

ORDINANCE NO. 4

PARK RULE ENFORCEMENT

WHEREAS, the Board of Commissioners, Flathead County, Montana, recognize that the County contains a substantial number of public County parks and facilities which are now receiving and do receive heavy and intense public use, and

WHEREAS, such use requires greater policing and monitoring than the County Sheriff's Department can be expected to provide on a continuing basis, and,

WHEREAS, the public deserves the quiet, safe, and peaceful use of the County parks and facilities, and,

WHEREAS, under Section 7-16-2322, M.C.A., the County Park Board has the authority to pass park rules and regulations to govern and control the use of the County park facilities and to assure their enjoyment for the members of the public using the park facilities, and,

WHEREAS, the County Park Board has adopted rules and regulations and under Section 7-16-2322, M.C.A., and, the County governing body may adopt an ordinance which will provide for the enforcement of these rules and regulations, provide for penalties for violation of the rules and regulations, and authorize the County Park Board to employ a County Park Warden, who may be a peace officer as defined in Section 46-1-201, M.C.A., to enforce the Park rules and regulations, and,

WHEREAS, Section 7-5-102, M.C.A., through 7-5-107, M.C.A., provide the Commissioners with the authority to adopt ordinances.

NOW, THEREFORE, BE IT RESOLVED, that effective thirty-one (31) days after the second reading and final adoption, the following ordinance shall be in force and effect in all of Flathead County inclusive of the limits of the incorporated cities.

SECTION ONE

DEFINITIONS

- A. Board of County Commissioners. Board of Commissioners shall mean the Board of Commissioners of Flathead County, Montana.
- B. Camping Site. Camping site, when used in this Ordinance, shall mean a duly designated and posted overnight camping site.
- C. County Park Board. County Park Board shall mean the duly appointed County Board of Park Commissioners as provided for in Title 7, Chapter 16, Part 23, of the Montana Code Annotated.
- D. Swimming Area. Swimming area shall mean the duly designated area within a lake or other body of water which shall be marked by red and yellow buoys and within said buoys shall be the designated swimming area and outside of said buoys shall not be a designated swimming area.
- E. Power Boat. Power boat shall mean any boat powered by a gasoline powered or electrically powered motor or engine.
- F. Warden. Warden, when used in this Ordinance, shall mean the Flathead County Park Warden or Park Ranger employed by the County Park Board and as authorized under Section 7-16-2322(2)(b), M.C.A.
- G. Water Skier. Water Skier shall include an individual water skier or water skiers being towed by a power boat and shall

also include a person or persons being towed by a power boat upon any type of device such as a surfboard, innertube, or other floating device. Water skiers shall also include any sailboat and any board-sailing device.

## SECTION TWO

### WARDEN

The Warden is hereby vested with the power and authority necessary to enforce the provisions of this Ordinance.

The Warden shall serve at the will and the pleasure of the County Park Board and may be a peace officer as defined in Section 46-1-201, M.C.A.

## SECTION 3

### RULES AND REGULATIONS

The following specific and enumerated rules and regulations have been duly adopted by the County Park Board and are now, therefore, incorporated into this Ordinance by the Board of Commissioners as the rules and regulations governing conduct within the County Parks and Park facilities:

1. No person shall discharge any firearms, fireworks, air or as weapon, or arrow from a bow on or over either land or water.
2. No person shall permit a pet animal to run at large in a designated public recreation area, but must retain all pet animals and keep them under control on a leash at all times.
3. No motor vehicle shall be driven off unauthorized roads, except onto parking areas provided.
4. No motor vehicle shall be driven at a speed greater than the posted speed.
5. No person shall park any vehicle, trailer, camper or other vehicle except in designated parking areas, nor shall any person pitch a tent or otherwise set up camp other than in designated camping area.
6. No person or persons shall be permitted to maintain occupancy of camping facilities or space in any one designated recreation area for a period longer than fourteen (14) days during any thirty (30) day period. Such thirty (30) day periods shall run consecutively during the year commencing with the first day each person camps in the designated recreation area each year.
7. No person shall camp overnight in any county-owned shelter building.
8. No person shall build or maintain a fire in any designated recreation area, except in established fireplaces and fire rings maintained for such purposes or in portable camp stoves.  
Exception: Certain areas may be posted allowing fires to be built in other than the above mentioned places.
9. No person shall leave a camping area without completely extinguishing all fires started or maintained.
10. No person shall destroy, deface, injure, remove or otherwise damage any natural or improved property or shall willfully or negligently cut, destroy or mutilate any tree, shrub or plant or any geological or archeological feature, but this shall not be interpreted to include flowers, berries, cones or dead wood.

