

1905 Utah fishing law

CHAPTER 118.

FISH AND GAME.

An Act for the protection of fish, game and birds; for appointment of a State Fish and Game Commissioner, special deputies and county fish and game wardens and prescribing their duties; to provide penalties for the violation of this act; and to repeal title 21, Revised Statutes of Utah, 1898; chapter 26, laws of Utah, 1899; chapter 133, laws of Utah, 1901; and chapter 116, laws of Utah, 1903.

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

SECTION 1. State Fish and Game Commissioner. Term. Qualifications.

That the Governor of the State, by and with the consent of the Senate, shall appoint a State Fish and Game Commissioner, hereafter called State Commissioner, who shall be a resident citizen of the State, and who shall not be a member of any hunting shooting or fishing club, 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 State Commissioner 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 Commissioner at any time for cause.

Sec. 2. Salary. Bond.

The State Commissioner shall receive an annual salary of one thousand dollars, together with his reasonable and necessary traveling and contingent expenses, not exceeding three hundred dollars per annum. He shall, before entering upon the duties of his office, take and subscribe to the constitutional oath of office and give a bond in the penal sum of five thousand dollars for the faithful performance of his duty. Such bond shall be approved by the State Board of Examiners and filed with the Secretary of State.

Sec. 3. Powers and duties of Commissioner. Deputies.

The State Commissioner 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 game, 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, and he shall have power to appoint special deputies to assist in enforcing the provisions of this act; provided, that the sum of two thousand dollars may be expended annually for the payment of said special deputies.

Sec. 4. Commissioner authorized to take fish and game. Report.

It shall be lawful for the State Fish and Game Commissioner, 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. County Warden. Qualification. Compensation.

At their first session, after this act shall take effect the county commissioners of each county of the State shall appoint a County Fish and Game Warden, hereinafter called County Warden or County Fish and Game Warden who shall be a resident citizen of the State and who shall not be a member of any hunting, shooting or fishing club, 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 the constitutional oath of office and give, a bond for the faithful performance of his duties; 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 Commissioner and the county commissioners, and may be removed for cause by the State Commissioner, with the consent of the county commissioners. Upon the appointment of the County Warden, the county clerk shall immediately advise the State Commissioner of said appointment, giving name and address of said appointee.

Sec. 6. Duties of Commissioner and Warden.

It shall be the duty of the State Commissioner, and also the duty of the County Fish and game Wardens to see that all laws of the State for the protection of fish and game are faithfully enforced in the several counties, and for this purpose they respectively are severally hereby given the same powers and authority granted by the laws of the State to and exercised by sheriffs and constables. The State Commissioner each of his special deputies and every County Warden throughout the State, and every sheriff and constable in his respective county, is authorized and required to enforce this act, and seize any game or fish taken or held in violation of this act, and he shall have full power and authority, and it shall be the duty of every such officer, with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof; and if, without a warrant, to hold him until a warrant can be procured; to open, enter and examine all cars, stages, parks, warehouses, stores, outhouses, boxes, barrels and packages where he has reason to believe any game or fish taken or held in violation of this act, is to be found, and to seize the same; and, provided, that if such search or seizure be made without a warrant, the officer making the same must procure a warrant therefor as soon as possible during or after the search or seizure; and provided further, that a dwelling house actually occupied can be entered for examination only in pursuance of a warrant. It shall be the duty of the County Fish and Game Wardens to report their official acts in detail to the State Commissioner annually during and not later than the first week in December, and oftener if so required by the State Commissioner.

Sec. 7. Duties of County Wardens. Canal owners to give notice before draining canal.

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 State water, and to make the best disposition of the dead fish in the interest of the county treasury. All persons,

corporations and companies owning or controlling irrigating canals, ditches or mill races for irrigation, operating mills or power plants of any kind, before draining any such canal, ditch or mill race for any known purposes, shall give the County Warden at least two days notice of such draining, and a failure to do so will be a misdemeanor.

Sec. 8. Fish ways. Sawdust in streams.

