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R651. Natural Resources, State Parks.

R651-601. Definitions as Used in These Rules.

R651-601-1. Division.

"Division" means the Division of State Parks, Department of Natural Resources.

R651-601-2. Ranger.

"Ranger" means any employee of the Division who:

(1) if designated as a peace officer of the law under Subsection 53-13-103(b)(viii), is sworn by the Director or the Director's designee as a law enforcement ranger pursuant to Subsection 53-13-101(12).

(2) if not designated as a peace officer of the law under Subsection 53-13-103(b)(viii), is employed by the Division as a non-law enforcement ranger.

R651-601-3. Division Representative.

"Division Representative" means any employee of the Division authorized by the Director or their designee to act in an official capacity.

R651-601-4. Natural and Cultural Resources.

"Natural and Cultural Resources" means those features and values including all lands, minerals, soils and waters, natural systems and processes, and all plants, animals, topographic, geologic, and paleontological components of a park area as well as all historic and pre-historic, sites, trails, structures, inscriptions, rock art, and artifacts representative of a given culture occurring on or within any park area.

R651-601-5. Park System.

"Park system" means all natural and cultural resources, and all buildings and other improvements owned, leased, or otherwise managed by the Division.

R651-601-6. Park Area.

"Park area" means any individual park property in the park system.

R651-601-7. Manager.

"Manager" means the Division representative in charge of a park area.

R651-601-8. Permits and Permission.

(1) "Permit" means written authorization by a park representative.

(2) "Special Use Permit" means written permission given to an individual, partnership, corporation, or other recognized organization to conduct the following:

(a) special events whether commercial or non-commercial;

(b) certain limited concession activities; and

(c) commercial services as guides, provisioners, or outfitters.

(3) "Permission" means oral or written authorization by a park representative.

R651-601-9. Posted.

"Posted" means law and rule notices that are placed physically in prominent locations or are listed on official State Park documents, receipts, permits, or websites.

R651-601-10. Person.

"Person" means an individual, corporation, company, partnership, trust, firm, or association of persons.

R651-601-11. Commercial Activity.

"Commercial Activity" means any activity, private or otherwise, that is for commercial gain, or that is part of any scheme or plan established for obtaining commercial gain. This includes:

(1) sales of goods or merchandise.

(2) rentals of equipment.

(3) collection of entrance or admission fees.

(4) collection of storage or use fees.

(5) sales of services.

(6) delivery service of rental equipment to the park area by a rental agency as part of a customer rental agreement.

R651-601-12. Commercial Gain.

"Commercial gain" means compensation in money, services, or other consideration as part of a scheme or effort to generate income or financial advantage of any kind.

R651-601-13. Concession Contract.

"Concession Contract" means a use agreement granted to an individual, partnership, corporation, or other recognized organization, to provide services or sales of goods or merchandise for conducting commercial activity.

R651-601-14. Cooperative Agreement.

A written instrument whereby two or more parties agree to terms governing the parties' relationship, much as a contract. Informal interoffice communication definition does not apply in this case.

R651-601-15. Motorized Transportation Device.

"Motorized Transportation Device" means any motorized device used as a mode of transportation that includes: "Electric assisted bicycles," "Mopeds," "Motor Assisted scooters," "motorcycles," "motor-driven cycle," and "personal motorized mobility device" as defined in Section 41-6-1. "Motorized wheelchairs" are also included under this definition.

R651-601-16. Unmanned Aircraft.

"Unmanned Aircraft" means an aircraft that is capable of sustaining flight and that operates with no possible direct human intervention from, on or within the aircraft.

R651-601-17. Dangerous Weapon.

"Dangerous Weapon" means the same as defined in Subsection 76-10-501(6) and includes archery equipment on State Park owned and managed property.

R651-601-18. Primary Jurisdiction Zone (PJZ).

"Primary Jurisdiction Zone" means those areas of the Federal Estate surrounding the dams, including the dams, appurtenant facilities, and the vicinities below the dams wherein Reclamation retains primary jurisdiction.

R651-601-19. Special Uses.

"Special Uses" include a special assembly, exhibit, speech, public demonstration, the sale, posting or distribution of printed material, soliciting of any type, any special activity or use, or any activity or use for which a special use permit is required.

KEY: parks, off-highway vehicles

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R651. Natural Resources, State Parks.

R651-635. Commercial, Privileged, and Special Uses of Division Managed Park Areas.

R651-635-1. Commercial Activities, Privileged, or Special Uses in Park Areas Require a Permit.

(1) Except as provided in Section R651-635-6, no Commercial Activity, privileged, or Special Use may be conducted on division managed areas or property unless the division has provided a permit for that activity.

(2) Additionally, the following activities are prohibited without a permit:

- (a) collecting or cutting of firewood;
- (b) metal detecting, magnet fishing, prospecting, digging, or excavating, or any other forms of treasure, paleontological, archaeological, or antiquities hunting;
- (c) the use or possession of explosives, fireworks or firecrackers;
- (d) operation or use of a public address or any other high-volume audio devices;
- (e) camping in an undeveloped location of a park area;
- (f) leaving an animal unattended; and
- (g) technical rock-climbing or the installation of new or the removal of existing permanently installed technical rock-climbing equipment or hardware.

