

GALLATIN COUNTY CONSERVATION AND PARKS

April, 8, 2011

Mrs. Linda Price
32 Sir Arthur Drive
Bozeman, MT 59715

Dear Linda,

Thank you for contacting me regarding motorized use on the trails inside the Lazy TH Subdivision Park. I checked into our trail inventory and the subdivision plat maps and it does appear that the location of the current trail is within the parklands and not within the Road Right of Way for Patterson, therefore any motorized use or travel on the trail running parallel to Patterson or within any of the Subdivision Parklands is a violation of county ordinance established by Resolution No. BPC 2006-02 (see enclosed). Anyone caught violating the terms of this ordinance is subject to civil fines by the Park Commission and the Gallatin County Attorney.

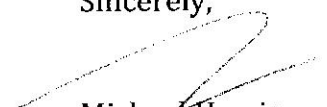
Because the current location of the trail is not within the fenced portion of the parklands and is so near the county road it may be difficult for users to discern what portion is within in the Road Right of Way and the parkland. I would recommend that the Home Owners Association install signage along the trail informing users that it is in fact parkland and motorized use is prohibited. Until some form of signage any enforcement of county ordinances would be difficult.

I would include in your signage the specific language: "The parklands inside the Lazy TH subdivision are public parks and subject to Resolution No. BPC 2006-02, use of motorized vehicles within the parklands is strictly prohibited. Violations may be subject to fines of up to \$500."

If you have any other questions or concerns please feel free to contact me at: Michael Harris, Email: mike.harris@gallatin.mt.gov, 406/582-3178 (office), 406/580-3029 (cell).

Again Linda, thank you for contacting me on this important matter.

Sincerely,



Michael Harris,
Director



BPC
RESOLUTION NO. 2006-02

**A RESOLUTION OF THE GALLATIN COUNTY BOARD OF PARK COMMISSIONERS
RESTRICTING MOTORIZED USE IN COUNTY OWNED PARKLAND AND
ESTABLISHING PENALTIES FOR VIOLATION OF RESTRICTION**

THIS RESOLUTION was introduced by the Board of Park Commissioners, moved by Commissioner C. Collins and seconded by Commissioner P. Finnegan. This resolution was adopted unanimously.

WHEREAS, on October 5, 2004, the Gallatin County Commissioners, pursuant to Mont. Code Ann. § 7-16-2301 *et. seq.*, created a Board of Park Commissioners (Resolution No. 2004-130); and

WHEREAS, the Board of Park Commissioners manages and oversees all county park land within Gallatin County; and

WHEREAS, Mont. Code Ann. § 7-16-2322(i) provides that the Board of Park Commissioners may make rules to protect and promote the improvement of land and facilities under the care and control of the board, and

WHEREAS, Mont. Code Ann. § 7-16-2322(ii) provides that the Board of Park Commissioners may make rules for the use of the land and facilities by the public; and

WHEREAS, Mont. Code Ann. § 7-16-2322(iii) provides that the Board of Park Commissioners may provide penalties for the violations of park rules; and

WHEREAS, the unauthorized use of motorized vehicles causes increased erosion of soils and accelerates the spread of noxious weeds on county parklands.

NOW THEREFORE BE IT RESOLVED,

That it is a violation of this resolution and hereby subject to civil penalties for any person in a Gallatin County park to:

1. Operate a motorbike, motorcycle or other motor vehicle on county owned parklands or trails unless posted as open to motorized use.
2. The provisions of this Section shall not apply to law enforcement, emergency, or rescue vehicles used in the performance of official duties.

3. The Board of Park Commissioners reserve the right to designate motorized areas or issue any necessary licenses or permits and the making of any required designations pursuant to the provisions of this resolution.

Pursuant to Mont. Code Ann. § 7-16-2322(1)(a)(iii) violation of this Resolution shall result in a civil penalty with the first offense carrying a fine of \$25.00, the second offense constituting a fine of \$50.00 and the third and all other subsequent offenses constituting a \$100.00 fine.

PASSED, ADOPTED, AND APPROVED this 15th day of August, 2006 by the Board of Park Commissioners.

BOARD OF PARK COMMISSIONERS OF
GALLATIN COUNTY, MONTANA



Debbie Deagen, Chairperson