

**KANE COUNTY ORDINANCE NO. O 2020 – 10**

AN ORDINANCE IMPOSING TEMPORARY AND EMERGENCY RESTRICTIONS ON NON-COUNTY RESIDENTS USE OF PUBLIC LANDS FOR RECREATION, COUNTY RESIDENTS RESTRICTIONS ON CAMPING, AND IMPOSING SELF-ISOLATION AT HOME FOR PART YEAR RESIDENTS RETURNING TO KANE COUNTY DUE TO THE THREAT OF THE CORONAVIRUS DISEASE (COVID-19).

**WHEREAS**, on March 6, Governor Gary Herbert issued an Executive Order declaring a State of Emergency due to infectious disease COVID-19 Novel Coronavirus, which Executive Order is incorporated fully herein; and

**WHEREAS**, on March 17, Kanab City issued a “Proclamation of Local Emergency” which is also incorporated fully herein; and

**WHEREAS**, on March 18, Lamont Smith issued an Executive Order declaring a local state of emergency due to infectious disease COVID-19 which is also incorporated fully herein; and

**WHEREAS**, Kane County has three confirmed cases of COVID-19, all of which are travel related; and

**WHEREAS**, Kane County, particularly Kanab, the surrounding National Parks, the surrounding State Parks, and hundreds of outdoor areas of visitation on public lands, are known across the state, nation, and the world as premier recreational destinations; and

**WHEREAS**, during this time of year, when Kane County and other areas in the southern part of the State enjoy a warmer climate than other areas of the state, Kane County normally sees a large influx of visitors from northern Utah and out of state, particularly due to spring break and the weekend surround the Easter holiday which will take place April 10-13; and

**WHEREAS**, many of the surrounding counties have imposed restrictions on camping and/or travel from outside of the county, which will result in an increase in demand for travel to Kane County and the areas that are available here; and

**WHEREAS**, State Parks are limiting their use to residents from within the same county as the State Park which will further increase the demand for other areas in Kane County; and

**WHEREAS**, Zion National Park has closed, Bryce Canyon National Park has closed, and most portions of the Glen Canyon National Recreation Area have closed which full further increase the demand for other areas in Kane County; and

**WHEREAS**, the Kane County Hospital normally sees a dramatic increase in patients being admitted for traffic accidents and recreational injuries during this time of the year; and

**WHEREAS**, the Kane County Hospital has limited resources that are strained during Easter weekend and other weekends during this time of year due to recreational travel under normal circumstances; and

**WHEREAS**, a significant increase in demand on the medical services of the Kane County Hospital would cause a significantly increased risk of harm over the next few weeks and months as they anticipate the number of COVID-19 cases in Kane County continuing to increase; and

**WHEREAS**, limiting non-county resident use of public lands will severely limit the number of travelers and will prevent many high risk recreational activities; and

**WHEREAS**, on March 27, 2020 the Governor issued a “Stay Home, Stay Safe” directive to help protect Utahans during the COVID-19 pandemic, which specifically recommends that all travel be limited to essential travel but has no force of law to limit the travel; and

**WHEREAS**, a significant number of residents in Kane County, particularly from the Cedar Mountain area, are part year residents, whether or not their primary residence is in Kane County, and they typically return to live in Kane County during the Spring and Summer months; and

**WHEREAS**, the vast majority of partial year residents are coming from large cities such as Las Vegas, the greater Los Angeles Area, and the greater Salt Lake area, where there are large outbreaks of COVID-19 and these individuals are at high risk of having or carrying COVID-19; and

**WHEREAS**, the current scientific data indicates that a person can incubate the novel coronavirus for up to fourteen days without showing any symptoms of COVID-19 and is contagious during that period of time; furthermore, many individuals can contract COVID-19 and not show any of the typical symptoms of the disease while still being at risk of spreading the virus; and

**WHEREAS**, State and Federal medical experts recommend that the best way to prevent the spread of COVID-19 from individuals who are at a high risk of having been infected or who are infected but are asymptomatic is for those individuals to isolate in their homes for a period of fourteen days; and

**WHEREAS**, current scientific data indicates that the incubation period for COVID-19 is up to fourteen days and a person is contagious during that period of time; additionally when a person contracts COVID-19 or is suspected to have contacted COVID-19, they remain contagious for a period of at least seven days but also up to 72 hours after all symptoms have subsided; and

