

Haines Borough
Borough Assembly Meeting #300
AGENDA

September 22, 2015 - 6:30 p.m.

Location: Assembly Chambers, Public Safety Bldg.

- Jan Hill,**
Mayor
- Dave Berry Jr.,**
Assembly Member
- Diana Lapham,**
Assembly Member
- Mike Case**
Assembly Member
- Joanne Waterman,**
Assembly Member
- George Campbell,**
Assembly Member
- Ron Jackson,**
Assembly Member
- David Sosa, MPA**
Borough Manager
- Julie Cozzi, MMC**
Borough Clerk
- Krista Kielsmeier**
Deputy Clerk
1. **CALL TO ORDER/PLEDGE TO THE FLAG**
 2. **ROLL CALL**
 3. **APPROVAL OF AGENDA & CONSENT AGENDA**
[The following Consent Agenda items are indicated by an asterisk () and will be enacted by the motion to approve the agenda. There will be no separate discussion of these items unless an assembly member or other person so requests, in which event the asterisk will be removed and that item will be considered by the assembly on the regular agenda.]*
Consent Agenda:
 - 4 – Approve Assembly Meeting Minutes
 - 8C – Accept Chilkat Center Report
 - 9A – Accept Planning Commission Minutes
 - 11B2 – Introduce Ordinance 15-09-422 & Schedule Public Hearings
 - 11C3 – Amend Previously-Adopted Ordinance 15-06-415
 - *4. **APPROVAL OF MINUTES – 9/8/15 Regular**
 5. **PUBLIC COMMENTS - Sign-up is NOT required**
[This is for any topics not scheduled for public hearing.]
Clerk's Note: Item 10A is NOT a public hearing, so any comments concerning that topic must be made at this time. Sign-up is NOT required.
 6. **MAYOR'S COMMENTS/REPORT**
 - A. **Governor's Proclamation – Honoring First Responders**
 - B. **Mayoral Proclamation – September, Childhood Cancer Awareness Month**
 7. **PUBLIC HEARINGS**
Important Reminder! - Sign-up is required in order to give testimony during a public hearing. *It's as easy as contacting the Clerk's Office ahead of time to have your name added to the list or you can sign up yourself before the hearing starts. Written testimony is also welcome.*
 - A. **Ordinance 15-09-419** - First Hearing
An Ordinance of the Haines Borough Title 11, Section 11.28.010 to change the ballot instructions to match the 2014 charter and code amendments that eliminated the requirement to get 40% of the vote in order to be elected.
This ordinance is recommended by the borough manager and was introduced on 9/8/15. The assembly already scheduled the second hearing for 10/13/15. No motion is needed now unless the second hearing date needs to change or some other action is desired.
 - B. **Ordinance 15-09-420** - First Hearing
An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.100.025 to allow a nonconforming lot when it is created as a result of the borough acquiring a portion of a lot to be used exclusively for public utility purposes in the best interest of the borough.
This ordinance is recommended by the borough manager and was introduced on 9/8/15. The assembly already scheduled the second hearing for 10/13/15. No motion is needed now unless the second hearing date needs to change or some other action is desired.

8. STAFF/FACILITY REPORTS

- A. Borough Manager – 9/22/15 Report
- B. Finance Director – FY15 Financial Report
- * C. Chilkat Center – Facility Management Report of August 2015

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- * A. Planning Commission – Minutes of 8/13/15
 - 1. Action Request re. Lowering Speed Limit on Mud Bay Road
- B. Public Safety Commission – Record of Decision from 8/28/15 Special Meeting
- C. Assembly Board Liaison Reports
- D. Assembly Standing Committee Reports
 - 1. Government Affairs & Services Committee – Report of 8/31/15 Meeting

10. UNFINISHED BUSINESS

- A. Ordinance 15-06-413

An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.

This ordinance was introduced on 6/9/15 and had hearings on 8/25 and 9/8. Following the second hearing, the assembly deliberated and set a third public hearing for 11/10. After a motion to reconsider passed, a new vote on the motion to hold a third hearing failed. Subsequently, a motion to adopt the ordinance was made and then postponed to this meeting so the public could be adequately informed of this turn of events. This is NOT a public hearing, and a motion is already on the table. Therefore, the assembly may proceed with the vote or enter into additional debate.

Motion already on the Table: Adopt Ordinance 15-06-413.

11. NEW BUSINESS

- A. Resolutions
- B. Ordinances for Introduction
 - 1. Ordinance 15-09-421

An Ordinance of the Haines Borough, providing for the addition or amendment of specific line items to the FY15 budget.

*This ordinance is recommended by borough manager. His goal for FY16 is to present these to the assembly on a quarterly basis . **Motion:** Introduce Ordinance 15-09-421 and set a first public hearing for 10/13/15 and a second public hearing for 10/27/15.*
 - * 2. Ordinance 15-09-422

An Ordinance of the Haines Borough amending the Port of Haines Terminal Tariff No. 3 to extend the rate table and to allow for a cruise ship docking discount incentive.

*This ordinance is a necessary follow-up to the 6/23/15 Resolution 15-06-633 adopting a 50% cruise ship docking fee waiver. **Motion:** Introduce Ordinance 15-09-422 and set a first public hearing for 10/13/15 and a second public hearing for 10/27/15.*
- C. Other New Business
 - 1. Ordinance 15-06-398

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.60.020(H) to clarify the criteria for temporary residence permits.

*This ordinance was recommended by the planning commission, and it was introduced on 1/27/15. It had public hearings on 2/10 and 2/24 after which it was referred to the GAS Committee. Following a meeting, that committee referred it back to the planning commission with a committee recommendation. The commission met on 5/14, 7/9, and 8/13 and worked with staff to prepare a substitute ordinance for consideration. If the assembly accepts the substitute, the clerk recommends the assembly schedule another public hearing. **Motion:** Amend Ordinance 15-06-398 by replacing it in its entirety with a substitute ordinance recommended by the planning commission and set a third public hearing for 10/13/15.*

11.C. NEW BUSINESS/Other New Business ---continued---

2. **Board Appointments**

*An appointment application has been received for a seat on the Library Board. The mayor plans to make the appointment and seeks assembly confirmation. **Motion:** Confirm the mayor's appointment of Vanessa Salmon to the Library Advisory Board for a term ending 11/30/18.*

* 3. **Amend Previously-Adopted Ordinance 15-06-415**

An ordinance of the Haines Borough adopting a revised fee schedule for harbor facility usage.

*The current Harbor Fee Schedule was adopted via ordinance on 8/11/15. The revision included a \$2.00 per foot moorage rate increase, and the table headings in the schedule correctly showed that change. However, since adoption, staff discovered the amounts in the table columns were not correctly listed. While these amounts are in essence provided as a courtesy for easy reference and might be corrected administratively, the borough clerk recommends, in the interest of transparency, that the assembly take action to amend the adopted ordinance by correcting the dollar amounts. **Motion:** Amend Ordinance 15-06-415 to correct the annual moorage rate table amounts to accurately show the adopted price-per-foot.*

12. CORRESPONDENCE/REQUESTS

A. Request for Review/Revision of Local Bidder Preference – Haines Contractors

Note: The packet also contains a memo from the manager to the assembly regarding this request.

B. Support for the 14B Harbor Design (Informal Petition) – 312 Signatures

C. Harbor Design Comments – D. Schnabel

13. SET MEETING DATES

A. Committee of the Whole – Topic: Cannabis

B. Community Funding Committee

C. Assembly 101 Training – 10/20, 6:00 p.m.

14. PUBLIC COMMENTS

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

16. ADJOURNMENT


Haines Borough
Borough Assembly Meeting #299
September 8, 2015
MINUTES

Draft

1. **CALL TO ORDER/PLEDGE TO THE FLAG:** Mayor **HILL** called the meeting to order at 6:30 p.m. in the Assembly Chambers and led the pledge to the flag.
2. **ROLL CALL**
Present: Mayor Jan **HILL**, and Assembly Members Diana **LAPHAM**, George **CAMPBELL**, Mike **CASE**, Dave **BERRY, Jr.**, Joanne **WATERMAN**, and Ron **JACKSON**.
Staff Present: David **SOSA**/Borough Manager, Julie **COZZI**/Borough Clerk, Robert **GRIFFITHS**/Chief of Police, Jila **STUART**/Chief Fiscal Officer, Helen **ALTEN**, and Jennifer **WALSH**/Firefighter-Training Officer.
Visitors Present: Karen **GARCIA**/CVN, Jillian **ROGERS**/KHNS, Don **TURNER Jr.**, Kyle **PONSFORD**, Brad **RYAN**, Brenda **JOSEPHSON**, Jeremy **STEPHENS**, Leonard **DUBBER**, Jerry **LAPP**, Paul **NELSON**, Dean **LARI**, Carol **TUYNMAN**, Heather **LENDE**, Darsie **CULBECK**, Mike **DENKER**, and others.

3. **APPROVAL OF AGENDA & CONSENT AGENDA**

The following Items were on the published consent agenda:

Consent Agenda:

- 4 – Approve Assembly Meeting Minutes
- 8B – Accept Library Director Report
- 8C – Accept Police Chief Report
- 9A – Accept Public Safety Commission Minutes
- 9B – Accept Library Advisory Board Minutes
- 11A1 – Adopt Resolution 15-09-641
- 11B1 – Introduce Ordinance 15-09-419 & Schedule Public Hearings
- 11B2 – Introduce Ordinance 15-09-420 & Schedule Public Hearings

Motion: **BERRY** moved to “approve the agenda/consent agenda,” and the motion to approve the agenda/consent agenda carried unanimously.

- * 4. **APPROVAL OF MINUTES** – 8/25/15 Regular

The motion adopted by approval of the consent agenda: “approve minutes of the 8/25/15 borough assembly regular meeting.”

5. **PUBLIC COMMENTS**

LARI – 1) Commended Chief Griffiths for the job he is doing, and 2) wants the borough to start talking about cannabis laws.

6. **MAYOR’S COMMENTS/REPORT**

Mayor **HILL** reported on 1) her recent tour of the Constantine Mine operation and 2) the upcoming Southeast Conference in Prince Rupert.

The mayor also reminded those present about the public hearing sign-up requirement and the procedure for doing so.

7. **PUBLIC HEARINGS**

- A. **Ordinance 15-06-413** – Second Hearing

An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.

Mayor **HILL** opened the public hearing at 6:40 p.m.

JOSEPHSON – Opposes the ordinance. (Written documents were provided)

PONSFORD – Opposes the ordinance. (A written document was provided)

LARI, LENDE, NELSON, TUYNMAN, DUBBER, and SCHNABEL – Oppose the ordinance.

TURNER – Acknowledges things need to be fixed as soon as possible but supports the ordinance.

Hearing no further comments, the mayor closed the public hearing at 7:01 p.m.

Motion: **CAMPBELL** moved to “hold a third public hearing on October 27, 2015.”

Primary Amendment: **CASE** moved to “hold a third hearing on a date to be determined following a discussion this evening,” and the motion carried 5-1 with **LAPHAM** opposed.

The Main motion, as amended, carried 4-2 with **WATERMAN** and **LAPHAM** opposed.

Motion: **BERRY** moved to “set the third hearing for November 10, 2015,” and the motion carried 4-2 with **WATERMAN** and **LAPHAM** opposed.

- B. Ordinance 15-08-418** – Second Hearing
An Ordinance of the Haines Borough amending Haines Borough Code Title 13, Section 13.08.260 to allow the discharge of cooling water into the municipal sewer system with specific approval from a designated borough official.

Mayor **HILL** opened and closed the public hearing at 7:57 p.m.; there were no public comments.

Motion: **BERRY** moved to “adopt Ordinance 15-08-418.”

Primary Amendment: **CAMPBELL** “moved to strike ‘designated individual’ and replace it with ‘Director of Public Facilities’.”

Secondary Amendment: **WATERMAN** moved to “strike ‘Director of Public Facilities’ and replace it with ‘Borough Manager or Designee’,” and the motion carried unanimously.

The primary amendment motion, as amended, carried unanimously.

The main motion, as amended, carried unanimously in a roll call vote.

8. STAFF/FACILITY REPORTS

A. Borough Manager – 9/8/15 Report

The manager summarized his written report and responded to a few questions from the assembly.

Motion to Reconsider: **JACKSON** moved to reconsider his vote on the motion to hold the minor offense ordinance for a third public hearing, and the motion carried 4-2 with **BERRY** and **CAMPBELL** opposed. This returned the motion to hold a third public hearing to the table for a new vote.

The Motion to hold a third public hearing failed 3-4 with **BERRY**, **CASE**, and **CAMPBELL** opposed and Mayor **HILL** breaking the tie in the negative.

Motion: **WATERMAN** moved to “adopt Ordinance 15-06-413.”

Motion to Postpone: **CAMPBELL** moved to “postpone the vote on this until the next meeting (September 22),” and the motion failed 3-4 with **JACKSON**, **WATERMAN**, and **LAPHAM** opposed and Mayor **HILL** breaking the tie in the negative.

Primary Amendment: **CAMPBELL** moved to “eliminate all of page one of the ordinance from 1.24.010 through 030,” and the motion died for lack of a second.

Motion to Reconsider: **WATERMAN** moved to “reconsider her vote to postpone the motion to adopt to the 9/22 meeting,” and the motion carried unanimously. This returned the motion to postpone to the table for a new vote.

The Motion to Postpone the ordinance adoption vote to the 9/22/15 meeting carried unanimously.

- ***B. Library Director – Report of July 2015**
- ***C. Chief of Police – Report**

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

- ***A. Public Safety Commission – Minutes of 4/13/15**
- ***B. Library Advisory Board – Minutes of 7/24/15**
- C. Assembly Board Liaison Reports**

LAPHAM – Tourism Advisory Board
JACKSON – Public Safety Commission

- D. Assembly Standing Committee Reports**

BERRY said the Government Affairs & Services Committee (GASC) met to work on the Minor Offenses Ordinance, and that meeting report will be submitted to the clerk. **LAPHAM** reported she chaired a second GASC meeting during which the committee worked on federal priorities.

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

*** 1. Resolution 15-09-641**

A Resolution of the Haines Borough Assembly Appointing Election Officials for the Regular Election to be held October 6, 2015, and establishing the wages.

The motion adopted by approval of the consent agenda: "adopt Resolution 15-09-641."

2. Resolution 15-09-642

A Resolution of the Haines Borough Assembly adopting the Borough's 2016 federal priorities.

There were no public comments.

Motion: **BERRY** moved to "adopt Resolution 15-09-642," and the motion carried unanimously in a roll call vote.

3. Resolution 15-09-643

A Resolution of the Haines Borough Assembly adopting the Haines Borough Multi-Hazard Mitigation Plan.

There were no public comments.

Motion: **BERRY** moved to "adopt Resolution 15-09-643," and the motion carried unanimously in a roll call vote.

4. Resolution 15-09-644

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to execute a purchase order with the U.S. Coast Guard in Sitka to purchase three biomass boilers and all associated equipment for an amount not to exceed \$60,000.

CULBECK - Supportive of this proposed purchase and is present as a resource if there are questions.

There were no other public comments.

Motion: **BERRY** moved to "adopt Resolution 15-09-644," and the motion carried 5-1 in a roll call vote with **CASE** opposed.

B. Ordinances for Introduction

*** 1. Ordinance 15-09-419**

An Ordinance of the Haines Borough amending Title 11, Section 11.28.010 to change the ballot instructions to match the 2014 charter and code amendments that eliminated the requirement to get 40% of the vote in order to be elected.

The motion adopted by approval of the consent agenda: "introduce Ordinance 15-09-419 and set a first public hearing for 9/22/15 and a second public hearing for 10/13/15."

*** 2. Ordinance 15-09-420**

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.100.025 to allow a nonconforming lot when it is created as a result of the borough acquiring a portion of a lot to be used exclusively for public utility purposes in the best interest of the borough.

The motion adopted by approval of the consent agenda: "introduce Ordinance 15-09-420 and set a first public hearing for 9/22/15 and a second public hearing for 10/13/15."

C. Other New Business

1. Hire Confirmation – Director of Public Facilities

Note: This is a department head position hired by the borough manager but it required assembly confirmation.

Motion: BERRY moved to “confirm the borough manager’s decision to hire Dr. Brad Ryan as Director of Public Facilities,” and the motion carried unanimously in a roll call vote.

12. CORRESPONDENCE/REQUESTS

13. SET MEETING DATES

- A. **Election Canvass** – Tuesday, October 13, 6:00 p.m.
- B. **Assembly Committee of the Whole** – Wednesday, September 23, 5:00 p.m. - Topic: Presentation of Noise Study Results

14. PUBLIC COMMENTS

CULBECK – 1) Nice job hiring Brad Ryan and 2) thanks for authorizing the boiler purchase.

LAPP – Assembly doing a great job.

15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

CAMPBELL – 1) Thanked the administration for finding the pellet boilers, and 2) very impressed with Dr. Brad Ryan’s credentials included in the packet.

JACKSON – Enjoyed reading the visitor comments included in the library minutes.

CASE – Concerned with the lack of traffic control during the weekend cross-country race.

16. ADJOURNMENT – 9:03 p.m.

Motion: BERRY moved to “adjourn the meeting,” and the motion carried unanimously.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

STATE OF ALASKA



Executive Proclamation by *Governor Bill Walker*

WHEREAS, first responders are trained volunteers and professionals that are designated to provide immediate expert response in emergency situations; and

WHEREAS, Alaskans benefit from the knowledge, skills, and dedication of first responders, as they work together to ensure prompt response to a wide variety of natural disasters and domestic emergencies in both urban and rural settings, often in extreme weather conditions, dangerous terrain, or other harrowing circumstances; and

WHEREAS, Alaska's first responders are a vital part of our communities as they risk their own lives and safety to provide crucial service in times of desperate need; and

WHEREAS, individuals, both career and volunteer, including police, firefighters, emergency medical responders, search and rescue professionals, military personnel, as well as entire organizations come together in emergencies to provide services that often make the difference between life and death; and

WHEREAS, we specifically commend all Alaskan first responders and wildland firefighters, as well as those who travelled from all over the United States and Canada this summer to answer the call when wildfires ravaged millions of acres Alaska, and engulfed dozens of Alaskans' homes; and

WHEREAS, we greatly appreciate the sacrifice of first responders and their selfless dedication to serve and protect Alaskans every day.

NOW THEREFORE, I, Bill Walker, GOVERNOR OF THE STATE OF ALASKA, do hereby proclaim September 27, 2015 as:

First Responder Appreciation Day

in Alaska, and encourage all Alaskans to recognize the vital role first responders play in our state, and express appreciation for the selfless service of the first responders in our local communities.

Dated: September 11, 2015



Bill Walker

*Bill Walker, Governor
who has also authorized the
seal of the State of Alaska to
be affixed to this proclamation.*

Office of the Mayor
Haines Borough, Alaska

Proclamation

Childhood Cancer Awareness Month (September 2015)

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15, and this tragic disease is detected in nearly 15,000 of our country's young people each year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer, and many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Providence Alaska Medical Center in Anchorage, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Award presentations, community get well cards and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer; now

THEREFORE, I, Janice Hill, Mayor of the Haines Borough, do hereby recognize September 2015 as Childhood Cancer Awareness Month in Alaska, and encourage all residents of the Haines Borough to support childhood cancer patients, survivors, their families and caregivers; remember the lives of those we have lost, and encourage those who are working to improve survival rates and occurrence of this devastating disease.

Signed and Sealed on this ____ day of September, 2015.

Janice Hill, Mayor

Attest:

Julie Cozzi, MMC, Borough Clerk



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 15-593

Assembly Meeting Date: 9/22/15

Business Item Description:	Attachments:
Subject: Amend Code to Change Ballot Instructions Since 40% of Vote is No Longer Required for Election	1. Ordinance 15-09-419 2. Adopted Ordinance 14-07-384 & Election Tally 3. Adopted Ordinance 14-07-385
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 8/3/15	

Full Title/Motion:
The assembly already scheduled the second hearing for 10/13/15. No motion is needed now unless the second hearing date needs to change or some other action is desired.

Administrative Recommendation:
The Borough Manager recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$0	\$0	\$0	N/A

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: _____
Consistent: Yes No

Summary Statement:
On October 7, 2014, a majority of Haines Borough voters approved an amendment to Charter Section 16.04 to remove the requirement to receive at least 40% of the vote to be elected to office. Additionally, the assembly adopted Ordinance 14-07-385 amending HBC 11.48.050 to remove the same requirement in borough code.

While preparing the 2015 Election ballot, the borough clerk discovered another section of the Election code that refers to the old 40% requirement. It pertains to the instructions the clerk is required to place on the ballot. This is a "housekeeping" ordinance to remove the obsolete language.

Referral:
Referred to: _____ Referral Date: _____
Recommendation: _____ Meeting Date: _____

Assembly Action:
Meeting Date(s): 9/8, 9/22/15
Public Hearing Date(s): 9/22, 10/13/15
Postponed to Date: _____

An Ordinance of the Haines Borough amending Haines Borough Code Title 11, Section 11.28.010 to change the ballot instructions to match the 2014 charter and code amendments that eliminated the requirement to get 40% of the vote in order to be elected.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 11.28.010. Haines Borough Code is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

11.28.010 Form of ballot.

A. The clerk shall prepare all official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to reflect most accurately the intent of the voter, and to expedite the administration of elections.

B. The official ballot shall contain, at the top thereof, the words "Official Ballot" and the date of the election, whether such election is a general borough election or a special borough election, and such instructions to the voters as will enable them intelligently to mark their ballots for the candidates for whom they desire to vote, and to intelligently vote upon the questions which are submitted.

C. The clerk shall determine the size of the ballot, the type of print, necessary additional instruction notes to voters, and other similar matters of form not provided by law. The ballots shall be numbered in series to ensure simplicity and secrecy and to prevent fraud.

D. The title of all offices to be voted upon (mayor, assembly member, or school board member) shall be printed on the ballot. The title of each office to be filled shall be followed by the printed names of the candidates for such office in a single list arranged alphabetically, below which shall be blank lines equal in number to the candidates to be elected to such office, upon which the voter may write the names of persons not listed on the ballot. The words "Vote for not more than ___" with the appropriate number replacing the blank shall be placed before the list of candidates for each office. Instruction notes shall state that offices will be filled by the candidates receiving the greatest number of votes ~~exceeding 40 percent~~, and if terms are of different lengths, the candidate with the highest number of votes will be elected to the longest term. The names of candidates shall be printed as they appear upon the nomination petitions filed with the borough clerk except that any honorary or assumed title or prefix shall be omitted. However, the candidate's name appearing on the ballot may include a nickname or familiar form of the proper name.

E. Following the offices and candidates there shall be placed on the ballot or on separate ballots, as the clerk may determine, all propositions or questions to be voted upon. The words "Yes" and "No" shall be placed with the statement of each proposition or question for selection.

Haines Borough
Ordinance No. 15-09-419
Page 2 of 2

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____
DAY OF _____, 2015.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 09/08/15
Date of First Public Hearing: 09/22/15
Date of Second Public Hearing: 10/13/15

An ordinance of the Haines Borough placing a proposition on the October 7, 2014 Haines Borough General Election ballot to amend Borough Charter Section 16.04 to remove the requirement for a runoff election if a candidate does not receive at least 40% of votes cast to be elected to borough office.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is a non-code ordinance authorizing placing a proposed amendment to the Haines Borough Charter on the ballot for the 2014 general municipal election.

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

Section 3. Proposed Amendment of Charter Section 16.04. It is hereby determined to be for a public purpose and in the public interest of the Haines Borough to place a question on the October 7, 2014 regular Haines Borough General Election ballot that would amend the Haines Borough Charter, to delete the requirement to hold a runoff election if no candidate receives at least 40 percent of the votes cast as follows:

NOTE: STRIKETHROUGH ITEMS ARE DELETED

Charter Section 16.04 Election Procedures

All borough elections shall be nonpartisan. The assembly by ordinance shall establish procedures for regular and special borough elections, including provisions for absentee voting.

~~If no candidate receives more than 40 percent of the votes, the seat will be filled by the winner of a runoff election between the two candidates receiving the most votes.~~

In case of a tie vote for borough office, the assembly shall determine the successful candidate by lot.

Section 4. The Borough shall submit the following proposition to the qualified voters of the Haines Borough at the October 7, 2014 Haines Borough General Election:

PROPOSITION No. 1

AMEND CHARTER 16.04 TO DELETE REQUIREMENT FOR A RUNOFF ELECTION WHEN
NO CANDIDATE RECEIVES FORTY PERCENT OF VOTES CAST

Shall Section 16.04 of the Haines Borough Charter be amended to remove the requirement for a runoff election if no candidate receives 40% of the votes cast, as follows?

Charter Section 16.04 Election Procedures

All borough elections shall be nonpartisan. The assembly by ordinance shall establish procedures for regular and special borough elections, including provisions for absentee voting.

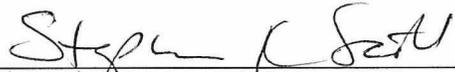
~~If no candidate receives more than 40 percent of the votes, the seat will be filled by the winner of a runoff election between the two candidates receiving the most votes.~~

In case of a tie vote for borough office, the assembly shall determine the successful candidate by lot.

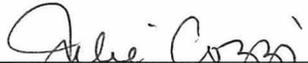
Section 5. Section 3 of this ordinance shall become effective only if the proposition described in Section 4 is approved by a majority of the qualified voters voting on the proposition at the October 7, 2014 Haines Borough General Election and shall take effect thirty days after certification of the results of the election. The remaining sections of this ordinance shall become effective immediately upon adoption by the Haines Borough Assembly.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26th DAY OF AUGUST, 2014.




Stephanie Scott, Mayor

Attest:


Julie Cozzi, MMC, Borough Clerk

Date Introduced:	07/29/14
Date of First Public Hearing:	08/12/14
Date of Second Public Hearing:	08/26/14 - Adopted

HAINES BOROUGH

October 7, 2014 General Municipal Election
10/14/14 ELECTION CANVASS

Page 1 of 2

The tally below is a true and accurate record of all votes cast in the Haines Borough General Election held on October 7, 2014.

MAYOR

HILL	ELECTION	<u>542</u>	CANVASS	<u>9</u>	TOTAL	<u>551</u>
SCOTT	ELECTION	<u>441</u>	CANVASS	<u>32</u>	TOTAL	<u>473</u>
WRITE-IN	ELECTION	<u>7</u>	CANVASS	<u>1</u>	TOTAL	<u>8</u>

BOROUGH ASSEMBLY

BENASSI	ELECTION	<u>375</u>	CANVASS	<u>30</u>	TOTAL	<u>405</u>
CASE	ELECTION	<u>428</u>	CANVASS	<u>9</u>	TOTAL	<u>437</u>
ERNY	ELECTION	<u>361</u>	CANVASS	<u>7</u>	TOTAL	<u>368</u>
JACKSON	ELECTION	<u>516</u>	CANVASS	<u>31</u>	TOTAL	<u>547</u>
PARNELL	ELECTION	<u>181</u>	CANVASS	<u>5</u>	TOTAL	<u>186</u>
WRITE-IN	ELECTION	<u>1</u>	CANVASS	<u>0</u>	TOTAL	<u>1</u>

SCHOOL BOARD

CLAY	ELECTION	<u>655</u>	CANVASS	<u>23</u>	TOTAL	<u>678</u>
PALMIERI	ELECTION	<u>707</u>	CANVASS	<u>32</u>	TOTAL	<u>739</u>
WRITE-IN	ELECTION	<u>58</u>	CANVASS	<u>2</u>	TOTAL	<u>60</u>

PROPOSITION #1 – Charter, 40% to Win

YES	ELECTION	<u>550</u>	CANVASS	<u>17</u>	TOTAL	<u>567</u>
NO	ELECTION	<u>418</u>	CANVASS	<u>26</u>	TOTAL	<u>444</u>

PROPOSITION #2 – Bond, Voc Ed Bldg Upgrades

YES	ELECTION	<u>574</u>	CANVASS	<u>28</u>	TOTAL	<u>602</u>
NO	ELECTION	<u>397</u>	CANVASS	<u>14</u>	TOTAL	<u>411</u>

PROPOSITION #3 – Bond, HS Air Handling Unit

YES	ELECTION	<u>609</u>	CANVASS	<u>28</u>	TOTAL	<u>637</u>
NO	ELECTION	<u>369</u>	CANVASS	<u>14</u>	TOTAL	<u>383</u>

PROPOSITION #4 – Bond, HS Roof Replacement

YES	ELECTION	<u>433</u>	CANVASS	<u>18</u>	TOTAL	<u>451</u>
NO	ELECTION	<u>549</u>	CANVASS	<u>23</u>	TOTAL	<u>572</u>

HAINES BOROUGH
October 7, 2014 General Municipal Election
ELECTION CANVASS

Page 2 of 2

THE CANVASS OF VOTES WAS COMPLETED BETWEEN THE HOURS OF 5:00 P.M. AND
8:00 P.M. ON TUESDAY, OCTOBER 14, 2014.

RESPECTFULLY SUBMITTED:

Joanne L. Watrous, ASSEMBLY MEMBER
Joseph L. Lapp, ASSEMBLY MEMBER
Doreen D. Dapham, ASSEMBLY MEMBER
William P. P. P., ASSEMBLY MEMBER
_____, ASSEMBLY MEMBER
_____, ASSEMBLY MEMBER

ATTEST:

Julie Cozzi 10/14/14
Julie Cozzi, MMC, Borough Clerk

An ordinance of the Haines Borough to amend Borough Code Section 11.48.50 to provide that candidates receiving the greatest number of votes cast shall be declared the winners of an election even if the greatest number of votes cast is less than 40% of the total votes cast and to eliminate the requirement for a runoff election.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Charter.

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

Section 3. Amendment of Code Section 11.48.050. Section 11.48.050 of the Haines Borough Code is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

11.48.050 Votes required to elect —Runoff elections.

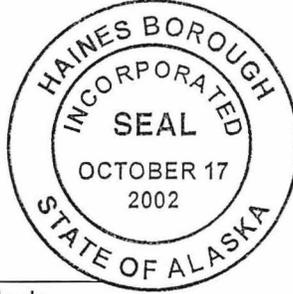
A. ~~Votes Required to Elect. To be elected to office, a candidate must receive at least 40 percent a simple majority of the votes cast for the office, determined by dividing the total number of legal votes cast for the office by the number of vacancies being filled.~~ **The candidate for mayor receiving the most votes shall be elected. The candidates receiving the most votes for borough assembly or school board shall be elected based on the number of votes received starting with the candidate receiving the most votes until all seats to be filled at any election have been filled.**

~~B. Runoff Elections. If in a borough election an office is not filled because candidates received fewer than 40 percent of the votes cast, the borough shall hold a runoff election between the top two unseated candidates on the first Tuesday in November following the canvass and certification as in HBC 11.48.040. There shall be two runoff candidates for each office to be filled. Notice of the runoff election shall be published at least 10 days before the election date. The person(s) receiving the highest number of votes shall be elected following canvass and certification of the election as provided in HBC 11.48.040.~~

Section 4. Effective Date. This ordinance shall become effective only if the proposition described in Ordinance No. 14-07-384 is approved by a majority of the qualified voters voting on the proposition at the October 7, 2014 Haines Borough General Election in which case this ordinance shall take effect thirty days after certification of the results of the 2014 election.

Haines Borough
Ordinance No. 14-07-385
Page 2 of 2

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26th
DAY OF AUGUST, 2014.



Stephanie K. Scott
Stephanie Scott, Mayor

Attest:

Julie Cozzi
Julie Cozzi, MMC, Borough Clerk

Date Introduced:	07/29/14
Date of First Public Hearing:	08/12/14
Date of Second Public Hearing:	08/26/14 - Adopted



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 15-595
Assembly Meeting Date: 9/22/15

Business Item Description:	Attachments:
Subject: Allow a nonconforming lot when purchased by the borough exclusively for public utility purposes	1. Ordinance 15-09-420 2. Plat showing nonconforming lot 3. Adopted Resolution 15-04-625 authorizing property purchase
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 8/31/15	

Full Title/Motion:
The assembly already scheduled the second hearing for 10/13/15. No motion is needed now unless the second hearing date needs to change or some other action is desired.

Administrative Recommendation:
The Borough Manager recommends adoption.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ 0	\$ 0	\$ 0	N/A

Comprehensive Plan Consistency Review:
Comp Plan Goals/Objectives: _____
Consistent: Yes No

Summary Statement:
The borough plans an important upgrade to the Piedad Springs water source, including a collection gallery, a new treatment building, and a storage tank. In order to proceed with the project, the borough needs to purchase a small portion of property, and on 4/28/15, the assembly adopted a resolution authorizing it. The purchase will result in the creation of a nonconforming lot, which is less than one acre (0.74).

Staff recommends the best solution is for the assembly to amend code to allow a very limited exception to the minimum lot size when the property will be owned by the borough and used exclusively for public utility purposes and provide a benefit to the community. There is no requirement for Title 18 amendments to originate with the planning commission. However, the planning commission was provided a courtesy opportunity on 9/10/15 to review this draft ordinance and make a recommendation. They did not choose to do that.

Referral:
Referred to: _____ Referral Date: _____
Recommendation: _____ Meeting Date: _____

Assembly Action:
Meeting Date(s): 9/8, 9/22/15
Public Hearing Date(s): 9/22, 10/13/15
Postponed to Date: _____

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Section 18.100.025 to allow a nonconforming lot when it is created as a result of the borough acquiring a portion of a lot to be used exclusively for public utility purposes in the best interest of the borough.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 18.100.025. Section 18.100.025 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

HBC 18.100.020 Platting of subdivision, lot line adjustment and lot consolidation required.

Any division of land within the borough which results in a subdivision, or any shifting or eliminating of property lines resulting in a lot line adjustment or lot consolidation shall be surveyed and a plat thereof approved and recorded, pursuant to the provisions of this chapter, HBC 18.60.010 through 18.60.020, and AS 29.40 and 40.15, as amended from time to time.

A. Subdivision Defined. "Subdivision" means a division of a tract or parcel of land into two or more lots, sites, or other divisions and includes re-subdivisions and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided.

B. Lot Line Adjustment Defined. "Lot line adjustment" is defined as the shifting of a property line that does not result in:

1. The creation of additional lots.
2. The creation of new nonconforming lots, including:
 - a. A lot of less than 65 feet of width.
 - b. A lot of less than the minimum size applicable to the zoning district.
 - c. A lot where development or utility becomes located within the setback as a result of the lot line adjustment.
3. The increase of nonconformity of an existing nonconforming lot.
4. The newly adjusted lot exceeding 200 percent of the area of the original lot, with the exception of lots less than the minimum lot size, in which case the newly adjusted lot shall not exceed 150 percent of the minimum lot size specified for the zone.

C. Lot Consolidation Defined. "Lot consolidation," also referred to as "lot line vacation," is the elimination of a lot line or lines that divide multiple lots and results in the consolidation of multiple lots into fewer lots or one lot.

1. The result shall not impair adequate access, access easements or rights-of-way to existing lots.

2. The result shall not create a nonconforming lot or increase the nonconformity of an existing nonconforming lot.

HBC 18.100.025 Exceptions.

A. The provisions of this chapter shall not apply to transfers of interest in land pursuant to court order.

B. The manager shall have the authority to waive the surveying requirement for a lot consolidation if it is determined that the surveyor can prepare plat documents from accurate and current data for the properties being consolidated.

C. HBC 18.100.020(B) and (C) do not apply to **the following:**

a. Lot line adjustments and lot consolidations between two or more nonconforming lots, as long as no additional nonconforming lots are created, and the proposed lots as adjusted will comply with other requirements, including but not limited to setbacks and parking as prescribed by the applicable use zone; **or**

b. A nonconforming lot created as a result of the borough acquiring a portion of a lot to be used exclusively for public utility purposes in the best interest of the borough.

All lot line adjustments involving nonconforming lots shall be reviewed and approved by the planning commission.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS _____ DAY OF _____, 2015.

Janice Hill, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 09/08/15
Date of First Public Hearing: 09/22/15
Date of Second Public Hearing: 10/13/15

LEGEND

- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
- SECONDARY MONUMENT RECOVERED THIS SURVEY

— SURVEYED
 - - - - - UNSURVEYED
 - - - - - CENTERLINE



TYPICAL SECONDARY MON.
 2" ALUM. CAP
 5/8" REBAR, 36" LONG

RECORD DIMENSIONS DIFFERENT FROM MEASURED OR CALCULATED DIMENSIONS ARE SHOWN IN PARENTHESES. ALL RECORDED INFORMATION THIS SURVEY FROM PLAT NO. 2001-15 UNLESS OTHERWISE NOTED.

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF S89°58'40"E TO A FOUND REBAR AND CAP BEING THE NORTHWEST CORNER CORNER OF LOT 5, REBAR AND CAP BEING THE NORTHEAST CORNER CORNER OF LOT 5, AS SHOWN ON RECORD PLAT NO. 2009-10.

STATEMENT OF OWNERSHIP:

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND THAT WE DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

Date _____, 2015

Owner
 ARTHUR MEACOCK
 PO BOX 457
 HAINES, ALASKA 99827

NOTARY'S ACKNOWLEDGEMENTS:

UNITED STATES OF AMERICA }
 STATE OF ALASKA } S.S.

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2015 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED;

KNOWN TO ME TO BE THE PERSON (PERSONS) DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (SHE) (THEY) SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Notary Public for Alaska _____
 My Commission Expires _____

CERTIFICATE BY THE HAINES BOROUGH

THE REPLAT OF LOT 1, MEACOCK SUBDIVISION, PLAT NO. 2001-15, AS DESCRIBED HEREON HAS BEEN FOUND TO COMPLY WITH THE PROVISION SET FORTH IN HC. 18.100 AND IS APPROVED FOR RECORDING WITH THE HAINES RECORDERS OFFICE DATED:

_____, 2015.

LEE HENNINGER
 PLANNING COMMISSION CHAIR

DATE

JAN HILL
 MAYOR
 HAINES BOROUGH

DATE

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED AND REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS ARE CORRECT AS SHOWN AND THAT ALL EASEMENTS AND RIGHT OF WAYS APPEARING ON THE LAND ARE AS SHOWN.

Date _____



DRAWN BY: GCM Graphics
CHECKED BY: J.W.B.
DRAWING DATED: 7-24-2015
FIELD BOOK:
SCALE: 1"=100'
JOB NO.: 1915-2000-MEACOCK-L071A-4&5
REVISED:
GRID



J.W. BEAN
 INC.
 PROFESSIONAL SURVEYOR

1070 AUTO CIRCLE
 JUNEAU - ALASKA
 (907) 789-0555
 SURVEYOR - PLANNER

CERTIFICATION OF BOROUGH ASSESSOR

I HEREBY CERTIFY THAT THE APPLICANTS ARE NOT DELINQUENT ON PROPERTY TAXES FOR THE PROPERTY SPECIFIED ON THE SUBDIVISION PLAT SHOWN HEREON.

Dated _____, 2015.

