

**IRON COUNTY COMMISSION
ORDINANCE NO. 2007- 12**

AN ORDINANCE OF IRON COUNTY, UTAH ESTABLISHING REGULATIONS PERTAINING TO THE USE OF IRON COUNTY PARKS AND RECREATION AREAS; PROVIDING DEFINITIONS PERTAINING TO SAID REGULATIONS; PROVIDING PENALTIES FOR THE VIOLATION OF SAID REGULATIONS; ESTABLISHING REGULATIONS PERTAINING TO THE IRON COUNTY PORTION OF THE THREE PEAKS RECREATION AREA; ESTABLISHING SPEED LIMITS WITHIN THE IRON COUNTY PORTION OF THE THREE PEAKS RECREATION AREA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Iron County desires to promote the health, safety, and general welfare of persons utilizing parks and recreation areas of Iron County and the Iron County portion of the Three Peaks Recreation Area;

WHEREAS, Iron County desires to promote the refreshment of strength and spirit through leisure activity that provides physical and mental improvement through training and education, thus creating a richer and fuller life through increased accomplishment in physical, aesthetic, and educational pursuits;

WHEREAS, Iron County desires to protect parks and recreation areas in Iron County, to ensure the continued use and enjoyment of such areas by all, and to encourage compatible activities in appropriate areas of Iron County parks and recreation areas;

WHEREAS, Iron County desires to facilitate and encourage the use of parks and recreation areas by families, adults, and children, to protect and promote such areas as family-friendly areas, and to ensure the enjoyment of such areas by all Iron County residents and visitors.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Iron County, Utah that the following additions to the Iron County Code are hereby approved.

SECTION 1. SUBSTANTIVE PROVISIONS

Chapter 12.14 is hereby added to the Iron County Code, to read as follows:

Chapter 12.14

PARKS AND RECREATION

Sections:

- 12.14.010** **Definitions.**
- 12.14.020** **Applicability.**
- 12.14.030** **Rules, regulations, and requirements.**
- 12.14.040** **Control of parks and recreational facilities.**

- 12.14.050 Violation _ Eviction.**
- 12.14.060 Violation _ Penalty.**
- 12.14.070 Iron County Portion of the Three Peaks Recreation Area.**
- 12.14.080 Severability Clause.**

12.14.010 Definitions

As used in this chapter:

“Park” means an enclosed piece of ground, either within the County or that is under the control of the County, that is operated and maintained by the County, special recreation district board, or County service area and set apart for the use of the general public, whether developed, under developed, or undeveloped, and whether or not planted with trees, lawns, and other shrubbery. A park may include within its boundary facilities for sports, entertainment, dancing, recreation, swimming, or trails, or a park may be planned for such future use. A park may consist solely of a single purpose facility, either actual or proposed, such as a golf course, an equestrian park, open air theater, etc.

“Recreation” means refreshment of strength and spirit through leisure activity for the purpose of physical and mental improvement through training and education creating a richer and fuller life through increased accomplishment in physical, aesthetic, and educational pursuits.

“Recreation facilities” means parks, recreation areas, trails, and multipurpose centers belonging to and/or under the control of the County, special recreation district board, or County service area.

“Supervisory Authority” means the appropriate parks and recreation director, County recreation board, department, agency, or entity exercising supervisory and managerial authority, on behalf of the County, over parks and recreation areas. In the case where there is more than one supervisory authority, each supervisory authority shall consult with the other supervisory authority, whenever feasible, in carrying out the provisions of this Chapter 12.14.

12.14.020 Applicability.

This chapter shall apply to all publicly dedicated parks and open spaces, trails, multipurpose centers, and recreational facilities within the unincorporated areas of Iron County.

12.14.030 Rules, Regulations, and Requirements.

A. The hours of use for the parks of the County shall be set by the County Commission or appropriate supervisory authority. No person shall be permitted in parks, either on foot or in any type of vehicle or conveyance, during the hours prohibited, unless it shall be for the express purpose of traveling directly through the park on a public street. This Section shall also not apply to law enforcement or emergency personnel in the performance of their official duties.

