of revenue. Litter could also be a health hazard to the exhibit animals (i.e., paper, cigarettes, etc., that are blown into the exhibit areas and could be eaten by the animals).

Zoo 615 IMPERSONATIONS

No person shall impersonate a zoo officer, ranger, or employee.

Zoo employees have certain rights and priviledges of access to restricted areas, parking areas, and purchase in gift shops. Impersonating a zoo employee would be a breach of security which could result in harm to animals, loss of property, or loss of gate and gift shop revenue.

Zoo 701 EFFECT ON ZOO EMPLOYEES OR AGENTS

Nothing in these regulations shall prevent zoo employees or agents from performing their assigned duties or operate to modify rights of third parties contained in contracts with the Minnesota Zoological Garden.

Since many of the above rules (i.e., restricted areas, entry to the zoo premises, closure of the zoo, feeding and physical contact with the animals, etc.) cannot be applied to zoo employees as they would not allow them to do their assigned work, it is necessary to exempt employees and their contract agents from the stated rules.

Zoo 702 SERVERABILITY

If any part or subpart of these regulations is held to be valid, such invalidity shall not affect the validity of any other part or subpart of these regulations.

The severability clause is self-evident. In the event the Minnesota Zoological Garden determines that one of the above stated rules is not enforceable or no longer applies to the Zoo, that rule may be changed or dropped without redrafting an entirely new set of rules, most of which still apply. It is a matter of expediency in change and amendment of rules.

The foregoing paragraphs present those facts which show the need for and reasonableness of the proposed original rules of the Minnesota Zoological Garden. The rules should be recommended for adoption as proposed.

Donald D. Bridgwater
General Director
Minnesota Zoological Garden

Date: 1/7/78

ORDINANCE NO. 7

AN ORDINANCE REGULATING SHOOTING AND CARRYING UNCASED FIREARMS IN LEBANON TOWNSHIP, DAKOTA COUNTY, MINNESOTA

The Board of Supervisors of Lebanon Township, Dakota County, does hereby ordain:

SECTION 1. DEFINITIONS

Shooting - shall mean the firing of firearms of any kind whatsoever regardless of the method of propulsion of the ammunition, and shall include but not be limited to the firing of shot guns, rifles, air rifles, B-B guns, sling-shots and bows propelling pointed arrows.

Person - shall mean any individual regardless of age or residence.

Landowner - shall mean any person, group, firm or corporation owning, leasing, or legally controlling any lands within the territorial limits of Lebanon Township.

Encased Firearm - shall mean any weapon included in the above definition of "Shooting", placed in a case in such manner as to prevent shooting of the same.

SECTION 2. PROHIBITION

No shooting or carrying of firearms which are not encased shall be permitted within the territorial limits of Lebanon Township by any person under any circumstances whatsoever except:

a. By a landowner or his guest by express invitation, upon lands owned by him; provided that no shot, bullet, or other ammunition used shall pass beyond the boundaries of his property, nor in any event create a nuisance or danger to other persons.

b. By law-enforcement officers in the line of duty.

SECTION 3. PENALTY

Any person violating this ordinance or any portion thereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Hundred and no/100 Dollars ($100.00) or by imprisonment in the County Jail for a period not exceeding ninety (90) days. Each such violation shall constitute a separate offense punishable as aforesaid.

SECTION 4. EFFECT

This ordinance shall take effect upon its adoption and publication according to law.

The foregoing ordinance was duly approved and adopted by the Board of Supervisors of Lebanon Township, Dakota County, Minnesota at a meeting thereof on the 26th day of September, 1962.

/s/
Mrs. Cecelia Strunk, Clerk

ATTEST: _____

Bd's Exhibit No. 2 Page 1 of 1
File No. _____
Date _____

VILLAGE OF APPLE VALLEY
ORDINANCE NO. 128

FIREARMS ORDINANCE

RECEIVED
JAN 9 1978
OFFICE OF HEARING EXAMINERS

The Village Council of the Village of Apple Valley, Dakota County, Minnesota, ordains as follows:

Definitions

Assault Weapons: shall mean any weapon, other than firearms, having personal assault characteristics including, but not limited to, dagger, switchblade knife, stilletto, dirk, spring blade knife, push button knife, black jack, sand club, pipe club, chain club, brass knuckles, molotov cocktails, grenades and explosive devices.

Carrying: shall mean the actual physical transportation of a firearm as defined in "shooting", on or about one's person, concealed or otherwise; but not to include the transportation of a firearm to and from the place of business of a Federally licensed dealer and not to include any Federally licensed dealer or his agent while actually engaged in normal business activity.

Dismantled Firearm: shall mean any weapon included in the definition of "shooting" which is dismantled in such manner as to make shooting impossible, or any weapon with vital parts missing so as to render it inoperable.

Encased Firearm: shall mean any weapon included in the definition of "shooting" placed in a case and unloaded in both chambers and magazines so as to make the shooting of said "cased firearm" impossible, except a pistol or revolver when contained in a holster.

Express Invitation: shall mean the actual written notice signed by the "landowner" with said "landowner's" name, address and telephone number clearly imprinted on same and carried on the person of at least one specifically named individual on said notice in any group or party shooting on said lands, said notice to also include an effective date and a date of expiration.

Hand Gun: shall mean any firearm designed to be fired with one hand.

Landowner: shall mean any person, group, firm or corporation owning, leasing or legally controlling lands within the corporate limits of the Village.

Shooting: shall mean the discharge of any firearm and shall include but not be limited to the discharge of shotguns, rifles, pistols, revolvers, air rifles, "BB guns" and bow and arrow for the purpose of this ordinance.

I. RESTRICTION OF FIREARM USE: The shooting or carrying of firearms, which are not encased or dismantled shall be restricted to the following circumstances within the corporate limits of the Village.

A. A landowner or his guest by express invitation upon lands owned by him may shoot or carry a firearm provided that no shot, bullet or ammunition component used shall pass beyond the boundaries of his property, nor shall any discharge of a firearm occur within five hundred (500) feet of any building on adjoining property or occupied residence nor in any event create a nuisance or danger to other persons.

B. Said landowner or guest shall be over eighteen (18) years of age, or have on his person a card or certificate stating he has successfully completed an approved firearm training course, or be a licensed hunter, or is accompanied by a person over the age of eighteen (18) years.

C. By law enforcement officers in the line of duty.

D. By a person discharging any firearm when done in the lawful defense of person, property or family or the necessary enforcement of the law.

E. By any person discharging firearms on a licensed rifle trap or target range within the Village.

F. By no person who is under the influence of alcohol, hallucinogens, narcotics or other drugs.

II. CARRYING WEAPONS:

A. Assualt Weapons: Within the Village of Apple Valley, it shall be unlawful for any person to carry on his person or to transport by any means any assualt weapons for any purpose whatever except by law enforcement officers or military personnel in the course of their duties.

