

**ORDINANCE 2011-005**  
**AMENDED NOVEMBER 2022**

**AN ORDINANCE PROHIBITING TOBACCO, ALCOHOL, AND DRUG USE AT ALL PUBLIC FACILITIES  
OWNED AND MANAGED BY CENTRAL VALLEY TOWN**

**WHEREAS**, Central Valley Town is a municipality classified as a town under Utah Code Section 10-2-301(2)(f);

**WHEREAS**, the council of Central Valley Town has authority to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Title 10, Chapter 8 of the Utah Code, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the town and its inhabitants, and for the protection of property in the town under Section 10-8-84; all legislative powers are exercised through ordinance as provided by Section 10-3-701; and this council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by Title 10, Chapter 3 of the Utah Code or any other provision of law under Section 10-7-702.

**WHEREAS**, the council of Central Valley Town has the authority to enact ordinances that it considers necessary or appropriate for the use of land within the municipality, including public facilities, to among other things (1) provide for the health, safety, and welfare and (2) improve the morals, peace, good order, comfort, convenience, aesthetics of the municipality under Section 10-9a-102;

**WHEREAS**, the council of Central Valley Town is authorized to designate and set apart for use as playgrounds, athletic fields, or other recreational facilities, and lands, buildings, or personal property owned by it and is authorized to supervise the same under Section 11-2-1 and to establish, maintain, and provide for the supervision of public playgrounds and recreation places under Section 10-8-9;

**WHEREAS**, the council of Central Valley Town has designated and set apart Sevier County parcel nos. 2-C6-64, 2-C6-63, 2-C6-134, 2-C6-135, 2-C6-136, and a portion of 2-C6-109 as playgrounds, athletic fields, and recreational facilities for the use of the public and the same includes public restrooms, a splash pad, and parking facilities;

**WHEREAS**, Central Valley Town operates and maintains a pavilion adjacent to parcel 2-C6-109 under a grant of authority by its owner;

**WHEREAS**, the council of Central Valley Town is authorized to purchase, hold, and pay for lands within or without its corporate limits for the burial of the dead and has police jurisdiction over those lands, and over any cemetery by its inhabitants under Section 10-8-62;



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**WHEREAS**, the council of Central Valley Town has designated and set apart Sevier County parcel no. 4-308-33 located at 81 North Central Valley Cemetery Road, Central Valley Town as a town cemetery.

**WHEREAS**, the council of Central Valley Town has the authority to declare what shall be a nuisance, and abate the same, and impose fines upon persons who may create, continue or suffer nuisances to exist under Section 10-8-60;

**WHEREAS**, the council of Central Valley Town has the authority to designate and regulate the abatement of garbage and refuse; and public nuisances under Section 10-11-1(2)(a);

**WHEREAS**, the council of Central Valley Town has the authority to prohibit, except as provided by law, any person from knowingly having in his possession any intoxicating liquor and persons from carrying, transporting, distributing, giving away, exchanging, dispensing, or serving of intoxicating liquors under Section 10-8-42;

**WHEREAS**, the council of Central Valley Town has the authority to (1) prevent intoxication, fighting, quarreling, and all disorderly conduct under Section 10-8-47(1)(a); (2) restrain disturbances in any place in the Town under Section 10-8-47(1)(b); (3) prohibit the sale, giving away, or furnishing of narcotics or alcoholic beverages to an individual younger than 21 years old under Section 10-8-47(1)(e); (4) prohibit the sale, giving away, or furnishing of a tobacco product, an electronic cigarette product, or a nicotine product as those terms are defined in Section 76-10-101 to an individual younger than 21 years old under Section 10-8-47(1)(f); and (5) prohibit the possession of controlled substances as defined in the Utah Controlled Substances Act or any other endangering or impairing substance, provided the conduct is not a class A misdemeanor or felony under Section 10-8-47(2)(a);

**WHEREAS**, the council of Central Valley Town has authority to restrict smoking in outdoor places of public access it owns or operates under Section 26-38-6;

**WHEREAS**, the council of Central Valley Town has determined that the use and possession of tobacco products (as defined by Section 76-10-101(19)), electronic cigarette products (as defined by Section 76-10-101(5)), nicotine products (as defined by Section 76-10-101(9)), controlled substances (as defined by Section 58-37-2(1)(f)), controlled substance analogs (as defined by Section 58-37-2(1)(g)), drug paraphernalia (as defined by Section 58-37a-3), and alcoholic beverages (as defined by Section 32B-1-102(3)) (collectively the "Prohibited Substances") at playgrounds, the splash pad, public restrooms, parking lots, linear trails, athletic fields, other recreational facilities, cemeteries, and other public facilities owned or managed by Central Valley Town (collectively the "Public Facilities") is a public nuisance and damages the health, safety and welfare of the citizens of Central Valley Town and that it is necessary to regulate the use of such to the fullest extent allowed by law as provided above and as otherwise provided and implied by the grant of legislative authority to municipalities by the Utah Code to (1) promote the prosperity,

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improve the morals, peace and good order, comfort, and convenience of the town and its inhabitants, and for the protection of property; (2) provide for the health, safety and welfare and improve the morals, peace, good order, comfort, convenience, aesthetics of the municipality; (3) maintain and provide for the supervision of such areas; and to give effect to that authority granted under Sections 10-8-47 as noted above.

