

Submitted by: Assembly Member Petersen and
Assembly Member LaFrance
Prepared by: Assembly Counsel
For reading: May 7, 2019

ANCHORAGE, ALASKA
AO No. 2019–50(S)

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 14.70 AND SECTIONS 14.60.030 AND 25.70.040 TO ESTABLISH PROHIBITED TRAPPING ZONES IN THE MUNICIPALITY AND PROHIBIT TRAPPING OF GAME ANIMALS ON ALL PUBLIC LANDS OWNED BY THE MUNICIPALITY FOR THE SAFETY OF TRAIL USERS AND THEIR PETS; AND AMENDING AMC SECTION 8.55.040 TO CLARIFY THE CRIME OF TRAPPING OF ANIMALS DOES NOT APPLY TO TRAPPING OF GAME ANIMALS AS REGULATED BY THE ALASKA DEPARTMENT OF FISH & GAME.

WHEREAS, trapping of fur bearing wildlife has been economically and culturally important to Alaska’s history and people for generations, and today continues to be a popular pastime and a livelihood for some, including families that rely on the cottage industry of trapping and sewing unique and exquisite fur garments, arts and handicrafts for sale to support themselves through the winter months; and

WHEREAS, the Alaska Department of Fish and Game (ADF&G) estimates there are 3,500 trappers in the state; and

WHEREAS, the ADF&G recognizes that trapping activities sometimes conflict with other recreational users and their pets, evident from the “Trap Safety for Pet Owners” guide that is published by the Alaska State Department of Fish and Game, Division of Wildlife Conservation, and the Alaska Trappers Association;¹ and

WHEREAS, State regulation (5 AAC 92.550) iterates areas closed to trapping within the Anchorage area, which includes the ADF&G defined Anchorage Management Area, Eagle River Management Area, Eklutna River and Eklutna Lake drainages within Chugach State Park except Thunderbird Creek and upstream drainages into the East Fork of Eklutna River, the Anchorage Coastal Wildlife Refuge, and most of the Joint Base Elmendorf-Richardson Management Area except as designated by the commander; and

WHEREAS, there are large areas within the boundaries of the Municipality open to trapping that contain popular hiking and public use trails, and the closed areas as designated by the ADF&G are subject to change each season by the Board of Fish & Game;

WHEREAS, members of the Alaska House of Representatives have in the past proposed bills to restrict trapping within a buffer zone of certain public areas, and to allow municipalities to regulate trapping within their boundaries for good cause,

¹ http://www.adfg.alaska.gov/static/hunting/trapping/pdfs/trap_safety_for_pet_owners.pdf

which includes public safety and protecting people or pets from injury or damage; and

WHEREAS, the Matanuska-Susitna Borough recently passed an ordinance restricting trapping on certain public lands and trails;

WHEREAS, even with these regulations, each year there are reports of pets in off-leash areas being ensnared in legally set traps near public trails in Anchorage, and they pose a risk to children and recreational users and families with children and pets whom may frequently; and

WHEREAS, as a home rule municipality, the Municipality of Anchorage has all legislative powers not prohibited by law or charter, and under such authority may regulate use of lands within its boundaries as reasonable and necessary for the public safety and welfare; and

WHEREAS, the Assembly desires to create buffer zones to protect the public safety and welfare within its boundaries, and does not intend to regulate trapping of game, seasonal periods, gear restrictions or other aspects of this traditional Alaskan pastime; now, therefore

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code chapter 14.70 is hereby amended to add a new section to read as follows:

14.70.200 Prohibited trapping zones for safe trails.

- A. It is unlawful for any person to knowingly or negligently place a trap, or attempt to place a trap, in a prohibited trapping zone. Where trapping is otherwise permitted by the Alaska Department of Fish and Game or Board of Game regulations, the municipality's prohibited trapping zones are within:
1. 50 yards of developed **[or public use]** trails, excluding off-shoot trails; and
 2. one-quarter mile of trailheads, campground, and permanent dwellings.
- B. The assembly may establish a list of "developed trails" by resolution for purposes of this section, and the list, if adopted, shall be posted on the municipal web site. Failure to list a trail that otherwise meets the definition of "developed trail" in this section does not mean the prohibited trapping zone is inapplicable.
- C. All game traps and snares set within the municipality shall be marked with a trapper identification number issued by the State of Alaska or with contact information for the owner of the trap or snare.

D[G]. This section shall not apply to any official of the United States, the state, or the municipality who is authorized to trap animals in the course of official duties.

E. Definitions.

“Developed trail” means any trail or footpath designated under AS 41.21.850 *et seq.*, or marked, signed or designated by the municipality, **excluding off-shoot trails. Any trailhead with a graded parking area and signage is a developed trail and the prohibited trapping zone extends the length of the mainstem(s) of the trail(s).**

“Game” has the meaning in the Alaska Fish and Game Code, AS 16.05.940.

“Off-shoot trail” is a secondary and unmarked trail with indicia of less frequent usage, maintenance, or development than the mainstem(s) of a developed trail.

