

**An Ordinance of the Haines Borough amending Haines Borough Code Section 16.04.010 to add the definition of "Nuisance," Section 16.16.200 to define Dead Storage and Section 16.28.010 to modify Prohibited Acts for port and harbor facility users.**

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendments 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 16.04.010 Section 16.04.010 of the Haines Borough Code is hereby amended as follows:

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

**16.04.010 Definitions.**

In construing the provisions of this title, except when otherwise stated or when other meaning is apparent from the context, the following words shall have the meanings indicated in this section.

"Aircraft" means and includes aircraft of every kind or description which are capable of being landed upon or taking off from water.

"Borough port and harbor facilities" means all port and harbor facilities within the jurisdiction of the Haines Borough including the Letnikof Cove Small Boat Harbor, Lutak Dock facility, Port Chilkoot Dock facility, Portage Cove Harbor, Excursion Inlet facility, and Swanson Harbor facility.

"Commercial vessel" means any vessel engaged in commerce for which it is intended.

"Derelict" means any vessel moored, or otherwise located within the boundaries of the borough port and harbor facilities, which is left in a condition such that it will not rise and fall with the tide, or has suffered such neglect as to be unfit for navigation on the seas.

"Excursion Inlet facility" means that area of tidelands, submerged lands and uplands owned and controlled by the Haines Borough, together with its breakwaters, dolphins, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

"Finger floats" means numbered floats attached and connected to the master float.

"Harbormaster" means the duly appointed harbormaster of the Haines Borough who also serves as a facility security officer for all borough port and harbor facilities.

"Hazardous condition" means any condition which may be considered dangerous or hazardous by a borough, state or federal official.

"Letnikof Cove Small Boat Harbor" means the area of tidelands, submerged lands and uplands

owned or controlled by the Haines Borough, together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

"Lutak Dock facility" means that area of tidelands, submerged lands and uplands owned or controlled by the Haines Borough, together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

"Master float" means the main float, reached by ramp, from the pier or dock.

**"Nuisance" means any person, thing, or circumstance out of compliance with Haines Borough Code Title 16.**

"Port Chilkoot Dock facility" means that area of tidelands, submerged lands and uplands owned, or controlled by, the Haines Borough together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

"Portage Cove Harbor" means that area of tidelands and uplands owned or controlled by the Haines Borough together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

"Swanson Harbor facility" means that area of tidelands, submerged lands and uplands owned, or controlled by, the Haines Borough together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

"Transient vessel" means vessels not assigned permanent moorage or permanent open moorage.

"Vessel" means a watercraft constructed and maintained for the primary purpose of navigating the waterways and not for the primary purpose of providing living quarters such as "float homes" or "houseboats" and includes any ship, boat or skiff and watercraft of every kind and description.

Vessel Length. For the purpose of any fee or assessment, the term "vessel length" means the actual overall length of the vessel, as moored, including anchors, bowsprits, swim-steps, outboards or other extensions.

**Section 5.** Amendment of Section 16.16.200 Section 16.16.200 of the Haines Borough Code is hereby amended as follows:

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~~STRIKETHROUGH~~ ITEMS ARE DELETED

**16.16.200 Dead storage prohibited.**

A. It is declared that the borough port and harbor facilities are installed and have been installed for the convenience of owners of vessels who use them for navigation and not for the purpose of providing moorage for vessels in dead storage or used as a residence.

**B. If, within one year's time, the harbormaster does not witness a vessel motoring outside the Haines Harbor, the vessel owner must demonstrate that their vessel is still seaworthy. An appointment with the harbormaster must be made for this purpose.**

**To be considered "seaworthy" a vessel must be capable of safely operating under its originally designed power plant and under average weather conditions, i.e. no kickers or outboards unless the vessel was designed to navigate with such.**

**C.** Permits may be issued allowing exception to this section under such conditions and regulations as the assembly may impose. An application for such permit shall be for a period of time not to exceed six months. Permits shall be issued fairly and without discrimination and shall be applicable to all under like conditions.

**Section 6.** Amendment of Section 16.28.010 Section 16.28.010 of the Haines Borough Code is hereby amended as follows:

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**16.28.010 Prohibited Acts.**

It shall be unlawful for any person using the borough port and harbor facilities to commit any of the following prohibited acts:

A. To operate, or cause to be operated, any vessel, as defined in this title, within the limits of the borough port and harbor facilities, in excess of three miles per hour. All vessel operators are legally liable for any damages from their wake.

