

ORDINANCE NO. 2021- _____

AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL REPEALING AND REPLACING CHAPTER 12.38 AS PART OF AN ONGOING EFFORT TO REORGANIZE REGULATIONS, CODIFY PLAIN LANGUAGE, AND MODERNIZE PROVISIONS OF THE SOUTH SALT LAKE MUNICIPAL CODE.

WHEREAS, the City Council of the City of South Salt Lake (the “City Council”) is authorized to enact ordinances for the protection of the health, safety, and welfare;

WHEREAS, the City is authorized by law to enact and amend ordinances establishing regulations governing the use of City parks;

WHEREAS, the City Council finds that the City ordinance governing parks is outdated and does not reflect the City’s desired use and regulation of park; and

WHEREAS, the City Council finds that much of the language in the previous ordinances may be removed in an effort to promote efficiency, add clarity, modernize provisions, and codify plain language to be more readable to the general public.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake as follows:

SECTION I. Repeal and Replace. Repeal and replace Chapter 38 of Title 12 of the South Salt Lake Municipal Code as attached in “Exhibit A.”

SECTION II. 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 provision 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 III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION IV. Effective Date. This ordinance shall become effective upon Mayor’s signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

(signatures appear on separate page)

DATED this _____ day of _____, 2021.

BY THE CITY COUNCIL:

Sharla Bynum, Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Bynum	_____
deWolfe	_____
Huff	_____
Mila	_____
Pinkney	_____
Thomas	_____
Siwik	_____

Transmitted to the Mayor's office on this _____ day of _____ 2021.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2021.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder

Chapter 12.38. Regulation of Parks.

Sections:

12.38.10 - Definitions.

Terms used in this chapter have the following meanings:

- (1) "Bicycle" means the same as that term is defined in UCA 41-6a-102 or its successor provision.
- (2) "Golf cart" means the same as that term is defined in UCA 41-6a-102 or its successor provision.
- (3) "Motor vehicle" means the same as that term is defined in UCA 41-6a-102 or its successor provision.
- (4) "Park" means real property owned by the city or other government entity and designated for public use and enjoyment for recreation purposes.

12.38.020 - Parks—Time of closing.

- (1) A park shall be closed to the public between the hours of ten p.m. and six a.m. of the following morning.
- (2) No person, other than government employee in the course and scope of their employment, shall be permitted to be in a park closed to the public.

12.38.030 - Reservations.

- (1) Park pavilions and other park facilities may be reserved by applying with the city.
- (2) Reservations shall be taken on a first-come, first-served basis.
- (3) Reservation fees for pavilions and facilities shall be charged as listed in Section 3.11.110.

12.38.040 – Prohibited Conduct - Littering.

- (1) A person may not litter in a park.
- (2) A person may not throw, deposit, or discard, or permit to be dropped, thrown, or deposited, or discarded in any park any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scene aspect or beauty of the park or the enjoyment others experience in the park.
- (3) A violation of this section is a class C misdemeanor.

12.38.050 – Vehicles prohibited.

- (1) Except as provided in Subsection (2) or (3), no person shall ride or drive a motor vehicle, golf cart, or bicycle within a park.
- (2) A person may ride a bicycle on paths, trails, or any other area within a park specifically designated by sign, posted by the city, for use by bicycles.
- (3) A government employee may, in the course and scope of the employee's official duties, ride or drive a motor vehicle, golf cart, or bicycle in a park.

12.38.060 – Prohibited Conduct - Fires.

- (1) Except as provided in Subsection (2), no person shall make, kindle, or maintain a fire in a park for any purpose.

(2) A person may utilize a barbeque to prepare food, if the barbecue is located in an appropriate place, as designated by a sign posted by the City.

12.38.070 - Camping.

No person shall camp, lodge, or pitch a tent, fly, lean-to, tarpaulin, or any other type of camping equipment in any park except in conjunction with a City-sponsored event.

12.38.080 – Prohibited Conduct – Explosives, Firearms, Dangerous Weapons.

(1) No person shall carry, possess or discharge any firecrackers, rockets, torpedoes, powder, or any other fireworks or explosive in a park or any other city-owned property.

