

Instrument # 2202295

JEROME COUNTY, JEROME, IDAHO

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MICHELLE EMERSON

Ex-Officio Recorder Deputy

Fee: 0.00

Wilson

ORDINANCE NUMBER 2020- 3

AN ORDINANCE OF THE JEROME COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF IDAHO, AMENDING JEROME COUNTY ORDINANCE 2019-1 TO EXEMPT OUT OF THE SHOOTING AREA THOSE AREAS LYING 100 YARDS OR LESS FROM THE CANYON RIM; SETTING FORTH UNDERLYING RECITALS, INCORPORATING RECITALS, DIRECTING IMPLEMENTATION BY ADMINISTRATIVE STAFF, REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

RECITALS:

WHEREAS, Article XII, section 2 of the Idaho Constitution authorizes Jerome County to adopt "all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws"; and

WHEREAS, Idaho Code Section 31-714 authorizes Jerome County to pass all ordinances, rules and regulations necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and that are necessary or proper to provide for the safety, promote the health and prosperity, and improve the general welfare of the inhabitants of Jerome County and all persons who may be present in Jerome County from time to time; and

WHEREAS, Idaho Code Section 31-715 mandates all such ordinances to be published in a newspaper circulated in the county before such will become effective; and

WHEREAS, Idaho Code Section 31-715A authorizes the Board of County Commissioners to publish a summary of the ordinance; and

WHEREAS, Jerome County has leased an area from the United States, Department of the Interior, Bureau of Land Management, for the purpose of developing a recreational park where activities, such as hiking, skiing, hunting, jogging, target shooting, archery, riding bicycles, horses, motorcycles, snowmobiles, ATVs, UTVs, and other motorized vehicles, and other similar recreational activities can occur; and

WHEREAS, the many different activities allowed in the park can cause large amounts of people to be in the Park at any one given time; and

WHEREAS, some people recreating in the park have reported their property or their person have been accidentally struck by bullets fired by target shooters, also recreating in the park; and

WHEREAS, the purpose of having a park where people can gather and recreate in varying ways will be thwarted if people are too afraid for their safety to use it; and

WHEREAS, Idaho Code Section 18-3302J authorizes the Board of County Commissioners to adopt ordinances to regulate, restrict or prohibit the discharge of firearms on public lands within its boundaries, if such discharge endangers persons or property; and

WHEREAS, Jerome County exercised its statutory authority in passing Jerome County Ordinance 2019-1 which divided the park into areas where recreational shooting was allowed and areas it was not;

WHEREAS, Jerome County is in the process of passing a subsequent ordinance to further restrict shooting along the entirety of the Northern Rim of the Snake River Canyon;

WHEREAS, these further restrictions would cause a conflict to arise between the subsequent ordinance and 2019-1 if it (2019-1) were not amended in such a manner so as to alleviate such conflict;

WHEREAS, this ordinance amends 2019-1 so as to prohibit recreational shooting in certain areas along the canyon rim, which were previously open to such shooting under that ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE JEROME COUNTY BOARD OF COMMISSIONERS as follows:

I. Recitals. The above recitals are hereby incorporated into this ordinance.

II. Authority. This ordinance is enacted pursuant to Idaho Code Section 31-714.

III. Title. Exhibit "A" of this Ordinance, which is attached hereto and incorporated herein, shall be known as the "Jerome County Ordinance - Shooting in Snake River Canyons Park".

IV. Purpose. To promote the public safety, health, welfare, convenience and enjoyment of Snake River Canyons Park, and to preserve and enhance the recreational experiences of all who utilize the Park.

V. Adoption. This ordinance is adopted as written and shown in Attachment "A", which is attached hereto and incorporated herein by this reference.

VI. Repeal. Any other existing Jerome County Ordinance, resolution or portion thereof, that conflicts with the provisions of this Ordinance are hereby declared to be repealed or superseded to the extent of such conflict.

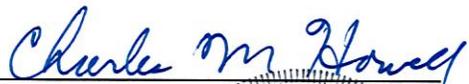
VII. Severability. The various parts of this Ordinance and those of its attachment are severable. The invalidity of a certain part shall not affect the validity of the remaining parts.

VIII. Implementation. Administrative staff and agents of Jerome County are hereby directed to take such actions as may be necessary to implement the provisions of this Ordinance.

IX. Effective Date. This Ordinance shall be effective upon its approval, passage and publication in a newspaper in circulation in Jerome County.

Approved and adopted as an ordinance of Jerome County by the Board of Jerome County Commissioners on the 15 day of May 2020.

JEROME COUNTY BOARD OF COUNTY COMMISSIONERS


Charles M. Howell, Chair

ATTEST:


Michelle Emerson, Clerk of the Board


A. Ben Croucher, Commissioner


John Crozier, Commissioner

ATTACHMENT "A"

JEROME COUNTY ORDINANCE SHOOTING IN SNAKE RIVER CANYONS PARK

PART 1 DEFINITIONS

Section 1.1 Definitions

For purposes of this Ordinance, the following terms shall have the following meanings:

"Bow" means a weapon consisting of a curved, sometimes re-curved, stave of a resilient material, strung taut from end to end and used to launch an arrow, a bolt, a quarrel or any similar projectile and that is capable of causing great bodily injury or death to a person and includes cross-bows, long-bows, re-curve bows and compound bows.