The owners of any dam not exceeding twenty-five feet in height, 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 and 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 this provision shall not apply to reservoir dams when the water is held back for irrigation purposes. It shall be unlawful and a misdemeanor for any person or persons, corporations or companies to build or maintain any dam that will be the means of killing or destroying the fish passing up or down any stream. And it shall be unlawful and a misdemeanor for any person or persons, corporation or company owning any saw mill in this State, to cause or permit any sawdust or other refuse matter from said sawmills to be washed, dumped or placed in any of the streams or waters of this State, or to place such sawdust or refuse matter in such close proximity to any stream that the same might be washed into said stream by rains; provided, that nothing in this act shall be so construed as to interfere with acquired rights to use water in this State.

Sec. 9. Screens to prevent fish from entering wheels.

It shall be unlawful for any person or persons to operate any mill, factory, power plant of 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 concerns; 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 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 or the County Warden.

Sec. 10. Taking fish when and how lawful.

It shall be unlawful and a misdemeanor for any person to fish for or take any fish from any of the waters of this State, except the Colorado, Green, Grand and San Juan rivers by any means or device whatever, except by means of hook and line, commonly known as angling, and in that way, only between the 14th day of June of each year and the 15th day of December following. Provided, that only in Utah Lake and Provo River below the Oregon Short Line Railway bridge at Provo, and in Bear River below the county bridge at Bear River City, and in the Jordan River, carp, suckers, chubs, bullhead catfish, mullet and mountain herring, may be caught with hook and line commonly known as angling, at any time; and provided further, that it shall be unlawful and a misdemeanor to take any fish whatever from the waters of Fish Lake or its tributaries, or from Seven Mile Creek below Fish Lake at any time in the year except only between the 20th day of July and the 15th day of December following; and provided further, that it shall be unlawful and a misdemeanor for any person to take or have in possession at any time of any year

any trout, black bass, or mountain herring less than seven inches long; and provided further, that the word "angling," as used in this act, is defined to be fishing with a fishing rod or pole held in the hand or bands, tie rod or pole to have only one line attached thereto, and the line to have attached thereto artificial fly hooks not exceeding two in number, or one baited fish hook with no more than one gang of no more than three hooks. or one trolling Spoon with no more than one gang of no more than three hooks.

Sec. 11. Bass and trout.

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

Sec. 12. Unlawful to sell trout. Limit of catch. Sale, from private ponds.

It shall be unlawful and a misdemeanor for any person to sell or offer or expose for sale at any time any eastern brook trout, rainbow trout, grayling trout, native black-spotted or mountain trout, or any other species of trout or landlocked Salmon, taken from any of the streams or waters of this or any other State and in prosecutions here under it shall be sufficient to allege generally that such fish were unlawfully held, and proof of the sale or of the offering or exposing for sale of any such varieties or species of fish, shall be prima facie evidence that they were unlawfully held. It shall be a misdemeanor for any person to take, catch or have in possession more than fifteen pounds of any one or more of said varieties or species of fish on any one day, for domestic use or any other purpose; and in prosecutions hereunder it shall be sufficient to allege generally, that such fish were unlawfully held and proof of the taking or catching or having in possession on any one day of more than fifteen pounds of any one or more of such varieties or species of fish, shall be prima facie evidence that such fish were unlawfully held; provided, that between the 14th day of June and the 15th day of December following of each year it shall be lawful to take, only with hook and line, commonly known as angling, and between the same dates, to sell, any number of pounds per day, of black bass from Utah, Bear and Sevier Lakes only. It is further provided that any kind of trout propagated and raised in private ponds situate in this State, may be sold or exposed for sale at any time, but in prosecutions for the violation of any of the matters or things hereinbefore prohibited or declared unlawful in this section, it shall not be necessary for the State to negative either in the complaint or on the trial this proviso. It is further provided, that the owner or owners of said private fish ponds, as well as all vendors of such fish shall, before selling any fish from said ponds, procure from the county clerk a separate license to sell said fish from said private ponds, which license shall be non-assignable, and the pond owner or owners shall make out and sign a certificate of sale or transfer in duplicate for each consignment of such fish sold from such private ponds, and shall deliver said certificates in duplicate at the time of sale, as follows, to-wit: One duplicate thereof to the buyer, who must produce it for inspection upon any request; and the other duplicate to the County Fish and Game Warden for his use as a means of identification. Each certificate and the duplicate must contain the name of the vendee or transferee, the character and weight of fish sold, and the (date of transfer. All owners of private ponds, selling trout therefrom, shall further, place upon Some part of each trout so sold or of fered for sale a private mark. the mark and place where the same shall be so affixed upon each trout to be designated by the County Fish and Game Warden; and if any wholesale or retail vendor, hotel, boardinghouse or restaurant keeper shall at any time have in his possession or sell or offer for sale or furnish to any customer, any trout without said mark so affixed or without the exhibition of the aforesaid duplicate certificate of sale, or if any person