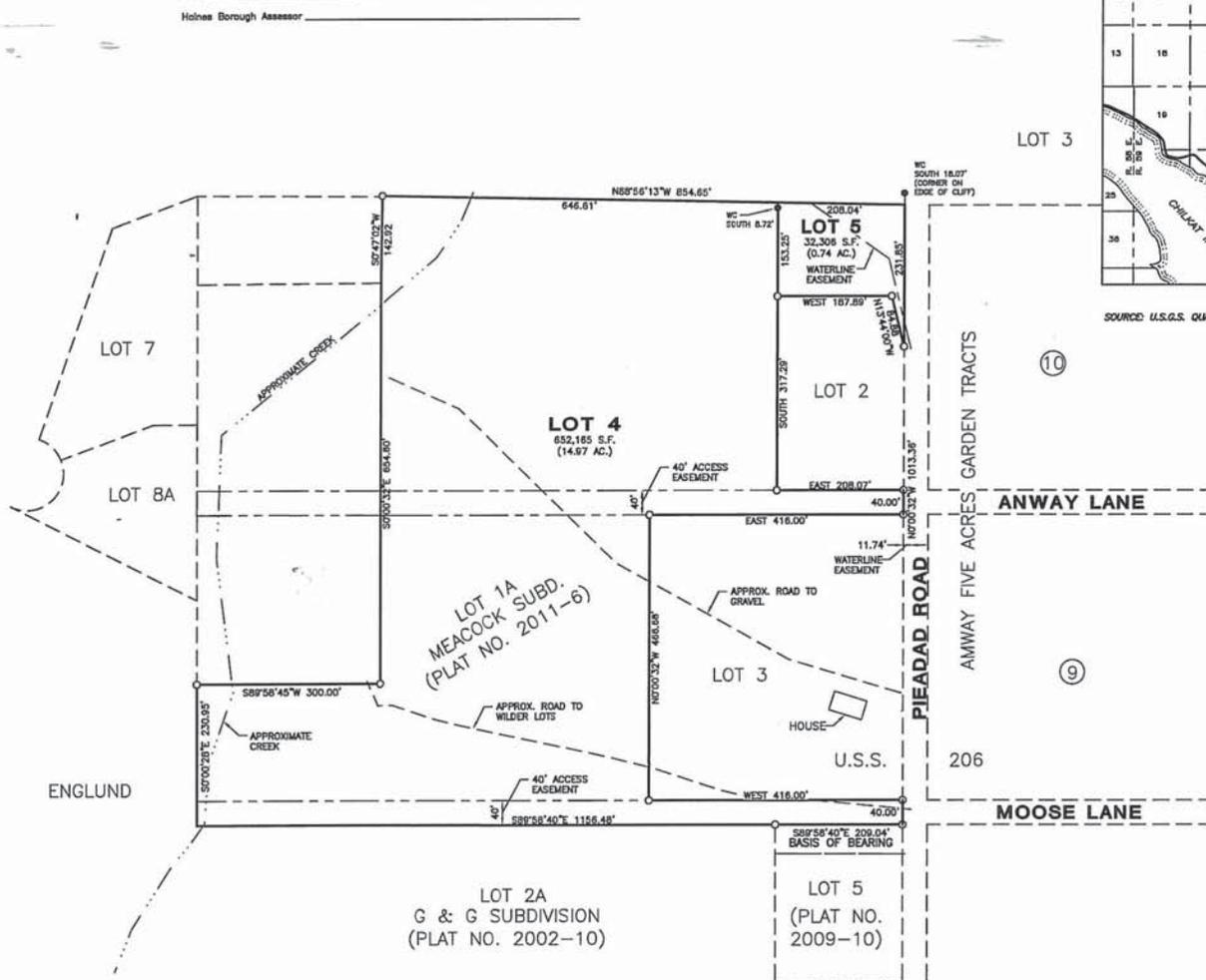
Haines Borough Assessor _____

NOTE:

THIS PLAT IS IN THE RURAL RESIDENTIAL LAND USE ZONE



VICINITY MAP
 SOURCE: U.S.G.S. QUADS "SHADWAY A-2 & B-2, ALASKA" SCALE: 1" = 1 MILE



NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. LOTS WITHIN THIS SUBDIVISION ARE SERVED BY THE HAINES BOROUGH MUNICIPAL WATER AND SEWER SYSTEMS.

SHEET 1 OF 1

A PLAT OF
MEACOCK SUBDIVISION III
 A RE-PLAT OF
 LOT 1A
 MEACOCK SUBDIVISION II
 WITHIN U.S. SURVEY NO. 206
 WITHIN CITY OF HAINES, ALASKA
 HAINES RECORDING DISTRICT - HAINES, ALASKA

E:\DRM\BEAN\HAINES-2000-MEACOCK\HNS-2000-MEACOCK\HNS-2000-MEACOCK-L071A-4&5.DWG 7/24/2015 12:42:08 PM AST

A Resolution of the Haines Borough Assembly supporting the proposed Piedad Springs Water Source Upgrades and authorizing the Borough Manager to acquire, in the best interests of the community, a portion of the property legally described as Lot 1A, Meacock Subdivision for use in that project.

WHEREAS, the Haines Borough's Piedad water system has been in use since 1951 and provides 20 percent of the townsite drinking water; and

WHEREAS, in early 2010 the Alaska Department of Environmental Conservation (DEC) determined that the Piedad water system was under the direct influence of surface water; and

WHEREAS, additional testing resulted in DEC making the determination that there may be surface water contamination to the Piedad Springs water source; and

WHEREAS, proposed upgrades to protect the Piedad Springs water source include a collection gallery, a new treatment building, and a storage tank; and

WHEREAS, the Piedad Springs Water Source Upgrades project would be funded with the \$353,775 remaining from a DEC Municipal Matching Grant (MMG) that pays up to 70 percent of the cost for selected projects, and a DEC loan of \$338,760 that includes a \$137,792 subsidy; and

WHEREAS, the design for required upgrades is currently at 65 percent and will need to go out to bid this summer to fully use the MMG funding that will expire June 30, 2016; and

WHEREAS, the design intrudes on a portion of the Arthur Meacock property legally described as Lot 1A, Meacock Subdivision; and

WHEREAS, Mr. Meacock is willing to sell the property for fair market value; and

WHEREAS, the land has been surveyed and the asking price is \$40,000 for 0.75 acres; and

WHEREAS, the Borough Assessor has determined this price to be in line with property values in the area; and

WHEREAS, the Borough Manager recommends proceeding with the Piedad Springs Water Source Upgrades project and acquisition of the Meacock property in the best interests of the community because losing the Piedad water source would lead to treating 20 percent more water at the treatment plant; and

WHEREAS, the proposed 2016 chemical budget is \$34,700, and the chemical cost would increase more than \$6,000 per year if Piedad water were treated at the plant, surpassing the proposed cost of the Meacock property acquisition within seven years; and

WHEREAS, the closing of this transaction is subject to, and dependent upon, the Haines Borough Assembly's appropriation of funds in the amount required for closing this transaction, pending approval of a budget amendment to appropriate \$40,000 of water fund user fees for the purchase; and

WHEREAS, Haines Borough Code Section 14.04.030 states that "[o]nly upon a specific resolution of the assembly, the manager may act on its behalf in the acquisition of real property or interest in real property when the property to be acquired is for a valuable consideration."

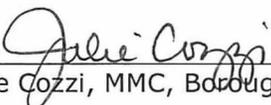
NOW, THEREFORE, BE IT RESOLVED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. The Borough Manager is hereby authorized to acquire the real estate property as described above, from Arthur Meacock for the price hereinabove mentioned; and

Section 2. Effective Date. On or before the date of closing this transaction, non-code Ordinance 15-04-408 shall be adopted by the borough assembly appropriating sufficient funds for the acquisition.

Adopted by a duly-constituted quorum of the Haines Borough Assembly this 28th day of April, 2015.

Attest:


Julie Cozzi, MMC, Borough Clerk




Janice Hill, Mayor



MANAGER'S REPORT

DATE: September 22, 2015
 TO: Mayor and Borough Assembly
 FROM: David B. Sosa, Borough Manager

BOROUGH ADMINISTRATION MISSION

Under the guidance and direction of the Borough Assembly, the mission of the Haines Borough Administration is to deliver critical and desired services; to protect the safety and well-being of the community; and to create conditions for a vibrant, sustainable economy that enhances and safeguards quality of life

Manager's Comments:

Noise Study Review: The Noise Study Presentation scheduled for 23 Sep 2015 at 5PM will be conducted over WebEx. This is a Web-enabled meeting that will make it possible for people to attend over their computers from wherever they are. Meade & Hunt will host the meeting and we will receive login instruction from them in advance of the meeting which we will post online. We will also get an advance copy of the presentation which will be posted online so that participants have an opportunity to review it before the meeting. Individuals can choose to attend at the Assembly Chambers or from wherever they are. We have allotted 30 minutes for the presentation and 1 hour for technical questions and a second hour for general questions from the public to the Assembly. Our back-up plan will be to post the presentation online, and then do the presentation via conference call if WebEx does not function properly. We will be conducting a rehearsal on Monday with Meade & Hunt to ensure the process is understood by all.

Review of Harbor Design by the State: At the Planning Commission meeting on 10 September, Commissioner Miller requested that a review by an outside agency be conducted and suggested that the State may want to be involved as the project is being funded by the State. The administration contacted Mr. Harvey Smith, the Statewide Coastal and Harbor Engineer, and he has agreed to provide this assessment of the current design.

Concerns Regarding Proposed Harbor Entrance Width: A local resident raised concerns about Coast Guard requirements for required distances that transiting vessels must keep from cruise ships and the proposed width of the harbor design. I spoke with the Operations Officer from Coast Guard Sector Juneau and was informed that the distances the local resident referred to deal with vessels under escort by the Coast Guard and do not specifically apply to Cruise ships in port. The Operations Officer also confirmed that the Haines Harbor Design is currently undergoing a process of federal assessment led by the Corps of Engineers which will include a full Coast Guard assessment of the proposed changes. That assessment by the Coast Guard has already been handed off to the Engineering department that handles these matters for the Coast Guard. Of note, and according to PND, a harbor with a smaller gap than ours (Juneau) was recently approved for operations by the Coast Guard. There is also not a "one size fits" all approach to this issue and much will depend on the MARSEC Level at which the facility operates at any given time. The other item to note is that operating under the most restrictive set of parameters would mean that most harbors in SE Alaska would not be permitted to function. In fact, our current action of docking the fast ferry next to the Cruise Ship would not be permitted under these conditions. The key thing here is to let the Coast Guard do its job and complete the assessment.

Community Non-profit Funding Applications: A revised application packet was prepared and posted to the Borough website. Several applications were received by the 22 August submission deadline and the committee now needs to meet and review the applications. Due to scheduling conflicts the committee review has not yet occurred and is not available for presentation at this meeting. The committee intends for these items to be brought before the next assembly meeting.

Update to the Multi-Hazard Mitigation Plan: As you know, the State Department of Emergency Management completed their review of the Borough's update to the Multi-Hazard Mitigation Plan, and staff updated the plan based on their guidance. The plan was presented to the Assembly on August 25, and it was approved via resolution. The plan will now be sent to FEMA for their formal review and approval.

Elections:

Polling Site Change - As a reminder, this year elections for the Haines #1 Precinct will be held at the Chilkat Center rather than the Bald Eagle Foundation. The Clerk's Office has teamed up with the Alaska Division of Election to get the word out. Additionally, the state has provided some additional signage for use on Election Day. The polling site for the Haines #2 (Highway) Precinct is the same: Klehini Valley Fire Hall.

Electioneering - Trying to influence or persuade another person to vote in a certain way in or within 200 feet of the entrance to the polls is prohibited. This applies to everyone. It is illegal and violates federal, state, and local laws. Most electioneering is innocent, such as a bumper sticker, button, sign or talking about a candidate, but it is still against the law and can result in an election contest. While early voting is happening at the Borough Administration Building or on Election Day at the Chilkat Center or the Klehini Valley Fire Hall, please cover up or remove any campaign signs posted within 200 feet or any vehicle bumper stickers or signs if you park within the applicable area. Refrain from bringing candidate-related items into the polling place, including newspapers that may contain advertising or articles about particular candidates. Do not tell people how you voted or how you plan to vote while you are within the area. It is important to be aware. Thank you!

Election Officials - The borough clerk and deputy clerk conducted the annual election worker training on September 17 with most election officials in attendance. Those who were absent will be trained in follow-up sessions. We are very fortunate to have these people who are so willing to dedicate themselves to not only facilitating the voting process at the polls but doing so in a manner that guards the public trust and maintains the integrity of our elections.

Early or Out of Town Voting - Early in-person voting begins in the Borough Administration Building on Monday, September 21 at 9:00 a.m. and will go through 5:00 p.m., Monday, October 5. Anyone can choose to vote early whether planning to be out of town or not. For those who will be out of town on Election Day and cannot vote early in-person, there are two options. So far, 32 voters have applied for Absentee by Mail (ABM) ballots, and those ballots have been mailed out. We expect additional applications; the deadline for ABM applications is Friday, September 25. For those who are unable to meet that ABM deadline yet still need to vote from out of town, there is an Absentee by Fax application that can be submitted until 5:00 p.m. on Monday, October 5. Absentee ballot applications are available at the Borough Administration Building or online at: www.hainesalaska.gov/administration/how-vote-absentee-0.

Minor Offenses Ordinance: Chilkat Valley News requested a comment from the manager regarding the proposed ordinance. Provided here is the Manager's full comment to CVN:

"I think the reasons are best summed up in the slide presentation that was included in the last packet and which I am attaching to this e-mail. In addition to that I offer the following.

We have an opportunity to provide more clarity to our code. We can make it easier for everyone to understand what offenses are in code and what are the fines associated with those offenses. The work we have done so far has identified elements of code that some people are uncomfortable with. I think it is great that we have been able to identify these concerns because now we can do something about it, and, we will do something about it.

Some people fear these changes and are of the belief that there is a plot to divest them of their rights. If that were the case the simplest thing we could do is to leave the code as is currently exists. In the current configuration of code people need to wade through multiple sections to figure out basic information about violations and fines. This ordinance changes that and gives people a better understanding of the law and gives them increased opportunity to do something about those elements of the law with which they disagree. This action helps empower change and will pave the way for a more informed citizenry and a more responsive government.

Chamber Meeting: On Friday September 18th I met with the Chamber of Commerce Board and we discussed the future of the Community & Economic Development position. We discussed options such as the current borough employee model, a contracted model, and public private partnership models. I recommend that the Commerce Committee hold a meeting in concert with the Chamber to review potential alternative arrangements that may be of benefit to the community.

Facilities & Public Works: (See Attached Spreadsheet)

Finance:

The Annual Financial Audit will take place between 21 and 25 September.

Museum:

The Museum Director is currently attending the American Association for State and Local History Conference.

Pool:

Haines Dolphins Swim Team started on Tuesday, September 8th. The pool staff reviewed USA Swimming as well as facility policies, rules and procedures with HDST reps and coaches to ensure a smooth year.

The condensation pan continues to leak whenever it rains. The pump burned out while draining. A new transfer pump was hooked up, and a back-up pump was ordered.

Thursday afterschool swim continues to be a hit with over 30 kids attending.

An automated blanket reel was set up and is being used.

Ongoing Public Works and Facilities Projects

Item	Planning Lead	Scheduled Start Date	Scheduled Completion Date	Status	Remarks	Other
VocEd Building	Facilities	Last week of May	Final Completion Sep 18		Project is moving forward as planned but substantial completion will be delayed for 9 days due to critical sprinkler system parts that will not show up timely. The contractor has coordinated with HBSD and part of the building will be available for class on the first day of school.	Change orders to this date total \$81k, mostly for additions to the scope of work, some due to unanticipated conflicts. Class was able to be held on 8-19-15.
Allen Road	W/S	May 1 (delayed due to Dec-SEE REMARKS)	15-Aug		Project is essentially complete lacking only some close out paperwork and final payment. As built drawings have been submitted.	Change order being developed to cover cost of additional work and material added to improve subgrade in bad areas. Site was visited and documents were reviewed by EPA reps. CONSTRUCTION IS COMPLETE. NEED CLOSE OUT PROCESS, AS BUILTS, ETC. Final CO has been processed and as built drawings are being finished by CD
School Roof Project	Facilities	NET 7 June	NLT 18 Sept		Contract awarded to Silverbow Const. of Juneau. Start of project has been delayed until the end of August by the contractor.	Change order issued to have roof over the newer school inspected, some problem areas were identified and will be addressed in the CO. An completion extension may be required at some point. WILL START SEP 1 AND WILL LAST 10 DAYS
Sledding Hill	Facilities	In progress	1-Oct		Trees removes, stumps next (Whiterock)	Don't expect action until the fall on this one
Piedad Water Transmission Line Replacement	W/S	Project will be bid in the normal fashion, does not meet "emergency" criteria.	TBD		Design is essentially complete and DEC review is in progress	Engineer and others walked and climbed the site to determine best building location and pipe route. Property owned has agreed to sign a use agreement until final sale goes through. Property final sale is delayed to the platted lot size being smaller than allowed by borough code. Options being explored at this time.
Summer Road Maintenance	PW	Started	Through Oct		Road maintenance matrix currently beign updated	Beach road and Soap Suds alley chip sealed. Additional D1 and grading taking place through out the townsite road system. COMPLETE FOR SUMMER. NEW MAP DUE BY 27 AUGUST
Picture Point	Tourism	In progress	Ongoing		Bathrooms installed and open as of July 1, 2015	Met with this committee July 6, 2015, agreement that phased project with trails first is the best way to proceed. RFP for trail, log parking barrier and grass seeding closes August 13, if an acceptable Proposal is presented work should begin by last week in August. RFP PLACED FOR GRASS PLANTING, LOG PARKIGN BARRIERS, 60-70 FOOT TRAIL TO BEACH ON SOUTH SIDE. SRI was the only proposer, work was awarded and will start next week.
Waste Water Treatment Facility	W/S				\$1.7 mill DEC loan secure, plans approved by DEC and submitted for grant point review. Received high points so we await grant approval and award.	Working to coordinate with pellet grant folks and building designers to accommodate pellet heat with oil backup. Design continues with the hope of putting out to bid this fall. If the grant is not received fund will be a problem.
Public Safety Building/Jail Cells:	Facilities		Complete		Heating upgrades are complete, new jail toilets and other maintenance and upgrades are under way by borough staff.	Installing new toilets in two cells and ventilation system in crawlspace. Working on better ventilation in the upstairs server room as directed by IT. PF office moved from temp. trailer into former space.
Small Boat Harbor Expansion	Harbormaster				95% documents presented and under review	
Letnikof Float repair	Harbormaster	NLT mid Jul	NLT Late July		Work completed with little complication	Work completed slightly ahead of schedule after minor alignment adjustment. CO for additional work totals approximatly \$19k. Project still under estimated cost.
Excursion Inlet Bridge	EconDev					
School Renovation Completion Project						
Repeater Station					Kyle Sinclair and Assoc. Explored the repeater station issues and provide and assessment, several deficiencies were identified and corrected, the antenna was determined to be the major cause of trouble.	Receive a quote from APT to provide and install new cable and antenna. We are currently using APT's area wide antenna to provide communication to the upper valley. New equipment has been ordered and will be installed by APT as soon as it shows up.
Haines Senior Center, siding ,windows,doors	Facilities	TBD			JVL made site visit and followed up with a estimated budget for the entire job that is within the available funding. Moving forward with the bid process.	Bid ready documents to be delivered before September 15th, Should be out to bid shortly after that with construction to start mid OCT weather permitting. Substantial completion will be next June 1, 2016 in case we have a harsh early winter.
Mathias-Lutak sewer improvement project	W/S	August 17 start date	30-Aug		Clearing and grubbing underway this date, material is on site and pipe install to start on Aug. 17	
Roll on Roll off ramp at Lutak Dock	harbors	tbd			Air leak discovered at the RORO 7-9-2015, Temporary patch installed. Ramp is severely degraded, replacement needs to be considered in the near future.	Discussion with Western Marine to make permanent repair underway.
Museum Design Contract ?????						

Memo



To: Haines Borough Mayor & Assembly
 From: Jila Stuart, Chief Financial Officer
 Cc: Dave Sosa, Borough Manager
 Date: September 16, 2015
 Re: **FY15 General Fund Financial Report**

The accompanying financial statements show the Haines Borough's general fund (Areawide and Townsite) FY15 unaudited revenues and expenditures as compared with the previous fiscal year and as compared with the FY15 Budget.

FY15 Actual Compared to Budget

Areawide Revenues - Areawide general fund revenues overall tracked slightly higher than budget. Revenues exceeded budget by \$63,623 (2%). Property tax revenue is \$27,303 (2%) over budget primarily due to increased payments of delinquent tax. Areawide sales tax revenues are \$36,452 (6%) higher than budget. The upswing in sales tax receipts occurred during the months of March through August. Property tax penalty and interest is up primarily due to a change in accounting procedures resulting from the new property tax billing software. Previously penalty and interest were recorded when paid. Under the new system penalty and interest for 2014 tax are recorded when the charge is incurred while p&i payments for delinquent tax (2011-2013) are still being recorded when paid. This resulted in a "doubling up" of penalty & interest in the transition year. Revenues in excess of budget were offset in part by other line items, such as investment income, which were lower than projected. Library grant revenue is under budget due to a change in the timing when the grant activity takes place. The full grant amount will still be received by the Borough in a future period.

Areawide Expenditures – FY15 areawide expenditures are lower than budget overall. Excluding operating transfers, expenditures were \$222,517 (5%) under budget. Line items with significant budget variances include:

- Payroll Expense (salaries, burden + insurance) of \$2.3 million was \$39,241 (2%) under budget. Of this amount, \$15,000 was for grant related payroll that will occur in a later period. The remaining variance was due primarily to turnover and vacancies.
- Professional & Contractual Services was under budget by \$64,050. Most of the reduced expenditure was from contract snow plowing for RMSAs (under approximately \$23,000), the contract assessor (under approximately \$22,000), and legal fees (under \$10,000).
- Utility expense was \$26,174 lower than expected primarily due to lower fuel costs.

Operating Transfers – Operating transfers are budgeted transfers between funds. In FY15 the Borough budgeted and recorded a \$267,000 transfer from the permanent fund earnings reserve to the general fund. The Borough also budgeted and recorded a \$47,500 transfer of raw fish tax revenue from the general fund to the harbor fund. Lastly, the Borough budgeted for a \$137,448 transfer from the general fund to a grant fund for the required local match for the AEA biomass grant. Of the \$137,448 budgeted, only \$1,401 was transferred in FY15. The remaining amount will be transferred in future periods as the grant moves forward. This accounts for the \$136,047 of budget variance for transfers for the fiscal year.

Areawide Revenues Over Expenditures - For the year areawide revenues exceeded expenditures and transfers by \$336,821 compared to a budgeted loss of \$21,743 (this is a total variance from the budget of \$358,564). In other words, during FY15 the areawide fund balance grew by \$336,821 when we expected it to shrink by \$21,743. The fund balance can be used to provide services and infrastructure for citizens in future periods. As mentioned earlier, the match for the biomass grant accounts for \$137,448 of the variance. The remaining \$221,116 variance is the combined effect of various increased revenues and decreased expenses described above. Additionally, it's worth noting that the 11th hour arrival of \$124,386 of secure schools funding from the federal government contributed to the significant surplus. The appropriation was announced in the middle of April and funds were received in June. Because of the timing, the funds will have to be used in a future period through the use of fund balance.

Townsite Service Area Revenues – Townsite revenues were slightly higher than budget (2%). Most of the increase is in sales tax which is \$29,079 (4%) over budget.

Townsite Service Area Expenditures - Townsite expenditures were \$101,643 (5%) lower than budget. Most of the reductions were in payroll expense (salaries, burden + insurance), down \$98,794 (12%) from budget. Of this amount \$46,731 was from vacancies and turnover in the police department. Turnover in the public works department as well as reduced snowfall resulting in fewer overtime hours for snow plowing contributed to a \$52,063 variance for public works payroll. Low snow fall also resulted in professional services under budget by \$41,174 due to reduced contract snow plowing expense. Some of this savings was offset by increased spending for public works material and equipment for road maintenance.

Townsite Operating Transfers – In FY15 the Borough budgeted and recorded a \$233,000 transfer from the Townsite service area fund to the Capital Improvement Project Fund for Townsite capital projects. The Borough also recorded an operating transfer from the TSA for \$24,000 for matching funds to complete the e911 and narrow banding project for dispatch. This project was budgeted in a previous fiscal year, but appropriations for capital projects do not lapse at the end of the fiscal year.

Townsite Revenues Over Expenditures - The combination of slightly higher than expected revenues and lower than expected expenditures results in \$170,207 revenues under expenditures for the year for the townsite service area fund, rather than the \$310,083 shortfall which was budgeted. In other words, \$170,207 of accumulated fund balance was used in FY15; however, \$233,000 of this is being invested in capital projects which will be used to provide municipal services in future years.

Year to Year Variance

Areawide revenues are up \$209,878 (5%) in FY15 compared to the previous year. The biggest factor in the increase is raw fish tax which increased \$265,879 from \$172,511 in FY14 to \$438,390 in FY15. As noted above, sales tax revenues also tracked higher than budget and higher than the previous year. Combined Areawide and Townsite sales taxes were up 5% over the previous year compared to (nationwide) inflation of less than 2%. Excluding operating transfers, areawide expenditures were down \$137,816 (3%) from the previous year. Primary factors are professional & contractual services which are down \$80,819 (primarily from the assessment and administration departments) and payroll expense down \$54,367 (primarily due to the elimination of a position in the administration department).

Townsite revenues were down \$176,574 (10%) in FY15 due to the loss of road maintenance funds from Chilkoot Indian Association which were \$217,778 in FY14. Townsite expenses and operating transfers were down \$407,351, but \$308,746 of this due to decreased transfers for capital projects and purchases. The remaining \$98,605 decrease is primarily payroll and professional services which is discussed above.

Fund Balance Overview since Consolidation

The chart below shows how the general fund balance (combined Areawide & Townsite) has changed from year to year since consolidation:

	Revenues Over / (Under) Expenditures	Combined General Fund 01 & 02 Year End Fund Balance
06/30/2003 Balance		4,510,437
FY04	(162,371)	4,348,066
FY05	(348,582)	3,999,484
FY06	(14,709)	3,984,775
FY07	371,914	4,356,689
FY08	299,878	4,656,567
FY09	516,122	5,172,689
FY10	(1,236,094)	3,936,595
FY11	70,469	4,007,064
FY12	506,606	4,513,670
FY13	207,248	4,720,918
FY14	(573,224)	4,147,694
FY15	166,614	4,314,308
06/30/2015 Balance		4,314,308

HAINES BOROUGH
 FY15 GENERAL FUND Preliminary Revenue & Expenditures SUMMARY by FUND
 FOR THE FISCAL YEAR ENDING 06/30/2015



01 AREAWIDE GENERAL FUND

	FY14 ACTUAL	FY15 ACTUAL	Yr to Yr VARIANCE*	FY15 BUDGET	BUDGET VARIANCE*	% OF BGT
REVENUE						
Property Tax Revenue	\$ 1,691,115	\$ 1,665,303	\$ (25,812)	1,638,000	\$ 27,303	102%
Sales Tax	576,583	621,452	44,869	585,000	36,452	106%
State Revenue - Revenue Sharing	509,924	505,589	(4,335)	507,000	(1,411)	100%
State Revenue - Raw Fish Tax	172,511	438,390	265,879	438,390	(0)	100%
State Revenue - Other	27,198	27,742	545	38,300	(10,558)	72%
Federal Revenue - P.I.L.T.	366,573	344,205	(22,368)	344,205	-	100%
Federal Revenue - Library	32,691	56,522	23,831	75,180	(18,658)	75%
Investment Income	112,152	90,660	(21,492)	110,000	(19,340)	82%
Rents	61,903	60,213	(1,690)	64,000	(3,787)	94%
User Fees	65,394	64,729	(666)	73,993	(9,264)	87%
Penalty & Interest - PropertyTax	20,779	59,276	38,497	25,000	34,276	237%
Penalty & Interest - Sales Tax	36,921	30,093	(6,828)	25,000	5,093	120%
Business Licenses	21,600	12,900	(8,700)	13,000	(100)	99%
Miscellaneous Fines & Fees	24,296	26,731	2,435	18,000	8,731	149%
Other Miscellaneous Revenue	56,532	10,500	(46,032)	-	10,500	0%
	\$ 3,938,863	\$ 4,148,740	\$ 209,878	\$ 4,085,117	\$ 63,623	102%
EXPENDITURES						
Salaries and wages	\$ 1,551,832	\$ 1,487,772	\$ 64,061	\$ 1,497,629	\$ 9,857	99%
Employee Burden	435,125	437,160	(2,035)	446,598	9,438	98%
Health Insurance	356,051	365,542	(9,491)	385,488	19,946	95%
Supplies & Postage	69,208	73,766	(4,558)	84,122	10,356	88%
Material & Equipment	43,734	43,961	(227)	35,826	(8,134)	123%
Computers and Peripherals	18,720	18,742	(22)	21,650	2,908	87%
Professional & Contractual	389,046	308,226	80,819	372,276	64,050	83%
Dues, Subscriptions & Fees	8,002	8,104	(102)	7,725	(379)	105%
Travel & Per Diem	34,226	41,249	(7,023)	44,195	2,946	93%
Training	10,220	10,601	(382)	12,940	2,339	82%
Advertising	11,296	8,706	2,590	12,640	3,934	69%
Banking & Insurance	44,704	47,567	(2,863)	48,180	613	99%
Vehicle Expense	8,835	9,672	(837)	12,000	2,328	81%
Utilities	215,327	210,063	5,264	236,237	26,174	89%
School District - Instructional	1,556,866	1,556,866	-	1,556,866	-	100%
School District - Activities	210,000	210,000	-	210,000	-	100%
Appropriations from the Assembly	73,853	32,482	41,371	32,500	18	100%
Building Maintenance & Repairs	35,699	41,406	(5,707)	37,179	(4,227)	111%
Discretionary Expense	2,849	1,125	1,725	2,800	1,675	40%
Work Orders	(137,714)	(146,546)	8,832	(130,450)	16,096	112%

	FY14 ACTUAL	FY15 ACTUAL	Yr to Yr VARIANCE*	FY15 BUDGET	BUDGET VARIANCE*	% OF BGT
Allocations	(763,997)	(736,446)	(27,551)	(737,489)	(1,043)	100%
Operating Transfers - OUT fr General	93,268	48,901	44,367	184,948	136,047	26%
Operating Transfers - In fr Permanent	(150,000)	(267,000)	117,000	(267,000)	-	100%
TOTAL AREAWIDE EXPENDITURES	4,111,102	3,811,920	299,183	4,106,860	294,940	93%
NET REVENUE OVER EXPENDITURES	\$ (172,240)	\$ 336,821	\$ 509,060	\$ (21,743)	\$ 358,564	
02 TOWNSITE SERVICE AREA						
REVENUE						
Property Tax Revenue	391,094	404,922	\$ 13,827	405,500	\$ (578)	100%
Sales Tax	688,440	706,079	17,640	677,000	29,079	104%
Chilkoot Indian Assoc. Road Maint.	217,778	-	(217,778)	-	-	0%
State Revenue - Public Safety	387,220	396,423	9,203	387,220	9,203	102%
State Revenue - General	96,000	96,000	-	96,000	-	100%
Interest Earnings	1,869	1,270	(599)	2,500	(1,230)	51%
Miscellaneous Fines & Fees	4,826	5,959	1,133	4,200	1,759	142%
TOTAL TOWNSITE REVENUES	1,787,227	1,610,653	(176,574)	1,572,420	38,233	102%
EXPENDITURES						
Salaries & Wages	\$ 505,916	\$ 486,843	\$ 19,073	\$ 529,962	\$ 43,119	92%
Employee Burden	169,677	151,859	17,817	184,393	32,534	82%
Health Insurance	114,400	116,259	(1,859)	139,400	23,141	83%
Supplies & Postage	6,375	5,776	599	6,300	524	92%
Material & Equipment	144,478	174,702	(30,223)	121,450	(53,252)	144%
Computers & Peripherals	3,052	4,588	(1,536)	1,150	(3,438)	399%
Professional & Contractual	97,672	76,364	21,308	117,538	41,174	65%
Dues & Subscriptions	1,569	1,448	121	1,250	(198)	116%
Travel & Per Diem	17,074	9,813	7,261	6,450	(3,363)	152%
Training	1,502	525	977	4,800	4,275	11%
Advertising	1,802	1,075	727	1,250	175	86%
Banking & Insurance	22,649	22,047	602	26,670	4,623	83%
Vehicle Expense	96,286	82,088	14,197	101,950	19,862	81%
Utilities	77,533	71,347	6,186	76,600	5,253	93%
Work Orders	(62,558)	(78,887)	16,329	(78,200)	687	101%
Allocations	425,011	397,986	27,025	408,540	10,554	97%
Operating Transfers - OUT from TSA	565,774	257,028	308,746	233,000	(24,028)	110%
TOTAL TOWNSITE EXPENSES	2,188,211	1,780,860	407,351	1,882,503	101,643	95%
NET REVENUE UNDER EXPENDITURES	\$ (400,984)	\$ (170,207)	\$ 230,777	\$ (310,083)	\$ 139,876	

*Positive variance is favorable. Negative variance is unfavorable.



Chilkat Center for the Arts

A Community Facility Operated by the Haines Borough

(907) 766-3573

facsimile (907) 766-3574

E-mail business@khns.org

8C

Facility Administration Report August 2015

Usage:

The lobby was the location for: Sunday Services with St Michael's; Morning Muscles has begun classes again after a long hiatus and a Thursday concert with Milo Matthews was a big hit.

Conference room used as usual for board meetings for FCCA, CCA and KHNS.

Rainbow Glacier Adventures has had a standing spot during the summer on Mondays preparing lunch for their tours and will go thru mid-September when the season ends.

The basement had some use as a yurt sewing room and the Dance Studio saw the usual Seibukan Jujutsu and Tai Chi classes.

The theater was rented for the Lack Family Concert – a favorite at the fair this year.

Maintenance:

Our custodian was called away by a family death and Mike Wilson has been filling in as he can. Our temp help is leaving before the return of our regular guy in mid-September so we are pinch hitting as we can with clean-up and maintenance.

The carpets in the lobby are showing the wear and tear of regular use and could do with replacement.

Submitted by Facilities Manager, Kay Clements, August 2015

Chilkat Center for the Arts			
8/31/2015			
Contact	Function	Participants	Amount
	Dance Studio		
Chorus Bishop	Jujutsu	72	\$292.50
Marilyn Harrold	Tai Chi	0	\$0.00
	Lobby		
Well and Fit	Morning Muscles	42	\$105.00
St Michael's	Sunday Services - 5Sundays	85	\$375.00
Rainbow Glacier Adventures	Lunch - August	80	\$200.00
Haines Arts Council	Milo Matthews Concert	50	\$75.00
	Conference Room		
FCCA	Board meeting	7	n/c
KHNS	Board meeting March 18th	8	n/c
CCA	Board Meeting	6	n/c
	Auditorium/ Basement		
Leah Wagner	basement use		\$45.00
Wayne Cowart	Lack Family Concert	200	\$300.00
			\$1,392.50
	Jujutusu credit balance for window washing		-\$87.00
	August Totals	552	\$1,305.50



**Haines Borough
Planning Commission Meeting
August 13, 2015
MINUTES**

Approved

1. **CALL TO ORDER/PLEDGE TO THE FLAG** – Chairman **Goldberg** called the meeting to order at 6:30 p.m. in Assembly Chambers and led the pledge to the flag.

2. **ROLL CALL** – **Present:** Chairman Rob **Goldberg**, Commissioners Lee **Heinmiller**, Heather **Lende**, Brenda **Josephson**, Rob **Miller**, Don **Turner III**, and Robert **Venables** (called in).

Staff Present: Jan **Hill**/Mayor, David **Sosa**/Manager, Tracy **Cui**/Planning and Zoning Technician III, and Robert **Griffiths**/Interim Police Chief.

Also Present: Mike **Case** (Assembly liaison), Diana **Lapham** (Assembly member), Greta **Mart** (KHNS), Karen **Garcia** (CVN), Scott **Sundberg**, Cary **Weishahn**, Ron **Jackson**, Kathryn **Friedle**, John **Brower**, Steve **Fossman**, Ann Marie **Fossman**, Matt **Boron** (DOT), David **Epstein** (DOT), Bill **Kurz**, Jim **Stanford**, Judy **Ewald**, and others.

3. **APPROVAL OF AGENDA**

Motion: **Turner** moved to “approve the agenda as written.” **Heinmiller** seconded it. The motion carried unanimously.

4. **APPROVAL OF MINUTES** – July 9, 2015 Regular Meeting Minutes

Miller suggested adding “He pointed out that Mud Bay Road is signed as a preferred route” in his comment under Item 10D1. The other commissioners agreed.

Motion: **Lende** moved to “approve the July 9, 2015 minutes as amended.” **Miller** seconded it. The motion carried unanimously.

5. **PUBLIC COMMENTS**

Kurz expressed concerns about the harbor expansion project.

Goldberg said the commission will hold a public hearing and review the 95 percent design at its next regular meeting.

6. **CHAIRMAN’S REPORT**

Goldberg said he attended the Picture Point Design Committee meeting. The next step is to develop beach walking pathways and grass seeding over the parking area.

7. **STAFF REPORTS**

A. Planning & Zoning Staff Report

Cui reported monthly permits and updates on projects.

Cui brought up her concerns over the use of temporary commercial trailers in town.

Goldberg said he will put it on the next agenda.

Cui said that a land use permit application was put on hold. The applicant disagrees with her interpretation of the Borough code relating to building height. **Goldberg** said he suggested the applicant schedule a meeting with Manager Sosa.

8. PUBLIC HEARINGS

A. Heliport Conditional use Proposal – 3-CLR-35-0100

Sundberg withdrew the application.

9. UNFINISHED BUSINESS

A. Lowering Speed Limit on Mud Bay Road – Discussion Item

Goldberg said this item is up for discussion at the request of Ann Marie **Fossman**.

Citizens Steve **Fossman**, **Friedle**, **Brower**, and others spoke in favor of this request. They hoped the commission would support this petition and write a recommendation letter to the state DOT.

Stanford stated he believes some type of study needs to be conducted to address this. This is a public safety issue.

Epstein said his concern is that lowering the speed limit on Mud Bay Road may detract from safety. Speed zones are established or changed on the basis of detailed engineering study. A request to study Mud Bay Road would properly come from the Haines Borough. The statues indicate if the result of the speed study is not what the Borough wants, then a public hearing process will be required before making any final decision. Speed studies are used to determine the speed distribution of a traffic stream at a specific location. The samples collected in speed studies are used to determine vehicle speed percentiles, which are useful in making many speed-related decisions. The two speed percentiles most important to understand are the 50th and the 85th percentiles. The 85th is used in evaluating/recommending posted speed limits based on the assumption that 85 percent of the drivers are traveling at a speed they perceive to be safe. The speed study has no cost to the Borough.

Turner said the Public Safety Commission needs to look into this. Several questions were raised related to traffic signage requirements. Warning signs alert road users to conditions that might call for a reduction of speed; it is left to the road user to decide whether or not to slow down. Warning signs are not used to control speed or justify a speed zone modification.

Goldberg said it seems that the speed studies rely on the collected samples. The result may turn out to be the opposite of what we requested.

More discussion ensued.

Motion: Lende moved that “the Planning Commission recommends the Assembly or Manager send a letter to David Epstein of the Alaska DOT requesting that a speed study be done on Mud Bay and Small Tracts roads.” **Miller** seconded it. The motion carried 5-2 with **Josephson** and **Turner** opposed.

Motion: Lende moved that “the Planning Commission recommends the Manager and Assembly request that the Public Safety Commission look into traffic safety concerns on the Cemetery Hill portion of Mud Bay Road.” **Venables** seconded it. The motion carried unanimously.

(Commissioner **Venables** left.)

10. NEW BUSINESS

A. **Historic District/Building Review:** None

B. **Haines Borough Code Amendments**

1. **Temporary Residence in HBC 18.60.020(H)**

Cui revised the draft ordinance based on comments from the last meeting. The ordinance will also allow placement of a temporary dwelling for commercial projects. The commission amended the ordinance by removing “or motor home” from the initial sentence.

Heinmiller moved to “recommend the Assembly adopt the draft substitute ordinance 15-01-398 as amended.” **Miller** seconded it. The motion carried 6-0 with Venables absent.

2. **On-Site Wastewater System**

Goldberg said this is a follow-up item from the last agenda. The Borough code needs to be amended since the Alaska DEC acknowledged that installation of a conventional on-site wastewater system does not need a plan approval.

Miller suggested replacing “a licensed engineer” with “an engineer licensed in the state of Alaska.” The other commissioners agreed.

Heinmiller pointed out the existing code requires developers to connect to the public utility within six months of when public sanitary sewer and/or water service becomes available. It is difficult to enforce that since property owners do not want to connect to public utilities if their own private wells and septic system work fine. He believes the commission needs to address this situation; otherwise it may cause issues in the future.

Josephson said the existing code makes homeowners do major investments. She believes this sentence needs to be removed.

Cui stated that this topic was discussed at the planning commission meeting about a year ago. The commission has already made recommendations to the Assembly.

Turner said 90 percent of the homeowners do not maintain their on-site septic systems. Most homeowners would prefer to connect to the public sewer system, instead of maintaining their own systems. However, some homeowners’ private wells have better water quality, so he would be in favor of waiving the requirement to connect to the public water system.

Goldberg said the commission needs to find out what the Assembly is doing on this before making any decision. Mayor **Hill** said she will check with the Assembly.

Motion: **Josephson** moved to “amend the draft ordinance by removing ‘When public sanitary sewer and/or water service becomes available, the developer will be required to connect to the public utility within six months’.” **Lende** seconded it. The motion failed 0-6 with Venables absent.

More discussion ensued.

Motion: **Miller** moved to “recommend the Assembly adopt the draft ordinance as amended.” **Heinmiller** seconded it. The motion carried 6-0 with Venables absent.

C. **Project Updates** – None

D. **Other New Business** – None

11. **COMMISSION COMMENTS**

Lende said she is glad to know that the commission will review the 95 percent design for the harbor expansion project. She felt the commission's recommendations on the 35 percent and 65 percent designs were muted. **Turner** said the commission may need to consider amending the code on when the plans have to be brought to the commission for review. **Lende** asked if the Borough can invite a PND representative to the next meeting.

