

Midway City Council  
19 September 2023  
Regular Meeting

Ordinance 2023-12 /  
Parks & Trails Parking



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** September 19, 2023

**NAME OF APPLICANT:** Midway City

**AGENDA ITEM:** Code Text Amendment of Chapter 5.03.060:  
Miscellaneous Activities, Parks and Trails

### **ITEM: 10**

Midway City is proposing a Code Text Amendment to Chapter 5.03.060: Miscellaneous Activities, Parks and Trails, which would supplement restrictions on parking and overnight parking for all City Parks and Trails.

### **BACKGROUND:**

The Parks and Trails and Trees Committee, City of Midway, is recommending the City Council adopt a code text amendment to the Midway Municipal Code. The proposed amendment would supplement existing provisions, codified at Section 5.03.060 of the City Code, which outline prohibited activities in all City parks and trails.

Impetus for the change is both specific and general. Residents of Midway, and particularly homeowners in proximity to Burgi Hill Park, have reported recurring problems at Burgi Hill Park involving the parking of large trailers and RVs in the Burgi Hill Park parking lot, taking up multiple parking spaces, and remaining for extended periods of time. Efforts by residents and the Wasatch County Sheriff's Department have failed to resolve the issue to date. More generally, the Committee recognizes that parking spaces are not unlimited and that controlling uses which interfere with general parking may benefit all users.

The Midway City Code currently provides as follows:

*5.03.060 Miscellaneous Activities*

- A. *No person shall, within any park or upon any trail, do any of the following:*
1. *Play any music in a manner that violates the Midway City Code.*
  2. *Keep or offer for sale, or post or display any sign or placard, flag, target, transparency, advertisement or device of business, unless by the permission of the City, and subject to such rules and regulations as the City shall prescribe.*
  3. *Publicly solicit or beg.*
  4. *Utter loud, threatening or abusive or indecent language or any language tending to cause a breach of the peace.*
  5. *Engage in any indecent, obscene or disorderly conduct.*
  6. *Make any oration or harangue on such trail, park or parkway without the written permission of the City.*
  7. *Metal detecting except as permitted under the direction of the City.*
  8. *Camp in any park, unless upon issuance of a permit by the City.*

“Camp” at number 8 is not further defined and it is unclear whether there is a time component to the restriction (e.g., overnight?) The Parks and Trails and Trees Committee is recommending clarifying language, to be added as 9, 10, and 11 to the existing Code, to further delineate acceptable activities within City Parks and Trails.

At a regularly scheduled and noticed meeting of the City of Midway Parks and Trails and Trees Committee held on August 22, 2023, a motion was made by David Paskoski, and seconded by Amanda Peterson, recommending that the City Council amend Section 5.03.060 of the Code, Miscellaneous activities in parks, to add the following language as applicable to all Midway City Parks and Trails:

1. No overnight parking
2. No parking of trailers, boats, or vehicles over 25 feet
3. No parking of motor vehicles and/or trailers in any manner which blocks, inhibits, or otherwise interferes with use of the City’s parks and parking facilities by other lawful users unless otherwise permitted by the City.

The proposed amendment to Midway Code Section 5.03.060(A) is as follows (proposed Code Text Amendment is noted in red):

*5.03.060 Miscellaneous Activities*

- A. *No person shall, within any park or upon any trail, do any of the following:*
1. *Play any music in a manner that violates the Midway City Code.*
  2. *Keep or offer for sale, or post or display any sign or placard, flag, target,*

*transparency, advertisement or device of business, unless by the permission of the City, and subject to such rules and regulations as the City shall prescribe.*

3. *Publicly solicit or beg.*
4. *Utter loud, threatening or abusive or indecent language or any language tending to cause a breach of the peace.*
5. *Engage in any indecent, obscene or disorderly conduct.*
6. *Make any oration or harangue on such trail, park or parkway without the written permission of the City.*
7. *Metal detecting except as permitted under the direction of the City.*
8. *Camp in any park, unless upon issuance of a permit by the City.*
9. *Park overnight.*
10. *Park any trailers, boats, or vehicles over 25 feet.*
11. *Park any motor vehicles and/or trailers in any manner which blocks, inhibits, or otherwise interferes with use of the City's parks, trails and facilities by other lawful users unless otherwise permitted by the City.*

The General Plan supports health and safety, protection of trees and plants, promotion of parks and trails and use thereof, and restrictions upon undesired and unpermitted uses of limited and common facilities.

#### **POSSIBLE FINDINGS:**

- The proposed amendment will prohibit overnight parking in City Parks and Trails.
- The proposed change will prohibit parking of trailers and/or boats and/or vehicles over 25 feet in length.
- The proposed amendment will prohibit parking of motor vehicles and/or trailers in any manner which blocks, inhibits, or otherwise interferes with use of the City's Parks and Trails by other lawful users unless otherwise permitted by the City.
- Parking facilities at City Parks and Trails are not unlimited. The proposed change will ensure accessibility, including access to parking resources, to the public for authorized uses of the City's Parks and Trails.
- The proposed amendment will apply to all City of Midway Parks and Trails.

**ALTERNATIVE ACTIONS:**

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
  - a. Accept the staff report
  - b. List accepted findings
  
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
  - a. Accept the staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again.
  
3. Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
  - a. Accept the staff report
  - b. List accepted findings
  - c. Reasons for denial



**Midway**

## ORDINANCE

2023-\_\_\_\_

**AN ORDINANCE TO AMEND SECTION 5.03.060 OF THE  
MIDWAY CITY MUNICIPAL CODE TO SUPPLEMENT  
RESTRICTIONS ON PARKING IN AND AROUND CITY  
PARKS AND TRAILS.**

**WHEREAS**, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

**WHEREAS**, Midway residents have reported recurring problems with large trailers parking and remaining parked in City parking lots located in or around City parks and trails; and

**WHEREAS**, the Midway City Council desires to supplement Midway City Code Section 5.03.060 to further clarify activities that are prohibited in all City parks and trails; and

**NOW THEREFORE**, be it ordained by the City Council of Midway City, Utah, as follows:

Midway City Code Section 5.03.060 shall be amended to read as follows:

*5.03.060 Miscellaneous Activities*

- A. No person shall, within any park or upon any trail, do any of the following:*
- 1. Play any music in a manner that violates the Midway City Code.*
  - 2. Keep or offer for sale, or post or display any sign or placard, flag, target, transparency, advertisement or device of business, unless by the permission of the City, and subject to such rules and regulations as the City shall prescribe.*
  - 3. Publicly solicit or beg.*
  - 4. Utter loud, threatening or abusive or indecent language or any language tending to cause a breach of the peace.*
  - 5. Engage in any indecent, obscene or disorderly conduct.*
  - 6. Make any oration or harangue on such trail, park or parkway without the written*

*permission of the City.*

*7. Metal detecting except as permitted under the direction of the City.*

*8. Camp in any park, unless upon issuance of a permit by the City.*

*9. Park overnight.*

*10. Park any trailers, boats, or vehicles over 25 feet long.*

*11. Park any motor vehicles and/or trailers in any manner which blocks, inhibits, or otherwise interferes with use of the City's parks, trails and facilities by other lawful users unless otherwise permitted by the City.*

This ordinance shall take effect upon publication as required by law.

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**PASSED AND ADOPTED** by the City Council of Midway City, Wasatch County, Utah  
this \_\_\_\_ day of \_\_\_\_\_, 2023.

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

\_\_\_\_\_  
Celeste Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Brad Wilson, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Corbin Gordon, City Attorney

(SEAL)