"Canyon Rim" means the highest brink of the Snake River Canyon which consists of a slope of 30 degrees or steeper for a distance of 50 feet or more.

"Firearm" means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing great bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm, including air guns, spring-guns, or any class or type thereof.

"Shooting Restricted Area" means that area illustrated on the map shown in Schedule "1" and described in Schedule "3" of this Ordinance.

"Snake River Canyons Park" means that area identified in the lease agreement between Jerome County and the United States Department of the Interior Bureau of Land Management, dated July 7, 2004, and copied in Schedule "5" of this Ordinance.

"Shooting Area" means that area illustrated on the maps shown in Schedules "1" and "2," and described in Schedule "4" of this Ordinance.

Part 2
DISCHARGE – PROHIBITED

Section 2.1 Discharge of firearms and bows -prohibited

No person shall discharge a firearm or bow within the boundaries of the Shooting Restricted Area of Snake River Canyons Park. This Section shall not apply to:

- a) The discharge of firearms by any duly authorized law enforcement officer when necessary in the performance of his official duties;
- b) The discharge of firearms and bows occurring within the Shooting Area of Snake River Canyons Park;
- c) Ceremonial Firing squads;
- d) Any landowner or guest thereof, discharging a firearm or bow on the landowners privately held lands that lie within the Shooting Restricted Area, if the discharge is conducted in such a manner so as not to endanger any person or property in the Snake River Canyons Park.

Part 3
PENALTY

Section 3.1 Penalty

Any person found guilty or who pleads guilty of a violation of the provisions of this Ordinance is punishable by imprisonment in the county jail not to exceed six (6) months, or by a fine not to exceed one thousand dollars (\$1000), or by both.

Schedule 3

The Shooting Restricted Area of the Snake River Canyons Park (as illustrated in Schedule "1" of this Ordinance) in which the discharge of firearms or bows is prohibited is described as follows:

All the lands of the Snake River Canyons Park, and all adjacent State of Idaho lands, located to the west and south of that line formed by 700 E Road, to Shoshone Falls Road, to Canyon Drive (the grade down to Shoshone Falls), to the Snake River. This line extends from the southerly limit of the East bound lane of Interstate 84 to the water's edge of the Snake River, and is more particularly described as:

COMMENCING from that point where the easterly limit of 700 E Road intersects with the southerly limit of the East bound lane of Interstate 84;

THENCE southerly and westerly along the easterly limit of 700 E Road to that point where it intersects with the northerly limit of Shoshone Falls Road;

THENCE southerly and easterly along the northerly limit of Shoshone Falls Road to that point where it becomes Canyon Drive;

THENCE easterly and southerly along the northerly limit of Canyon Dr to the point where Canyon Dr ends;

THENCE southerly to the nearest point on northerly bank of the Snake River.

Schedule 4

The Shooting Area of the Snake River Canyons Park (as illustrated in Schedules "1" and "2" of this Ordinance), in which the discharge of firearms and bows is allowed, is as follows:

All the lands of the Snake River Canyons Park, and all adjacent State of Idaho lands, not located in the Restricted Shooting Area and located to the east and north of that line identified in Schedule 3. Except in no event shall the Shooting Area of the Snake River Canyons Park include any area lying 100 yards or less from the Canyon Rim.

Schedule 5

Snake River Canyons Park as identified in the lease agreement between Jerome County and the United States Department of the Interior Bureau of Land Management, dated July 7, 2004, is described as follows:

Boise Meridian

(Those portions south of Interstate 84.)

- T. 9 S., R. 17.,
Sec. 14: S1/2SW;
Sec. 15: SW, SWNW;
Sec. 19: Lots 2, 3, 9, SENW;
Sec. 20: N1/2SE;
Sec. 21: E1/2, E1/2W1/2, SWNW, SW;
Sec. 22: W1/2, W1/2SWSE, W1/2E1/2SWSE, NWSE, SWNE,
W1/2W1/2SENE, N1/2NE;
Sec. 23: All;
Sec. 24: S1/2SE, N1/2SE;
Sec. 25: All;
Sec. 26: All;
Sec. 28: NENW, N1/2NE, SENE;
Sec. 36: Lot 15.
- T. 9 S., R. 18 E.,
Sec. 19: Lots 3, 4, E1/2SW, S1/2SE;
Sec. 28: SW, SWSE;
Sec. 29: S1/2, S1/2NE, NW;
Sec. 30: Lots 1-4, E1/2W1/2, E1/2;
Sec. 31: Lots 1, 4, 5, N1/2NE, NENW;
Sec. 32: Lot 5, N1/2N1/2;
Sec. 33: Lot 1, N1/2, N1/2S1/2, S1/2SE, SESW;
Sec. 34: N1/2SW, SWNW.
- T. 10 S., R. 18 E.,
Sec. 03: Lots 4, 5, 8;
Sec. 04: Lots 1, 2;
Sec. 10: Lots 1, 2;
Sec. 11: Lots 1, 2, 5, 6;
Sec. 12: Lot 3.

Containing approximately 6,589.85 acres.