B. Hand Guns: It shall be unlawful for any person within the Village of Apple Valley to carry on his person at any place other than his residence or to transport in any vehicle any hand gun except:

1. By law enforcement or military personnel during the course of duty.

2. While unloaded and being transported in an automobile or truck, such hand gun shall be locked in the trunk of such automobile or truck and if such automobile or truck does not have a trunk, the hand gun shall be secured in the furthest rear portion of the vehicle but in an area not normally occupied by the driver or passenger(s).

3. Persons who have applied for and received from the Chief of Police a permit to carry and transport a hand gun or a non-resident of the Village of Apple Valley who has a permit from another municipality in the State of Minnesota to carry a hand gun. Such permit shall be granted only where the purpose for use of such weapon is otherwise permitted by law and in the sole discretion of the Chief of Police.

C. All other rifles, shotguns, air rifles, "BB" guns or other firearms shall be carried while encased or dismantled when they are being transported within the Village of Apple Valley.

III. LICENSING OF TARGET RANGES: All owners of rifle, trap, and target ranges within the Village of Apple Valley, whether said ranges are open to the public, including members of clubs or organizations, or are private, must be licensed by the Village of Apple Valley. At the time of licensing, the owner must show certification of compliance to approved range design and situation and must be operated with a maximum safety to the residents and surrounding property in the Village. Licensing fee will be twenty-five dollars ($25.00).

IV. HAND GUN PURCHASES: The purchaser of a hand gun from a Federally licensed dealer in the Village of Apple Valley must wait for three (3) days before delivery of said hand gun. The Federally licensed dealer will inform the Village of Apple Valley Police Office of the purchaser's name and address so as to enable the determination of any of the below listed prohibiting conditions. The Police Department of the Village of Apple Valley will notify the above dealer of the results within the three (3) day limit for delivery of said gun or refund of any moneys deposited should the sale be prohibited. Prohibiting conditions:

A. Under the age of eighteen (18) years.

B. Has been convicted of a felony or any crime of violence under the laws of this state or any other jurisdiction.

C. Has been convicted of any offense involving the applicant's use of intoxicating beverages, hallucinatory chemicals, narcotics or any other drugs.

D. Has been hospitalized for attempted suicide or mental or emotional conditions involving the use of alcohol, hallucinatory chemicals or drugs.

V. HAND GUN PERMITS: Permits for the carrying of hand guns on or about a person shall be issued upon completion of the Application for Permit to Carry a Hand Gun and the approval of the Village Chief of Police and the payment of a fee of ten dollars ($10.00). The fee for each consecutive annual renewal shall be two dollars ($2.00). The permit will be good for one year and the permit application will contain, but is not limited to, the following items:

A. Name, including maiden or former aliases or legal name changes of record.

B. Address and telephone number.

C. Birth date.

D. Description, including height, weight, color of eyes and hair and a photograph at least two (2) inches square.

E. Employer's name and address.

F. Nature of employment or occupation requiring the carrying of hand guns.

G. Nature of personal safety hazard requiring the carrying of hand guns.

H. Each and every hand gun to be used to be described by make, model, caliber and serial number.

I. Completion of firearms safety course and copy of certificate.

J. Statement of previous conviction of felony.

K. Statement of previous conviction for use of alcohol, narcotics, hallucinogens or other drugs.

L. Statement of hospitalization or commitment under statutes for mental conditions.

VI. APPLICANT'S APPEALS: In the event any applicant shall be denied a permit to carry a hand gun or the purchase of a hand gun because of the investigations above, such applicant may apply to the Village of Apple Valley Council for the issuance of the permit or the approval to purchase the hand gun provided:

A. Any conviction of a felony or crime of violence shall not have occurred within five (5) years.

B. The applicant can demonstrate by medical and/or character testimony that his or her possession of firearms will not constitute a hazard to public safety.

C. In the case of the permit to carry a hand gun, the applicant shall prove a hazard requiring his carrying a hand gun.

VII. PENALTIES: Any person violating this ordinance or portions thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than three hundred dollars ($300.00) or by imprisonment in the county jail for a period not exceeding ninety (90) days. Each such violation shall constitute a separate offense punishable as above.

VIII. EFFECTIVE DATE: This ordinance shall take effect from and after its passage and publication according to law.

PASSED this 25th day of July, 1973.

Fred J. Largen

Fred J. Largen, Mayor

ATTEST:

Richard G. Asleson

Richard G. Asleson, Village Clerk

Minnesota Department of Transportation
Transportation Building, St. Paul, MN 55155

RECEIVED
JAN 25 1978
OFFICE OF HEARING EXAMINERS

January 19, 1978

Phone 296-9868

Ms. Vicki Uchida
Zoological Board
12101 Johnny Cake Ridge Road
Apple Valley, Minnesota 55[illegible]

Dear Ms. Uchida:

Subject: Proposed Zoological Regulation 206

I have reviewed with the Aeronautics Division staff Proposed Zoological Regulation 206 which deals with the operation of aircraft above or near the zoo premises. It is our concern that this proposed regulation may conflict in certain respects with FAA regulations concerning minimum safe altitudes. In particular, Federal Aviation Administration Regulation 91.79 establishes certain minimum altitudes, and exempts from such minimum altitudes certain helicopter operations as well as takeoff or landing operations. A copy of this regulation is attached for your examination.

One question presented is, what effect Proposed Zoo Regulation 206 would have upon an aircraft operating above the minimum safe altitudes established by the FAA, if such flight tended to disturb the zoo wildlife? In addition, what effect would the proposed zoo regulation have upon the takeoff or landing of aircraft near the zoo which would tend to disturb the wildlife in the zoo area?

Prior to finalizing these proposed zoo regulations, it might be wise to contact the FAA District Office and Regional Counsel for their comments upon this proposed regulation concerning aircraft operations.

If you have any questions or comments, please contact me. I would also appreciate a copy of any amendments which you may propose concerning this regulation.

Sincerely yours,

John R. Stoller

John R. Stoller
Special Attorney
Aeronautics Division

Public's Exhibit No. 3
File [illegible]

JRS:ER

Enc.

An Equal Opportunity Employer

[¶ 5837]

§ 91.73 Aircraft lights.

No person may, during the period from sunset to sunrise (or, in Alaska, during the period a prominent unlighted object cannot be seen from a distance of three statute miles or the sun is more than six degrees below the horizon)—

(a) Operate an aircraft unless it has lighted position lights;

(b) Park or move an aircraft in, or in dangerous proximity to, a night flight operations area of an airport unless the aircraft—

(1) Is clearly illuminated;

(2) Has lighted position lights; or

(3) Is in an area which is marked by obstruction lights; or

(c) Anchor an aircraft unless the aircraft—

(1) Has lighted anchor lights; or

(2) Is in an area where anchor lights are not required on vessels.

[¶ 5838]

§ 91.75 Compliance with ATC clearances and instructions.

