

Proposed by:	Assemblymember Potter
Attorney Review:	02/27/2024
First Reading:	_____
Second Reading:	_____
Vote: <input type="checkbox"/> Aye	<input type="checkbox"/> Nay <input type="checkbox"/> Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 24-01

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC TO REQUIRE DUMPSTER USE FOR CONGREGATE RESIDENCES AND FENCING FOR CERTAIN DOMESTIC ANIMALS.

WHEREAS, the Assembly sees the need to address bear attractions in an effort to reduce bear-human conflict; and

WHEREAS, garbage is a known bear attraction; and

WHEREAS, certain domestic animals are known to be potential bear attractions.

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose.

- A. To amend Chapter 6.04.010 Running at large prohibited, to define how animals shall be secured; and
- B. To amend Chapter 8.04.035 Bear attraction nuisance to provide for violations and exemptions for those keeping certain domestic animals.
- C. To amend Chapter 13.20.050 Refuse containers, to require owners of multi-family dwellings to provide a waste dumpster.

Section 3. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Skagway Municipal Code, Chapter 6.04.010 Running at large prohibited, is hereby amended as follows:

6.04.010 Running at large prohibited.

- F. Any person who keeps rabbits, chickens or other similar small domestic animals, not to include dogs and cats, in the municipality shall keep such animals securely confined at all times in thoroughly enclosed hutches or coops **surrounded by an electric fence or solid six (6) foot tall wooden, galvanized, or similarly secure fence** upon the animal owner’s premises. The municipality may require that such animals be tagged so that their owner can be determined.

Section 4. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Skagway Municipal Code, Chapter 8.04.035 Bear attraction nuisance, is hereby amended as follows:

8.04.035 Bear attraction nuisance.

C. Definitions. For purposes of this section:

1. "Bear attraction nuisance" means:

- a. More than one-half (1/2) gallon of any putrescible material, including packaging or other surfaces to which the material is adhered;
- b. Any organic material of a type which has previously attracted a bear to the property;
- c. Soiled disposable diapers;
- d. Any rabbits, chickens or other similar small domestic animals, not to include dogs and cats, that are not securely confined in a thoroughly enclosed hutch or coop surrounded by an electric fence or solid six (6) foot tall wooden fence upon the animal's owner's premises.**

e. d. Exceptions. "Bear attraction nuisance" does not include:

- (i) Manure or sewage;
- (ii) Material in a garbage can stored outside temporarily for purposes of collection after 4:00 a.m. on a day scheduled for collection;
- (iii) Living or dead flora or fauna indigenous to the property on which it is located;
- (iv) Material completely enclosed in a structure or container which requires hands or tools to open;
- (v) Material in a metal garbage container designed to be lifted and emptied by a garbage truck; provided, that the container is tightly covered or located within a garbage containment area behind barriers approved by the municipality as sufficient to withstand entry by a bear.
- (vii) Any rabbits, chickens or other similar small domestic animals, not to include dogs and cats, kept in accordance with 6.04.010(F).**

Section 4. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Skagway Municipal Code, Chapter 13.20.050 Refuse containers, is hereby amended as follows.

13.20.050 Refuse containers.

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A. It shall be the duty of every occupant or owner of every residence or other building, structure or premises where refuse is produced for collection, to provide and at all times maintain in good condition, one (1) or more adequate, suitable and not easily corrodible containers for such refuse. Such containers shall be equipped with adequate handles and tight-fitting covers sufficient to keep out water and to prevent disturbance by animals and entrance of insects. Each container shall not exceed a capacity of thirty (30) gallons. The containers shall be kept closed except when being filled or emptied and shall be kept in a clean and sanitary condition.

B. It shall be the duty of every owner of every congregate residence or multi-family dwelling where refuse is produced for collection, to provide and at all times maintain in good condition, one (1) or more adequate, suitable and not easily corrodible dumpster for such refuse. Such dumpster shall be able to be hoisted up by a garbage truck in order to be emptied and feature tight-fitting covers sufficient to keep out water and to prevent disturbance by animals and entrance of insects. The dumpster shall be kept closed unless being filled in accordance with 8.04.035(C)(d)(ii) and shall be kept in a clean and sanitary condition.

C.B. Any container that does not conform to the provisions of this chapter, or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents thereof, shall be promptly replaced by an approved container upon receipt of notice to that effect from the municipality. If not replaced within ten (10) days after receipt of such notice, the nonconforming or defective container shall be disposed of by the collector as waste.

Section 5. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 6. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this __ day of _____, 2024.

Sam Bass, Mayor

ATTEST:

Steve Burnham Jr., Borough Clerk

(SEAL)