

**AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE
TITLE 7, SECTION 7.08.010 TO DISCONTINUE THE FIRE SERVICE AREA #1
BOARD.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. Section 4 of 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 7.08.010. Section 7.08.010 of the Haines Borough Code of Ordinances is amended to read as follows:

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

7.08.010 Fire service area No. 1.

A. Establishment of Fire Service Area No. 1. Borough fire service area No. 1 is established with area and boundaries as set forth on a plat. ~~[See Figure 7-1.]~~ The boundaries of fire service area No. 1 are described as that portion of the borough along and accessible from the following roads and outside the townsite service area boundaries:

Area A – All land between the Chilkat River on the west and the 2,000-foot elevation level on the east, starting at the townsite service area boundary and continuing to approximately Mile 15, Haines Highway.

Area B – All land between the townsite service area southern boundary on Mud Bay Road and the east/west line created by the southern boundary of Lot 5, Section 13, T31S, R59E.

Area C – Beginning at the N.W. corner of Section 9, Township 30 South, Range 59 East, C.R.M.; thence due south to the 2,000-foot elevation line; thence along said line in a northerly direction to its intersection with the north boundary line of Section 27, Township 29 South, Range 58 East, C.R.M.; thence due east along said section line to the N.E. corner of Section 30, Township 29 South, Range 59 East, C.R.M.; thence due south along the eastern boundary of said section to its intersection with the mean high tide line of Lutak Inlet; thence along said line in a northerly direction gradually becoming southerly around the northern end of Lutak Inlet to the true point of beginning. ~~(This description contains all property on Lutak Inlet currently owned by Chilkoot Lumber Co.)~~

Area D – All property on the Chilkat Peninsula south of the existing townsite service area and Fire District #1 boundaries, excluding all property on the east side of Flat Bay (east and south of the Nelson Sub-Division).

~~The prior maps illustrating the approximate boundaries of fire service areas No. 1, No. 2, No. 3, and No. 4 are repealed and replaced by the map attached to the ordinance codified by this section and labeled as Appendix A. If the mapped boundaries differ in any respect from those in the above narrative text describing the boundaries, the narrative text shall prevail.~~

B. Services Provided. The services provided within fire service area No. 1 shall be fire protection, prevention, and safety, including, but not limited to, construction of facilities and purchase of real and personal property as required.

~~C. Board of Directors.~~

~~1. The board of directors for fire service area No. 1 shall be composed of five members. Four of the members shall be residents of the service area, of whom one, and only one, shall be a member of the Haines volunteer fire department. The chief of the Haines volunteer fire department shall serve ex officio as the fifth member on the board. The term of office for appointed members shall be two years, except that two members of the first board appointed under this section shall each serve for only one year. All appointments shall be made in accordance with HBC 7.04.080.~~

~~2. The board shall recommend to the assembly the annual tax for the residents and conduct any other business necessary to manage the affairs of the service area including annual reports and audits. The assembly shall act promptly on board recommendations.~~

D. Borough Service Area Tax Levy.

1. The assembly shall levy and collect an annual tax from each property owner within fire service area No. 1, which will be deposited in a special borough service area fund. The borough shall allocate on behalf of the Haines volunteer fire department a sum equivalent to the total taxes levied, no later than October 31st of each year. Delinquent service area taxes shall be collected by the borough in the same manner as other delinquent real property taxes within the borough, as set forth in the code and statutes.

2. Differential taxation is applicable to properties within the fire service area, with the objective of approximating the relationship between cost borne and level of service which can be provided.

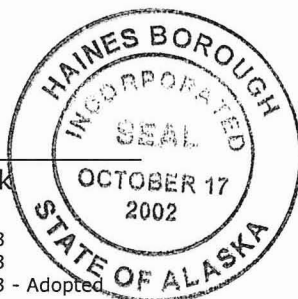
3. A differential rate of taxation is applicable at a 25 percent reduction for properties within the fire service area based on a response time greater than 40 minutes **as determined by the Haines Borough Fire Department**. "Response time" is defined as the arrival of a hose from a fire truck to the property as referenced in the pre-fire plan developed by the Haines volunteer fire department. The property owner seeking an exemption shall file a written application to the ~~fire service area board~~ **borough manager** prior to January 1st of the year the exemption will apply. The ~~service area board~~ **assembly** shall review exemptions periodically.

E. State Revenue Sharing Funds. The borough shall apply for state revenue sharing funds, if available, on behalf of fire service area No. 1.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 23rd DAY OF APRIL, 2013.

ATTEST:


Julie Cozzi, MMC, Borough Clerk




Stephanie Scott, Mayor

Date Introduced: 03/26/13
Date of First Public Hearing: 04/09/13
Date of Second Public Hearing: 04/23/13 - Adopted