

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2023

PARKS AND RECREATIONAL FACILITIES AMENDMENTS

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, AMENDING SECTION 2.08.110 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “DISCRIMINATION PROHIBITED,” AMENDING SECTION 13.04.020 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “DEFINITIONS,” AMENDING SECTION 13.04.030 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “CONTROL OF PARKS,” AND ENACTING SECTION 13.04.040 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “MULTIPLE OCCUPANCY CHANGING FACILITIES DESIGNATED BY SEX,” IN ORDER TO DESIGNATE AND ENFORCE THE SEX-SPECIFIC USE OF CERTAIN CHANGING FACILITIES AT SALT LAKE COUNTY RECREATIONAL FACILITIES, AND TO ALSO PROVIDE SEX-NEUTRAL FACILITIES FOR ALL PATRONS OF SALT LAKE COUNTY RECREATIONAL FACILITIES

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and strike-through.

SECTION II. Section 2.08.110 of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as follows:

2.08.110 – Discrimination prohibited.

A. Discrimination in Salt Lake County government services based on age, marital status, color, disability, national origin, sex, sexual orientation, gender identity, race or religion is prohibited. Individuals shall be assured of equal access, opportunity and protection in all areas of Salt Lake County government services. This section is not intended to expand the services of county government beyond those required by state or federal law.

B. This section shall not be interpreted to prohibit Salt Lake County government from adopting reasonable rules and policies that designate sex-specific facilities, including restrooms, shower facilities, and dressing facilities, provided that the rules and policies adopted under this section afford reasonable accommodations to all patrons receiving Salt Lake County government services as may be required by applicable state or federal law.

SECTION III. Section 13.04.020 of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as follows:

13.04.020 – Definitions.

As used in this chapter:

“Changing facility” means a facility in which a person may be in a state of undress including locker rooms, dressing facilities, or shower facilities.

“Fitness center” means those facilities with indoor fitness amenities such as strength training equipment, cardio equipment, indoor swimming pools, and/or an indoor walking track.

“Multiple occupancy changing facility” means a changing facility that is intended for use by more than one user or family at a time, and in which a person may be in a state of undress in the presence of others. Such facilities are sex-specific subject to the provisions of this chapter.

“Park” means a piece of ground, either within the county or that is under the control of the county, that is operated and maintained by the county and set apart for the use of the general public, whether developed or underdeveloped, and that is usually, or may be, planted with trees, lawns and other shrubbery. A park may include within its boundary facilities for fitness, sport, entertainment, recreation, swimming, or a park may be planned for such future

use or any and other related facilities. A park may consist solely of a single purpose facility, either actual or proposed, such as a golf course, open air theater, or similar amenities.

“Recreation” means refreshment of strength and spirit by means of physical training or relaxation.

“Recreation facilities” means parks, recreation areas and fitness centers belonging to and/or under the control of the county.

“Sex” means a person’s biological sex at birth as being male or female, according to distinct reproductive roles as manifested by sex and reproductive organ anatomy, chromosomal makeup, and endogenous hormone profiles.

“Single occupancy changing facility” means a changing facility that is intended for use by a single occupant or family at a time, and that is accessed by a full door with a secure lock that prevents another individual from entering while the facility is in use. Such facilities are sex-neutral subject to the provisions of this chapter.

SECTION IV. Section 13.04.030 of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as follows:

13.04.030 – Control of parks.

The director of the division of parks and recreation may prepare rules and regulations for the control of the conduct of the patrons of recreational facilities. Rules and regulations shall be consistent with county ordinances and applicable municipal ordinances. Rules and regulations prepared or amended under this subsection must be approved by the mayor or designees before they are effective, with copies provided to the Council.

SECTION V. Section 13.04.040 of the Salt Lake County Code of Ordinances, 2001 is hereby enacted to read as follows:

13.04.040 – Multiple occupancy changing facilities designated by sex.

