

TITLE 8. CITY PROPERTY.

CHAPTER 8-900. HOLMGREN NATURE PRESERVE & TRAIL-CONSERVATION EASEMENT AND PUBLIC ACCESS EASEMENT.

8-901. Definitions.

(1) Baseline Report: “Baseline Report” shall mean the report that has been prepared and contained in Exhibit C of the Conservation Easement and Public Access Easement Agreement for the Tremonton City Malad River Parkway, Phase 1, which provides a collection of baseline data on the Property and its natural resources which contains an accurate representation of the condition of the Property as of the August 2014, being the time which the City purchased the conservation easement and public access easement. The Baseline Report is intended to serve as an objective information baseline for monitoring compliance with the terms of Conservation Easement and Public Access Easement Agreement for the Tremonton City Malad River Parkway, Phase 1 which was recorded on August 20, 2014 in the Box Elder County Recorder’s Office with an Entry No. 338915 B: 1236 P: 0189, and is signed by the Owner and City.

(2) Conservation Easement and Public Access Easement: “Conservation Easement and Public Access Easement Agreement” shall mean the complete document including exhibits entitled the Conservation Easement and Public Access Easement Agreement for the Tremonton City Malad River Parkway, Phase 1 which was recorded on August 20, 2014 in the Box Elder County Recorder’s Office with an Entry No. 338915 B: 1236 P: 0189 consisting of ninety-eight (98) pages, that restricts the uses of the Property and grants certain rights to the City in order to preserve, protect, identify, monitor, enhance, and restore, in perpetuity, the Conservation Purposes/Values, and provides public access to the Property. The Property for which the City has a conservation easement and public access easement is specifically and legally described in Exhibit “A”, attached and incorporated hereto.

(3) Conservation Purpose/Values: “Conservation Purposes/Values” shall mean the preservation and protection in perpetuity and, to and in the event of their degradation or destruction, to enhance and restore the significant relatively natural features and the Conservation Values on the Property. In particular, the purpose of the Conservation Easement is to primarily permanently protect on the Property the following: the existing agricultural uses;

recreational values; open and undeveloped nature of the Property; maintaining wildlife habitat; reducing urban density in the vicinity of downtown Tremonton City; and to provide public access to the Property.

(4) Property: “Property” or “Holmgren Nature Preserve & Trail” shall mean the geographic area of real property for which the City has obtained a Conservation Easement and Public Access Easement, including the sub-surface areas thereto. The Property or Holmgren Nature Preserve & Trail is specifically and legally described in Exhibit “B”, attached and incorporated hereto.

(5) Property Owner: “Property Owner” shall mean the individual or entity that is fee simple owner of Property which is specifically and legally described in Exhibit “B”, attached and incorporated hereto.

8-902. City Rights and Responsibilities. In order to accomplish the Conservation Purposes/Values, rights and responsibilities have been granted and conveyed to the City by virtue of the Conservation Easement and Public Access Easement Agreement. Among these rights and responsibilities include the City rights and responsibilities to preserve, protect, identify, monitor, and, in the event of their degradation or destruction, enhance, and restore in perpetuity the Conservation Purposes/Values on the Property for which it has an interest in the Conservation Easement and Public Access Easement. The City shall use the Baseline Report as the baseline data as an accurate representation of the condition of the Property whereby to monitor, and, in the event of their degradation or destruction, enhance, and restore in perpetuity the Conservation Purposes/Values.

8-903. Regulations and Restrictions.

(1) Public Access Easement Temporarily Closed. As set forth, in the Conservation Easement and Public Access Easement, for the protection and management of the Property’s Conservation Purposes/Values the City may decide and or restrict the means by which the Public may access and travel on the Property; the dates and times of access; and areas of access to the Public. Now therefore, since public access improvements such as a trail surface, fencing, and parking areas to the Property are planned, but have not yet been constructed, it is necessary for the City to prohibit public access to, and use of, the Property until such time as the improvements are completed. As such it is unlawful for any person to access the property who has not an invitee of the Property Owner or City.

(2) Littering, Waste Disposal, and Material Dumping Prohibited. As set forth, in the Conservation Easement and Public Access Easement, for the protection and management of the Property’s Conservation Purposes/Values littering, waste

disposal, and material dumping are strictly prohibited on the Property. Material Dumping shall include, but is not limited to, the dumping of earth material, yard waste including grass clippings, and building material onto the Property. Now therefore, it is unlawful for a person to litter, waste disposal and/or material dump on the Property.

