

RULES TO APPROVE AT THE NOVEMBER 10, 2022 BOARD MEETING

RULE R651-407 – Off Highway Vehicle Advisory Council (This rule is moving from Division of State Parks to the Division of Recreation)

~~[R651. Natural Resources, Parks and Recreation.~~

~~R651-407. Off Highway Vehicle Advisory Council.~~

~~R651-407-1. Appointment and Description of Vehicle Advisory Council Membership.~~

~~———— The board will appoint an twelve-member off-highway vehicle advisory council representing off-highway vehicle users in the state. One member will be from each of the following interests: the Bureau of Land Management; the U.S.D.A. Forest Service; the Utah School and Institutional Trust Lands Administration; snowmobiling; motorcycling; all-terrain vehicle usage; four-wheel drive vehicle usage; off-highway vehicle dealers; off-highway vehicle safety; a youth member; and two members-at-large.~~

~~KEY: off highway vehicles~~

~~Date of Enactment or Last Substantive Amendment: July 23, 2012~~

~~Notice of Continuation: March 13, 2018~~

~~Authorizing, and Implemented or Interpreted Law: 41-22-10(1)]~~

RULE R651-636 – Procedures for Application to Receive Funds from the Zion National Park Restricted Account (This rule is moving from Division of State Parks to the Division of Recreation)

~~[R651. Natural Resources, Parks and Recreation.~~

~~R651-636. Procedures for Application to Receive Funds From the Zion National Park Restricted Account.~~

~~R651-636-1. Rulemaking Authority.~~

~~_____ UCA, Section 63-11-67(6c), states that in accordance with Title 63G, Chapter 3, the Utah Administrative Rulemaking Act, the division may make rules providing procedures and requirements for an organization to apply to the division to receive a distribution, under Subsection (5).~~

~~R651-636-2. Restricted Account.~~

~~_____ This rule, as stated in H.B. 348, which enacted 63-11-17 Utah Code Annotated 1953, (2008 General Session), and that supports the Zion National Park Support Programs Restricted Account, provides procedures and process to obtain a special license, and indicates those who may be issued a special group license plate and the categories which apply.~~

~~R651-636-3. Application Process.~~

~~_____ In order to receive funds from the Zions National Park Restricted Account, an applicant must be listed in a category found in Section 41-1a-422. The division shall receive and distribute voluntary contributions collected under Section 41-1a-422 in accordance with Section 63-11-67.~~

~~R651-636-4. Distribution Requests.~~

~~_____ All distribution requests shall include the following documentation:~~

~~_____ 1. A signed and approved Zion National Park Donation Request form.~~

~~_____ 2. A signed copy of any agreement(s) and/or amendment(s) to agreements with Zions National Park.~~

~~_____ 3. In conjunction with Zions National Park and the Utah Department of Natural Resources (DNR), an audit review of each project may be requested and performed by DNR or Utah State Parks and Recreation staff.~~

~~R651-636-5. Application Review and Approval.~~

~~_____ The Division of State Parks and Recreation will review and approve applications for disbursement of funds from the Restricted Account that is set up for receiving donations from those who are granted a Zion National Park Special Group License Plate.~~

~~KEY: parks~~

~~Date of Enactment or Last Substantive Amendment: March 26, 2009~~

~~Notice of Continuation: December 19, 2018~~

~~Authorizing, and Implemented or Interpreted Law: 79-4-404; 41-1a-422]~~

RULE R651-103 – Electronic Meetings (This rule amendment takes out Recreation and the Division of Recreations Advisory Council)

R651. Natural Resources, State Parks ~~and Recreation~~.

R651-103. Electronic Meetings.

R651-103-1. Purpose and Authority.

This rule is established under the authority of Title 52; Chapter 4; Section 207 to provide the standards and procedures for electronic meetings of the Board of State Parks ~~and Recreation~~; the ~~Off-highway Vehicle Advisory Council~~; the ~~Recreational Trails Advisory Council~~ and the ~~Boating Advisory Council~~.

R651-103-2. Definitions.

(1) Terms used in this rule are defined as follows:

(a) "Anchor location" means the physical location from which:

(i) An electronic meeting originates; or

(ii) The participants are connected.

(b) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.

R651-103-3. Electronic Meetings.

(1) Section 52-4-207 authorizes a public body to convene or conduct an electronic meeting provided written procedures are established for such meetings. This rule establishes procedures for conducting Board ~~and Advisory Council~~ meetings by electronic means.

(2) The following provisions govern any meeting at which one or more Board ~~or Advisory Council~~ members appear telephonically or electronically pursuant to Section 52-4-207:

(a) If one or more members participate in a public meeting electronically or telephonically, public notices of the meeting shall specify:

(i) The members participating in the meeting electronically and how they will be connected to the meeting;

(ii) The anchor location where interested persons and the public may attend, monitor, and participate in the open portions of the meeting;

(iii) The meeting agenda; and

(iv) The date and time of the meeting.

