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

WHERAS, such use requires greater policing and monitoring that 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 be 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, inner tube, 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

Section Number		Bond Fees
0-1	No person shall discharge any fireworks, firearm, air or gas weapon (this Includes paintball guns), or arrow from a bow on or over either land or water.	85.00
0-2	No person shall permit a pet animal to run at large in a designated public recreation area, but must restrain all pet animals and keep them under control on a leash at all times.	35.00
0-3	No motor vehicle shall be driven off authorized roads, except into parking areas provided.	85.00
0-4	No motor vehicle shall be driven at a speed greater than the posted speed.	85.00
0-5	No person shall park any vehicle, trailer, camper, boat, or other vehicle except in designated parking areas.	85.00
0-6	No person shall camp overnight in any county-owned or county administered shelter building.	85.00
0-7	No person shall build or maintain a fire in any designated recreation area.	85.00
0-8	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.	85.00
0-9	No person shall disturb or remove the topsoil cover. This prohibits digging for worms, burying of garbage, and allowing pets to dig holes.	85.00
0-10	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 grazing.	100.00
0-11	No person shall enter upon any portion of any area ~~that is~~ posted as restricted to public passage.	85.00
0-12	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 manner a public recreational area.	85.00
0-13	No commercial or political signs shall be posted.	85.00

0-14	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.	85.00
0-15	No person shall use these lands for any commercial purpose without first securing permission from the County Park Board and/or its Supervisor and meeting any necessary insurance standards or liability risks. Upon approval, the county will charge according to comparative prices of the private sector, whenever possible.	
	1st offense	85.00
	2nd offense	170.00
	3rd offense	255.00
0-16	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, and/or subject to any penalties enforced by the sheriff's office.	100.00
0-17	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.	85.00
0-18	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.	85.00
0-19	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.	85.00
0-20	No group of more than twenty (20) people shall use a County Administered recreation area except with prior permission by the Superintendent or his agent. User permit must be in possession.	85.00
0-21	No person shall operate over the snow equipment on any county owned or county administered recreation area.	85.00
0-22	No person shall camp overnight in a county-administered recreation area unless one has prior approval from the Superintendent.	85.00
0-23	The hours of public use for <u>all</u> 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. unless otherwise specified by Board and/or it's Supervisor, or Board of Commissioners. Varying hours may be put into effect by the Board of Directors.	85.00

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 16th day of April, 2009.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By: _____
Dale W. Lauman, Chairman

By: _____
Joseph D. Brenneman, Member

By: _____
James R. Dupont, Member

SEAL OF FLATHEAD COUNTY
CLERK & RECORDER
STATE OF MT.

ATTEST:

Paula Robinson, Clerk

By: _____
Deputy

ORDINANCE ADOPTED - AUGUST 26, 1985
AMENDED - June 4, 1987
AMENDED - August 12, 1999
AMENDED - April 16, 2009