11. No person shall disturb or remove the top soil cover. This prohibits digging for worms, burying of garbage and allowing pets to dig holes.

12. No person shall permit livestock to graze in any area properly fenced to restrict the passage of livestock unless the area is specifically leased to the owner of the livestock for grazing.

13. No person shall enter upon any portion of any area that is posted as restricted to public passage.

14. No person shall dump fish or animals or parts thereof, human excrement, refuse, rubbish or wash water (except in receptacles provided for this purpose) nor pollute or litter in any other manner a public recreational area.

15. No commercial or political signs shall be posted.

16. No boats shall be launched from any boat trailer, car, truck or other conveyance except at an established launching area if such a facility is provided.

17. No person shall use these lands for any commercial purpose without first securing permission from the County Park Board.

18. Disorderly conduct such as drunkenness, use of vile or profane language, fighting, indecent exposure or operation of a motor vehicle in a manner as to create a nuisance or annoyance to others, or loud or noisy behavior during the hours of darkness is prohibited; and in addition to any other penalty provided, the participant may be expelled from the area.

19. Swimming areas, when designated, are limited to red and yellow buoys. No person shall swim from such designated swimming area to any area beyond that which is so marked or limited. No person shall disturb, deface, remove or relocate such buoys unless authorized by the County Park Board.

20. No power boat shall be operated or beached within a designated swimming area nor shall be operated with its motor in operation so that any portion of such boat approaches closer than twenty (20) feet to any swimmer in the water. The term "swimmer" as used herein shall not mean any water skier then engaged in water skiing and using said boat as towing power. This regulation is applicable only in water areas which are within one hundred (100) feet of the nearest shoreline and shall not apply to emergency or lifesaving situations.

21. No operator of a power boat shall tow any water skier so that such water skier is caused to approach within twenty (20) feet from any swimmer in the water. No water skier, while afloat on water skis, shall approach any swimmer in the water within twenty (20) feet or ski within the bounds of any designated swim area.

22. No group of more than fifty (50) person shall use a county-administered recreation area except with prior permission by the Superintendent or his agent.

23. No person shall operate over the snow equipment in any area which is specifically posted against such activity.

24. No person shall camp overnight in a county-administered area without obtaining an overnight camping permit or having in his possession a seasonal camping permit issued by the Superintendent or under his authority when such area has been signed and posted as a fee camping area. The basic amount of fees for such overnight camping permits shall be determined by the County Park Board and

posted by the Superintendent or his duly authorized agent.

25. All fee camping areas shall be prominently signed and posted as such together with a statement as to the amount of fee charged.

26. The hours of public use for County recreation facilities are from 6:00 a.m. to 11:00 p.m. Public use is prohibited from 11:00 p.m. to 6:00 a.m. Provided, however, that the hours for the use of Sliter's Park in Bigfork shall be from 7:00 a.m. to 7:00 p.m., unless a Special Permit for the use of Sliter's Park for expanded hours is issued by the Flathead County Weed/Park Board. Public use of Sliter's Park is prohibited from 7:00 p.m. to 7:00 a.m..

27. All County parks, with the exception of designated camping sights, are closed from 11:00 p.m., to 6:00 a.m.

The above enumerated rules and regulations shall be posted in a conspicuous place at all County parks and park facilities and shall also be made available by the Park Department in pamphlet form and made available to the public at the Park's Department Office, and the Office of the Board of County Commissioners.

#### SECTION FOUR

##### PENALTIES

The penalties for violation of this Ordinance or any part thereof, including the specific rules and regulations as promulgated herein, shall be a fine not to exceed \$500.00 or six (6) months imprisonment, or both, for each separate offense. All fines collected pursuant to the provisions of this Ordinance are to be paid to the County Treasurer for application to the County General Fund.

#### SECTION FIVE

##### SEVERABILITY CLAUSE

If any provisions of this Ordinance are held invalid, such invalidity shall not affect the other provisions which can be given effect without the invalid provisions. To this end, provisions of these regulations are to be severable.

DATED this 12th day of August, 1999.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: [Signature]  
Dale W. Williams, Chairman

ATTEST:

Susan W. Haverfield, Clerk

By: [Signature]  
Deputy

ORDINANCE ADOPTED August 26, 1985  
ORDINANCE AMENDED June 4, 1987  
ORDINANCE AMENDED August 12, 1999  
ORDINANCE AMENDED \_\_\_\_\_  
ORDINANCE AMENDED \_\_\_\_\_