Josephson asked about the replat of the Primary School Subdivision. She said she does not understand why the commission resists having an irregular-shaped lot for the library. She spoke in favor of keeping that portion of the running track in the school lot.

Cui said that keeping the library lot as a rectangle shape was approved by the commission, and the survey work will be accomplished soon. **Goldberg** said the commission will review the preliminary plat when it is ready.

12. **CORRESPONDENCE** - None

13. **SET MEETING DATES**

A. Regular Meeting—Thursday, September 10, 2015.

14. **ADJOURNMENT**— 9:12 p.m.

Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: August 13, 2015

TO: Haines Borough Assembly

FROM: Haines Borough Planning Commission

Re: Lowering Speed Limit on Mud Bay Road

PLANNING COMMISSION ACTION:

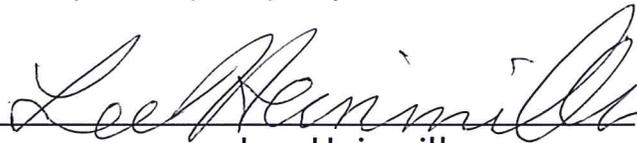
Motion: Lende moved that “the Planning Commission recommends the Assembly or Manager send a letter to David Epstein of the Alaska DOT requesting that a speed study be done on Mud Bay and Small Tracts roads.” Miller seconded it. The motion carried 5-2 with Josephson and Turner opposed.

Motion: Lende moved that “the Planning Commission recommends the Manager and Assembly request that the Public Safety Commission look into traffic safety concerns on the Cemetery Hill portion of Mud Bay Road.” Venables seconded it. The motion carried unanimously.

RATIONALE:

This item is up for discussion at the request of Ann Marie Fossman. Mud Bay Road is a state-maintained road. The commission has no authority to reduce the speed limit on state-owned roads. During the July 9 Planning Commission meeting, several citizens spoke in favor of this request. They hoped the commission would support this petition, and write a recommendation letter to the state. Chairman Goldberg suggested residents talk to DOT representative Matt Boron and the Police Chief. Lende spoke in favor of lowering the speed limit. She said this is a real discussion of planning. As the sole planning body, the commission should weigh in on this request. She pointed out the petition area is zoned single residential, which is to provide for and protect areas for low density, individual home sites and quiet residential use. Turner said Small Tracts Road has twice as many houses as Mud Bay Road does, and most of the houses are close to the road. He thinks it is not practical to push the traffic to a more congested area. Miller said if the commission wants to deal with this issue, it should be dealt as a whole. Property owners that live on Small Tracts Road and Mud Bay Road in the petition area should be invited to comment. He pointed out that Mud Bay Road is signed as a preferred route. Josephson said it sounds like an enforcement issue. She would not encourage the commission to write a recommendation letter to the state. The commission decided to schedule this topic on the August 13 commission’s agenda.

At the August 13 Planning Commission meeting, the Police Chief, DOT representative David Epstein, and the Chairman of the Public Safety Committee attended the meeting. Epstein said his concern is that lowering the speed limit on Mud Bay Road may detract from safety. Speed zones are established or changed on the basis of detailed engineering study. A request to study Mud Bay Road would properly come from the Haines Borough. The statues indicate if the result of the speed study is not what the Borough wants, then a public hearing process will be required before making any final decision. Speed studies are used to determine the speed distribution of a traffic stream at a specific location. The samples collected in speed studies are used to determine vehicle speed percentiles, which are useful in making many speed-related decisions. The two speed percentiles most important to understand are the 50th and the 85th percentiles. The 85th is used in evaluating/recommending posted speed limits based on the assumption that 85 percent of the drivers are traveling at a speed they perceive to be safe. The speed study has no cost to the Borough. Several questions were raised related to traffic signage requirements. Warning signs alert road users to conditions that might call for a reduction of speed; it is left to the road user to decide whether or not to slow down. Warning signs are not used to control speed or justify a speed zone modification.

SUBMITTED BY  (signature)
Lee Heinmiller
Planning Commission Vice Chair



Haines Borough
RECORD OF DECISION

DATE: Aug. 28th, 2015

TO: Borough Assembly/Manager

FROM: Public Safety Commission

BOARD DECISION:

A motion was made to forward the work done on the Public Safety components of the Minor Offenses list onto the Manager/Assembly and to urge them to consider delaying passage of the Ordinance until all changes have been made and all parties have had a chance to review. Judy E. - motion, Bob Duis -Second, vote; unanimous

A second motion was made and passed to include Chief Griffith's comments as well. Motion- Judy E. Second; Jim- vote; unanimous

RATIONALE

It is felt by the Commission that we have taken this as far as possible. It was time to bring the process forward

SUBMITTED BY ___Jim Stanford--
chairperson _____ (signature)

Gas Committee Meeting 8/31/2015, 6:30PM

Committee members: Chair Dave Berry, Ron Jackson, George Campbell, Diana Lapham

Report: Diana Lapham

Attendance: Ex Officio Mayor Jan Hill, Margaret Friedenaur, Mike Case, Paul Nelson, Brenda Josephson, Bill Kurz, Jillian Rogers (News Director KHNS)

Topic: Minor Offenses

Recommendations to the Assembly:

12.12.040 (A)-Failure to install street numbers in compliance with code

Ron/George Motion: make sure appropriate dept from the Borough sends a
Second Letter before citation issued. With a 30 provisionor.

Vote 4-0

George/Dave Amend: letter must include house numbers
Vote 4-0

12.16.010-Street and sidewalk obstructions prohibited

George/Ron motion, second: strike alley from 1st sentence
Vote: 4-0

12.16.030 (A)-Use of streets for private purposes

George/Diana motion, second to strike this paragraph in its entirety
Vote: 4-0

12.40.030- Prohibited activity or construction in Picture Park restricted area

This is incorrectly identified in code. It is referenced as 12.40.020. We respectfully request staff to identify the correct number.

12.50.020-Motorized vehicle use in Chilkat River beaches recreational zone

Dave/George motion, second to request staff to obtain legal opinion of Borough fining on State land. State vs. Municipality Code.
Vote4-0

George/Dave motion, second to delay minor offenses until all committees have brought back all comments and recommendations and public has a chance to weigh in.
Vote 3-1 Diana opposed

Dave/George motion,second, delete subsection 1.24.010 (C), everyday is a new offense and move it back to Title 9
Vote 3-1 Ron opposed

Meeting Adjourned at 8:40pm



Haines Borough
Assembly Agenda Bill

Agenda Bill No.: 15-576

Assembly Meeting Date: 9/22/15

Business Item Description:	Attachments:
Subject: Comprehensive Minor Offenses Ordinance to put the fines for existing laws into a single table	1. Ordinance 15-06-413 2. PowerPoint Presentation 3. Proposed Fine Tables with Existing Penalties for Comparison 4. 6/30/15 Attorney Memo 5. Citizen Comments: P.Nelson & L.Dubber
Originator: Borough Attorney	
Originating Department:	
Date Submitted: 6/1/15	

Full Title/Motion:
Motion already on the Table: Adopt Ordinance 15-06-413.

Administrative Recommendation:
The borough manager and borough attorney recommend this.

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ none	\$ n/a	\$ n/a	fines to borough rather than court

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>April 2013, a district court ruling came out requiring a comprehensive fine schedule. What this means is municipalities need to create official fine schedules with precise amounts for municipal violations. The borough attorneys worked for many months on a full review and revision of borough code to bring us into compliance. The draft was reviewed by the court system and is acceptable to them. This ordinance was introduced on 6/9/15 and had hearings on 8/25 and 9/8. Following the second hearing, the assembly deliberated and set a third public hearing for 11/10. After a motion to reconsider passed, a new vote on the motion to hold a third hearing failed. Subsequently, a motion to adopt the ordinance was made and then postponed to this meeting so the public could be adequately informed of this turn of events.</p> <p>Two written comments from citizens were submitted for the packet, and they are attached to this agenda bill.</p>

Referral:
Referred to: _____ Referral Date: _____ Recommendation: _____ Meeting Date: _____

Assembly Action:
Meeting Date(s): 6/9, 7/14, 8/25, 9/8, 9/22/15 Public Hearing Date(s): 8/25, 9/8/15 Postponed to Date: _____

An Ordinance of the Haines Borough amending various provisions of the Haines Borough Code to designate certain violations of Borough law as minor offenses and to establish a fine schedule for certain offenses and to provide for other penalties for violations.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Repeal and Reenactment of Chapter 1.24. Chapter 1.24 of the Haines Borough Code is hereby repealed in its entirety and reenacted to read as follows:

1.24.010 General penalty

A. Every act prohibited by borough ordinance is unlawful. Unless another penalty is expressly provided by this code for a particular act or offense, every person convicted of an infraction or violation of any provision of this code, or any rule or regulation adopted or issued pursuant to this code, is guilty of a minor offense as that term is defined in the Alaska Rules of Minor Offense Procedure and shall be punished by a fine of not more than five hundred (\$500) dollars.

B. In addition to any other remedies or penalties which may be provided in this code, or may otherwise be available, the borough or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the code. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction.

C. Each act of violation and every day upon which the violation shall occur will constitute a separate offense.

1.24.015 Surcharge required

In addition to any penalty prescribed by law, a defendant convicted of violating a borough ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074.

1.24.020 Procedure.

A. The charge for the violation of a code provision may be brought by a borough police officer, the borough manager, or that borough official responsible for the administration and enforcement of the code provision which has been violated.

B. The borough shall use the Alaska Uniform Citation form, or the electronic version if authorized, to provide notice of a minor offense to anyone accused of violating any provision of this Code.

1.24.030 Disposition of minor offenses.

A person charged with a minor offense listed on a fine schedule may appear in court to contest the charge. If an offense is not listed on a fine schedule, or if the citation indicates that a court appearance is mandatory, the defendant must appear in court to answer the charges. As a minor offense, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

1.24.040 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Alaska Court System's Rules of Minor Offense Procedures apply to all offenses listed below. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine schedule amount listed below for that offense. Citations charging these offenses must meet the requirements of the Rules of Minor Offense Procedure. The fines set forth below may not be judicially reduced.

Code Section	Offense Description	Fine Amount
3.80.035(D)	Failure of operator to collect and/or remit sales tax for rental space	300
3.80.080	Failure to identify and add amount of sales tax to taxable transaction	300
3.80.090(A)	Failure to timely file sales tax returns	300
3.80.090(B)	Failure to remit taxes with returns	300
3.80.170	Failure to obtain business license	300
3.80.190(A)	Failure to file final sales tax return	300
5.04.030(C)	Failure to obtain required permit (general)	500
5.04.080(E)(2)	Sign violation	100
5.04.140(A)	commercial tour/ enterprise operating w/o permit or failure to follow permit condition	500
5.08.010(A)	Permit required for solicitation on public property	300
5.08.020	Solicitation on private property without invitation prohibited	300

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5.08.030(A)	Permit required for transient/ itinerant merchants/ vendors	300
5.08.040	Permit required for circus, carnival, fair/other concessions	300
5.08.050(A)	Sale/solicitation of commercial magazines on public sidewalks/ streets prohibited	300
5.12.010(A)	License required to manufacture/ sell any alcoholic beverage	500
5.12.020	Closing hours for licensed alcoholic beverage premises between 5:00 a.m. and 8 a.m.	500
5.12.040	Accessibility for inspection of licensed premises within the townsite service area	300
5.16.010(A)	All operators of gaming activities prohibited from conducting gaming activities	300
5.18.015	Commercial tour permit required	500
5.20.030	Failure to display commercial passenger vehicle / tour vehicle permit	100
5.20.040(A)(1)	Failure to display license	100
5.20.040(A)(2)	Failure to display rates	100
5.20.040(A)(3)	Failure to display contact information of Borough Clerk	100
5.20.040(B)	Taxicab soliciting passenger or otherwise blocking traffic	100
5.20.050	Soliciting persons along the roadway	100
5.22.010(C)	Use of commercial parking vehicle areas when not engaged in commercial tour activity	100
5.22.040(C)	Failure to display parking permit	100

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5.22.040(D)	Unreasonable interference with efficient operations	100
5.22.040(E)	Leaving commercial vehicle unattended	100
5.22.040(F)	Improper signage	100
5.22.040(H)	Unauthorized use of parking area	100
5.22.040(J)	Unauthorized display of sales material	100
6.08.010(A)	Dog license required	Altered dog: \$50
6.08.010(A)	Dog license required	Unaltered dog: \$150
6.08.010(D)	Failure to display tag	Altered dog: \$50
6.08.010(D)	Failure to display tag	Unaltered dog: \$150
6.08.010(F)	Failure to obtain kennel permit	Altered dog: \$50
6.08.010(F)	Failure to obtain kennel permit	Unaltered dog: \$150
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Altered dog: \$50
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Unaltered dog: \$150
6.08.020(A)	At-large dog	Altered dog: \$50
6.08.020(A)	At-large dog	Unaltered dog: \$150
6.08.020(B)	Barking, howling, or other noises	Altered dog: \$50
6.08.020(B)	Barking, howling, or other noises	Unaltered dog: \$150
6.08.020(C)	Run, chase, jump at moving vehicles	Altered dog: \$50
6.08.020(C)	Run, chase, jump at moving vehicles	Unaltered dog: \$150

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6.08.020(D)	Snap, jump, injure another person	Altered dog: \$50
6.08.020(D)	Snap, jump, injure another person	Unaltered dog: \$150
6.08.020(E)	Chase, harass deer or moose	Altered dog: \$50
6.08.020(E)	Chase, harass deer or moose	Unaltered dog: \$150
6.08.020(G)	Female dog in season confined	Unaltered dog: \$150
8.08.020(A)	Littering in any place other than in an appropriate refuse container	50
8.08.020(B)	Littering upon a public place	50
8.08.020(C)	Sweeping or depositing litter into a public place from private property	50
8.08.020(D)	Littering from vehicle	100
8.08.020(E)	Depositing any litter on private property	50
8.08.020(F)	Failure to maintain private property in a litter-free condition	50
8.08.020(G)	Posting any handbill without permit under HBC Title 18	50
8.08.020(H)	Littering in a body of water	50
8.08.020(I)	Depositing litter generated in a refuse container belonging to another	100
8.08.020(J)	Burning without a permit and police department notification or in violation of conditions	100
8.08.020(K)	Depositing offensive, noxious, or otherwise dangerous litter	100
8.08.040(A)(1)	Refuse container: strong, watertight, not easily corrodible, and rodent proof	100
8.08.040(A)(2)	Refuse container standards: fitted with a tight cover	100

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8.08.040(A)(3)	Refuse container standards: kept tightly covered at all times	100
8.08.040(B)	Refuse containers: emptied and properly disposed of on a regular basis	100
8.12.020(A)	Burying a person outside an established cemetery	300
8.12.020(B)	Annoy, injure or endanger the public	300
8.12.020(C)	Offending public decency	300
8.12.020(D)	Interfere with a street, highway, lake or stream	100
8.12.020(E)	Making loud or unreasonable noise	100
8.12.020(F)	Operating device that causes preventable electric interference	100
8.12.020(G)	Allowing animal access to an unoccupied building	300
8.12.020(H)	Unsafe condition due to disrepair of building	300
8.12.020(I)	Reducing surrounding value of properties by maintaining building in state of disrepair	300
8.12.020(J)	Accumulation of stagnant water or discharge of wastewater	300
8.12.020(K)	Failure to take reasonable and precautionary measures to restrict access to hazards	300
8.12.020(L)	Causing emission of noxious fumes	300
8.12.020(M)	Exposure or distribution of materials offending the public decency	300
8.12.020(N)	Obstruction of traffic	300
8.12.020(O)	Public exposure of a person having a contagious disease	300
8.12.020(P)	Noxious cellar, pool, sewer, water closet, or private drain	300

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8.12.030	Hazardous building or public nuisance	300
8.16.015	Use of fireworks prohibited	100
8.16.020	Sale prohibited of fireworks	300
8.16.025	Use of fireworks near port facilities prohibited	300
8.16.030	Conducting fireworks display without permission of chief of police	300
8.18.020(A)	Smoking in an enclosed public area	100
8.18.020(B)	Smoking in an enclosed public area	100
8.18.020(C)	Smoking inside an enclosed area within a place of employment	100
8.18.020(D)	Smoking inside an enclosed area within a private club licensed to sell alcoholic beverages	100
8.18.030	Smoking within unreasonable distance outside an enclosed area where smoking is prohibited	100
8.18.040(A)	Smoking within 50 feet of entrance to hospital or medical clinic	100
8.18.040(B)	Smoking within 20 feet of entrance to enclosed school area	100
8.18.040(C)	Smoking within 5 feet of licensed premises	100
8.18.040(D)	Smoking in an outdoor arena	100
8.18.070(A)	Failure to post signs prohibiting smoking	200
8.18.070(B)	Failure to remove ashtrays	200
8.18.070(C)	Failure to provide smoke-free workplace	200
8.18.070(D)	Failure to prevent smoking at a smoke-free establishment	200
8.18.080(B)	Smoking where prohibited	100

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8.18.080(C)	Permitting smoking in public place where prohibited	200
8.20.020	Creating or permitting a bear attraction nuisance	100
9.04.010(A)	Open container of alcoholic beverages within vehicle	100
9.04.010(B)(1)	Consuming alcoholic beverage upon street or highway	100
9.04.010(B)(2)	Consuming alcoholic beverage in public	100
9.04.010(B)(3)	Consuming alcoholic beverage on school property	200
9.04.010(B)(4)	Consuming alcoholic beverage at school function	200
9.08.010	Curfew For Minors	250
9.08.020	Parental responsibility for curfew violation	250
9.24.010(A)	Discharging pistol or firearm	300
9.24.010(C)	Hunting in prohibited area	300
9.24.020(A)	Obstructing highways and other public passages	100
9.24.020(B)(1)	Failure to obey order to move to prevent obstruction	100
9.24.020(B)(2)	Failure to obey order to move to maintain public safety	100
9.24.030	Disrupting meetings and processions	100
12.08.160(B)	Utility permit required	300
12.10.010	Construction work on driveway in a right of way without a permit	300
12.12.040(A)	Failure to install street numbers in compliance with code	100
12.16.010	Street and sidewalk obstructions prohibited	50
12.16.030(A)	Use of streets for private purposes	50
12.40.030	Prohibited activity or	100

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	construction in Picture Park restricted area	
12.50.020	Motorized vehicle use in Chilkat River beaches recreational zone	100
13.04.310(A)	Unlawful opening of fire hydrant	300
13.08.100(A)	Failure to connect to sewer system after notice	300
14.34.030(A)(1)	Cutting timber that is not already dead or downed	300
14.34.030(A)(2)	Cutting firewood for other than personal use	300
14.34.030(A)(3)	Using unlawful mechanical means to cut firewood	300
15.08.040	Following fire apparatus or otherwise interfering with fire control operations	100
15.08.060	Smoking where prohibited for safety reasons	100
15.12.020(B)	Failure to file required report by a person handling hazardous substances	300
15.12.020(D)	Failure to file required report by a person handling consumer quantities of hazardous material or chemical	300
15.12.070(A)	Failure to file required transshipment facility report	300
15.12.070(C)	Failure to display marking or warnings with respect to transshipment facility	100
15.12.070(D)(3)	Failure to notify fire department of time and quantity of a shipment of extremely hazardous substance	300
15.12.090(A)	Failure to obtain certificate of compliance	300
15.16.020	Crash post does not meet specifications	100
16.12.020	Obstruction of dock area by vehicle, cart, conveyance, or	50

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	other transportation system	
16.12.030	Vessel in excess of 65 feet using gridiron	50
16.16.135	Launching or recovering vessel without paying fee or obtaining annual ramp launch sticker	100
16.16.150	Unapproved vessel mooring in harbor	100
16.16.170	Non-compliant electrical connection	100
16.16.190	Mooring without payment	100
16.16.200(A)	Dead storage prohibited	100
16.16.210	Use of harbor crane without permit of paying fee	100
16.20.040	Snow must be removed from dock, float, or finger	50
16.28.005(D)	Wood fires not permitted in port and harbor facilities	100
16.28.005(E)	Unlawful electrical system or connection	100
16.28.010(A)	Operating vessel in excess of three MPH within borough port and harbor facilities	50
16.28.010(B)	Operating vessel in a negligent manner	300
16.28.010(C)	Operating vessel in a negligent manner likely to endanger the safety of person or property	500
16.28.010(D)	Unlawful depositing of refuse or prohibited materials	100
16.28.010(E)	To fail to register with the harbormaster	100
16.28.010(F)	Leaving vessel or floating structure moored unattended while fire is burning	100
16.28.010(G)	Starting or allowing any fire on a float or dock	500
16.28.010(I)	Conducting unlawful business within the port and	100

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	harbor facilities	
16.28.010(J)	Living aboard a vessel moored in the harbor while prohibited or allowing animal to run at large	100
16.28.010(K)	Leaving cargo or other material on docks or other public place	50
16.28.010(L)	To fail to clean up after an animals	50
16.28.010(M)	Tapping, disconnecting, interfering with, or tampering with any water or electrical connection	100
16.28.010(N)	Interfering with any wharf or any other harbor facility	100
16.28.010(O)	Writing or posting printed matter upon any bulletin board without permission of the harbormaster	50
16.28.010(P)	Erecting or maintaining any advertising or other printed matter without approval from the harbormaster	50
16.28.010(Q)	To disregard or tamper with any notice relating to the use of mooring areas or other uses of port and harbor facilities	100
16.28.010(R)	To moor or connect to Letnikof Cove facility without paying fees	100
16.32.040(B)	Use of small boat harbor without paying required fees	100
16.32.045	Long-term parking outside designated area at Letnikof Cove Harbor	50
18.40.010	Land use permit required	250
18.40.040(A)	Temporary use permit required	250
18.40.040(B)	Exceeding scope of temporary permit	100
18.50.020	Conditional use permit required	250

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18.70.030(A)	Violating restrictions in townsite planning/zoning district	100
18.70.030(B)	Violating restrictions in Mud Bay planning/zoning district	100
18.70.030(B)(3)(g)	Setback violation	100
18.70.030(B)(3)(h)	Maintaining a prohibited use in RRZ	100
18.70.030(B)(4)(f)	Maintaining a prohibited use in Cannery Zone	100
18.70.030(C)	Violating restrictions in Lutak Inlet planning/zoning district	100
18.70.030(C)(3)(f)	Maintaining a prohibited use in RRZ	100
18.70.030(C)(3)(h)	Setback violation	100
18.70.030(C)(3)(i)	Building height violation	100
18.70.030(C)(3)(j)	Sign violation	100
18.70.030(C)(3)(k)	Use of RV as permanent dwelling or excessive RV's on property	100
18.70.030(C)(3)(l)	Noise violation	100
18.70.030(C)(4)(f)	Maintaining a prohibited use in Riparian Zone	100
18.70.030(D)	Violating restrictions in general use planning/zoning district	100
18.80.030(A)	Setback violation	100
18.80.040	Unlawful parking provided	100
18.90.030(A)	Failure to obtain sign permit	250
18.90.040	Excessive number of signs	100
18.90.050(B)	Projecting sign violation	100
18.90.050(C)	Portable sign obscuring traffic or sight angles	100
18.90.070	Prohibited sign in use	100
18.90.080(C)	Prohibited sign in Significant structures area zone	100

18.90.100(B)	Prohibited sign in residential zoning districts	100
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1.24.060 Attempt to commit minor offense prohibited.

A. Every person who attempts to commit a minor offense but fails or is prevented or is intercepted in its perpetration is guilty of a minor offense and shall be punished in the manner prescribed for the infraction itself.

B. In a prosecution under this section, it is not a defense to the charge that it was factually or legally impossible to commit the offense allegedly attempted if the conduct engaged in by the defendant would be an offense had the circumstances been as defendant believed them to be.

1.24.070 Aiding or Abetting minor offense prohibited.

Every person who counsels, abets, or aids another in committing a minor offense is equally guilty of the minor offense and punishable in the same way.

1.24.080 Ordinances Affecting Minor Offenses Sent to Borough Attorney

Immediately after the Assembly enacts a code ordinance affecting, creating, or eliminating a minor offense, the Borough Clerk shall transmit the ordinance to the Borough Attorney. The Borough Attorney shall submit any necessary updates to the Alaska Court System for inclusion in the Uniform Table of Minor Offenses.

1.24.090 Definitions.

For purposes of this chapter, the following terms are defined as follows:

"Attempt" means engage in conduct that constitutes a substantial step toward commission of an offense.

"Solicit" means to ask, advise, authorize, command, incite, or urge.

Section 5. Amendment of Section 2.06.035(C). Section 2.06.035(C) of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

2.06.035 Public financial disclosure.

C. The disclosure must be true, correct and complete and shall be signed under oath or affirmation, or certified to be true under penalty of perjury. A person required to file a financial disclosure statement under this section who refuses or knowingly fails to disclose required information within the time required in this chapter, or who provides false or misleading information, knowing it to be false or misleading, is guilty of a violation and upon conviction is punishable by a fine of not less than \$100.00 nor more than \$500. ~~\$1,000 notwithstanding Chapter 1.24 HBC.~~ A municipal officer or candidate for an office who refuses or fails to file a financial disclosure statement required under this section when due shall not hold office, and the person's name shall not be submitted to the assembly for appointment or reappointment, until the person complies. The person may not be confirmed, hired, or appointed, and the person forfeits and may not be paid any salary, per diem, or travel expenses, until the person complies. If, after installation in office or beginning employment in the position, the person refuses or fails to file the required financial disclosure statement when due, the person is guilty of a violation and upon conviction is punishable by a fine of not less than \$100.00 nor more than \$500. ~~\$1,000 notwithstanding Chapter~~

~~1.24 HBC.~~ Any citizen eligible to vote in Alaska may bring a civil action to enforce any of the provisions of this section.

Section 6. Amendment of Section 2.96.010. Section 2.96.010 of the Haines Borough Code is hereby repealed and reenacted as Section 2.96.010 and 2.96.020 as follows:

2.96.010 Unlawful activity and conduct.

A. It shall be unlawful for:

1. Any person to give, render, pay, offer, solicit, or accept any money, service, or other valuable thing in attempting to secure any appointment, promotion, or advantage in a position in the borough service.
2. Any person to require personnel to subscribe, contribute, or provide a service to any political party.
3. Any person to seek or attempt to use any political party endorsement to secure any appointment or promotion in the borough service.
4. Any elected official or employee to solicit, negotiate for, or promise to accept anything of substantial value from any person, firm or company which is engaged in the transaction of business with the borough.
5. Any elected official or employee to use information which is obtained in the person's official capacity as an employee of the borough and which concerns the property, government or affairs of the borough to advance the financial or other private interests of the person or others.
6. Any elected official or employee to accept any loan, gift, gratuity, remuneration or compensation from any person, business or organization other than the borough when the same is offered in exchange for performing or discharging any official duty or responsibility.

B. A violation of this section is a minor offense and subject to a maximum fine of up to \$500 for each offense.

2.96.020 Prohibited conduct

A. It shall be prohibited for:

1. Any person, except a school district employee, to continue as an employee of the borough after being elected to the borough assembly.
2. Any person to take any action which affects the employment status of any other person when the reason for such action is predicated on race, color, religion, sex, or national origin.
3. Any person to make any false statement on any application, report or other document relating to employment status or to commit any other fraud which would prevent the fair and impartial execution of this code.
4. Any person to be employed in any position in any department whose immediate family member is the elected official, borough officer or department head under whom such person is employed.
5. Any elected official or employee to demand or request an applicant for employment to provide information relating to the applicant's religion, ancestry, race, or political convictions.
6. Any elected official or employee to invest, either directly or indirectly, in any business or participate in any private business transaction which conflicts with his official duties.

7. Any elected official or employee to be a party to the purchase of or influence the purchase of goods or services for the use of the borough from any business in which the person has a substantial financial interest unless the purchase is approved in advance by the assembly.

B. Any employee or official who violates this section shall be subject to discipline or those penalties provided in Chapter 2.06.

Section 7. Amendment of Section 3.80.260. Section 3.80.260 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

3.80.260 Violations a minor offense ~~misdemeanor~~.

A seller, including a person, firm, co-partnership or corporation, or an officer, director or agent of a corporation acting on behalf of the seller, including a person with signatory authority over any corporate savings or checking accounts, who violates a provision of this chapter or who fails or refuses to comply with a request or demand of the clerk authorized or made under this chapter is guilty of a minor offense, ~~misdemeanor~~. **Prosecution under this chapter shall not limit the Borough's right to collect in a civil action all unpaid taxes, penalty and interest which may be owed.**

Section 8. Amendment of Section 5.02.020. Section 5.02.020 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

5.02.020 Violation a minor offense ~~misdemeanor~~.

An individual or entity subject to this chapter, or a responsible officer, director, or agent of an entity subject to this chapter, who violates the requirements of this chapter is guilty of a minor offense ~~misdemeanor~~, which is punishable by ~~not more than 30 days in jail and/or a \$1,000~~ **a fine in the amount of \$100 for each month a business operates without a license or in violation of the license, each of which shall constitute a separate offense, up to a maximum total fine of \$1,000.**

Section 9. Amendment of Section 5.04.140. Section 5.04.140 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

5.04.140 Penalties.

A. Operation of any commercial tour or business enterprise for which a permit is required under this title without a permit, or the failure to follow any permit condition, shall constitute ~~an offense punishable~~ **a minor offense which**, upon conviction, **shall be punishable** by a fine ~~not exceeding \$1,000~~ **of \$500** for each offense, **unless a different amount is specified in HBC 1.24.040**, plus any surcharge required to be imposed by AS 12.55.039.

B. The securing of a permit through deceit, fraud, or intentional misrepresentation shall constitute an offense punishable, upon conviction, by a fine ~~not exceeding \$500~~ **of \$500**, plus any surcharge required to be imposed by AS 12.55.039. **The permit may also be revoked through administrative proceedings.** ~~as well as revocation of the permit.~~

C. The commission by a permittee of an act of fraud, misrepresentation, or cheating that would constitute an unlawful act or practice under AS 45.50.471, either through the permittee's own act or through the acts of the permittee's employee, agent, or representative, in relation to an activity authorized under a permit, is, upon conviction, punishable by a fine of \$500 ~~not exceeding \$300.00~~ for each violation plus any surcharge required to be imposed by AS 12.55.039.

D. The borough may institute a civil action against a person who violates this chapter. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction.

Section 10. Amendment of Section 5.04.150. Section 5.04.150 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

5.04.150 Offenses separable.

Each such person who violates a provision of this chapter or a provision of any permit issued under this chapter is guilty of separate offense for each and every day during any portion of which any violation of any provision of any permit issued under this chapter is committed, continued or permitted by any such person.

Section 11. Amendment of Section 5.08.020. Section 5.08.020 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

5.08.020 Solicitation on private property without invitation prohibited.

The practice of going in and upon private residences in the borough by transient solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of the private residence for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or disposing of and/or peddling or hawking the same is unlawful. ~~declared to be a nuisance and punishable as such nuisance.~~

Section 12. Amendment of Section 6.08.060. Section 6.08.060 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

6.08.060 Impoundment and citations.

A. The manager shall appoint an animal control officer or firm whose duties shall be to enforce the provisions of this title. The borough shall provide an animal shelter where dogs may be impounded. In the absence of an animal control officer or firm contracted to enforce the animal control regulations, or if the assembly determines that additional personnel are necessary, the manager may appoint someone on a temporary basis to fulfill the animal control officer's duties.

B. The animal control officer shall have the authority to impound any dog found running at large or kept in violation of this title and any unlicensed dog found, other than a seeing-eye

dog. Whether the dog is impounded or not, if the owner or keeper is known, the police department or animal control officer shall immediately give notice verbally or in writing to the owner or keeper that such dog has been impounded, is running at large or is otherwise in violation of this title. The police department or animal control officer or firm may cite the owner or keeper of the dog to appear in court to answer a charge of violation of this title. **Any citation issued for a violation of this title shall be processed by the court system in accordance with Chapter 1.24 HBC.**

C. Any person may file a complaint with the animal control officer or police that a dog is running at large or is otherwise in violation of this title and it shall be the duty of the animal control officer or police department to give notice to the owner or keeper as provided in subsection (B) of this section.

D. When a dog has been impounded, and if the owner or keeper is known or can be ascertained from the dog tag or records of the borough, the police department shall notify the dog's owner or keeper of the impoundment as soon as possible and of the fact that the animal may be redeemed according to the provisions of this title. The police department shall keep a record of all dogs impounded including the dog's description and the disposition of the dog.

Section 13. Amendment of Section 6.08.130(A). Section 6.08.130(A) of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

6.08.130 Penalties for violations.

A. Any person accused ~~convicted~~ of violating HBC 6.08.030 concerning dangerous dogs or HBC 6.08.040 or 6.08.050 concerning rabies, **shall appear in court and, upon conviction, is guilty of a minor offense and punishable by a fine of up to \$500.** ~~control shall be guilty of a misdemeanor punishable by a fine of up to \$1,000 and/or imprisonment up to 30 days.~~

B. Any person violating the provisions of, or failing to comply with, any other section of this chapter is guilty of a minor offense ~~violation~~ and, unless otherwise specifically provided, shall be fined as follows: **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$500.**

~~1. Spayed or Neutered Dog (Owner or keeper must provide veterinarian's proof of spay/neuter procedure):~~

First violation	\$25.00
Second violation	\$50.00
Third and subsequent violations	\$100.00

~~2. Nonspayed or Nonneutered Dog:~~

First violation	\$75.00
Second violation	\$150.00
Third and subsequent violations	\$300.00

~~C. A past violation taken into account in determining a fine payable under subsection (B) of this section will be deleted from an animal's record if such animal has had no violations for a period of three calendar years from the date of that prior violation. A fine imposed under subsection (B)(2) of this section shall be vacated and a lesser fine imposed under subsection (B)(1) of this section, if, within 30 days of the date of the violation, proof from a licensed~~

~~veterinarian showing that the offending dog has been spayed or neutered is presented to the police department.~~

Section 14. Amendment of Section 8.08.050. Section 8.08.050 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

8.08.050 Compliance – Enforcement.

A person violating a provision of this chapter shall be subject to punishment according to the provisions of HBC Chapter 1.24.040.

Section 15. Repeal and reenactment Section 8.12.140. Section 8.12.140 of the Haines Borough Code is hereby repealed and reenacted as follows:

8.12.140 Enforcement.

A. The abatement official or any police officer may cite an offender or property owner for a violation of any provision of this chapter, whether or not abatement proceedings are instituted. Such a violation shall be considered a minor offense and is punishable by a fine set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$500. Any proceeding instituted for such a violation is separate from, and shall not affect, the abatement process provided for in this chapter.

B. Each act of violation and every day upon which the violation occurs shall constitute a separate offense.

C. In addition to prosecuting a violation of this section, the borough may initiate the nuisance abatement procedures set forth in HBC 8.12.040 - .130 against any person maintaining a nuisance or against any property upon which a nuisance is deemed to exist, whether or not the person is cited for a violation of this chapter. In any such proceeding, the borough shall be entitled to collect a civil penalty in the same amount of the fine established by this Title and HBC 1.24.040 for the same violation for every day the violation exists.

D. In addition to other remedies or procedures provided in this chapter, any public nuisance may be restrained, enjoined or otherwise abated by the borough in a civil action.

Section 16. Amendment of Section 8.16.025. Section 8.16.025 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

8.16.025 Use of fireworks near port facilities prohibited.

~~A.~~ It is unlawful for any person other than a licensed pyrotechnician who has a contract with the borough and their agents and employees to discharge fireworks in, on, under, or within 250 feet of any of the borough's port facilities, including, but not limited to, Letnikof Cove, Port Chilkoot Dock, Lutak Dock, and the boat harbor.

~~B.~~ A person violating the provisions of, or failing to comply with the prohibitions of, this chapter is guilty of a violation, and unless otherwise specifically provided, shall be punished by a fine of not more than \$300.00.

Section 17. Amendment of Chapter 8.16. Chapter 8.16 of the Haines Borough Code is hereby amended to include a new Section 8.16.040 to read as follows:

A person violating the provisions of, or failing to comply with the prohibitions of, this chapter is guilty of a minor offense, and unless otherwise specifically provided, shall be punished by a fine of not more than \$300.00.

Section 18. Amendment of Section 8.18.090. Section 8.18.090 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

8.18.080 Violations and penalties.

A. It is unlawful for any person to smoke in any area where smoking is prohibited or for any person who owns, manages, operates, or otherwise controls the use of premises subject to this chapter to fail to comply with the provisions of this chapter.

B. A person who smokes in an area where smoking is prohibited by the provisions of this chapter is subject to a fine of \$100.00.

C. A person, owner, manager, employer, or operator who controls a public place, a business, an enclosed area, place of employment or place of child care or other premises in violation of this chapter is subject to HBC 8.18.090(B) and **a penalty in the amount of \$200 for every violation of this chapter.** ~~the following penalties:~~

- ~~1. A fine of \$100.00 for a first violation;~~
- ~~2. A fine of \$200.00 for a second violation within a 24-month period; and~~
- ~~3. A fine of \$300.00 for a third or additional violation within a 24-month period.~~

D. Each and every day that a violation occurs is a separate violation.

Section 19. Amendment of Section 8.18.090. Section 8.18.090 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

8.18.090 Enforcement.

A. The borough manager or designee **and the borough police department shall enforce** ~~must administer~~ this chapter. A person who desires to register a complaint hereunder may initiate enforcement consideration with the borough manager **or borough police department.** ~~or designee.~~ **A person or entity believed to have violated any provision of this chapter may be cited pursuant to Chapter 1.24 HBC. Any person convicted of a violation of this chapter is guilty of a minor offense.**

B. Before citing an operator for violation of this chapter, the borough manager **or police department** ~~must~~ provide the operator with a written warning for the violation. Thereafter, the operator is subject to the penalties set out in HBC 8.18.080.

C. In addition to the remedies provided in this chapter, a person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in a court of competent jurisdiction.

Section 20. Amendment of Section 8.20.040. Section 8.20.040 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

8.20.040 Fines.

A. Each person who owns and/or is in control of property that creates, maintains, or permits a bear attraction nuisance on the property shall be charged with a minor offense ~~an infraction~~ and subject to a fine as set forth in HBC 1.24.0440.

B. Each and every day during any portion of which a violation or failure to comply is committed, permitted, or continued, shall be treated as a separate offense, and subject the offender to separate charges and a fine as provided in subsection (A) of this section.

Section 21. Repeal of Chapter 9.01. Chapter 9.01 of the Haines Borough Code is hereby repealed in its entirety.

Section 22. Amendment of Section 9.08.030. Section 9.04.010 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

9.04.010 Consumption of alcoholic beverages in public places.

A. It is unlawful to possess an open bottle, can, or other receptacle containing an alcoholic beverage within the passenger compartment of a vehicle.

B. It is unlawful ~~or~~ to consume alcoholic beverages

(1) upon the public streets or highways; ~~or~~

(2) in any public place other than a premises covered by a liquor control license; ~~or~~

(3) on any public school property; ~~or~~

(4) at any public or private school-related function.

Section 23. Amendment of Section 9.08.030. Section 9.08.030 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

9.08.030 Penalty for violation of curfew ordinance.

A person who fails to abide by the provisions of this chapter shall be guilty of a violation and subject to a fine of ~~not more than~~ \$250.00.

Section 24. Repeal and reenactment Chapter 10.06. Chapter 10.06 of the Haines Borough Code is hereby repealed and reenacted as follows:

10.06.010 State traffic laws and regulations adopted by reference.

A. The borough adopts all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, including those which apply to motorcycles.

B. Notwithstanding subsection A of this section, the borough does not adopt those state traffic laws that establish misdemeanor and felony offenses which are not listed on Alaska Supreme Court bail forfeiture schedules, including AS 28.35.030.

C. All citations issued under this chapter shall use the appropriate "AS" or "AAC" or CFR statute or regulation numbers, include a description of the offense, indicate that the offense was adopted by reference as a borough ordinance, and the the charging entity or plaintiff is the Haines Borough.

D. Additional traffic ordinances of the borough that are necessary to meet specific local requirements shall be incorporated in other chapters of this title.

E. When the context requires, the term "Alaska State trooper" or "peace officer" when used in a provision incorporated by reference under subsection (A) of this section shall be deemed to mean and construed as identical with chief of police, police officer, or such other local police officer sworn to undertake the duties prescribed in HBC [10.02.020](#). When the context requires, the term "department" appearing in the Alaska Statutes and Alaska Administrative Code provisions adopted by reference shall be construed to mean the Haines police department.

10.06.020 Fine Schedule for State Traffic Offenses Adopted by Reference.

A. The borough adopts as its traffic fine schedule for state traffic offenses adopted by reference the "Traffic Bail Forfeiture Schedule" and the "Oversize Vehicle Bail Forfeiture Schedule" in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the borough adopts all amendments of those schedules that become effective after the effective date of the ordinance codified in this chapter. Citations for offenses listed on those schedules may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and 29.25.074. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer to the charges.

