

ORDINANCE NO. 5-16-2005A

PROVIDING FOR NIGHT HUNTING OF SPECIFIC ANIMALS BY PERMIT ONLY.

The County Legislative Body of Juab County, State of Utah, ordains as follows:

CHAPTER 11-9. Night Hunting of Coyote, Red Fox, Striped Skunk, and Raccoon by Permit Only.

- 11-9-1. Intent and Purpose.
- 11-9-2. Definitions.
- 11-9-3. Unlawful to Hunt or Take Wildlife at Night Without a Permit.
- 11-9-4. Night Hunting Permits Limited to Coyotes, Red Foxes, Striped Skunks, and Raccoons Only.
- 11-9-5. Unlawful to Hunt or Take Wildlife with Artificial Light Without a Permit.
- 11-9-6. Unlawful to Possess a Firearm or a Weapon While Using an Artificial Light at Night Without a Permit.
- 11-9-7. Light Must be Carried by Hunter.
- 11-9-8. Unlawful to Use a Motor Vehicle Headlight or Light Attached to a Motor Vehicle.
- 11-9-9. Unlawful to Occupy or Operate a Motor Vehicle While Hunting.
- 11-9-10. Sheriff Authorized to Sell and Establish the Form for Night Hunting Permits.
- 11-9-11. Permit Fees for Residents and Non-Residents of Juab County.
- 11-9-12. Night Hunting Permit Season.
- 11-9-13. Night Hunters to Report to Sheriff Prior to each Hunt.
- 11-9-14. Written Permission Required to Hunt on Private Property.
- 11-9-15. Exemptions for Private Landowners Protecting Livestock.
- 11-9-16. Exemptions for Peace Officers and Conservation Officers.
- 11-9-17. Penalty for Violation.

11-9-1. Intent and Purpose.

(a). It is the intent and purpose of the County Commissioners of Juab County, State of Utah, to prohibit hunting or shooting at night within the limits of Juab County, except by permit, in order to prevent vandalism and the illegal shooting of livestock and wildlife.

(b). It is the intent of the County Commissioners that this ordinance comply fully with Section 23-13-17, Utah Code Annotated, 1953 as amended.

(c). It is the intent of the County Commissioners that all sections and provisions of this ordinance have an independent existence and should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the County Commissioners that any section or provisions so declared be severable from and shall not affect the validity of the remainder of the ordinance.

11-9-2. Definitions.

(a). Motor Vehicle. Means every vehicle which is self-propelled and includes motorcycles, off-highway vehicles, and off-highway implements of husbandry, as defined in Section 41-22-2, Utah Code Annotated, 1953 as amended.

(b). Nighttime or Night. Nighttime, or night, within the meaning of this ordinance, shall be that time from one-half hour after sunset to one-half hour before sunrise.

11-9-3. Unlawful to Hunt or Take Wildlife of Any Kind at Night Without a Permit.

It shall be unlawful for any person to hunt or take any form of animal or bird wildlife during the night time within the limits of Juab County, Utah, unless a person has in his possession a valid night hunting permit issued by the Sheriff of Juab County solely for the hunting or taking of coyotes, red foxes, striped skunks, or raccoons or is lawfully acting to protect his crops or domestic animals from predation by coyotes, red foxes, striped skunks, or raccoons or is an animal damage control agent acting in his official capacity under a memorandum of agreement with the Division of Wildlife Resources.

11-9-4. Night Hunting Permits Limited to Coyotes, Red Foxes, Striped Skunks, and Raccoons Only.

A valid, night hunting permit issued by the Juab County Sheriff shall be valid for the hunting or taking of coyotes, red foxes, striped skunks, and raccoons only.

11-9-5. Unlawful to Hunt or Take Wildlife with Artificial Light Without a Permit.

It shall be unlawful for any person to hunt or take any form of animal or bird wildlife with the aid and/or use of an artificial light, except a person may hunt coyotes, red foxes, striped skunks, and raccoons with the aid of an artificial light if he is in possession of a valid night hunting permit issued by the Juab County Sheriff or is he lawfully acting to protect his crops or domestic animals from predation by coyotes, red foxes, striped skunks, or raccoons or is an animal damage control agent acting in his official capacity under a memorandum of agreement with the Division of Wildlife Resources.