**WHEREAS**, the County Commission finds that this ordinance is necessary for the immediate preservation of the peace, health, or safety of the county and the county's inhabitants and therefore should be effective immediately; and

**WHEREAS**, the legislative authority for this ordinance is granted in Utah State Code, §17-53-201 et. al. and § 17-53-208(6);

**NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF KANE COUNTY, STATE OF UTAH, ORDAINS AS FOLLOWS:**

1. Definitions.
  - a. Part-Year Resident: Any person who regularly resides in Kane County for less than a full year and who has resided in any area where there is an outbreak of COVID-19 within the last two months.
  - b. Self-Isolate at Home: Remain at home and have no physical contact with any individual outside of household members. A person in a household required to Self-Isolate at Home may leave the home to obtain necessary medical care or to obtain necessary food and supplies but only if another individual not under the requirement to Self-Isolate at Home is not available to assist in obtaining necessary food and supplies. A person subject to Self-Isolation at Home is allowed to go outside their home while still remaining on the property surrounding the home so long as other social distancing guidelines are able to be met.
2. Non-County Resident Use of Public Lands:
  - a. Any and all public lands in the unincorporated areas of the county may only be accessed by current county residents or owner of real property in the county for recreational activities, including but not limited to: camping, hiking, ATV use, sightseeing, boating, rafting, or other similar recreational activities. All persons shall comply with state and federal social distancing guidelines while accessing public lands.
  - b. Any individual who is not a current resident of the County or does not own real property in the County may enter and leave the county for travel related purposes only but may not access any public lands for recreational purposes as set forth in this Section 2a.
  - c. Nothing in this Ordinance shall be construed to limit agriculture or other non-recreational economic activity that is currently authorized on public lands.
3. Camping Restrictions. County residents may engage in over-night camping that is otherwise allowed so long as any single group is limited to ten people or a single household and each group is located at least 50 yards away from any other group.
4. State Parks. Any usage of State Parks in Kane County is limited to current residents of Kane County.

5. Self-Isolation at Home for Returning Part-Year Residents: Any Part-Year Resident, and the persons entire household, who has returned to reside in Kane County, or will return to reside in Kane County between now and May 1, unless such deadline is extended by Executive Order of the Kane County Commission Chair, shall Self-Isolate at Home for the following periods: a) a minimum period of fourteen days from the date of returning to Kane County, b) if, upon returning to Kane County or during the first fourteen days after returning to Kane County, a person or any person in the same household experiences symptoms of COVID-19, a period of 72 hours after any symptoms have subsided, c) for any person that has tested positive for COVID-19, and for any other members of the household, a period of seven days after testing positive or 72 hours after any symptoms have subsided, whichever is longer.
6. Any person who knowingly violates this ordinance is guilty of a class B misdemeanor.
7. This ordinance shall be effective immediately and shall continue until April 22, unless extended by Executive Order of the Commission Chair for no longer than an additional 30 days.
8. The County Sheriff, where allowed by law, is authorized to place appropriate signage to encourage compliance with this ordinance. The County Sheriff is encouraged to work with the BLM Paria River District Office to coordinate appropriate signage on BLM managed lands.
9. The County Emergency Manager and the Office of Tourism Director are directed to disseminate this ordinance to the public along with messaging that strongly encourages all non-county residents to delay their travel to Kane County until state and federal guidelines lift non-essential travel recommendations.

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End of Ordinance

This Ordinance shall be deposited in the Office of the County Clerk, and shall take effect immediately upon publication in the Southern Utah News.

The County Clerk is directed to publish a short summary of this Ordinance with the name of the members voting for and against, together with a statement that a complete copy of the ordinance is available at the Office of the County Clerk, for at least one publication in a newspaper of general circulation in the county, or as otherwise permitted and required by Utah State Law.

ADOPTED this 7th day of April 2020.

ATTEST:

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KARLA JOHNSON  
Kane County Clerk

\_\_\_\_\_  
Lamont Smith, Chair  
Board of Commissioners  
Kane County

Commissioner Smith voted \_\_\_\_\_  
Commissioner Gant voted \_\_\_\_\_  
Commissioner Chamberlain voted \_\_\_\_\_