(a) When an ATC clearance has been obtained, no pilot in command may deviate from that clearance, except in an emergency, unless he obtains an amended clearance. However, except in positive controlled airspace, this paragraph does not prohibit him from cancelling an IFR flight plan if he is operating in VFR weather conditions. If a pilot is uncertain of the meaning of an ATC clearance, he shall immediately request clarification from ATC.

(b) Except in an emergency, no person may, in an area in which air traffic control is exercised, operate an aircraft contrary to an ATC instruction.

(c) Each pilot in command who deviates, in an emergency, from an ATC clearance or instruction shall notify ATC of that deviation as soon as possible.

(d) Each pilot in command who (though not deviating from a rule of this subpart) is given priority by ATC in an emergency, shall, if requested by ATC, submit a detailed report of that emergency within 48 hours to the chief of that ATC facility.

[§ 91.75 *as amended by Amendment No. 91-50, effective February* 11, 1968, 33 *F. R.* 452; *Amendment No.* 91-126, *effective March* 6, 1975, 40 *F. R.* 10451 *and* 12253.]

[¶ 5839]

§ 91.77 ATC light signals.

ATC light signals have the meaning shown in the following table.

Color and type of signal	Meaning with respect to aircraft on the surface	Meaning with respect to aircraft in flight
Steady green	Cleared for takeoff	Cleared to land
Flashing green	Cleared to taxi	Return for landing (to be followed by steady green at proper time).
Steady red	Stop	Give way to other aircraft and continue circling
Flashing red	Taxi clear of runway in use	Airport unsafe - do not land.
Flashing white	Return to starting point on airport.	Not applicable.
Alternating red and green.	Exercise extreme caution.	Exercise extreme caution.

[¶ 5840]

§ 91.79 Minimum safe altitudes; general.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) *Anywhere.* An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) *Over congested areas.* Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) *Over other than congested areas.* An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In that case, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) *Helicopters.* Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with routes or altitudes specifically prescribed for helicopters by the Administrator.

[¶ 5841]

§ 91.81 Altimeter settings.

(a) Each person operating an aircraft shall maintain [the cruising altitude or flight level of that aircraft,] as the case may be, by reference to an altimeter that is set, when operating—

Changes in Zoo Rules for Hearing

February 3, 1978

Vicki Uchida

Zoo 102

(f) "Vehicle" means any motorized, self-propelled, animal-drawn or human-powered conveyance, including motorized recreation vehicles, and any trailer used in connection with any vehicle with the exception of wheelchairs or other conveyance necessary for the pedestrian movement of the handicapped.

(l) "Controlled substances" means any drug, the use, possession, or sale of which is a violation of federal or Minnesota law.

Zoo 105

Enforcement. The regulations may, and in accordance with Minnesota Statutes, be enforced by any peace officer, or law enforcement agency or person designated, appointed or ratified by the Director to act in a security capicity on the Zoo premises.

*Zoo 206

Aircraft. It is unlawful for any person to land an aircraft on the Zoo premises or to operate an aircraft above or near the Zoo premises in any manner which might disturb or tend to disturb the wildlife in the Minnesota Zoological Garden.

*Zoo 303

Pets. It is unlawful for any person to bring any dog, cat, or other domesticated animal or pet onto the Zoo premises except on a leash and then only into the parking areas with the exception of hearing ear/seeing eye dogs properly identified as such.

Zoo 304

Foreign Wildlife or Agents. It is unlawful for any person to bring, possess, introduce or release on the Zoo premises any wildlife or any chemical or other agent potentially harmful to the vegetation or wildlife of the Zoo.

Zoo 307

Horses. Horses are prohibited on the Zoo premises except as authorized by the Director.

Zoo 408

Overnight Parking. Overnight parking of any vehicle is prohibited and all vehicles present on the Zoo premises after closing time are subject to removal at the expense of the owner.

Bob's [illegible] No. 0

Zoo 504

Intoxicating Liquors and Controlled Substances. It is unlawful to use, possess or sell any intoxicating liquor, controlled substances, or beer on the Zoo premises or to enter the Zoo premises under the influence of any intoxicating liquor controlled substance or beer except as provided in Minn. Regulation Zoo 505.

Zoo 601

Spelling of ommission - Change to omission

Zoo 602

Delete - redundent - covered in Zoo 502

Zoo 603 - 602

Zoo 604 - 603

Zoo 605 - 604

Zoo 606 - 605

Zoo 607 - 606

Zoo 608 - Zoo 609

Combine into new Zoo 607

Zoo 607 Broadcasting Devices. Operation of public address systems, radios, and other broadcasting devices is prohibited.

Zoo 610 - Zoo 608

Zoo 608 Soliciting. It is unlawful to sell, solicit, or carry on any business or fund-raising on the Zoo premises without the express written permission of the Director.

Zoo 611 - Zoo 609

Delete "and the use of any amplifying or audio systems in connection with such events and activities is prohibited."

