

RESOLUTION #2023-16

A resolution of the Alaska Municipal League, supporting the authority of local governments to regulate trapping activities where reasonably necessary for public safety and to protect life and property.

WHEREAS, local governments, while recognizing the importance of trapping as a cultural, recreational, and economic activity in Alaska, desires to encourage responsible trapping and protect persons, domestic animals, and pets from trapping activities that are likely to cause harm; and

WHEREAS, local governments possess the authority and responsibility to provide for the safety of the public and protect life and property within their jurisdictions; and

WHEREAS, local governments may enact ordinances pursuant to their general police powers where reasonably necessary to protect persons and property; and

WHEREAS, local governments possess broad constitutional and statutory authority to regulate land use within their jurisdictions; and

WHEREAS, the Alaska Department of Fish and Game's ("ADFG") published trapping regulations acknowledge that trapping activities permitted under State law may be prohibited by local ordinance; and

WHEREAS, the Alaska Legislature, in AS 29.35.145(b)(2), has recognized the authority of local governments to adopt ordinances that impact the taking of game by firearm "where there is a reasonable likelihood that people, domestic animals, or property will be jeopardized;" and

WHEREAS, trapping activities are likely to jeopardize persons, domestic animals, and pets when conducted within or adjacent to areas frequented by people or used heavily for recreation; and

WHEREAS, the Board of Game's ("Board") discretionary authority to regulate trapping is limited to adopting regulations for purposes of conservation and development of game resources and does not extend to adopting regulations for purposes of public safety; and

WHEREAS, the Board's limited scope of authority has resulted in regulations that permit trapping within numerous areas where it poses a threat of harm to people, domestic animals, and pets including areas within or adjacent to trailheads, campgrounds, residential areas, parks, playgrounds, and schools; and

WHEREAS, the ADFG published trapping regulations suggest that that trappers "act responsibly ... by trapping in ways to minimize conflict between trapping and other users," avoid "high recreational use areas," and avoid "situations where you might catch a domestic dog or cat, such as near homes or trails frequently used by hikers, skijorers, dog mushers, or other people;" and

WHEREAS, local governments are best situated to identify areas within their jurisdictions where trapping activities are likely to pose a threat to persons or property; and

WHEREAS, at least twelve local governments in Alaska have enacted ordinances regarding trapping within their jurisdictions in order to protect the safety and welfare of the public, domestic animals, and pets; and

WHEREAS; such local ordinances are limited in scope and have no appreciable impact on the ability of trappers to engage in trapping activities within the State;

WHEREAS, local government ordinances regulating trapping are necessary to protect persons and property in areas where trapping activities clearly pose a threat of harm, but are nonetheless open to trapping under State law.

NOW, THEREFORE, BE IT RESOLVED BY THE ALASKA MUNICIPAL LEAGUE, that:

Section 1: The Alaska Municipal League recognizes and supports the constitutional and statutory authority of local governments to enact ordinances regulating trapping activities within their jurisdictions where reasonably necessary for public safety and to protect persons and property.

Section 2: The Alaska Municipal League seeks State recognition of local government authority to enact ordinances regulating trapping activities within their jurisdictions where reasonably necessary for public safety and to protect persons and property.

Section 3: The Alaska Municipal League encourages the Alaska Legislature to expressly recognize the extant local government authority described in Section 1 by statute.