

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 shall become effective thirty days following adoption.

Section 4. Amendment of Chapter 1.24.040. Chapter 1.24.040 of the Haines Borough Code of Ordinances is clarified to read as follows:

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

1.24.040 Minor offense fine schedule.

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Code Section	Offense Description	Fine Amount
<u>2.06.035(C)</u>	<u>Penalties for failure to provide public financial disclosure</u>	<u>500</u>
<u>2.06.055(B)& (C)</u>	<u>Penalties for ethics violations</u>	<u>500</u>
3.80. 260 035(D)	<u>Violation of duty to levy, report, collect, remit or other violation of Chapter 3.80 Sales Tax</u> 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

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Code Section	Offense Description	Fine Amount
3.80.170	Failure to obtain business license	300
3.80.190(A)	Failure to file final sales tax return	300
5.04.01.030(C)070	Failure to obtain required permit or license when required (general), Operation of Business without required permit or license, failure to follow permit conditions or unlawful securing of permit.	500- 250
5.04.080(E)(2)	Sign violation	100
5.04.140(A)	Commercial tour/enterprise operating without 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
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 8:00 a.m.	500
5.12.040	Accessibility for inspection of licensed premises within the townsite service area	300

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Code Section	Offense Description	Fine Amount
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, license, rates, or borough Clerk contact information.	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 customers 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
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
5.24.060	Penalty for Heliski Code Infraction	500

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Code Section	Offense Description	Fine Amount
6.08.010(A)	Dog license required Failure to license dog	Altered dog: \$50 Unaltered dog: \$150
6.08.010(A)	Dog license required	Unaltered dog: \$150
6.08.010(D)	Failure to display dog tag	\$50 Altered dog: \$50 Unaltered dog: \$150
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)(E)	Using dog license receipt or license tag issued for another dog	Altered dog: \$50 Unaltered dog: \$150
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 Unaltered dog: \$150
6.08.020(A)	At-large dog	Unaltered dog: \$150
6.08.020(B)	Barking, howling, or other noises Failure to Control Dog(s)	Altered dog: \$50 Unaltered dog: \$150
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
6.08.020(D)	Snap, jump, injure another person	Altered dog: \$50

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Code Section	Offense Description	Fine Amount
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)(B) 050	Littering in any place other than in an appropriate refuse container or other violation of Littering Regulations.	50- 200
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) (J)	Depositing offensive, noxious, or otherwise dangerous litter	100

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Code Section	Offense Description	Fine Amount
8.08.040(A)(1)	Non-Conforming Refuse Container 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
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) 140	Violation of Chapter 8.12 Nuisances Burying a person outside an established cemetery	300
8.12.020(B)	Annoy, injure or endanger the public in violation of code	300
8.12.020(C)	Offending public decency	300
8.12.020(D) (C)	Interfere with a street, highway, sidewalk, right of way, lake or stream	100
8.12.020(E) (D)	Making loud or unreasonable noise in violation of code	100
8.12.020(F) (E)	Operating device that causes preventable electric interference	100
8.12.020(G)	Allowing animal access to an unoccupied building	300
8.12.020(H) (F)	Unsafe condition due to disrepair of building	300
8.12.020(I) (G)	Reducing surrounding value of properties by maintaining building in state of disrepair	300
8.12.020(J) (H)	Accumulation of stagnant water or discharge of wastewater	300

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Code Section	Offense Description	Fine Amount
8.12.020(K)(I)	Failure to take reasonable and precautionary measures to restrict access to hazards	300
8.12.020(L)(J)	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)(K)	Public exposure of a person having a contagious disease in violation of a public safety order/advisement.	300
8.12.020(P)(L)	Noxious cellar, pool, sewer, water closet, or private drain	300
8.12.030	Hazardous building or public nuisance	300
8.16.015040	Use or sale of fireworks prohibited by Chapter 8.16	100 300
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) 080(A);	Smoking in an enclosed public area where prohibited	100 250
8.18.020(B)	Smoking in an enclosed public area	100
8.18.020©	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

