

## ORDINANCE NO. 16-349

### An Ordinance of Duchesne County, Utah Enacting Duchesne County Code Title 4 Chapter 7 Wildlife Resources Code

**Whereas**, Duchesne County is situated in a rural environment with significant wildlife related resources; and

**Whereas**, there is and has been an expressed interest in the use of spotlighting for the hunting of certain animal species that are present within Duchesne County, and

**Whereas**, the State of Utah has authorized counties to provide for the use of spotlighting by ordinance; and

**Whereas**, the County Commission of Duchesne County finds that it would be in the interest of the citizens of this county and this state,; and

**Now Therefore**, The County Legislative Body of Duchesne County ordains as follows:

**Section 1.** Title 4, Chapter 7 of the Duchesne County Code shall be enacted to read as follows:

### Chapter 7 WILDLIFE RESOURCES CODE

#### SECTION:

- 4-7-1: Definitions
- 4-7-2: General Provisions
- 4-7-3: When Spotlighting is Permissible
- 4-7-4: Private Property
- 4-7-5: Required Permit
- 4-7-6: Notice
- 4-7-7: Applicability
- 4-7-8: Violations

#### **4-7-1: Definitions**

For the purpose of this chapter, certain terms, phrases, words, and their derivatives are defined as follows:

**"Motor Vehicle"** - shall have the same meaning as defined in Utah Code Annotated § 41-6a-102.

**"Spotlighting"** - means casting the rays of any artificial light on any highway, in any fields, woodland, forest or other land while having in possession a weapon by which protected wildlife may be killed.

#### **4-7-2: General Provisions**

- A. A person may not engage in hunting by means of spotlighting without first having procured the necessary permit under this chapter and having at the same time the required permit on his or her person.
- B. The hunting shall be for coyote, red fox, striped skunk, or raccoon and no other form of terrestrial or avian wildlife.
- C. Any artificial light used to spotlight the animal shall be carried by the hunter.

D. A motor vehicle headlight or light attached to or powered by a motor vehicle may not be used to spotlight the animal; and

E. While hunting with the use of an artificial light, the hunter may not occupy or operate any motor vehicle.

#### **4-7-3: When Spotlighting is Permissible or Prohibited**

A. Pursuant to Utah Code Annotated § 23-13-17, hunting by means of spotlighting is only allowed under the following conditions:

1. Spotlighting shall not be permitted inside any of the incorporated areas of Duchesne County.

2. Spotlighting is prohibited from August 15 through November 15.

#### **4-7-4: Private Property**

Hunters shall obtain permission from the landowner before spotlighting on privately owned lands in accordance with Utah Code Annotated § 23-20-14.

#### **4-7-5: Required Permit**

A. Any person wishing to hunt by means of spotlighting must obtain a spotlighting permit from Duchesne County. A permit may be obtained from the Duchesne County Sheriff or his designee (hereinafter collectively referred to as Sheriff). Permits will be valid for 365 days from the date of issuance. The Sheriff may decline to issue a permit to any person who:

1. Is restricted from possessing a firearm under Utah Law;
2. Has had his/her hunting privileges restricted by the DWR; or
3. Any other provision of law that restricts a person's ability to possess a firearm or hunt.

B. The sheriff may rescind an issued permit for any person who would no longer qualify to obtain a permit or who violates the provisions of this chapter.

#### **4-7-6: Notice**

Hunters shall notify the Uintah Basin Consolidated Communication Center each time he/she engages in spotlighting; the hunter will provide the location he/she intends to spotlight.

#### **4-7-7: Applicability**

A. This chapter does not apply to:

1. A person or the person's agent who is lawfully acting to protect the person's crops or domestic animals from predation by those animals; or

2. An animal damage control agent acting in the agent's official capacity under a memorandum of agreement with the division;

B. This chapter shall not affect any other provision in the Utah Code not otherwise addressed herein regarding the taking of wildlife, the discharge of a firearm, or the rights and duties of landowners or hunters.

**4-7-8 – Penalty**

Any person who violates this chapter shall be guilty of a class B misdemeanor.

**Section 2. Severability**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 3. Repealer**

If any provisions of the Duchesne County Code heretofore adopted are inconsistent herewith they are hereby repealed.

**Section 4. Amendment of Conflicting Ordinances**

To the extent that any ordinances, resolutions, or policies of Duchesne County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

**Section 5. Effective Date**

This ordinance shall take effect upon its passage by a majority vote of the Duchesne County Commission and following notice and publication as required by Utah State Code.

Dated this \_\_\_\_ day of February, 2016.

Attest:

The Board of Duchesne County Commissioners:

\_\_\_\_\_  
JoAnn Evans  
County Clerk/ Auditor

\_\_\_\_\_  
Ron Winterton, Chairman

\_\_\_\_\_  
Ken Burdick, Member

\_\_\_\_\_  
Greg Todd, Member