

CODE ORDINANCE

Sponsored by: Assemblymember Mayfield
Introduced: 02/21/17
Public Hearing: 03/07/17
Amended: 03/07/17
Adopted: 03/07/17
Reconsider Filed: 03/08/17
Reconsidered Passed: 03/21/17
Amended: 03/21/17
Adopted: 03/21/17

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 17-021**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 24.05.010, DEFINITIONS; AMENDING MSB 24.05.020(A), JURISDICTION; ADOPTING MSB 24.05.105, TRAPPING PROHIBITIONS AND RESTRICTIONS; AMENDING MSB 24.40.050, FINES FOR INFRACTIONS; ADOPTING MSB 24.05.055, FORFEITURE OF TRAPS; AMENDING MSB 2.85.020(D) and ADOPTING MSB 2.85.020(E); CLOSURES AND RESTRICTIONS; ADOPTING MSB 2.85.030, DEFINITIONS; AMENDING CHAPTER TITLE 19.12 FROM OPERATION OF MOTORIZED VEHICLES TO SCHOOL PROPERTY; ADOPTING MSB 19.12.015, TRAPPING PROHIBITED; ADOPTING MSB 19.12.030, DEFINITIONS; AMENDING MSB 1.45.100(C), FINES FOR INFRACTIONS; AND ADOPTING MSB 1.45.105, FORFEITURE OF TRAPS IN ORDER TO PROHIBIT TRAPPING ON BOROUGH OWNED PUBLIC SCHOOL PROPERTY AND TO RESTRICT TRAPPING ON THE BOROUGH OWNED PORTION OF CREVASSE MORAINÉ TRAIL SYSTEM.

WHEREAS, the Matanuska-Susitna Borough owns property that has been developed for public school sites; and

WHEREAS, the Matanuska-Susitna Borough school sites are heavily utilized by children, teachers, school administrators, and members of the public; and

WHEREAS, the Borough also owns property that makes up various trail systems; and

WHEREAS, the Borough owns property within the core area that serves as part of the Crevasse Moraine Trail system; and

WHEREAS, the Borough maintains certain trails on its property in the Crevasse Moraine Trail system; and

WHEREAS, people recreate beyond the boundaries of the Borough-maintained trails in the Crevasse Moraine Trail system, as there are no requirements or restrictions that recreational use is limited to a particular area or trail; and

WHEREAS, there are other "social trails" on Borough property in the Crevasse Moraine Trail system that are not Borough-maintained; and

WHEREAS, the Matanuska-Susitna Borough Recreational Trails Plan (Trails Plan) evaluated the needs and desires of Borough residents and landowners with regard to recreational trail development; and

WHEREAS, one of the goals of the Trails Plan is to preserve the existing popular recreational trails; and

WHEREAS, one of the Trails Plan management recommendation goals is to minimize conflicts between different types of trail users and avoid trail-degradation due to improper use; and

WHEREAS, the Trails Plan recognizes that trail conflicts between separate user groups are likely to increase as trail use increases; and

WHEREAS, the Trails Plan likewise recognizes that it is important for the Borough to take some proactive steps to ensure these conflicts are minimized; and

WHEREAS, the Trails Plan further recognizes that trails should be managed so as to provide the greatest recreational benefit to those types of recreational trail uses for which the trail is uniquely situated; and

WHEREAS, the Trails Plan also recognizes that it may be necessary to limit some uses in certain situations; and

WHEREAS, in a survey reported in the Trails Plan, 51 percent of the respondents stated that walking or dog walking was the most common trail recreation activity; and

WHEREAS, the Crevasse Moraine trail system is included within the Trails Plan; and

WHEREAS, the Crevasse Moraine Trail System is described as a regionally significant trail in the Trails Plan; and

WHEREAS, in a separate plan called the Crevasse Moraine Master Plan, the area is described as a "high demand attraction serving diverse non-motorized users, including walkers (often with dogs), runners, equestrians, and mountain bikers;" and

WHEREAS, the Crevasse Moraine Master Plan explains that investment in the site is focused on providing healthy, enjoyable recreation opportunities for a compatible mix of non-motorized uses, including family strolls and dog walking among others; and

WHEREAS, in the "Desired Future Conditions" of the Crevasse Moraine Master Plan, it states Crevasse Moraine consists of 360 acres reserved for a permanent, formalized, soft tread trail

network for which investment is focused on providing healthy, enjoyable recreation opportunities for a compatible mixture of non-motorized users including: family stroll/non-strenuous walking; dog walking; strenuous walking/hiking; running/cross-country training; equestrian; mountain biking; Nordic skiing; snowshoeing; skijoring; geocaching; bird/wildlife watching; orienteering; and informal neighborhood picnic and play areas; and

WHEREAS, the "Desired Future Conditions" section of the Crevasse Moraine Master Plan also notes that Valley Pathways School shares some common infrastructure with Crevasse Moraine, and that the school seeks to instill respect for the Crevasse Moraine area by working with the Borough to create opportunities for student trails use related to their education; community service learning trail maintenance projects, forestry and trail building vocational training; and summer facility use for recreational programing; and

