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ORDINANCE NUMBER 2020-4

AN ORDINANCE OF THE JEROME COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF IDAHO, PROHIBITING THE DISCHARGE OF FIREARMS AND BOWS IN OR NEAR THE SNAKE RIVER CANYON; 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, the Snake River and the canyon it runs through has been designated a Special Site in the Jerome County Comprehensive Plan and attracts a multitude of recreationalist, such as boaters, kayakers, rafters, etc., skiers, fisherman, hunters, hikers, joggers, target shooters, archers, and bicycle, horseback, motorcycle, snowmobile, ATV, UTV, and other motorized vehicle riders, and other people engaged in similar recreational activities; and

WHEREAS, the many different activities allowed on the Snake River, in the Canyon and along its rim can cause large amounts of people to be in this area at any one given time; and

WHEREAS, some people recreating on the Snake River, in the Canyon or along its rim have reported their property or their person have been accidentally struck by bullets fired by target shooters, also recreating in the area; and

WHEREAS, the recreation provided by the nature of the Snake River, its Canyon and the Canyon Rim 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, although Jerome County is in the process of developing a shooting range near the Canyon, certain safety measures around shooting on the Snake River, in its Canyon and the Canyon rim are needed in the interim:

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. This ordinance shall be known as Ordinance No. 2020 - 4. Exhibit "A", which is attached hereto and incorporated herein, shall be known as the – Shooting on the Snake River, in the Snake River Canyon and on the Snake River Canyon Rim – Prohibited".

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

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 conflict 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 19th day of May 2020.

JEROME COUNTY BOARD OF COUNTY COMMISSIONERS

Charles M. Howell, Chair

ATTEST:

A. Ben Crouch, Commissioner

Michelle Emerson, Clerk of the Board

John Crozier, Commissioner

ATTACHMENT "A"
SHOOTING ON THE SNAKE RIVER;
IN THE SNAKE RIVER CANYON;
AND ON THE SNAKE RIVER CANYON RIM
PROHIBITED

PART 1
DEFINITIONS

Section 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.

"No Shooting Area" means the middle of the Snake River north to the water's edge; the area on the northern side of the Snake River from the water's edge to the Northern Canyon Rim; and the area lying 100 yards north of the Canyon Rim.

Part 2
DISCHARGE – PROHIBITED

Section 2 Discharge of firearms and bows - prohibited

No person shall discharge a firearm or bow within the No Shooting Area as defined in this Ordinance. 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/her official duties;
b) Ceremonial Firing squads;
c) Any landowner or guest thereof, discharging a firearm or bow on the landowners privately held lands that lie within the No Shooting Area, if the discharge is conducted in such a manner so as not to endanger any person or property.

Part 3
PENALTY

Section 3 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.