

GARFIELD COUNTY, UTAH

ORDINANCE NO. 2020-7

USE OF PUBLIC LANDS

AN ORDINANCE TO REDUCE DAMAGE TO NATURAL RESOURCES AND CONFLICT BETWEEN RECREATIONAL USERS, ASSIST LAW ENFORCEMENT OFFICERS AND PROVIDE FOR PUBLIC SAFETY ON PUBLIC LANDS WITHIN GARFIELD COUNTY, UTAH.

WHEREAS, Utah Code § 17-50-304 permits Garfield County (the "County") to adopt and enforce "all such local, police, building and sanitary regulations as are not in conflict with general laws;"

WHEREAS, Garfield County experiences millions of recreational user visits each year, according to visitor use statistics maintained by the National Park Service, United States Forest Service, Bureau of Land Management and State of Utah;

WHEREAS, said recreational users seek a high-quality recreational experience on our public lands maintained by the National Park Service, United States Forest Service, Bureau of Land Management, State of Utah and Garfield County;

WHEREAS, the high number of recreational users utilizing public campgrounds and free dispersed camping areas creates undue stress on public lands within the County, including adverse impact to local wildlife, vegetation, soil and visual and cultural resources; increases conflict among recreational users; and poses a threat to public safety and enjoyment of public lands;

WHEREAS, Garfield County has received an increase in the number of complaints regarding the impacts of recreational users in the County, especially with regards to sanitation, fire safety, noise, animals and general preservation of the environment; and

WHEREAS, to reduce damage to natural and cultural resources and to provide for public safety, it is in the best interest of Garfield County and its citizens if the County establishes regulations to govern use of public lands within the County.

NOW, THEREFORE, BE IT ORDAINED by the County Commission that it does hereby adopt Garfield County Ordinance 2020-7 Use of Public Lands, which law shall govern camping and use of public lands in Garfield County:

Section 1 SHORT TITLE

This Ordinance shall be known as the "Use of Public Lands Ordinance."

Section 2 PURPOSE

These regulations establish minimum standards to:

- A. Reduce damage to and undue stress on natural resources located on Public Lands in Garfield County, including local wildlife, vegetation, soil and visual and cultural resources;
- B. Reduce conflict between recreational users and increase the enjoyment of Public Lands in Garfield County;
- C. Assist law enforcement officers, including Authorized Officers, to make and enforce regulations that protect and promote Public Lands in Garfield County;
- D. Provide for public safety and secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of all users of Public Lands within Garfield County.

Section 3 DEFINITIONS

- A. **"Authorized Officer"** means any elected, appointed or employed officer of a federal, state or local law enforcement agency who is commissioned to enforce the criminal laws of the United States of America or State of Utah generally.
- B. **"Bicycle"** means a wheeled vehicle propelled by human power by feet or hands acting upon pedals or cranks, as defined in Utah Code § 41-6a-102.
- C. **"Camping"**, or to camp, means the temporary use of Public Lands for the purpose of overnight occupancy without a permanently fixed structure, including pitching a tent, parking a trailer, erecting any shelter or placing any other camping equipment for overnight occupancy.
- D. **"Designated Campground"** means a designated and signed area that has been improved and developed for camping with facilities such as toilets, tables and fire pits.
- E. **"Developed Recreation Site"** means a fee and non-fee area which has been designated, improved or developed for recreation, including Designated Campgrounds, picnic areas, day use areas, trails and roads, which may be managed by the United States, State of Utah, or Garfield County.
- F. **"Dispersed Camping Area"** means a non-fee area used for camping outside of a Developed Campground with no services, such as trash removal, and few or no facilities such as toilets, tables and fire pits.

