

KANE COUNTY ORDINANCE NO. O 2016 - 9

KANE COUNTY NIGHT TIME PREDATOR HUNTING ORDINANCE

WHEREAS, Kane County residents, ranchers, farmers and other property owners suffer from the harm and damage cause by predator animals including coyote, red fox, striped skunk, and raccoon;

AND WHEREAS, under Utah State law, hunting at night in general and specifically with the use of a spotlight is prohibited;

AND WHEREAS, Utah State Code Section 23-13-17 gives the County authority to pass an ordinance to allow hunting of these predators at night with the use of a spotlight;

AND WHEREAS, Kane County desires to implement an ordinance that will allow the night time hunting of these predator animals with the use of a spotlight;

AND WHEREAS, Kane County desires further to promote the safety of the public by providing adequate time, manner, and location restrictions on night time predator hunting;

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

1. Title: This Ordinance shall be known as the Kane County Night Time Predator Hunting Ordinance.
2. Definitions: All words in this ordinance shall be defined as set forth in the Utah State Code title 23.
3. Night Time Hunting Prohibited: No person shall hunt any animal, or possess a weapon with the intent to hunt any animal between dusk and dawn unless the person first complies with this Ordinance or there is some other exception or authorization in State Code or County Ordinance. Nothing in this Ordinance shall be construed to prohibit the lawful protection of life and property.
4. Night Time Predator Hunting: Hunting for the predatory animals of coyote, red fox, striped skunk, and raccoon, at night, between dusk and dawn, is authorized so long as each person hunting complies with all of the requirements below:
 - a. Night Time Predator Hunting Permit. Prior to engaging in Night Time Predator Hunting all persons must first obtain a permit from the County Clerk and deliver a copy of an issued permit to the County Sheriff. The County Clerk may only issue a

- permit after the applicant submits proof of one of the following: i. Utah Hunters Education Certificate of Completion (Blue Card), ii. Proof of Date of Birth prior to December 31, 1965, or iii. A current Utah Small Game Hunting License. The fee for the permit is ten dollars which may be altered by resolution of the County Commission. Permits are valid through December 31st of the year of issue. Permits shall be uniquely numbered and kept on record in the County Clerk's Office.
- b. Notification. Prior to engaging in Night Time Predator Hunting all persons must first provide notice to the Sheriff's Office. The notice shall be provided on each day that the person or persons intend to hunt. The notice shall be provided by calling Kane County Dispatch (644-2349) and providing all of the following information:
- i. Name, address, date of birth and permit number for each person who will be hunting,
 - ii. Approximate hunting location,
 - iii. Approximate time of hunting,
 - iv. Vehicle make, model, year, color and plate number, and
 - v. Color of spot lights that may be used.
- c. Season. Night Time Predator Hunting may only be done between November 1st and August 31st.
- d. Weapons. Any otherwise legal weapon may be used including shotguns and archery tackle except that firearms may not have a caliber larger than .30 and may not be able to fire automatically. Expanding bullets must be used.
- e. Location. Hunting under this ordinance is prohibited in the following locations:
- i. Within one mile of any residence, city or town boundary, any subdivision boundary, or any paved or oiled roadway,
 - ii. On private property unless the property owner gives written permission,
 - iii. While occupying or operating any motor vehicle, and
 - iv. Any other location in Kane County that is otherwise limited or prohibited under State Code.
- f. Age restrictions. Hunters under the age of sixteen (16) must be accompanied by a legal guardian who also complies with this Ordinance. Hunters who are sixteen (16)

years or older but under the age of eighteen (18) must be accompanied by a person who is eighteen (18) years of age or older and who complies with this Ordinance.

- g. Spotlighting. Any artificial lighting used during hunting permitted under this Ordinance shall be carried by the hunter and shall not be connected to or powered by any motor vehicle.
5. Property Damage: Hunters who hunt under this Ordinance shall be responsible for any and all damage to property due to the actions of the hunter.
6. Penalties: Any person who violates any provision of the Ordinance shall be guilty of a class B misdemeanor and shall pay a fine of not less than \$680.
7. Severability: If any section of this Ordinance is deemed invalid, it shall only apply to that section and shall not affect the validity of the Ordinance as a whole or any part not deemed invalid.

--End of Ordinance--

This Ordinance shall be deposited in the Office of the County Clerk, and shall take effect fifteen (15) days after the date signed below. 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 ____ day of _____, 2016.

ATTEST:

KARLA JOHNSON
Kane County Clerk

Dirk Clayson, Chair
Board of Commissioners
Kane County

Commissioner Clayson voted _____
Commissioner Matson voted _____
Commissioner Smith voted _____