(3) Motorized Vehicles Prohibited. As set forth, in the Conservation Easement and Public Access Easement, for the protection and management of the Property's Conservation Purposes/Values the use of any motorized vehicles is prohibited by the public on the Property. The City and Property Owner may use vehicles and machinery to construct and maintain their interest in the Property and for medical emergency and law enforcement activities. Now therefore, it is unlawful for any person other the City and Property Owner to use motorized vehicles on the Property.

(4) Fires, Firecrackers, or Fireworks. It shall be unlawful for any person to ignite a fire, firecrackers, fireworks, or the like at the Holmgren Nature Preserve & Trail Property.

(5) Overnight Camping. It shall be unlawful for any person to overnight camp at the Holmgren Nature Preserve & Trail.

(6) Holmgren Nature Preserve & Trail Hours. The Holmgren Nature Preserve & Trail shall be closed for use daily from dusk to dawn; provided, however, parks may be closed during the winter season for lack of maintenance, or temporarily in case of emergency or events, adverse weather conditions, or unusual circumstances as determined and ordered by the Parks and Recreation Director through posting a notice. It shall be unlawful for any person to be at the Property when it is closed.

(7) Alcohol and Smoke-Free Zones. The Holmgren Nature Preserve & Trail is a tobacco and smoke-free zone. It shall be unlawful for any person to possess alcohol, tobacco products, e-cigarettes, or drugs on the Property.

(8) Domestic Animals. Any person having a domestic animal at the Holmgren Nature Preserve & Trail shall have a leash on the animal and be in control of the animal at all times and shall immediately remove any excreta deposited by their animal.

(9) Vandalism. It shall be unlawful for any person to commit an act of vandalism at the Holmgren Nature Preserve & Trail by willfully injuring, damaging, mutilating, defacing, destroying, or substantially impairing any Conservation Purposes/Values or improvement on the Property. Vandalism includes but is not limited to any person intentionally removing, altering, injuring, or destroying any tree, other plant, rock, soil or mineral within the Holmgren Nature Preserve & Trail.

(10) Hunting and Harassment of Wildlife. It shall be unlawful for any person to kill, trap, hunt or

harass, any species of wildlife at the Holmgren Nature Preserve & Trail.

(11) Discharge of Weapons. It shall be unlawful for any person to possess or discharge any weapon at the Holmgren Nature Preserve & Trail. Weapons include, but not limited to, firearms, bows, slings, and spring guns, from which a shot or projectile of any type can be discharged or propelled by means of an explosive gas, compressed air, or other means.

(12) Release or Abandonment. It shall be unlawful for any person to release or abandon within the Holmgren Nature Preserve & Trail any animal or introduce any plant, chemical or other agent.

(13) Ice Blocking and Water Slides. Ice blocking, water slides, etc. shall be prohibited at the Holmgren Nature Preserve and Trail. It shall be unlawful for any person to engage in these activities on the Property.

(14) Stay on the Trail. It shall be unlawful for any person to walk, run, or travel off from the marked trail.

(15) Use at Own Risk. The Holmgren Nature Preserve & Trail is unsupervised by Tremonton City and use of the trail is at the risk of the individuals using the Holmgren Nature Preserve & Trail.

(16) Reporting Hazardous Conditions. Users shall report damage or hazardous conditions to Tremonton City. Report problems, concerns, and vandalism to City Offices. For police and medical emergency, call 911. For nonemergency dispatch, call County Dispatch.

(17) Temporary Regulations. The Parks and Recreation Director is hereby authorized to temporarily make and enforce additional rules and regulations as may be necessary for the management and operation of the Holmgren Nature Preserve & Trail, upon posting of the temporary rule or regulation. Violation of these temporary rules and regulations shall be grounds for eviction from the Holmgren Nature Preserve & Trail and the denial, revocation or suspension of any permit issued or privilege granted by the Parks and Recreation Department but shall not carry the force and effect of law. The Parks and Recreation Director shall forward any rule or regulation to the City Council for consideration of inclusion in the ordinance to allow for the rule or regulation to have the force and effect of law.

8-904. Posting of Regulations. The City and Property Owner may place signs on the Property to inform public of regulations and warn the public of the enforcement and penalties for the violation of regulations. It shall be unlawful for any person to remove a said sign placed by the City or Property Owner intended to inform and warn the public of enforcement and penalties for the violation of regulations.

8-905. Enforcement and Penalties.

(1) The City shall prevent or forbid any activity on or use on the Property that constitutes a violation of this Ordinance and may enforce the restoration of such areas or features on the Property that might be damaged by any violation. Any person or entity found guilty of engaging in unlawful activities on the Property or otherwise found in violation of this Ordinance shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

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