Zoo 612 - Zoo 610

Zoo 613 - Zoo 611

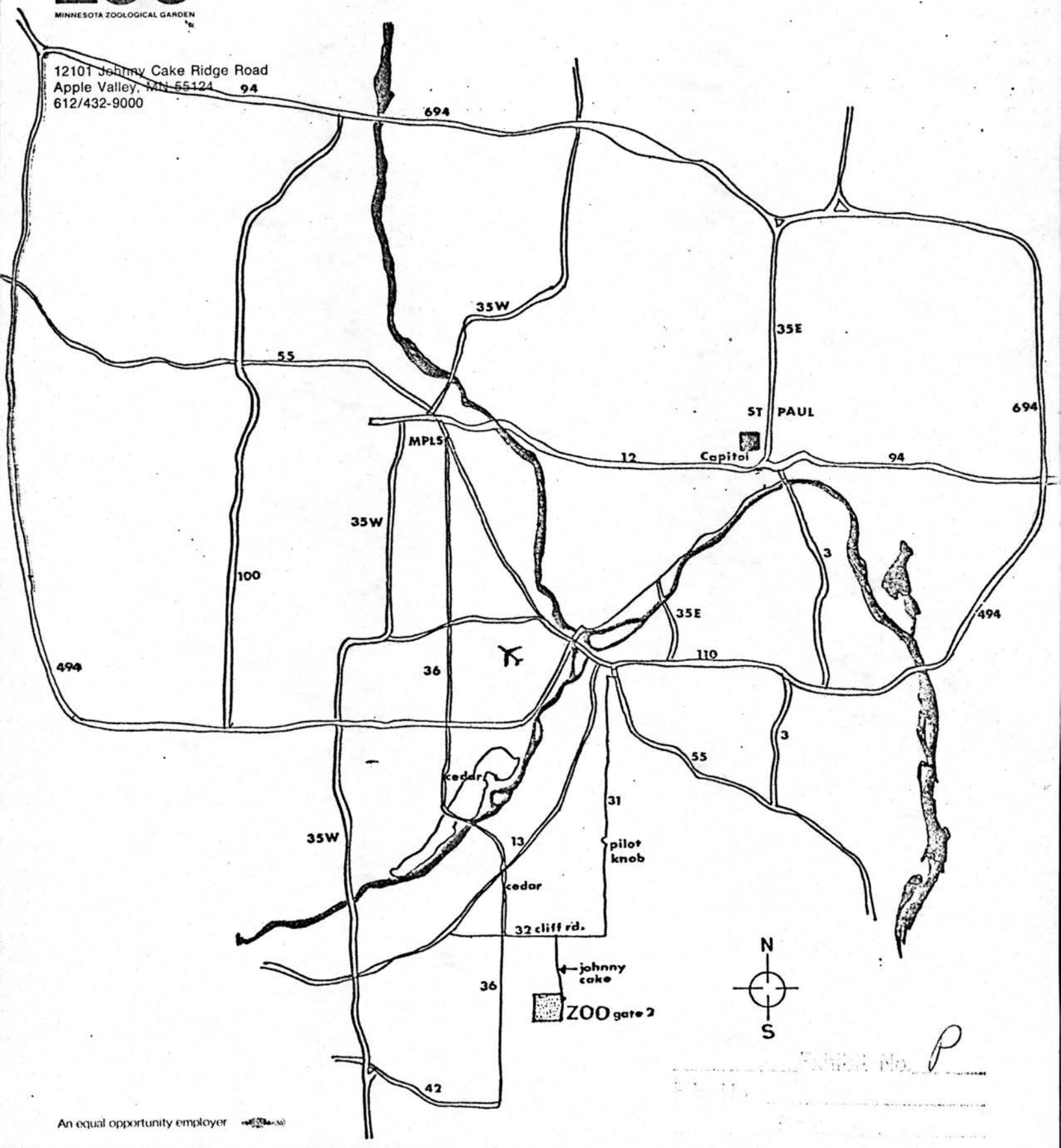
Zoo 614 - Zoo 612

Zoo 615 - Zoo 613

ZOO

MINNESOTA ZOOLOGICAL GARDEN

12101 Johnny Cake Ridge Road
Apple Valley, MN 55124
612/432-9000



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TO
35W

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EXAMINERS

STATE OF MINNESOTA
MINNESOTA ZOOLOGICAL GARDEN

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Violet A. Crawford, do hereby certify that I am the secretary of the Minnesota State Zoological Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Executive Committee of the Minnesota State Zoological Board duly and properly called and held on the 20th day of January, 1978, that the Executive Committee has the authority to adopt resolutions on behalf of the Board; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

RESOLVED, that the Minnesota Zoological Board hereby approves for purpose of public hearing the proposed rules and regulations presented this date, and hereby authorizes and directs Donald D. Bridgwater, General Director of the Minnesota Zoological Garden, to call a hearing for the purpose of adopting rules and regulations of the Minnesota Zoological Garden and related facilities and the conduct of persons entering therein, as well as perform any and all acts incidental thereto, including but not limited to signing an order for hearing and notice of hearing. Further, any and all acts necessary to the rule making process heretofore performed by Donald D. Bridgwater concerning the aforementioned proposed rules and regulations be and are hereby ratified and confirmed by the Board.

IN WITNESS THEREOF, I have hereunto subscribed my name this 20th day of January, 1978.

Violet A. Crawford
Violet A. Crawford
Secretary

U.S. Seal
U.S. Seal
Chairman

Bd's Exhibit No. N

** PLEASE PRINT CLEARLY

RULES HEARING REGISTER

200-78-001-SM Feb 3, 1978

CHECK HERE IF YOU WISH TO BE NOTIFIED BY THE AGENCY WHEN THE HEARING RECORD HAS BEEN SUBMITTED TO THE ATTORNEY GENERAL.

NAME	REPRESENTING	STREET ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE NO.	
Patrick E Griffin		849 Margaret St.	St Paul	MINN	55106	771-9120	✓
J. KLEIMENHAGEN	FEDERAL AVIATION ADM	6201-34th ave SO	MPLS	MN.	55450	725-3341	✓
Lloyd Rivers	Apple Valley P.D	14200 Cedar Ave	Apple Valley	MN	55124	432-2911	—

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EXAMINERS

CITY OF APPLE VALLEY
RESOLUTION NO. 1978-26

COMMENTS ON PROPOSED RULES AND REGULATIONS OF THE
MINNESOTA ZOOLOGICAL GARDEN

WHEREAS, the Minnesota Zoological Garden has drafted proposed rules and regulations which were the subject of a hearing on February 3, 1978, before the Minnesota State Hearing Examiner, and

WHEREAS, the City Council of the City of Apple Valley has reviewed the proposed rules and regulations dated November 27, 1977 including amendments to said regulations introduced at the February 3, 1978, hearing, and

WHEREAS, the Minnesota Zoological Garden is located within the City of Apple Valley, and

WHEREAS, the proposed rules and regulations of the Minnesota Zoological Garden have been reviewed by the City Attorney.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Apple Valley that the following shall constitute the City Council's official comments on the proposed regulations above referenced:

1. It is noted that Zoo 105 provides that the regulations may be enforced by a peace officer which would include the sworn police officers of the City of Apple Valley. The City Attorney has commented that the regulations are somewhat vague and may be difficult to enforce. Therefore, it is urged that the proposed rules be amended, where appropriate, to make them more specific.

2. With respect to Zoo 206, there is in existence southeast of the Zoo on the east side of Johnny Cake Ridge Road, a certified private airport. The City Council urges that Zoo 206 either be deleted in its entirety or be rewritten so as to provide an exemption for the airport herein described.

3. Zoo 505 should be amended so as to make it clear that there shall be no sale of either intoxicating liquors and beer or non-intoxicating beer unless a license for the sale of such substances has been obtained from the City of Apple Valley.

4. Zoo 101 should be amended so as to include the misdemeanor ordinances of the City of Apple Valley.

5. Zoo 602 should be amended so as to provide exceptions for peace officers.

Public's Exhibit No. 4
File No.
Date

6. Zoo 607 should be amended so as to exclude public address systems that are part of Zoo vehicles or authorized emergency vehicles.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted forthwith to the State Hearing Examiner's office and to the director of the Minnesota Zoological Garden.

ADOPTED THIS 9th day of February, 1978.

s/ W. E. Branning
W. E. Branning, Mayor

ATTEST:

s/ Richard G. Asleson
Richard G. Asleson, City Clerk

CERTIFICATE

I, RICHARD G. ASLESON, City Clerk of the City of Apple Valley, hereby certify that the above Resolution is a true and correct copy of a Resolution adopted by the City Council on February 9, 1978.

Richard G. Asleson, City Clerk

RECEIVED
FEB 23 1978
OFFICE OF HEARING
EXAMINERS

February 21, 1978

In the Matter of the Proposed Adoption)
of Rules of the Minnesota Zoological Garden)
Governing General Operation Regulation.)