B. Motor Vehicle Restrictions.

1. It is unlawful to operate or drive any motor vehicle within any park or recreation area at a speed in excess of that speed designated or posted on the particular road, trail, or pathway within the park.
 2. No motor vehicles may be driven within a park, other than in those areas specifically designated or posted for that particular purpose. This shall not apply, however, to motorized or self-propelled equipment used within the park by park officers or employees for transportation or that is used for maintenance and service of the park facilities. Emergency vehicles are also exempted from this provision.
 3. Motor vehicles shall include, but shall not be limited to, automobiles, trucks, tote goats, motorcycles, motor bikes, snowmobiles, ATVs, OHVs, and any and all other self-propelled mechanical vehicles. No motor vehicle, even though operated within the speed permitted and in or on the places provided for such vehicles, shall be operated in a careless or reckless manner within the park area.
- C. **Business Vehicles.** No person shall drive or cause to be driven any dray, truck, wagon, cart, perambulator, motor vehicle, or other traffic vehicle, carrying or being regularly used or employed in carrying goods, merchandise, lumber, machinery, oil, manure, dirt, sand, soil, any article of trade or commerce, or any offensive article or material whatsoever upon any road or drive in a park, except as may be specifically provided or designated for such use.
- D. **Bicycles Permitted.** Bicycles may be operated and used anywhere within park areas across grassy surfaces or any place where their use will not damage the facilities, plants, or decoration of the park, except in areas where bicycles are prohibited. Bicycles shall not be operated in a careless or reckless manner.
- E. **Snowmobiles Permitted in Certain Areas.** Snowmobiles may be permitted to drive within park areas, but only at places which have been specifically designated for such use and when such use will not cause damage to the plants, shrubbery, or other facilities due to weather or other conditions.
- F. **Paths, Trails, and Roads.** When a trail, path, or road within a park is designated for any specific purpose or purposes, such as an equestrian trail, bicycle path, or other use, then such trail may only be used for the specific purposes designated or for incidental uses in connection therewith that are necessary to accomplish the use permitted, and any person using it for other purposes shall be deemed to have committed a class B misdemeanor.
- G. **Animals Prohibited; Exceptions.**
1. Except as provided in this provision, no person shall lead or let loose any of the bovine species, horse, mule, goat, sheep, swine, dog, or cat, at any time within a park.

2. This provision shall not prohibit the use of public lands by individuals who historically use those lands for the purpose of raising livestock. This exclusion shall include, but shall not be limited to, cattle and sheep ranching.
 3. This provision shall not prohibit horses that may be led, driven, or ridden on equestrian trails or in equestrian parks.
 4. This provision shall not prohibit the walking of dogs, licensed in accordance with state and County laws, in public parks so long as the dog is leashed or under the control of the owner, and the owner takes responsibility for cleanup of any damage done by the dog, including but not limited to cleanup of dog feces.
 5. The Board of County Commissioners may designate on a case by case basis those times where the provisions of this section shall be suspended for a special event.
- H. **Animal Control.** No person shall ride or drive any horse or animal, permitted within the park in accordance with subsection G of this section, which is not well broken or under the control of the driver or rider within the park areas.
- I. **Tethering Animal to Tree or Structure Prohibited.** No person within a park shall hitch or fasten any horse or other animal to any tree or any other place or structure not especially designated and provided for such purpose.
- J. **Interference With Animals or Fowl Prohibited.** No person shall annoy, injure, release from confinement, or in any manner interfere with any swan, duck, goose, bird or any other animal in a park.
- K. **Hunting and Fishing.** No person shall hunt or fish in any park or recreation facility unless specifically allowed by the County Commission, supervisory authority, or ordinance, statute, or rule.
- L. **Swimming or Wading.** No person within a park shall swim, bathe, or wade in the water of any fountain, pond, lake, or stream not set aside for the purpose of swimming, bathing, or wading.
- M. **Concession Stands.** Before any concessions shall be permitted, a license or permit shall be approved and purchased through the County for the operation thereof.
- N. **Distribution of Advertising Material.** No person shall distribute any handbills or circulars, or post, place or erect any bills, notice, paper, or advertising device or matter of any kind on or at a recreational or park facility, except such advertising as may be authorized in writing by the County, or materials pertaining to uses, program notifications, schedules, competition results, or other documents deemed appropriate by the supervisory authority.