WHEREAS, demand for Borough trails increases every year, and is expected to continue as visitors and residents continue to get outside and enjoy the Borough's natural beauty in increasing numbers; and

WHEREAS, the Borough has an interest in managing its property to facilitate the intended use of the property, and protect members of the public, their children and their pets; and

WHEREAS, there are currently no prohibitions or restrictions against trapping in these areas; and

WHEREAS, according to 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, trapping is a popular pastime and a livelihood for some and occurs throughout Alaska, even on some popular recreation trails; and

WHEREAS, MSB 23.05.050(A), already prohibits a person from placing personal property upon or making unauthorized use of Borough-owned real property without written permission from the Manager; and

WHEREAS, there are no express trapping restrictions on Borough-owned public school sites, or within the Borough-owned Crevasse Moraine trails; and

WHEREAS, allowing traps to be placed on Borough-owned public school sites or within the Borough-owned Crevasse Moraine trails or nearby is incompatible with the intended educational and/or recreational uses for those areas; and

WHEREAS, school site users, including children, may not be able to timely identify the location of traps on public school property and may not be able to successfully avoid them; and

WHEREAS, recreational trail users, including children, may not be able to timely identify the location of traps on Borough-owned Crevasse Moraine Trail and may not be able to successfully avoid them accordingly; and

WHEREAS, allowing traps to be placed in these areas could inadvertently, but seriously, injure those using these areas including children and/or the pets individuals recreate with; and

WHEREAS, at least 3 dogs have been inadvertently caught in traps in the Borough over the years and treated by the Animal Care and Regulation shelter; and

WHEREAS, dogs in the Borough have suffered significant injuries as a result of being caught in traps; and

WHEREAS, AS 29.35.010(8), provides the Borough the power to manage and control real property; and

WHEREAS, the Borough has an interest in managing its property to protect the property users; and

WHEREAS, the Borough has an interest in managing its trails property to ensure the primary intended uses such as walking, hiking, running, biking etc., with or without pets, is safe from conflicts relating to traps; and

WHEREAS, the Borough has an interest in protecting domestic animals and the power to do so pursuant to AS 29.35.210(a)(3).

WHEREAS, Matanuska-Susitna Borough owned lands support a diverse population of users with varied interest and activities, no Borough owned lands shall be added to this ordinance without referral to the Parks, Recreation, and Trails Advisory Board for review and public comment.

BE IT ENACTED:

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

Section 2. Amendment of section. MSB 24.05.010 is hereby amended as follows:

"Trapping" means the placing or setting of a trap. It does not include the possession or transportation of traps.

Section 3. Amendment of section. MSB 24.05.020(A) is hereby amended as follows:

(A) The borough generally has jurisdiction only over domestic and domesticated animals. Except for purposes of enforcing MSB 2.85.020, MSB 19.12.015, and MSB 24.05.105, the Borough does not have jurisdiction over the following animals:

- (1) wild animals; and
- (2) game animals, the taking or possession of which is regulated by the state or federal government.

Section 4. Adoption of section. MSB 24.05.105 is hereby adopted as follows:

MSB 24.05.105 TRAPPING PROHIBITIONS AND RESTRICTIONS

(A) Except as provided in MSB 24.05.110, no person may engage in trapping, attempting to trap, or aiding and abetting any person in trapping any wild or domesticated animal:

(1) On the following Borough-owned recreation lands including the Crevasse Moraine system, Lazy Mountain Recreation Area, Matanuska River Park, Alcantra Athletic Complex, West Bodenbug Butte, and Jordan Lake Park there shall be no trapping unless they are performing an educational demonstration, pursuant to a Borough issued permit, and the traps are removed at the end of the day the presentation began.

(2) On any part of public school property owned by the Borough, unless they are performing an educational demonstration pursuant to written permission from the School Administration, and the traps are removed at the end of the day the presentation began.

(B) The Borough will prepare and keep current a map showing areas where trapping is not allowed pursuant to this section. A copy of the map shall be provided to any person upon request.

(C) The Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area in which trapping is expressly prohibited by the chapter.

(D) This section shall not apply to property owned by other entities. This section shall not apply to the trapping or capturing of rats, mice, shrews, or similar vermin. This section shall not apply to the possession or transportation of traps.

(E) Violation of this section shall be punishable as set forth in MSB 24.40.

Section 5. Amendment of section. MSB 24.40.050 is hereby amended as follows:

24.05.105 Trapping Prohibited

1st Offense \$150

2nd Offense \$300

3rd and Subsequent \$500

Section 6. Adoption of section. MSB 24.40.055, is hereby adopted as follows:

24.40.055 FORFEITURE OF TRAPS

Ownership rights of any trap found on public school property owned by the Borough, or within borough-owned recreation lands including the Crevasse Moraine system,

Lazy Mountain Recreation Area, Matanuska River Park, Alcantra Athletic Complex, West Bodenbug Butte, and Jordan Lake Park are forfeited upon conviction of MSB 24.05.105.

