



ORDINANCE NO. 21-003

AN ORDINANCE AMENDING TITLE 6, MOTOR VEHICLE AND TRAFFIC, CHAPTER 2A PARKING, SECTION 5 (I) PARKING REGULATIONS, OVERNIGHT CAMPING OF THE BRIAN HEAD TOWN CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Brian Head Town Council determined a need for to maintain the aesthetics of Brian Head Town as a mountain resort community and ensure the value of private and public lands; and,

WHEREAS, the Brian Head Town Council has seen an increase of recreational vehicles parked on public and private lands for periods of time with some private property owners violating the Brian Head Land Management Code by cutting down trees and clearing their property in an effort to park their recreational vehicle during summer seasons; and

WHEREAS, the Brian Head Town Council has determined that it is in the best interest of the public health, safety, and welfare of Brian Head Town that Title 6, Chapter 2A: Parking Section 5 (I) Standard Parking Regulations, Overnight camping be amended.

NOW THEREFORE, BE IT ORDAINED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH AS FOLLOWS:

SECTION 1. Title 6, Motor Vehicle and Traffic, Chapter 2A Parking, Section 5 Standard Parking Regulations, (I) Overnight Camping of the Brian Head Town Code be amended as follows:

6-2A-5: STANDARD PARKING REGULATIONS:

- I. Overnight Parking, Camping:
 1. It shall be unlawful to park a vehicle (such as a camper van, recreational vehicle, camping trailer, etc.) on a public street, or within a public parking facility, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation without written approval from the Town Manager. The Town Manager may give temporary written approval in conjunction with a special use permit or in times of emergency.
 2. Vehicles may be parked on private property for purposes of overnight camping sleeping or other habitation under the following conditions:
 - a) ~~Vehicle is not inhabited on the property for more than sixteen (16) days in a one-year span and that no grading or tree removal is required to facilitate the use.~~
 - b) The vehicle is on a property which has an active building permit associated with it and ~~construction activity is active and ongoing. is not inhabited on the property for more than ninety (90) days within a one-year span.~~
 - c) No more than one vehicle per property at any given time is allowed for purposes of overnight camping, sleeping or other habitation. A second inhabited vehicle may be allowed ~~by the Town Manager where no~~

Adopted March 9, 2021

~~additional ground disturbance is required. on a property associated with an active building permit for which construction is actively underway.~~

- d) Generators must comply with the Town's Noise Ordinance. Generator use will be prohibited after 10pm.
- e) Vehicles are not allowed to be parked in the ~~streets public right-of-way.~~
- f) Vehicles must be properly licensed and registered.
- g) Vehicles may only be parked for overnight camping, sleeping or other habitation between April 30 and November 1.

SECTION 3. Effective Date. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this ordinance shall be incorporated. All provisions of the Brian Head Town Code that are inconsistent with the express terms of this ordinance shall be repealed. All other provisions of the Brian Head Town Code shall remain in full force.

SECTION 4. Conflict. To the extent of any conflict between other Town, County, State, or Federal ordinances or regulations, and this ordinance, the more restrictive is deemed to be controlling.

SECTION 5. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this 9th day of March 2021, with the following vote.


Town Council Vote:

Mayor Clayton Calloway	Aye
Council Member Larry Freeberg	Aye
Council Member Shaun Kelly	Aye
Council Member Kelly Marshall	Aye
Council Member Lynn Mulder	Absent

BRIAN HEAD TOWN

By: 
Clayton Calloway, Mayor


ATTEST:


Nancy Leigh, Town Clerk



CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the 9th day of March 2021, and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.


Nancy Leigh, Town Clerk