R651-635-2. Types of Permits and Forms.

(1) A permit may be in the form of a concession contract, Special Use Permit, lease, or other negotiated agreement.

(2) The division shall provide forms and documents that serve as permits for Commercial Activity, Special Uses, and other privileged uses of park areas managed or owned by the division.

R651-635-3. Requirements to Obtain a Permit.

(1) The person or group desiring a permit shall make a request to the local park manager, region or the division's main office at least 30 business days before the proposed Commercial Activity, privileged, or Special Use. Late requests may be accepted subject to the terms of Subsection (6).

(2) The division director or the director's designee shall have the discretion to grant or deny the request for permit.

(3) No Commercial Activity, privileged, or Special Use:

- (a) may substantially interrupt the safe and orderly operation of the park or facility;
- (b) may interfere with fire, police, ambulance, or other life-safety protection or service to areas where the activity will take place or areas contiguous thereto;
- (c) may be reasonably likely to cause injury to persons or property; or
- (d) may involve pornographic or obscene materials or performances, or materials harmful to minors, as those terms are used in the Utah Criminal Code or in applicable local ordinances.

(4) Liability insurance may be required, co-insuring the division and meeting the minimum requirements set by the Utah Division of Risk Management.

(5) Conflicting Requests.

(a) Considerations. When two or more persons, groups or organizations request to use a park or facility for Commercial Activity, privileged, or Special Uses, and those requests conflict as to time, place, or purpose, the division director or the director's designee shall evaluate the conflicting Commercial Activity, privileged, or Special Uses as to:

- (i) the size of the proposed Commercial Activity, privileged, or Special Use;
- (ii) the nature and purpose of the proposed Commercial Activity, privileged, or Special Use, considered in light of the historical or traditional use of the park or facility;
- (iii) the date and time each conflicting request was received by the division;
- (iv) the division support services required for the proposed Commercial Activity, privileged, or Special Use;
- (v) possible alternative places or times for the conflicting requests; and
- (vi) other factors that would resolve the conflicts, protect the public safety, health, and welfare, or assist the division in regulating the time, place, and manner of the conflicting requests.

(b) Disposition. After obtaining the relevant information and weighing the relevant considerations stated in the Subsection (5)(vi), the division director or the director's designee shall resolve the conflict:

- (i) by the parties' agreement to change the requests to avoid conflicts and accommodate the public interest; or
- (ii) if no voluntary agreement is reached, by ordering the time, place, and manner for each requested event; or
- (iii) by exercising discretion to deny requests.

(6) Late Requests. When a request for permit is not timely made under Subsection (1), the request shall state the grounds for its untimeliness. If the division director or the director's designee determines that the untimeliness should be excused because of exigency, unexpected circumstances, or other reasons, the request shall be processed.

R651-635-4. Signature Requirements.

(1) Other than a Special Use Permit that is signed by a park manager or program manager in accordance with Subsection (2), no contract, concession contract, lease, Special Use Lease, or other negotiated agreement is binding on the division until signed by the division director or the director's designee, and any other individual whose signature is required by state law or regulation.

(2) No Special Use Permit is binding on the division until signed by the park manager or program manager of the park area where the activity to be carried out under the permit will occur.

R651-635-5. Revocation or Suspension of Special Use Permit or Permit for Other Privileged Use.

(1) A permit may be revoked or suspended for a time, from a minimum of seven days to a maximum of the duration of the permit by the division director or the director's designee if one or more of the following actions are found to have occurred, based on their severity:

- (a) false or fictitious statements or qualifications were provided to obtain the permit;
- (b) the terms or conditions of the permit were violated;
- (c) the permit holder allowed the permit to be used by an unauthorized person; or
- (d) the permit is found to be intentionally altered or changed.

R651-635-6. Limited Commercial Activities Not Requiring Permit.

(1) A park manager may allow a Commercial Activity to be conducted on division managed areas or property without issuance of a permit when the park manager determines:

- (a) the Commercial Activity has been requested by a park visitor;
- (b) the Commercial Activity is of time-limited duration and expected to last no longer than three days;
- (c) the Commercial Activity does not conflict with an existing park concession contract or other permits; and
- (d) the Commercial Activity is one of the following services:
 - (i) vehicle towing or wrecker services;
 - (ii) automobile, boat, RV, or OHV repair services;
 - (iii) taxi or ride share services;
 - (iv) emergency medical services; or
 - (v) food delivery services.

(2) If a park manager allows a Commercial Activity to be conducted on division managed areas or property without issuance of a permit, the park manager or park manager's designee may collect the following information before the commencement of the Commercial Activity:

- (a) the name of the park visitor who requested the service;
- (b) the name of the individual or business entity providing the service;
- (c) the expected location and duration of the service; and
- (d) the service provider's license plate number.

(3) If, pursuant to Subsection R651-635-6(1) and (2), a park manager allows a Commercial Activity to be conducted on division managed areas or property without issuance of a permit, the park shall not charge the provider of the Commercial Activity a fee to access the park area or property for purposes of conducting the allowed Commercial Activity.

KEY: parks

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