- G. "**Electric Assisted Bicycle**" means a bicycle with an electric motor, as defined in Utah Code § 41-6a-102.
- H. "**Greywater**" means wastewater generated from baths, sinks, basins and other appliances that has not been contaminated by fecal matter.
- I. "**Motor Vehicle**" means a self-propelled vehicle intended primarily for use and operation on the highways, as defined in Utah Code § 41-6a-102.
- J. "**Nuisance Animal**" means any animal(s) that: molests passersby or passing vehicles; attacks other animals; trespasses on private property; is repeatedly at large or not under restraint damages private or public property; or barks, whines or howls in an excessive, continuous or untimely manner.
- K. "**Off-Highway Vehicle**" means every snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle as defined in Utah Code § 41-22-2.
- L. "**Public Lands**" means land owned by the United States, State of Utah or Garfield County.
- M. "**Sewage Facility**" means any wet or dry toilet or temporary waste kit that may be legally deposited into a refuse container, or other appropriate wastewater system provided for the purpose of treating waste or sewage.
- N. "**Vehicle**" means all Motor Vehicles and Off-Highway Vehicles.

Section 4 CAMPING AND PARKING

Campfires.

On Public Lands, unless authorized by permit, no person shall:

- A. Ignite or maintain a wood-burning fire outside of a firepan, fireplace, grill or ring that is either established or provided for that purpose;
- B. Ignite or maintain a wood-burning fire in an area where appropriate signage prohibits campfires.
- C. Ignite or maintain a fire using propane, gasoline or similar fuel except in a stove or lantern;
- D. Fire a tracer or incendiary device;
- E. Leave a fire unattended or fail to completely extinguish a fire not in use, except to report it if it has spread beyond control,
- F. Resist or interfere with the efforts of firefighter(s) to extinguish a fire;

- G. Enter an area which is closed by a fire prevention order; or
- H. Perform any act restricted by a fire prevention order.

Camping.

On Public Lands, unless otherwise authorized by permit, no person shall:

- A. Camp outside of developed campsites in Designated Campgrounds or existing campsites in Dispersed Camping Areas;
- B. Build, install or otherwise create, new campsites;
- C. Occupy or otherwise use a campsite occupied by or reserved for another person;
- D. Camp in areas posted as closed to camping (including No Camping signs), including archaeological sites and historic sites;
- E. Occupy a campsite:
 - a. In Designated Campgrounds:
 - i. With more people or vehicles than permitted or posted;
 - ii. Without payment of required fees; or
 - iii. For a longer period of time than permitted by applicable federal, state, or local law;
 - b. In Dispersed Camping Areas:
 - i. With more than ten (10) people and two (2) vehicles; or
 - ii. For more than fourteen (14) consecutive days within a thirty (30) day period within a thirty (30) mile radius; or
- F. Interfere with a lawful occupant or user of a campsite.

Section 5 SANITATION

Human Waste.

No person shall dump or otherwise deposit human waste, or wastewater contaminated by fecal matter, on Public Lands except in a Sewage Facility. All persons are required to carry out solid human body waste and must possess and utilize a Sewage Facility that allows for the disposal of solid human waste through authorized refuse container or sewage systems;

Trailer Refuse or Waste.

No person shall drain, dump or otherwise deposit refuse or waste from any trailer or other vehicle on to Public Lands, including Greywater and oil, except in receptacles provided for such use.

Cleaning and Washing.

No person shall clean fish, game, clothing or household articles at any outdoor hydrant, pump, faucet, fountain or restroom water faucet on Public Lands.

Section 6 ROADWAYS AND VEHICLES

General Regulation.

Utah Statute § 41-22-1 et seq. (Off-Highway Vehicles) and § 41-6a-101 et seq. (Traffic Code), as amended, shall govern the general operation, use and parking of Vehicles on Public Lands. In the event of conflict, Utah Statute shall control.

Section 7 ANIMALS

Restraint and Care, Generally.

Garfield County Ordinance No. 1995-4 and Utah Statute § 76-9-301 et seq., as amended, shall govern the restraint and care of animals on Public Lands. In the event of conflict, Utah Statute shall control; in the event of conflict between Ordinance No. 1995-4 and Section 7 of this Ordinance, Ordinance No. 1995-4 shall control.

Hitching or Tying Animals.

No person shall hitch or tie an animal to any tree, shrub, vehicle or improvement, including structures, on Public Lands that causes damage or blocks or restricts foot or vehicular traffic.

Nuisance Animals.

