

Utah Fishing Law 1896

AN ACT for the protection of Fish, Game and Birds; for the appointment of State and County Wardens and prescribing their duties; to provide penalties for the violation of this act; and to repeal all acts and parts of acts in. consistent herewith.

Be it enacted by the legislation of the State of Utah:

SECTION 1. That the Governor of the State, by and with the consent of the Senate, shall appoint a State Fish and Game Warden, who shall be a resident citizen of the State, whose term of office shall be two years and until his successor is appointed and qualified, except as to the first term which shall be for three years; Provided, That when a vacancy occurs in the office of said warden and the Legislature is not in session, the Governor shall have power to fill such vacancy until the next regular session of the Legislature, and he shall have power to remove the State warden at pleasure.

Sec. 2. The State warden shall receive an annual salary of \$500. He shall, before entering upon the duties of his office, take and subscribe to an oath of office and give a bond in the penal sum of three thousand (\$3,000) dollars for the faithful performance of his duty. Such bond shall be approved by and filed with the Secretary of State.

Sec. 3. The State warden shall have control and supervision of the waters of the State for the collection, propagation, culture and distribution of fish in the State, and shall receive and distribute all fish, fish fry and spawn coming into his hands fairly and equitably among the several counties. He shall have full control of all the property of the State, obtained or held for the purposes contemplated by this act.

Sec. 4. It shall be lawful for the State fish and game warden or any person appointed in writing so to do, to take fish and game of any kind, dead or alive, and in any manner, under the direction of the county fish and game warden, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes, deemed by him to be in the interests of the fish and game industry of the state. He shall make a detailed report of his official transactions, including the number and kinds of fish distributed and the locality and name of streams, ponds or lakes where the same have been placed, and submit such report to the Legislature during the first week of its ensuing regular session.

Sec. 5. At their first session after the passage of this act the county commissioners of each county of the State shall appoint a county fish and game warden whose term of office shall be two years and until his successor shall be appointed and qualified. Said county warden shall, before entering upon the duties of his office, take and subscribe to an oath of office and give a bond in the penal sum of one thousand (\$1000) dollars for the faithful performance of his duty; said bond shall be approved by the county commissioners and filed in the office of the county clerk. The

county warden shall receive adequate compensation for his services to be paid by the county commissioners out of the county treasury and shall perform his duties under the direction of the State Fish and Game Warden.

Sec. 6. It shall be the duty of the county warden to see that all laws of the State for the protection of fish and game are faithfully enforced in their respective counties, and for this purpose they are hereby given the same authority exercised by sheriffs and constables. It shall be the duty of the county warden to report his official acts to the county commissioners of his county annually.

Sec. 7. The said county wardens, by authority of the State warden, may take or cause to be taken from the public waters within their respective counties, at any time or in any manner, any kind of fish for the purpose of inspection or propagation. The county wardens shall make detailed reports of their official doings to the State warden during the first week in December of each year.

Sec. 8. It shall be the duty of the county warden to take or cause to be taken in the best practical manner any imported fish, mountain trout, bass or herring found in pools or other places in which the receding waters of the rivers, streams, lakes, canals or other waterways have left them, and which are likely to become dry, and to carefully put the live fish thus taken into main bodies of water, and to make the best disposition of the dead fish in the interest of the county treasury.

Sec. 9. The owner or owners of any damn erected across any of the streams of this State shall, if required by the county fish and game warden, and under his direction, erect and maintain at all times at the expense of said owner or owners, suitable fishways to allow the free and uninterrupted passage of fish up and down the stream.

Sec. 10. It shall be unlawful for any person or persons operating any mill, factory, power plant or other manufacturing concern run by water power and having either head or tail races, without first furnishing and maintaining suitable screens or other device to prevent the fish from entering therein; said screens to be built and maintained under the direction of the county warden and at the expense of said owner or owners, or operators of said mill, factory, power plant or other manufacturing concern; Provided, That the woolen factory race at Provo, Utah county, this State, through which fish reach Spring lake, be made an exception to these obligations and provided, further, That the owner or owners or operators of said woolen factory or other factories or mill situated upon said race, furnish and maintain at all times and at their own expense, suitable screens to prevent fish from entering the water wheels and water pipes of said factories or mills; said screens to be built and maintained under the direction of the county warden.

Sec. 11. It shall be unlawful for any person to take any fish, except carp, chubs, suckers and mullet from any of the waters of this State, by any means or device whatsoever, except by means of hook and line, commonly known as angling, and that only between the first day of July of each year and the fifteenth day of January following.

Sec. 12. It shall be unlawful for any person to sell, kill, destroy or have in his possession at any time, any fish except carp, chubs, sunfish or silverside less than eight inches long, or any fish whatever that is taken unlawfully, or to take, kill, destroy or have in his possession any trout or bass whatever at any time after the 14th day of January and before the fifteenth day of July following.

