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RESOLUTION NO. 2014 - 006

**A RESOLUTION RESCINDING CERTAIN RULES AND REGULATIONS FOR
MISSOULA COUNTY PARKS AND RECREATION AREAS AND
ADOPTING RULES AND REGULATIONS FOR THE SAFE AND
ORDERLY USE OF MISSOULA COUNTY PARKS AND RECREATION AREAS**

WHEREAS, pursuant to §7-5-2101 MCA and §7-8-2201 MCA, the Board of County Commissioners has jurisdiction and power to preserve, take care of, manage and control County property; and

WHEREAS, pursuant to §7-5-2102 MCA, the Board of County Commissioners has jurisdiction and power to make and enforce such rules for its government, the preservation of order and the transaction of business as may be necessary; and

WHEREAS, pursuant to §7-16-2322 MCA, the Board of County Commissioners, acting as County Park Board, has the power and duty to make rules necessary or convenient to protect and promote the improvement of land and facilities under the care and control of the board and for the protection of birds and animals inhabiting or frequenting land and facilities in parks and public places, and to make rules for the use of land and facilities by the public; and

WHEREAS, the Missoula Board of County Commissioners over time have adopted rules governing use of County property, including County Parks and Recreation Areas; and

WHEREAS, the Missoula Board of County Commissioners have previously adopted park rules to regulate behavior in specific County Parks and Recreation areas; including: Ordinance 95-070 for Riverside Park, Resolution 2008-050 regulating parking, public use and public behavior in the Rodeo Ranchettes Subdivision, and Resolution 81-184 amending Resolution 81-180 restricting motorized access to certain parks in Lolo; and

WHEREAS, specific park rules have been established for certain County Parks, through management agreements such as contracts, leases and property owners associations; and

WHEREAS, an overarching set of park rules and regulations does not exist in one resolution, or in a manner conveniently accessible to the public; and

WHEREAS, the Missoula Board of County Commissioners reviewed and evaluated existing park rules, identified outdated rules and gaps in park rules and regulations; and

WHEREAS, the Missoula Board of County Commissioners seeks to rescind rules and regulations no longer relevant to the protection and use of County Parks and Recreation Areas; and

WHEREAS, the Missoula Board of County Commissioners seeks to affirm relevant rules and regulations adopted for specific County Parks and Recreation Areas, and those rules and regulations established by lease holders, property owners associations and managing agencies; and

WHEREAS, to protect the public's health, safety, and welfare as they relate to the enjoyment of the County Park system, the Missoula Board of County Commissioners seeks to adopt new overarching park rules and regulations for County Parks and Recreation Areas, some which will supersede existing resolutions only for Parks and Recreation Areas.

NOW, THEREFORE, BE IT RESOLVED that the Missoula Board of County Commissioners hereby rescinds the resolutions included in **Attachment A** related to rules no longer relevant to County Parks and Recreation Areas; and

BE IT FURTHER RESOLVED that the Missoula Board of County Commissioners hereby affirms the application of rules and regulations as shown in **Attachment B**; including application of City of Missoula Park Rules at the Fort Missoula Regional Park, Ordinance 95-070 for Riverside Park, Resolution 2008-050 regulating parking, public use and public behavior in the Rodeo Ranchettes Subdivision, and Resolution 81-184 amending Resolution 81-180 restricting motorized access to certain parks in Lolo; and

BE IT FURTHER RESOLVED that the Missoula Board of County Commissioners hereby affirms park rules established for specific parks through lease agreements, property owners associations and management contracts; and

BE IT FURTHER RESOLVED that the Missoula Board of County Commissioners hereby adopts the rules and regulations, as outlined in **Attachment C**, to protect and promote the improvement of land and facilities under the care and control of Missoula County, and for the protection of birds and animals inhabiting or frequenting land and facilities in parks and public places. These comprehensive park rules and regulations adopted with this Resolution apply to all County parks, but are not meant to supersede rules developed for specific parks. In case of inconsistencies, the park rules adopted for specific parks will prevail.