Amendment to
the
Statement of Need

In response to a number of questions raised at the hearing on February 3, 1978, and in light of changes made to the originally proposed regulations of the Minnesota Zoological Garden the following additions and changes have been made in the original statement of need:

Zoo 102 (f) the addition of the statement "with the exception of wheelchairs or other conveyances necessary for the pedestrian movement of the handicapped" has been added so as not to restrict any handicapped person from access to any and all of the zoo facilities on an equal basis with the ablebodied.

Zoo 104 Penalties. The amount of the fine has been changed from $300.00 to $500.00 to comply with the current definition of a misdemeanor in the State of Minnesota.

Zoo 105 Enforcement. The statement of enforcement has been changed to reflect the fact that a peace officer or law enforcement agency does not necessarily need to be designated, appointed or ratified by the Director to enforce the law on the zoo premises. For example, with the incorporation of Apple Valley misdemeanor statutes into the zoo regulations any peace officer of the city of Apple Valley may arrest a person on the zoo premises for breaking an Apple Valley ordinance without the direction of the Director. The same jurisdiction applies to an officer of the State of Minnesota so authorized to arrest persons for breaking the rules of the State of Minnesota.

The change "person designated, appointed or ratified by the Director to act in a security capacity on the zoo premises." has been made because the security force hired by the Minnesota Zoological Garden does not have law enforcement authority. The Director cannot grant law enforcement status to persons under the zoo's statutes.

Zoo 201 Tickets or Passes Required. It is unlawful for any person or vehicle to be present upon zoo premises without a valid ticket or pass.

The purchase of a ticket or pass validates the zoo visitors' right to enter and use the zoo facilities. Failure to purchase a ticket or use an authorized

Board's Exhibit No. 5
File No.
Date

pass is a form of unauthorized entry and as such is a breach of security. The purchase of a ticket or use of a pass allows the admissions officials to control the number of persons on the zoo premises at any one time. It is a crowd control mechanism which prevents overcrowding which could lead to a safety and security problem on the site.

The possession of a ticket or pass by a zoo visitor enables zoo staff to make a quick visual check to see if anyone has attempted to make or made an unauthorized entry to the zoo premises.

Zoo 202 Entry to Zoo Premises. It shall be unlawful for any person or vehicle to enter the zoo premises except at designated entrances.

Access to the zoo must be strictly controlled for safety and security reasons. The zoo is a large (500 acre) natural area of wooded hills enclosed by a chain link fence. Many areas along the fence line are far from the general zoo activity and/or very close to animal exhibit areas. Entrance over these fences or through service gates where entrance could not be monitored, may result in harm to exhibit animals, destruction or loss of physical property of the zoo, or harm to the person or persons attempting such unauthorized entry.

Zoo 203 Hours. The hours during which zoo visitors may be on zoo premises shall be designated by the Director. It shall be unlawful for any person or vehicle to enter or be on zoo premises except during such hours.

The hours during which a visitor may be on the zoo premises must be stated and limited by the Director so that consideration for staffing, visitor safety, zoo security and overall zoo operations may be regulated. Consideration must also be given to visitor enjoyment in exhibit viewing. The presence of visitors in exhibit areas during major feeding and cleaning hours could result in a disturbance to the animals and disruption of staff functions. Entrance to any part of the zoo during non-visitor hours would disrupt the basic maintenance/ replenishment operations of the zoo. Without adequate staff to monitor the activities of zoo visitors during certain hours there is a great risk or damage or theft of zoo property.

Zoo 206 Aircraft. It is unlawful for any person to land an aircraft on the zoo premises.

The rule has been changed dropping the part referring to operation of aircraft

over the zoo site. The change was made in light of statements made by a representative of the F.A.A. present at the hearing on February 3, 1978. He stated that the zoo has no jurisdiction over the airspace over the zoo and that the regulation as stated could not be enforced by the zoo. Application for restriction of airspace over the zoo site will be made through the F.A.A. (Federal Aviation Administration).

Zoo 303 Pets. It is unlawful for any person to bring any dog, cat, or other domesticated animal orpet onto the zoo premises except on a leash and then only into the parking areas with the exception of hearing ear/seeing eye dogs properly identified as such.

The addition of the phrase "with the exception of hearing ear/seeing eye dogs properly identified as such" has been added to comply with the State Statutes which state that such animals cannot be denied entrance to public facilities.

Zoo 304 Foreign Wildlife or Agents. It is unlawful for any person to bring, possess, introduce, or release on the zoo premises any chemical or other agent potentially harmful to the vegetation or wildlife of the zoo.

The rule has been split into two rules and rewritten to clarify and more precisely define the meaning desired by the zoo.

The new regulation, Zoo 304 Chemical Agents, defines the problem that any chemical or toxic agent released on the zoo site could damage or destroy any or all of the wildlife or vegetation on the premises. Such action would constitute destruction of zoo property.

The new regulation, Zoo 305 Release of Wildlife, is necessary in that some forms of wildlife carry diseases or insects which could cause sickness and possible death to certain species of animals or plants in the exhibit areas. Domestic animals or wildlife such as dogs released on the site and allowed to run free could get into exhibit areas and damage or destroy exhibits and exhibit animals. They could also get into trash container or thru doors of buildings and deface or destroy the physical property of the zoo.

Zoo 306 Physical or Verbal Contact Prohibited. It is unlawful for any person to attempt to make physical contact with any wildlife on the zoo premises except for authorized contact in the Children's Zoo. It is unlawful for any person to attempt to make or to make any other contact including verbal with any wildlife on the zoo premises in a manner likely to or tending to disturb or disturbing any wildlife.

The original rule has been split into two and rewritten to clarity and more precisely define the meaning desired by the zoo.

The new regulation, Zoo 307 Physical Contact, has been defined as a single rule to emphasise the importance of regulating visitor contact with the exhibit animals. Physical contact with exhibit animals in areas other than those so designated could result in damage to the animal, harm to the zoo visitor handling or attempting to handle an animal or both. Damage or death of the exhibit animal, either at the hands of the zoo visitor or in the process of removing the visitor from the exhibit area would deplete the animals on exhibit and would be a financial loss to the zoo. The conduct of non-domesticated animals is very difficult to predict. Any physical contact with such animals is a safety hazard for all concerned.

The new regulation, Zoo 308 Audible Harrasement, has been changed from the original phrase "verbal contact" so as to be more inclusive of sounds made by other means than just vocal such as horns, whistles or just banging on the cages with a stick or rock. Any form of audible harrassment done with the purpose of exciting the animals may result in damage to the animal(s), possible harm to the zoo visitor(s) or a very poor experience for those who might witness the incident. The animal(s), particularly the larger, stronger animals, may also do a great deal of damage to the exhibit area and even in some instances may be excited to the point of charging through a gate of fence into visitor areas. In many cases loud noises may startle a mother animal with young causing her to hurt the offspring.

