

1897 Utah Fishing Law

BLACK BASS.

AN ACT to Provide for the stocking of Bear Lake, Bear River, and Sevier River with Black Bass from Utah Lake, and for the Appropriation of Five hundred dollars, or so much thereof as may be necessary for such purpose.

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

SECTION 1. Five hundred dollars, or so much thereof as may be necessary, is hereby appropriated to stock Bear Lake, Bear River, and Sevier River with black bass from Utah Lake, said money to be expended under the direction of the State Fish and Game Warden, and drawn upon his voucher upon the State Auditor, who shall issue his warrant therefor upon the State Treasurer.

Sec. 2. It shall be unlawful for any person to take, in any manner whatever, from any of the waters mentioned in the preceding section, any black bass, planted in pursuance of this act, for two and one-half years from the approval of this act, and any person convicted of a violation of the provisions of this section shall be guilty of a misdemeanor.

Sec. 3. This act shall take effect upon approval.

Approved March 11th, 1897.

FISH AND GAME.

AN ACT for the Protection of Fish, Game, and Birds; for 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 inconsistent herewith.

Be it enacted by the Legislature 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; 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 any time for cause.

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 \$3000 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 li. 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 purpose contemplated by this act, and he shall have power to appoint special deputies without pay to assist in enforcing the provisions of this act.

Sec. 4. It shall be lawful for the State Fish and Game Warden, or any person appointed by him in writing so to do, to take fish and game of any kind, dead or alive, or 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 \$1,000 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 determined and paid by the county commissioners out of the county treasury, and shall perform his duties under the direction of the State warden and the county commissioners, and may be removed for cause by the State warden, with the consent of the county commissioners.

Sec. 6. It shall be the duty of the county wardens 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, together with the State warden and his deputies are hereby given the same authority exercised by sheriff's 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 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 receding waters of the rivers, streams, 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 owners of any dam 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 streams: Provided, that nothing in this act shall be so construed as to interfere with acquired rights to the use of water in this State.

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 or tail races 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 Provo mill woolen factory race at Provo, Utah race. 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 mills 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 whatever, except by means of hook and line, commonly known as angling, and that only between the 15th day of June of each year and the 15th day of December following.

Sec. 12. It shall be unlawful for any person to sell, kill, destroy, or have in his possession any bass whatever at any time after the 15th day of December and before the 15th day of June following.

Sec. 13. It is hereby made unlawful for any person to take, kill or have in his possession any catfish, perch, rock bass, crappie, rainbow-trout, goldfish, silverfish, oi silver-eels, taken from the waters of the State for a period of two 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, or quick-lime, or any explosive substance whatever, or to place or to use in or on the surface of such waters, any giant powder, quick-lime, 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 in this section shall be fined in any sum not less than one hundred dollars for each offense, or imprisoned in the county jail not less than ninety nor more than one hundred and twenty days, or by both such fine and imprisonment.

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, setline, sieve, spear or gun, or any other device whatsoever which can only be used for the unlawful catching of fish; Provided, that for the purpose of catching carp, chubs, mullets 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 and Sevier lakes, and

in the Colorado, Green and Grand 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 \$2. per day by the party drawing the seine.

Sec. 16. It shall be unlawful to use seines within one-half mile from the mouth of any stream flowing into Utah Lake or the mouth of Spring Creek channels which lead into said lake, or within one-half mile from the mouth of any public stream or body of water connecting two other bodies of water, in this State; Provided, that seines may be used in Bear Lake only between the 15th day of May and the 15th day of July for the purpose of catching carp, chubs, suckers and mountain herring, and these fish only.

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 which will not be the means of obstructing the 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 and maintained by the county commissioners for each county.

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 waters of the State from passing into the reservoirs, the same to be maintained under the direction and approval of the county warden, when directed so to do by the board of county

Sec. 19. All seines, net, tackle, powder, explosive, 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 case that the seines, nets, powder, explosive, lime, poisons, 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 order of the magistrate, taken and disposed of in the interest of the county treasury.

Sec. 20. Removed not applicable. Unlawful to take elk, deer, antelope, etc., except.

Sec. 21. Removed not applicable. Unlawful use of dogs in hunting.

Sec. 22. Removed not applicable. Taking partridge, grouse, etc.

Sec. 23. Removed not applicable. Taking Sage hen

Sec. 24. Removed not applicable. Taking gull, owl, etc., except English Sparrow forbidden.

Sec. 25. Removed not applicable. Taking wild geese, ducks, etc.

Sec. 26. 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. The possession of any animal, fish or bird or of the remains or any part of the remains thereof, within the times or

periods within which the taking or killing of the same is prohibited, shall be prima facie evidence of such unlawful taking or killing.

Sec. 27. Removed not applicable. Taking Mongolian pheasant, quail, etc., forbidden.

Sec. 28. Any person violating any of the provisions of this act, other than the provisions of section 14, shall be guilty of a misdemeanor, and shall be fined not less than \$5, nor more than \$300, or imprisoned 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. 29. For the better advancement of the fish interests of the State, the State Fish and Game Warden and county fish and game warden, by, and with the consent of the county commissioners, may select and reserve one stream, lake or pond in each county for the purpose of planting, breeding and propagating fish. Such reservation may continue for a period of not longer than four years; and it shall be a misdemeanor for any person to fish in any stream, lake or pond, while so reserved. When any stream, lake or pond is selected for the purposes named, the county warden shall forthwith post or cause to be posted conspicuous notices thereof along the banks or shores of such stream, lake or pond, at distances not to exceed one mile apart; and the county warden shall also cause notice thereof to be published in the nearest newspaper to such lake, stream or pond, for two weeks prior to the closing of such stream lake or pond to public fishing.

Sec. 30. It shall be unlawful for any person or persons at any time to ship or cause 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.

Sec. 31. Chapter XCVI Session Laws of 1896 and all acts and parts of acts in conflict herewith are hereby repealed.

Sec. 32. This act shall take effect upon approval.
Approved March 11th, 1897.

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