- O. **Camping Restricted to Designated Areas.** No person shall camp or lodge in any park, playground, or recreation area, except in places specifically designated and set apart for that purpose.
- P. **Littering Prohibited.** No person shall throw or deposit any bottles, tin, tin cans, broken glass, nails, tacks, crockery, wire, paper, clothes, scrap or sheet metal, boxes, boards, lumber, stone, grass clippings, rubbish, or garbage on the property of parks and recreation areas and facilities, except in receptacles set out for that purpose.
- Q. **Fires; Designated Area.** No person shall make or kindle a fire within a park or recreational area for any purpose unless done so in an area that has been designated and set apart for that purpose and the burning of fires has not been specifically restricted in that area.
- R. **Firearms and Explosives Prohibited; Exceptions.** No person within a park or recreation area shall discharge any firearm in violation of Chapter 9.08 of the Iron County Code (Ord. 110 and 216). The County Commission may restrict the discharge of firearms within any park. No person within a park shall discharge any firecrackers, rockets, torpedoes, powder, or any other fireworks or explosives, except persons who have obtained a special permit from the County Commission. This prohibition is inapplicable to law enforcement personnel while they are engaged in the execution of their official duties. This subsection does not apply to paintball-related activities conducted in conformance with statutes, ordinances, or rules.
- S. **Disobeying Signs.** Any person in the park facilities who violates the provisions and instructions on any sign or rule of the park is guilty of a class B misdemeanor.
- T. **Noise Restrictions.** No person may violate Section 8.20.060 (Nuisances – Noises) of the Iron County Code within any park or recreation facility. Camping, sleeping, and lodging areas shall be considered residential areas for the purposes of noise restrictions contained in Section 8.20.060.
- U. **Boisterous Conduct Prohibited.** No person shall engage in fighting or indulge in riotous, boisterous, threatening, or indecent conduct or use any abusive, threatening, profane or indecent language within any park or recreation facility.
- V. **Illegal Drugs Prohibited.** No person shall possess, use, or be under the influence of any illegal drugs within parks and recreation areas.

- W. **Alcohol; Permit Required.** No person shall possess or use alcohol within parks and recreation areas except as allowed by a permit issued by the Iron County Commission.
- X. **Smoking Prohibited.** Due to the fire hazard with which it creates, no smoking shall be allowed within the confines of parks and recreation areas, except in specifically designated areas.
- Y. **Unauthorized Assembly.** No person shall conduct or carry on any celebration, parade, service, or speech making in a park without first obtaining permission from the supervisory authority or County Commission.
- Z. **Defacing or Destruction of Property.** No person shall cut, break, remove, injure, deface, destroy, or disturb any wood, turf, grass, soil, sand, gravel, tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property, or pluck, pull up, cut, take or remove any shrub, bush, plant, flower, or mark, or write upon any building, monument, fence, bench or other structure of a recreational or park facility.
- AA. **Pollution of Waters.** No person shall throw, or otherwise place or cause to be placed in the waters of any fountain, pond, stream, or other body of water in or adjacent to any park, any substance, liquid or solid, which will or may result in the pollution of said waters.

12.14.040 Control of Parks and Recreational Facilities.

The Sheriff's Department and supervisory authority have enforcement authority at parks and recreation areas. The supervisory authority, in consultation with any County recreation board, shall establish rules and regulations for the control of the conduct of the patrons of parks and recreation areas. Rules and regulations shall be made to comply with this Chapter 12.14, County ordinances, and applicable law. The supervisory authority shall do such acts authorized in this Section and Chapter 12.14 in consultation with the Sheriff's Department and the Attorneys office.

