



# LINCOLN COUNTY MONTANA

## Ordinance 2018-04

### AN ORDINANCE ESTABLISHING RULES OF CONDUCT IN PARKS AND OTHER RECREATIONAL LANDS OWNED OR ADMINISTERED BY LINCOLN COUNTY AND ESTABLISHING PROCEDURES FOR ITS ENFORCEMENT

#### THE BOARD OF COUNTY COMMISSIONERS FOR LINCOLN COUNTY, MONTANA FINDS:

1. Section 7-16-2322(1), MCA, authorizes the Board of County Commissioners to adopt an ordinance providing for the enforcement of rules regarding all County owned and administered parks and recreational areas. The purpose of these rules is to assure public enjoyment of county parks and recreation areas, to protect birds and animals inhabiting or frequenting these lands, and to protect and promote the improvement of land and facilities under the care and control of the Board.
2. The Board of County Commissioners adopted an ordinance outlining the regulations in force in all county owned and managed parks or recreational facilities within Lincoln County and a procedure for its enforcement on January 15, 2003.
3. The Board requested that all presently operable ordinances be re-drafted in uniform format, in accordance with the policies adopted by the Board through Resolution 2018-01.

#### THE BOARD ORDAINS:

##### 1. TITLE

This ordinance may be cited as the "Lincoln County Parks Ordinance."

##### 2. DEFINITIONS

As used in this ordinance, the following definitions apply:

- (1) "Camp" means to set up or to remain in or at a campsite.
- (2) "Campsite" means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained as a place to dwell or sleep, regardless of whether the place incorporates the use of any tent, lean-to, shack, or any other structure or vehicle.
- (3) "Board" means the Board of County Commissioners.



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## 3. PARK RULES

The following rules apply to all designated parks or public recreation areas owned or administered by Lincoln County.

- (1) No person may discharge any fireworks, firearm, air or gas weapon (including paintball guns), or arrow from a bow on or over either land or water unless specifically authorized by the Board.
- (2) No person may permit a domesticated animal to run at large. Pets must be restrained or kept on a leash at all times except within designated dog park areas.
- (3) No motor vehicle may be driven off authorized roads, except into designated parking areas.
- (4) No motor vehicle may be driven at a speed greater than the posted speed limit.
- (5) No person may park any vehicle, trailer, camper, or boat except in designated parking areas.
- (6) No person may camp overnight without prior permission from the Board.
- (7) No person may build or maintain a fire unless in a designated fire pit.
- (8) No person may destroy, deface, injure, remove, or otherwise damage any natural or improved property or willfully or negligently cut, destroy, or mutilate any tree, shrub, or plant.
- (9) No person may disturb or remove the topsoil cover.
- (10) No unauthorized person may enter upon any portion of any area that is posted as restricted to public passage.
- (11) No person may 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.
- (12) No commercial or political signs may be posted without prior permission from the Board.
- (13) No person or group may use these lands for any commercial purpose without prior permission from the Board and meeting any necessary insurance or liability requirements.
- (14) No group of more than fifty (50) people may use a County administered recreation area except with prior permission from the Board.
- (15) No person may operate motorized over-the-snow equipment in any area unless specifically designated for that type of use.
- (16) The hours of public use for all county parks and 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 or permitted by the Board.



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## 4. PERMISSIONS

Permission required under this ordinance may be obtained by contacting the County Commissioner of the District in which the specific park or recreational area is located.

## 5. ENFORCEMENT

- (1) All duly appointed Lincoln County law enforcement officers are authorized to enforce the provisions of this ordinance.
- (2) Law enforcement officers have the following authorities and responsibilities:
  - (a) The authority to investigate a complaint or potential violation of this ordinance;
  - (b) The authority to expel or remove any person who violates any section of this ordinance or other state law from the area.
  - (c) The authority to serve a written Notice to Appear and Complaint on the person who violates any section of this ordinance, and the responsibility to file the Notice and Complaint in Justice Court;
  - (d) The responsibility to provide the County Attorney with sufficient documentation to enable him or her to prosecute the violation as a misdemeanor.

## 6. PENALTIES

Except as otherwise provided by state law regarding conduct regulated under this ordinance, any violation of this ordinance constitutes a misdemeanor, punishable upon conviction by a fine not to exceed \$200.00 per violation. Violation of this ordinance may not be punishable by imprisonment.

### THE BOARD FURTHER ORDAINS:

1. This ordinance applies to all designated parks or public recreation areas owned or administered by Lincoln County within Lincoln County.
2. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance or resolution, this ordinance will prevail.
3. The various sections and clauses of this ordinance are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance will not be affected.
4. Upon first reading and adoption, this ordinance will be posted and made available to the public in accordance with section 7-5-103, MCA.





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- 5. This ordinance will be effective 30 days after its second and final adoption, in accordance with section 7-5-105, MCA.
- 6. Upon second and final adoption of this ordinance, this ordinance will be signed by the Board and published by the Clerk in the Register of Ordinances to be kept on file in the Clerk and Recorder's Office, as well as published on the official County website, in accordance with sections 7-5-103 and 7-5-107, MCA.

### END OF ORDINANCE

Approved as to Form:

MARCIA BORIS, County Attorney

First reading date 4-25-18    Approved     Disapproved ( )    Amended ( )

Second reading date 5-18-18    Approved     Disapproved ( )    Amended ( )

Adopted this 16th day of MAY, 2018.

### LINCOLN COUNTY BOARD OF COMMISSIONERS

  
MIKE COLE, Chair  
JERRY BENNETT, Member  
MARK PECK, Member

ATTEST:

ROBIN BENSON, Clerk of the Board