11-9-6. Unlawful to Possess a Firearm or a Weapon While Using an Artificial Light at Night Without a Permit.

It shall be unlawful for any person, or one or more persons, to throw or cast the rays of any spotlight, headlight, or other artificial light upon any wildlife from any highway, or in any field, woodland, or forest, while having in his possession or under his control any firearm or weapon that could kill such animal or bird even though the animal is not killed, injured, shot at, or otherwise pursued; unless said person or persons is in possession of a valid night hunting permit or is he lawfully acting to protect his crops or domestic animals from predation by coyotes, red foxes, striped skunks, or raccoons or is an animal damage control agent acting in his official capacity under a memorandum of agreement with the Division of Wildlife Resources.

11-9-7. Light Must be Carried by Hunter.

Any artificial light used to spotlight coyote, red fox, striped skunk, or raccoon must be carried by the hunter.

11-9-8. Unlawful to Use a Motor Vehicle Headlight or Light Attached to a Motor Vehicle.

It shall be unlawful to use a motor vehicle headlight or light attached to or powered by a motor vehicle to spotlight an animal.

11-9-9. Unlawful to Occupy or Operate a Motor Vehicle While Hunting.

It shall be unlawful to occupy or operate any motor vehicle, as defined above (see section 11-9-2), while hunting with the use of an artificial light.

11-9-10. Sheriff Authorized to Sell and Establish the Form for Night Hunting Permits. The Juab County Sheriff is hereby empowered to sell night hunting permits and establish the form for the permit and the application.

11-9-11. Night Hunting Permit Fees for Residents and Non-Residents of Juab County. Each permit shall be issued for a period of six months for a fee of \$ 5.00 for residents of Juab County and a fee of \$ 25.00 for non-residents of Juab County.

11-9-12 Night Hunting Permit Season. A night hunting permit shall be valid only during the period from January 1st of each year through July 31st of each year.

11-9-13. Night Hunters to Report to Juab County Sheriff's Office Prior to each Hunt. Prior to night hunting, any person holding a permit must first report to the Sheriff in some manner and inform the Sheriff's office of when and where they will be hunting.

11-9-14. Written Permission Required to Hunt on Private Property. No person may hunt on private property without first obtaining the written permission of the owner to hunt, and must have said written permission to hunt in their possession.

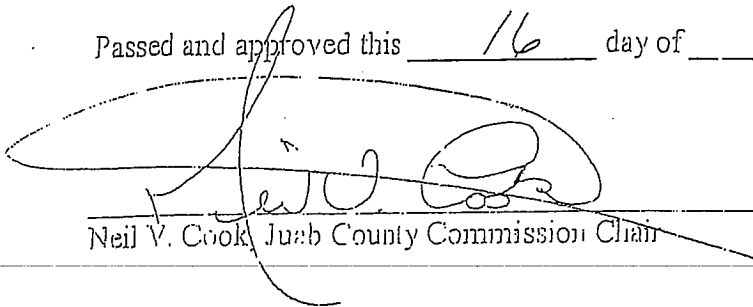
11-9-15. Exemptions for Private Landowners Protecting Livestock. Nothing in this ordinance shall prevent any land owner from using an artificial light or reasonably and carefully discharging a firearm at any time on lands under his control for the purpose of protecting crops or domestic animals from predation, so long as he does not endanger human life.

11-9-16. Exemptions for Peace Officers and Conservation Officers. Nothing in this ordinance shall prevent any peace officer or conservation officer from using an artificial light or discharging a firearm at any time while in the performance of his lawful duties.

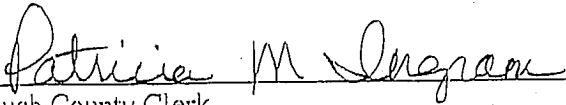
11-9-17. Penalty for Violation. Any person who violates any provision of this ordinance is guilty of a Class B misdemeanor and upon conviction thereof may be fined in any sum up to \$1,000.00 or incarcerated in the county jail for a period not to exceed six months, or by both such fine and imprisonment.

This ordinance shall take effect 15 days after its publication.

Passed and approved this 16 day of MAY, 2005.

  
Neil V. Cook, Juab County Commission Chair

Attest:

  
\_\_\_\_\_  
Juab County Clerk