

**GRAND COUNTY, UTAH
ORDINANCE 603 (2019)**

**AN ORDINANCE DESIGNATING ONE-WAY TRAVEL FOR FINS AND THINGS
4X4 TRAIL, DAYTIME ONLY USE RESTRICTIONS FOR THE SOUTHERN 2.5
MILES OF FINS AND THINGS 4X4 TRAIL, AND AMENDING 12.12.040 OF THE
GRAND COUNTY CODIFIED ORDINANCES TO INCLUDE ROADS WITHIN
PROPERTY OF THE BUREAU OF LAND MANAGEMENT**

WHEREAS, Fins and Things Jeep Trail, aka Fins and Things 4x4 Trail (“Fins and Things”), is an approximately 10-mile long motorized recreational trail and County D Road designated in the 2008 BLM Moab Travel Plan and the 2008 Grand County Travel Plan;

WHEREAS, Fins and Things is located in the Sand Flats Recreation Area (“SFRA”), which is a special recreation management area developed in 1995 through collaborative efforts of Americorps, the Bureau of Land Management (“BLM”), and Grand County to ensure that the outstanding natural features of the area are protected from the adverse impacts of recreational use; provide sustainable public recreation opportunities consistent with the character and capability of the area; provide for public safety and reduction of visitor conflicts; assure the continuation of positive economic benefits to the County associated with public use of the area; and maintain reasonable public access to the area for recreational and other sustainable uses;

WHEREAS, Fins and Things is narrow and sandy with high embankments on both sides of the road that make sight lines problematic in numerous sections;

WHEREAS, the southern 2.5 miles of Fins and Things traverses through or nearby three popular campgrounds (E, F, and H) located in the SFRA and managed by Grand County;

WHEREAS, after an environmental assessment, pursuant to 43 C.F.R. § 8341.1, and by record of decision dated August 26, 2015, the Bureau of Land Management designated the entire Fins and Things as one-way and restrict the southern 2.5 miles of Fins and Things to daytime travel only on August 26, 2015;

WHEREAS, the remaining 7.5 miles of Fins and Things remain open to nighttime motorized use;

WHEREAS, the BLM issued its 2015 decision of record after reaching consensus in June 2015 for the restrictions among local stakeholders, including Grand County; Red Rock 4 Wheelers; and the SFRA Stewardship Committee comprised of local citizens representing the motorized and non-motorized community;

WHEREAS, the BLM’s one-way travel on Fins and Things and daytime use limitations on the southern 2.5 miles of Fins and Things have not been controversial and have not garnered objections from motorized users or the community;

WHEREAS, Utah Code § 41-6a-208 permits Grand County, as the local highway authority, to regulate use of its county roads, including designating one-way travel and adopting ordinances to cover special conditions such as daytime hours limitations;

WHEREAS, Utah Code § 41-6a-709 specifically allows Grand County to designate Fins and Things for one direction of vehicle travel at all times and criminalizes violation of such one-way travel;

WHEREAS, Utah Code § 72-3-105 delegates sole jurisdiction and control of Class D roads to the County;

WHEREAS, Grand County Code at Chapter 12 regulates Roadways and Public Places;

WHEREAS, Grand County Codified Ordinance at Section 12.12.040 prohibits the designation of a county road within property of the U.S. Forest Service, the National Park Service, the Utah State Lands System as an off-highway vehicle route, unless so designated by that agency, which Section inadvertently omits property of the Bureau of Land Management;

WHEREAS, nighttime motorized use near and through developed Campgrounds E, F, and H, managed by the County, has caused conflict between trail users and campers and violates SFRA's posted quiet hours;

WHEREAS, given the narrow width and popularity of Fins and Things, designating it for one direction of vehicle travel at all times improves public safety, reduces resource damage, and enhances the visitor experience; and

WHEREAS, given the impact to developed campgrounds managed by the County, limiting the southern 2.5 miles of Fins and Things to daytime travel only reduces conflict between user groups, enhances enforcement of SFRA's posted quiet hours, improves public safety, reduces resource damage, and enhances the visitor experience; and

WHEREAS, the Grand County Council held a public hearing on this Ordinance to solicit input from local residents and public lands users on December 3, 2019;

NOW, THEREFORE, BE IT ORDAINED by the County Council that it does hereby amend the Grand County Codified Ordinances to amend Section 12.12.040 to include property of the Bureau of Land Management and include new Section 12.12.060, which law designates the entire Fins and Things, for one direction of vehicle travel and limits the hours of use on the southern 2.5 miles of Fins and Things, that portion south of Sand Flats Road, to daytime hours only, and new Section 12.12.070, Violation as follows:

See Exhibit A.

PASSED, ADOPTED, AND APPROVED by the Grand County Council in a public meeting on December 17, 2019 by the following vote:


Those voting aye: Clapper, Paxman, Woytek, McGann, Halliday

Those voting nay: _____

Those absent: Wells, Hawks

Grand County Council

ATTEST:



Evan Clapper, Chair



Chris Baird, Clerk/Auditor

EXHIBIT A

Chapter 12.12

OFF-HIGHWAY VEHICLE ROUTES

Sections:

- 12.12.010 Short title.
- 12.12.020 Intent and purpose.
- 12.12.030 Definitions.
- 12.12.040 Established.
- 12.12.050 Compliance with state regulations.
- 12.12.060 Fines and Penalties
- 12.12.070 Violation

12.12.010 Short title.

This Chapter shall be known as, and shall be entitled, "Off Highway Vehicle Routes Designation for Grand County, Utah," and may be so cited and pleaded. (Ord. 190 § 3-1-1, 1987)

12.12.020 Intent and purpose.

It is the intent and purpose of the Grand County Council to avail itself of the powers granted under Title 41, Chapter 22, Section 10.5, Utah Code Annotated, as amended, in a manner that will promote the safety and protection of persons, property and the environment connected with the use and operation of off-highway vehicles in Grand County. (Ord. 190 § 3-1-2, 1987)

12.12.030 Definitions.

All definitions shall be the same as the definitions contained in Title 41, Chapter 22, Section 2, Utah Code Annotated, as amended. (Ord. 190 § 3-3-2, 1987)

12.12.040 Established.

A. All dirt surface roads in the Grand County system which lie outside of Moab Valley shall be designated as off-highway vehicle routes.

B. Where the county road is within property of the U.S. Forest Service, the National Park Service, the Utah State Lands System, or Bureau of Land Management that road is not to be designated as an off-highway vehicle route, unless so designated by that agency.

C. No asphalt or black-top surfaced road within the county system shall be designated an off-highway vehicle route. (Ord. 190 § 3-4-1, 1987)

12.12.050 Compliance with state regulations.

Anyone using a county road for off-highway operation is subject to all provisions of Chapter 6, Title 41, Utah Code Annotated, as amended, and Chapter 22, Title 41, Utah Code Annotated, as amended. (Ord. 190 § 3-4-2, 1987)

12.12.060 Fins and Things

A. Fins and Things is restricted to one direction travel as shown on the map attached as Appendix A and as marked on the ground.

B. Fins and Things is restricted to daytime hours only on the southern 2.5 miles of Fins and Things, that portion south of Sand Flats Road. As used in this Section 12.12.060(B), “daytime hours” shall mean one half hour after sunrise to one half hour prior to sunset.

12.12.070. Violation.

Violation of this Chapter 12 is an infraction.