B. For violation of a provision of this title that does not adopt an Alaska Statute ("AS") or state regulation ("AAC") by reference and that may be satisfied by the payment of bail, the applicable fine for such violation is listed in HBC 1.24.040.

10.06.030 Fine Schedule for Local Traffic Offenses

In accordance with AS 28.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. These fines may not be judicially reduced. If an offense is not listed on the fine schedule, or if the citation indicates a court appearance is required, the defendant must appear in court to answer to the charges.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

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Code Section	Offense Description	Fine Amount
10.08.010	Starting parked vehicle - excessive acceleration	15
10.08.020(A)	Driving on sidewalks - vehicle	20
10.08.020(B)	Driving on sidewalk in CBD - bicycle	20
10.08.020(C)	Failure to yield - bicycle	20
10.08.030	U-turn where prohibited	30
10.08.040	Projections on wheels or tracks prohibited	20
10.08.050	Dragging objects prohibited	150
10.08.060	Projecting load on passenger vehicles	20
10.08.070	Carrying animals on outside of vehicles	125
10.08.080(A)	Use Of coaster, roller skates, sleds or skis on roadway	25
10.08.080(B)	Use of skateboard or human powered device in prohibited area	25
10.08.080(C)	Negligent operation of device	25
10.34.005(B)	Operating a snow machine or ATV in unauthorized location or after hours.	30
10.34.005(C)	Operating a snow machine or ATV under 16 years of age.	30
10.34.005(D)	Driver's license required to operate snow machine or ATV	30
10.34.005(E)	Registration of snow machine or ATV required	30
10.34.005(F)	Proof of insurance	30
10.34.005(G)	Excess passengers - 13 AAC 02.445	30
10.34.005(H)	Speed in excess of 25 mph or other violation of traffic regulations	30
10.34.005(I)	Failure to signal turn	30
10.34.005(J)	ATV or snow machine on sidewalk or pedestrian way	30
10.34.005(K)	Failure to stop snow machine or ATV when directed to do so by a police officer	30
10.34.005(M)	Owner responsibility for violation	30
10.34.009(A)	Snow machine or ATV not equipped with functional headlight, tallight, and brake light	30
10.34.009(B)	Failure to maintain equipment in good working order	30
10.34.010(A)	Parental responsibility for violation	30
10.42.010	Bicycle violations: operator to obey rules of the road	30

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10.42.020	Bicycle violations: parents responsible for actions/violations	30
10.42.030	Bicycle violations: obey signs/dismount and act as pedestrian	30
10.42.040	Bicycle violations: two or more on bike made for one	30
10.42.050	Bicycle violations: attaching to other vehicle/hooky-bobbing	30
10.42.060	Bicycle violations: minimum of one hand on handle bars	30
10.42.070	Bicycle violations: unicycle/coaster/roller skates on roadway prohibited	30
10.42.080	Bicycle violations: ride on right side of roadway	30
10.42.090	Bicycle violations: yield to vehicle upon audible signal	30
10.42.100	Bicycle violations: no more than two bikes abreast in one lane	30
10.42.110	Bicycle violations: must use shoulder when available	30
10.42.120	Failure to give auditable signal passing pedestrian	30
10.42.130	Bicycle violations: turn and signal requirements	30
10.42.140	Bicycle violations: ride in business district where prohibited	30
10.42.160	Bicycle Violations: Bike Parking Requirements	30
10.42.170	Bicycle violations: bike not to enter limited use areas	30
10.42.180	Bicycle violations: yield to traffic	30
10.42.190	Bicycle violations: headlight requirements	30
10.42.200	Bicycle violations: taillight requirements	30
10.42.210	Bicycle violations: reflector requirements	30
10.42.220	Bicycle violations: brake requirements	30
10.44.010	Parking during snow removal	25
10.44.020	Prohibited 24-hour parking – impounding vehicles	25
10.44.030	Time limit parking	25

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10.44.050	Standing or parking close to curb	25
10.44.060(A)	Signs or markings indicating angle parking	25
10.44.070	Obedience to angle-parking signs or markings	25
10.44.080(B)	Violating permit for loading or unloading at an angle to the curb	25
10.44.090(A)	Stopping, standing, or parking prohibited – no signs required	25
10.44.090(B)	Moving the vehicle of another into unlawful parking area	25
10.44.100	Parking not to obstruct traffic	25
10.44.110	Parking in alleys	25
10.44.120(A)	Parking for certain purposes prohibited: displaying such vehicle for sale	25
10.44.120(B)	Parking for certain purposes prohibited: washing, greasing, or repairing	25
10.44.130(B)	Parking adjacent to schools	25
10.44.140(B)	Parking prohibited on narrow streets	25
10.44.150	Standing or parking on one-way streets	25
10.44.160(B)	No stopping, standing, or parking near hazardous or congested places	25
10.44.210(A)	Abandonment of vehicle	25
10.44.210(B)	Exceeding time limit for parking in designated areas	25
10.44.220	Unauthorized parking on private property	25
10.48.010	Pedestrians must obey regulations	25
10.48.020	Pedestrians not to enter limited use areas	25
10.48.030	No pedestrian may walk into path of vehicle	25
10.48.040	Pedestrian must cross at crosswalk	25
10.48.050	Pedestrian must yield to vehicles	25
10.48.060	Crossing roadway where prohibited	25
10.48.070	Diagonally cross intersection must use sidewalks	25

10.48.080	Must walk on left side/shoulder of roadway	25
10.48.090	Pedestrian creates hazard/interferes with traffic	25
10.48.100	Sleep/loiter/obstruct highway	25
10.48.110	Solicit ride/distracts driver	25
10.48.120	Nonblind pedestrian not to use cane/dog	25
10.48.130	Pedestrian must yield to emergency vehicle	25
10.48.140	Pedestrian not to cross against "don't Walk" signal	25

10.06.040 Mandatory appearance and surcharges.

A person who violates a provision of this title that is not on the Fine Schedule for State offenses adopted by reference or on the borough's Fine Schedule for local traffic offenses is subject to a mandatory court appearance and, upon conviction payment of the fine imposed plus the state surcharge required by AS 12.55.039 and AS 29.25.074.

Section 25. Repeal of Chapters 10.08, 10.10, 10.12, 10.14, 10.16, 10.18, 10.20, 10.24, 10.26, 10.28, 10.30, 10.32, 10.34, 10.36, 10.38, 10.40. Chapters 10.08, 10.10, 10.12, 10.14, 10.16, 10.18, 10.20, 10.24, 10.26, 10.28, 10.30, 10.32, 10.34, 10.36, 10.38, 10.40 of the Haines Borough Code are hereby repealed in their entirety.

Section 26. Addition of new Chapter 10.08. There is enacted a new Chapter 10.08 of the Haines Borough Code to read as follows:

Chapter 10.08 Miscellaneous offenses

10.08.010 Starting parked vehicle – Excessive acceleration.

A person may not accelerate a vehicle which is stopped, standing, or parked on or along a highway, or which is entering a highway, so rapidly as to unnecessarily cause the tires to squeal or spin on the highway or on the surface on which the vehicle is standing immediately before it enters the highway or which causes the driver to lose control of the vehicle or causes the vehicle to fishtail.

10.08.020 Driving on sidewalks

A. The driver of any vehicle, except a bicycle, shall not drive within any sidewalk area except at a permanent or temporary driveway.

B. No person shall ride a bicycle upon a sidewalk within the central business traffic district or any business district excepting police and emergency response personnel operating a bicycle during the discharge of their duties.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

10.08.030 U-turns prohibited where posted.

Where posted, a driver of a vehicle shall not turn within a street or intersection such vehicle so as to proceed in the opposite direction.

10.08.040 Projections on wheels or tracks prohibited.

No person shall drive or propel any vehicle or object upon any street or highway in the townsite service area which shall have any wheel, tire, or track made or equipped with spikes, cleats, lugs or other attachments or projections, except tire chains. Studded tires which fall within the exclusion of 13 AAC 04.230(b)(3) are not prohibited.

10.08.050 Projecting loads on passenger vehicles.

No passenger-type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the hub caps on its left side or more than eight feet in total width.

10.08.060 Carrying animals on outside of vehicles.

It is unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle, unless suitable harness, cage, or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom.

10.08.080 Use of coaster, roller skates, sleds and skis.

A. No person upon roller skates, skis, or riding in or by means of any coaster, sleds, toy vehicles, or similar device, shall go upon any townsite service area roadway except while crossing a street on a crosswalk and, when so crossing, such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. For the purposes of this section, the term "roadway" means that portion of a highway, street, or road designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, shoulder, or right-of-way. The berm or shoulder of the right-of-way may be used by persons riding bicycles or other similar human-powered vehicles. Skateboards, skis, coasters, sleds, toy vehicles, or similar devices are prohibited on sidewalks in business districts, or where otherwise regulated by signage.

B. Prohibited Sidewalks and Areas. No person shall ride a skateboard or other similar human-powered vehicle as defined in subsection (A) of this section:

1. On the sidewalks on Main Street between Third Avenue and Front Street;
2. On the sidewalks on Second Avenue between Main Street and Dalton Street;
3. On the sidewalks on Third Avenue between Main Street and Haines Highway;
4. At Lookout Park;
5. On the sidewalks on Main Street between Third Avenue and Fifth Avenue during school hours and one-half hour before and one-half hour after.

C. Negligent Operation. No person shall operate one of the devices described in subsection (A) of this section in a negligent manner. "To operate in a negligent manner" means the operation of a device in such a manner as to endanger or be likely to endanger any person or property. Examples of operating in a negligent manner include, but are not limited to, failure to obey all traffic control devices, failure to yield right-of-way to pedestrians and/or vehicular traffic.

Section 27. Repeal of Section 10.34.050. Section 10.34.050 of the Haines Borough Code is hereby repealed.

Section 28. Repeal of Sections 10.44.040, 10.44.230, 10.44.240, and 10.44.250. Sections 10.44.040, 10.44.230, 10.44.240, and 10.44.250 of the Haines Borough Code are hereby repealed in their entirety.

Section 29. Repeal of Chapter 10.50. Chapter 10.50 of the Haines Borough Code is hereby repealed and re-enacted as follows:

10.50.010 Citations for violations and disposition of fines.

A. When a person is stopped or contacted by a borough peace officer for the commission of a motor vehicle or traffic offense that is a violation of this title, the officer shall, except when otherwise required by law or the immediate circumstances, issue a citation to the person in charge of, or operating, the motor vehicle involved. A citation issued pursuant to this subsection must meet the requirements of AS 12.25.200 and the Alaska Rules of Minor Offense Procedures. The borough shall use the Alaska Uniform Citation form, or the electronic version, if authorized.

B. A citation for a violation of a state motor vehicle law that has been incorporated by reference in this Title shall reference the Alaska Statute or Alaska Administrative Code section that has been violated and indicate that the law or regulation has been incorporated in the borough Code by reference. All such citations shall list the Haines Borough as the prosecuting entity and shall be submitted to and processed by the Alaska court system. Fines paid to the court for that violation shall be remitted to the borough.

C. A citation for a violation of a provision of this title that does not adopt by reference a provision of the state motor vehicle laws shall reference only the appropriate borough code section. Fines paid to the court for that violation shall be remitted to the borough.

D. If the offender refuses to accept the citation the citing peace officer shall arrest the offender in the manner otherwise provided by law.

10.50.020 Lesser penalty controlling.

In the event conflicting maximum penalties are prescribed by adopted statute or regulation, or by Alaska Supreme Court bail forfeiture schedules or by separate code section, the lesser penalty shall be the controlling maximum.

Section 30. Amendment of Section 11.44.030. Section 11.44.030 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

11.44.030 Penalty.

~~Any person convicted of a **A** violation of any of the sections of this chapter shall be subject to punishment as provided in this code.~~ is a minor offense.

Section 31. Amendment of Section 12.12.040. Section 12.12.040 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

12.12.040 Installation of numbers.

~~A.~~ Numbers at least four inches high, of a color which contrasts with the background on which they are mounted, or with a reflective surface, must be installed on each and every building as designated in the official building numbering index kept in the planning office. The developer shall place the numbers assigned by the planner on the developer's building at a location specified by the fire department for maximum visibility for police, fire, and rescue crews.

~~B. Any person violating a provision of this chapter shall be punished by a fine not exceeding \$300.00.~~

Section 32. Amendment of Section 12.40.060. Section 12.40.060 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

12.40.060 Enforcement and penalties.

A. Enforcement.

1. The Haines Borough manager shall have the right to issue administrative regulations pertaining to use of the property subject to approval of the assembly.

2. The Haines Borough police department, other licensed peace officers, and designated Haines Borough employees shall have the authority to enforce this chapter and any borough manager regulations and may eject from the park any persons acting in violation of this chapter or any temporary use permit issued for use of the property.

3. Nothing in this chapter shall prevent Haines Borough employees from performing their assigned duties.

4. **A violation of this chapter or a permit issued under it shall be a minor offense.** Enforcement of this chapter shall be in the same manner set forth in Chapter **1.24** ~~9.04~~ HBC.

B. Penalties. Violations of this chapter are subject to the ~~same penalties as~~ provided in Chapters 1.24 ~~and 9.04~~ HBC.

Section 33. Amendment of Section 13.04.350. Section 13.04.350 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

13.04.350 Penalties.

Any person violating a provision of this chapter shall, upon conviction thereof, be punished by a fine ~~not exceeding~~ **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than** \$300.00.

Section 34. Amendment of Section 13.08.100. Section 13.08.100 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

13.08.100 Required connections.

A. Wherever there is now, or may hereafter be constructed within the borough limits, an interceptor for the purpose of transmitting sewage to the sewage treatment plant, the owner or owners of the property abutting on any street, alley, or right-of-way along which the interceptor is constructed must connect all improvements on such property in which sewage or liquid waste is produced with a customer service line and an interceptor. Whenever the borough shall notify in writing any owner or owners of property to connect such improvements to such line and interceptor, it shall be the duty of such owner or owners to make application, pay the prescribed

fees, and complete the connection with the interceptor within 30 days from the date of said notice. The department may, for good and sufficient reason, extend the time for completion of the connection.

B. Failure to connect any property that is required to be connected to the sewer system is a minor offense subject to penalty as set forth in Chapter 1.24 HBC for each offense. Each day a property that is required to be connected to the sewer system is not connected constitutes a separate offense.

Section 35. Amendment of Section 13.08.270. Section 13.08.270 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

13.08.270 Connection made without permit.

A. It shall be unlawful ~~and a misdemeanor~~ for any customer or other person to connect a customer service line to an interceptor without first making application, paying the connection fee, and securing a permit therefor from the clerk.

B. Any person who connects or attempts to connect a service line in violation of this section is guilty of a minor offense subject to penalty as set forth in Chapter 1.24 HBC for each offense. Each day a property is connected in violation of this section constitutes a separate offense. ~~A person who violates subsection (A) of this section is subject to a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days.~~

Section 36. Amendment of Section 13.08.310. Section 13.08.310 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

13.08.310 Penalties.

Unless otherwise specifically provided, any person violating a provision of this chapter shall, upon conviction thereof, be punished by a fine ~~not exceeding~~ **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than** \$300.00.

Section 37. Amendment of Section 14.16.170. Section 14.16.170 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

14.16.170 Responsibility to properly locate on leased premises.

A. It shall be the responsibility of the lessee to properly locate improvements on the leased land.

B. It is unlawful for a lessee to encroach on other lands of the borough or on lands owned or leased by another.

~~C. A violation of subsection (B) of this section is a misdemeanor, punishable by a fine of up to \$1,000 and up to 90 days imprisonment.~~

Section 38. Amendment of Section 14.34.020. Section 14.34.020 of the Haines Borough Code is hereby repealed.

Section 39. Amendment of Section 14.34.030. Section 14.34.030 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

14.34.030 Violations.

A. The following acts are minor offenses under this chapter:

- 1. Cutting for firewood any timber that is not already dead or downed.**
- 2. Cutting firewood for other than personal use.**
- 3. Using mechanical means other than chainsaws and vehicles to cut firewood.**

B. The taking of any wood that is green and standing, no matter what it is used for, is considered a trespass. The penalty for taking green standing timber is \$1,000 plus triple stumpage, **which may be collected in a civil action whether or not the violator is cited for a violation of this chapter.**

Section 40. Amendment of Section 15.04.020. Section 15.04.020 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

15.04.020 Enforcement.

The fire department and its members shall enforce the provisions of the fire code and all provisions of this title. **The police department, borough manager, or his designee may cite an offender for a violation of any provision of this title.** ~~and may be assisted therein by the chief of police.~~

Section 41. Amendment of Section 15.08.060. Section 15.08.060 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

15.08.060 Smoking restricted.

In addition to the prohibitions set forth in Chapter 8.18, ~~There shall be no~~ smoking in beds of hotels, motels, apartments or rooming houses, in dry-cleaning plants, or in areas where combustible materials are stored or handled **is prohibited.**

Section 42. Amendment of Section 15.20.020. Section 15.20.020 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

15.20.020 Violation – Penalty.

A. Violation of any of the provisions of this title shall, upon conviction, be punishable as a **minor offense violation as provided in Chapter 1.24 and fined in the amount set forth in section 1.24.040, or if no fine is there established, in an amount to be determined by the court not to exceed \$500 for each offense.** ~~HBC 1-24-010.~~ In addition, a person who violates a provision of this title **may** ~~shall~~ be subject to injunctive relief.

B. Each day of violation shall constitute a separate offense for the purposes of this title.

Section 43. Amendment of Section 16.28.030(A). Section 16.28.030(A) of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

16.28.030 Penalties for violations.

A. Any person violating any of the provisions of this title will be fined **in the amount set forth in section 1.24.040, or if no fine is there established, in an amount to be determined by the court not to exceed \$500 for each offense.** ~~according to the fees set out in the most current assembly approved fee schedule.~~

Section 44. Amendment of Section 16.28.040. Section 16.28.040 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

16.28.040 Citation.

A person who commits a violation of this title shall **be cited in the manner set forth in Chapter 1.24 HBC.** ~~receive a citation unless otherwise required by law or the circumstances.~~

Section 45. Repeal of Sections 16.28.050 and 16.28.060. Sections 16.28.050 and 16.28.060 of the Haines Borough Code are hereby repealed in their entirety.

Section 46. Amendment of Section 16.32.045. Section 16.32.045 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

16.32.045 Parking.

Long-term parking of vehicles, vessels, or trailers is prohibited outside of the designated long-term parking area at the Letnikof Cove Small Boat Harbor. "Long-term" is defined as 24 or more continuous hours. Areas shall be posted or otherwise marked by an appropriate sign or by combinations of placed and painted signs indicating prohibited and authorized parking areas. ~~Enforcement of this section shall be in the same manner as set forth in Chapter 16.28 HBC.~~

Section 47. Amendment of Section 18.30.070. Section 18.30.070 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

Animal husbandry, not including conditional use permits for these uses	\$25.00
Sign permit	\$25.00
Land use permit	\$50.00
Lot line vacation/adjustment	\$50.00
Short plat	\$75.00
Special conditions permit	\$150.00
Conditional use/variance permit	\$150.00
Rezoning/subdivision permit	\$200.00

B. Penalties Late fees

1. After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit or construction declaration \$250.00 or 3% of the project value to a maximum of \$2,500
2. Penalties for violations of this title are as set forth in HBC 18.30.080, 18.30.090, and 1.24. ~~Penalty for violation of any section of this title (except beginning work without a permit — see after-the-fact fee above)~~ \$100.00

3. ~~The procedure for assessing penalties shall be as follows: After-the-fact fees for beginning work without a permit or construction declaration shall be assessed~~ when the violator applies for the permit or submits the declaration. ~~upon discovery of the violation. In all other violations of this title, borough staff shall notify the violator by certified letter. The letter shall state the nature of the violation and inform the violator that they will have 10 business days to conform to the code. If the violation is not corrected within 10 business days, a penalty of \$100.00 shall be assessed.~~

4. If a fee or penalty is not paid within 30 days, interest of one and one-half percent per month (18 percent annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator's property tax.

C. An applicant having been processed under a permit listed above, who is subsequently required to obtain ~~encounters the requirement of another~~ type of permit for the same action or project on the same property ~~type~~, shall be charged the permit fee which is the highest, including any permit fees paid with the original application (i.e., an applicant who pays \$50.00 for a land use permit who then is required to apply for a variance shall be charged only \$150.00 for the entire process).

D. Multiple buildings or improvements and/or multiple variance requests as part of a single application for the same site will be considered as one permit ~~respectively~~ and not subject to successive permit fees.

E. The planning commission may recommend to the assembly that charges and fees be stayed. The assembly may stay the fees under subsection (A) of this section if it is in the best interest of the municipality to do so and special circumstances warrant. The action must be made in writing and made part of the borough assembly's public record.

Section 48. Amendment of Section 18.30.080. Section 18.30.080 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

18.30.080 Compliance.

Any use may be ordered to cease by the manager or his designee if in conflict with the provisions of this title, or if the terms and conditions of any rezoning, or commission approval, or manager approval are violated. The borough assembly may establish by resolution and enforcement priority for violations of this title.

A. Violation Complaint. Any person may bring to the attention of the manager suspected violations of this title. The complaint must be in writing and must include the full name of the person making the complaint.

B. **Administrative Enforcement Order.** After a violation has been discovered, investigated and verified, the manager **may begin administrative enforcement proceedings, and shall begin enforcement proceedings if a permit or other valuable license is to be revoked.**

1. Administrative enforcement order. To initiate an administrative enforcement action, the manager shall notify, by written finding, the person responsible for the violation and the property owner by personal notice, certified mail or notice posted on the site of the violation. The finding shall specify the violation(s) and order abatement and may also (but is not required to) specify the range of fines or penalties to be imposed, **and shall include notice indicating if a permit or variance can be revoked as a result of the violation pursuant to HBC 18.30.090(B).** The finding shall direct the person to cease the violation, or appeal the finding within two days after receipt or posting of the notice, as the case may be. All violation notices will be reported by the manager to the commission at its next regular meeting and the manager shall keep a copy of the violation notice in the permanent record.

2. Planning Commission Review. Upon application of the developer, the commission shall review the enforcement order at its next regular meeting. The review shall be limited to the presence of the violations stated in the enforcement order, and in such review, the burden of proof shall be upon the developer to prove that the violations do not exist. The commission, by majority motion, may modify or rescind the enforcement order, **and may impose any penalty authorized by this Title, including suspension or revocation or any permit, variance, or other authorization.**

C. Minor offense. In addition to any administrative enforcement proceedings, it is a minor offense for any person to fail to obtain a required permit, or to violate any conditions attached to a permit issued under this Title. The manager may at any time cause a citation to be issued to a person responsible for a violation of this title and the owner of the property upon which the violation occurs. All minor offenses are subject to the provisions of HBC Chapter 1.24.

Section 49. Amendment of Section 18.30.090. Section 18.30.090 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

18.30.090 Violations, penalties and remedies.

A. Generally. All remedies hereunder are cumulative and are in addition to those existing at law or equity. Each act in violation of this title and every day a violation of this title exists may be considered to constitute a separate violation.

B. Suspension or Revocation.

1. The planning commission may suspend or revoke a permit **for any violation of this Title, or** whenever the approval **for a permit is** granted ~~is~~ in error or ~~is~~ on the basis of incorrect information supplied **by the applicant,** or ~~in~~ **if the applicant commits a** violation of any ordinance or regulation or any provision of this code. Before taking any action to revoke or suspend a permit or variance, the planning commission shall give the permit owner and/or the owner of the property ~~20~~ **not less than 10** days' written notice by certified U.S. mail in advance of the date of hearing, of the subject of the hearing, and of the date, time, and place of the hearing. This notice is complete upon mailing.

2. The planning commission shall thereafter hold the hearing at the time and place set forth in the notice. At the hearing, the permittee may present evidence on the permittee's behalf and may cross-examine witnesses. The burden of proof is on the planning commission. After the hearing, the planning commission shall make written findings of fact from the evidence supporting the conclusion that the permittee has failed to comply with the conditions of the permit or variance (in cases were the permit or variance is revoked or suspended), or the permittee has not failed to comply with the conditions of the permit or variance (in cases were the permit or variance is not revoked or suspended). The findings shall be embodied in **a** formal resolution that the planning commission shall retain permanently.

3. After the variance or permit has been revoked or suspended, the permittee shall thereafter immediately discontinue the use of the property for which the permit or variance had originally been granted. If, after ~~the~~ a permit or variance has been revoked or suspended, the permittee does not immediately discontinue the use of the property for which the permit or variance had originally been granted, a civil penalty not to exceed ~~\$500~~ **\$300.00** for each day of continuing violation may be imposed. The manager, on behalf of the borough, or the planning commission, may also apply to the superior court for an injunction to restrain the former permittee from using the land for the purposes previously authorized in the permit or variance.

C. Civil Remedies. Upon violation of any of the provisions of this title, or any of the conditions placed upon any permit issued pursuant hereto, the manager, on behalf of the borough or any aggrieved citizen, may institute or cause to be instituted any appropriate civil action to prevent, enjoin, abate, stop, remove or punish such violation and to obtain monetary damages suffered by such party. In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed **\$500 for each violation or each day a violation exists.**~~1,000~~. An action to enjoin a violation of this title may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing or threatened violation, the court shall grant injunctive relief to restrain the violation. Each person violating the terms of this title shall be required to reimburse the municipality for **all reasonable** administrative and legal costs ~~commensurate with the activity relating~~ **incurred to enforce this Title or to correct** ~~to~~ the violation.

D. ~~Criminal~~ **Minor Offense** Remedies. Every act where **Failing to obtain a required permit or variance,** the maintenance of any condition prohibited by this title, ~~or by~~ **and a**

violation of any condition placed upon any permit issued pursuant hereto, is unlawful, ~~and the willful commission of such act or maintenance of such condition is a misdemeanor.~~ Every person convicted of a **who commits a** violation of any provision of this title or of any condition placed upon any permit issued pursuant hereto shall be punished by a fine **as set forth in HBC 1.24.040, or if no fine is there established,** of not more than \$~~500~~^{1,000} **for each offense.** Each unlawful act or condition, and every day upon which such shall occur after date of notification, shall constitute a separate violation of this section. **A minor offense cannot result in the loss of a valuable license or permit under this title, but shall be subject to the penalties and procedures set forth in Chapter 1.24 HBC.**

E. Parties. A proper party for any enforcement action under subsection (B) of this section shall include, but shall not be limited to, the owner of the site or any part thereof; any lessee or occupant of the site or any part thereof; the developer, the developer's agents, contractors and subcontractors, and employees who participate in, assist, commit, or maintain a violation.

F. Remedies Applicable to Subdivision Regulations. It is unlawful for any owner, lessee or agent to partition, sell, transfer, lease or offer or agree to partition, sell, lease or transfer any land which results in a subdivision as defined by this title before a final plat of the subdivision has been duly approved and recorded in accordance with the provisions of this chapter and state law. No person may file or record a subdivision plat in any public office unless the plat bears the signatures of the chair of the planning commission and the mayor. The borough may enjoin any partition, lease, transfer or sale of land that would result in an unlawful subdivision. Following an unlawful partition, transfer, lease or sale, the borough may enjoin any further transfer or sale of all unlawfully subdivided parcels until such time as the parcels are duly subdivided or returned to common ownership.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2015.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, Borough Clerk

Date Introduced: 06/09/15
Date of First Public Hearing: 08/25/15
Date of Second Public Hearing: 09/08/15

MINOR OFFENSES

HB Ordinance 15-06-413

Purpose of Minor Offense and Fine Schedule Ordinance

- Bring Haines into Compliance with New Court System Rules
 - 2013 Alaska Rules of Minor Offense Procedure (RMOP)
 - A uniform system for low level infractions
- Minor Offenses
 - Low level infractions
 - Don't rise to the level of a misdemeanor
 - E.g. Leash law violations, traffic tickets
- Can be contested just like traffic tickets by going to court. This ensures that individual rights are fully protected.

WHAT IS RECOMMENDED FOR CHANGE?

- Administrative enforcement issues become minor offenses
 - Example – Sign violations, nuisance violations such as excessive trash
- Minor Offenses are either:
 - Paid without being contested or
 - Heard by the magistrate
- All traffic violations are removed from Borough Code
 - They are incorporated by reference to state law
 - Citations still read that a Borough law has been violated

GOAL OF THE MINOR INFRACTIONS LAW

- Increase transparency and make it clear to everyone what items are listed as offenses within code
- “Facilitate enforcement through the court system of laws that are already on the books, not to outlaw activities that are currently legal. The ordinance is not intended to change the substance of borough code.” From Borough Attorney’s letter
- Eliminate ordinances that are redundant or unnecessary
- Align some penalties with state law
- Change some offenses that are currently misdemeanors to minor offenses
 - Example – Failure to obtain a business license is is currently a misdemeanor

EXAMPLE – Mooring in Harbor Without Payment

HBC Code 16.16.190

- Currently
 - 1st Violation \$ 50
 - 2nd Violation \$100
 - 3rd Violation \$150
 - Harbormaster advises owner
 - No compliance – Letter written with invoice.
 - Finance follows up with added penalties and interest
 - Possible Small Claims Court
- Proposed
 - Each Violation \$100
 - Harbormaster advises owner
 - No compliance – Ticket written
 - Ticket has court date owner can pay it or protest to the magistrate
 - Owner could protest magistrate's ruling to superior court, etc.

SOME CONCERNS THAT MAY NEED TO BE ADDRESSED

- Addressing additional redundant or “unnecessary” laws
 - Recommend identifying items of concerns and tasking the GASC to review each law, solicit public input, and make a recommendation to the Assembly
- Training or certification of those writing citations
 - Can be addressed within code or through policy

1.24.040 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Alaska Court System's Rules of Minor Offense Procedures apply to all offenses listed below. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine schedule amount listed below for that offense. Citations charging these offenses must meet the requirements of the Rules of Minor Offense Procedure. The fines set forth below may not be judicially reduced.

Code Section	Offense Description	Fine Amount	Current Penalty
3.80.035(D)	Failure of operator to collect and/or remit sales tax for rental space	300	Unclassified Misdemeanor HBC 3.80.260 Up to \$10,000 fine and one year in jail
3.80.080	Failure to identify and add amount of sales tax to taxable transaction (except as exempted by 3.80.040)	300	Unclassified Misdemeanor HBC 3.80.260 Up to \$10,000 fine and one year in jail
3.80.090(A)	Failure to timely file sales tax returns	300	Unclassified Misdemeanor HBC 3.80.260 Up to \$10,000 fine and one year in jail
3.80.090(B)	Failure to remit taxes with returns	300	Unclassified Misdemeanor HBC 3.80.260 Up to \$10,000 fine and one year in jail
3.80.170 and 5.02.010	Failure to obtain business license	300	Classified Misdemeanor HBC 3.80.260 & 5.02.020 (up to 30 days jail and/or a \$1,000 fine)
3.80.190(A)	Failure to file final sales tax return	300	Unclassified Misdemeanor HBC 3.80.260
5.04.030(C)	Failure to obtain required permit (general)	500	HBC 5.04.140(A) - Not exceeding \$300 each day plus required state surcharge (AS 12.55.039)
5.04.080(E)(2)	Sign violation	100	HBC 1.24 & 5.04.150 - Up to \$300 each day plus state surcharge when applicable (AS 12.55.039)
5.04.140(A)	commercial tour/ enterprise operating w/o permit or failure to follow permit condition	500	HBC 1.24 - Not exceeding \$300 each day plus required state surcharge (AS 12.55.039)
5.08.010(A)	Permit required for solicitation on public property	300	HBC 1.24 - Not exceeding \$300 plus required state surcharge (AS 12.55.039)
5.08.020	Solicitation on private property without invitation prohibited	300	HBC 1.24 - Not exceeding \$300 plus required state surcharge (AS 12.55.039)

5.08.030(A)	Permit required for transient/ itinerant merchants/ vendors	300	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)
5.08.040	Permit required for circus, carnival, fair/other concessions	300	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)
5.08.050(A)	Sale/solicitation of commercial magazines on public sidewalks/ streets prohibited	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.12.010(A)	License required to manufacture/ sell any alcoholic beverage	500	Class A Misdemeanor – AS 4.16.200 - Up to \$10,000 fine and one year in jail
5.12.020	Closing hours for licensed alcoholic beverage premises between 5:00 a.m. and 8 a.m.	500	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.12.040	Accessibility for inspection of licensed premises within the townsite service area	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.16.010(A)	All operators of gaming activities prohibited from conducting gaming activities	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.18.015	Commercial tour permit required	500	HBC 5.04.140(A) - Not exceeding \$300 plus required state surcharge (AS 12.55.039)
5.20.030	Failure to display commercial passenger vehicle / tour vehicle permit	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.20.040(A)(1)	Failure to display license	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.20.040(A)(2)	Failure to display rates	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.20.040(A)(3)	Failure to display contact information of <u>City-Borough</u> Clerk	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.20.040(B)	Taxicab soliciting passenger or otherwise blocking traffic	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.20.050	Soliciting persons along the roadway	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.010(C)	Use of commercial parking vehicle areas when not engaged in commercial tour activity	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)

5.22.040(C)	Failure to display parking permit	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.040(D)	Unreasonable interference with efficient operations	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.040(E)	Leaving commercial vehicle unattended	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.040(F)	Improper signage	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.040(H)	Unauthorized use of parking area	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
5.22.040(J)	Unauthorized display of sales material	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
6.08.010(A)	Dog license required	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.010(A)	Dog license required	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.010(D)	Failure to display tag	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.010(D)	Failure to display tag	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.010(F)	Failure to obtain kennel permit	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.010(F)	Failure to obtain kennel permit	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.010(H)	Using dog license receipt or license tag issued for another dog	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300

6.08.020(A)	At-large dog	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.020(A)	At-large dog	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.020(B)	Barking, howling, or other noises	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.020(B)	Barking, howling, or other noises	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.020(C)	Run, chase, jump at moving vehicles	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.020(C)	Run, chase, jump at moving vehicles	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.020(D)	Snap, jump, injure another person	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.020(D)	Snap, jump, injure another person	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.020(E)	Chase, harass deer or moose	Altered dog: \$50	HBC 6.08.130 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$100
6.08.020(E)	Chase, harass deer or moose	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
6.08.020(G)	Female dog in season not confined	Unaltered dog: \$150	HBC 6.08.130 1 st violation - \$75 2 nd violation - \$150 3 rd violation - \$300
8.08.020(A)	Littering in any place other than in an appropriate refuse container	50	HBC 8.08.050 - Up to \$300 (HBC 1.24) HBC 10.08.020 - \$100
8.08.020(B)	Littering upon a public place	50	HBC 8.08.050 - Up to \$300 (HBC 1.24) HBC 10.08.020 - \$100
8.08.020(C)	Sweeping or depositing litter	50	HBC 8.08.050 - Up to \$300

	into a public place from private property		(HBC 1.24) HBC 10.08.020 - \$100
8.08.020(D)	Littering from vehicle	100	HBC 8.08.050 - Up to \$300 (HBC 1.24) HBC 10.08.020 - \$100
8.08.020(E)	Depositing any litter on private property	50	HBC 8.08.050 - Up to \$300 (HBC 1.24) HBC 10.08.020 - \$100
8.08.020(F)	Failure to maintain private property in a litter-free condition	50	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.020(G)	Posting any handbill without permit under HBC Title 18	50	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.020(H)	Littering in a body of water	50	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.020(I)	Depositing litter generated in a refuse container belonging to another	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.020(J)	Burning without a permit and police department notification or in violation of conditions	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.020(K)	Depositing offensive, noxious, or otherwise dangerous litter	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.040(A)(1)	Refuse container: strong, watertight, not easily corrodible, and rodent proof	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.040(A)(2)	Refuse container standards: fitted with a tight cover	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.040(A)(3)	Refuse container standards: kept tightly covered at all times	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.08.040(B)	Refuse containers: emptied and properly disposed of on a regular basis	100	HBC 8.08.050 - Up to \$300 (HBC 1.24)
8.12.020(A)	Burying a person outside an established cemetery	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(B)	Annoy, injure or endanger the public	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(C)	Offending public decency	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(D)	Interfere with a street, highway, lake or stream	100	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(E)	Making loud or unreasonable noise	100	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(F)	Operating device that causes preventable electric interference	100	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)

8.12.020(G)	Allowing animal access to an unoccupied building	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(H)	Unsafe condition due to disrepair of building	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(I)	Reducing surrounding value of properties by maintaining building in state of disrepair	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(J)	Accumulation of stagnant water or discharge of wastewater	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(K)	Failure to take reasonable and precautionary measures to restrict access to hazards	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(L)	Causing emission of noxious fumes	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(M)	Exposure or distribution of materials offending the public decency	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(N)	Obstruction of traffic	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(O)	Public exposure of a person having a contagious disease	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.020(P)	Noxious cellar, pool, sewer, water closet, or private drain	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.12.030	Hazardous building or public nuisance	300	HBC 8.12.140(A) - Up to \$300 (HBC 1.24)
8.16.015	Use of fireworks prohibited	100	HBC 8.16.025 - Up to \$300
8.16.020	Sale prohibited of fireworks	300	HBC 8.16.025 - Up to \$300
8.16.025	Use of fireworks near port facilities prohibited	300	HBC 8.16.025 - Up to \$300
8.16.030	Conducting fireworks display without permission of chief of police	300	HBC 8.16.025 - Up to \$300
8.18.020(A)	Smoking in an enclosed public area	100	HBC 8.18.080(B) - \$100
8.18.020(B)	Smoking in an enclosed public area	100	HBC 8.18.080(B) - \$100
8.18.020(C)	Smoking inside an enclosed area within a place of employment	100	HBC 8.18.080(B) - \$100
8.18.020(D)	Smoking inside an enclosed area within a private club licensed to sell alcoholic beverages	100	HBC 8.18.080(B) - \$100
8.18.030	Smoking within unreasonable distance outside an enclosed area	100	HBC 8.18.080(B,D) - \$100 each day

	where smoking is prohibited		
8.18.040(A)	Smoking within 50 feet of entrance to hospital or medical clinic	100	HBC 8.18.080(B,D) – \$100 each day
8.18.040(B)	Smoking within 20 feet of entrance to enclosed school area	100	HBC 8.18.080(B,D) – \$100 each day
8.18.040(C)	Smoking within 5 feet of licensed premises	100	HBC 8.18.080(B,D) – \$100 each day
8.18.040(D)	Smoking in an outdoor arena	100	HBC 8.18.080(B,D) – \$100 each day
8.18.070(A)	Failure to post signs prohibiting smoking	200	HBC 8.18.080(C,D) – 1 st violation - \$100 2 nd violation - \$200 3 rd violation - \$300
8.18.070(B)	Failure to remove ashtrays	200	HBC 8.18.080(C,D) – 1 st violation - \$100 2 nd violation - \$200 3 rd violation - \$300
8.18.070(C)	Failure to provide smoke-free workplace	200	HBC 8.18.080(C,D) – 1 st violation - \$100 2 nd violation - \$200 3 rd violation - \$300
8.18.070(D)	Failure to prevent smoking at a smoke-free establishment	200	HBC 8.18.080(C,D) – 1 st violation - \$100 2 nd violation - \$200 3 rd violation - \$300
8.18.080(B)	Smoking where prohibited	100	HBC 8.18.080(B) - \$100
8.18.080(C)	Permitting smoking in public place where prohibited	200	HBC 8.18.080(C,D) – 1 st violation - \$100 2 nd violation - \$200 3 rd violation - \$300
8.20.020	Creating or permitting a bear attraction nuisance	100	HBC 1.24 & 8.20.040 – Up to \$300 each day
9.04.010(A)	Open container of alcoholic beverages within vehicle	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.04.010(B)(1)	Consuming alcoholic beverage upon street or highway	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.04.010(B)(2)	Consuming alcoholic beverage in public	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.04.010(B)(3)	Consuming alcoholic beverage on school property	200	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.04.010(B)(4)	Consuming alcoholic beverage at school function	200	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.08.010	Curfew For Minors	250	HBC 9.08.030 – Not more than \$250
9.08.020	Parental responsibility for	250	HBC 9.08.030 – Not more

	curfew violation		than \$250
9.24.010(A)	Discharging pistol or firearm	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.24.010(C)	Hunting in prohibited area	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.24.020(A)	Obstructing highways and other public passages	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.24.020(B)(1)	Failure to obey order to move to prevent obstruction	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.24.020(B)(2)	Failure to obey order to move to maintain public safety	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
9.24.030	Disrupting meetings and processions	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
12.08.160(B)	Utility permit required	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
12.10.010	Construction work on driveway in a right of way without a permit	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
12.12.040(A)	Failure to install street numbers in compliance with code	100	HBC 12.12.040(B) – Not exceeding \$300
12.16.010	Street and sidewalk obstructions prohibited	50	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
12.16.030(A)	Use of streets for private purposes	50	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
12.40.030	Prohibited activity or construction in Picture Park restricted area	100	HBC 12.40.060(B) - subject to the same penalties as provided in Chapters <u>1.24</u> and <u>9.01</u> – up to \$300 plus state surcharge when applicable (AS 12.55.039) and each & every day a separate offense
12.50.020	Motorized vehicle use in Chilkat River beaches recreational zone	100	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
13.04.310(A)	Unlawful opening of fire hydrant	300	HBC 13.04.350 – not exceeding \$300
13.08.100(A)	Failure to connect to sewer system after notice	300	HBC 13.08.310 – not exceeding \$300
14.34.030(A)(1)	Cutting timber that is not already dead or downed	300	<u>Green & standing</u> : HBC 14.34.030 - \$1,000 plus triple stumpage

