

Ordinance No. 22-4

September 7, 2022

Rich County Ordinance for the Protection of Bear Lake's Beaches

Whereas, Rich County has a strong public interest in protecting the health of Bear Lake and its shoreline and beaches; and

Whereas, Rich County has another strong public interest in protecting the safety and welfare of the many people who come to enjoy the lake and its shoreline and beaches; and

Whereas, Utah state law provides has set regulations in place specifically to protect Bear Lake's beaches and shoreline; and

Whereas, The Board of County Commissioners finds that this ordinance is in the best interest of Rich County,

Therefore, the County Legislative Body of Rich County, Utah ordains as follows:

Section 1. Definitions.

In this ordinance, the following words are defined.

"Beach" means the area in between the mean high water mark (defined below) and the water's edge. Beach also includes all collections of sand, forming usable recreation areas adjacent to and above the high water mark.

"High water mark" means the point of even elevation along Bear Lake as determined by Utah Power & Light Co. to be the high water point of the lake, which is 5,923.65 feet above sea level. High water mark does not change and often differs from the lake's actual level.

"Motor vehicle" means every vehicle which is self-propelled. Motor vehicle includes an off-highway vehicle.

"Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle, as defined by Utah Code § 41-22-2.

"Operate" means to control the movement of or otherwise use an off-highway vehicle.

“Camp” or “camping” means the act of temporarily residing at a place using a camper, trailer, mobile home, tent, or other accommodation for sleeping. Camping does not include sunshades, umbrellas, or tarps used during normal beach daytime activities.

Section 2. Unlawful activities.

A person may not do any of the following on the beaches surrounding Bear Lake:

- (a) Park or operate a motor vehicle in an area on the exposed lake bed that is specifically posted as closed for usage;
- (b) Camp, except in an area that is posted and designated as open to camping;
- (c) Exceed a speed limit of ten (10) miles per hour while operating a motor vehicle;
- (d) Drive a motor vehicle in a reckless manner or which endangers the safety of other people, or allows another to do so;
- (e) Park or operates a motor vehicle within an area between the water's edge and 100 feet of the water's edge except as necessary to:
 - (i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a motorboat;
 - (ii) transport an individual with limited mobility; or
 - (iii) deposit or retrieve equipment to a beach site;
- (f) Travel in a motor vehicle parallel to the water's edge:
 - (i) in areas designated as closed;
 - (ii) a distance greater than 500 yards; or
 - (iii) for purposes other than travel to or from a beach site;
- (g) Park or operate a motor vehicle between the hours of 10 p.m. and 7 a.m.; or
- (h) Start a campfire or use fireworks; or
- (i) Litter or discard or leave behind any of the following: trash, garbage, paper, food waste, cigarette butts, human or animal waste, any substance which could mar the scenic beauty of the beach, or anything which could pollute the beach or lake.

Section 3. Removal of items or vehicles.

Any motor vehicle, motor home, camper, trailer, camping equipment, or any other item on the beach in violation of this ordinance may be impounded by law enforcement and towed to a place of safety. The owner of the impounded items shall be liable for the expenses of towing, storage and impoundment.

Section 4. Exceptions.

A person is exempt from this ordinance for any action for which the person has written authorization from the Utah Division of Forestry, Fire, and State Lands.

This ordinance also does not apply to law enforcement engaging in the fulfillment of their duties.

Section 5. Penalty.

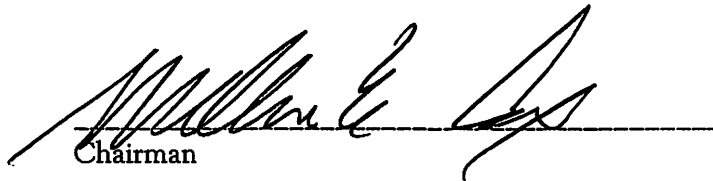
Violation of this ordinance is a class-C misdemeanor.

Section 6. Repeal of prior ordinance and effective date.


The County's prior beach protection ordinance (ordinance 91-5) is repealed and replaced. This ordinance shall become effective immediately upon posting.

APPROVED and ADOPTED this 7 day of September, 2022.

BOARD OF RICH COUNTY COMMISSIONERS


Chairman

ATTEST:


Rich County Clerk

22-4

Commissioner Bill Cox voted yes

Commissioner Sim Weston voted yes

Commissioner Jonathan Lee voted yes