

Proposed by:	Mayor Schaefer
First Reading:	04/02/2015
Second Reading:	04/16/2015
Vote: 4 Aye	2 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 15-13

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING CHAPTER 9.04 SPECIFIC TO TRAPPING AND TO DESIGNATE AREAS WHERE TRAPPING IS PROHIBITED.

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. In order to promote and protect public safety and welfare, and the safety of domesticated animals and pets, this ordinance amends Chapter 9.04 to designate areas within the Skagway Borough where trapping is a prohibited land use activity.

Section 3. Addition. The Skagway Municipal Code Chapter 9.04 is hereby amended as follows:

Chapter 9.04

TRAPPING

Sections:

9.04.010 Purpose.

9.04.015 Applicability.

9.04.020 Definitions.

9.04.025 Tree trap regulations.

9.04.030 Leg hold trap regulations.

9.04.035 ~~Leg hold traps prohibited~~ **Areas in which trapping is prohibited.**

9.04.040 ~~Qualifications to trap~~ **Private property.**

9.04.050 ~~Identification of traps.~~

9.04.060 ~~050~~ **050** Other exceptions.

9.04.070 ~~060~~ **060** Fines for trapping violations.

9.04.080 ~~Administrative appeal.~~

9.04.010 Purpose.

The purpose of this section ~~chapter~~ is to partially regulate trapping for the public **protect the** safety and welfare **of the public, domesticated animals and pets by designating areas where trapping is a prohibited land use activity,** ~~as uncontrolled trapping could endanger the public and harm domesticated animals and pets.~~

9.04.015 Applicability.

1. This chapter shall apply to lands within the Skagway Borough as determined by sections 9.04.025 – 9.04.035.

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2. For the purposes of this ordinance, the assembly shall establish a list of "established trails" by resolution. These established trails will require adequate signage at the trailhead detailing each respective trail map, and signage shall be affixed along each trail route indicating the correct path.

9.04.020 Definitions.

The following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Trap" means ~~any device used for the purpose of catching, capturing, snaring, holding or killing animals~~ **any device designated or identified by the State of Alaska in any statute or regulation as a "trap," or otherwise commonly referred to as a "trap" by the State of Alaska.** This definition "**Trap**" does not apply to the capturing of sea creatures through use of shrimp and crab pots.
- B. "Trapping" means the ~~placing or setting of traps with the intent to catch, capture or injure animals~~ **definition of "trapping" used by the State of Alaska.** This definition "**Trapping**" does not apply to live traps, mouse traps or to the catching of animals within a dwelling place, garage, shed, greenhouse, barn, or the ocean.
- C. "Trails" are primary and are marked and/or published as "established trails."
 1. For the purposes of this section, "trails" exclude current and future secondary off-shoot trails.
- D. "Off-shoot trails" are secondary and unmarked and/or unpublished trails, and are not considered to be "established trails."

9.04.025 Tree trap regulations.

Tree traps must be at least five (5) feet above the ground and/or ~~snow and~~ fifty (50) feet **yards** from any public street, road or right-of-way, highway or marked/established trail within the boundaries of the Skagway Borough.

9.04.030 Leg hold trap regulations.

Leg hold traps and other ground traps are prohibited within ~~¼~~ **1/8** mile of any public street, road or right-of-way or highway or established/marked trail within the boundaries of the Skagway Borough. ~~EXCEPT within the following designated rural trapping areas where leg hold traps and other ground traps are prohibited within 150 feet of any public street, road or right-of-way or highway or established/marked trails:~~

1. ~~Beginning ½ mile north of Mile Marker 3 on the Klondike Highway and extending to the north boundary of the Skagway Borough;~~
2. ~~Beginning ½ mile north of the Gold Rush Cemetery on the railroad tracks on the east side of the Skagway River and extending to the north boundary of the Skagway Borough;~~
3. ~~Beginning at the West Creek Bridge and extending north and west (Dyea side) to the Borough boundaries;~~
4. ~~Alaska State Land Survey No. 97-36, which is the location of the municipal incinerator.~~