			<u>Dead & standing:</u> HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
14.34.030(A)(2)	Cutting firewood for other than personal use	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
14.34.030(A)(3)	Using unlawful mechanical means to cut firewood	300	HBC 1.24 - Up to \$300 plus state surcharge when applicable (AS 12.55.039)
15.08.040	Following fire apparatus or otherwise interfering with fire control operations	100	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.08.060	Smoking where prohibited for safety reasons	100	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.020(B)	Failure to file required report by a person handling hazardous substances	300	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.020(D)	Failure to file required report by a person handling consumer quantities of hazardous material or chemical	300	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.070(A)	Failure to file required transshipment facility report	300	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.070(C)	Failure to display marking or warnings with respect to transshipment facility	100	HBC 15.20.020 - subject to the same penalties as provided in Chapters

			1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.070(D)(3)	Failure to notify fire department of time and quantity of a shipment of extremely hazardous substance	300	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.12.090(A)	Failure to obtain certificate of compliance	300	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
15.16.020	Crash post does not meet specifications	100	HBC 15.20.020 - subject to the same penalties as provided in Chapters 1.24.010 – up to \$300 plus state surcharge when applicable (AS 12.55.039), subject to injunctive relief, and each & every day a separate offense
16.12.020	Obstruction of dock area by vehicle, cart, conveyance, or other transportation system	50	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.12.030	Vessel in excess of 65 feet using gridiron	50	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor

			privileges Each day is a separate offense
16.16.135	Launching or recovering vessel without paying fee or obtaining annual ramp launch sticker	100	Current Assembly-Adopted Harbor Fee Schedule - \$60 per violation
16.16.150	Unapproved vessel mooring in harbor	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.16.170	Non-compliant electrical connection	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.16.190	Mooring without payment	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.16.200(A)	Dead storage prohibited	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50

			<p>3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.16.210	Use of harbor crane without permit of paying fee	100	\$50 per violation
16.20.040	Snow must be removed from dock, float, or finger	50	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.005(D)	Wood fires not permitted in port and harbor facilities	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.005(E)	Unlawful electrical system or connection	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(A)	Operating vessel in excess of three MPH within borough port and harbor facilities	50	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50</p>

			<p>3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(B)	Operating vessel in a negligent manner	300	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(C)	Operating vessel in a negligent manner likely to endanger the safety of person or property	500	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(D)	Unlawful depositing of refuse or prohibited materials	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(E)	To fail to register with the harbormaster	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor</p>

			use privileges Each day is a separate offense
16.28.010(F)	Leaving vessel or floating structure moored unattended while fire is burning	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(G)	Starting or allowing any fire on a float or dock	500	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(I)	Conducting unlawful business within the port and harbor facilities	100	Current Assembly-Adopted Harbor Fee Schedule - \$50 per violation
16.28.010(J)	Living aboard a vessel moored in the harbor while prohibited or allowing animal to run at large	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(K)	Leaving cargo or other material on docks or other public place	50	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50

			<p>3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(L)	To fail to clean up after an animals	50	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(M)	Tapping, disconnecting, interfering with, or tampering with any water or electrical connection	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(N)	Interfering with any wharf or any other harbor facility	100	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75 4th violation – lose harbor use privileges Each day is a separate offense</p>
16.28.010(O)	Writing or posting printed matter upon any bulletin board without permission of the harbormaster	50	<p>Current Assembly-Adopted Harbor Fee Schedule – 1st violation - \$50 2nd violation - \$100 3rd violation - \$150</p> <p>HBC 16.28.020, 030 – 1st violation - \$25 2nd violation - \$50 3rd violation - \$75</p>

			4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(P)	Erecting or maintaining any advertising or other printed matter without approval from the harbormaster	50	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(Q)	To disregard or tamper with any notice relating to the use of mooring areas or other uses of port and harbor facilities	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.28.010(R)	To moor or connect to Letnikof Cove facility without paying fees	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
16.32.040(B)	Use of small boat harbor without paying required fees	100	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor

			use privileges Each day is a separate offense
16.32.045	Long-term parking outside designated area at Letnikof Cove Harbor	50	Current Assembly-Adopted Harbor Fee Schedule – 1 st violation - \$50 2 nd violation - \$100 3 rd violation - \$150 HBC 16.28.020, 030 – 1 st violation - \$25 2 nd violation - \$50 3 rd violation - \$75 4 th violation – lose harbor use privileges Each day is a separate offense
18.40.010	Land use permit required	250	<u>Beginning Work with No Permit</u> – HBC 18.30.070(B)(1) - \$250.00 or 3% of the project value to a maximum of \$2,500 <u>Working with Revoked/Suspended Permit</u> - HBC 18.30.090(B) – up to \$300; HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.40.040(A)	Temporary use permit required	250	<u>Beginning Work with No Permit</u> – HBC 18.30.070(B)(1) - \$250.00 or 3% of the project value to a maximum of \$2,500 <u>Working with Revoked/Suspended Permit</u> - HBC 18.30.090(B) – up to \$300; HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.40.040(B)	Exceeding scope of temporary permit	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000

			HBC 18.30.090(A) - Each act & every day a separate violation
18.50.020	Conditional use permit required	250	<u>Beginning Work with No Permit</u> – HBC 18.30.070(B)(1) - \$250.00 or 3% of the project value to a maximum of \$2,500 <u>Working with Revoked/Suspended Permit</u> - HBC 18.30.090(B) – up to \$300; HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(A)	Violating restrictions in townsite planning/zoning district	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(B)	Violating restrictions in Mud Bay planning/zoning district	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(B)(3)(g)	Setback violation	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(B)(3)(h)	Maintaining a prohibited use in RRZ	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation

18.70.030(B)(4)(f)	Maintaining a prohibited use in Cannery Zone	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)	Violating restrictions in Lutak Inlet planning/zoning district	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)(3)(f)	Maintaining a prohibited use in RRZ	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)(3)(h)	Setback violation	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)(3)(i)	Building height violation	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)(3)(j)	Sign violation	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.70.030(C)(3)(k)	Use of RV as permanent dwelling or excessive RV's on property	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil

			<p>or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.70.030(C)(3)(l)	Noise violation	100	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.70.030(C)(4)(f)	Maintaining a prohibited use in Riparian Zone	100	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.70.030(D)	Violating restrictions in general use planning/zoning district	100	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.80.030(A)	Setback violation	100	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.80.040	Unlawful parking provided	100	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) - Each act & every day a separate violation</p>
18.90.030(A)	Failure to obtain sign permit	250	<p>HBC 18.30.070(B)(2) – \$100</p> <p>HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000</p> <p>HBC 18.30.090(A) -</p>

			Each act & every day a separate violation
18.90.040	Excessive number of signs	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.90.050(B)	Projecting sign violation	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.90.050(C)	Portable sign obscuring traffic or sight angles	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.90.070	Prohibited sign in use	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.90.080(C)	Prohibited sign in Significant structures area zone	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation
18.90.100(B)	Prohibited sign in residential zoning districts	100	HBC 18.30.070(B)(2) – \$100 HBC 18.30.090(C,D) – Civil or Criminal Remedies up to \$1,000 HBC 18.30.090(A) - Each act & every day a separate violation

10.06.030 Fine Schedule for Local Traffic Offenses

In accordance with AS 28.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. These fines may not be judicially reduced. If an offense is not listed on the fine schedule, or if the citation indicates a court appearance is required, the defendant must appear in court to answer to the charges.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

Code Section	Offense Description	Fine Amount	Current Fine
10.08.010	Starting parked vehicle - excessive acceleration	15	HBC 10.16.200 - \$15
10.08.020(A)	Driving on sidewalks - vehicle	20	HBC 10.26.220 - \$20
10.08.020(B)	Driving on sidewalk in CBD - bicycle	20	HBC 10.26.220 - \$20
10.08.020(C)	Failure to yield - bicycle	20	HBC 10.26.220 - \$20
10.08.030	U-turn where prohibited	30	HBC 10.26.230 - \$30
10.08.040	Projections on wheels or tracks prohibited	20	HBC 10.26.240 - \$20
10.08.050	Dragging objects prohibited	150	AK Bail Schedule - \$125
10.08.060	Projecting load on passenger vehicles	20	HBC 10.26.260 - \$20
10.08.070	Carrying animals on outside of vehicles	125	AK Bail Schedule - \$125
10.08.080(A)	Use of coaster, roller skates, sleds or skis on roadway	25	HBC 10.26.300(D) – 1 st offense - \$25 Increase by \$5 each subsequent offense
10.08.080(B)	Use of skateboard or human powered device in prohibited area	25	HBC 10.26.300(D) – 1 st offense - \$25 Increase by \$5 each subsequent offense
10.08.080(C)	Negligent operation of device	25	HBC 10.26.300(D) – 1 st offense - \$25 Increase by \$5 each subsequent offense
10.34.005(B)	Operating a snow machine or ATV in unauthorized location or after hours.	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(C)	Operating a snow machine or ATV under 16 years of age.	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(D)	Driver's license required to operate snow	30	HBC 10.34.050

	machine or ATV		1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(E)	Registration of snow machine or ATV required	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(F)	Proof of insurance	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(G)	Excess passengers - 13 AAC 02.445	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(H)	Speed in excess of 25 mph or other violation of traffic regulations	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(I)	Failure to signal turn	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(J)	ATV or snow machine on sidewalk or pedestrian way	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(K)	Failure to stop snow machine or ATV when directed to do so by a police officer	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.005(M)	Owner responsibility for violation	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.009(A)	Snow machine or ATV not equipped with functional headlight, tallight, and brake light	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.009(B)	Failure to maintain equipment in good working order	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100 4 th violation - \$150
10.34.010(A)	Parental responsibility for violation	30	HBC 10.34.050 1 st violation - \$50 2 nd violation - \$75 3 rd violation - \$100

			4 th violation - \$150
10.42.010	Bicycle violations: operator to obey rules of the road	30	AK Bail Schedule - \$40
10.42.020	Bicycle violations: parents responsible for actions/violations	30	AK Bail Schedule - \$40
10.42.030	Bicycle violations: obey signs/dismount and act as pedestrian	30	AK Bail Schedule - \$40
10.42.040	Bicycle violations: two or more on bike made for one	30	AK Bail Schedule - \$40
10.42.050	Bicycle violations: attaching to other vehicle/hooky-bobbing	30	AK Bail Schedule - \$40
10.42.060	Bicycle violations: minimum of one hand on handle bars	30	AK Bail Schedule - \$40
10.42.070	Bicycle violations: unicycle/coaster/roller skates on roadway prohibited	30	AK Bail Schedule - \$40
10.42.080	Bicycle violations: ride on right side of roadway	30	AK Bail Schedule - \$40
10.42.090	Bicycle violations: yield to vehicle upon audible signal	30	AK Bail Schedule - \$40
10.42.100	Bicycle violations: no more than two bikes abreast in one lane	30	AK Bail Schedule - \$40
10.42.110	Bicycle violations: must use shoulder when available	30	AK Bail Schedule - \$40
10.42.120	Failure to give audible signal passing pedestrian	30	AK Bail Schedule - \$40
10.42.130	Bicycle violations: turn and signal requirements	30	AK Bail Schedule - \$40
10.42.140	Bicycle violations: ride in business district where prohibited	30	AK Bail Schedule - \$40
10.42.160	Bicycle Violations: Bike Parking Requirements	30	AK Bail Schedule - \$20
10.42.170	Bicycle violations: bike not to enter limited use areas	30	AK Bail Schedule - \$50
10.42.180	Bicycle violations: yield to traffic	30	AK Bail Schedule - \$40
10.42.190	Bicycle violations: headlight requirements	30	AK Bail Schedule - \$40
10.42.200	Bicycle violations: taillight requirements	30	AK Bail Schedule - \$40
10.42.210	Bicycle violations: reflector requirements	30	AK Bail Schedule - \$20
10.42.220	Bicycle violations: brake requirements	30	AK Bail Schedule - \$40
10.44.010	Parking during snow removal	25	HBC 10.44.230 - \$25
10.44.020	Prohibited 24-hour parking – impounding vehicles	25	HBC 10.44.230 - \$25

10.44.030	Time limit parking	25	HBC 10.44.230 - \$25
10.44.050	Standing or parking close to curb	25	HBC 10.44.230 - \$25
10.44.060(A)	Signs or markings indicating angle parking	25	HBC 10.44.230 - \$25
10.44.070	Obedience to angle-parking signs or markings	25	HBC 10.44.230 - \$25
10.44.080(B)	Violating permit for loading or unloading at an angle to the curb	25	HBC 10.44.230 - \$25
10.44.090(A)	Stopping, standing, or parking prohibited – no signs required	25	HBC 10.44.230 - \$25
10.44.090(B)	Moving the vehicle of another into unlawful parking area	25	HBC 10.44.230 - \$25
10.44.100	Parking not to obstruct traffic	25	HBC 10.44.230 - \$25
10.44.110	Parking in alleys	25	HBC 10.44.230 - \$25
10.44.120(A)	Parking for certain purposes prohibited: displaying such vehicle for sale	25	HBC 10.44.230 - \$25
10.44.120(B)	Parking for certain purposes prohibited: washing, greasing, or repairing	25	HBC 10.44.230 - \$25
10.44.130(B)	Parking adjacent to schools	25	HBC 10.44.230 - \$25
10.44.140(B)	Parking prohibited on narrow streets	25	HBC 10.44.230 - \$25
10.44.150	Standing or parking on one-way streets	25	HBC 10.44.230 - \$25
10.44.160(B)	No stopping, standing, or parking near hazardous or congested places	25	HBC 10.44.230 - \$25
10.44.210(A)	Abandonment of vehicle	25	HBC 10.44.230 - \$25
10.44.210(B)	Exceeding time limit for parking in designated areas	25	HBC 10.44.230 - \$25
10.44.220	Unauthorized parking on private property	25	HBC 10.44.230 - \$25
10.48.010	Pedestrians must obey regulations	25	AK Bail Schedule - \$40
10.48.020	Pedestrians not to enter limited use areas	25	AK Bail Schedule - \$50
10.48.030	No pedestrian may walk into path of vehicle	25	AK Bail Schedule - \$50
10.48.040	Pedestrian must cross at crosswalk	25	AK Bail Schedule - \$25
10.48.050	Pedestrian must yield to vehicles	25	AK Bail Schedule - \$25
10.48.060	Crossing roadway where prohibited	25	AK Bail Schedule - \$25
10.48.070	Diagonally cross intersection must use sidewalks	25	AK Bail Schedule - \$40
10.48.080	Must walk on left side/shoulder of roadway	25	AK Bail Schedule - \$40

10.48.090	Pedestrian creates hazard/interferes with traffic	25	AK Bail Schedule - \$40
10.48.100	Sleep/loiter/obstruct highway	25	AK Bail Schedule - \$40
10.48.110	Solicit ride/distracts driver	25	AK Bail Schedule - \$50
10.48.120	Nonblind pedestrian not to use cane/dog	25	AK Bail Schedule - \$150
10.48.130	Pedestrian must yield to emergency vehicle	25	AK Bail Schedule - \$50
10.48.140	Pedestrian not to cross against "don't Walk" signal	25	AK Bail Schedule - \$40

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MEMORANDUM

TO: Haines Borough Assembly

CC: Dave Sosa, Borough Manager

FROM: Patrick W. Munson
Boyd, Chandler & Falconer, LLP 

RE: Minor Offense and Fine Schedule Ordinance

DATE: June 30, 2015

This memo summarizes the minor offenses and fine schedule ordinance. Our office, the Borough manager, department heads, and staff from the State court system have been working on this project for over a year in order to bring Haines into compliance with the new Alaska State Court system rules regarding minor offenses. Key issues and decisions for the Assembly are described below and included as comments throughout the draft ordinance.

A. Enforcement of Borough Ordinances

First, an overview of what this ordinance seeks to accomplish. In 2013, the Alaska Court system enacted the Alaska Rules of Minor Offense Procedure (RMOP). These new rules established a uniform system for processing low level infractions known as “minor offenses.” Minor offenses are defined in Rule 2 of the RMOP and essentially include minor violations of law that are not so serious as to rise to the level of a misdemeanor. They are sometimes called “quasi-criminal” offenses. Common examples are traffic tickets or leash law violations. The punishment for a minor offense cannot include incarceration, loss of a valuable license,¹ or a fine greater than either \$1,000 or \$500 depending on the circumstances (see sections E and F, below). Most violations (namely, all those listed in the “fine schedule” at proposed HBC 1.24.040) result

¹ This limitation means that a court cannot take away a valuable privilege (such as a driver’s license) as a result of a single conviction or no contest plea. If the court can take away a license or privilege as a result of a violation, the violation cannot be designated a minor offense. Note that the Borough will retain authority to administratively revoke certain permits or licenses based on violations of the law, but the revocation would be separate from the court proceeding adjudicating the minor offense. See, e.g., proposed HBC 5.04.140.

in tickets that can simply be paid by remitting a fixed amount to the court. If a person chooses to contest the citation, the court conducts a simplified proceeding that is fully consistent with due process requirements. Because possible punishment for a conviction is limited, the defendant is not entitled to a jury trial or a court-appointed attorney, but may appear in court to contest the charge (and may hire their own attorney if they wish). People may be familiar with this process from contesting traffic tickets.

Almost all municipalities enforce their laws at least in part as minor offenses. Therefore, almost all have been required to update their ordinances to be consistent with the new Court rules, just as Haines is proposing to do in this ordinance. Among other things, municipalities must ensure that all ordinances they intend to enforce as minor offenses are officially called “minor offenses” both in their own codes and in the Uniform Minor Offense Table on file with the state (<http://courts.alaska.gov/trialcourts/umot.htm>). The court system will not process citations citing ordinances that are not consistent with the new Rules.

Because some of Haines’s ordinances establish other enforcement mechanisms, we also recommend harmonizing those provisions with the minor offense procedures in Borough Code and the new Rules. First and foremost, we recommend changing many of the current “administrative” enforcement offenses to minor offenses. Administrative enforcement proceedings are those that are initiated by Borough staff by a notice of violation. These are often carried out in a rather *ad hoc* fashion of hearings with the Borough manager or other staff, and sometimes an appeal to the Assembly. This *ad hoc* process is confusing, inconsistent, and extremely inefficient because it often require hours of meetings with Borough staff and the Assembly. Moreover, neither staff nor the Assembly is necessarily the best forum in which to adjudicate routine enforcement matters that could just as easily be handled in a courtroom (likely with better safeguards to the accused). It would make much more sense – legally and practically – for as many of these offenses as possible to be cited as minor offenses like other ordinance violations. The court system provides a more efficient and consistent judicial forum to hear such cases than the borough administration building and the Assembly. Using the courts is also likely to be more effective than the informal proceedings that characterize most current administrative enforcement efforts.

Another significant result of converting to minor offenses is that the Borough, rather than the State, will consistently be the prosecuting entity for violations of Borough law. This is not currently the case. Traffic tickets, for example, are currently cited as violations of state law, not Borough code. The State is therefore the official prosecuting entity for such cases and receives the fine money even though Borough officers do much of the enforcement work.

This would change under the proposed new system. When an officer issues a citation for a violation of any law designated a minor offense under Borough law (including but not limited

to traffic laws), the citation will indicate that the offender violated a Borough ordinance, not a state law. The Borough will be the prosecuting entity and will therefore receive the fine money. Because the violations are minor offenses, the Borough is not required to provide a public defender and need not have its own attorney appear even if the charge is contested. Police officers appear in court to support their own citations. This happens anyway under current law, so there should be very little practical change (in traffic enforcement at least) except the Borough will receive fine money instead of the State.

Note that these changes should decrease, not increase, the time Borough employees and officers spend on enforcement. When officers write citations for minor offenses, the citations are filed with the court system for processing. The court handles everything else. Staff's only involvement may be to appear at a brief court hearing to explain the basis for the citation so the judge can adjudicate guilt or innocence (if that is even contested).

Equally important, collection of fines will improve. If the offender pleads or is found guilty he pays the court, which conveys the payment to the Borough. The court system retains a 10% administrative fee of all penalties collected through it. We believe that this fee is well worth the simplicity of enforcing laws through the court system and will be more than offset by the increased fine payments the Borough receives. We therefore recommend that as many ordinances as possible be enforced as quasi-criminal minor offenses.

B. Choosing ordinances to designate as minor offenses

It is important to understand what this ordinance does, and equally, what it does not do. The goal of this ordinance is to facilitate enforcement through the court system of laws that are already on the books, not to outlaw activities that are currently legal. The ordinance is not intended to change the substance of Borough laws. Rather, it implements (now legally required) terminology and clarifies/applies procedures that are consistent with or required by the new court Rules. It also eliminates ordinances that are redundant or unnecessary now that the RMOPs and the new HBC Ch. 1.24 establish rules and procedures for almost all violations of Borough ordinances. Finally, the ordinance proposes to align some penalties with state law.

The Assembly may choose what ordinances to designate as minor offenses. The current draft proposes those that we believe are most likely appropriate, but they are just suggestions. Some of these suggestions apply the correct terminology to violations that are already legally minor offenses under Borough law. Other proposed amendments would re-categorize certain violations that are not currently minor offenses but probably should be. This includes "administrative" offenses as described above and also most offenses currently designated as misdemeanors. We recommend most of the offenses currently referred to as misdemeanors be re-categorized as minor offenses because, as a practical matter, the Borough does not charge

offenders with misdemeanor violations of Borough ordinances. Rather, such offenses are prosecuted by the state (as are felonies). This makes sense because the State's Attorney is the local prosecutor, not the Borough Attorney, and the state is equipped to provide misdemeanor and felony defendants with a public defender, jury trial, and other process necessary to prosecute such crimes. The Borough does not have that institutional infrastructure or capacity. That is perfectly acceptable, but it means that as a practical matter, Borough laws designated as misdemeanors are either unenforced or enforced only as state crimes. In either case, it makes sense to re-categorize such offenses to minor offenses or to eliminate them altogether rather than allow them to go unenforced.

Nor do most of the so-called misdemeanor offenses seem to be the kind of offense that justifies that label. For example, failing to obtain a business license is not an offense for which jail time is likely to be appropriate. Yet HBC 5.02.020 designates this offense as a misdemeanor, meaning jail time is possible and an accused violator is entitled to a jury trial and a public defender at Borough expense. As a result, it will almost never make practical sense for the Borough to charge someone with a violation because the time and expense required to prosecute a misdemeanor likely outweighs any benefit obtained by doing so. So this violation can instead be designated a minor offense with a fine up to \$1,000. This should be equally sufficient to deter violations, is more in line with the severity of the offense, and avoids the expense of charging and trying a person for a misdemeanor.

Again, this does not mean the Borough is becoming more or less aggressive, or that it is legalizing activities that are currently illegal. We believe all the "misdemeanors" under current code that we have proposed deleting or re-categorizing are also illegal under state law (and in fact, are regularly prosecuted by the State as such). So removing these offenses from the Haines Code is more to reflect the reality of what is already occurring (i.e., the offender is prosecuted for a violation of state law; the borough law is effectively irrelevant) than to change existing laws.

In sum, we recommend re-categorizing or eliminating those types of offenses from the code if there is a state statute that covers the same conduct. However, the Assembly can elect to keep any such provision if it prefers. We have identified these in the draft.

C. Civil penalties, administrative enforcement, or minor offenses

There may be a small number of ordinances that the Borough chooses not to designate as minor offenses. Planning and zoning offenses for example, are sometimes problematic. Some of these are appropriately treated as minor offenses, such as failing to obtain a permit. Others, such as encroachments, require more options because issuing a one-time citation is not sufficient to compel compliance. We have proposed multiple enforcement options for some such offenses and flagged specific issues for consideration where appropriate.

D. Traffic laws incorporated by reference

We propose to amend Title 10 significantly to make the Borough's traffic laws easier to use, understand, and enforce. Currently, this title incorporates individual state statutes and regulations one at a time, section by section, essentially codifying state law as the Borough traffic code, but doing so in a way that is extremely cumbersome and inefficient; so confusing in fact, that it is causing the Borough not to collect the traffic fines it should be collecting (because traffic violations are currently cited as state law violations rather than Borough ordinance violations). We therefore recommend amending this title to incorporate into Borough law "all the traffic offenses of the state" except felony and misdemeanors. If this change is approved, Borough police officers will do exactly what they are doing now to issue tickets for traffic violations, but the court system will treat each such citation as a violation of Borough law, not state law, and remit the fine amount to the Borough. Officers and citizens will also be able to look up or refer to traffic laws by their state law designations without also having to look up the parallel cite to Borough code. Note that we have maintained a separate chapter for Haines-specific offenses, which can be amended any time the Assembly determines a change is needed.

E. Fine schedule - mandatory and optional appearances

The final significant change is the fine schedule. The new HBC § 1.20.040 sets forth a table, called a fine schedule, that will include offenses for which a fixed fine has been established. An offender can resolve any "scheduled violation" (*i.e.*, a violation of any ordinance listed in the table) simply by paying the amount listed in the table. He or she is not required to appear in court, but may if he or she wants to contest the charge. These violations are therefore called "optional court appearance" offenses. Any infraction not listed in the table is a "mandatory court appearance" infraction.

The Assembly decides which ordinances are optional and mandatory appearance offenses. There are two main reasons to require court appearances. The most common is where different violations of the same law are likely to be so different in severity that it is appropriate to use a range of possible fines (typically, "up to" a certain amount), rather than a single fixed amount. These offenses are mandatory appearance offenses because a judge must set the specific fine out of the range set by Code. Typically, optional appearance offenses are those for which a single penalty is likely to be sufficient.²

² Of course this does not mean that a fixed fine will exactly fit the severity of the offense in every case. Nor should that level of precision be expected. Fixed fines inevitably mean that some minor violators are fined an amount that seems excessive, or that major violators escape with a lighter fine than might be justified. This limitation is recognized, but in our view it is a reasonable trade-off for more regular enforcement, less time in court for Borough police officers,

Another common reason to require a court appearance is if the Borough wants to compel compliance or change behavior. Failing to connect to Borough sewer, for example, could be an appropriate mandatory appearance offense because the judge could order the offender to connect to the sewer system.

We have proposed the current fine schedule based on our evaluation of the ordinances for which it probably makes sense to set a fixed fine. However, the decision of whether to designate a particular offense optional or mandatory appearance is for the Assembly (subject to some limitations dictated by state law). It is also, admittedly, an inexact science. However, the consequences of choosing “wrongly” on this detail in any particular instance are minimal. In other words, whether someone is *required* to appear in court is generally less critical to the overall justice process than other factors because an accused person can always *choose* to appear.

Note that these tables can be amended at any time just like any other ordinance, so it is not necessary for the Assembly to agree on absolutely every detail prior to enacting the comprehensive ordinance.

F. Fine schedule - Setting fine amount

Finally, the Assembly must set an appropriate fine amount for each offense that is included in the fine schedule, and a maximum fine amount for mandatory court appearance offenses. We have proposed fines (or a range of fines) for every violation of a Borough ordinance that will be treated as a minor offense. Some of these amounts were stated in code already. Others are established by state fine schedules, or have been imposed by the court in past cases. We have not changed the amounts that were already stated in code (with exceptions, explained below) because, as stated earlier, it is not our intent to re-legislate every ordinance or fine that the Assembly has previously enacted. Rather, our goal has been to reorganize existing law into a framework that complies with new court rules, eliminates some discretion in imposing fines, and allows the Borough to receive fine payments rather than the State.

Where the previous Code did not establish the fine for a particular violation, we have proposed fine amounts that seem generally appropriate based on our estimate of what amount might be sufficiently high to deter violations but not so high as to be unreasonable in light of a particular offense. But the amounts in this ordinance right now are just suggestions. Again, the Assembly is free to amend any or all of the fine amounts we have proposed.

and less discretion for a judge in setting fine amounts (which poses its own risks of unfair application).

A brief explanation of the rationale we used for these proposals is in order. The maximum fine for a minor offense is \$1,000 for optional appearance offenses (scheduled fines), and \$500 for mandatory court appearance offenses. AS 29.25.070(a); R. Minor Off. P. 2(d) and (e). There was previously some uncertainty on this point, so the proposed maximum fines throughout this ordinance are currently \$500, but this can be amended if desired. We have reserved that highest amount for serious offenses: those that pose a potentially serious risk to the health and safety of the Borough, its citizens, facilities or infrastructure. We also proposed that amount as the fine for the failure to obtain certain high value permits, such as commercial tour and alcoholic beverage licenses. (Fines may be assessed for every day a violation occurs if necessary.)

We proposed a \$250-300 fine for serious offenses that do not warrant the greatest possible fine. These violations include failing to obtain other permits (such as those in Chapters 5.08 and 18.40), various nuisances, and maintaining dangerous conditions or activities. The offenses may threaten the orderly functioning of the community, pose a risk to property or safety, or involve potential damage to Borough property or interests. Some of these offenses already had fines set in this amount.

We have proposed approximately \$100 fines for violations that are not necessarily or inherently dangerous, but which are more serious than the nominal offenses in the lesser category below. These include exceeding the scope of or violating conditions of a permit, tampering with property, failing to pay for certain services (such as harbor use), engaging in prohibited activities on public Borough land, and smoking (which was set by previous ordinance).

Finally, we propose nominal fines for bicycle and pedestrian offenses. Some of these were established by earlier Code. These offenses likely require only a modest fine, not one that is particularly punitive. Note that all vehicle traffic citation fine amounts are established by state law under the new system proposed here.

Additionally, we propose to eliminate “graduated fines.” These are fines that increase for subsequent violations after the first conviction. The new court rules require a court appearance for all offenses with graduated fines because a judge must confirm the number of previous violations to impose the required fine. This simply is not efficient for violations of, for example, the leash law or dog license violations. A Haines police officer should not be required to go to court to testify for every subsequent dog license violation (nor, arguably, should a citizen who does not contest the charge). Yet that is required in order to enforce graduated fines. In our opinion, the slightly increased fines for subsequent violations does not provide enough additional deterrence over a fixed fine to justify this use of police officers’ time. We have therefore proposed setting a uniform fine for all violations (at an amount equal to the fine for the second violation under the old system).

RECEIVED

SEP 14 2015

Clerk's Office

Paul A. L. Nelson
P. O. Box 858
Haines, Alaska 99827
907-303-0130

September 14, 2015

HAND DELIVERED TO THE HAINES BOROUGH.

Mayor Jan Hill
Assembly Members
Haines Borough
Haines, Alaska 99827

RE: Minor Offense Violation Ordinance. To be included in the Assembly Members packet for the September 22, 2015, Assembly Meeting.

Honorable Mayor Hill and Assembly Members,

Please do not pass the Minor Offense Violation Ordinance No. 15-06-413 into Haines Borough Code on September 22, 2015.

Please consider the recommendations of all committees and the testimony of the people of the Haines Borough before passing the aforementioned Ordinance into Haines Borough Code.

Please remove the word ".....guilty....." from the aforementioned Ordinance, because, our legal system operates on a presumption of Innocence until proven guilty.

Thank you for your consideration of this complex issue.

Sincerely,



Paul A. L. Nelson

Dear Assembly Members,

I attended the Assembly meeting of 9/8/15 in which Borough Manager Sosa gave a presentation of the proposed Minor Offense Ordinance. During his presentation he stated how the rule of law was important to him. I am sure that over 99% of us would say the same.

But I believe to pass the Minor Offense Ordinance would in fact be an assault on the rule of law because those representing the city stated over and over that part of the offenses listed would not be enforced. This to me is the same as selectively enforcing. For the rule of law to work, offenses must be clear and evenly enforced. Are borough employees going to say when somebody inquires about a potential offense "we are not enforcing that", Or is the Borough going to list in the paper which offenses they are not going to enforce? Of course not, so what is the answer? It is to rework the offenses list then bring back the ordinance, what is the hurry?

There are others who have other issues with this ordinance and they also have merit but the potential for selective enforcement makes me furious.

Two different elected members of the Haines borough said to me "don't you trust me"?

I guess not, especially when after those who spoke against the Minor Offenses Ordinance had left the meeting, it was reconsidered and almost passed at that meeting. My question is, is that the kind of action that should earn my trust? If I did similar things would you trust me?

Leonard Dubber



RECEIVED Haines Borough

SEP 14 2015

Clerk's Office



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 15-599
Assembly Meeting Date: 9/22/15

Business Item Description:	Attachments:
Subject: FY16 Budget Amendment Ordinance #1	1. Ordinance 15-09-421 2. Budget Amendment Worksheet
Originator: Borough Manager	
Originating Department: Administration	
Date Submitted: 9/14/15	

Full Title/Motion:
Motion: Introduce Ordinance 15-09-421 and set a first public hearing for 10/13/15 and a second public hearing for 10/27/15.

Administrative Recommendation:
The borough manager recommends these budget amendments.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ see ordinance	\$ see ordinance	\$ see ordinance	

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

Proposed amendments to the FY16 Budget: 1) adjust property tax revenues based on final certified tax roll & a CPE exemption for the Veteran's Home, 2) eliminate federal timber receipts; due to Congress' two-year reauthorization of Secure Rural Schools, the borough will not receive federal timber receipts in FY16, 3) increase budgeted revenue for the Community Jail contract with the state to reflect the final contract amount, 4) appropriate \$15,000 of CIP sales tax funds for purchase of a copier to be located at the administration building, 5) increase the police operating budget based on recommendations from the Interim Chief and the police management audit, 6) increase dispatch payroll hours back to FY15 levels as a result of restored Community Jails funding from the state & to adjust the resulting allocated dispatch expense, and 7) increase dispatch operating budget based on recommendations from the Interim Chief and the police management audit & to adjust the resulting allocated dispatch expense. See the ordinance for more detail.

Referral:

Referred to:	Referral Date:
Recommendation:	Meeting Date:

Assembly Action:

Meeting Date(s): 9/22/15	Public Hearing Date(s):
	Postponed to Date:

AN ORDINANCE OF THE HAINES BOROUGH, PROVIDING FOR THE ADDITION OR AMENDMENT OF SPECIFIC LINE ITEMS TO THE FY16 BUDGET.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is a non-code ordinance.

Section 2. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 3. Appropriation. This appropriation is hereby authorized as part of the budget for the fiscal year July 1, 2015 through June 30, 2016.

Section 4. Purpose. To provide for the addition or amendment of specific line items to the FY16 budget as follows:

(1) To adjust FY16 property tax revenues based on the final certified tax roll and a CPE exemption for Haines Assisted Living Veteran's Home.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4011	Property Tax – Areawide General	\$1,674,000	\$1,694,452	\$20,452
02-01-09-4011	Property Tax – Townsite Service Area	403,000	411,911	8,911
25-01-00-4021	Property Tax – Fire Dist. #1	191,000	194,381	3,381
25-02-00-4021	Property Tax – Fire Dist. #2	31,908	31,600	(308)
75-01-00-4021	Property Tax – Library Bond	14,100	14,219	119
76-01-00-4021	Property Tax – 2005C School Bond	384,768	388,366	3,598
76-02-00-4021	Property Tax – 2015 School Bond	24,450	24,687	237
Total increase in projected property tax revenues				\$36,390
(2) To eliminate federal timber receipts from the FY16 budget. Due to Congress' two-year reauthorization of the Secure Rural Schools and Community Self-Determination Act the Borough will not receive federal timber receipts in FY16.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
01-01-09-4534	Federal Timber Receipts	\$50,000	\$0	(\$50,000)
(3) To increase budgeted revenue for the Haines Regional and Community Jail contract with the state of Alaska to reflect the final contract amount.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
02-02-00-4342	State Revenue	\$117,046	\$219,734	\$102,688
(4) To appropriate \$15,000 of Capital Improvement Project sales tax funds for purchase of a copier to be located at the administration building.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
50-01-00-7395	Project Expenditures (copier)	\$0	\$15,000	(\$15,000)

Haines Borough
Ordinance No. 15-09-421
Page 2 of 3

(5) To increase the police operating budget based on recommendations from the Interim Chief and the police management audit.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
02-02-00-7325	Dues & Subscriptions	\$1,150	\$1,200	(\$50)
02-02-00-7334	Travel & Per Diem	7,500	15,500	(8,000)
02-02-00-7335	Training	4,300	6,300	(2,000)
02-02-00-61XX	Police Payroll Expense	404,818	414,818	(10,000)
Total increase to police department expenditure				(\$20,050)
(6) To increase dispatch payroll hours back to FY15 levels as a result of restored Community Jails funding from the State of Alaska and to adjust the resulting allocated dispatch expense to police, ambulance, and fire.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
01-02-50-6110	Dispatch Wages	\$197,199	\$205,749	(\$8,550)
01-02-50-6115	Dispatch Employee Burden	61,517	63,786	(2,269)
01-99-00-8106	Allocations OUT from Dispatch	(346,482)	(357,301)	10,819
02-99-00-8106	Dispatch Allocation -to Police	211,354	217,914	(6,560)
20-99-03-8106	Dispatch Allocation -to Ambulance	67,564	69,694	(2,130)
25-99-01-8106	Dispatch Allocation -to FD#1	64,074	66,203	(2,129)
Total increase to dispatch payroll				(\$10,819)
(7) To increase the dispatch operating budget based on recommendations from the Interim Chief and the police management audit and to adjust the resulting allocated dispatch expense to police, ambulance, and fire.				
		Current FY16 Budget	Proposed FY16 Budget	Fund Balance Increase / (Decrease)*
01-02-50-7211	Supplies & Postage	\$2,150	\$2,300	(\$150)
01-02-50-7230	Material & Equipment	1,000	2,000	(1,000)
01-02-50-7241	Computers & Peripherals	800	1,200	(400)
01-02-50-7312	Professional & Contractual	15,135	23,000	(8,000)
01-99-00-8106	Allocations OUT from Dispatch	(357,301))	(366,851)	9,550
02-99-00-8106	Dispatch Allocation -to Police	217,914	223,740	(5,826)
20-99-03-8106	Dispatch Allocation -to Ambulance	69,694	71,556	(1,862)
25-99-01-8106	Dispatch Allocation -to FD#1	66,203	68,065	(1,862)
Total increase to dispatch department expenditure				(\$9,550)

* A positive amount in this column is favorable. A negative amount is unfavorable.

Haines Borough
Ordinance No. 15-09-421
Page 3 of 3

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
_____ DAY OF _____, 2015.

Janice Hill, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 09/22/15
Date of First Public Hearing: ___/___/___
Date of Second Public Hearing: ___/___/___

HAINES BOROUGH

Proposed Amendments to the FY16 Budget - Ordinance #15-09-421



	Areawide General	Townsite General	Medical Service Area	Capital Improvement	Fire Service Areas	Library Bond	School Bond	
FUND	01	02	20	50	25	75	76	
Unaudited FundBalance as of 06/30/2015 \$	2,827,849	1,486,459	121,184	1,552,456	47,279	1,123	5,549	
FY16 Adopted BUDGET Excess Revenue Over (Under) Expense	12,190	(95,267)	(4,506)	(216,138)	(4,785)	(48)	-	Totals
Proposed Amendments:								-
1. Correct Property Tax Based on Final Bills	20,452	8,911	-		3,073	119	3,835	36,390
2. Remove Forest Receipts	(50,000)							(50,000)
3. Increase to Community Jails Contract		102,688						102,688
4. Purchase copier				(15,000)				(15,000)
5. Increase to Police Operating Expense		(20,050)						(20,050)
6. Increase dispatch payroll hours		(6,560)	(2,130)		(2,129)			(10,819)
7. Increase items in dispatch operating budget		(5,826)	(1,862)		(1,862)			(9,550)
								-
PROPOSED Excess Revenue Over (Under) CASH Expense	(17,358)	(16,104)	(8,498)	(231,138)	(5,703)	71	3,835	33,659
Proposed Fund Balance 06/30/2016 \$	2,810,491	1,470,355	112,686	1,321,318	41,576	1,194	9,384	33,659
Annual Operating Budget	4,844,429	1,080,462						
Projected Fund Balance as % of Operating Budget	58%	136%						
Amount in excess of 6 months of operating budget	388,277	930,124						



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 15-598

Assembly Meeting Date: 9/22/15

Business Item Description:	Attachments:
Subject: Amend Port Tariff to Reflect the Assembly's Authorization for a Cruise Ship Docking Fee Waiver	1. Ordinance 15-09-422 2. Page 15-A from Tariff to show how it will look after ordinance adoption 3. Resolution 15-06-633, adopted 6/23/15
Originator: Borough Clerk	
Originating Department: Administration	
Date Submitted: 9/14/15	

Full Title/Motion:
 Motion: Introduce Ordinance 15-09-422 and set a first public hearing for 10/13/15 and a second public hearing for 10/27/15.