12.14.050 Violation - Eviction.

Any person found violating this Chapter or the ordinances, instructions, signs, or rules established by the supervisory authority or County Commission may be forthwith evicted from the park by any employee who has been given the authority to order such eviction, and any person who fails or refuses to leave upon the order of authorized personnel shall be guilty of a class B misdemeanor.

12.14.060 Violation _ Penalty.

Any person found violating any of the restrictions, rules, or prohibitions as set forth in this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty of a maximum fine of one thousand dollars and/or six months in jail.

12.14.070 Iron County Portion of the Three Peaks Recreation Area.

- A. **Speed limits.** No person shall operate a motor vehicle in violation of this subsection. Motor vehicles shall include, but not be limited to, automobiles, trucks, tote goats, motorcycles, motor bikes, snowmobiles, ATVs, OHVs, and any and all other self-propelled mechanical vehicles.
1. Except as otherwise provided in this section, there is hereby established a 25 MPH maximum speed limit within those areas of the Iron County portion of the Three Peaks Recreation Area where motor vehicle travel is permitted.
 2. There is hereby established a 45 MPH maximum speed limit on the main access routes leading into and out of the Iron County portion of the Three Peaks Recreation Area.
- B. **Off-Highway Vehicles (OHVs) and All-Terrain Vehicles (ATVs).**
1. Designated Areas. No person shall operate an ATV, OHV, or similar vehicle in an area not specifically posted or designated by the supervisory authority for such use. This section shall not apply to the use of such vehicles for ingress and egress to campground and pavilion areas and areas designated for camping, lodging, eating, meeting, visiting, and picnicking, so long as such vehicles are operated in accordance with this subsection B and so as not to disturb the health, safety, comfort, convenience, and repose of park users.
 2. Hours of Use. No person shall operate an ATV, OHV, or similar vehicle between the hours of 10:00 pm and 6:00 am within the boundaries of the Iron County portion of the Three Peaks Recreation Area, except when such vehicle is being utilized by law enforcement or emergency personnel in the performance of their official duties.
 3. Speed Limits. No person shall operate an ATV, OHV, or similar vehicle in excess of 10 MPH in campground and pavilion areas and areas designated for camping, lodging, eating, meeting, visiting, and picnicking.
- C. **Paintball or Similar Activity.** No person shall engage in paintball activities unless conducted in an area designated or specifically posted by the supervisory authority for such activity. A paintball activity is defined as the propelling of a spherical gelatin capsule containing colored polyethylene glycol or other substance that is shot from a compressed or otherwise-powered gun. For purposes of this Chapter only, paintball equipment shall not be considered a firearm, unless such equipment constitutes a significant threat to the health, safety, limb, or life of park occupants.

- D. **Quiet Time.** No person shall create any noise which may be reasonably expected to disturb the sleep, comfort, convenience, or repose of any reasonable person of normal sensitivities between the hours of 10:00 pm and 6:00 am within the Iron County portion of the Three Peaks Recreation Area. This subsection shall not be interpreted to limit the remedies for nuisances in Iron County Code Section 8.20.060.

12.14.080 Severability Clause.

Should a court of competent jurisdiction hold any portion of this Chapter or the application of any provision of this Chapter to any person or circumstance invalid, then: (1) the invalid portion or application shall be severed; and (2) the remainder of this Chapter shall remain in effect without the invalid portion or application.

SECTION 2. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES

To the extent that any ordinances, resolutions or policies of Iron County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Iron County Board of County Commissioners and following notice and publication as required by Utah Code _ 17-53-208.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 22nd day of October, 2007.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: /s/ Wayne A. Smith
Wayne A. Smith

ATTEST:

/s/ David I. Yardley
David I. Yardley,

County Clerk

VOTING:

Wayne A. Smith	<u>Aye</u>
Lois L. Bulloch	<u>Nay</u>
Alma L. Adams	<u>Aye</u>