Zoo 404 Incorporation of State Statutes. The phrase " to the extent not specifically inconsistent herewith" has been added because there are some rules contained in Chpaters 169, 170, and 171 of the Minnesota Statutes that do not apply to the zoo or may be inconsistent with regulations of the zoo. They may not cover or comply with the traffic, parking, and vehicle operations regulations necessary for the specific design and construction of the zoo site and should not supersede the zoo regulations.

Zoo 408 Overnight Parking. The word at has been changed to after in the statement of the regulations simply because many cars will be on the zoo premises at closing time. The enforcement of the regulation cannot begin until everyone has been given sufficient time after the announcement of

closing to vacate the premises. Or, in the case of a stalled car or similar problem, a visitor shall be given sufficient time to contact zoo security to obtain permission to leave a vehicle on the premises after closing or perhaps all night.

Zoo 501 Food Consumption. The heading of the regulation has been changed from Locations to Food Consumption because the heading Location does not indicate acurately the content of the regulation. The phrase " at locations authorized by the Director" has been changed to "in designated areas" to remain consistent with all regulations. An area designated will have to have been authroized by the Director and will be more clearly defined because signs will be posted either on a permanent or temporary basis.

Zoo 504 Intoxicating Liquors and Controlled Substances. The phrase "to be under the influence of any intoxicating liquor" has been changed to "to enter the zoo premises under the influence of any intoxicating liquor". State Statutes do not allow an agency to prosecute a person for simply being intoxicated. The use of the phrase "to enter the zoo premises" changes the meaning. The zoo has determined where the person(s) can and cannot be intoxicated and have stated that they do not want a person to enter the zoo premises while intoxicated. The prosecution then lies not in being intoxicated but in entering the zoo while intoxicated.

Zoo 601 Incorporation of Misdemeanor Statutes. The phrase "and the misdemeanor ordinances of the City of Apple Valley" has been added to incorporate the rules which apply to the zoo as a part of the City of Apple Valley and to be more all inclusive of the misdemeanor ordinances without restating them in the zoo regulations.

Zoo 602 Fires. The regulation was deleted because it was found to be redundant. Zoo 502 covers fires.

Zoo 605 Boating and Fishing . The phrase "on zoo premises" was added to clarify where boating and fishing are not permited. It was added to make the rule consistent with the statement of limitations made in other regulations. The number on the rule has been changed from 606 to 605 with the deletion of regulation 602. All regulations in Chapter Six will be inconsistent with the original numbers due to deletion and addition of regulations.

Zoo 607 Disturbances. The original Zoo 607 has been replaced by a more defined regulation and renumbered due to the deletion of Zoo 602 Fires. The new

Zoo 606 Disorderly Conduct defines the responsibility of the person who knowingly will alarm, anger or disturb other zoo visitors. The regulation is now more inclusive of the types of action that constitute disorderly conduct. Anyperson who uses offensive, obscene, or abusive language or is so noisy that he would provoke fighting or brawling would disrupt the operation of the zoo. The same applies to fighting or brawling.

Zoo 607 Operation of Public Address Systems. The original Zoo 608 Sound Trucks and Zoo 609 Radio and Broadcasting Devices have been combined into one simple rule. In review it was determined that two rules were not necessary in that vehicles with public address systems could be included under an all inclusive rule prohibiting any broadcasting device. The portion of the regulation dealing with advertising signs affixed to vehicles entering the zoo has been deleted because is is not a feasible regulation. Many people have bumper stickers or political signs affixed to their cars which could be considered advertising. The operation of such vehicles on the zoo site cannot be regulated by the zoo.

The main concern of the zoo is that zoo visitors do not disrupt the flow of vehicle and pedestrian traffic by attracting crowds to a particular area through the use of a public address system or even the use of a radio or television. The zoo does not want someone to bring his children to the zoo and sit on the plaza with a television set watching a football game. It would disrupt the operation of the zoo.

Zoo 608 Soliciting. The original Zoo 611 has been changed to 608 through the deletion and combining of previous regulations in Chapter Six. The phrase "without the written permission of the Director" has been added to give some flexibility to the rule. There may be a instance in operation of the zoo where a person or organization may want to carry on fund-raising or business at the zoo. The particular person or organization could not be defined as an agent of the zoo or would not be under contract with the zoo but the business has a very valid purpose for being at the zoo site. An example might be a benefit held on the zoo site for the crippled children of Minnesota or a program for multiple sclrosis, or any number of other causes in the Minnesota area.

Zoo 609 Meetings Speeches, Demonstrations, Parades, Picketing, or Distribution of Written Material. The original Zoo 611 has been changed to Zoo 609 because of deletions in previous rules. The phrase "and the use of amplifying or audio systems in connection with such events and activites is prohibited" has been struck. In some instances such equipment will be allowed but only if the person or persons have requested the equipment at the time they apply for a permit from the Director. The equipment can only be used if it is approved by the Director and then only to the extent outlined in the permit.

Zoo 611 Defacing Property. The original Zoo 613 has been changed to Zoo 611 because of the deletions and changes in previous rules in Chapter Six. The entire regulation has been restated. The references to lapel badges, car bumper or window stickers has been deleted because the zoo wants to be concerned only with the defacement of zoo property. The regulation as now stated is clearer in its intent to protect the physical property of the zoo. It allows for surface defacement and the actual destruction through knocking down a sign or the removal of a sign.

This rule is very important in that the signs at the zoo are the directionals to move the visiting public through the facilities easily and efficiently. They are also educational and informative. Destruction, defacement or removal of zoo signs disrupts the operation of the zoo and destroys the personal property of the zoo.

COMMENTS TO OTHER CONCERNS OF THE HEARING FEBRUARY 3. 1978

1. The use of the phrase "except as authorized by the Director" could be stated as a part of many of the zoo regulations. It has been left out because the zoo feels that Zoo 701 covers the necessary exemptions to the stated rule. For example, horses would not be allowed on the site unless they were assigned to the zoo as part of the specified duties of an agent of the zoo or as outlined in a services contract with the zoo. A contract with the zoo or an authorized agent of the zoo could only be working on the zoo premises under the authorization of the Director.

2. Comment was made to the fact that the justifications often state that a good experience is a reason for adopting a specific regulation. The zoo feels that a good zoo experience for the zoo visitor is a valid justification. The zoo

for the enjoyment and the education of the people of the State of Minnesota. To allow a person or persons to injure or destroy the wildlife and vegetation, or to litter, or throw things into the exhibit areas that hurt the animals or excite the animals to a point where they would hurt themselves would have a very lasting and negative affect on the majority of zoo visitors who would come to the zoo to enjoy and learn. The zoo experience is the reason for the zoo!