Administrative Recommendation:
 The Borough Manager recommends this.

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$	\$	\$	Potential increase in sales tax rev.

Comprehensive Plan Consistency Review:
 Comp Plan Goals/Objectives: _____
 Consistent: Yes No

Summary Statement:
 On 6/23/15, the assembly adopted Resolution 15-06-633 authorizing a 50% cruise ship docking fee waiver starting 2017 as an incentive for more ships to come to Haines on a regular basis. This ordinance is a necessary follow-up to that resolution. The Port of Haines Terminal Tariff is the official document used to communicate and govern port fees. The Tariff can only be amended by the borough assembly, and it must be done by ordinance.

Referral:
 Referred to: _____ Referral Date: _____
 Recommendation: _____ Meeting Date: _____

Assembly Action:
 Meeting Date(s): 9/22/15
 Public Hearing Date(s): _____
 Postponed to Date: _____

AN ORDINANCE OF THE HAINES BOROUGH AMENDING THE PORT OF HAINES TERMINAL TARIFF NO. 3 TO EXTEND THE RATE TABLE AND TO ALLOW FOR A CRUISE SHIP DOCKING DISCOUNT INCENTIVE.

BE IT ORDAINED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance shall not become a part of the Haines Borough Code.

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Rule No. 34, 305, Page 15-A, Port of Haines Terminal Tariff No.3. Port of Haines Terminal Tariff No.3 page 15-A shall read, as follows:

NOTE: **Bolded**/UNDERLINED ITEMS ARE TO BE ADDED OR MOVED FROM A PREVIOUS PAGE STRIKETHROUGH ITEMS ARE DELETED

RULE NO. 34 TERMINAL TARIFFS

305. PORT CHILKOOT DOCK DOCKAGE RATES

Port Chilkoot dockage charges are assessed upon Length-Over-All (LOA) of the vessel. LOA is defined as the linear distance, in feet, from the most forward point the stem to the aftermost part of the stern of the vessel, measured parallel to the base of the vessel.

LOA of the vessel as published in "Lloyds Register of Shipping" will be used and when not published, the Port reserves the right to: (a) obtain the LOA from the vessel's register, or (b) measure the vessel.

Dockage rates per foot per 24-hour period shall be as follows, increasing annually by \$.25 effective January 1 each year:

Vessel LOA	2013	2014	2015	2016	2017	2018	<u>2019</u>	<u>2020</u>
000/149	\$0.75	\$1.00	\$1.25	\$1.50	\$1.75	\$2.00	<u>\$2.25</u>	<u>\$2.50</u>
150/199	\$0.94	\$1.19	\$1.44	\$1.69	\$1.94	\$2.19	<u>\$2.44</u>	<u>\$2.69</u>
200/299	\$1.19	\$1.44	\$1.69	\$1.94	\$2.19	\$2.44	<u>\$2.69</u>	<u>\$2.94</u>
300/399	\$1.50	\$1.75	\$2.00	\$2.25	\$2.50	\$2.75	<u>\$3.00</u>	<u>\$3.25</u>
400/499	\$1.88	\$2.13	\$2.38	\$2.63	\$2.88	\$3.13	<u>\$3.38</u>	<u>\$3.63</u>
500/599	\$2.38	\$2.63	\$2.88	\$3.13	\$3.38	\$3.63	<u>\$3.88</u>	<u>\$4.13</u>
600/699	\$2.75	\$3.00	\$3.25	\$3.50	\$3.75	\$4.00	<u>\$4.25</u>	<u>\$4.50</u>
700 and over	\$3.00	\$3.25	\$3.50	\$3.75	\$4.00	\$4.25	<u>\$4.50</u>	<u>\$4.75</u>

Minimum charge of \$80.00

Note: Cruise ships of at least 700 feet in length docking in Haines on a regularly scheduled basis will receive a fifty percent discount on dockage rates beginning in 2017 with a sunset clause of 3 years.

Haines Borough
Ordinance No. 15-09-422
Page 2 of 2

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____
DAY OF _____, 2015.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 09/22/15
Date of First Public Hearing: __/__/__
Date of Second Public Hearing: __/__/__

PORT OF HAINES TERMINAL TARIFF, FMC NO.3	Orig./Rev.	Page
	8th Rev.	15.A
	Cancel	Page
	7th Rev.	15.A
Effective Date		
_____ , 2015		
Ord.12-04-283; Ord.13-08-348 §4 Ord.15-09-422		

RULES AND REGULATIONS

RULE NO. 34. TERMINAL TARIFFS

305. PORT CHILKOOT DOCK DOCKAGE RATES

Port Chilkoot dockage charges are assessed upon Length-Over-All (LOA) of the vessel. LOA is defined as the linear distance, in feet, from the most forward point the stem to the aftermost part of the stern of the vessel, measured parallel to the base of the vessel.

LOA of the vessel as published in "Lloyds Register of Shipping" will be used and when not published, the Port reserves the right to: (a) obtain the LOA from the vessel's register, or (b) measure the vessel.

Dockage rates per foot per 24-hour period shall be as follows, increasing annually by \$.25 effective January 1 each year:

Vessel LOA	2013	2014	2015	2016	2017	2018	2019	2020
000/149	\$0.75	\$1.00	\$1.25	\$1.50	\$1.75	\$2.00	\$2.25	\$2.50
150/199	\$0.94	\$1.19	\$1.44	\$1.69	\$1.94	\$2.19	\$2.44	\$2.69
200/299	\$1.19	\$1.44	\$1.69	\$1.94	\$2.19	\$2.44	\$2.69	\$2.94
300/399	\$1.50	\$1.75	\$2.00	\$2.25	\$2.50	\$2.75	\$3.00	\$3.25
400/499	\$1.88	\$2.13	\$2.38	\$2.63	\$2.88	\$3.13	\$3.38	\$3.63
500/599	\$2.38	\$2.63	\$2.88	\$3.13	\$3.38	\$3.63	\$3.88	\$4.13
600/699	\$2.75	\$3.00	\$3.25	\$3.50	\$3.75	\$4.00	\$4.25	\$4.50
700 and over	\$3.00	\$3.25	\$3.50	\$3.75	\$4.00	\$4.25	\$4.50	\$4.75

Minimum charge of \$80.00

Note: Cruise ships of at least 700 feet in length docking in Haines on a regularly scheduled basis will receive a fifty percent discount on dockage rates beginning in 2017 with a sunset clause of 3 years.

A Resolution of the Haines Borough Assembly Supporting a Marketing Initiative that includes Cruise Ship Docking Fee Waiver Incentives.

WHEREAS, the Haines Borough is supportive of cooperative efforts of the Tourism Advisory Board and Tourism Department to promote Haines as a vital second tier port supporting a marketing program that includes docking fee waiver incentives to cruise ship industries; and

WHEREAS, due to the desire for new cruise lines to consider Haines as a steady port destination, the Haines Tourism Department will work to increase visitation by offering a cruise ship docking fee waiver initiative to enhance current marketing programs, the economy and improve visitation to the community; and

WHEREAS, this marketing initiative will be presented by a delegation to cruise line representatives on July 16, 2015 to promote repeat visitations for returning cruise lines, promote ships to visit Haines on a regular weekly basis, and to promote Haines as a new port option for passengers desiring to visit less crowded ports; and

WHEREAS, the Cruise Ship Docking Fee Waiver concept will be used as a financial incentive in the overall marketing plan promoting Haines as a desirable port; and

WHEREAS, Haines is uniquely positioned to showcase the Upper Lynn Canal and Haines' well-known attractions, history, tours, activities, natural qualities, services and products to passengers and crew; and

WHEREAS, the Marketing Initiative that includes Cruise Ship Docking Fee Waiver Incentives will reinforce a successful relationship with cruise lines and enhance the Haines' community for visitors and residents,

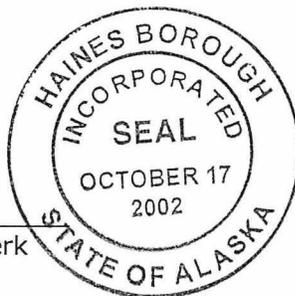
NOW, THEREFORE, BE IT RESOLVED, the Haines Borough Assembly officially supports the Tourism Department's Marketing Initiative that includes offering the cruise lines a fifty percent discount on docking fees beginning in 2017 with a sunset clause of 3 years ; and

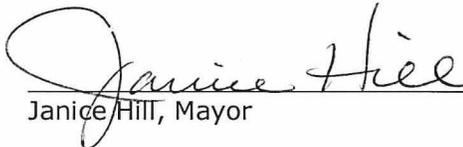
BE IT FURTHER RESOLVED, the Haines Borough Assembly encourages unified efforts to attract cruise line traffic to Haines to enhance the economy and improve visitation to the Haines community.

Adopted by a duly-constituted quorum of the Haines Borough Assembly this 23rd day of June, 2015.

Attest:


Julie Cozzi, MMC, Borough Clerk




Janice Hill, Mayor



**Haines Borough
Assembly Agenda Bill**

Agenda Bill No.: 15-537

Assembly Meeting Date: 9/22/15

Business Item Description:	Attachments:
Subject: Clarify the Criteria for Temporary Residence Permits	1. Ordinance 15-01-398 - Current Draft 2. Proposed Substitute Ordinance 3. 8/13/15 Planning Commission Recommendation 4. 5/14/15 Planning Commission Recommendation 5. 4/22/15 GAS Committee Action 6. 12/18/14 Planning Commission Recommendation 7. Public Comment - S.Scott
Originator: Planning Commission	
Originating Department:	
Date Submitted: 12/18/2014	

Full Title/Motion:
 Motion: Amend Ordinance 15-06-398 by replacing it in its entirety with a substitute ordinance recommended by the planning commission and set a third public hearing for 10/13/15.

Administrative Recommendation:

Fiscal Impact:

Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ none	\$ n/a	\$ n/a	n/a

Comprehensive Plan Consistency Review:

Comp Plan Goals/Objectives: Page 60; Goal 5 Page 199	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Summary Statement:

This ordinance was recommended by the planning commission, and it was introduced on 1/27/15. It had public hearings on 2/10 and 2/24 after which it was referred to the GAS Committee. Following a meeting, that committee referred it back to the planning commission with a committee recommendation. The commission met on 5/14, 7/9, and 8/13 and worked with staff to prepare a substitute ordinance for consideration. If the assembly accepts the substitute, the clerk recommends the assembly schedule another public hearing.

Referral:

Referred to: GAS Committee & Planning Commission	Referral Date: 2/24/15
Recommendation: Substitute Ordinance	Meeting Date: 4/22, 5/14/15

Assembly Action:

Meeting Date(s): 1/27, 2/10, 2/24, 9/23/15	Public Hearing Date(s): 2/10, 2/24/15
	Postponed to Date:

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.60.020(H) to clarify the criteria for temporary residence permits.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Subsection 18.60.020(H). Subsection 18.60.020(H) of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

HBC 18.60.020 Specific approval criteria.

The following uses are subject to the preceding general criteria and these additional specific approval criteria:

...

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home outside of a mobile home or RV park **in the townsite service area** for a temporary or interim occupancy **over 15 days**, shall apply for a temporary residence permit. ~~Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough.~~ **The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent residence. A temporary residence permit may be granted if all the following requirements are met:**

1. A valid land use permit for the permanent residence must be in effect during the entire time that the temporary dwelling is located on the site;

2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent residence must be located on the same lot or parcel;

3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;

4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements; ~~Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical~~

~~service. Garbage disposal facilities are required. A minimum of one off-street parking space will be required for a temporary residence.~~

6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence. Any applicable requirements under this subsection shall apply.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2015.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced:	01/27/15
Date of First Public Hearing:	02/10/15
Date of Second Public Hearing:	02/24/15 – Referred to GAS Committee following hearing Subsequently referred to Planning Commission
Date Returned to Assembly:	09/22/15

Draft

HAINES BOROUGH, ALASKA
ORDINANCE No. 15-01-398

An Ordinance of the Haines Borough amending Haines Borough Code Title 18 Subsection 18.60.020(H) to clarify the criteria for temporary residence permits.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Subsection 18.60.020(H). Subsection 18.60.020(H) of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

HBC 18.60.020 Specific approval criteria.

The following uses are subject to the preceding general criteria and these additional specific approval criteria:

...

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home ~~or RV~~ outside of a mobile home or RV park **in the townsite service area** for a temporary or interim occupancy ~~over 15 30 days~~, shall apply for a temporary residence permit. ~~Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough.~~ **The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent residence structure. A temporary residence permit may be granted if all of the following requirements are met:**

1. A valid ~~land use~~ permit for the permanent ~~residence~~ structure must be in effect during the entire time that the temporary dwelling is located on the site;

2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent ~~residence~~ structure must be located on the same lot or parcel;

3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;

4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements-; Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be

~~connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off-street parking space will be required for a temporary residence.~~

6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on public or private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence structure. Any applicable requirements under this subsection shall apply.

Section 5. Amendment of Subsection 18.20.020. Subsection 18.20.020 of the Haines Borough Code is hereby amended as follows:

NOTE: **~~STRIKETHROUGH ITEMS ARE DELETED~~**

18.20.020 Definitions – Regulatory.

The definitions in this section are intended to be specific to this title. Any word or term not defined shall be used with the meaning of common or standard usage as determined by a current edition of Webster's Unabridged Dictionary. The following words shall have the following meanings for the purpose of this title:

...

"Campground" means a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months ~~and in compliance with HBC 18.60.020(H)~~ by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2015.

ATTEST:

Janice Hill, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced:	01/27/15
Date of First Public Hearing:	02/10/15
Date of Second Public Hearing:	02/24/15 – Referred to GAS Committee following hearing Subsequently referred to Planning Commission
Date Returned to Assembly:	09/22/15 – Substitute Proposed by Planning Commission

Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: August 13, 2015

TO: Haines Borough Assembly

FROM: Haines Borough Planning Commission

Re: Temporary Residence in HBC 18.60.020(H) and Definition of
Campground in HBC 18.20.020

PLANNING COMMISSION ACTION:

M/S Heinmiller moved to “recommend the Assembly adopt the draft substitute ordinance 15-01-398.” The motion carried unanimously.

RATIONALE:

The current code requires property owners to apply for a temporary residence permit if desiring to occupy a trailer, mobile home or RV on their properties even for one day. This is not currently enforced and if attempted at this point, could create an untenable situation for the Borough. Staff drafted an ordinance with the purpose of clarifying the terms of temporary residence permits, and presented it to the commission at the August 14, 2014 meeting.

During the discussion, the commissioners realized there are other problems in this section of code, such as a requirement on utility connections, and clarification on the time limit of temporary residence permits. Also, the commissioners discussed the intent of a temporary residence permit. They believe it mainly applies to the property owners who live in an RV/trailer/mobile home while building their permanent residences, but it seems to also apply to the seasonal workers/summer residents who live in an RV/trailer/mobile home for a few months. Questions were brought up if temporary residence permits shall be only permitted for construction purposes. Staff revised the ordinance based on the comments from the commission, and presented it to the commission at the September 11, 2014 meeting.

During the discussion, several commissioners spoke out against allowing temporary residence permits to be granted for vacation purposes on private property within the townsite service area. People who desire to live in RVs can choose to stay in RV parks. Lende stated it will be an economic problem if the Borough allows temporary dwellings to be occupied on vacant private properties, which will cause low occupancy of designated RV parks. Hedden spoke in favor of Lende’s idea. He said this is a planning

issue. In order to protect the integrity of neighborhoods, he believes it is the right thing to disallow that.

At the November 11, 2014 meeting, staff pointed out there are special circumstances that should be reconsidered. For instance, a temporary residence shall be allowed on private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence.

During the discussion, the commissioners agreed these circumstances need to be addressed. Staff revised the ordinance, and presented it to the commission at the December 18, 2014 meeting. All commissioners spoke in favor of the revised ordinance except Venables. He stated he would like to see more exceptions that will allow property owners to temporarily occupy an RV or mobile home on private properties as a conditional use.

On April 22, 2015, the Assembly Government Affairs & Services Committee reviewed the draft ordinance, and recommended referral of the original ordinance back to the commission. The GAS committee provided a report and committee member Diana Lapham attended the May 14, 2015 Planning Commission meeting. The commission amended the original ordinance based on the comments from the GAS committee.

During the discussion, business owner Sean Gaffney asked why the ordinance does not consider campgrounds. The existing code defines "campground" as a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months and in compliance with HBC 18.60.020(H) by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes. Gaffney discussed the definition needs clarification.

The commission discussed and considered Gaffney's comments. Venables suggested crossing out the wording "temporary residence" from the definition of campground. Staff revised the ordinance, and presented it to the commission at the July 9, 2015 meeting.

During the discussion, staff pointed out the proposed ordinance allows a temporary dwelling to be occupied during construction of a permanent residence. After reviewing the ordinance, staff believe that a temporary residence permit should also be considered for the purpose of providing temporary housing to individuals engaged in commercial projects. The commission agreed, and directed staff to work on the actual language.

At the August 13, 2015 meeting, staff presented the draft ordinance to the commission. The commission was in favor of the revised ordinance.

PLANNING COMMISSION REQUEST:

- ❖ for the Borough Assembly to amend HBC 18.60.020(H) to read:

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home or RV outside of a mobile home or RV park in the townsite service area for a temporary or interim occupancy over 30 days, shall apply for a temporary residence permit. ~~Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough.~~ The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent structure. A temporary residence permit may be granted if all of the following requirements are met:

1. A valid permit for the permanent structure must be in effect during the entire time that the temporary dwelling is located on the site;

2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent structure must be located on the same lot or parcel;

3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;

4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements.; ~~Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off street parking space will be required for a temporary residence.~~

6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on public or private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent structure. Any applicable requirements under this subsection shall apply.

❖ for the Borough Assembly to amend HBC 18.20.020 to read:

“Campground” means a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months ~~and in compliance with HBC 18.60.020(H)~~ by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes.

SUBMITTED BY Lee Heinmiller (signature)

Rob Goldberg
Planning Commission Chairman

LEE HEINMILLER, VICE CHAIRMAN

Draft

HAINES BOROUGH, ALASKA
SUBSTITUTE ORDINANCE No. 15-01-398

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES
BOROUGH CODE TITLE 18 SECTION 18.60.020(H) TO CLARIFY THE
TERMS OF TEMPORARY RESIDENCES AND AMENDING HAINES
BOROUGH CODE TITLE 18 SECTION 18.20.020 TO DELETE
REFERENCE OF CAMPGROUND AS TEMPORARY RESIDENCE**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 18 Section 18.60.020(H) to clarify the terms of temporary residences and Title 18 Section 18.20.020 to delete reference of campground as temporary residence.

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

18.60.020 Specific approval criteria.

The following uses are subject to the preceding general criteria and these additional specific approval criteria:

...

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home or RV outside of a mobile home or RV park in the townsite service area for a temporary or interim occupancy over 30 days, shall apply for a temporary residence permit. ~~Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough.~~ The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent structure. A temporary residence permit may be granted if all of the following requirements are met:

1. A valid permit for the permanent structure must be in effect during the entire time that the temporary dwelling is located on the site;

2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent structure must be located on the same lot or parcel;

3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;

4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements. Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off street parking space will be required for a temporary residence.

6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on public or private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent structure. Any applicable requirements under this subsection shall apply.

18.20.020 Definitions – Regulatory

“Campground” means a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months and in compliance with HBC 18.60.020(H) by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes.

Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: May 14, 2015

TO: Haines Borough Assembly

FROM: Haines Borough Planning Commission

Re: Temporary Residence in HBC 18.60.020(H) and Definition of
Campground in HBC 18.20.020

PLANNING COMMISSION ACTION:

M/S Venables moved to “recommend the Assembly adopt the draft substitute ordinance 15-01-398 with the following amendments: (1) change number of days from 15 to 30, (2) add ‘motor home and RVs’ to the initial sentence in HBC 18.60.020(H), and (3) delete reference of campground as temporary residence from HBC 18.20.020.” The motion carried unanimously.

RATIONALE:

The Assembly Government Affairs & Services Committee recommended referral of the original ordinance back to the commission. The GAS committee provided a report and committee member Diana Lapham attended the meeting. The commission amended the original ordinance based on the comments from the GAS committee.

During the discussion, business owner Sean Gaffney asked why the ordinance does not consider campgrounds. The existing code defines “campground” as a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months and in compliance with HBC 18.60.020(H) by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes. Gaffney discussed the definition needs clarification.

The commission discussed and considered Gaffney’s comments. Venables suggested crossing out the wording “temporary residence” from the definition of campground.

PLANNING COMMISSION REQUEST:

- ❖ for the Borough Assembly to amend HBC 18.60.020(H) to read:

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home or motor home or RV outside of a mobile home or RV park in the townsite service area for a temporary or interim occupancy over 30 days, shall apply for a temporary residence permit. Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough. The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent residence. A temporary residence permit may be granted if all the following requirements are met:

1. A valid land use permit for the permanent residence must be in effect during the entire time that the temporary dwelling is located on the site;

2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent residence must be located on the same lot or parcel;

3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;

4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements.; Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off-street parking space will be required for a temporary residence.

6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence. Any applicable requirements under this subsection shall apply.

❖ for the Borough Assembly to amend HBC 18.20.020 to read:

“Campground” means a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months ~~and in compliance with HBC 18.60.020(H)~~ by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes.

SUBMITTED BY _____



(signature)

Rob Goldberg
Planning Commission Chairman

HAINES BOROUGH, ALASKA
SUBSTITUTE ORDINANCE No. 15-01-398

Draft

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.60.020(H) TO CLARIFY THE TERMS OF TEMPORARY RESIDENCES AND AMENDING HAINES BOROUGH CODE TITLE 18 SECTION 18.20.020 TO DELETE REFERENCE OF CAMPGROUND AS TEMPORARY RESIDENCE

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 18 Section 18.60.020(H) to clarify the terms of temporary residences and Title 18 Section 18.20.020 to delete reference of campground as temporary residence.

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

HBC 18.60.020 Specific approval criteria.

The following uses are subject to the preceding general criteria and these additional specific approval criteria:

...

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home **or motor home or RV** outside of a mobile home or RV park **in the townsite service area** for a temporary or interim occupancy **over 30 days**, shall apply for a temporary residence permit. ~~Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough.~~ **The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent residence. A temporary residence permit may be granted if all the following requirements are met:**

1. A valid land use permit for the permanent residence must be in effect during the entire time that the temporary dwelling is located on the site;

2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent residence must be located on the same lot or parcel;

3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;

4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements. Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off street parking space will be required for a temporary residence.

6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence. Any applicable requirements under this subsection shall apply.

HBC 18.20.020 Definitions – Regulatory

“Campground” means a private or publicly owned use which includes two or more campsites that are located, established or maintained for rent or public use for temporary occupancy of not more than three months and in compliance with HBC 18.60.020(H) by any tent, camper, travel trailer, recreational vehicle, cabin or similar building for recreation, vacation, educational or rehabilitation purposes.

Haines Borough Assembly Committee Meeting
Committee: Government Affairs & Services

April 22, 2015

Assembly Chambers

5:30 p.m.

Meeting Chaired by Assembly Member Berry
Report by Assembly Member Lapham

Attendance

Committee Members: Assembly Members Berry, Campbell, Jackson, and Lapham; and ex officio member Mayor Jan Hill

Staff: None

Others: Mike Denker and Stephanie Scott

Issue: **Ordinance 15-04-405** (Removing 2nd Public Comment Period from Assembly Agendas)

Discussion/Action:

Motion by Campbell/Jackson to table the ordinance indefinitely.

Motion carried.

Issue: **Ordinance 15-01-398** (Temporary Residence Permits)

Discussion/Action:

Motion by Berry/Campbell to send back to the Planning Commission with a request for clarification on definitions for Temporary Residential (over 15 days), and the construction definitions, and that they should be separated into two subsections in the ordinance..

Motion carried.

Haines Borough
BOROUGH ASSEMBLY
ACTION REQUEST

DATE: December 18, 2014

TO: Haines Borough Assembly

FROM: Haines Borough Planning Commission

Re: Temporary Residence in HBC 18.60.020(H)

PLANNING COMMISSION ACTION:

M/S Turner moved to “recommend the Assembly adopt the proposed draft ordinance to amend Haines Borough Code 18.60.020(H)”. The motion carried 5-1 with Venables opposed.

RATIONALE:

The current code requires property owners to apply for a temporary residence permit if desiring to occupy a trailer, mobile home or RV on their properties even for one day. This is not currently enforced and if attempted at this point, could create an untenable situation for the Borough. Staff drafted an ordinance with the purpose of clarifying the terms of temporary residence permits, and presented it to the commission at the August 14, 2014 meeting.

During the discussion, the commissioners realized there are other problems in this section of code, such as a requirement on utility connections, and clarification on the time limit of temporary residence permits. Also, the commissioners discussed the intent of a temporary residence permit. They believe it mainly applies to the property owners who live in an RV/trailer/mobile home while building their permanent residences, but it seems to also apply to the seasonal workers/summer residents who live in an RV/trailer/mobile home for a few months. Questions were brought up if temporary residence permits shall be only permitted for construction purposes. Staff revised the ordinance based on the comments from the commission, and presented it to the commission at the September 11, 2014 meeting.

During the discussion, several commissioners spoke out against allowing temporary residence permits to be granted for vacation purposes on private property within the townsite service area. People who desire to live in RVs can choose to stay in RV parks. Lende stated it will be an economic problem if the Borough allows temporary dwellings to be occupied on vacant private properties, which will cause low occupancy of designated RV parks. Hedden spoke in favor of Lende’s idea. He said this is a planning

issue. In order to protect the integrity of neighborhoods, he believes it is the right thing to disallow that.

At the November 11, 2014 meeting, staff pointed out there are special circumstances that should be reconsidered. For instance, a temporary residence shall be allowed on private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence.

During the discussion, the commissioners agreed these circumstances need to be addressed. Staff revised the ordinance again, and presented it to the commission at the December 18, 2014 meeting. All commissioners spoke in favor of the revised ordinance except Venables. He stated he would like to see more exceptions that will allow property owners to temporarily occupy an RV or mobile home on private properties as a conditional use.

PLANNING COMMISSION REQUEST: for the Borough Assembly to amend HBC 18.60.020(H) to read:

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home outside of a mobile home or RV park **in the townsite service area** for a temporary or interim occupancy **over 15 days**, shall apply for a temporary residence permit. ~~Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough.~~ **The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent residence. A temporary residence permit may be granted if all the following requirements are met:**

1. A valid land use permit for the permanent residence must be in effect during the entire time that the temporary dwelling is located on the site;

2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent residence must be located on the same lot or parcel;

3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;

4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements; ~~Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off-street parking space will be required for a temporary residence.~~

6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

HAINES BOROUGH, ALASKA
ORDINANCE No. xx-xx-xxx

Draft

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE
TITLE 18 SECTION 18.60.020(H) TO CLARIFY THE TERMS OF TEMPORARY RESIDENCES**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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

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

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 18 Section 18.60.020(H) to clarify the terms of temporary residences.

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

HBC 18.60.020 Specific approval criteria.

The following uses are subject to the preceding general criteria and these additional specific approval criteria:

...

H. Temporary Residence. Persons desiring to place a temporary residence, or a trailer or mobile home outside of a mobile home or RV park **in the townsite service area** for a temporary or interim occupancy **over 15 days**, shall apply for a temporary residence permit. ~~Permits for seven days or less will be at no charge and will not require connection to or payment for public water and sewer. Temporary residences remaining over 30 days will require a land use permit and where applicable, the standard monthly water and sewer charges will be levied, except by prior arrangement with the borough.~~ **The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction of a permanent residence. A temporary residence permit may be granted if all the following requirements are met:**

1. A valid land use permit for the permanent residence must be in effect during the entire time that the temporary dwelling is located on the site;

2. A trailer, RV or mobile home used as a temporary dwelling during the construction of a permanent residence must be located on the same lot or parcel;

3. The temporary dwelling must be transported to a sanitary dump station as needed to empty gray water and toilet waste tanks, be connected to public water and sewer if applicable, or be serviced by an approved DEC on-site wastewater system;

4. The temporary dwelling must meet the same setbacks applicable to permanent structures;

5. Temporary residence permits may be granted for a period of one year. One six-month extension of the temporary residence/trailer permit may be granted by the planning commission as long as the developer is complying with all requirements. Any temporary residence, trailer, recreational vehicle or mobile home being occupied by a person must be connected to public water and sewer and may be required to connect to the local electrical service. Garbage disposal facilities are required. A minimum of one off street parking space will be required for a temporary residence.

6. The area surrounding the temporary residence/trailer shall be kept in a clean and sanitary condition.

Exception: a temporary residence may be occupied on private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence. Any applicable requirements under this subsection shall apply.

From: [Stephanie Scott](#)
To: [Julie Cozzi](#)
Cc: [David Sosa](#)
Subject: Ordinance 15-01-398
Date: Friday, May 15, 2015 10:04:34 AM

Hi Julie,

I attended the Planning Commission meeting last night and found myself taking a closer look at the above referenced ordinance. I told the PC that I would prefer the last paragraph be included in the body of the ordinance. It seems oddly appended right now. The PC didn't fiddle with that part of the language at the meeting, leaving it up to the Assembly and its staff to polish.

Here is the part that seems strangely appended:

Exception: a temporary residence may be occupied on private property located outside of a mobile home or RV park while remodeling or repairing the interior of an existing permanent residence. Any applicable requirements under this subsection shall apply.

My suggestion was to include remodeling and repairing in the opening "intent" statement so that (H) will read as follows:

The intent of a temporary residence permit is to allow a temporary structure for residential use. This means one trailer, RV or mobile home may be occupied during construction, repairing, or remodeling of a permanent residence.

BUT, would one need some kind of building or construction permit if "repairing or remodeling" in the townsite? Perhaps not.

Maybe then the best thing to do is to supply a number to the "Exception." Perhaps (H) (7)?

Thanks. No need to reply!

Stephanie

Mayoral Appointment 9/22/15

Library Advisory Board

Vanessa Salmon – term ends 11/2018

The Board recommends this appointment (see attached).

This would leave no vacancies.

Other Remaining Board Vacancies:

Parks and Recreation Advisory Committee – 2 seats

Museum Board of Trustees – 2 seats

Riverview Drive RMSA Board – 2 seats

Note: Persons interested in being considered for appointment to one of the vacancies may submit either a letter of interest or the appointment application form available on the Borough's website or from the Borough Clerk. Resumes or a detailed description of qualifications are strongly encouraged. Applications will be accepted until appointments are made. Submit applications directly to the Borough Clerk's Office.

From: James Alborough [mailto:james@bearstar.net]

Sent: Thursday, September 10, 2015 7:35 AM

To: Julie Cozzi

Cc: Library Director

Subject: Library Board Seat Recommendation

Hi Julie,

The board of the Haines Borough Public Library would like to recommend/approve Vanessa Salmon to fill one of our open seats.

Vanessa has served on our board in the past and will be a positive addition to our team. We are pleased to have her back. Also, as a mother of young kids, Vanessa rounds out our board representation of various local users and groups.

Thanks,

James

Haines Borough Application for Board Appointment

Clerks Office

SEP 03 2015

RECEIVED Haines Borough

- Appointment** (I am not currently on the board)
 Reappointment (I am currently a member of the board)

Check the board, commission, or committee for which you are applying :

<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>	Boat Harbor Advisory Committee
<input type="checkbox"/>	Tourism Advisory Board	<input type="checkbox"/>	Fire Service Area Board #1
<input type="checkbox"/>	Chilkat Center Advisory Board	<input type="checkbox"/>	Fire Service Area Board #3 (Klehini)
<input type="checkbox"/>	Parks and Recreation Advisory Board	<input type="checkbox"/>	Letnikof Estates Road Maintenance Service Area Board
<input type="checkbox"/>	Museum Board of Trustees	<input type="checkbox"/>	Riverview Road Maintenance Service Area Board
<input checked="" type="checkbox"/>	Library Board of Trustees	<input type="checkbox"/>	Historic Dalton Trail Road Maintenance Service Area Board
<input type="checkbox"/>	Public Safety Commission	<input type="checkbox"/>	Four Winds Road Maintenance Service Area Board
<input type="checkbox"/>	Temporary (Ad-hoc) Board/Committee _____		

Name: Vanessa Salmon
 Residence Address: 93 Barnett St. Upper Unit
 Mailing Address: PO BOX 877 Haines, AK 99827
 Business Phone: _____ Home Phone: 766 3353
 Fax: _____ Email: vanessarene@gmail.com

I declare that I am willing to serve as a member of the designated board, commission, or committee. Please enter my name for consideration of appointment by the mayor, subject to confirmation by the assembly. I am a registered voter of the State of Alaska and have resided within the Haines Borough for at least thirty (30) days preceding this date or the date of appointment.*

Vanessa R Salmon
 Signature of Applicant

9/3/2015
 Date

PLEASE BRIEFLY DESCRIBE YOUR QUALIFICATIONS (You may attach a resume):

Previous board member - left my seat to pursue education out of state but happy to be home and to serve, again, on the library board.

* HBC 2.60.020 - A member of a committee, board or commission shall be a resident of the borough as defined below...a person qualifying as a borough resident shall: A) Continue to maintain the person's principal place of residence within the corporate boundaries of the borough and have done so for at least 30 days immediately preceding the date of the person's appointment by the mayor; and B) Physically occupy said residence for at least 30 days immediately preceding the date of the person's appointment by the mayor.



Agenda Bill No.: 15-581

Assembly Meeting Date: 9/22/15

Business Item Description:	Attachments:
Subject: Amend Previously Adopted Legislation - Harbor Fee Schedule Revision Ordinance	1. Ordinance 15-06-415 showing needed table math corrections 2. Ordinance 15-06-415, as adopted and signed
Originator: Harbormaster	
Originating Department: Ports & Harbors	
Date Submitted: 9/3/15; originally 6/3/15	

Full Title/Motion:
Motion: Amend Ordinance 15-06-415 to correct the annual moorage rate table amounts to accurately show the adopted price-per-foot.

Administrative Recommendation:
The borough manager and harbormaster recommend this.

Fiscal Impact:			
Expenditure Required	Amount Budgeted	Appropriation Required	Projected Impact to Future Operating Budgets
\$ none	\$ n/a	\$ n/a	Increased Revenue for Harbors

Comprehensive Plan Consistency Review:	
Comp Plan Goals/Objectives:	Consistent: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary Statement:
<p>The current Harbor Fee Schedule was adopted via ordinance on 8/11/15. The revision included a \$2.00 per foot moorage rate increase, and the table headings in the schedule correctly showed that change.</p> <p>However, since adoption, staff discovered the amounts in the table columns were not correctly listed. While these amounts are in essence provided as a courtesy for easy reference and might be corrected administratively, the borough clerk recommends, in the interest of transparency, that the assembly take action to amend the adopted ordinance by correcting the math in the moorage rate table to show the adopted price-per-foot.</p>

Referral:	
Referred to: Port & Harbor Advisory Committee	Referral Date: 6/23/15
Recommendation: adopt	Meeting Date: 6/25/15

Assembly Action:	
Meeting Date(s): 6/23, 7/14, 7/28, 8/11, 9/22/15	Public Hearing Date(s): 7/14, 7/28/15
	Postponed to Date:

HAINES BOROUGH
ORDINANCE No. 15-06-41 **Adopted**

An ordinance of the Haines Borough adopting a revised fee schedule for harbor facility usage.

WHEREAS, the Haines Borough owns and operates the Portage Cove Harbor and the Letnikof Cove Harbor; and

WHEREAS, the Borough Assembly establishes rates, fees, and penalties for Haines Borough harbor facilities; and

WHEREAS, Haines Borough Code, section 2.12.020(B), requires fines and penalties be provided by ordinance,

NOW THEREFORE BE IT ENACTED, by the Haines Borough Assembly, that the following Harbor Fee Schedule is hereby adopted by ordinance.

Section 1. Classification. This ordinance is not of a general and permanent nature and shall not become a part of the Haines Borough Code of Ordinances.

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

Section 2. Effective Date. This ordinance shall become effective immediately upon adoption with the exception of the "Penalties" and the "Boat Launch Ramp Use" non-compliance fee which shall become effective immediately upon adoption of Ordinance 15-06-413 provided that ordinance includes penalties pertaining to harbor violations.

Section 3. Purpose. To adopt, via ordinance, the following revised Harbor Fee Schedule:

Haines Borough – Harbor Fee Schedule

(See HBC Title 16 for regulations and more information)

~~1.~~ Transient Boat Moorage Fees

Short-term (less than two weeks)	\$.50 .55 per lineal foot per day*
Long-term (two weeks and longer)	\$5.00 5.50 per lineal foot per month*

Winter Rates – From October 1 through March 31, transient moorage vessels qualify for winter rates: one-half the amount that the vessel would ordinarily be charged. To qualify vessel must be up-to-date on all Port and Harbor Fees and pay for the winter moorage rate in advance.

* Transient moorage which must be invoiced will be charged at twice the normal rate (HBC 16.16.050).

~~2.~~ Boat Launch Ramp Use Fees

Annual Launch Ramp Sticker – Recreational Vessel	\$60.00 per trailer per year
Daily Launch Ramp Use Fee	\$15.00 per trailer per day
Non-Compliance Fee	\$60.00 per violation

3-Live-Aboard Fees

1 to 14 days	No charge other than the regular moorage rate
Over 14 days (prohibited October 15 th to April 1 st)	\$70.00 per month in addition to the regular moorage rate

4-Conducting Business from Any Vessel in the Harbor

Transient Vessel	\$10.00 per day (plus a borough business license and collection of sales tax)
Permanent Stall Vessels and Permanent Open Moorage Vessels	\$0 per day but must have a borough business license & collect sales tax
Non-Compliance Fee	\$50.00 per violation

5-Boat Houses, Floats, Scows, Barges, Pile Drivers, and Dredges

These vessels are allowed only on a temporary basis at the harbormaster’s discretion and, when allowed, are assessed a fee twice the rate of other vessels. Note: Living aboard is not allowed on these vessels and watercraft.

6-Seaplane Moorage Fees

Open Moorage	Fee
Less than 3 hours	No charge
3 to 24 hours	\$15.00
Each additional 24-hour period or fraction thereof	\$15.00

7-Electrical Connection and Service Rates

Connection Costs (permanent stalls or open moorage) <i>Paid to the local utility</i>	Actual cost of connection (boat owner makes the arrangements with the local utility and pays them directly)
Service Fee (all vessels utilizing electrical service) <i>Paid to the borough</i>	\$10.00 per day
Service Fee (utilizing 240 service)	\$20.00 per day
Annual Service Maintenance fee (if Electrical service is activated)	\$15.00 annual

8-Harbor Crane Use

Annual Crane Use Permit (not available for transient vessels)	\$50.00 per year
Transient Vessels	\$20.00 per hour

9-Letnikof Cove Harbor Moorage

Special Joint-Use Permit Fees

(only for boat harbor stall renters who are paid current)

Length of Vessel	Annual Fee
Up to 24 feet	\$75.00
25 Up to 40 feet	\$100.00
41 to 60 feet	\$125.00
61 to 80 feet	\$150.00
Over 80 feet	\$200.00

Regular Use Permit Fees

(for vessels without a boat harbor stall OR stall renters who are not paid current)

Short-term (less than two weeks)	\$.50 .55 per lineal foot per day
Long-term (two weeks and longer)	\$5.00 5.50 per lineal foot per month

10-Miscellaneous Fees

Grid Use	\$15.00 min or \$.50 per ft per tide cycle
Harbor Staff Labor (8-5 Monday-Saturday)	\$40.00 per hour (one hour minimum)
Harbor Staff Labor (After regular hours)	\$80.00 per hour (one hour minimum)
Tie-up Fee	\$20.00 per time plus cost of line (Harbor staff time not included)
Fee to Move a Boat	\$50.00 per time
Waitlist Fee	\$25.00 (first year) and \$10.00 per year thereafter
Seniority Transfer list Fee	\$10.00 per year
Pump Fee	\$20.00 per hour
Portable Electric Generator Fee	\$20.00 per day
Upland Storage Fee	\$.20 per square foot per month
<u>Boat Stand Fee</u>	<u>\$2.50 per month or portion of a month</u>

11-Hazardous Waste Disposal

Motor Oil	Free <u>Included in moorage fees</u>
Hydraulic Oil	Free <u>Included in moorage fees</u>
Diesel	Free <u>Included in moorage fees</u>
Gasoline	Free <u>Included in moorage fees</u>
Antifreeze	Free <u>Included in moorage fees</u>
Oil filters and Oiled Rags	Free <u>Included in moorage fees</u>
Paint	Free <u>Included in moorage fees</u>
Hazardous Materials Not Listed From Vessel	Free <u>Included in moorage fees</u>

12. Penalties for Violations (see Section 2, Effective Date)

First Violation	\$50.00
Second Violation	\$100.00
Third Violation And Any there After	\$150.00

13. Permanent Open Moorage Vessels

Long-term vessels with no permanent stall that meet the conditions outlined in HBC 16.16.105(A) shall qualify for rates equal to the regular moorage rate for their size vessel (see #14 - *Annual Moorage Rates*). If the conditions are not met, transient rates apply (see #1 – *Transient Boat Moorage Fees*).

