

Code and Terminology Potentially Useful in Creating a Haines Borough Parks Ordinance

9/14/2016 DRAFT,
Burl Sheldon, PRAC

Currently, with the exception of Picture Point, borough park areas have no existence in the Haines Borough code. The following is a sample of possible code for consideration in making a new ordinance to establish standards of use for the Haines Borough lands, particularly the areas we commonly consider parks.

Municipal codes from Skagway, Craig, Wrangell, Petersburg, Sitka and Homer were reviewed. The source is shown in parenthesis. These suggestions for code revision have been reviewed by the Haines Borough Parks and Recreation Advisory Committee (PRAC). This sample is by no means exhaustive and is provided to the Haines Borough Planning Commission Chair to help stimulate discussion and to forward the areas of code that the PRAC views as needing attention.

Possible New Definitions

(Wrangell)

“Park” is a park, reservation, playground, beach, recreation center or any other area of the borough, owned or used by the borough, and devoted to active or passive recreation.

“Camping” – see extensive Wrangell code below

(Homer)

“Camp” means using an outdoor area or motor vehicle for sleeping or temporary living quarters, including without limitation erecting a tent or other temporary shelter.

“Park” means an area designated as a park, reservation, playground, beach, or recreation area, owned or managed by the City and devoted to active or passive recreation.

Identifying Borough Parks in Code

The following are Haines Borough property generally identified as being used as “parks.” These parcels fall into two categories: 1) having a clear history of park usage (or are named as such) and 2) have been set aside for “parks” but have had no, or few, formal improvements. Not listed are the (private) Fort Seward Parade Grounds and SEAK Fair lands and the recreational state lands managed by DPOR (Rapinsky, Chilkat State Park, Portage Cove Campground, etc.). Excursion Inlet is not addressed. I’ve not discussed the numerous non-borough recreational assets identified in

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the comprehensive plan such as the borough's developed, heated and enclosed recreational facilities--Haines Senior Center, swimming pool, etc.

Catalog of Parks within the Haines Borough

1. Developed and Recognized: George Mark Park (Picnic Area), Tlingit Park, Picture Point, Lookout Park, Oslund Park, Skate Park, Emerson Field
2. Undeveloped: Carr's Cove Picnic Area, Skyline View Subdivision Set-Aside, Haines Downtown Waterfront

Assembly Designation of Borough Parks (Burl)

Suggest we include language requiring the assembly to identify a borough parcel as a park by the ordinance process. That way there is no ambiguity and the Public Works, Admin. staff and the Parks and Recreation Advisory Committee specifically will know what lands it is tasked with helping manage, clean up, pick up, cut grass, etc.

Camping and Overnight Parking Regulations (Wrangell)

A. "Camping" means:

1. The erection of or occupancy of any tent, regardless of whether said tent is of commercial manufacture or has been constructed in whole or part by any person;
2. The placing or leaving of any items normally found at a campsite within campsite such as cook stoves, lanterns, etc., if sleeping bags and/or other forms of bedding are also left at the location;
3. Parking of any camper unit in any area owned or controlled by the Borough, which has been designated a camping area by official signs, in excess of 24 hours, shall constitute camping, regardless of any physical change in campsite within camping area;
4. The presence of any person sleeping in any motor vehicles or camper units between the hours of midnight and 6:00 a.m. shall constitute prima facie evidence of camping;
5. Sleeping on the ground, with or without any shelter, sleeping pad, etc., between the hours of midnight and 6:00 a.m., on any land owned or controlled by the Borough, shall constitute camping;
6. Preparation or consumption of meals in, or in affiliation with and in proximity to, any camper unit at any time following midnight of the day said camper unit was parked in any campground shall constitute prima facie evidence of camping.

B. Persons camping in any borough park not otherwise regulated by this section shall be limited to a period of 48 consecutive hours of usage, which 48-hour period shall not occur more than once every two weeks. No person shall camp within sheltered facilities of any borough park. Unless otherwise regulated by this section, no vehicle of any kind shall be permitted to park overnight in any borough park unless the vehicle is accompanied by one or more persons camping in a tent.

C. (Special Allowances--Camping Beyond 48 Hours) Persons camping in SPECIFIC PARK NAMED HERE, either by erecting tents or other temporary shelters or without any shelter, in those areas designated by the director for camping, shall be limited to a period of XYZ consecutive hours of usage with such usage not to occur more than once every calendar month. No person shall camp under or within the sheltered facilities of SPECIFIC PARK. Vehicles will be permitted to park overnight in SPECIFIC PARK in those areas designated by the director for overnight vehicle parking for a period limited to XYZ consecutive hours with such parking not to occur more than once every calendar month. Overnight parking shall be limited to those vehicles which are designed for and being used as overnight sleeping facilities.

