

ORDINANCE NO. 11-06

**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 of wild animals or wild birds within the limits of the Town of Hideout, Utah by the use of firearms, bow and arrow, crossbows, 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;

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 If any provisions of the Town's Code heretofore adopted are inconsistent herewith they are hereby repealed.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 shall be unlawful for any person to discharge or use within Town limits any firearm or trap of any description, including, but not limited to, shotguns, rifles, CO₂ guns, bow & arrows, crossbows, slingshots and any other weapons or traps that create reasonable and foreseeable likelihood that the health, safety and welfare of humans, domestic animals and property will be jeopardized, except this section shall not apply:

- (a) In self-defense where 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 may 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. Penalty for violation of Ordinance:

(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.

(c) Criminal: The Town Council may impose a minimum criminal penalty for the violation of this ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code Annotated section 76-3-301.

(d) Civil: The Town Council may prescribe a minimum civil penalty for the violation of this Ordinance by a fine not to exceed the maximum Class B misdemeanor fine under Utah Code Annotated Section 76-3-301.


5. Term of Imprisonment for Misdemeanors: A person who has been convicted of an offense under this Ordinance may be sentenced to imprisonment for a term not exceeding six (6) months.

6. Fines of Persons: A person convicted of an offense under this Ordinance may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed one thousand dollars (\$1,000.00).

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 8th day of September, 2011.



Bob Martino, Mayor

ATTEST:



Lynette Hallam, Town Clerk