Permanent stall renters that have a second commercial vessel and meet the conditions outlined in HBC 16.16.105(A) shall qualify for rates equal to the regular moorage rate for their size vessel (see #14 - *Annual Moorage Rates*) provided the permanent stall fee is paid. If the conditions are not met, transient rates apply (see #1 – *Transient Boat Moorage Fees*), and from April 1st through September 30th these vessels shall be charged the long-term transient moorage rate.

14. Annual Moorage Rates

Length (feet)	10/1/12 to 9/30/13	10/1/13 to 9/30/14	10/1/14 to 9/30/15	10/1/15 to 9/30/16	10/1/16 to 9/30/17	10/1/17 to 9/30/18	10/1/18 to 9/30/19	10/1/19 to 9/30/20
	(\$18/ft up to 40 ft; \$24/ft over 40 ft)	(\$19/ft up to 40 ft; \$25/ft over 40 ft)	(\$20/ft up to 40 ft; \$26/ft over 40 ft)	(\$21 22 /ft up to 40 ft; \$27 28 /ft over 40 ft)	(\$22 23 /ft up to 40 ft; \$28 29 /ft over 40 ft)	(\$23 24 /ft up to 40 ft; \$29 30 /ft over 40 ft)	(\$25/ft up to 40 ft; \$31/ft over 40 ft)	(\$26/ft up to 40 ft; \$32/ft over 40 ft)
15	\$270	\$285	\$300	\$315	\$330	\$345		
16	\$288	\$304	\$320	\$336	\$352	\$368		
17	\$306	\$323	\$340	\$357	\$374	\$391		
18	\$324	\$342	\$360	\$378	\$396	\$414		
19	\$342	\$361	\$380	\$399	\$418	\$437		
20	\$360	\$380	\$400	\$420	\$440	\$460		
21	\$378	\$399	\$420	\$441	\$462	\$483		
22	\$396	\$418	\$440	\$462	\$484	\$506		
23	\$414	\$437	\$460	\$483	\$506	\$529		
24	\$432	\$456	\$480	\$504	\$528	\$552		
up to 25	\$450	\$475	\$500	\$525 \$550	\$550 \$575	\$575 \$600	\$625	\$650
26	\$468	\$494	\$520	\$546 \$572	\$572 \$598	\$598 \$624	\$650	\$676
27	\$486	\$513	\$540	\$567 \$594	\$594 \$621	\$621 \$648	\$675	\$702
28	\$504	\$532	\$560	\$588 \$616	\$616 \$644	\$644 \$672	\$700	\$728
29	\$522	\$551	\$580	\$609 \$638	\$638 \$667	\$667 \$696	\$725	\$754
30	\$540	\$570	\$600	\$630 \$660	\$660 \$690	\$690 \$720	\$750	\$780
31	\$558	\$589	\$620	\$651 \$682	\$682 \$713	\$713 \$744	\$775	\$806
32	\$576	\$608	\$640	\$672 \$704	\$704 \$736	\$736 \$768	\$800	\$832
33	\$594	\$627	\$660	\$693 \$726	\$726 \$759	\$759 \$792	\$825	\$858
34	\$612	\$646	\$680	\$714 \$748	\$748 \$782	\$782 \$816	\$850	\$884
35	\$630	\$665	\$700	\$735 \$770	\$770 \$805	\$805 \$840	\$875	\$910
36	\$648	\$684	\$720	\$756 \$792	\$792 \$825	\$828 \$864	\$900	\$936
37	\$666	\$703	\$740	\$777 \$814	\$814 \$851	\$851 \$888	\$925	\$962
38	\$684	\$722	\$760	\$798 \$836	\$836 \$874	\$874 \$912	\$950	\$988
39	\$702	\$741	\$780	\$819 \$858	\$858 \$897	\$897 \$936	\$975	\$1014

Haines Borough
Ordinance No. 15-06-415
Page 6 of 8

Length (feet)	10/1/12 to 9/30/13	10/1/13 to 9/30/14	10/1/14 to 9/30/15	10/1/15 to 9/30/16	10/1/16 to 9/30/17	10/1/17 to 9/30/18	10/1/18 to 9/30/19	10/1/19 to 9/30/20
	(\$18/ft up to 40 ft; \$24/ft over 40 ft)	(\$19/ft up to 40 ft; \$25/ft over 40 ft)	(\$20/ft up to 40 ft; \$26/ft over 40 ft)	(\$21/ft up to 40 ft; \$27/ft over 40 ft)	(\$22/ft up to 40 ft; \$28/ft over 40 ft)	(\$23/ft up to 40 ft; \$29/ft over 40 ft)	(\$25/ft up to 40 ft; \$31/ft over 40 ft)	(\$26/ft up to 40 ft; \$32/ft over 40 ft)
40	\$960	\$760	\$800	\$840 \$880	\$880 \$920	\$920 \$960	\$1000	\$1040
41	\$984	\$1,025	\$1,066	\$1,107 \$1148	\$1,148 \$1189	\$1,189 \$1230	\$1271	\$1312
42	\$1,008	\$1,050	\$1,092	\$1,134 \$1176	\$1,176 \$1218	\$1,218 \$1260	\$1302	\$1344
43	\$1,032	\$1,075	\$1,118	\$1,161 \$1204	\$1,204 \$1247	\$1,247 \$1290	\$1333	\$1376
44	\$1,056	\$1,100	\$1,144	\$1,188 \$1232	\$1,232 \$1276	\$1,276 \$1320	\$1364	\$1408
45	\$1,080	\$1,125	\$1,170	\$1,215 \$1260	\$1,260 \$1305	\$1,305 \$1350	\$1395	\$1440
46	\$1,104	\$1,150	\$1,196	\$1,242 \$1288	\$1,288 \$1334	\$1,334 \$1380	\$1426	\$1472
47	\$1,128	\$1,175	\$1,222	\$1,269 \$1316	\$1,316 \$1363	\$1,363 \$1410	\$1457	\$1504
48	\$1,152	\$1,200	\$1,248	\$1,296 \$1344	\$1,344 \$1392	\$1,392 \$1440	\$1488	\$1536
49	\$1,176	\$1,225	\$1,274	\$1,323 \$1372	\$1,372 \$1421	\$1,421 \$1470	\$1519	\$1568
50	\$1,200	\$1,250	\$1,300	\$1,350 \$1400	\$1,400 \$1450	\$1,450 \$1500	\$1550	\$1600
51	\$1,224	\$1,275	\$1,326	\$1,377 \$1428	\$1,428 \$1479	\$1,479 \$1530	\$1581	\$1632
52	\$1,248	\$1,300	\$1,352	\$1,404 \$1456	\$1,456 \$1508	\$1,508 \$1560	\$1612	\$1664
53	\$1,272	\$1,325	\$1,378	\$1,431 \$1484	\$1,484 \$1537	\$1,537 \$1590	\$1643	\$1696
54	\$1,296	\$1,350	\$1,404	\$1,458 \$1512	\$1,512 \$1566	\$1,566 \$1620	\$1674	\$1728
55	\$1,320	\$1,375	\$1,430	\$1,485 \$1540	\$1,540 \$1595	\$1,595 \$1650	\$1705	\$1760
56	\$1,344	\$1,400	\$1,456	\$1,512 \$1568	\$1,568 \$1624	\$1,624 \$1680	\$1736	\$1792
57	\$1,368	\$1,425	\$1,482	\$1,539 \$1696	\$1,596 \$1653	\$1,653 \$1710	\$1767	\$1825
58	\$1,392	\$1,450	\$1,508	\$1,566 \$1624	\$1,624 \$1682	\$1,682 \$1740	\$1798	\$1856
59	\$1,416	\$1,475	\$1,534	\$1,593 \$1652	\$1,652 \$1711	\$1,711 \$1770	\$1829	\$1888
60	\$1,440	\$1,500	\$1,560	\$1,620 \$1680	\$1,680 \$1740	\$1,740 \$1800	\$1860	\$1920
61	\$1,464	\$1,525	\$1,586	\$1,647 \$1708	\$1,708 \$1769	\$1,769 \$1830	\$1891	\$1952
62	\$1,488	\$1,550	\$1,612	\$1,674 \$1736	\$1,736 \$1798	\$1,798 \$1860	\$1922	\$1984
63	\$1,512	\$1,575	\$1,638	\$1,701 \$1764	\$1,764 \$1827	\$1,827 \$1890	\$1953	\$2016
64	\$1,536	\$1,600	\$1,664	\$1,728 \$1792	\$1,792 \$1856	\$1,856 \$1920	\$1984	\$2048
65	\$1,560	\$1,625	\$1,690	\$1,755 \$1820	\$1,820 \$1885	\$1,885 \$1950	\$2015	\$2080

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Length (feet)	10/1/12 to 9/30/13	10/1/13 to 9/30/14	10/1/14 to 9/30/15	10/1/15 to 9/30/16	10/1/16 to 9/30/17	10/1/17 to 9/30/18	10/1/18 to 9/30/19	10/1/19 to 9/30/20
	(\$18 /ft up to 40 ft; \$24 /ft over 40 ft)	(\$19 /ft up to 40 ft; \$25 /ft over 40 ft)	(\$20 /ft up to 40 ft; \$26 /ft over 40 ft)	(\$21 22 /ft up to 40 ft; \$27 28 /ft over 40 ft)	(\$22 23 /ft up to 40 ft; \$28 29 /ft over 40 ft)	(\$23 24 /ft up to 40 ft; \$29 30 /ft over 40 ft)	<u>(\$25/ft up to 40 ft; \$31/ft over 40 ft)</u>	<u>(\$26/ft up to 40 ft; \$32/ft over 40 ft)</u>
66	\$1,584	\$1,650	\$1,716	\$1,782 \$1848	\$1,848 \$1914	\$1,914 \$1980	\$2046	\$2112
67	\$1,608	\$1,675	\$1,742	\$1,809 \$1876	\$1,876 \$1943	\$1,943 \$2010	\$2077	\$2144
68	\$1,632	\$1,700	\$1,768	\$1,836 \$1904	\$1,904 \$1972	\$1,972 \$2040	\$2108	\$2244
69	\$1,656	\$1,725	\$1,794	\$1,863 \$1932	\$1,932 \$2001	\$2,001 \$2070	\$2139	\$2208
70	\$1,680	\$1,750	\$1,820	\$1,890 \$1960	\$1,960 \$2030	\$2,030 \$2100	\$2170	\$2224
71	\$1,704	\$1,775	\$1,846	\$1,917 \$1988	\$1,988 \$2059	\$2,059 \$2130	\$2201	\$2272
72	\$1,728	\$1,800	\$1,872	\$1,944 \$2016	\$2,016 \$2088	\$2,088 \$2160	\$2232	\$2304
73	\$1,752	\$1,825	\$1,898	\$1,971 \$2044	\$2,044 \$2117	\$2,117 \$2190	\$2263	\$2336
74	\$1,776	\$1,850	\$1,924	\$1,998 \$2072	\$2,072 \$2146	\$2,146 \$2220	\$2294	\$2368
75	\$1,800	\$1,875	\$1,950	\$2,025 \$2100	\$2,100 \$2175	\$2,175 \$2250	\$2325	\$2400
76	\$1,824	\$1,900	\$1,976	\$2,052 \$2128	\$2,128 \$2204	\$2,204 \$2280	\$2356	\$2432
77	\$1,848	\$1,925	\$2,002	\$2,079 \$2156	\$2,156 \$2233	\$2,233 \$2310	\$2387	\$2464
78	\$1,872	\$1,950	\$2,028	\$2,106 \$2184	\$2,184 \$2262	\$2,262 \$2340	\$2418	\$2496
79	\$1,896	\$1,975	\$2,054	\$2,133 \$2212	\$2,212 \$2291	\$2,291 \$2370	\$2449	\$2528
80	\$1,920	\$2,000	\$2,080	\$2,160 \$2240	\$2,240 \$2320	\$2,320 \$2400	\$2480	\$2560
81	\$1,944	\$2,025	\$2,106	\$2,187 \$2268	\$2,268 \$2349	\$2,349 \$2430	\$2511	\$2592
82	\$1,968	\$2,050	\$2,132	\$2,214 \$2296	\$2,296 \$2378	\$2,378 \$2460	\$2542	\$2624
83	\$1,992	\$2,075	\$2,158	\$2,241 \$2324	\$2,324 \$2407	\$2,407 \$2490	\$2573	\$2656
84	\$2,016	\$2,100	\$2,184	\$2,268 \$2352	\$2,352 \$2436	\$2,436 \$2520	\$2604	\$2688
85	\$2,040	\$2,125	\$2,210	\$2,295 \$2380	\$2,380 \$2465	\$2,465 \$2550	\$2635	\$2720
86	\$2,064	\$2,150	\$2,236	\$2,322 \$2408	\$2,408 \$2494	\$2,494 \$2580	\$2666	\$2752
87	\$2,088	\$2,175	\$2,262	\$2,349 \$2436	\$2,436 \$2523	\$2,523 \$2610	\$2697	\$2784
88	\$2,112	\$2,200	\$2,288	\$2,376 \$2464	\$2,464 \$2552	\$2,552 \$2640	\$2728	\$2816
89	\$2,136	\$2,225	\$2,314	\$2,403 \$2492	\$2,492 \$2581	\$2,581 \$2670	\$2759	\$2848
90	\$2,160	\$2,250	\$2,340	\$2,430 \$2520	\$2,520 \$2610	\$2,610 \$2700	\$2790	\$2880
91	\$2,184	\$2,275	\$2,366	\$2,457 \$2548	\$2,548 \$2639	\$2,639 \$2730	\$2821	\$2912

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Length (feet)	10/1/12 to 9/30/13	10/1/13 to 9/30/14	10/1/14 to 9/30/15	10/1/15 to 9/30/16	10/1/16 to 9/30/17	10/1/17 to 9/30/18	10/1/18 to 9/30/19	10/1/19 to 9/30/20
	(\$18 /ft up to 40 ft; \$24 /ft over 40 ft)	(\$19 /ft up to 40 ft; \$25 /ft over 40 ft)	(\$20 /ft up to 40 ft; \$26 /ft over 40 ft)	(\$21 22 /ft up to 40 ft; \$27 28 /ft over 40 ft)	(\$22 23 /ft up to 40 ft; \$28 29 /ft over 40 ft)	(\$23 24 /ft up to 40 ft; \$29 30 /ft over 40 ft)	<u>(\$25/ft up to 40 ft; \$31/ft over 40 ft)</u>	<u>(\$26/ft up to 40 ft; \$32/ft over 40 ft)</u>
92	\$2,208	\$2,300	\$2,392	\$2,484 \$2576	\$2,576 \$2668	\$2,668 \$2760	\$2852	\$2944
93	\$2,232	\$2,325	\$2,418	\$2,511 \$2604	\$2,604 \$2697	\$2,697 \$2790	\$2883	\$2976
94	\$2,256	\$2,350	\$2,444	\$2,538 \$2632	\$2,632 \$2726	\$2,726 \$2820	\$2914	\$3008
95	\$2,280	\$2,375	\$2,470	\$2,565 \$2660	\$2,660 \$2755	\$2,755 \$2850	\$2945	\$3040
96	\$2,304	\$2,400	\$2,496	\$2,592 \$2688	\$2,688 \$2784	\$2,784 \$2880	\$2976	\$3072
97	\$2,328	\$2,425	\$2,522	\$2,619 \$2716	\$2,716 \$2813	\$2,813 \$2910	\$3007	\$3104
98	\$2,352	\$2,450	\$2,548	\$2,646 \$2744	\$2,744 \$2842	\$2,842 \$2940	\$3038	\$3136
99	\$2,376	\$2,475	\$2,574	\$2,673 \$2772	\$2,772 \$2871	\$2,871 \$2970	\$3069	\$3168
100	\$2,400	\$2,500	\$2,600	\$2,700 \$2800	\$2,800 \$2900	\$2,900 \$3000	\$3100	\$3200

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 11th DAY OF AUGUST, 2015.
AMENDED ON THE ____ DAY OF _____, 2015.

Janice Hill, Mayor

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 06/23/15
Date of First Public Hearing: 07/14/15
Date of Second Public Hearing: 07/28/15 – Adoption Postponed to 8/11/15
Adoption: 08/11/15
Amended: 09/22/15

HAINES BOROUGH
ORDINANCE No. 15-06-415 **Adopted**

An ordinance of the Haines Borough adopting a revised fee schedule for harbor facility usage.

WHEREAS, the Haines Borough owns and operates the Portage Cove Harbor and the Letnikof Cove Harbor; and

WHEREAS, the Borough Assembly establishes rates, fees, and penalties for Haines Borough harbor facilities; and

WHEREAS, Haines Borough Code, section 2.12.020(B), requires fines and penalties be provided by ordinance,

NOW THEREFORE BE IT ENACTED, by the Haines Borough Assembly, that the following Harbor Fee Schedule is hereby adopted by ordinance.

Section 1. Classification. This ordinance is not of a general and permanent nature and shall not become a part of the Haines Borough Code of Ordinances.

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

Section 2. Effective Date. This ordinance shall become effective immediately upon adoption with the exception of the "Penalties" and the "Boat Launch Ramp Use" non-compliance fee which shall become effective immediately upon adoption of Ordinance 15-06-413 provided that ordinance includes penalties pertaining to harbor violations.

Section 3. Purpose. To adopt, via ordinance, the following revised Harbor Fee Schedule:

Haines Borough – Harbor Fee Schedule

(See HBC Title 16 for regulations and more information)

~~1.~~ Transient Boat Moorage Fees

Short-term (less than two weeks)	\$.50 .55 per lineal foot per day*
Long-term (two weeks and longer)	\$5.00 5.50 per lineal foot per month*

Winter Rates – From October 1 through March 31, transient moorage vessels qualify for winter rates: one-half the amount that the vessel would ordinarily be charged. To qualify vessel must be up-to-date on all Port and Harbor Fees and pay for the winter moorage rate in advance.

* Transient moorage which must be invoiced will be charged at twice the normal rate (HBC 16.16.050).

~~2.~~ Boat Launch Ramp Use Fees

Annual Launch Ramp Sticker – Recreational Vessel	\$60.00 per trailer per year
Daily Launch Ramp Use Fee	\$15.00 per trailer per day
Non-Compliance Fee	\$60.00 per violation

3-Live-Aboard Fees

1 to 14 days	No charge other than the regular moorage rate
Over 14 days (prohibited October 15 th to April 1 st)	\$70.00 per month in addition to the regular moorage rate

4-Conducting Business from Any Vessel in the Harbor

Transient Vessel	\$10.00 per day (plus a borough business license and collection of sales tax)
Permanent Stall Vessels and Permanent Open Moorage Vessels	\$0 per day but must have a borough business license & collect sales tax
Non-Compliance Fee	\$50.00 per violation

5-Boat Houses, Floats, Scows, Barges, Pile Drivers, and Dredges

These vessels are allowed only on a temporary basis at the harbormaster's discretion and, when allowed, are assessed a fee twice the rate of other vessels. Note: Living aboard is not allowed on these vessels and watercraft.

6-Seaplane Moorage Fees

Open Moorage	Fee
Less than 3 hours	No charge
3 to 24 hours	\$15.00
Each additional 24-hour period or fraction thereof	\$15.00

7-Electrical Connection and Service Rates

Connection Costs (permanent stalls or open moorage) <i>Paid to the local utility</i>	Actual cost of connection (boat owner makes the arrangements with the local utility and pays them directly)
Service Fee (all vessels utilizing electrical service) <i>Paid to the borough</i>	\$10.00 per day
Service Fee (utilizing 240 service)	\$20.00 per day
Annual Service Maintenance fee (if Electrical service is activated)	\$15.00 annual

8-Harbor Crane Use

Annual Crane Use Permit (not available for transient vessels)	\$50.00 per year
Transient Vessels	\$20.00 per hour

**9-~~Letnikof Cove Harbor Moorage~~
Special Joint-Use Permit Fees**

(only for boat harbor stall renters who are paid current)

Length of Vessel	Annual Fee
Up to 24 feet	\$75.00
25 <u>Up</u> to 40 feet	\$100.00
41 to 60 feet	\$125.00
61 to 80 feet	\$150.00
Over 80 feet	\$200.00

Regular Use Permit Fees

(for vessels without a boat harbor stall OR stall renters who are not paid current)

Short-term (less than two weeks)	\$.50 .55 per lineal foot per day
Long-term (two weeks and longer)	\$5.00 5.50 per lineal foot per month

10-~~Miscellaneous Fees~~

Grid Use	\$15.00 min or \$.50 per ft per tide cycle
Harbor Staff Labor (8-5 Monday-Saturday)	\$40.00 per hour (one hour minimum)
Harbor Staff Labor (After regular hours)	\$80.00 per hour (one hour minimum)
Tie-up Fee	\$20.00 per time plus cost of line (Harbor staff time not included)
Fee to Move a Boat	\$50.00 per time
Waitlist Fee	\$25.00 (first year) and \$10.00 per year thereafter
Seniority Transfer list Fee	\$10.00 per year
Pump Fee	\$20.00 per hour
Portable Electric Generator Fee	\$20.00 per day
Upland Storage Fee	\$.20 per square foot per month
<u>Boat Stand Fee</u>	<u>\$2.50 per month or portion of a month</u>

11-~~Hazardous Waste Disposal~~

Motor Oil	Free <u>Included in moorage fees</u>
Hydraulic Oil	Free <u>Included in moorage fees</u>
Diesel	Free <u>Included in moorage fees</u>
Gasoline	Free <u>Included in moorage fees</u>
Antifreeze	Free <u>Included in moorage fees</u>
Oil filters and Oiled Rags	Free <u>Included in moorage fees</u>
Paint	Free <u>Included in moorage fees</u>
Hazardous Materials Not Listed From Vessel	Free <u>Included in moorage fees</u>

~~12. Penalties for Violations~~ (see Section 2, Effective Date)

First Violation	\$50.00
Second Violation	\$100.00
Third Violation And Any there After	\$150.00

~~13. Permanent Open Moorage Vessels~~

Long-term vessels with no permanent stall that meet the conditions outlined in HBC 16.16.105(A) shall qualify for rates equal to the regular moorage rate for their size vessel (see #14 - *Annual Moorage Rates*). If the conditions are not met, transient rates apply (see #1 - *Transient Boat Moorage Fees*).

Permanent stall renters that have a second commercial vessel and meet the conditions outlined in HBC 16.16.105(A) shall qualify for rates equal to the regular moorage rate for their size vessel (see #14 - *Annual Moorage Rates*) provided the permanent stall fee is paid. If the conditions are not met, transient rates apply (see #1 - *Transient Boat Moorage Fees*), and from April 1st through September 30th these vessels shall be charged the long-term transient moorage rate.

14. Annual Moorage Rates

Length (feet)	10/1/12 to 9/30/13 (\$18/ft up to 40 ft; \$24/ft over 40 ft)	10/1/13 to 9/30/14 (\$19/ft up to 40 ft; \$25/ft over 40 ft)	10/1/14 to 9/30/15 (\$20/ft up to 40 ft; \$26/ft over 40 ft)	10/1/15 to 9/30/16 (\$22/ft up to 40 ft; \$27/ft over 40 ft)	10/1/16 to 9/30/17 (\$22/ft up to 40 ft; \$28/ft over 40 ft)	10/1/17 to 9/30/18 (\$23/ft up to 40 ft; \$29/ft over 40 ft)	10/1/18 to 9/30/19 (\$25/ft up to 40 ft; \$31/ft over 40 ft)	10/1/19 to 9/30/20 (\$26/ft up to 40 ft; \$32/ft over 40 ft)
15	\$270	\$285	\$300	\$315	\$330	\$345		
16	\$288	\$304	\$320	\$336	\$352	\$368		
17	\$306	\$323	\$340	\$357	\$374	\$391		
18	\$324	\$342	\$360	\$378	\$396	\$414		
19	\$342	\$361	\$380	\$399	\$418	\$437		
20	\$360	\$380	\$400	\$420	\$440	\$460		
21	\$378	\$399	\$420	\$441	\$462	\$483		
22	\$396	\$418	\$440	\$462	\$484	\$506		
23	\$414	\$437	\$460	\$483	\$506	\$529		
24	\$432	\$456	\$480	\$504	\$528	\$552		
up to 25	\$450	\$475	\$500	\$525	\$550	\$575	\$625	\$650
26	\$468	\$494	\$520	\$546	\$572	\$598	\$650	\$676
27	\$486	\$513	\$540	\$567	\$594	\$621	\$675	\$702
28	\$504	\$532	\$560	\$588	\$616	\$644	\$700	\$728
29	\$522	\$551	\$580	\$609	\$638	\$667	\$725	\$754
30	\$540	\$570	\$600	\$630	\$660	\$690	\$750	\$780
31	\$558	\$589	\$620	\$651	\$682	\$713	\$775	\$806
32	\$576	\$608	\$640	\$672	\$704	\$736	\$800	\$832
33	\$594	\$627	\$660	\$693	\$726	\$759	\$825	\$858
34	\$612	\$646	\$680	\$714	\$748	\$782	\$850	\$884
35	\$630	\$665	\$700	\$735	\$770	\$805	\$875	\$910
36	\$648	\$684	\$720	\$756	\$792	\$828	\$900	\$936
37	\$666	\$703	\$740	\$777	\$814	\$851	\$925	\$962
38	\$684	\$722	\$760	\$798	\$836	\$874	\$950	\$988
39	\$702	\$741	\$780	\$819	\$858	\$897	\$975	\$1014

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Length (feet)	10/1/12 to 9/30/13 (\$18 /ft up to 40 ft; \$24 /ft over 40 ft)	10/1/13 to 9/30/14 (\$19 /ft up to 40 ft; \$25 /ft over 40 ft)	10/1/14 to 9/30/15 (\$20 /ft up to 40 ft; \$26 /ft over 40 ft)	10/1/15 to 9/30/16 (\$21 22 /ft up to 40 ft; \$27 28 /ft over 40 ft)	10/1/16 to 9/30/17 (\$22 23 /ft up to 40 ft; \$28 29 /ft over 40 ft)	10/1/17 to 9/30/18 (\$23 24 /ft up to 40 ft; \$29 30 /ft over 40 ft)	10/1/18 to 9/30/19 (\$25/ft up to 40 ft; \$31/ft over 40 ft)	10/1/19 to 9/30/20 (\$26/ft up to 40 ft; \$32/ft over 40 ft)
40	\$960	\$760	\$800	\$840	\$880	\$920	\$1000	\$1040
41	\$984	\$1,025	\$1,066	\$1,107	\$1,148	\$1,189	\$1271	\$1312
42	\$1,008	\$1,050	\$1,092	\$1,134	\$1,176	\$1,218	\$1302	\$1344
43	\$1,032	\$1,075	\$1,118	\$1,161	\$1,204	\$1,247	\$1333	\$1376
44	\$1,056	\$1,100	\$1,144	\$1,188	\$1,232	\$1,276	\$1364	\$1408
45	\$1,080	\$1,125	\$1,170	\$1,215	\$1,260	\$1,305	\$1395	\$1440
46	\$1,104	\$1,150	\$1,196	\$1,242	\$1,288	\$1,334	\$1426	\$1472
47	\$1,128	\$1,175	\$1,222	\$1,269	\$1,316	\$1,363	\$1457	\$1504
48	\$1,152	\$1,200	\$1,248	\$1,296	\$1,344	\$1,392	\$1488	\$1536
49	\$1,176	\$1,225	\$1,274	\$1,323	\$1,372	\$1,421	\$1519	\$1568
50	\$1,200	\$1,250	\$1,300	\$1,350	\$1,400	\$1,450	\$1550	\$1600
51	\$1,224	\$1,275	\$1,326	\$1,377	\$1,428	\$1,479	\$1581	\$1632
52	\$1,248	\$1,300	\$1,352	\$1,404	\$1,456	\$1,508	\$1612	\$1664
53	\$1,272	\$1,325	\$1,378	\$1,431	\$1,484	\$1,537	\$1643	\$1696
54	\$1,296	\$1,350	\$1,404	\$1,458	\$1,512	\$1,566	\$1674	\$1728
55	\$1,320	\$1,375	\$1,430	\$1,485	\$1,540	\$1,595	\$1705	\$1760
56	\$1,344	\$1,400	\$1,456	\$1,512	\$1,568	\$1,624	\$1736	\$1792
57	\$1,368	\$1,425	\$1,482	\$1,539	\$1,596	\$1,653	\$1767	\$1825
58	\$1,392	\$1,450	\$1,508	\$1,566	\$1,624	\$1,682	\$1798	\$1856
59	\$1,416	\$1,475	\$1,534	\$1,593	\$1,652	\$1,711	\$1829	\$1888
60	\$1,440	\$1,500	\$1,560	\$1,620	\$1,680	\$1,740	\$1860	\$1920
61	\$1,464	\$1,525	\$1,586	\$1,647	\$1,708	\$1,769	\$1891	\$1952
62	\$1,488	\$1,550	\$1,612	\$1,674	\$1,736	\$1,798	\$1922	\$1984
63	\$1,512	\$1,575	\$1,638	\$1,701	\$1,764	\$1,827	\$1953	\$2016
64	\$1,536	\$1,600	\$1,664	\$1,728	\$1,792	\$1,856	\$1984	\$2048
65	\$1,560	\$1,625	\$1,690	\$1,755	\$1,820	\$1,885	\$2015	\$2080

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Length (feet)	10/1/12 to 9/30/13 (\$18/ft up to 40 ft; \$24/ft over 40 ft)	10/1/13 to 9/30/14 (\$19/ft up to 40 ft; \$25/ft over 40 ft)	10/1/14 to 9/30/15 (\$20/ft up to 40 ft; \$26/ft over 40 ft)	10/1/15 to 9/30/16 (\$21 22 /ft up to 40 ft; \$27 28 /ft over 40 ft)	10/1/16 to 9/30/17 (\$22 23 /ft up to 40 ft; \$28 29 /ft over 40 ft)	10/1/17 to 9/30/18 (\$23 24 /ft up to 40 ft; \$29 30 /ft over 40 ft)	10/1/18 to 9/30/19 (\$25/ft up to 40 ft; \$31/ft over 40 ft)	10/1/19 to 9/30/20 (\$26/ft up to 40 ft; \$32/ft over 40 ft)
66	\$1,584	\$1,650	\$1,716	\$1,782	\$1,848	\$1,914	\$2046	\$2112
67	\$1,608	\$1,675	\$1,742	\$1,809	\$1,876	\$1,943	\$2077	\$2144
68	\$1,632	\$1,700	\$1,768	\$1,836	\$1,904	\$1,972	\$2108	\$2244
69	\$1,656	\$1,725	\$1,794	\$1,863	\$1,932	\$2,001	\$2139	\$2208
70	\$1,680	\$1,750	\$1,820	\$1,890	\$1,960	\$2,030	\$2170	\$2224
71	\$1,704	\$1,775	\$1,846	\$1,917	\$1,988	\$2,059	\$2201	\$2272
72	\$1,728	\$1,800	\$1,872	\$1,944	\$2,016	\$2,088	\$2232	\$2304
73	\$1,752	\$1,825	\$1,898	\$1,971	\$2,044	\$2,117	\$2263	\$2336
74	\$1,776	\$1,850	\$1,924	\$1,998	\$2,072	\$2,146	\$2294	\$2368
75	\$1,800	\$1,875	\$1,950	\$2,025	\$2,100	\$2,175	\$2325	\$2400
76	\$1,824	\$1,900	\$1,976	\$2,052	\$2,128	\$2,204	\$2356	\$2432
77	\$1,848	\$1,925	\$2,002	\$2,079	\$2,156	\$2,233	\$2387	\$2464
78	\$1,872	\$1,950	\$2,028	\$2,106	\$2,184	\$2,262	\$2418	\$2496
79	\$1,896	\$1,975	\$2,054	\$2,133	\$2,212	\$2,291	\$2449	\$2528
80	\$1,920	\$2,000	\$2,080	\$2,160	\$2,240	\$2,320	\$2480	\$2560
81	\$1,944	\$2,025	\$2,106	\$2,187	\$2,268	\$2,349	\$2511	\$2592
82	\$1,968	\$2,050	\$2,132	\$2,214	\$2,296	\$2,378	\$2542	\$2624
83	\$1,992	\$2,075	\$2,158	\$2,241	\$2,324	\$2,407	\$2573	\$2656
84	\$2,016	\$2,100	\$2,184	\$2,268	\$2,352	\$2,436	\$2604	\$2688
85	\$2,040	\$2,125	\$2,210	\$2,295	\$2,380	\$2,465	\$2635	\$2720
86	\$2,064	\$2,150	\$2,236	\$2,322	\$2,408	\$2,494	\$2666	\$2752
87	\$2,088	\$2,175	\$2,262	\$2,349	\$2,436	\$2,523	\$2697	\$2784
88	\$2,112	\$2,200	\$2,288	\$2,376	\$2,464	\$2,552	\$2728	\$2816
89	\$2,136	\$2,225	\$2,314	\$2,403	\$2,492	\$2,581	\$2759	\$2848
90	\$2,160	\$2,250	\$2,340	\$2,430	\$2,520	\$2,610	\$2790	\$2880
91	\$2,184	\$2,275	\$2,366	\$2,457	\$2,548	\$2,639	\$2821	\$2912

Haines Borough
Ordinance No. 15-06-415
Page 8 of 8

Length (feet)	<u>10/1/12 to 9/30/13</u>	<u>10/1/13 to 9/30/14</u>	<u>10/1/14 to 9/30/15</u>	<u>10/1/15 to 9/30/16</u>	<u>10/1/16 to 9/30/17</u>	<u>10/1/17 to 9/30/18</u>	<u>10/1/18 to 9/30/19</u>	<u>10/1/19 to 9/30/20</u>
	(\$18/ft up to 40 ft; \$24/ft over 40 ft)	(\$19/ft up to 40 ft; \$25/ft over 40 ft)	(\$20/ft up to 40 ft; \$26/ft over 40 ft)	(\$21 <u>22</u> /ft up to 40 ft; \$27 <u>28</u> /ft over 40 ft)	(\$22 <u>23</u> /ft up to 40 ft; \$28 <u>29</u> /ft over 40 ft)	(\$23 <u>24</u> /ft up to 40 ft; \$29 <u>30</u> /ft over 40 ft)	(\$25/ft up to 40 ft; \$31/ft over 40 ft)	(\$26/ft up to 40 ft; \$32/ft over 40 ft)
92	\$2,208	\$2,300	\$2,392	\$2,484	\$2,576	\$2,668	\$2852	\$2944
93	\$2,232	\$2,325	\$2,418	\$2,511	\$2,604	\$2,697	\$2883	\$2976
94	\$2,256	\$2,350	\$2,444	\$2,538	\$2,632	\$2,726	\$2914	\$3008
95	\$2,280	\$2,375	\$2,470	\$2,565	\$2,660	\$2,755	\$2945	\$3040
96	\$2,304	\$2,400	\$2,496	\$2,592	\$2,688	\$2,784	\$2976	\$3072
97	\$2,328	\$2,425	\$2,522	\$2,619	\$2,716	\$2,813	\$3007	\$3104
98	\$2,352	\$2,450	\$2,548	\$2,646	\$2,744	\$2,842	\$3038	\$3136
99	\$2,376	\$2,475	\$2,574	\$2,673	\$2,772	\$2,871	\$3069	\$3168
100	\$2,400	\$2,500	\$2,600	\$2,700	\$2,800	\$2,900	\$3101	\$3200

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 11th DAY OF AUGUST, 2015.

ATTEST:

Julie Cozzi
Julie Cozzi, MMC, Borough Clerk



Janice Hill
Janice Hill, Mayor

Date Introduced: 06/23/15
Date of First Public Hearing: 07/14/15
Date of Second Public Hearing: 07/28/15 - Adoption Postponed to 8/11/15
Adoption: 08/11/15



HAINES BOROUGH

AGENDA REQUEST FOR ASSEMBLY ACTION

You may appear before the assembly during the "Public Comments" portion of any regular assembly meeting without making prior arrangements. However, if you want the assembly to take action on a matter, it must be on the agenda. To make a request to have an issue on an agenda, please provide the following information. (See Note below)

Name: Roger Schnabel Date: 09/11/15

Name of Group Represented (if applicable) Haines Contractors

Address: HC 60 Box 4800, Haines, AK 99827 Phone: (907) 766-2833

Email Address: roger@seroad.com Fax: (907) 766-2832

I request to be scheduled on the Borough Assembly meeting agenda dated the 22nd day of September, or as soon thereafter as possible.

Purpose of Request: Local Bidder Preference, HBC 3.60.160 A.8 and 3.60.160 B.
The Haines local contractors whose names appear on the attached memo request a review
of the local bidder preference in HBC 3.60.160 A.8. and 3.60.160 B. The contractors recognize
the language of the code invites interpretation and inconsistency in the treatment of bid and
award procedures. See attached letter from Haines Contractors.

Estimated Time Required (if a presentation) 5 minutes

Action you wish the Assembly to take: Review Local Bidder Preference in HBC 3.60.160 A.8 and
HBC 3.60.160 B. and criteria for all bids and awards administered by the Haines Borough, making local preference
part of the specifications for each bid, and (2) Increase the allowable local preferential margin to 5%, the factor
factor adopted by other municipalities including Skagway. Please also note that the State of Alaska, both DNR and
DOT, offers a 5% local preference in many of their solicitations.

Note: Placement on a borough assembly agenda is not guaranteed. In a manager form of government, some matters are not within the assembly's purview and are more appropriately handled by staff. Your request will be referred to the borough manager and mayor and may require legal review and/or more information before a determination can be made. You will be contacted and informed of the best and most appropriate avenue for action. If your request ends up on an assembly agenda, it will most generally be placed under "Correspondence/Requests" and is subject to all necessary paperwork being submitted in a timely manner. The deadline for agenda topics is 10:00 a.m. the Monday (one week and one day) prior to an assembly meeting. Please be aware that we may ask for additional supportive and/or background information in order to assist the assembly in making an informed decision. The clerk will provide copies for them.

Return this form to the Borough Clerk's Office in the Haines Borough Administrative Office Building, 103 S. Third Ave., P.O. Box 1209, or fax: 766-2716, or email: jcozzi@haines.ak.us.

Date: August 30, 2015

To: Dave Sosa, Manager
Haines Borough

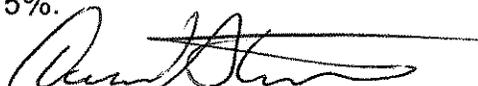
From: Haines Contractors

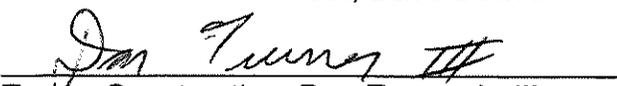
Re: Local Bidder Preference
HBC 3.60.160 A. 8. and 3.60.160 B.

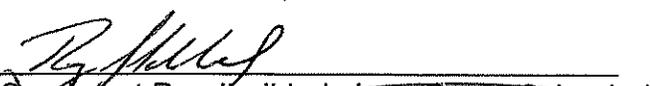
Referenced borough code currently allows the potential for local bidders to receive a preference in the award of competitive bids if the bid is within 3% of the apparent low bid. The potential is underscored by the discretion of the Assembly. Additionally, code does not guarantee transparency in the award to "other than low bidder," as it allows meeting minutes to stand for a statement or reason; bid awards can be dispensed on a consent agenda, and Assemblies are not required to engage in meaningful discussion on matters that may involve personal opinion.

The local contractors, whose names appear below, recognize the language of the code invites interpretation and inconsistency in the treatment of bid and award procedures.

We request a review of this Section with the intent to (1) standardize the specifications and criteria for all bids and awards administered by the Haines Borough, making local preference part of the specifications for each bid and (2) increase the allowable local preferential margin to 5%, the factor adopted by other municipalities including Skagway. As noted the State of Alaska, both DNR and DOT, offers this in many of their solicitations, also at 5%.