PASSED AND ADOPTED this 11th day of February, 2014

**BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY, MONTANA**

NOT AVAILABLE FOR SIGNATURE

Jean Curtiss, Chair

Bill Carey, Commissioner

Michele Landquist, Commissioner

ATTEST

Vickie Zeier
Clerk & Recorder



**Attachment A – Resolution No. 2014-006
RESOLUTIONS TO RESCIND**

**A RESOLUTION RESCINDING CERTAIN RULES AND REGULATIONS FOR
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Resolution Number	Date	Description	Reason for Rescinding
NA	12/28/1971	Prohibit motor vehicles in Rehder Homesites park and install signs.	Park no longer under County jurisdiction.
15	3/15/1972	Prohibition of motorized vehicles in Highland Park.	Park no longer under County jurisdiction
140	4/30/1974	Prohibition of over-night camping in any public park within the jurisdiction of Missoula County unless otherwise authorized.	Resolution 2012- 002 adopted, Prohibiting Camping and Structures on County Property Without a Permit.
235	11/4/1974	Prohibiting the discharge of firearms in all Missoula County Parks.	Park rules, found in Attachment B, and adopted with this resolution, prohibit from County Parks and Recreation Areas discharge of any weapon or devise that shoots a projectile.
79-011	1/24/1979	Vehicle access and traffic closed on the unnamed and undedicated roadway bisection Highland Park.	Park no longer under County jurisdiction.
78-85	6/15/1978	Adopts Regulations for the use of the Fort Missoula Recreation Complex.	Under Maintenance and Management Agreement with the City of Missoula for the Fort Missoula Regional Park, City Park rules and policies are followed for the Fort Missoula Regional Park.

**Attachment B – Resolution No. 2014-006
PARK SPECIFIC RESOLUTIONS TO AFFIRM**

**A RESOLUTION RESCINDING CERTAIN RULES AND REGULATIONS FOR
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Ordinance or Resolution Number	Date	Description
81-184; amending 81-180	10/2/1981	Resolution amending Resolution No. 81-180 concerning the closure of certain parks to motorized vehicles.
1995-070	7/26/1995	Regulating and Restricting Use of Riverside Park and Adjacent County Road Right-of-Way in Lolo, Montana
2008-050	3/25/2008	Regulating Parking, Public Use and Public Behavior in the Rodeo Ranchettes Subdivision
Maintenance & Management Agreement	October 2014	Application of City of Missoula Parks and Recreation Rules at the County-owned portion of the Fort Missoula Regional Park as per Maintenance and Management Agreement between Missoula County and City Parks and Recreation.

Attachment C – Resolution No. 2014-006
RULES AND REGULATIONS FOR MISSOULA COUNTY PARKS AND RECREATION AREAS

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- Camping is prohibited on County Parks and County Recreation Areas without a permit (MC Resolution 2012-002)
- Hunting and trapping are prohibited on any County Park and County Recreation Area (Supersedes MC Resolution 99-080, only for County Parks and Recreation Areas).
- Fireworks are prohibited in any County Park and County Recreation Area (Supersedes MC Resolution 87-090, only for County Parks and Recreation Areas).
- Motorized vehicles are allowed only in designated roads and parking areas, unless otherwise permitted (Supersedes MC Resolution dated May 23, 1973, superseded by 85-069, as relating to County Parks and Recreation Areas).
- No encroachments shall be allowed on County owned property or right-of-way or on any other property in which Missoula County has a legal interest except by Special Encroachment Permit approved by the Board of County Commissioners (MC Resolution 76-026)
- Discharge of any weapon or device that shoots a projectile, paintball, bullet, bolt, etc., is prohibited in any Missoula County Park and County Recreation Area, except in designated areas.
- Open fires are prohibited in any County Park and County Recreation Area unless expressly signed otherwise.
- Commercial signs and commercial activities are prohibited without prior approval from the County or its agent.
- Littering and dumping are prohibited in any County Park and County Recreation Area.
- Cutting and digging of existing land forms, trees and shrubs is prohibited in any County Park and County Recreation Area.