Section 7. Amendment of section. MSB 2.85.020(D) is amended as follows:

(D) [THE MANAGER MAY CLOSE OR RESTRICT TRAILS BECAUSE OF ENVIRONMENTAL, SEASONAL, SAFETY CONCERNS, or OTHER VALID REASONS AND MAY RESTRICT CERTAIN USES TO AVOID TRAIL CONFLICTS OR SAFETY CONCERNS.] Except as provided in MSB 24.05.110, Borough-owned property which is part of the Crevasse Moraine system, Lazy Mountain Recreation Area, Matanuska River Park, Alcantra Athletic Complex, West Bodenbug Butte, and Jordan Lake Park is closed to trapping, attempting to trap, or aiding and abetting in trapping any wild or domesticated animal to prevent conflicts and ensure safety. Trapping in this area is allowed if the individual is performing an educational demonstration, pursuant to a Borough issued permit, and the traps are removed at the end of the day the presentation began.

(1) The Borough will prepare and keep current a map of the borough-owned recreation lands including the the Crevasse Moraine system, Lazy Mountain

Recreation Area, Matanuska River Park, Alcantra Athletic Complex, West Bodenbug Butte, and Jordan Lake Park showing the Borough-owned property areas where trapping is not allowed pursuant to this section. A copy of the map shall be provided to any person upon request.

(2) The Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area.

(3) This section shall not apply to property owned by other entities within the Crevasse Moraine system, Lazy Mountain Recreation Area, Matanuska River Park, Alcantra Athletic Complex, West Bodenbug Butte, and Jordan Lake Park. This section shall not apply to the trapping or capturing of rats, mice, shrews, or similar vermin. This section shall not apply to the possession or transportation of traps.

(4) Violation of this section shall be punishable as set forth in MSB 1.45.

(E) The Manager may close or restrict additional trails because of environmental, seasonal, safety concerns, or other valid reasons and may restrict certain uses to avoid trail conflicts or safety concerns.

Section 8. Adoption of Section. MSB 2.85.030 is adopted as follows:

2.85.030 DEFINITIONS

"Trap" means any device designed or used to capture or hold an animal and that operates without direct human control. This includes any device for catching and holding wild or domesticated animals including, but not limited to, snares, nets, pitfalls, or clamp-like devices that spring shut suddenly.

"Trapping" means the placing or setting of a trap. It does not include the possession or transportation of traps.

Section 9. Amendment of Chapter Title. The title of 19.12 is amended as follows:

19.12 [OPERATION OF MOTOR VEHICLES] SCHOOL PROPERTY

Section 10. Adoption of Section. MSB 19.12.015 is hereby adopted as follows:

19.12.015 TRAPPING PROHIBITED

(A) Except as provided in MSB 24.05.110, no person may engage in trapping, attempting to trap, or aiding and abetting any person in trapping any wild or domesticated animals on any part of public school property owned by the Borough unless they are performing an educational

demonstration pursuant to written permission from the School Administration, and the traps are removed at the end of the day the presentation began.

(B) The Borough will prepare and keep current a map showing areas where trapping is not allowed pursuant to this section. A copy of the map shall be provided to any person upon request.

(C) The School District, Alaska Department of Fish and Game, Alaska Department of Public Safety, United States Fish and Wildlife Service, or their authorized agents or designees, may trap animals within the area.

(D) Violation of this section shall be punishable as set forth in MSB 1.45.

Section 11. Adoption of Section. MSB 19.12.030 is hereby adopted as follows:

19.12.030 DEFINITIONS

"Trap" means any device designed or used to capture or hold an animal and that operates without direct human control. This includes any device for catching and holding wild or domesticated animals including, but not limited to, snares, nets, pitfalls, or clamp-like devices that spring shut suddenly.

"Trapping" means the placing or setting of a trap.

It does not include the possession or transportation of traps.

Section 12. Amendment of Section. MSB 1.45.100(C) is hereby amended as follows:

19.12.015 Trapping on School Property

1stOffense \$150

2nd Offense \$300

3rd and Subsequent \$500

24.05.105 Trapping Prohibited

1stOffense \$150

2nd Offense \$300

3rdand Subsequent \$500


Section 13. Adoption of section. MSB 1.45.105 is hereby adopted as follows:

1.45.105 FORFEITURE OF TRAPS


Ownership rights of any trap found on public school property owned by the Borough, or any trap found on Borough-owned property which is part of the Crevasse Moraine system, Lazy Mountain Recreation Area, Matanuska River Park, Alcantra Athletic Complex, West Bodenbug Butte, and Jordan Lake Park, forfeited upon conviction of MSB 2.85.020 (D) or MSB 19.12.015.

Section 14. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 21 day of March, 2017.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

03/07/17 Vote:

YES: Sykes, Beck, McKee, Mayfield, Doty, and Kowalke

NO: Colligan

Reconsideration Vote:

PASSED UNANIMOUSLY: Sykes, Beck, McKee, Colligan, Mayfield, Doty, and Kowalke

03/21/17 VOTE:

PASSED UNANIMOUSLY: Sykes, Beck, McKee, Mayfield, Doty, and Kowalke

Note: Assemblymember Colligan was not present for the final vote.