[“Public use trail” means a footpath or way on any public land clearly discernible and exhibiting characteristics of common and frequent use, that is open to public use as a matter of right.]

“Trapping” means the taking of mammals declared by Alaska Department of Fish and Game or Board of Game regulation to be furbearers. For purposes of this section, trapping includes placing or setting of a trap, and it does not include the possession or transportation of traps.

F[D]. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

Section 2. Anchorage Municipal Code section 14.60.030 is hereby amended to read as follows (*the remainder of the section is not affected and not set out*):

14.60.030 - Fine schedule.

The fine schedule under this chapter is as follows:

Code Section	Offense	Penalty / fine
* * *	* * *	* * *
<u>14.70.200A.</u>	<u>Trapping or attempting to trap in prohibited zone</u>	<u>500.00</u>
<u>14.70.200B.</u>	<u>Failure to mark trap or snare</u>	<u>200.00</u>

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(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39, § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12; AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13; AO No. 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14; AO No. 2014-85, § 4, 8-5-14; AO No. 2014-110(S), § 2, 9-9-14; AO No. 2014-137(S), § 3, 11-18-14; AO No. 2015-23(S), § 20, 3-24-15; AO No. 2015-48, § 16, 5-14-15; AO No. 2015-54, § 1, 5-26-15; AO No. 2015-65, § 4, 6-9-15; AO No. 2015-111(S-1), § 2, 1-1-16; AO No. 2016-16(S), § 4, 2-9-16; AO No. 2016-76(S), § 7, 7-12-16; AO No. 2016-81(S), § 4, 8-25-16; AO No. 2016-83(S), § 9, 7-26-16; AO No. 2016-82, § 3, 8-9-16; AO No. 2016-116, § 2, 10-18-16; AO No. 2016-115(S), § 2, 11-15-16; AO No. 2016-124(S), § 11, 12-20-16; AO No. 2017-26, § 2, 5-1-17; AO No. 2017-29(S), § 61, 6-1-17; AO No. 2017-30, § 3, 3-21-17; AO No. 2017-31(S), § 5, 5-26-17; AO No. 2017-119(S), § 4, 11-9-17; AO No. 2017-101, § 2, 2-5-18; AO No. 2017-161(S), § 3, 2-27-18)

Section 3. Anchorage Municipal Code section 25.70.040 is hereby amended to read as follows:

25.70.040. Prohibited activities generally.

- A. Except in areas specifically designated for such use in accordance with law, no person may engage in any of the following activities on municipal land:

1. Camping.
2. Building fires.
3. Operating motor vehicles of any kind.
4. Constructing trails.
5. Discharging firearms where there is a reasonable likelihood people, domestic animals, or property may be jeopardized.
6. Shooting into municipal land from beyond its boundaries where there is a reasonable likelihood people, domestic animals, or property may be jeopardized.
7. Cutting or otherwise damaging live trees, shrubbery, brush or other vegetation.
8. Removing soil, rocks, gravel or plants of any kind.
9. Constructing structures of any kind.
10. Sport or commercial hunting or trapping of ~~[wild or]~~ game animals.

B. On any municipal land, no person may, except as otherwise authorized by law:

1. Kill or injure any animal unless such act is necessary to protect a human being or domesticated animal from attack.
2. Harass, torment, poison, provoke, trap or abuse any animal.
3. Interfere with, obstruct, mutilate, conceal or tear down any official notice, sign or placard posted by any municipal officer or employee.
4. Knowingly destroy or injure any public property.
5. Dump, abandon, throw, scatter or burn litter, garbage, rubbish or junk.
6. Break bottles or other glass containers in such manner that fragments of glass may be strewn upon the ground.

(AO No. 79-170; AO 2006-39, § 7, 4-11-06)

Section 4. Anchorage Municipal Code section 8.55.040 is hereby amended to read as follows:

8.55.040. Trapping of animals.

- A. It is unlawful for any person, with criminal negligence, to use any type of trap, such as steel jaw traps, snares or spring traps that might physically harm an animal, to capture animals for noncommercial reasons.
1. Any humane-type trap used for the purposes of capture of animals shall be monitored by the person using it at least once every 12 hours. Any animal captured shall be cared for in a humane manner and returned to the animal's owner, an animal control officer, or the animal care and control center.
 2. No person may use any trap for capture of domestic animals and noncommercial purposes of a type not approved by the chief animal control officer or designee.

3. No person may offer false information to any peace officer or animal control authority concerning the identity or ownership of a trapped animal the person has trapped.

B. This section does not apply to prevent, prohibit or regulate sport or commercial trapping of ~~[wild or]~~ game animals authorized by this code, state, or federal law. This section does not apply to trapping for purposes of rodent or nuisance animal control.

C. Violation of this section is a class A misdemeanor.

(AO No. 96-134(S-2), §§ 19, 52, 7-1-97; AO No. 98-59(S), § 2, 5-19-98; AO No. 2003-77, § 1, 5-20-03; AO No. 2014-42, §§ 8, 54, 6-21-14)

Section 5. This ordinance shall become effective 30 days after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 7th day of May, 2019.

Chair

ATTEST:

Municipal Clerk