

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE,  
TITLE 8 TO ADD CHAPTER 8.20 TO ADDRESS BEAR ATTRACTION NUISANCE.**

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. Purpose. This ordinance amends Haines Borough Code Title 8 Health and Safety to add a new chapter 8.20 to address bear attraction nuisance.

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

**Chapter 8.20**  
**BEAR ATTRACTION NUISANCE**

Sections:

- 8.20.010 Definitions.
- 8.20.020 Unlawful acts.
- 8.20.030 Enforcement.
- 8.20.040 Defenses.
- 8.20.050 Fines.

**8.20.010 Definitions.**

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

- A. "Bear attraction nuisance" means, except as otherwise provided in this section:
  - 1. More than one-half gallon of any putrescible waste, including packaging or other surfaces to which the material is adhered;
  - 2. "Bear attraction nuisance" does not include:
    - a. Material in a certified landfill;
    - b. Manure or sewage;
    - c. Material in a garbage can temporarily placed outside for purposes of collection after 4:00 a.m. on a day scheduled for collection;
    - d. Material completely enclosed in a structure or container which requires hands or tools to open.
- B. "Garbage Can" means a watertight, odor-free, corrosion-resistant container and equipped with a tight-fitting cover secured so as to remain in place if the can is knocked over.
- C. "Person in control" means a tenant or an agent, superintendent, or other owner's representative.
- D. "Property" means developed or undeveloped real property, including any apartment house, mobile home park, planned unit development, or other multifamily development.
- E. "Putrescible waste" means organic materials prone to degrade rapidly, giving rise to obnoxious odors, including foods or animal parts, which is capable of being decomposed by microorganisms.

**8.20.020 Unlawful acts.**

Within the Haines townsite area, no owner or person in control of property shall cause or allow the creation or maintenance of a bear attraction nuisance on that property or any adjacent right-of-way. Except as otherwise provided for in this chapter, the property owner and the person in control of the property may both be liable for a violation of this chapter concerning the same unlawful act. The unlawful act involves not only the creation of a bear attraction nuisance but allowing the offense to continue.

**8.20.030 Enforcement.**

This chapter shall be enforced by the police department or by other employees authorized by the borough manager. Whenever a bear attraction nuisance is found on property in violation of this chapter, the officer or authorized employee shall issue a citation stating the nature of the offense and the date and time for a court appearance

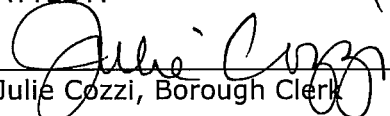
**8.20.040 Fines.**

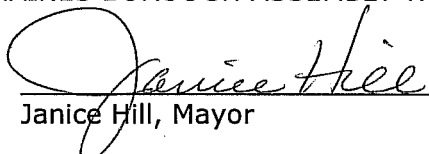
A. Each person who owns and/or is in control of property that creates, maintains, or permits a bear attraction nuisance on the property, shall be charged with an infraction and subject to a fine as set forth in HBC 1.24.010.

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.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26<sup>th</sup> DAY OF OCTOBER, 2010.

ATTEST:

  
Julie Cozzi, Borough Clerk

  
Janice Hill, Mayor

Date Introduced: 09/21/10  
Date of First Public Hearing: 10/12/10  
Date of Second Public Hearing: 10/26/10