(b) Written or electronic notice of the meeting and the agenda shall be posted or provided no less than 24 hours prior to the meeting:

(i) At the anchor location;

(ii) On the Utah Public Notice Website; and

(iii) To at least one newspaper of general circulation within the state or to a local media correspondent. These notices shall be provided at least 24 hours before the meetings.

(c) Notice of the possibility of an electronic meeting shall be given to board members at least 24 hours before the meeting. In addition, the notice shall describe how a member may participate in the meeting electronically or telephonically.

(d) When notice is given of the possibility of a board member appearing electronically or telephonically, any board member may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the board.

(i) At the commencement of the meeting, or at such time as any board member initially appears electronically or telephonically, the chair should identify for the record all those who are appearing telephonically or electronically.

(ii) Votes by members of the board who are not at the physical location of the meeting shall be confirmed by the chair.

(e) The anchor location, unless otherwise designated in the notice, shall be at the offices of the Utah Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah.

(i) The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected.

(ii) The anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

R651-103-4. Board and Council Emergency Meetings.

(1) There are times when, due to the necessity of considering matters of an emergency or urgent nature, the public notice provisions of Section 52-4-202(1) cannot be met. Pursuant to Section 52-4-202(5), the notice requirements in Section 52-4-202(1) may be disregarded when unforeseen circumstances require the board ~~[or any of the advisory councils]~~ to meet and consider matters of an emergency or urgent nature.

(2) The following procedure shall govern any emergency meeting:

(a) No emergency meeting shall be held unless an attempt has been made to notify all of the members of the board of the proposed meeting and a majority of the convened members vote in the affirmative to hold such an emergency meeting.

(b) Public notice of the emergency meeting shall be provided as soon as practicable and shall include at a minimum the following:

(i) Posting of the date, time, and place of the meeting and the topics to be considered:

(A) At the offices of the division;

(B) On the division's web page; and

(C) At the location where the emergency meeting will be held.

(ii) If members of the board appear electronically or telephonically, notice shall comply with the requirements of R651-103-3 to the extent practicable.

(c) In convening the meeting and voting in the affirmative to hold such an emergency meeting, the board shall affirmatively state and find what unforeseen circumstances have rendered it necessary for the board to hold an emergency meeting to consider matters of an emergency or urgent nature such that the ordinary public notice of meetings provisions of Section 52-4-202 could not be followed.

KEY: electronic meetings, procedures

Date of Enactment or Last Substantive Amendment: May 22, 2018

Authorizing, and Implemented or Interpreted Law: 52-4-207

RULE 651-619 – Possession of Alcoholic Beverages or Controlled Substances (This rule amendment takes our Recreation and deletes a title that no longer applies and adds the new title in)

R651. Natural Resources, State Parks [~~and Recreation~~].

R651-619. Possession of Alcoholic Beverages or Controlled Substances.

R651-619-1. Possession of Alcohol and Controlled Substances.

Offenses for the possession or use of any alcoholic beverage or controlled substance, shall be handled through Utah Code, Titles [~~32A~~]32B, 41, 58, 73 and 76.

R651-619-2. Alcohol in Buildings.

There shall be no possession and/or consumption of any alcoholic beverage in the state park system visitor centers, museums and administrative offices, unless permission is expressly given, in writing, by the division director, or designee. Organizations dispensing such beverages are required to carry insurance coverage meeting the minimum requirements set by the Utah Division of Risk Management.

KEY: parks

Date of Enactment or Last Substantive Amendment: June 9, 2014

Notice of Continuation: June 13, 2018

Authorizing, and Implemented or Interpreted Law: 79-4-203; 79-4- 304

RULE R651-629 – Personal Property (This rule amendment takes out Recreation and Chapter 24 that no longer applies)

R651. Natural Resources, State Parks [~~and Recreation~~].

R651-629. Unattended Property.

R651-629-1. Personal Property.

Unclaimed personal property shall be handled in accordance with Title 77, Chapter[~~s-24 and~~] 24a.

R651-629-2. Impounded Property.

Whenever property interferes with the safe or orderly operation of the park, the property may be impounded.

R651-629-3. Lost and Found Articles.

All lost and found articles shall be deposited by the finder at the park area office.

R651-629-4. Impound of Vehicle.

The impound of a vehicle shall be in compliance with Title 41, Chapter 1a.

KEY: parks

Date of Enactment or Last Substantive Amendment: 1989

Notice of Continuation: June 28, 2018

Authorizing, and Implemented or Interpreted Law: 79-4-501

RULE R651-632 – Enforcement (This rule amendment takes out Recreation and Title 77, Chapter 1A that no longer apply, and adds in Utah Code 53-13-103)

R651. Natural Resources, State Parks [~~and Recreation~~].

R651-632. Enforcement.

R651-632-1. Authorized Law Enforcement Officers.

Any law enforcement officer authorized under Utah Code § 53-13-103 [~~Title 77, Chapter 1a~~] may enforce the rules promulgated under this chapter.

