

ORDINANCE NO. 1455

AN ORDINANCE OF THE DRAPER CITY COUNCIL AMENDING SECTIONS 7-4-130 AND 15-1-050 OF THE DRAPER CITY MUNICIPAL CODE PERTAINING TO FIREARMS AND DISTURBANCE OF WILDLIFE

WHEREAS, Chapter 7-4 of the Draper City Municipal Code (“DCMC”) regulates the use and discharge of firearms and other weapons in the City; and

WHEREAS, DCMC subsection 7-4-130 provides for exemptions to the provisions of Chapter 7-4; and

WHEREAS, the City Council desires to make it clear persons acting under the authority or direction of a law enforcement officer or animal control officer are exempt from the prohibitions in Chapter 7-4; and

WHEREAS, DCMC 15-1-050 regulates activities on the City’s recreational facilities; and

WHEREAS, the City Council desires to exempt peace officers acting in performance of their official duties or persons acting under the authority or direction of a law enforcement officer or animal control officer from the prohibitions against disturbing wildlife on city recreational facilities; and

WHEREAS, the City Council has reviewed the proposed amendments and finds good cause to amend sections 7-4-130 and 15-1-050.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The City Council of Draper City adopts the recitals listed above and finds the proposed amendments are in the best interest of the health, safety, and welfare of the citizens of Draper.

Section 2. Amendment.

1. Section 7-4-130 of the Draper City Municipal Code is hereby amended to read as shown in Exhibit “A” attached hereto and incorporated herein by reference.

2. Section 15-1-050 of the Draper City Municipal Code is hereby amended to read as shown in Exhibit “B” attached hereto and incorporated herein by reference.

Section 3. Correction of Editing Errors. The City Attorney is authorized to make non-substantive corrections to the attached Exhibits, which may include corrections of punctuation, spelling, formatting, or similar errors prior to submitting the Ordinance to the City's codifier.

Section 4. Severability. If any section, part, or provision of this Ordinance is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 6th DAY OF OCTOBER, 2020.

ATTEST:

DRAPER CITY

Laura Oscarson, City Recorder

Mayor Troy K. Walker

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember Roberts

Councilmember Vawdrey

Councilmember F. Lowry

Mayor Walker

EXHIBIT A

Chapter 7-4 FIREARMS AND WEAPONS

7-4-130 Exemptions. The provisions of this chapter shall not apply to the following:

(a) Peace officers while engaged in the performance of their official duties, or any persons summoned by any such officer to assist in making arrests or preserving the peace while engaged in the performance of assisting the officer;

(b) Wardens, superintendents, or keepers of prisons, penitentiaries, jails, and other institutions for the retention of persons accused or convicted of an offense while engaged in the performance of their official duties;

(c) Members of the armed services or reserved forces of the United States, or the Utah National Guard, or the Reserve Officers Training Corps, while engaged in the performance of their official duties;

(d) Watchmen, while engaged in the performance of their official duties of employment;

(e) Persons lawfully manufacturing, transporting, or selling weapons while engaged in such manufacturing, transporting or selling.

(f) Persons acting under the authority or direction of a peace officer or animal control officer.

EXHIBIT B

Title 15 Parks Trails and Recreation

Section 15-1-050 Regulation of General Conduct.

(c) Disturbance of Wildlife. Except for peace officers acting in performance of their official duties or persons acting under the authority or direction of a peace officer or animal control officer, it shall be unlawful for any person to kill, trap, hunt, pursue, or in any manner disturb or cause to be disturbed, or have in possession any species of wildlife found within the confines of any recreation facility, ~~except that~~ fishing may be permitted in accordance with the official rules established by the City Manager for a given facility.