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Code Section	Offense Description	Fine Amount
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©	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©	Failure to provide smoke free workplace	200
8.18.070(D) 080(B)	Failure to prevent smoking at a smoke free establishment where prohibited	200
8.18.080(B)	Smoking where prohibited	100
8.18.080© 090	Permitting smoking in public place where prohibited Violation of Chapter 8.18	200
8.20.020 40	Creating or permitting a bear attraction nuisance	100
9.04.010(A)	Possession or consumption of alcoholic beverages in violation of chapter 9.04 Open container of alcoholic beverages within vehicle	100 300
9.04.010(B)(1),(2)	Consuming alcoholic beverage upon street or highway	100
9.04.010(B)(2)	Consuming alcoholic beverage in public	100
9.04.010(B)(3),(4)	Consuming alcoholic beverage on school property or at a school function	200

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Code Section	Offense Description	Fine Amount
9.04.010(B)(4)	Consuming alcoholic beverage at school function	200
9.08.030	Failure to abide by curfew regulations Curfew for minors	250
9.08.020	Parental responsibility for curfew violation	250
9.24.010(A)	Discharging pistol or firearm in violation of code	300
9.24.010(C)	Hunting in prohibited area	300
9.24.020(A)	Obstructing highways and other public passages or failure to move in violation of 9.24	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
10.06.020	Fine schedule for state traffic offenses	As indicated.
11.44.030	Violation of Elections Code	250
12.08.160(B); 12.10.010	Failure to obtain right-of-way permit Utility permit required	300-250
12.10.010	Construction work on driveway in a right-of-way without a permit	300
12.12.040	Failure to install street numbers in compliance with code	100
12.16.010; 12.16.030	Street and sidewalk obstructions prohibited	50-100
12.16.030(A)	Use of streets for private purposes	50

Code Section	Offense Description	Fine Amount
12.30.030(A)(1)	Camping in Borough parks , except during special events approved by the borough manager	0
12.30.030(A)(2) (B)	Camp fires in Borough parks outside of borough-maintained fire pits or rings	100
12.30.030(A)(3) (C)	Cutting standing trees, either live or dead in Borough parks.	100 250
12.40.060	<u>Enforcement and penalties for violations of regulations at Picture Point Park (Tidelands)</u>	100
12.50.020	Motorized vehicle use in Chilkat River beaches recreational zone	100
13.04.310(A) 350	Unlawful opening of fire hydrant <u>Violation of Water System - Chapter 13.04</u>	300
13.08.100(A); 13.08.270; 13.08.310	Failure to connect to sewer system after notice <u>or connection to sewer system made without a permit, or other violation of HBC 13.08.</u>	300
14.34.030(A)(1),(2),(3)	Cutting timber <u>or firewood in violation of code</u> 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

15.08.060	Smoking where prohibited <u>in hotel beds and where combustible materials are stored or handled.</u>	100 250
15.08.040 90	<u>Failure to abide by Fire Chief order, Endangering Firefighters, Burning without a permit or in violation of burn permit conditions, or other violation of Section 15.08 Fire Safety Provisions</u> Following fire apparatus or otherwise interfering with fire control operations	100
15.08.060	Smoking where prohibited for safety reasons	100
15.12.020 (A),(B),(D); 15.12.090	Failure to file required reports <u>pursuant to Hazardous Materials code</u> by a person handling hazardous substances <u>or obtain a certificate of compliance from the fire chief.</u>	300
15.12.020(D)	Failure to file required report by a person handling consumer commodities of hazardous material or chemical	300
15.12.070(A)	Failure to file required transshipment facility report	300
15.12.070(C)	Failure to warn display marking or warnings with respect to hazardous materials or hazardous waste 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

<u>15.16.020</u>	<u>Failure to comply with crash post requirements</u> Crash post does not meet specifications	100
<u>15.20.020</u>	<u>Violation of Safety and Emergency Response Code – Section 15.20</u>	<u>500</u>
16.12.020; <u>16.20.040</u>	Obstruction of dock area, <u>dock, float or finger</u> . by vehicle, cart, conveyance, or other transportation system	50
<u>16.12.030</u>	Vessel in excess of 65 feet using gridiron	50
<u>16.16.135</u>	<u>Failure to obtain permit/license and pay fee for boat launch ramp, moorage, harbor crane, liveaboard, electricity, gridiron or other fee imposed pursuant to current harbor fee schedule in violation of 16.16.</u> Launching or recovering vessel without paying fee or obtaining annual ramp launch sticker	100
<u>16.16.150</u>	Unapproved vessel mooring in harbor	100
<u>16.16.170</u> ; <u>16.28.005(D)</u>	Unlawful electrical system or connection Noncompliant electrical connection	100
<u>16.16.190</u> ;	Mooring without payment	100
<u>16.16.200(A)</u>	Dead storage prohibited	100
<u>16.16.210</u>	Use of harbor crane without permit or paying fee Violation of	100
<u>16.20.040</u>	Snow must be removed from dock, float, or finger	50
16.28.005(D) <u>030</u>	Unlawful allowance of Hazardous Conditions or Prohibited Act within port and harbor facilities	100

