ORDINANCE NO. 2014-10 (VERSION 3)

AN ORDINANCE OF IVINS CITY, UTAH, PROHIBITING WITHIN IVINS CITY THE DISCHARGE OF FIREARMS, TRAPPING, THE FEEDING OF PREDATORY ANIMALS, AND ANIMALS AT LARGE

WHEREAS, in response to a citizen request to consider an ordinance regulating the discharge of firearms and trapping in Ivins City, the City Council considered the potential dangers that these activities pose to public health and safety; and

WHEREAS, although Utah law generally provides exclusive jurisdiction regarding the regulation of trapping to the Utah Division of Wildlife Resources, municipalities do have authority to enact laws to protect public health and safety; and

WHEREAS, the Ivins City Council finds 1) that discharging a firearm within city limits poses a danger to public health and safety that should be regulated by ordinance, 2) that trapping within city limits, as defined herein, poses a danger to public health and safety that should be regulated by ordinance, 3) that feeding predatory animals within city limits poses a danger to public health and safety that should be regulated by ordinance; and 4) that animals at large pose a danger to public health and safety and have been regulated by Title 6 of the Ivins City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that the following chapter be added to Title 7 of the Ivins City Code regarding Health and Safety:

TITLE 7

HEALTH AND SAFETY

* * *

CHAPTER 12

DISCHARGE OF FIREARMS; TRAPPING; FEEDING PREDATORY ANIMALS

12.01.101 DEFINITIONS: For purposes of this section, the following terms shall be defined as follows:

FIREARM: Any gun, revolver, pistol, rifle or firearm of any kind or nature that ignites a propellant to shoot a projectile.

PREDATORY ANIMAL: Coyotes, foxes, mountain lions, bobcats and any other animal defined as a predator by law.

TRAPPING: The use of any "body gripping" device which entraps, snares or snaps closed on any animal, excluding the trapping of rodents, the use of live box or cage traps, and any trapping deemed necessary and performed by either the Utah Division of Wildlife Resources or the Ivins City Public Safety Department.

12.01.102 DISCHARGE OF FIREARMS PROHIBITED; EXCEPTIONS: It is unlawful for any person to discharge any firearm in Ivins City, except under the following circumstances:

(1) in self-defense;

(2) in any case of any law enforcement officer in the discharge of his/her duty; or

(3) when used for the slaughter of domestic livestock.

12.01.103 TRAPPING PROHIBITED: EXCEPTIONS: It is unlawful for any person to trap, set a trap, or engage in trapping in Ivins City, except for the following:

(1) any trapping deemed necessary and performed by either the Utah Division of Wildlife Resources or the Ivins City Public Safety Department.

(2) live box or cage traps; and

~~(3) when performed by a licensed trapper following the guidelines of the most recent Furbearer Guidebook, provided no lethal conibear type traps are used and no traps are set within ____ feet of a road or trail with a sign posted at the head of any trail across open desert areas warning the public to beware of the possibility of traps beyond ____ feet of the trail;~~

(4) when performed on private property by a person having legal ownership of or right to use the property, provided traps are only used to the <u>extent reasonably necessary</u> to protect people or animals located on the property from predatory animals.

12.01.104 FEEDING PREDATORY ANIMALS PROHIBITED: It is unlawful for any person to feed a predatory animal in Ivins City, including the failure to properly dispose of carcasses as set forth in Section 6.05.109 of the Ivins City Code.

12.01.105 ANIMALS AT LARGE PROHIBITED: See Sections 6.01.102 and 6.01.105 of the Ivins City Code.

12.01.106 PENALTY: Violations of this chapter may be enforced either criminally as a Class C misdemeanor or civilly by imposing a monetary penalty under Title 4 of the Ivins City Code (Administrative Code Enforcement).

Severability. If any section, clause or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Effective Date. This ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF _____, 2014 BY THE FOLLOWING VOTE:

	AYE	**NAY**	**ABSTAIN**	**ABSENT**
George E. Elwell, Jr.	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Lesley Mendenhall	_____	_____	_____	_____

Steven Roberts	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder