

ORDINANCE NO. 0-2023-0025

AN ORDINANCE OF THE OREM CITY COUNCIL AMENDING SECTION
13-1-11 PARK CURFEW

WHEREAS, the City of Orem has the duty of caring for, operating, and maintaining parks and recreation areas; and

WHEREAS, it is the City's intention to provide the public with access to parks and recreation areas; and

WHEREAS, the City wants to provide equal access and equal use and enjoyment of parks and recreation areas to all residents and the public; and

WHEREAS, the City has invested in various improvements in the recreation areas; and

WHEREAS, the City desires to attract local, regional, and national recreation tournaments to the City's parks and recreation areas;

WHEREAS, the City Council desires to provide the Recreation Department with appropriate tools to provide flexibility, regularity, and oversight when scheduling recreational tournaments that are subject to the weather and scheduling issues; and

WHEREAS, the City Council finds it is necessary to amend Section 13-1-11 to create a permit process for the use of parks outside of regular hours; and

WHEREAS, the City Council finds the proposed enactment to be in the best interest of the City and necessary to protect and preserve the welfare and safety of residents in general; and

WHEREAS, the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, AS FOLLOWS:

1. The City Council hereby amends Section 13-1-11 as shown in Exhibit "A" which is attached hereto and incorporated herein by reference.
2. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.
3. All other ordinances, policies, and resolutions in conflict herewith are hereby repealed.
4. This ordinance shall take effect immediately upon passage and publication.

PASSED and APPROVED this 14 day of November, 2023.


David A. Young, Mayor

ATTEST:


Teresa McKittrick, City Recorder



COUNCILMEMBER	YES	NO	ABSTAIN
David A. Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Lambson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debby Lauret	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Macdonald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LaNae Millett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terry Peterson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Spencer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT "A"

Article 13-1. Parks and the Orem Fitness Center

13-1-11. Park curfew.

- A. All City parks shall be closed between the hours of 11:00 p.m. and 5:00 a.m. It shall be unlawful for any person other than City employees performing their duties to be in a park when it is closed. This provision shall not apply, however, in cases where the Department of Recreation grants permission for overnight use of the City Center Park or a portion thereof to an organization, which as part of a City sponsored, communitywide historical or patriotic celebration, has a display which spans more than one consecutive day, the nature of which requires people to be present at the display overnight. The organization shall also enter into an agreement with the City which covers issues such as the timing of lawn irrigation, grounds keeping, security, and liability.
- B. The Recreation Department Director shall have the authority to temporarily modify the hours of use of the following parks: City Center Park, Community Park, Hillcrest Park, and Lakeside Park. Such temporary modification shall be authorized by a prior written permit.
1. Permit Application. A person seeking a permit shall submit a complete application to the Recreation Department Director on the forms prescribed by the Director and accompanied by the fees set forth in the City's then current schedule of fees and charges.
 2. Grounds for Denial. The Director may deny an application for a permit for any of the reasons listed in this Subsection.
 - a. The submitted application was incomplete, contained fraudulent or misleading statements, or a required fee for the permit or application was not paid.
 - b. The requested park area or facility is previously reserved or otherwise unavailable for use or the proposed permitted use will unreasonably interfere with another permitted use or City-approved event.
 - c. The proposed permitted use will unreasonably interfere with or detract from the promotion of public health, safety, welfare, or recreation, or will disturb the peace of or cause undue hardship on neighboring residents or businesses.
 - d. The proposed permitted use will entail unusual, extraordinary, or burdensome City expense or public safety supervision by the City. In making this determination, the Director may consider whether the applicant will pay for off-duty police officers or other security required by the City to ensure the safety of participants.
 - e. Within the eighteen (18) month period immediately preceding submittal of the application, the applicant or the proposed permitted use violated or failed to comply with any of the permit conditions of Subsection 13-1-11(B)(3) or failed to obtain a permit required by this Section.
 - f. Within the eighteen (18) month period immediately preceding submittal of the application, the applicant or the proposed permitted use had a permit revoked pursuant to Subsection 13-1-11(B)(8).

3. Permit Conditions.

- a. The permitted use shall not unreasonably interfere with or detract from the promotion of public health, safety, welfare, or recreation.
 - b. The permittee and participants of the permitted use shall not engage in conduct that would constitute disorderly conduct under Utah Code § 76-9-102, as amended.
 - c. The permitted use shall not incite violence or crime.
 - d. The permitted use shall not result in food, beverage, clothing, or any item intended for donation or distribution dumped, deposited, abandoned, or left unattended in a park.
 - e. The permitted use shall not cause any unsanitary or unsafe condition in a park, such as the overwhelming of a park restroom or locker room facility with people or refuse, the overloading of a trash or recycling receptacle with refuse, or refuse being left or abandoned in a park outside of the appropriate receptacles.
 - f. All refuse from the permitted use shall be immediately removed from the park or properly disposed of in the appropriate receptacles. All personal property utilized for the permitted use shall be immediately removed from the park or properly disposed of in the appropriate receptacles upon expiration of the permit.
 - g. The permitted use shall not unreasonably interfere with any other permitted use or City-approved event and shall not unreasonably interfere with a person's reasonable and lawful use of a park.
 - h. The permitted use shall not disturb the peace, as defined in Orem City Code 9-2-9. of or cause undue hardship on the neighboring residents or businesses.
 - i. The permitted use shall not interfere with the operation of a police department, fire department, or other emergency personnel and shall not interfere with the maintenance of a park.
4. Appeal of Permit Denial. If the Director denies an application for a permit, the applicant may appeal the denial to the City Manager within ten (10) days of issuance of the Director's decision. The City Manager will issue a decision to sustain, modify, or overrule the Director's decision. The City Manager may summarily deny an untimely appeal. The City Manager's decision is final.
5. Limitations. A permit is valid only for the specified location, date, time, and permitted use. IF the location, date, time, or permitted use is changed after a permit is issued, the applicant must submit a new application and fees, and obtain a new permit.
6. Inspection. A permit shall, at all times while the permitted use is on-going, be on-site at the permitted use and made available for the inspection upon demand of any City official.
7. City Personnel. It shall be a requirement for any permit that city staff will be on site for any event extending beyond general operating hours and the City may require an additional fee for the personnel costs.
8. Non-transferability. A permit is not transferable and not assignable. Any attempted transfer or assignment will void a permit and any fees paid will be forfeited.

9. Revocation.

- a. The Director, the Public Works Director, or a police officer may revoke a permit at any time for any of the reasons stated in this Subsection.
 - i. Violation of or non-compliance with any permit condition listed in Subsection 13-1-11(B)(3).
 - ii. The Director, the Public Works Director, a police officer, or other City official determines, at any time, that a ground for denial listed in Subsection 13-1-11(B)(2) exists.
- b. Upon revocation, the permitted use shall immediately cease, the permittee shall immediately remove from the park or properly dispose of in the appropriate receptacles all refuse of the permitted use and personal property utilized for the permitted use, and the permittee shall ensure that all participants immediately disperse and leave the park.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-97-0021, Amended, 04/08/97; Ord. No. O-08-0013, Amended 07/08/2008)

