

Postponed

CITY OF GUSTAVUS, ALASKA
2009-01

TITLE 11

PUBLIC HEALTH & SAFETY

AN ORDINANCE OF THE CITY OF GUSTAVUS CREATING AND ADOPTING TITLE 11, PUBLIC SAFETY CHAPTER 11.01 SECTIONS – 11.01.010 THROUGH 11.01.050, OF THE MUNICIPALITY'S CODE OF ORDINANCE

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

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

Section 2. Severability If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons, or circumstances shall not be affected thereby.

Section 3. Enactment Now therefore, be it enacted by the Gustavus City Council that Title 11 Public Safety be created and adopted. **Bolded** items are additions and strikethroughs are deletions.

Section 4. Effective Date. Upon Adoption by the council this ordinance becomes effective February 12, 2009.

TITLE 11.01

BIG GAME HUNTING WITHIN THE CITY OF GUSTAVUS

Sections:

11.01.010	Purpose
11.01.020	Definitions
11.01.030	Regulations
11.01.040	Exceptions
11.01.050	Violation--Penalty

11.01.010 Purpose:

The purpose of this Chapter is to provide for the protection of the lives and property of residents through identification of areas where hunting is prohibited for the taking of big game animals within the city limits of Gustavus. **the discharge of a rifle with a center fire cartridge is prohibited.**

11.01.020 Definitions:

The terms and phrases used in this chapter shall have the following meanings:

- a. ~~"Big Game" refers to moose, black bear, or brown bear.~~
- a. **"Center fire Cartridge" means any rifle cartridge with a primer in the center of the shell casing.**
- b. "Designated Roadway" is any road within Gustavus City Limits which is maintained on a regular basis by the City or by Alaska Dept. of Transportation.
- c. ~~"Hunting" or "Taking" means to chase or search for big game animals using firearms or archery equipment for the purpose of killing an animal.~~

11.01.030 Regulations

It shall be a violation of this ordinance ~~for anyone to discharge a rifle with a center fire cartridge firearm or to utilize archery equipment of any kind in an attempt to kill a big game animal within 300 feet of designated roadways within the city limits of Gustavus.~~

11.01.040 Exceptions to Regulations

~~Hunting or taking of "big game animals" is prohibited within 300 feet of designated roadways within the city limits of Gustavus except:~~ **The discharge of a rifle with a center fire cartridge is prohibited with 300 feet of a designated roadway within the city limits of Gustavus except:**

- a. ~~The Alaska Department of Fish and Game, Alaska Department of Public Safety, U.S. Fish and Wildlife Service or their authorized agents or designees, may, upon notice to the Gustavus Mayor or designee, kill animals within the area in which hunting is expressly prohibited by this chapter.~~ **The Alaska Department of Fish and Game, Alaska Department of Public Safety, U.S. Fish and Wildlife Service or their authorized agents or designees, in the performance of their official duties, are not subject to this prohibition.**

- b. The areas of Mountain View Highway, from mile 2.2 to Glacier Bay National Park boundaries, the "Tower" Road, and Rink Creek Rd, from mile 0.0 (at the culvert which drains the gravel pit) to mile 2.0 are exempt from the 300 ft. hunting restriction.
- e. For the protection of life or personal property, the discharge of firearms **a rifle with a center fire cartridge** to kill a big game animal is allowed **to the same extent as allowed under the laws of the State of Alaska.** However, **In the event an animal is killed in defense of life or personal property, the** Alaska Dept. of Fish and Game (ADF&G) must be notified ~~when big game is killed in self defense~~ and the entire carcass shall be given **turned over** to ADF&G as per state regulations. ~~The killing and disposal of a sick, dangerous, or nuisance animals also demands notification to ADF&G.~~

11.01.050 Violation--Penalty

Violations of this chapter shall be enforceable by a fine not to exceed \$300.00. Each violation of this ordinance constitutes a separate offense.

DATE OF INTRODUCTION AND PUBLICATION: January 8, 2009
DATE OF PUBLIC HEARING & ADOPTION: February 12, 2009
PASSED and APPROVED by the Gustavus City Council this _____ day
of _____, 2008

 William Unkel, Mayor

 Paul Berry, Vice Mayor

 Sandi Marchbanks, Council Member

 Wayne Howell, Council Member

 John Nixon, Council Member

 Joe Lassiter, Council Member

 Lou Cacioppo, Council Member

 Attest:
 Kapryce Manchester, City Clerk

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