On Public Lands, and as determined by an Authorized Officer, no person shall:

- A. Maintain a Nuisance Animal without proper confinement or muzzling; or
- B. Fail to restrain a Nuisance Animal.

Section 8 GENERAL USE

Resource Collection.

On Public Lands, unless authorized by permit, no person shall:

- A. Cut wood for any purpose;
- B. Gather firewood in an area where appropriate signage prohibits such activity.
- C. Collect for commercial purposes or in commercial quantities any of the following:
 - a. Commonly available renewable resources such as flowers, berries, nuts, seeds, cones and leaves;
 - b. Nonrenewable resources such as rock and mineral specimens, common invertebrate and plant fossils, and semiprecious stones;
 - c. Petrified wood; or
 - d. Mineral materials; or
- D. Gather petrified wood in the following areas:
 - a. The Grand Staircase Escalante National Monument (GSENM);
 - b. Bryce Canyon, Capitol Reef and Canyonlands National Parks;
 - c. Glen Canyon National Recreation Area;
 - d. High visitation sites; and
 - e. Any other areas in which petrified wood gathering is prohibited by federal, state or local law;

Protection of Property and Resources.

On Public Lands, no person shall willfully deface, disturb, remove or destroy:

- A. Any personal property or structures, or any scientific, cultural, archeological or historic resource, natural object or area; or
- B. Plants or their parts, soil, rocks or minerals or cave resources, except as otherwise authorized by permit or written agreement.

Noise.

On Public Lands, except as otherwise posted or permitted, no person shall:

- A. Operate or use any audio device such as a radio, television, musical instrument, generator, motorized equipment or other noise producing device in a manner that makes unreasonable noise that disturbs other visitors.

Trails.

On Public Lands, no person shall:

- A. Bicycle, rollerblade, roller skate, skateboard or operate a Vehicle or Electric Assisted Bicycle on any trail unless specifically designated or posted for that purpose;
- B. Block, restrict or otherwise interfere with the normal use of any trail;
- C. Operate a Vehicle or Bicycle off designated trails; or
- D. Operate an Electric Assisted Bicycle on a trail posted or designated for non-motorized use unless specifically permitted by state or federal regulation.

Nuisance.

On Public Lands, and as determined by an Authorized Officer, no person shall cause a public disturbance or create a risk to other persons by engaging in activities which include, but are not limited to, the following:

- A. Making noise that exceeds the requirements of this Ordinance;
- B. Creating a hazard or nuisance as otherwise defined by the requirements of this Ordinance;
- C. Refusing to disperse when directed to do so by an Authorized Officer;
- D. Maintaining or failing to restrain a Nuisance Animal of any kind without proper confinement or muzzling, as determining by an Authorized Officer.

Abandonment of Property.

Except as otherwise authorized by permit or written agreement, no person shall leave personal property unattended for more than 48 hours on Public Lands. Personal property left unattended for more than 48 hours shall be subject to disposition under federal, state and local law.

Vandalism

No person shall interfere or tamper with or otherwise vandalize any improvements at Developed Recreation Sites or on any Public Lands, including Sewage Facilities, fee deposit tubes, signage, fencing, landscaping, structures and accessory improvements.

Section 9 ENFORCEMENT

Violation.

Except where Utah Statute punishes a violation hereunder as an infraction, any person who is found guilty of violating any of this Ordinance, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a Class B misdemeanor punishable by a maximum sentence of up to six (6) months in jail and a maximum fine of \$1,000. Each day such violation is committed or permitted to continue shall constitute a separate violation.

Enforcement.

The County Attorney may initiate legal action, civil or criminal, requested by the County Commission or Sheriff to abate any condition that exists in violation of this Ordinance. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating this Ordinance shall be liable for all expenses incurred by the County in removing or abating any nuisance or other noise disturbance.

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Section 10 ADOPTION

Passed and adopted by the Board of County Commissioners of Garfield County, Utah, this 13th day of April, 2020.

Garfield County Commission, Chair
Leland F. Pollock

ATTEST:

Garfield County Auditor/Clerk
Camille A. Moore

County Seal:

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