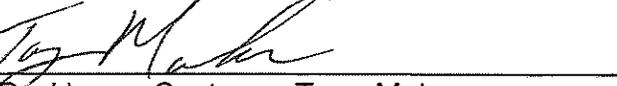

Stickler Construction Co., Dave Stickler

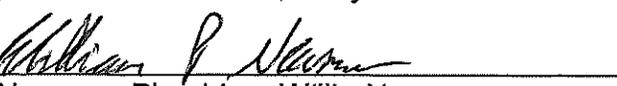

Turner Construction, Don Turner Jr. III

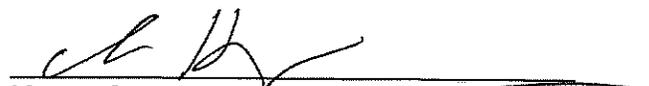

Southeast Roadbuilder's Inc., Roger Schnabel

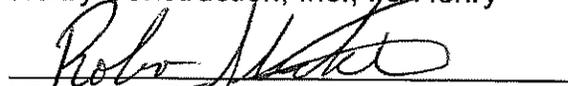

JB Strong Hydroseeding, James Strong

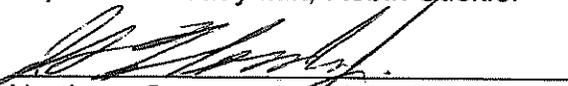

Whiterock Construction, Jack Smith Jr.

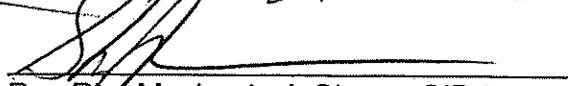

Darkhorse Customs, Tony Malone


Newman Plumbing, Willie Newman

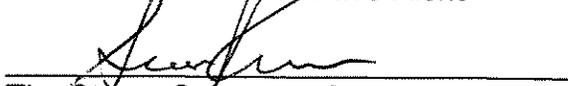

Henry Construction, Inc., Ira Henry

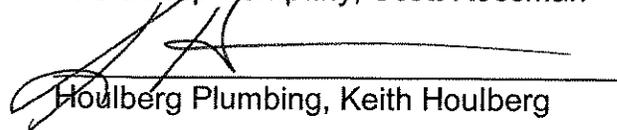

Wolverine Ready Mix, Robin Stickler


Northern Construction, John Floreske


Pao Rim Mechanical, Shawn O'Brien


Dave Ricke Builders, Dave Ricke


The Stump Company, Scott Rossman


Houlberg Plumbing, Keith Houlberg

Date: August 30, 2015

To: Dave Sosa, Manager
Haines Borough

From: Haines Contractors

Re: Local Bidder Preference
HBC 3.60.160 A. 8. and 3.60.160 B.

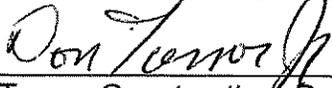
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See Page 1

Stickler Construction Co., Dave Stickler



Turner Construction, Don Turner Jr.

See Page 1

Southeast Roadbuilder's Inc., Roger Schnabel

See Page 1

JB Strong Hydroseeding, James Strong

See Page 1

Whiterock Construction, Jack Smith Jr.

See Page 1

Darkhorse Customs, Tony Malone

See Page 1

Newman Plumbing, Willie Newman

See Page 1

Henry Construction, Inc., Ira Henry

See Page 1

Wolverine Ready Mix, Robin Stickler

See Page 1

Northern Construction, John Floreske

See Page 1

Pac Rim Mechanical, Shawn O'Brien

See Page 1

Dave Ricke Builders, Dave Ricke

See Page 1

The Stump Company, Scott Rossman

See Page 1

Houlberg Plumbing, Keith Houlberg

RETURN THIS BID TO THE ISSUING OFFICE AT:



STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
PROCUREMENT OFFICE
PO BOX 112500
3132 CHANNEL DRIVE, ROOM 310
JUNEAU, ALASKA 99811-2500

THIS IS NOT AN ORDER

DATE ITB ISSUED: April 22, 2015

AGGREGATE E-Chip, B-Chip – Haines, Alaska
(Non-Participating State Funded and Federally Funded)

Sealed bids must be submitted to the State of Alaska, Department of Transportation and Public Facilities, Statewide Procurement Office from which they were issued, and must be time and date stamped by the purchasing section prior to 2:00 PM on April 29, 2015, at which time they will be publicly opened.

DELIVERY LOCATION: DOT&PF, Maintenance Stations; Haines, Alaska.

DELIVERY DATE: See Delivery / Material Availability (page 9)

IMPORTANT NOTICE: If you received this solicitation from the State's "Online Public Notice" web site, you must register with the Procurement Officer listed on this document to receive subsequent amendments. Failure to contact the Procurement Officer may result in the rejection of your offer.

BIDDER'S NOTICE:

Contracts for purchases resulting from this bid will be made utilizing Federal Funds. As such, and per AS 36.30.890, no State of Alaska Bidder or Product Preferences may apply.

Sec. 36.30.890. Federal Assistance

If a procurement involves the expenditure of federal funds or federal assistance and there is a conflict between a provision of this chapter or a regulation adopted under a provision of this chapter and a federal statute, regulation, policy, or requirement, the federal statute, regulation, policy, or requirement shall prevail.

2 AAC 12.730. Federal Assistance

If a procurement involves the expenditure or federal funds or requires federal assistance and there is a conflict between a provision of this chapter and federal statute, regulation, policy, or requirement, the procurement officer shall comply with the federal statute, regulation, policy, or requirement.

Authority: AS 36.30.040; AS 36.30.890

Form containing bidder information: Michael Williams, Procurement Officer; Southeast Road Builders, Inc.; Roger Schnabel; Date: April 29, 2015; Alaska Business License Number: 92-0159551; Vendor Tax ID Number.

17. **DISPUTES:** If a contractor has a claim arising in connection with a contract resulting from this ITB that it cannot resolve with the State by mutual agreement, it shall pursue a claim, if at all, in accordance with the provisions of AS 36.30.620 – 632.
18. **CONSUMER ELECTRICAL PRODUCT:** AS 45.45.910 requires that "...a person may not sell, offer to sell, or otherwise transfer in the course of the person's business a consumer electrical product that is manufactured after August 14, 1990, unless the product is clearly marked as being listed by an approved third party certification program." Electrical consumer products manufactured before August 14, 1990, must either be clearly marked as being third party certified or be marked with a warning label that complies with AS 45.45.910(e). Even exempted electrical products must be marked with the warning label. By signature on this bid the bidder certifies that the product offered is in compliance with the law. A list of approved third party certifiers, warning labels and additional information is available from: Department of Labor, Labor Standards & Safety Division, Mechanical Inspection Section, P.O. Box 107020, Anchorage, Alaska 99510-7020, (907)269-4925.
19. **SEVERABILITY:** If any provision of the contract is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected; and, the rights and obligations of the parties will be construed and enforced as if the contract did not contain the particular provision held to be invalid.
20. **GOVERNING LAW; FORUM SELECTION:** A contract resulting from this ITB is governed by the laws of the State of Alaska. To the extent not otherwise governed by section 17 of these Standard Terms and Conditions, any claim concerning the contract shall be brought only in the Superior Court of the State of Alaska and not elsewhere.

SPECIAL CONDITIONS:

1. **ORDER DOCUMENTS:** Except as specifically allowed under this ITB, an ordering agency will not sign any vendor contract. The State is not bound by a vendor contract signed by a person who is not specifically authorized to sign for the State under this ITB. The State of Alaska Purchase Order, Contract Award and Delivery Order are the only order documents that may be used to place orders against the contract(s) resulting from this ITB.
2. **BILLING INSTRUCTIONS:** Invoices must be billed to the ordering agency's address shown on the individual Purchase Order, Contract Award or Delivery Order. The ordering agency will make payment after it receives the merchandise or service and the invoice. Questions concerning payment must be addressed to the ordering agency.
3. **CONTINUING OBLIGATION OF CONTRACTOR:** Notwithstanding the expiration date of a contract resulting from this ITB, the Contractor is obligated to fulfill its responsibilities until warranty, guarantee, maintenance and parts availability requirements have completely expired.

PREFERENCES:

Note to Bidders.

Alaska Preferences apply for Lot 1 (Non-Participating Funds), and will not apply for Lot 2 (Federal Funds).

1. **ALASKA BIDDER PREFERENCE:** Award will be made to the lowest responsive and responsible bidder after an Alaska bidder preference of five percent (5%) has been applied. The preference will be given to a person who: (1) holds a current Alaska business license at the time designated in the invitation to bid for bid opening; (2) submits a bid for goods or services under the name on the Alaska business license; (3) has maintained a place of business within the state staffed by the bidder, or an employee of the bidder, for a period of six months immediately preceding the date of the bid; (4) is incorporated or qualified to do business under the laws of the state, is a sole proprietorship and the proprietor is a resident of the state, is a limited liability company organized under AS 10.50 and all members are residents of the state, or is a partnership under AS 32.06 or AS 32.11 and all partners are residents of the state; and, (5) if a joint venture, is composed entirely of ventures that qualify under (1) - (4) of this subsection. AS 36.30.170, AS 36.30.321(a) and AS 36.30.990(2)
2. **ALASKA VETERAN PREFERENCE:** If a bidder qualifies for the Alaska bidder preference under AS 36.30.321(a) and AS 36.30.990(2) and is a qualifying entity as defined in AS 36.30.321(f), they will be awarded an Alaska veteran preference of five percent (5%). The preference will be given to a (1) sole proprietorship owned by an Alaska veteran; (2) partnership under AS 32.06 or AS 32.11 if a majority of the partners are Alaska veterans; (3) limited liability company organized under AS 10.50 if a majority of the members are Alaska veterans; or (4) corporation that is wholly owned by individuals and a majority of the individuals are Alaska veterans, and may not exceed \$5,000. The bidder must also add value by actually performing, controlling, managing, and supervising the services provided, or for supplies, the bidder must have sold supplies of the general nature solicited to other state agencies, other governments, or the general public - AS 36.30.321(i).
3. **USE OF LOCAL FOREST PRODUCTS:** In a project financed by state money in which the use of timber, lumber and manufactured lumber is required, only timber, lumber and manufactured lumber products originating in this state from Alaska forests shall be used unless the use of those products has been determined to be impractical, in accordance with AS 36.15.010 and AS 36.30.322.



STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

INVITATION FOR QUOTES FOR
A SMALL PROCUREMENT
(CONSTRUCTION RELATED)

INSTRUCTIONS TO OFFERORS

The State of Alaska desires that all Offerors submitting quotes on construction contracts are given a fair and equal opportunity to compete. Offerors are required to follow these instructions:

REVIEW THE PROJECT DOCUMENTS: Most construction Projects in excess of \$1,000 will have some type of written documentation prepared expressly for the Work. If you are asked to submit a quote and no written information has been provided, you should ask the procurement Agency for written documentation. If the scope of services have been described to you verbally, and you are selected for Contract Award, you must ensure that the information of the services to be performed (scope of work) is put in writing prior to accepting the Contract. When providing a Quote, carefully review and consider all materials related to the solicitation and work of the contract. **By submitting a quote the Offeror warrants that they are familiar with the Project requirements, have visited or otherwise examined the site, and are aware of the conditions to be encountered.** Offeror's can verify the contents and completeness of their quote documents by contacting the procurement Agency individual named on the front of this form.

SUBMITTING THE QUOTE: The Quote must be submitted in one of the following formats as called for in the Invitation:

1. **ORALLY** - if a verbal quote is solicited, the Offeror must provide, in addition to their quote amount and mailing address -- (1) their valid Alaska Business License number, (2) if applicable, a valid Contractor's Registration number, (3) their status as an Alaskan Bidder (Offeror), (4) their intended use of Alaskan products, (5) the carrier's name and policy number for their Workers' Comp Insurance (or a statement of sole proprietorship, if applicable), and (6) the Employer (Tax) Identification Number or Social Security Number. The Procurement Agency will enter this information on the quote schedule.
2. **WRITTEN** - if a written quote is solicited, the Offeror must complete, in ink or typewritten, the *Small Procurement Quote Submittal*, Form SPC-002. Failure to acknowledge receipt of addenda or to execute the form correctly and completely may disqualify the quote.

NOTE: The Department of Labor requires an Offeror to be licensed and registered for the required type of work prior to submitting a quote. If the procurement Agency determines the Offeror is improperly registered or licensed, their quote may be deemed nonresponsive.

SUBCONTRACTOR LISTING: Subcontractors intended to be utilized on this contract must be listed in the response to the solicitation. Work shall not be awarded to any subcontractor without prior approval from the procurement Agency. Subcontractors may be added or removed only as approved by the procurement Agency.

DETERMINATION OF THE LOWEST RESPONSIBLE QUOTE AND CONTRACT AWARD: Following receipt and determination of all responsive oral, written or sealed quotes, the procurement Agency will compare the quotes and determine the lowest Offeror. If the procurement Agency discovers a discrepancy between the unit price amount and the extended amount; the unit price amount will prevail. Conditioned quotes, unless expressly requested, will not be considered. When the quote schedule is composed of a basic amount with alternates, the procurement Agency will base its determination of the low quote and the amount of the Contract Award solely upon those quotes, basic and alternates, that are priced within the extent of available construction funds. Alternates will be considered for Award in the order listed, except that if the order of Offerors is not affected, the Award may include any combination of funded alternates, or none, as may be in the best interest of the procurement Agency.

When determining the lowest quote, the procurement Agency will also give a 5% Alaska Offeror's preference and an appropriate Alaska Products preference to quotes designating the applicability of a preference. To qualify for the Offeror's preference (per AS 36.30.170) the Offeror **must** (1) hold a current Alaska Business License, (2) submit the quote under the name appearing on the license, (3) have staffed and maintained a place of business within Alaska for the previous six months and (4) be incorporated or qualified to do business under the laws of the State. In addition, if the Offeror is a partnership or joint venture, all parties must meet the criteria to be eligible for the preference. A booklet fully describing the Alaska Preferences (Bidder, Offeror, Product, Disabilities, Veteran) program is available at <http://doa.alaska.gov/dgs/pdf/pref2.pdf>. A detailed description of the Alaska Products Preference Program is available at <http://www.commerce.state.ak.us/ded/dev/prodpref/prodpref.htm>.

The procurement Agency will make a determination of **responsibility** as required by 2 AAC 12.500. If the lowest Offeror is declared responsible, the procurement Agency will execute the *Notice of Award / Notice to Proceed*, Form SPC-003, and send it to the Offeror for acknowledgement. If the lowest Offeror is found to be nonresponsive, this process will be repeated with the second lowest Offeror -- and so on until the lowest responsive and responsible Offeror is determined.

NOTICE OF AWARD AND PROTEST: A written notice will be provided on all Awards exceeding \$ 25,000 (2 AAC 12.400(h)). All protests must be filed with the Commissioner of the procurement Agency (or designee) and copied to the Procurement Officer. Protest procedures are described in AS 36.30.560 and 2 AAC 12.695. The extent of the protest remedy is limited to quote preparation costs (AS 36.30.585).

C. Tabulation. A tabulation of all bids received and opened shall be made with appropriate recommendations for acceptance or rejection of bids. A copy of the tabulation shall be furnished to each bidder, along with notice of intent to award.

3.60.150 Action on bids.

Upon receipt and opening of the bids, the assembly or its delegate shall have the authority to:

- A. Waive any and all irregularities on any or all bids;
- B. Reject defective or nonresponsive bids;
- C. Reject all bids;
- D. Re-advertise the project for bidding, with or without making changes in the project plans, specifications or scope of work;
- E. Award the contract in accordance with HBC 3.60.160.

3.60.160 Award of contract – Lowest bidder – Evaluation and exception – Negotiation.

A. Lowest Responsible and Responsive Bidder. A contract shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, there shall be considered:

1. The ability, capacity and skill of the bidder to perform the contract;
2. Whether the bidder can perform the contract within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts for the borough by the bidder;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;
6. The sufficiency of the financial resources and ability of the bidder to perform the contract;
7. The number and scope of conditions attached to the bid;
8. If a bid by a responsible and responsive bidder whose principal place of business is within the borough is up to three percent higher than that of the lowest bid by a responsible and responsive bidder, preference may be given to the local bidder.

B. Award to Other than Low Bidder. A decision to award a contract to other than the bidder offering the lowest price shall be made only by the assembly. When an award is given to other than the lowest bidder, a full and complete written statement of the reasons therefor shall be delivered by the mayor or the mayor's designee to the unsuccessful low bidder or bidders and filed with the other papers

Failure to Execute Contract: Failure of the successful Bidder to execute and return the contract agreement and other documents within seven (7) days after receipt of the Municipality's Notice of Intent to Award, will be just cause for the rejection of the award. Award may then be made to the next lowest responsive, responsible and qualified Bidder, or the work may be re-advertised, in the sole discretion of the Municipality.

If the Municipality does not execute the contract agreement within fifteen (15) days following receipt from the Bidder of all required documents appropriately executed for the award of the contract, the Bidder shall have the right to withdraw its bid without penalty.

Skagway Bidder Preference: A bid shall be awarded to a Skagway bidder if Bidder's bid is not more than five percent higher than the lowest responsive nonresident bidder's. A bid shall be rejected if it contains a material alteration or an erasure. The Municipality may reject the bid of a bidder who failed to perform or failed to timely perform on a previous contract with the Municipality or any municipality. The Borough manager may reject any and all bids and waive any informalities or minor irregularities in the bids. Where all bids are rejected, and new bids are called for on substantially the same purchase or contract, each of the bidders whose bids were rejected shall be timely notified of the new call for bids and of changes, if any, in the specifications and requirements.

Permit Responsibility: Successful Bidder/Contractor shall obtain any and all necessary permits from Federal, State and local authorities for this project, including any applicable fees and costs associated with the permit/process.

Davis Bacon: Alaska Labor Standards, reporting and prevailing wage rate determination is made part of this bid package. If this project is over \$25,000, a notice of award will be sent to the Alaska Department of Labor - Wage and Hour Section. The State will require that certified payroll forms are completed and the State has the right to randomly audit the successful bidders company to ensure Davis Bacon Wages are being paid for this project.

Payment and Performance Bond: If this project is under \$50,000 no bonding is required and the bonding bid sheet does not need to be completed. If this project is over \$50,000 but under \$150,000, bidder must sign the bonding exemption checklist & have it notarized. Answers to questions on Bonding Exemption Checklist page may require bonding papers or a letter from bonding company saying contractor is bondable for this project for the amount of the project. If this project is over \$150,000, bonding **IS** required. For purposes of bid documents, a signed letter from a surety company committing to the bonding of the contractor in the amount of the project will suffice until the time of actual signing of the contract, when bond must be on hand. (See Bonding Exempt Checklist)

Ownership of Bid Submittals: Once bids are opened, they become the property of the Municipality, and shall not be returned. Bids may be withdrawn by submitting a written withdrawal request to the same address to which the bid was submitted if said request is received by the Municipality one (1) hour prior to the bid opening time and date. The bid shall be returned to the Bidder unopened.



DATE: 18 September 2015

To: Mayor Hill & Haines Borough Assembly

From: David B. Sosa, Borough Manager

Subject: LOCAL BIDDER PREFERENCE

1. In this week's packet the Assembly will find correspondence from local business owners regarding local preference.
2. I have directed staff to review the request and provide recommendations. From my initial review I offer the following thoughts:
 - a. The request to have the Local Bidder Preference clearly identified in bid documents is worth strong consideration and, barring any legal concerns, I would recommend implementing this.
 - b. The request for Haines to match other communities in offering a 5% local bidder preference is worth strong consideration. I have directed staff to review the policies of other communities in Southeast Alaska and make a recommendation.
 - c. The desire for mandatory local bidder selection requires more detailed staff work and a thorough review before any recommendation can be offered.
3. Staff will continue to provide feedback on this item and I hope to have a staff report to the Assembly included in the packet for the 27 October Assembly Meeting.

Respectfully,

D.B. Sosa

David B. Sosa

Haines Borough Manager

TO THE HAINES BOROUGH MAYOR, MANAGER AND ASSEMBLY MEMBERS:

WE THE UNDERSIGNED SUPPORT THE HARBOR EXPANSION PROJECT 14B THAT IS CURRENTLY AT 95%.

SIGNATURE	PRINTED NAME	CITY & STATE
<i>[Signature]</i>	Pary McConnell	Haines AK
<i>[Signature]</i>	DAN LANGSTON	SKAGWAY
<i>[Signature]</i>	ROS CAMPBELL	WHITEHORSE
<i>[Signature]</i>	CARRY BURTON	WHITEHORSE
<i>[Signature]</i>	JUSAN BURTON	Whitehorse
<i>[Signature]</i>	LANCELOT BURTON	Whitehorse
<i>[Signature]</i>	JODI HISCOCK	Whitehorse
<i>[Signature]</i>	LLOYD COLE	Whitehorse
<i>[Signature]</i>	SCOTT CRAIGER	Haines
<i>[Signature]</i>	SOMMY MYERS	HAINES
<i>[Signature]</i>	MIKE L. BINKER	Haines AK
<i>[Signature]</i>	KASSANDRA CHINLE	Haines AK
<i>[Signature]</i>	JAWN	Haines
<i>[Signature]</i>	KERRY R. JAWN	Haines
<i>[Signature]</i>	MATT DAVIS	HAINES, AK
<i>[Signature]</i>	ALBERT GIDDINGS	HAINES, AK
<i>[Signature]</i>	LOUIE MEACOCK	HAINES AK
<i>[Signature]</i>	MIKE FALVEY	Box 46 HAINES
<i>[Signature]</i>	ROGER BERGSTAND	Box 1315
<i>[Signature]</i>	NISHAN WEERASINGHE	P.O. Box 817 HAINES
<i>[Signature]</i>	PAUL ERNY	Box 1654 Haines
<i>[Signature]</i>	GINA ANNA M. ERNY	Box 1654 HAINES
<i>[Signature]</i>	KENNETH R. KLINGER	PO Box 1023 Haines AK
<i>[Signature]</i>	V. JOE ROOK	PO Box 594 - Haines, AK
<i>[Signature]</i>	JUDITH McDERMID	Haines AK
<i>[Signature]</i>	DOROTHY M. STECHER	Haines, AK
<i>[Signature]</i>	DANIEL L. FITZPATRICK	HAINES, AK
<i>[Signature]</i>	TOM WARD III	Haines, AK
<i>[Signature]</i>	PAUL KELLY WILSON	HAINES, AK

**TO THE HAINES BOROUGH MAYOR, MANAGER AND
ASSEMBLY MEMBERS:**

**WE THE UNDERSIGNED SUPPORT THE HARBOR EXPANSION
PROJECT 14B THAT IS CURRENTLY AT 95%.**

SIGNATURE	PRINTED NAME	CITY & STATE
	Dylan Haisler	Haines Alaska
	DAVID SHACKFORD	" " "
	DOROTHY SHACKFORD	HAINES AK
	Rochelle Rostad	HAINES AK
	MICHAEL STARR	HAINES AK
	Robert Lix	HAINES AK
	Arthur Woodard	HAINES AK
	Sheldon Seppelott	HAINES AK
	Wayne Wulff	HAINES AK
	Robert Musseman	HAINES AK
	MARY MUSSEMAN	HAINES AK
	Sandra Martin	HAINES AK
	Shannon Willard	"
	Lawrence Willard	"
	GARY JOHNSON	HAINES AK
	DONALD CHASE	HAINES AK
	Suzanne Newton	HAINES AK
	JAMES S. SHOOK	HAINES AK
	WAYNE COWART	HAINES AK
	JANE COWART	HAINES AK
	Bob Adkins	HAINES AK
	J.B. Arson	HAINES AK
	Jim Morgan	HAINES AK
	Steven Martin	HAINES AK
	Robert J. David Jr	HAINES AK
	Ken Sparks	HAINES AK
	Janet Hayes	HAINES AK
	James Hart	HAINES AK
	Steven Barry	HAINES AK
	Mike Stuart	HAINES AK
	Mark Allen	1373 9982-7

**TO THE HAINES BOROUGH MAYOR, MANAGER AND
ASSEMBLY MEMBERS:**

**WE THE UNDERSIGNED SUPPORT THE HARBOR EXPANSION
PROJECT 14B THAT IS CURRENTLY AT 95%.**

SIGNATURE	PRINTED NAME	CITY & STATE
	Shane D. Martin	Haines AK
	Steven Cunningham	Haines AK
	Tim HADNOR	HAINES AK.
	Sefere Anderson	HAINES AK
	Kris Marden	Haines, AK
	Revon Dyer	Haines, AK
	D. McConnell	HNS.
	Erchiei Frank	HNS AK
	Kenneth T.	Haines AK.
	TERESA DeLosa	HAINES AK
	John Hagen	Haines, AK
	DENNIS Gudmundson	Haines AK
	James Thomsen	Haines, AK
	VIK ROSAD	HAINES AK
	Steven M. Fossman	Haines, AK
	CARL TAYLOR	HAINES, AK
	DON HATCH SR	HAINES AK
	Woody Pahl	Haines AK
	Arne Kaiser	Whitehorse, Yukon
	Melonie Clarke	Whitehorse, YT
	Brad Dudge	Haines AK
	Joel Pasqua	HNS AK
	KARL N. JOHNSON	Haines AK
	Dean Risley	Haines, AK
	Joe Adams	Haines, AK
	Corey Tatham	Haines, AK
	John KATZEK	HAINES, AK
	Henry Chataway	Haines AK
	David Benjamin	Haines AK
	Kyle J. Fossman	Haines, AK

TO THE HAINES BOROUGH MAYOR, MANAGER AND ASSEMBLY MEMBERS:

WE THE UNDERSIGNED SUPPORT THE HARBOR EXPANSION PROJECT 14B THAT IS CURRENTLY AT 95%.

SIGNATURE	PRINTED NAME	CITY & STATE
	DANIEL HANSON	Haines, AK
	Wes Bin Thomas	Haines, AK
	Jeanne Beck	Haines AK
	Lawrence Beck	Haines, AK
	Helen Turner	Haines, AK
	Rodger Tuense	Haines AK
	DAVE WERNER	HAINES HWY,
	TIM WARD	HAINES AK
	MIKE DURAND	HAINES AK
	Tammy Hauser	Haines, AK
	MARY MANUEL	" "
	Troy Fots	Haines AK
	Dave Stadler	Haines AK
	Nathan Jones	Haines, AK
	Kenneth Wald	Haines AK
	Christopher Hausack	Haines, AK
	Richard, CHAPPEL	HAINES, AK
	Mark Dogge	Haines, AK
	Michael D. Ward	Haines AK
	Don Phillips	HAINES, AK
	Kendra Knight	Hns, AK
	Christopher S. Thorgeirson	Haines AK
	Bill Williamson	HAINES AK
	Loren Tansgard	Haines, AK
	DAVID SMITH	HAINES, AK
	Leslie Ross	Haines, AK
	Kalani Kanahela	Haines, AK
	TIM WALTER	Haines AK
	DAISE WELDON	HAINES
	Fred Folletti	HAINES
	Jonathan Danner	Haines, AK

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**TO THE HAINES BOROUGH MAYOR, MANAGER AND
ASSEMBLY MEMBERS:**

**WE THE UNDERSIGNED SUPPORT THE HARBOR EXPANSION
PROJECT 14B THAT IS CURRENTLY AT 95%.**

SIGNATURE	PRINTED NAME	CITY & STATE
	Tyler Swinton	Haines, AK
	Dylan Swinton	Haines, AK
	James Studley	Haines, AK
	Lucy W Harrell	Haines, AK
	Charlotte Olerud	Haines, AK
	Ryan Sparks	Haines, AK
	Sarah Swinton	Haines, AK
	Douglas Olerud	Haines, AK
	Kelly Jessup	HUS, AK
	Saret Grant	Haines, AK
	Stuart DeWitt	Haines, AK
	Erik Jacobson	Crookston, MN
	Allan Jobbin	Haines, AK
	Math. Richard	Whiston, BC
	Brittany Miller	Haines, AK
	Vincent Simkin	Haines, AK
	Gary Hinkle	Haines, AK
	Jasper Strong	Haines, AK
	Paul Babiak	Whitehorse - Yukon
	Ken VanSprosen	Haines, AK
	Peter Dwyer	Haines, AK
	Ralph Swinton	Haines, AK
	DON L BOYD	HAINES, AK
	Scott Brewington	Haines, AK
	Kayley Swinton	Haines, AK
	Damon Pattison	Haines, AK
	KATHRYN L. WARNER	HAINES, AK
	Scott Sudberg	Haines, AK
	Charles A Dewitt	Haines, AK
	Paul Hearn	Whitehorse
	Kathleen Burke	Whitehorse

TO THE HAINES BOROUGH MAYOR, MANAGER AND ASSEMBLY MEMBERS:

WE THE UNDERSIGNED SUPPORT THE HARBOR EXPANSION PROJECT 14B THAT IS CURRENTLY AT 95%.

SIGNATURE	PRINTED NAME	CITY & STATE
<i>[Signature]</i>	Kyle Gray	Haines AK
<i>[Signature]</i>	Wm L STACY	HAINES, AK
<i>[Signature]</i>	Bergie Stewart	Haines AK
<i>[Signature]</i>	GARY STIGEN	HAINES AK
<i>[Signature]</i>	DALE LIPPY	Haines AK
<i>[Signature]</i>	Faith L. Loente	Haines AK
<i>[Signature]</i>	Lyndsey M. Hura	Haines, Alaska
<i>[Signature]</i>	Randy Bachman	Haines, AK
<i>[Signature]</i>	Ron P. Smith	HNS, AK
<i>[Signature]</i>	Dean Olsen	HNS, AK
<i>[Signature]</i>	Ed Brand	HNS
<i>[Signature]</i>	Jordan Paik	Haines AK
<i>[Signature]</i>	MARK S. KISTLER	HAINES, AK
<i>[Signature]</i>	Don Sinker	Haines
<i>[Signature]</i>	IRA HEWRY	HAINES AK
<i>[Signature]</i>	Dayton Long	Haine AK
<i>[Signature]</i>	Jill Atlas	Haines AK
<i>[Signature]</i>	Harry Rieter	Haines AK
<i>[Signature]</i>	JACK SMITH SR	HAINES AK
<i>[Signature]</i>	JACK SMITH JR	Haines AK
<i>[Signature]</i>	Larry W Berzanske	Haines AK
<i>[Signature]</i>	William Whittington	Haines AK
<i>[Signature]</i>	Jennifer Bader	Haines AK
<i>[Signature]</i>	Katherine Fossman	Haines, AK
<i>[Signature]</i>	Andy Berry	Haines, AK
<i>[Signature]</i>	Lori Katzeck	Haines
<i>[Signature]</i>	Colleen Jensen	Haines
<i>[Signature]</i>	ARIANNE Dumont	HAINES
<i>[Signature]</i>	NELIPCLAVA Natalya	Haines
<i>[Signature]</i>	Provence Stuart	Haines
<i>[Signature]</i>	Brady Wine	Haines

TO THE HAINES BOROUGH MAYOR, MANAGER AND ASSEMBLY MEMBERS:

WE THE UNDERSIGNED SUPPORT THE HARBOR EXPANSION PROJECT 14B THAT IS CURRENTLY AT 95%.

SIGNATURE	PRINTED NAME	CITY & STATE
<i>Charles E. Strong</i>	CHARLES E. STRONG	HAINES, AK
<i>Margory Balow</i>	Margory Balow	Haines AK
<i>Carol Ridge</i>	CAROLE RIDGE	HAINES
<i>Jacob B. Gognett</i>	Jacob B. Gognett	HAINES
<i>Don Avelson</i>	Don Avelson	HAINES
<i>Wynn Light</i>	Wynn Light	HAINES
<i>Diane Light</i>	DIANE LIGHT	HAINES
<i>Ron Mitchell</i>	Ron Mitchell	Phoenix, AZ
<i>Tim Banks</i>	Tim Banks	Haines AK
<i>Lee Taylor</i>	Lee Taylor	Haines AK
<i>Daniel Martin</i>	Daniel Martin	Haines AK
<i>Don Henagan</i>	Don Henagan	Baton Rouge, LA
<i>Betty A Martin</i>	Betty A Martin	Haines AK
<i>Steven Leavitt</i>	Steven Leavitt	Haines AK
<i>Joanne Lemieux</i>	Joanne Lemieux	Haines, AK
<i>Vija Peletis</i>	Vija Peletis	Haines, AK
<i>Barbie Gillham</i>	Barbie Gillham	Haines, AK
<i>Nicholas Korotovich Jr</i>	Nicholas Korotovich Jr	Haines, AK
<i>Brad Lucas</i>	Brad Lucas	Haines, AK
<i>Nik Hura</i>	Nik Hura	Haines, AK
<i>William Whittington</i>	William Whittington	Haines, AK
<i>Tim Ackerman</i>	Tim Ackerman	Haines, AK
<i>Brenton Hedlin</i>	Brenton Hedlin	Seattle WA
<i>Travis Stuart</i>	Travis Stuart	Haines, AK
<i>William Weir</i>	William Weir	HAINES, AK
<i>T. W. Pardo</i>	T. W. Pardo	HAINES, AK
<i>Robert D. Herr</i>	Robert D. Herr	Haines, AK
<i>Jon Bonnes</i>	Jon Bonnes	Haines AK
<i>Gene Martin</i>	Gene Martin	Haines AK
<i>Ralph Strong</i>	RALPH STRONG	HAINES, AK
<i>Robert Hopkins</i>	Robert Hopkins	Haines, AK

*Tim
Anderson
is
&
Lara*

**TO THE HAINES BOROUGH MAYOR, MANAGER AND
ASSEMBLY MEMBERS:**

**WE THE UNDERSIGNED SUPPORT THE HARBOR EXPANSION
PROJECT 14B THAT IS CURRENTLY AT 95%.**

SIGNATURE	PRINTED NAME	CITY & STATE
	JENNIFER Wausu	Haines, AK
	Alisa Beske	Haines, AK
	BRIAN LEMCKE	HAINES, AK
	Sony NASH	Haines, AK
	Hugh Rietze	Haines, AK
	Carl Taylor	Haines, AK
	Carlos Jimenez	Haines, AK
	JAMES C SCHNABEL	HAINES AK
	FRED GRYN	HAINES AK
	BOB Fowler	HAINES AK
	GLEN JACOBSON	Haines AK
	JIM SZYMANSKI	Haines, AK
	Clifford Thomas	HAINES AK
	Ruddy McDonald	HAINES
	ROBERT L JENSEN	HAINES
	Karen M. Hess	Haines
	DON E. HESS	HAINES
	Jami Hanson	Haines
	Greg Wyckes	SITKA, AK
	Scott Rossman	HAINES AK
	Jeff Hausler	Haines AK
	Victoria Moore	Haines, AK
	Connie Ward	Haines, AK
	MICHAEL GANEY	HAINES, AK
	Lisa Flory	Haines, AK
	Matt Kokon	Haines, AK
	Will Hrusman	Haines, AK
	JOHNNY L. SPENCER	Haines, AK
	Ted Cheney	Haines, AK
	BRAD SCHULTZ	HAINES, AK
	Ed Davis	Haines, AK

**TO THE HAINES BOROUGH MAYOR, MANAGER AND
ASSEMBLY MEMBERS:**

**WE THE UNDERSIGNED SUPPORT THE HARBOR EXPANSION
PROJECT 14B THAT IS CURRENTLY AT 95%.**

SIGNATURE	PRINTED NAME	CITY & STATE
	J. DWIGHT DOWNER	Haines AK
	Eric Ferris	Haines AK
	RON MARTIN	Haines AK
	Coleman Stanford	Haines, AK
	Jeanne Kitayama	Haines, AK
	KATHY BERRAISKE	Haines, AK
	Mike Atkins	Haines, AK
	Gene P Strong	Haines, AK
	Chris Strong	Haines, AK
	Pam Long	Haines, AK
	CHERYL L. MULLINS	HAINES, AK
	JOSEPH SIMKO	HAINES, AK
	Bruce Smith	HAINES AK
	KENT DOBBINS	HAINES AK
	Jim Hayes	HAINES AK
	HAROLD O. BIELESKI	HAINES, AK
	Ryan Cook	Haines, AK
	STANLEY N. JONES	HAINES, AK
	Monty L Smith	Haines AK
	Mikalea Gudmundson	Haines, AK
	Erik Lemcke	Haines AK
	Ryan Williams	Haines, AK
	Jeffrey Klement	Haines, AK
	Lyle Huff	Haines, AK
	Don Hottel Smith	HAINES, AK
	ALBERT SANYON	Haines AK
	Shane D. Horton	Haines AK
	Gene Clark	Haines AK
	Janis Horton	Haines AK
	Craig Hgwood	Haines AK
	Christopher G Downes	Haines, AK

**TO THE HAINES BOROUGH MAYOR, MANAGER AND
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**WE THE UNDERSIGNED SUPPORT THE HARBOR EXPANSION
PROJECT 14B THAT IS CURRENTLY AT 95%.**

SIGNATURE	PRINTED NAME	CITY & STATE
	STACIE TURNER	WAINES, AK
	DON TURNER JR	Haines AK
	Beverly M. Jones	Haines, AK.
	DAVID CANIPE	Haines AK
	Al Badgley	Haines AK
	DAN NORTHROP	HAINES AK
	Katie NORTHROP	"
	MICHAEL G. BINKIE	HAINES AK
	Bob Stickle	Haines AK
	Cheryl Stickler	Haines, AK
	Wm DAUM GROSS	Haines, AK
	James Sage	Haines, AK
	Robert Piper	Haines AK
	Jae Lampkins	Haines, AK
	Gabe Thomas	Haines, AK
	Lowell Nanum	Haines, AK
	Robert ADAMS	Haines, AK
	Gloria Gilbert	Haines AK
	Lorraine Barker	Haines, AK
	Scott Bradford	Haines AK
	LEONARD BANASZUK	HAINES, AK
	Candi Bradford	Haines AK
	William Brose	Haines AK
	PATY A Campbell	Haines, AK
	Zackery E. Ferris	Haines AK
	Melissa Snell	Haines, AK
	Darlene Walton	Haines, AK
	Keith Brooks	Haines, AK
	John Floreske Jr.	Haines AK
	Shawn O'Brien	Haines AK
	Leslee L. Drumer	Haines AK

A PETITION FROM DEBRA SCHNABEL TO THE HAINES BOROUGH ASSEMBLY
September 15, 2015

I hereby petition the Haines Borough Assembly to postpone final approval of design plans for the proposed harbor expansion project until a formal public hearing on the merits of the harbor design is called to clarify these concerns:

1) **Need for a two-lane launch ramp.** The rationale offered for the size of the uplands development is that Dingell-Johnson funding through the Department of Fish & Game requires a certain number of parking spaces. The standard requirement is fifty (50) standard truck & trailer spaces per lane, though Mike Woods told me that actual spaces required is negotiable.* The plan before the Assembly on September 22 identifies a two lane launch ramp. The consequences of wanting a two-lane launch ramp are: more parking spaces, more upland development, more cost, more mitigation and down-grading other aspects of the design. Funding a one-lane launch ramp requires less real costs and offers stronger aesthetic design. *Please explain why a two-lane launch ramp has priority over these additional project considerations:*

2) **Dredging the existing harbor.** The current plan minimizes the need for dredging the existing harbor by placing this item on the bid documents as an additive alternative. The need to dredge the existing basin to allow access to slips by commercial vessels was identified a decade ago. *Please explain why dredging the existing harbor is not a priority item.*

3) **Provision for anodes.** The primary bid does not include providing anodes; the engineers have stated that the life span of the steel portions of the harbor structure is shortened without anodes. We do not have a financial plan for the next phase of harbor construction. *Please explain why providing anodes is not a priority item.*

4) **Safe and efficient traffic patterns in uplands development.** The proposed uplands development surrounds an existing structure and associated grounds; the structure has potential for creating an obstruction and conflict in the proposed parking lot. *The proposed traffic pattern and proposed parking space design should be known.*

5) **The integrity of Lookout Park and associated memorial.** The Planning Commission recommends moving Lookout Park. I have evidence that the costs could be below \$260,000. *I request your acknowledgment of this recommendation and either your action to include it as a bid item or reasons to not address it seriously.*

6) **The footprint of the upland development.** The upland development exceeds the extension of the proposed wave barrier. *Please explain why the footprint of the uplands development cannot be reduced to at least the extent of the wave barrier regardless of the character of the launch ramp and the relocation of Lookout Park, the two factors said to determine the size of the upland development.*



*Petersburg is a community renowned for both commercial and recreational fishing; its harbor has 600 stalls. The Petersburg harbor has a one-lane launch ramp. It has parking for 20 truck & trailer assemblies.