

**MILLCREEK, UTAH**  
**ORDINANCE NO. 22-42**

**AN ORDINANCE AMENDING TITLE 10 OF THE MILLCREEK CODE OF  
ORDINANCES REGARDING CAMPING ON PUBLIC GROUNDS, STREETS, PARKS,  
AND PLAYGROUNDS**

**WHEREAS**, on September 26, 2022, the Millcreek Council (the “*Council*”) met in regular session to consider, among other things, an ordinance amending Title 10 of the Millcreek Code of Ordinances regarding camping on public grounds, streets, parks, and playgrounds; and

**WHEREAS**, the Council finds that is determinate to the health, safety, and welfare of the residents of Millcreek to allow camping on public property in areas that have not been designated as areas for camping; and

**WHEREAS**, the detrimental effects include but are not limited to: reduces the opportunity for the public to use the public property for its intended purpose, increases the risk of damage to public property, inappropriate use of public property creates additional risk of crime and thereby diminishes the safety of City residents, unauthorized and inappropriate use of public property increases the potential for claims against the City, there is reported open drug use and associated problems, collection of garbage and improper disposal of garbage, and inadequate disposal of human waste; and

**WHEREAS**, there are numerous approved, safe, and hospitable campgrounds for short and long-term use throughout the Wasatch Front; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of the City to amend Title 10 of the Millcreek Code of Ordinances regarding camping on public grounds, streets, parks, and playgrounds.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that Chapter 10.80 be amended as follows (interlineating the words to be deleted and underlining the words to be added):

**10.80.010: CAMPING ON PUBLIC GROUNDS, STREETS, PARKS, AND PLAYGROUNDS:**

A. It is unlawful for any person to camp or lodge as defined in subsection C of this section, ~~cook, make a fire or pitch a tent, fly, lean to, tarpaulin, temporary or permanently place any type of camping equipment~~ on any "public grounds", as defined in subsection B of this section, upon any portion of a "street", as defined in section 19.04 of this code, or in any park or playground, unless allowed by section 10.80.020 of this code. It is unlawful for any person using or benefiting from the use of any of the foregoing items of camping equipment to fail to remove the same for more than ~~five (5)~~ thirty (30) minutes after being requested to do so by any police officer.

B. For the purpose of this section, the term "public grounds" means any real property owned in whole or in part by the United States of America and its agencies, or the state of Utah or any of its political subdivisions, including Millcreek, upon which no camping has been authorized by the owner.

C. Camp or lodge means sleeping or otherwise being in a temporary shelter outdoors, sleeping outdoors, cooking over an open flame or fire outdoors, or laying down bedding or setting up a tent, shelter, or similar structure for purpose of sleeping or temporary living.

D. It is an affirmative defense to any prosecution hereunder that a person is sitting or lying down because of a medical emergency, as a result of a disability, utilizing a wheelchair, walker, or similar device to move about public grounds, participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event lawfully conducted in the public grounds, sitting on a chair or bench that has been supplied by the abutting property owner or sitting or placed material on a sidewalk while waiting for public or private transportation or waiting for access to enter any building.

#### 10.80.020: CAMPING:

No person shall camp or lodge as defined in 10.80.010 (C) lodge, make a fire or pitch a tent, fly, lean to, tarpaulin or any other type of camping equipment in any park except:

1. In cases of local emergency as declared by the mayor of the city.
2. By permit issued to youth groups the majority of whose members' ages are at least eight (8) years of age, but no more than seventeen (17) years of age, under the following conditions:
  - a. The youth are accompanied by adult leaders in the ratio of two (2) adults for every ten (10) youth at all times while the youth are camping.
  - b. The youth group provides adequate police and fire security to ensure the safety of the campers and garbage removal and cleanup. The sponsor shall submit a plan along with an application for a special event permit to the city, the fire authority and police authority, or their designees, who will forward a recommendation to the City Manager as to whether or not the request for camping should be granted. Application for the special events permit shall be made directly to the City Manager of his designee who shall forward all accompanying information to the appropriate departments.
  - c. The youth group files a bond in the amount of ten thousand dollars (\$10,000.00) to compensate the city for any damage to the park caused by the youth group during its camping activities.

d. The youth group files a certificate of insurance in the aggregate amount of one million dollars (\$1,000,000.00), which names the city as an additional insured.

e. No camping is allowed in any one park for more than forty-eight (48) continuous hours in any thirty (30) day period.

f. The youth group shall comply with all applicable ordinances and park regulations.

g. No more than sixty (60) people shall be allowed to camp at one time.

10.34.050 PENALITY FOR VIOLATION

The violation of MKC 10.80.010 or MKC 10.80.020 shall be a class “~~C~~” “B” misdemeanor.

**PASSED AND APPROVED** this 26<sup>th</sup> day of September, 2022.

**MILLCREEK**

By: \_\_\_\_\_  
**Jeff Silvestrini, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Elyse Sullivan, City Recorder**

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 22-42: AN ORDINANCE AMENDING TITLE 10 OF THE MILLCREEK CODE OF ORDINANCES REGARDING CAMPING ON PUBLIC GROUNDS, STREETS, PARKS, AND PLAYGROUNDS was passed and adopted this 26<sup>th</sup> day of September, 2022 and certifies that copies of the foregoing Ordinance 22-42 were posted in the following locations within the municipality this \_\_\_\_ day of September, 2022.

1. Millcreek City Hall, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Holladay Lions Recreation Center, 1661 E. Murray Holladay Rd., Millcreek, UT 84117

---

Elyse Sullivan, City Recorder