KEY: parks

Date of Enactment or Last Substantive Amendment: 1989

Notice of Continuation: June 28, 2018

Authorizing, and Implemented or Interpreted Law: 79-4-501; 53-13-103

RULE R651-601 – Definitions as Used in These Rules (This rule amendment takes out Recreation and better defines “Ranger”)

R651. Natural Resources, State Parks.

R651-601. Definitions as Used in These Rules.

R651-601-1. Division.

"Division" means the Division of State Parks, Department of Natural Resources.

R651-601-2. Ranger.

"Ranger" means any employee of the Division who:

(1) if designated as a peace officer of the law under Subsection 53-13-103(b)(viii), is [designated] sworn by the Director or the Director's [their] designee as a law enforcement ranger [officer as defined in Section 53-13-103] pursuant to Subsection 53-13-101(12).

(2) if not designated as a peace officer of the law under Subsection 53-13-103(b)(viii), is employed by the Division as a non-law enforcement ranger.

R651-601-3. Division Representative.

"Division Representative" means any employee of the Division authorized by the Director or their designee to act in an official capacity.

R651-601-4. Natural and Cultural Resources.

"Natural and Cultural Resources" means those features and values including all lands, minerals, soils and waters, natural systems and processes, and all plants, animals, topographic, geologic, and paleontological components of a park area as well as all historic and pre-historic, sites, trails, structures, inscriptions, rock art, and artifacts representative of a given culture occurring on or within any park area.

R651-601-5. Park System.

"Park system" means all natural and cultural resources, and all buildings and other improvements owned, leased, or otherwise managed by the Division.

R651-601-6. Park Area.

"Park area" means any individual park property in the park system.

R651-601-7. Manager.

"Manager" means the Division representative in charge of a park area.

R651-601-8. Permits and Permission.

(1) "Permit" means written authorization by a park representative.

(2) "Special Use Permit" means written permission given to an individual, partnership, corporation, or other recognized organization to conduct the following:

- (a) special events whether commercial or non-commercial;
 - (b) certain limited concession activities; and
 - (c) commercial services as guides, provisioners, or outfitters.
- (3) "Permission" means oral or written authorization by a park representative.

R651-601-9. Posted.

"Posted" means law and rule notices that are placed physically in prominent locations or are listed on official State Park documents, receipts, permits, or websites.

R651-601-10. Person.

"Person" means an individual, corporation, company, partnership, trust, firm, or association of persons.

R651-601-11. Commercial Activity.

"Commercial Activity" means any activity, private or otherwise, that is for commercial gain, or that is part of any scheme or plan established for obtaining commercial gain. This includes:

- (1) sales of goods or merchandise.
- (2) rentals of equipment.
- (3) collection of entrance or admission fees.
- (4) collection of storage or use fees.
- (5) sales of services.
- (6) delivery service of rental equipment to the park area by a rental agency as part of a customer rental agreement.

R651-601-12. Commercial Gain.

"Commercial gain" means compensation in money, services, or other consideration as part of a scheme or effort to generate income or financial advantage of any kind.

R651-601-13. Concession Contract.

"Concession Contract" means a use agreement granted to an individual, partnership, corporation, or other recognized organization, to provide services or sales of goods or merchandise for conducting commercial activity.

R651-601-14. Cooperative Agreement.

A written instrument whereby two or more parties agree to terms governing the parties' relationship, much as a contract. Informal interoffice communication definition does not apply in this case.

R651-601-15. Motorized Transportation Device.

"Motorized Transportation Device" means any motorized device used as a mode of transportation that includes: "Electric assisted bicycles," "Mopeds," "Motor Assisted scooters," "motorcycles," "motor-driven cycle," and "personal motorized mobility device" as defined in Section 41-6-1. "Motorized wheelchairs" are also included under this definition.

R651-601-16. Unmanned Aircraft.

"Unmanned Aircraft" means an aircraft that is capable of sustaining flight and that operates with no possible direct human intervention from, on or within the aircraft.

R651-601-17. Dangerous Weapon.

"Dangerous Weapon" means the same as defined in Subsection 76-10-501(6) and includes archery equipment on State Park owned and managed property.

R651-601-18. Primary Jurisdiction Zone (PJZ).

"Primary Jurisdiction Zone" means those areas of the Federal Estate surrounding the dams, including the dams, appurtenant facilities, and the vicinities below the dams wherein Reclamation retains primary jurisdiction.

R651-601-19. Special Uses.

"Special Uses" include a special assembly, exhibit, speech, public demonstration, the sale, posting or distribution of printed material, soliciting of any type, any special activity or use, or any activity or use for which a special use permit is required.

KEY: parks, off-highway vehicles

Date of Last Change: August 22, 2022

Notice of Continuation: June 13, 2018

Authorizing, and Implemented or Interpreted Law: 41-22-10; 79-4-203; 79-4-304; 79-4-601; 76-10-501