shall have at any time in his possession any trout claimed to have been taken from a private pond without said designated mark so affixed, then he shall be guilty of a misdemeanor. Any person failing to comply with or who violates any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 13. Use of Explosives or Drugs.

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 quicklime, or any explosive substance whatever, 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 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. 14. Use seines, traps, etc. Fishing by artificial light.

It shall be unlawful for any person to take any fish from the waters of this State by the erection of any weir, dam, fence, wheel, basket, trap, net, seine, setline, seine, gun, grabbing hooks or by fishing by fire or lamp light at night, or by other device whatsoever which can be used for the unlawful catching of fish; provided, that, for the purpose of catching carp, chubs, mullets, bullhead catfish, 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 inch square for 50 yards in the center, and meshes not less than 2. inches square in the wings thereof, may be used in the following named waters only: Bear and Sevier Lakes, the Colorado, Green, Grand and Sevier River below the bridge on the State Road leading from Juab to Scipio from May 1st to October 1st of each and every year both days inclusive and in San Juan River; in the Weber River below its junction with the Ogden River; in the Bear River below the bridge at Bear River City, from September 1st to March 31st, following, both days inclusive; and in Bear Lake only from May 15 to July 15; provided further, that suckers may be taken by grabbing hook in Provo River, and Spanish Fork River only, and that only between the Oregon Short Line Railway crossing and Utah Lake, and in Weber River in Morgan and Weber counties; and, provided further that before any person shall use seines in the waters of Bear and Sevier Lakes above mentioned and in the Weber River below its junction with the Ogden River, and in the Bear River below the bridge at Bear River City, such person shall secure the presence of either the County Warden or his deputy, who shall be paid not to exceed two dollars per day by the party drawing the seine. It shall be lawful to use spears with or without torch or lamplight for taking and killing carp only. It shall be lawful to use gill nets not exceeding fifty yards long and six feet wide, with meshes not less than three inches square, in Bear Lake only, between June 15th and September 15th of each year.

Sec. 15. Seining in Spring Creek Lake forbidden.

It shall be unlawful to use seines in Spring Creek Lake which runs into Utah Lake, or 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 stream, or body of water connecting two other bodies of water, in this State.

Sec. 16. Screens in irrigation canals.

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 between June 1st and September 15th of each year; said device to be provided and maintained by the county commissioners for each county.

Sec. 17. Screens at head of reservoirs.

It shall be the duty of the owners or operators or 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 and county commissioners.

Sec. 18. Seizure of seines and explosives.

All seines, nets, 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 case that the seines, nets, powder, explosives, 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. 19. Removed not applicable. Unlawful to kill deer, elk, etc.

Sec. 20. Removed not applicable. Use of dogs in hunting.

Sec. 21. Removed not applicable. Prairie chickens, grouse, etc.

Sec. 22. Removed not applicable. Insectivorous and song birds.

Sec. 23. Removed not applicable. Wild ducks and geese.

Sec. 24. Removed not applicable. Gauge of gun to be used.

Sec. 25. Unlawful possession of fish or game.