9.04.035 Leg hold traps prohibited.

~~Leg hold traps are prohibited on the first mile of the AB Mountain trail, and within 1/8 mile of the AB Mountain trail and Lower Lake loop trail and in the following parks and common use areas: Mollie Walsh Park, Pullen Creek Park, Yakutania Point and Smugglers Cove, Seven Pastures, Dyea Point, Dyea Campground and Flats and community cemeteries.~~

9.04.035 Areas in which trapping is prohibited.

A. Trapping is prohibited within fifty (50) yards of any public street, road, right-of-way or highway, or established/marked trail within the boundaries of the Skagway Borough, unless the area is a designated rural trapping area per paragraph B.

B. Rural trapping areas.

Trapping is prohibited within twenty-five (25) yards of any public street, road, right-of-way or highway, or established trail within the designated rural trapping areas designated as follows:

1. Beginning ½ mile north of Mile Marker 3 on the Klondike Highway and extending to the north boundary of the Skagway Borough;

2. Beginning ½ mile north of the Gold Rush Cemetery on the railroad tracks on the east side of the Skagway River and extending to the north boundary of the Skagway Borough;

3. Beginning at the West Creek Bridge and extending north and west (Dyea side) to the Borough boundaries;

4. Alaska State Land Survey No. 97-36, which is the location of the municipal incinerator.

C. In addition to the areas designated in subsections A and B, trapping is prohibited on properties within the following parks and common use areas: Mollie Walsh Park, Pullen Creek Park, Yakutania Point and Smugglers Cove, Seven Pastures, Dyea Point, Dyea Campground and Flats and community cemeteries.

9.04.040 Private property.

A. When trapping occurs on private property, “Active Trapping” signage must be prominently posted.

B. Trappers must have permission from landowners to trap on private property.

9.04.040 Qualifications to trap.

All persons who trap on municipal property shall have a valid trapper's license issued by the State of Alaska.

9.04.050 Identification of traps.

All trap lines shall be marked with a legible warning sign properly set and height adjusted (i.e. for snow level or other natural barriers). The signs shall be clearly visible on a weather-resistant surface and with numbers and letters, at least one-inch high, in a bright color that contrasts with the color of the sign. Each trapper holding the trapper license is responsible for the placement and maintenance of proper signage.

9.04.060050 Other exceptions.

Exceptions to this section shall be authorized by the Chief of Police in writing as deemed necessary to protect the public health and safety. Examples of exceptions include, but are not limited to, the following:

A. Employees or agents of governmental units or agencies who use live traps in the course of their duties, or are required to trap animals or birds for authorized purposes.

B. Scientists in their work identifying and studying wildlife, animals, and birds for scientific purposes.

C. Persons who have documented in writing specific animal nuisance problems and establish to the Chief of Police in writing how the safety of persons shall be protected.

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No employee, representative, assembly, mayor nor the Chief of Police has any actual or apparent authority to grant any verbal exceptions to this Chapter.

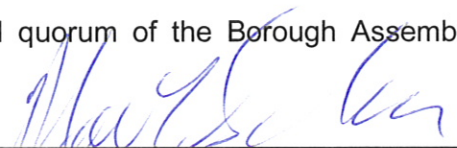
9.04.070060 Fines for trapping violations.

For violations of SMC 9.04 refer to chapter 1.20 General Penalties. Violations of this chapter are subject to civil fines established by resolution.

Section 4. 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.

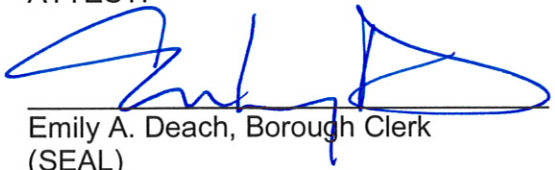
Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 16th day of April, 2015.



Mark Schaefer, Mayor

ATTEST:



Emily A. Deach, Borough Clerk
(SEAL)