(2) No person shall brandish or discharge a dangerous weapon or firearm in a park or on any other City-owned property, unless otherwise provided for by state law.

12.38.90 – Prohibited Conduct - Defacing property.

(1) No person in a park shall, with malicious intent:

(a) cut, break, injure, deface or disturb any trees, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other park structure or park facility;

(b) 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 in a park;

(c) cut, remove, injure or destroy any wood, turf, grass, soil, rock, sand or gravel in a park; or

(d) cut, break, injure, kill, take or remove, pluck or vandalize any plant, tree, shrub, flower, grass or other living thing.

(2) No person shall damage a tree, including by:

(a) posting a sign on the tree; or

(b) attaching or hanging items from it, including slacklines or ropes.

12.38.100 – Motor vehicle or bicycle repair in a park.

(1) Except as provided in Subsection (2), no person shall repair a motor vehicle or bicycle in a park.

(2) A person may repair a bicycle in a park if the bicycle:

(a) was damaged in the park, incident to the person's recreating with the bicycle; and

(b) the person does not impair the enjoyment of others in the park as a result of making the repairs.

12.38.110 - Pollution of waters.

No person shall, in any manner whatsoever, pollute or contaminate the waters of any fountain, pond, lake, spring, or stream in a park.

12.38.120 - Dogs.

(1) Except as provided in Subsections (2), (3) and (4), a person may not bring, lead, keep, possess, or let loose any animal of any kind in a park.

(2) The prohibition in Subsection (1) does not apply to a leashed service animal, as defined by the Americans with Disabilities Act.

(3) A person may bring, lead, keep, or possess a leashed dog within a park specifically designated by sign, posted by the City, for use by leashed dogs.

- (4) A person may bring, lead, keep, or possess an unleashed dog within a park specifically designated by sign, posted by the City, for use by unleashed dogs.
- (5) A person whose dog defecates in a park shall immediately bag the animal waste and deposit the waste in a trash can.
- (6) A violation of Subsection (4) is a Class C misdemeanor.

12.38.130 - Interference with animals or fowl.

- (1) No person shall annoy, injure, release from confinement, or in any manner interfere with a swan, duck, goose, bird, or other animal in a park.
- (2) No person shall, with intent to abandon, release an animal or pet in a city park or public waters.

12.38.140 – Hunting and fishing.

- (1) Except as provided in Subsection (2), no person shall hunt or fish at any park or public grounds.
- (2) A person may fish in Fitts Park:
 - (a) if the person has a valid fishing license, if required to have such a license by state law, issued by the state Division of Wildlife Resources; and
 - (b) as part of a City-sponsored event.
- (3) A person may fish at a county-owned park if:
 - (a) the person has a valid fishing license, if required to have such a license by state law, issued by the state Division of Wildlife Resources; and
 - (b) fishing at the location is not otherwise prohibited by the county.

12.38.150 - Sale of merchandise.

No person shall sell or offer for sale any merchandise, article, or thing whatsoever within any park or within a distance of sixty (60) feet of any boundary line of any park, except:

- (1) as authorized by the Mayor; and
- (2) in conjunction with a City-sponsored event.

12.38.160 - 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 in a park except:

- (1) as authorized by the Mayor; and
- (2) in conjunction with a City-sponsored event.

12.38.170 - Business activities.

No person shall practice, carry on or conduct or solicit any trade, occupation, business, or profession in a park, except:

- (1) as authorized by the Mayor; and
- (2) in conjunction with a City-sponsored event.

12.38.180 - Disobeying signs.

(1) No person shall, within a park, violate the provisions and instructions on any sign posted by the city in the park.

(2) A violation of Subsection (1) is a Class C misdemeanor.

12.38.190 Enforcement

(1) It is unlawful for any person to do or to allow or permit any of the acts prohibited by this Chapter in any park in South Salt Lake City, or in any place now, or which may hereafter be, set aside or used as a park under the jurisdiction of the city.

(2) A violation of this Chapter is a Class B Misdemeanor, unless otherwise specifically enumerated or limited by law.