

An Ordinance of the Haines Borough Assembly Amending Haines Borough Code Defining Ore and Requiring Bulk Ore and Ore Concentrate Shipments through the Haines Borough be Containerized.

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.

WHEREAS, the Haines Borough ("Borough") is dedicated to maintaining clean watersheds for commercial, subsistence, and recreational fishing; and

WHEREAS, the Borough is committed to environmental standards that protect the borough and its residents; and

WHEREAS, metallic fugitive dust from unsealed ore shipment poses risk to sensitive river and ocean habitat essential for anadromous fish health; and

WHEREAS, containerized bulk ore-handling systems are recognized as a more environmentally responsible practice for shipping bulk ore and ore concentrate in a windy environment like that of the Haines Borough,

NOW THEREFORE, The Haines Borough Assembly requires that all bulk ore and ore concentrate imported or exported through the Haines Borough must be transported in sealed containers whether by shipping vessel or roadway.

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

Section 4. Amendment of Section 8.12.020. Section 8.12.020 shall be amended as follows:

8.12.020 Certain conditions declared nuisances.

It shall be unlawful for any person to cause or create the following declared nuisances within the townsite service area:

...

N. Transport bulk ore and ore concentrate shipments outside of a sealed container. A "sealed container" for this purpose is defined as a container with a locked, waterproof hard lid that prevents the escape of mineral material.

Section 5. Amendment of Section 10.09.070. Section 10.09.070 shall be added as follows:

10.09.070 Requiring Bulk Ore and Ore Concentrate be Transported in Sealed Containers.

All bulk ore and ore concentrate transported in the Haines Borough must be contained within a sealed container. A "sealed container" for this purpose is defined as a container with a locked, waterproof hard lid that prevents the escape of mineral material.

Section 6. Amendment of Section 16.04.010. Section 16.04.010 shall be amended as follows:

16.04.010 Definitions.

...

"Ore" means a naturally occurring mineral containing a valuable constituent (such as metal) for which it is mined and worked.

...

Section 7. Amendment to Section 16.28.010 Prohibited Acts. Section 16.28.010(W) shall be added as follows:

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:

...

W. To transfer uncontainerized bulk ore and ore concentrate between vehicles or vessels outside of an enclosed facility within the Haines Borough townsite. Bulk ore and ore concentrate must be in a sealed container with a locked, waterproof hard lid that prevents the escape of mineral material.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2024.

ATTEST:

Thomas C. Morphet, Mayor

Aleka Fullerton, MMC, Borough Clerk

Date Introduced: 04/09/24
Date of First Public Hearing: 04/23/24
Date of Second Public Hearing: 05/14/24