Sec. 13. It is hereby made unlawful for any person to take, kill, or have in his possession any shad, catfish, whitefish, perch, rock-bass, crappie, rainbow trout, goldfish, silverfish or silver eels, for a period of three (3) years after the passage of this act.

Sec. 14. It shall be unlawful for any person to kill or take any fish from the waters of the State by the use of any poison, deleterious or stupefying drug, giant powder, quicklime or any explosive substance whatsoever, or to place or to use in or on the surface of such waters, any giant powder, quicklime or any explosive substance, or any poison, deleterious or stupefying drug, or to have in his possession any fish killed or taken by the use or aid of any of these substances. Any person found guilty of violating any of the provisions of this section shall be guilty of a felony.

Sec. 15. It shall be unlawful for any person to take any fish except carp, chubs and suckers, from the public waters of the State, by the erection of any weir, dam, fence, wheel, basket, trap, net, seine, set-line, sieve, spear or gun, or any other device whatsoever, which can and may be used for the unlawful catching of fish; provided That for the purpose of catching carp, chubs, mullet or suckers, and these fish only, seines not more than two hundred yards long and twelve feet wide, with meshes not less than one and one-half inches square for fifty yards in the center, and meshes not less than two inches square in the wings thereof, may be used in Utah, Bear and Sevier lakes and in Green and Grand rivers, and in the lower and sluggish portions of the Bear, Weber and Jordan rivers, between September 1st and May 15th following both days inclusive; Provided, That before any person shall use seines in the waters above mentioned such person shall, secure the presence of either the county warden or his deputy, who shall be paid not to exceed the sum of two dollars per day by the parties drawing

Sec. 16. It shall be unlawful to use seines within one-half mile from the mouth of any stream flowing into any lakes in the State, or the mouths of Spring Creek channels which lead into Utah lake, or within one-half mile from the mouth of any public stream or body of water connecting two other bodies of water, or anywhere within the confines of Spring Creek lake which flows into Utah lake.

Sec. 17. It is hereby made the duty of the warden of each county on the recommendation of the board of county commissioners to see that all irrigation canals when deemed necessary in the judgment of the county warden are properly protected by some device other than a screen which will not be the means of obstructing the proper flow of water into such canals so that no fish may enter said ditches after May 15th of each year; said device to be provided by the county commissioners for each county and put in place and maintained by the owner or owners of said ditches, and a failure to comply with the provisions of this section shall be a misdemeanor.

Sec. 18. It shall be the duty of the owners or operators of any reservoir to furnish and maintain at all times a suitable screen at the head of their reservoirs, such as will effectually prevent fish from any of the waters of the State from passing into the reservoirs, the same to be maintained under the direction and approval of the county warden.

Sec. 19. All seines, net, tackle, powder, explosives, lime, poisons, drugs and other means or devices for unlawfully taking or killing fish of any kind, found in the possession of any person who may be detected in unlawfully taking fish from any of the waters of the State, shall be seized by the officer making the arrest, and, if it appears from the evidence before the magistrate trying the cause that the seines, nets, powder, explosives, lime, poison, drugs and other means and devices for taking or killing fish were used, or were about to be used, or intended to be used for the unlawful taking of fish, the same are hereby confiscated and shall be, by the order of the magistrate, taken and disposed of in the interest of the county treasury.

Sec. 20. Removed - Not applicable. Unlawful to take big game with traps.

Sec. 21. Removed - Not applicable. Hunting with dogs.

Sec. 22. Removed - Not applicable. Partridge and grouse.

Sec. 23. Removed - Not applicable. Sagehen.

Sec. 24. Removed - Not applicable. Gull, owl other birds.

Sec. 25. Removed - Not applicable. Ducks and geese.

Sec. 26. It shall be unlawful for any person to take, kill or have in his possession, in any one day, more than fifteen pounds of trout.

Sec. 27. Any person who shall have in his possession any game, fish or birds taken unlawfully is guilty of a misdemeanor. All fish or game taken unlawfully or offered for sale when so taken shall be seized by the State or county fish and game warden and disposed of in the best interest of the county treasury of the county in which said seizure may be made.

Sec. 28. It shall be unlawful for any person or persons at any time to ship or caused to be shipped, carried or transported out of the State any of the animals, birds, or fish, or any part thereof mentioned in this act excepting, carp, chubs, suckers and mullets.

Sec. 29. Removed - Not applicable. Birds.

Sec. 30. Any person violating any of the provisions of this act, other than the provision of section 14, shall be guilty of a misdemeanor and shall be fined not less than \$3 nor more than \$300, or imprisonment not less than five days nor more than thirty days, or both, at the discretion of the court. All fines and forfeitures collected under the provisions of this act shall be paid into the county treasury of the respective counties.

Sec. 31. Chapter LXXVIII, of the Session Laws of 1894 entitled "An act to provide for the protection of fish and game and for the appointment of Territorial and county commissioners," and all other acts and parts of acts in conflict herewith are hereby repealed.
Approved April 5, 1896.

Read about the history of all of Utah's fishing laws and regulations on <https://junesucker.com>