B. To operate, or cause to be operated, any vessel, as defined in this title, within the limits of the borough port and harbor facilities, in a negligent manner in willful and wanton disregard for the safety of persons or property.

C. To operate, or cause to be operated, any vessel, as defined in this title, within the limits of the borough port and harbor facilities, in a negligent manner likely to endanger the safety of person or property.

D. To throw or otherwise cause to be deposited gasoline, oil, trash, garbage or refuse on any float or into the water of the borough port and harbor facilities. To use the borough port and harbor refuse containers for nonharbor or nonport use. To create construction or project waste and dispose of it in the harbor refuse containers. Vessel construction and project waste shall be hauled away to a local waste receiver and is the responsibility of the owner and the contractor. The harbormaster is allowed discretion in determining what constitutes construction or project waste.

E. To fail to register with the harbormaster, as provided in HBC 16.20.010.

F. To leave any vessel or floating structure moored at any of the borough port and harbor facilities unattended while any fire is burning thereon. Any such fire shall be deemed unattended unless the owner or operator is within 100 feet of the same.

G. To start or allow to continue any fire on a float or dock.

H. To create and maintain any nuisance within the borough port and harbor facilities.

I. To conduct or carry on any unlawful business or occupation within the limits of the borough port and harbor facilities.

J. To live aboard a vessel moored in the harbor at any time from October 15th to April 1st, except on a transient moorage basis for periods of two weeks or less. For any person or owner in charge of any dog or animal to allow or permit such dog or animal to run at large within the borough port and harbor facilities.

K. To deposit, place or leave any cargo, merchandise, supplies, freight, articles or thing, including fecal matter deposited on docks, upon any float, ramp, walk or other public place in the borough port and harbor facilities, except while loading to or from a boat or vehicle.

L. For any person or owner in charge of any dog or animal to fail to clean up after their animals.

M. To tap, disconnect, interfere with, or tamper with any water outlet, water pipe, water connection, or any electrical wiring, electrical outlet, or electrical device of any kind installed or maintained in the borough port and harbor facilities by the borough without first having obtained the permission of the harbormaster.

N. To leave snow removed from vessels on any dock, float, or finger. To interfere with any wharf, gangplank, ramp or any other facility of the borough port and harbor facilities.

O. To write or post any written or printed matter or sign upon any bulletin board constructed or maintained by the borough without first having obtained the permission of the harbormaster.

P. To erect, place, post or maintain any advertising matter, sign or other printed matter other than legal notices on any part of the borough port and harbor facilities without approval thereof first being obtained from the harbormaster.

Q. To disregard, deface, remove, tamper with or damage any sign or notice posted or erected by the harbormaster or by the direction of the borough assembly relating to the use of mooring areas or other uses of the borough port and harbor facilities.

R. To moor, berth, tie, attach or connect to any part of the Letnikof Cove facility any boat or other waterborne structure without paying the fees or charges prescribed in this title.

S. To verbally abuse, physically assault, or threaten any borough or harbor personnel at any time. For the purposes of this section, "verbal abuse" means "fighting words" as that term is defined under Alaska law, and encompasses oral utterances which would be expected to provoke an immediate violent response in the average reasonable listener. "Verbal abuse" includes, but is not limited to, threatening significant physical harm or threatening or causing significant emotional harm to a person through the use of:

1. Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule;  
or

2. Harassment, coercion, threats, intimidation, humiliation, mental cruelty, or inappropriate sexual comments.


T. To verbally abuse, physically assault, or threaten other harbor users or members of the public while within the borough port and harbor facilities.

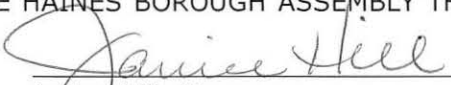
U. To refuse to comply with any lawful order of the harbormaster or his representatives.

**V. To keep a vessel tarped and covered during the summer months, May 1st - Sept.1st. All covers must be taken down, including supporting framework, by the 1st of May each year. Vessels may be covered at any time during the year while actively being repaired.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26th DAY OF APRIL, 2017.

ATTEST:

  
Julie Cozzi, MMC, Borough Clerk

  
Janice Hill, Mayor



Date Introduced: 03/28/17  
Date of First Public Hearing: 04/11/17  
Date of Second Public Hearing: 04/26/17-adopted