**WHEREAS**, the council of Central Valley Town has determined the use of Prohibited Substances on Public Facilities results in garbage and refuse that is inherently dangerous to the citizens of Central Valley Town and others who are using the Public Facilities;

**WHEREAS**, the council of Central Valley Town has determined that glass bottles are prone to be broken and when so broken, are inherently dangerous and costly to completely remove and that they can be used to damage property and that prohibiting the use of such on Public Facilities will promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the town and its inhabitants, and will protect the Public Facilities;

**WHEREAS**, the council of Central Valley Town has determined the possession and use of Prohibited Substances and glass bottles on or at Public Facilities is a public nuisance;

**NOW THEREFORE**, be it ordained by the Town Council of Central Valley, Utah as follows:

**Section 1. DEFINITIONS**

**ALCOHOL**: alcohol means an alcoholic beverage as defined in Section 32B-1-102(3).

**CONTROLLED SUBSTANCE**: controlled substance means a controlled substance as defined by Section 58-37-2(1)(f).

**CONTROLLED SUBSTANCE ANALOG**: controlled substance analog means a controlled substance as defined by Section 58-37-2(1)(g).

**DRUG PARAPHERNALIA**: drug paraphernalia means drug paraphernalia as defined by Section 58-37a-3.

**TOBACCO PRODUCT**: tobacco product means a tobacco product as defined by Section 76-10-101(19)).

**ELECTRONIC CIGARETTE PRODUCT**: electronic cigarette product means an electronic cigarette product as defined by Section 76-10-101(5).

**NICOTINE PRODUCT**: nicotine product means a nicotine product as defined by Section 76-10-101(9).



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**PUBLIC FACILITY:** public facility means all playgrounds, athletic fields, recreational facilities (including but not limited to the ballfield, all grass areas, parks (including any streets and sidewalks therein), restrooms, the splash pad, parking lots, linear trails, bleachers, spectator areas, picnic pavilion), and cemeteries which are managed or owned by Central Valley Town.

**Section 2. RESTRICTION ON USE**

- A. No person shall use or consume alcohol, a controlled substance, a controlled substance analog, a tobacco product, an electronic cigarette product, or a nicotine product at a Public Facility.
- B. No person shall possess drug paraphernalia or a glass bottle at a Public Facility.

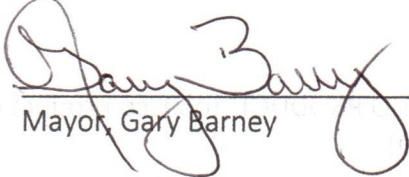
**Section 3. NOTICE, ENFORCEMENT, AND PENALTY**

- A. Appropriate signs shall be posted at the town parks, cemeteries, and recreational areas notifying all persons of the restrictions contained in this ordinance.
- B. Persons in violation of this ordinance who refuse to remove any prohibited item from a Public Facility are subject to immediate ejection from the Public Facility and shall be prohibited from returning for the longer of twenty-four hours or until any town-sponsored event is finished.
- C. Any person or organization that is using a Public Facility shall comply with this ordinance. Failure to comply may result in denial of future requests for use of a Public Facility.
- D. Any person violating any provision of this part may be subject to assessment of civil penalties for each violation in an amount of no more than \$1,000 for each violation.
- E. A violation of this ordinance is an infraction for the first offense and a Class C misdemeanor for any subsequent offense

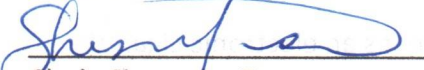
**Section 4. EFFECTIVE DATE**

This ordinance shall be deemed effective upon first publication.

**Passed and Adopted by the Town Council of Central Valley, Utah, this 16th day of November 2022.**

  
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 Mayor, Gary Barney

ATTEST:

  
 \_\_\_\_\_  
 Clerk, Sheyenne Tenney

VOTING:

DAVID NIELSON	SUSAN OUTZEN	CHARLES EVANS	KODY WINKEL
<u>AYE</u> NAY	<u>AYE</u> NAY	<u>AYE</u> NAY	<u>AYE</u> NAY