

An Ordinance of the Haines Borough amending Title 8 Section 8.08.020 and Title 15 Chapter 15.08 to require burning permits in all fire service areas.

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 8.08.020. Section 8.08.020 of the Haines Borough Code is hereby amended, as follows, to strike the burn permit code in order to move it to a different Title:

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

8.08.020 Litter unlawful.

It is unlawful for any person to do any of the following within the townsite service area:

A. Cause or allow litter to be collected, deposited, or to remain in any place under the person's control, and/or possession, other than in an appropriate refuse container, designed for such purpose;

B. Deposit litter in or upon any street, sidewalk, or other public place except in a public refuse container, authorized private trash receptacle, or in a disposal area designated by the borough;

C. Sweep or deposit into any gutter, street, or other public place the accumulation of litter from any residence, building, lot, public or private sidewalk, or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter;

D. Drive or move any vehicle that is carelessly loaded or not constructed to prevent its load from falling upon any street, alley, or public place;

E. Deposit any litter on private property, whether owned by the person or not;

F. Possess or control private property that is not maintained in a litter-free condition;

G. Place, post, or deposit any handbill, poster, or other device calculated to attract the public unless permitted under HBC Title 18;

H. Deposit litter in a lake, river, stream, or other body of fresh or salt water within or adjacent to the townsite service area;

I. Deposit litter generated in a person's household, property, or business in a refuse container not owned, leased, designated, or otherwise intended to be used by that person. This prohibition does not include the deposit of incidental amounts of litter or refuse in refuse containers designated for public use in parks, campgrounds, and other such facilities by users of that public facility;

~~J. Burn combustible materials outdoors without a special annual written permit authorized by the fire chief or other public official charged with such duties, and police department notification prior to each planned burning.~~

~~1. The written burn permit must be applied for annually;~~

~~2. The annual burn permit shall stipulate prohibited burnables according to state and local laws;~~

~~3. During the permitted year, the police department must be notified prior to each separate burning occurrence;~~

~~4. Burning shall be permitted only between the hours of 7:00 a.m. and 8:00 p.m.;~~

~~5. Stump burnings that cannot be doused by the deadline may be allowed to smoulder upon approval provided a burning is not propagated with additional stumps and brush after 8:00 p.m.;~~

~~K.J.~~ Deposit litter that may be offensive, noxious, or otherwise dangerous to the public health or safety on any public or private property, alley, street, or other roadway within the townsite service area.

Section 5. Amendment of Chapter 15.08. Section 15.08 of the Haines Borough Code is hereby amended, as follows, to incorporate the burn permit code from Title 8:

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

Chapter 15.08

FIRE SAFETY

Sections:

- 15.08.005 Area of authority.
- 15.08.010 Notice of dangerous conditions.
- 15.08.020 Interference with department activities.
- 15.08.030 Injury to equipment.
- 15.08.040 Following fire apparatus.
- 15.08.060 Smoking restricted.
- 15.08.070 "No Smoking" signs posted.

15.08.080 Annual burn permits required.

15.08.005 Area of authority.

The provisions of this chapter apply only to the townsite service area and established fire service areas.

15.08.010 Notice of dangerous conditions.

A. Whenever, pursuant to the provisions of this title, the fire chief determines that an unsafe or dangerous fire prevention or control condition exists in or about any building or structure, the chief shall forthwith issue a written order describing the unsafe or dangerous condition and demanding its prompt removal or remedy.

B. Service of the order may be made upon the owner, occupant, or other person responsible for the care and maintenance of the building, structure, or premises and may be made personally or by mailing certified, return receipt, to such person's last known mailing address. In all instances where possible, the owner shall be thus notified. Failure of delivery to the last known mailing address or refusal to accept the notice sent by certified mail shall constitute receipt of the notice.

C. An appeal from an order issued under subsection (A) of this section shall be made in writing, stating with particularity the reasons for the appeal, within five working days of the receipt thereof, or 10 working days of the receipt thereof if the person appealing it resides outside the state. An appeal shall be made to the assembly and shall be heard by it at the next regularly scheduled meeting following receipt of a properly submitted appeal. Unless the assembly revokes, modifies, or stays the order, the order shall remain in full force and effect and be promptly complied with after the hearing unless further appeal is made to the courts as provided under state law.

15.08.020 Interference with department activities.

It shall be unlawful for any person to in any way hinder, delay, or otherwise interfere with any member of the fire department in the performance of any of the member's duties or to use any of the tools, hoses, engines, apparatus, or equipment of the fire department except by direction of and under the control of a member of the department. Each member of the department is appointed an ex officio police officer while in the performance of the member's duties in the extinguishment of and attempt to extinguish any uncontrolled fire, with full authority to arrest

any person hindering, delaying, or interfering with the performance of the duties of a member of the fire department.

15.08.030 Injury to equipment.

It shall be unlawful for any person to willfully or negligently injure or damage any tools, hose, engine, apparatus, or other equipment of the fire department, or to ride upon any vehicle under the control of the department while the same is going to or returning from a fire without specific authority to do so from a member of the fire department. It shall be unlawful for any person to cause any vehicle to cross over or to be placed upon any fire hose or other apparatus in use at a fire without the permission of a member of the department to do so.

15.08.040 Following fire apparatus.

No person not a member of the fire department, borough police department, or otherwise authorized by borough ordinance, rule, regulation, or necessity, shall follow any fire department apparatus to the scene of a fire, nor shall any such unauthorized person congregate around a fire in a manner that shall or might tend to interfere with fire control operations.

15.08.060 Smoking restricted.

In addition to the prohibitions set forth in Chapter 8.18 HBC, 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. (Ord. 15-06-413 § 42)

15.08.070 "No Smoking" signs posted.

Where building or structure conditions are such as to make smoking a hazard to the welfare of the residents of the borough, the fire chief is empowered to order the owner or occupant to post "No Smoking" signs in such places and of such size and design as approved by the fire codes adopted in this title.

15.08.080 Annual burn permits required.

An annual burn permit is required to burn combustible materials outdoors within any fire service area. Such permit shall be authorized by the fire chief of the designated district or the fire chief's designee.

A. The written burn permit must be applied for annually.

B. The annual burn permit shall stipulate prohibited burnables according to state and local laws.

C. Fires outside of a burn barrel and larger than 10 feet in diameter and 4 feet high require advance notification to dispatch.

D. Burning shall be permitted only between the hours of 7:00 a.m. and 8:00 p.m..

E. Stump burnings that cannot be doused by the deadline may be allowed to smolder upon approval provided a burning is not propagated with additional stumps and brush after 8:00 p.m.

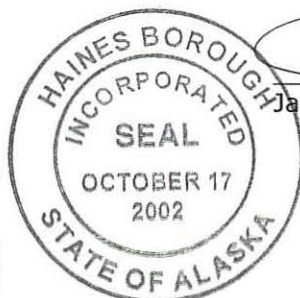
F. This ordinance does not apply to campfires or BBQ grills.

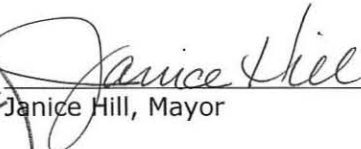
ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 27th DAY OF FEBRUARY, 2018.

ATTEST:


Julie Cozzi, MMC, Borough Clerk

Date Introduced: 01/23/18
Date of First Public Hearing: 02/13/18
Date of Second Public Hearing: 02/27/18




Janice Hill, Mayor