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 or held unlawfully or shipped or consigned for shipment out of this State shall be seized by the State or County Fish and Game Warden and disposed of to 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 time or period within which the taking or killing or possession of the same is prohibited, shall be prima facie evidence of such unlawful taking or killing or possession; and it shall be unlawful to kill, catch or otherwise take or destroy, and leave to waste, or in any manner to cause or suffer to be wasted, and bird, animal or fish in this act mentioned, or any useful part or parts thereof.

Sec. 26. Removed not applicable. Pheasants and quail.

Sec. 27. Penalties.

Except as otherwise provided in this act, all persons who shall violate or fail to comply with any of the enactments or provisions of this act shall be guilty of a misdemeanor and shall be fined not less than ten dollars for each offense, and all fines and forfeitures collected under the provisions of this act shall be paid into the county treasury of the respective counties.

Sec. 28. Reserving waters for propagating fish.

For the better advancement of the fish interests of the State, the State Commissioner and the 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 consecutive 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 any such purposes, the County Warden shall forthwith post or cause to be posted and maintained conspicuous notices thereof along the banks or shores of such stream, lake or pond, at points over one mile, apart; and the County Warden shall also cause notice thereof to be published in the newspaper issued and published nearest to such lake, stream or pond for two weeks prior to the closing of such stream, lake or pond to public fishing.

Sec. 29. Shipping fish or game out of State unlawful.

It shall be unlawful for any person or persons at any time to ship or cause to be shipped, carried or transported or to consign for shipment out of this State, any of the animals, birds or fish, or any part or parts thereof, dead or alive, mentioned in this act. Any person or persons found guilty of violating any of the provisions of this section shall be fined in a sun not less than one hundred dollars.

Sec. 30. Non-résident gun License.

It shall be unlawful for any non-resident person or for any resident who is not a citizen of the United States to kill any game, animals, birds or fish in this State, without first having procured the license to do so hereinafter provided for. Any non-resident person or any resident who is not a citizen of the United States, upon the payment to the State Commissioner, of the sum of twenty-five dollars, shall be entitled to receive a license, from said commissioner, which will entitle him to hunt and kill game, animals, birds and fish, for the period of one year subject to all the laws of this State for the protection of fish and game. All moneys received by the State Fish and Game Commissioner under the provisions of this section shall be turned into the general fund of the State Treasury.

Sec. 31. Repeal. That title 21, Revised Statutes of Utah, 1898; chapter 26, laws of Utah, 1899; chapter 133, laws of Utah, 1901.; and chapter 116, laws of Utah, 1903, are hereby repealed.

Approved this 17th day of March 1905.

To the State Fish and Game Commissioner:

For salary for the calendar years 1905 and 1906 2,000.00

To the Office of the State Fish and Game Commissioner: For necessary traveling and contingent expenses for the calendar years 1905 and 1906, or so much thereof as may be necessary 600.00

To the Office of the State Fish and Game Commissioner: For salary of special deputy Fish and Game Commissioner for the calendar years 1905 and 1906, or so much thereof as may be necessary. 2,000.00

To the Office of the State Fish and Game Commissioner: For salary of Superintendent of Fish Hatchery for the calendar years 1905 and 1906, or so much thereof as may be necessary. 1,200.00

To the Office of the State Fish and Game Commissioner: For assistance to the Superintendent of Fish Hatchery, purchase of eggs, distribution of fry, fish food, fuel, implements, superintendent's expenses, repair and construction of ponds, repair of hatchery building, and improvement of hatchery grounds, for the calendar years 1905 and 1906, or so much thereof as may be necessary ...2,500.00

To the Office of the State Fish and Game Commissioner: For maintenance of sub-hatching stations for the collecting of native fish eggs for the calendar years 1905 and 1906, or so much thereof as may be necessary 1,000.00

For the office of the State Fish and Game Commissioner for repair and improvement of dam at Burrington State Fish Pond, Juab county, for the calendar years 1905 and 1906, or so much thereof as may be necessary 200.00

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