A. Legislative findings. The council makes the following legislative findings applicable to this section:

1. Patrons of Salt Lake County recreational facilities have a right to privacy and safety, including the more specific right to shield their bodies from members of the opposite sex while using multiple occupancy changing facilities.
2. The designation of multiple occupancy changing facilities based on sex-specific use has a long established legal and cultural basis, including at Salt Lake County recreational facilities, and furthers the important governmental interest of protecting the privacy and safety of patrons. This important interest is recognized in Utah law. This section specifically recognizes and codifies this important interest for the operation of Salt Lake County's recreational facilities, and further establishes rules reasonably related to that interest.
3. Salt Lake County establishes a policy preference for single occupancy changing facilities at Salt Lake County recreational facilities, and intends that future recreational facilities be designed and constructed to primarily utilize single occupancy changing facilities. Single occupancy changing facilities shall also be made available to patrons at existing Salt Lake County recreational facilities as a reasonable accommodation for any patron who does not desire to use the designated multiple occupancy changing facility, or for any other reason, including for the protection of individual privacy.

- B. Multiple occupancy changing facilities at Salt Lake County recreational facilities shall be designated for sex-specific use by male persons or female persons only.
- C. Unless excepted by subsection D., below, no patron may enter a multiple occupancy changing facility at a Salt Lake County recreational facility unless the person is a member of the sex for whose use the multiple occupancy changing facility has been designated.
- D. Subsection C. shall not apply to:
1. Single occupancy changing facilities at Salt Lake County recreational facilities;
 2. Multiple occupancy changing facilities at Salt Lake County recreational facilities that are temporarily designated by Salt Lake County for use by members of the patron's sex due to natural disaster, physical damage, or the need for required maintenance of the facilities;
 3. Patrons under the age of five (5) who are always accompanied by a parent or legal guardian who is a member of the sex for whose use the multiple occupancy changing facility has been designated;
 4. Salt Lake County employees or contractors who enter the facility in the course of their employment responsibilities, including cleaning, maintaining, or inspecting the facility;
 5. Law enforcement, emergency or medical personnel, and government officials who enter the facility consistent with a legally established basis or need related to their duties.
- E. Except for persons or purposes identified in subsection D., above, the director of the division of parks and recreation shall establish enforcement procedures for persons who willfully enter a multiple occupancy changing facility designed for the opposite sex at a Salt Lake County

recreational facility and who refuse to depart when asked by an employee of the division of parks and recreation to do so. Such procedures may include the verification of a person's sex as indicated on their birth certificate, Utah driver's license or Utah identification card, or passport. Violations of this section are subject to the enforcement process promulgated by rules and regulations that are prepared and approved consistent with § 13.04.030 of this chapter.

F. Single occupancy changing facilities at Salt Lake County recreational facilities shall be designated as sex-neutral and made available to all patrons who choose to use them for any reason, including as a reasonable accommodation from the requirements of subsection C.

SECTION VI. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2023.

SIGNATURES ON FOLLOWING PAGE

SALT LAKE COUNTY COUNCIL

By: _____
Aimee Winder Newton, Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

REVIEWED AS TO FORM

Bridget K. Romano Nov. 29, 2023

Deputy District Attorney Date

Council Member Alvord voting	_____
Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Granato voting	_____
Council Member Harrison voting	_____
Council Member Stewart voting	_____
Council Member Stringham voting	_____
Council Member Theodore voting	_____
Council Member Winder Newton voting	_____

Vetoed and dated this ____ day of _____, 2023.

By: _____
Jennifer Wilson, Mayor

(Complete as Applicable)

Veto override: Yes ____ No ____ Date _____

Ordinance published in the newspaper: Date _____

Effective date of ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the ____ day of _____, 2023, the County Council of Salt Lake County adopted Ordinance No. _____, amending Section 2.08.110, 13.04.020, and 13.04.030 of the Salt Lake County Code of Ordinances, 2001, and enacting 13.04.040 of the Salt Lake County Code of Ordinances, 2001, in order to designate and enforce the sex-specific use of certain changing facilities at Salt Lake County recreational facilities, and to also provide alternate, sex-neutral facilities for all patrons of Salt Lake County recreational facilities who desire to use such facilities for any reason, including as a reasonable accommodation.

SALT LAKE COUNTY COUNCIL

By: _____
Aimee Winder Newton, Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

Council Member Alvord voting	_____
Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Granato voting	_____
Council Member Harrison voting	_____
Council Member Stewart voting	_____
Council Member Stringham voting	_____
Council Member Theodore voting	_____
Council Member Winder Newton voting	_____

A complete copy of the ordinance is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.