Revised
February 21, 1978

PROPOSED
REGULATIONS OF THE
MINNESOTA ZOOLOGICAL GARDEN

RECEIVED
FEB 23 1978
OFFICE OF HEARING
EXAMINERS

CHAPTER ONE GENERAL

Zoo 101 Purposed and Authority. These regulations are promulgated pursuant to authority granted the Minnesota Zoological Board by Minn. Stat. 85A.02, subd. 7 (1976) and are intended to govern the efficient protection of the Minnesota Zoological Garden and related facilities and the conduct of persons entering therein. A violation of any regulation herein set forth is a misdemeanor.

Zoo 102 Definitions

(a) "Director" means the chief executive officer of the Minnesota Zoological Garden.

(b) "Admission area" means those parts of the Minnesota Zoological Garden execpt the roadway entrance to the parking areas and the parking areas.

(c) "Parking areas" means those parts of the Minnesota Zoological Garden premises which are designated for public parking.

(d) "Zoo premises" means the entire real estate, personal property and air space owned or controlled by the Minnesota Zoological Garden.

(e) "Zoo visitor" means any person or legal entity of any kind entering or occupying any part of the zoo premises.

(f) "Vehicle" means any motorized, self propelled, animal-drawn or human-powered conveyance, including motorized recreation vehicles, and any trailer used in connection with any vehicle <u>with the exception of wheelchairs or other conveyances necessary for the pedestrian movement of the handicapped</u>.

(g) "Motorized recreational vehicle" means any self-propelled, off-the-road, or all terrain conveyance, including but not limited to a snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail bike, or dune buggy.

(h) "Weapon" means any instrument the possession of which is unlawful under Minnesota law and any device from which shot or projectile of any type can be discharged by means of an explosive, gas, or compressed air, or otherwise propelled, including but not limited to firearms, bows and arrows, slings, and spring guns.

(i) "Wildlife" means all living creatures, not human, who are by nature endowed with sensation and power of voluntary motion.

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(j) "Intoxication liquor" means any liquor which is intoxication pursuant to Minnesota law and includes ethyl alcohol, distilled, fermented, spiritous, vinous, and malt beverages containing in excess of 3.2% of alcohol by weight.

(k) "Beer" means any alcoholic malt beverage containing not more than 3.2% alcohol by weight.

(l) "Controlled substances" means any drug, the use, possession, or sale of which is a violation of federal ~~of~~ or Minnesota law

Zoo 103 Applicability. These regulations shall apply to all persons on the zoo premises or causing any effect upon or within the zoo premises.

Zoo 104 Penalties. A person guilty of violating any provision of these regulations shall be punished by a fine of not more than ~~$300.00~~ $500.00 together with taxible costs, or by imprisonment for a period not to exceed 90 days, or both.

Zoo 105 Enforcement. These regulations may, and in accordance with Minnesota Statutes, be enforced by any ~~person, peace officer, or law enforcement agency designated, appointed or ratified by the Director to act in a law enforcement capacity on the zoo premises.~~ peace officer, or law enforcement agency or person designated, appointed or ratified by the Director to act in a security capacity on the zoo premises.

CHAPTER TWO ADMISSION

Zoo 201 Tickets or Passes Required. It is unlawful for any person or vehicle to be present upon zoo premises without a valid ticket or pass.

Zoo 202 Entry to Zoo Premises. It shall be unlawful for any person or vehicle to enter the zoo premises except at designated entrances.

Zoo 203 Hours. The hours during which zoo visitors may be on zoo premises shall be designated by the Director. It shall be unlawful for any person or vehicle to enter or be on zoo premises except during such hours.

Zoo 204 Whole or Partial Closure of Zoo Premises. The zoo premises or any portion thereof may be declared closed to the public by the Director at any time and for any interval of time as the Director shall find reasonably necessary and the presence of any person or vehicle in such area is prohibited.

Zoo 205 Restricted Areas. It shall be unlawful for any person or vehicle to pass into any posted restricted area, except that entry into restricted areas shall be permitted in such areas as the Director may specifically designate when such admittance is under the auspices and control of an authorized special tour guided by zoo personnel.

Zoo 206 Aircraft. It is unlawful for any person to land an aircraft on the zoo premises ~~or to operate an aircraft above or near the zoo premises in any manner which might tend to, or might distrub the wildlife in the Minnesota Zoological Garden.~~

CHAPTER THREE PROTECTION OF WILDLIFE AND NATURAL RESOURCES

Zoo 301 Protection of Wildlife and Natural Resources. It is unlawful for any person to injure, destroy, or remove any wildlife, vegetation, rock, soil, or mineral on the zoo premises or to kill, trap, hunt, pursue, or in any manner disturb, alter, or cause to be disturbed or altered any species of wildlife within or on the zoo premises.

Zoo 302 Shooting. It is unlawful for any person to shoot any weapon on the zoo premises or into or above the zoo premises from beyond zoo boundaries.

Zoo 303 Pets. It unlawful for any person to bring any dog, cat, or other domesticated animal or pet onto the zoo premises except on a leash and then only into the parking areas with the exception of hearing ear/seeing eye dogs properly identified as such.

~~Zoo 304 Foreign Wildlife or Agents. It is unlawful for any person to bring, possess, introduce or release on the zoo premises any chemical or other agent potentially harmful to the vegetation or wildlife of the zoo.~~

Zoo 304 Chemical Agents. It is unlawful for any person to release on the zoo premises any chemical or other toxic agent harmful or potentially harmful to the wildlife or vegetation of the zoo.

Zoo 305 Release of Wildlife. It is unlawful for any person to abandon or release on the zoo premises any wildlife including domestic animals.

~~Zoo 305~~ Zoo 306 Feeding Wildlife. It unlawful to feed any species of wildlife on the zoo premises except as specifically authorized in designated areas.

~~Zoo 306 Physical or Verbal Contact Prohibited. It is unlawful for any person to attempt to make physical contact with any wildlife on the zoo premises except for authorized contact in the Children's Zoo. It is unlawful for any person to attempt to make or to make any other contact including verbal with any wildlife on the zoo premises in a manner likely to or tending to disturb or disturbing any wildlife.~~

Zoo 307 Physical Contact. It is unlawful for any person to attempt to make or to make physical contact with any wildlife on the zoo premises except as authorized in contact areas of the Childrens' Zoo.

Zoo 308 Audible Harrassment. It is unlawful for any person to attempt to use or to use any audible means for the purpose of agitating the wildlife on the zoo premises to the point of harming themselves, other wildlife, zoo visitors or damaging the physical property of the zoo.

~~Zoo 307~~ Zoo 309 Horses. Horses are prohibited on the zoo premises.

CHAPTER FOUR TRAFFIC

Zoo 401 Roadways. No vehicle shall be operated on or occupy any part of the zoo premises except parking areas and roadways.

Zoo 402 Motorized Recreational Vehicles. No motorized recreational vehicles except road licensed vehicles shall be allowed on the zoo premises.

Zoo 403 Right-of-way. Pedestrians and wildlife have the right-of-way on the zoo premises at all times in all places.

