

Mapleton City Council Staff Report

Meeting Date: August 19, 2014

Applicant: Mapleton City

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: Yes

Zone: All

REQUEST

Consideration of an ordinance amending Mapleton City Code Chapter 9.24 regarding the discharge of firearms within the City when in conjunction with a permit issued by the Utah Division of Wildlife Resources to take wild animals that are causing damage to agricultural property.

BACKGROUND & PROJECT DESCRIPTION

Mapleton City Code (MCC) Chapter 9.24 currently prohibits the discharge of a firearm, including archery equipment, within the City except for the following exceptions:

- By a duly sworn police officer;
- Livestock owners are allowed to kill depreciating animals in accordance with state law;
- In a situation of self-defense; and
- On an approved firearms range or facility.

MCC defines "firearms" as any BB gun or pistol, any air gun or pistol, any shotgun, rifle, pistol, crossbow and any archery equipment. "Archery equipment" is defined as target and archery bows exceeding twenty five (25) pounds draw weight.

The proposed amendment would allow for the discharge of archery equipment only within the City by an individual that has received a permit from an appropriate state agency (Division of Wildlife Resources or DWR) to take wild animals that are causing damage to agricultural or green belt property.

URBAN DEER

The City Council has had some discussions in past meetings regarding the growing urban deer population. With more deer in the City, the potential for accidents, damage to crops and property and other incidents increases. The state Wildlife Resources Code allows for two options to address urban deer problems, which are summarized below:

- 1) *Depredation Permits:* The state Wildlife Resources code allows farmers to obtain depredation permits from the Division of Wildlife Resources to kill big animals, including deer, when the animals are damaging crops, livestock forage, fences, or property under green belt status. While the MCC allows an exception to the firearms restriction for property owners that have livestock that have been attacked by wild animals, it does not include an exception for damage to farm land or green belt property. Therefore, property owners have not been able to take advantage of depredation permits as a way to mitigate the urban deer problem.

The proposed ordinance would allow property owners to use archery equipment to take deer that are damaging their property when they have received a permit from the DWR. Staff is proposing to do some public outreach with property owners that can qualify for these permits to encourage them to obtain the permits.

The benefits of this option include:

- Management of the permits remains with DWR;
- Can be implemented quickly;
- No cost to the City; and
- City specifies what weapons can be used.

Some of the drawbacks to this option include:

- No City control over who gets the permits or who the hunters are;
- Only property owners with property under green belt status can qualify;
- If property owners aren't interested in using the permits, the deer population will not be impacted.

2) *Establish an urban deer control plan:* State code allows municipalities to establish a deer control plan. The plan can be tailored to the needs of the community and is administered by the municipality rather than by the DWR, provided the DWR has approved the plan.

Some of the benefits of this option include:

- City controls the program and selects the shooters; and
- Can apply to property not under green belt status.

Some of the drawbacks of this option include:

- City takes on the liability of the program;
- City has to dedicate time and resources to manage the program;
- City has to establish the criteria and selection process of shooters; and
- City assumes all the costs associated with the program.

Staff is not recommending that option 2 be pursued at this time. Staff recommends that the City pursue option 1 as a first step to addressing the problem. If option 1 is unsuccessful, then option 2 could be pursued in the future.

RECOMMENDATION

Adopt the attached ordinance.

ATTACHMENTS

1. Proposed Ordinance.

ORDINANCE NO. 2014-

**CONSIDERATION OF AN ORDINANCE AMENDING MAPLETON CITY CODE
CHAPTER 9.24 REGARDING THE DISCHARGE OF FIREARMS WITHIN THE CITY
WHEN IN CONJUNCTION WITH A PERMIT ISSUED BY THE UTAH DIVISION OF
WILDLIFE RESOURCES TO TAKE WILD ANIMALS THAT ARE CAUSING
DAMAGE TO AGRICULTURAL PROPERTY.**

WHEREAS, Mapleton City has adopted an ordinance (MCC Chapter 9.24) limiting the use of firearms within the City; and

WHEREAS, the urban deer population has been steadily increasing within the City over the past several years; and

WHEREAS, a large urban deer population presents threats to property and public safety; and

WHEREAS, the proposed ordinance amends MCC Chapter 9.24 to allow the use of archery equipment to take big animals when a permit has been issued by an appropriate state agency to do so.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to amend Mapleton City Code Chapter 9.24 as described in Exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON,
UTAH,

This 19th Day of August, 2014.

Brian Wall
Mayor

ATTEST:

Camille Brown
City Recorder
Publication Date:
Effective Date:

Exhibit "A"
(Changes Shown in Strikeout & Underline)
Chapter 9.24
WEAPONS

9.24.010: DEFINITIONS:

9.24.020: DISCHARGING FIREARMS:

9.24.030: FLIPPERS AND SLINGSHOTS:

9.24.010: DEFINITIONS:

For the purpose of this chapter "firearms" are defined as any BB gun or pistol, any air gun or pistol, any shotgun, rifle, pistol, crossbow and any archery equipment. "Archery equipment" is defined as target and archery bows exceeding twenty five (25) pounds draw weight. (1986 Code)

9.24.020: DISCHARGING FIREARMS:

It shall be unlawful for any person to discharge a firearm within the city limits of Mapleton City except under the following conditions:

- A. Any duly sworn peace officer or division of wildlife resources personnel in the performance of his duty.
- B. Livestock owners are allowed to kill depreciating animals as long as they are in compliance with other city or state codes or rules.
- C. Any individual that has received a permit from an appropriate state agency to take wild animals that are causing damage to agricultural or green belt property. Under this exception only the use of archery equipment as defined in section 9.24.010 of this code may be used.
- ~~D.~~ A resident has the right to use force in defense of life and property in compliance with the state statutes governing that defense.
- ~~E.~~ The discharge of appropriate firearms will be allowed on approved firearms ranges and facilities, with prior approval of the city council ~~of permanent structures and by the chief of police on nonpermanent structures.~~
- ~~F.~~ It is unlawful for shotguns to be discharged within six hundred feet (600') of any dwelling, house, barn, poultry yard, corral, feeding pen, stockyard or any enclosures where domestic animals are kept or fed, unless the written permission of the person in lawful possession of such building or enclosure is first had and obtained. Where it is permitted to discharge a shotgun, the size shot is restricted to no larger than BB size.
- ~~F.~~ ~~Any other firearm may be discharged on public lands owned by the U.S. forest service or the Utah division of wildlife resources and on any property within the city limits east of the fire break road in accordance with applicable state and federal laws and regulations. (1986 Code)~~