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	in violation of code. Wood fires not permitted in port and harbor facilities	
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)	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 harbor facilities	100
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 animal	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), (P)	<u>Advertising or posting printed matter without permission of harbormaster</u>	50

	Writing or posting printed matter upon any bulletin board without permission of the harbormaster	
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

Section 5. Amendment of Section 5.01.070. Section 5.01.070 of the Haines Borough Code is hereby amended as follows:

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

5.01.070 Penalties.

Operation of any business enterprise for which a permit **or license** is required under this title without **such** a permit **or license**, or the failure to follow any permit condition, or the unlawful securing of a permit, shall constitute a minor offense punishable by a fine of \$500-**250**.00 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. ~~All penalties described in Chapter 1.24 HBC shall be applicable to this title.~~

Section 6. Amendment of Section 8.18.080(A). Section 8.18.080(A) 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.

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 or to discharge, refuse to hire, or in any other manner retaliate or discriminate against any employee, applicant for employment, or customer because such employee, applicant for employment or customer insists upon compliance with a requirement of this chapter.

A. A person who smokes in an area where smoking is prohibited by the provisions of this chapter is subject to a fine of ~~\$50.00~~ **\$250.00.**

B. A person, owner, manager, employer, or operator who controls the use of premises subject to this chapter and violates any provision of this chapter is subject to a penalty in the amount of \$200.00 for every violation of this chapter.

An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Section 7. Repeal of Section 9.08.030. Section 9.08.030 of the Haines Borough Code is hereby repealed.

Section 8. Amendment of Section 12.08.160. Section 12.08.160 of the Haines Borough Code is hereby amended, as follows:

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

12.08.160 Utility installation.

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B. *Underground Utilities.* A utility facility may be constructed, placed, or maintained along, under, or within a borough right-of-way only in accordance with regulations adopted by the borough and if authorized by a utility **right-of-way** permit issued by the borough. Utility permits are valid for two years from the date of issuance. **Failure to obtain a right-of way permit constitutes a minor offense, as described in HBC 1.24, punishable by a fine of \$250.00.**

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Section 9. Amendment of Section 12.10.010 Section 12.10.010 of the Haines Borough Code is hereby amended, as follows:

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

12.10.010 Permit required – Fee.

No person may construct, reconstruct, or change a driveway located in a right-of-way within the townsite service area without having first obtained a ~~land-use~~ **right-of-way** permit from the borough. All such work shall be done in accordance with plans, specifications, and standards approved by the manager. The requirement for a borough driveway **right-of-way** permit shall not eliminate the requirement for any other applicable permit. A person constructing a driveway accessing a state-maintained road must obtain a state DOT driveway permit. **Failure to obtain a right-of way permit constitutes a minor offense, as described in HBC 1.24, punishable by a fine of \$250.00.**

Section 10. 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.

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. **Violation of this code section constitutes a minor offense and shall be punished by a fine in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$100.00.**

Section 11. Addition of Section 12.16.040. Section 12.16.040 of the Haines Borough Code is hereby added, as follows:

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

12.16.040 Penalties.

Unless otherwise specifically provided, any person violating a provision of this chapter shall be guilty of a minor offense and punished by a fine in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$100.00.

Section 12. 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 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. **Violation of this section constitutes a minor offense, as described HBC 1.24, and is punishable by a fine of \$250.00.**

Section 13. Addition of Section 15.08.090. Section 15.08.090 of the Haines Borough Code is hereby added, as follows:

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

15.08.090 Penalties.

Unless otherwise specifically provided, any person violating a provision of this chapter shall be guilty of a minor offense and punished by a fine in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$100.00.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 22nd DAY OF MARCH, 2022.

ATTEST:


Alekka Fullerton, CMC, Borough Clerk




Douglas Olerud, Mayor

Date Introduced: 2/22/22
Date First Public Hearing: 3/8/22
Date Second Public Hearing: 3/22/22