

**ORDINANCE NO. 08-12**

**AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS WITHIN THE TOWN OF HIDEOUT, UTAH; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, it is the desire of the Town Council to appropriately apply its inherent police powers to protect the health, safety, and welfare of the citizenry; and

**WHEREAS**, the hunting, capturing or injuring wild animals or wild birds within the limits of the Town of Hideout, Utah by the use of firearms, bow and arrow, traps and other weapons creates a reasonable and foreseeable likelihood that the health, safety and welfare of humans, domestic animals and property will be jeopardized; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH:**

**SECTION I: Repealer.** If any provisions of the Town's Code heretofore adopted are inconsistent herewith they are hereby repealed.

**SECTION II: Enactment.** That the Town Council of Hideout, Wasatch County, State of Utah, does hereby adopt the following ordinance:

**Discharging Firearms within Town Limits**

(1) It is unlawful for any person to discharge within Town limits any gun, rifle or pistol, bow and arrow, traps, and any other weapons that create reasonable and foreseeable likelihood that the health, safety and welfare of humans, domestic animals and property will be jeopardized, except:

- (a) In self-defense when legally allowed to do so;
- (b) By any peace officer in the discharge of his duty; and
- (c) At a regularly organized gun club shooting range, where the range and facilities have been approved by the mayor or the mayor's designated agent.

(2) It is unlawful for any person to engage in the act of hunting or to carry an uncased firearm in the open under conditions which may reasonably be construed as hunting in the area within the limits of the Town of Hideout.

(3) As used in this Section, "hunting" is the search for or pursuit of any wild game animal, bird, or mammal, with the purpose of capturing or killing or attempting to capture or kill the animal, regardless of whether such kill or capture is actually effected. "Hunting" shall not include the pursuit of such game animals through the use of snares or animal traps or when the game is to be taken by falconry, except that nothing under this Section shall be construed so as to prevent the Division of Wildlife Resources from controlling, maintaining, or otherwise managing wildlife within the Town of Hideout.

(4) Penalties.

(a) Each person convicted of a violation of this ordinance shall be guilty of a Class B misdemeanor upon first conviction, and upon a second or subsequent conviction shall be guilty of a gross misdemeanor.

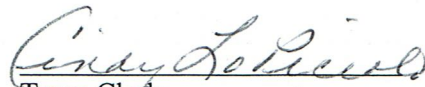
(b) Each individual animal or bird unlawfully hunted, taken or possessed in violation of this Ordinance shall constitute a separate offense.

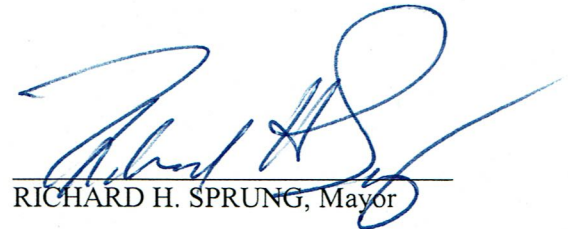
**SECTION III: Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

**SECTION IV: Effective Date.** This ordinance, being necessary for the peace, health, safety and welfare of the town, shall become effective immediately upon posting.

**PASSED AND ADOPTED** by the Town Council of Hideout, Utah, this 12th day of November, 2008.

ATTEST:

  
Town Clerk

  
RICHARD H. SPRUNG, Mayor

Approved: November 12, 2008; unanimous  
Posted: November 12, 2008