Parking or camping prohibited – Enforcement (Homer)

- a. No person shall park any motor vehicle or camper or otherwise camp on any City-owned or City-controlled property where any official sign prohibits parking or camping.
- b. Camping, as defined in **XYZ Code Citation**, is prohibited in areas other than those so designated by the City, except where campers camping on private property have written permission to do so from the property owner.
- c. Persons who refuse to remove themselves and their personal property from unregulated camping areas upon request by an authorized representative of the City shall be removed, together with their personal property, from the areas using such force as may be necessary under the circumstances.

Certain acts prohibited (Homer)

It shall be unlawful for any person to:

- a. Dispose of or deposit human body wastes or any other waste on City-owned or City-controlled land other than in authorized or designated receptacles;
- b. Make or cause to be made any unnecessary or unusual noise which annoys, injures or endangers the comfort, repose, health or safety of the public, or any individual member of the public on City-owned or City-controlled land;

c. Erect, occupy, or otherwise utilize any temporary or permanent structure or shelter on City-owned or City-controlled lands.

1. Exception. Unless otherwise prohibited, tents of standard commercial manufacture or constructed in whole or in part from canvas, nylon or other tenting material may be erected and occupied in designated camping areas. Structures so exempted may not be modified, extended, or sheltered by the addition of any material not a commercially manufactured component of said tent or other than a recognized tenting material.

2. Exception. Unless otherwise prohibited, self-contained camper units may be parked and occupied in designated camping areas so long as they remain immediately mobile;

d. Park, leave, maintain, or utilize any vehicle, camper unit, or camp in violation of any provision of any section of this chapter. All vehicles, camper units, or other camps in violation shall be subject to impoundment by any peace officer. All costs of impoundment and storage of any property so impounded shall be paid before said property shall be released. Property so impounded shall additionally be subject to a \$20.00 impound fee, which shall be paid before said property is released.

e. Deface, destroy, alter, remove, or otherwise disfigure any equipment, sign, utility services, or other facility owned or provided by the City at any City-owned campground or campsite, or parking area adjacent thereto;

f. Allow any dog owned, harbored, or controlled by himself to be at large in any City-owned or City-controlled campground. All fecal wastes of any dog discharged or deposited on any lands within a City-owned or City-controlled campground shall be immediately removed by the person owning, harboring, or controlling said animal and shall be deposited in trash receptacles or otherwise stored in containers pursuant to XYZ Citation.

g. Leave any campsite in a disorderly or unsightly condition upon termination of use.

h. Fires outside of maintained fire rings/barbeque spits (Not addressed, to date).

Park trees regulations (Wrangell)

A. Illegal Tree Cutting. No unauthorized person shall cut, top, remove or otherwise damage any tree or shrub, whether dead or alive, standing or downed, within any public park, recreation area, trail, conservation area, park reserve, or other public greenway area. Any person who violates this section shall be guilty of a civil violation and shall be liable on conviction to a fine not exceeding \$300.00.

Illegal cutting on City and Borough of Wrangell public property should be reported to the Wrangell police department.

Manager Regulation and Authority, As Required (Wrangell)

The MANAGER may promulgate such additional park regulations as deemed necessary and advisable and submit them to the assembly for approval. Such regulations shall become effective upon adoption by ordinance incorporating said regulations and posting notice thereof at park areas.

Permitting Special Events (Burl--very loosely adapted from Sitka code)

Special events organized by community groups, and special commercial uses of borough parks, may be allowed with approval by the manager. The manager may articulate stipulations for proposed commercial or organized recreational activities and events that occur on borough parks or other borough lands.

Violation – Penalty (Homer)

All violations of this chapter are punishable under the general penalty provision of HBC XYZ

August Comments by PRAC (on 7/12/2016 draft)

- Suggestion that “Park” be codified as an allowable use in all land use zones within the borough.
- Suggest establishment of rudimentary maintenance of borough parks
- Suggest that borough parks be posted with code reference
- Determine need for applicability of new code to all borough lands
- Fire regulation and/or prohibition (This area was one that I couldn’t find in my search but is a concern of PRAC).
- Additional regulation of ATV use (comment was specific to Chilkat Beach DNR lands)