Zoo 404 Incorporation of State Statutes. Minnesota Statutes, Chapters 169, 170, and 171, and all other applicable Minnesota Statutes relating to traffic, parking, and the operation of vehicles, as amended from time to time, are hereby incorporated into and made a part of these regulations to the extent not specifically inconsistent herewith, and the same shall be in full force and effect as to all parts of the zoo premises and as to the operation of vehicles therein and thereon, and shall have the same force and effect as though the said provisions were fully set out herein and it shall be unlawful for any person to violate the same.

Zoo 405 Speed Limit. No person shall drive a vehicle on zoo premises at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or wildlife. The maximum speed limit is 15 miles per hour or 24 kilometers per hour.

Zoo 406 Lawful Orders and Posted Regulations. It shall be unlawful for any person to operate a vehicle on zoo premises in violation of posted regulations, orders or directions of traffic officers or zoo employees authorized to direct traffic.

Zoo 407 Parking and Standing. It is unlawful to park or leave a vehicle standing on zoo premises except within a designated parking area.

Zoo 408 Overnight Parking. Overnight parking of any vehicle is prohibited and all vehicles present on the zoo premises at after closing time are subject to removal at the expense ofthe owner.

Zoo 409 Obstruction of Traffic. It is unlawful to obstruct vehicle traffic.

CHAPTER FIVE FOOD, BEVERAGES, AND CONTROLLED SUBSTANCES

Zoo 501 ~~Locations~~ Food Consumption. It is unlawful to consume food or beverages on the zoo premises except ~~at locations authorized by the Director~~ in designated areas.

Zoo 502 Cookouts and Fires. Cookouts and barbecues and other open fires of any kind are prohibited.

Zoo 503 Tailgating and picnicking. Tailgating and picnicking shall be permitted in designated areas only.

Zoo 504 Intoxicating Liquors and Controlled Substances. It is unlawful to use, possess or sell any intoxicating liquor, controlled substances, or beer on the zoo premises or ~~to be under the influence of any intoxicating liquor,~~ to enter the zoo premises under the influence of any intoxicating liquor, controlled substance or beer except as provided in Min. Reg. Zoo 505.

Zoo 505 Intoxicating Liquors and Beer at Special Events. The use of intoxicating liquors and beer shall be allowed within the main zoo building complex at such special zoo events and subject to such conditions as the Board shall designate.

CHAPTER SIX SPEECH AND CONDUCT

Zoo 601 Incorporation of Misdemeanor Statutes. The misdemeanor statutes of the State of Minnesota and the misdemeanor ordinances of the City of Apple Valley relating to the conduct of persons and the protection of life and property are hereby incorporated into and made a part of these regulations and the same shall be in full force and effect as to all parts of the zoo premises and shall have the same force and effect as though said statutes were fully set forth herein, and it shall be unlawful for any person to violate the same. No aspect of or omission in these regulations shall operate to deprive the criminal laws of the State of Minnesota from having full force and effect on the zoo premises.

~~Zoo 602 Fires. Fires are prohibited on the zoo premises.~~

Zoo ~~603~~ 602 Weapons. Possession of any concealed or unconcealed weapon on zoo premises is prohibited.

Zoo ~~604~~ 603 Wading and Swimming. Wading and swimming are prohibited on zoo premises.

Zoo ~~605~~ 604 Smoking. Smoking is prohibited in the admission area except in designated areas..

Zoo ~~606~~ 605 Boating and Fishing. Boating and fishing on zoo premises are prohibited.

~~Zoo 607 Disturbance. It shall be unlawful for any person to use threatening, abusive, insulting, obscene or indecent language or to act in an indecent or lascivious manner or to disturb, harass, or interfere with any zoo visitor or zoo visitor's property or to do any other act which constitutes a breach of the public peace on the zoo premises.~~

Zoo 606 Disorderly Conduct. Whoever does any of the following on zoo premises, knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or distrub others or provoke an assult or breach of the peace, is guilty of disorderly conduct.

1) Engages in brawling or fighting; or
2) Disturbs an assembly or meeting, ntunlawful in its character, or
3) Engages in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.

~~Zoo 608 Sound Trucks. Operation of sound trucks or mobile vehicles equipped with public address systems, or vehicles upon which any advertising signs, political or otherwise, have been affixed in any manner,-whether such vehicles are in motion or parked on the zoo premises, is prohibited.~~

~~Zoo 609 Radio and Broadcasting Devices. No radio or other broadcasting device is permitted in the admissions area.~~

Zoo 607 Operation of Public Address Systems. Operation of public address systems,radios, and broadcasting devices is prohibited in the admissions area.

~~Zoo 610~~ 608 Soliciting. It is unlawful to sell, solicit, or carry on any business or fund-raising on the zoo premises without the written permission of the Director.

~~Zoo 611~~ 609 Meetings, Speeches, Demonstrations, Parades, Picketing, or Distribution of Written Material. It shall be unlawful for anyone to conduct public meetings, assemblies, entertainment, parades, demonstrations, picketing or distribution of written material on the zoo premises without a written permit from the Director and then only in areas designated in the permit. All such events or activities must be conducted in such a manner as not to violate these regulations. In no case shall any such event or activity occur in the admissions area or within 100 feet of any admissions booth and ~~the use of any amplifying or audio systems in connection with such events and activities is prohibited.~~

~~Zoo 612~~ 610 Sports Equipment. It shall be unlawful for any person to bring any sports equipment, including balls, frisbees, games, sleds, snowshoes, skis, or any other equipemnt used in sports activities into the admissions area without the advance written permission of the Director.

~~Zoo 613 Defacing Property. No person shall deface property on the zoo premises by affixing thereto any manner of advertising material having a gummed or adhesive backing such as labels, lapel badges,-car bumper or window stickers or by any other method of defacement.~~

Zoo 611 Defacing Property. No person shall attempt to or alter, deface, injure, knock down or remove any official zoo sign, device or property or affix thereto any manner of material.

Zoo ~~614~~ 612 Littering. It is unlawful to deposit, scatter, drop or abandon on the zoo premises any bottle, can, broken glass, sewage, waste or other material except in receptacles provided for such purposes or to throw, discharge or place in or upon any of the zoo premises any substance, liquid, solid or gas, or to drop, throw, or otherwise leave unattended burning cigars, cigarettes, tobacco, paper or other combustible material.

Zoo ~~615~~ 613 Impersonations. No person shall impersonate a zoo officer, ranger or employee.

CHAPTER SEVEN MISCELLANEOUS

Zoo 701 Effect on Zoo Employees or Agents. Nothing in these regulations shall prevent zoo employees or agents from performing their assigned duties or operate to modify rights of third parties contained in contracts with the Minnesota Zoological Garden.

Zoo 702 Severability. If any part or subpart of these regulations is held to be invalid, such invalidity shall not affect the validity of any other part or subpart of these regulations.