



# Haines Borough Minor Offenses Ad Hoc Committee

Town Hall Meeting  
Tuesday, April 5, 2016

# Introduction



Minor Offenses Ad Hoc Committee  
Town Hall Meeting – April 5, 2016

# Introduction

- **Why Are We Here?**



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# Introduction

- **Why Are We Here?**
  - **Formed by Assembly and Mayor**



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# Introduction

- **Why Are We Here?**
  - Formed by Assembly and Mayor
  - **In Response to Citizen Petition**



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# Introduction

- **Why Are We Here?**
  - Formed by Assembly and Mayor
  - In Response to Citizen Petition
  - **Tasked with Reviewing the Ordinance and Developing Recommendations**



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# Committee Process



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# Committee Process

- **Objective Review of Information**



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# Committee Process

- Objective Review of Information
- **Overview of Information**



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# Committee Process

- Objective Review of Information
- Overview of Information

**–Administration concerns**



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# Committee Process

- Objective Review of Information
- Overview of Information
  - Administration concerns
  - **Public concerns**



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# Committee Process

- Objective Review of Information
- Overview of Information
  - Borough concerns
  - Public concerns
  - **Assembly Committee concerns**



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# Committee Process

- Objective Review of Information
  - Overview of Information
    - Borough concerns
    - Public concerns
    - Assembly Committee concerns
- Additional Information**



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# Committee Process

- Objective Review of Information
- Overview of Information
  - Borough concerns
  - Public concerns
  - Borough Committee concerns
  - Additional Assistance
- **Develop Recommendations**



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# Recommendations



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# Recommendations

## **Need for Minor Offenses Ordinance**



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# Recommendations

## Need for Minor Offenses Ordinance

- **Equitable enforcement of local laws**



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# Recommendations

## Need for Minor Offenses Ordinance

- Equitable enforcement of local laws
- **Assist with protecting individual rights.**



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# Recommendations

## Need for Minor Offenses Ordinance

- Equitable enforcement of local laws
- Assist with protecting individual rights.
- **Protect the Borough and Borough employees.**



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# Recommendations

## Purpose and Intent



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# Recommendations

## **Purpose and Intent - Clarification**



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# Recommendations

## **Purpose and Intent**

- Clarification
- **Address Common Concerns**



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# Recommendations

## Purpose and Intent



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# Recommendations

## Purpose and Intent

**“The purpose and intent of this title is to protect the lives, health and safety of the public and government employees;..”**



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# Recommendations

## Purpose and Intent

**“...to protect public and private property;...”**



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# Recommendations

## Purpose and Intent

**“and to protect the rights guaranteed in the U.S. Constitution, the AK Constitution, and the Haines Borough Charter Preamble and Bill of Rights.”**



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# Recommendations

## Purpose and Intent

**“Under no circumstances shall revenue generation be used as a motive to enforce the provisions of this Title.”**



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# Recommendations

## Purpose and Intent

“The purpose and intent of this title is to protect the lives, health and safety of the public and government employees; to protect public and private property; and to protect the rights guaranteed in the U.S. Constitution, the AK Constitution, and the Haines Borough Charter Preamble and Bill of Rights. Under no circumstances shall revenue generation be used as a motive to enforce the provisions of this Title.”



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# Recommendations

## **Authority to Issue Citations**



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# Recommendations

**Authority to Issue Citations**

**- Trained Law Enforcement  
Personnel Only**



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# Recommendations

## Authority to Issue Citations

- Trained Law Enforcement Personnel Only
- **One Exception: The Harbor**



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# Recommendations

## Authority to Issue Citations

- Trained Law Enforcement Personnel Only
- One Exception: The Harbor
- **Enforcement Authority vs.  
Authority to Issue Citations**



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# Recommendations

## **Training and Certification to Issue a Citation**



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# Recommendations

## Training and Certification to Issue a Citation

- **Essential to align with Purpose and Intent**



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# Recommendations

## Training and Certification to Issue a Citation

- Essential to align with Purpose and Intent
- **Manager, Police Chief, and Harbormaster to assist with the draft language**



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# Recommendations

**Emphasize Compliance not Enforcement**



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# Recommendations

**Emphasize Compliance not Enforcement**

**- Discretion by law enforcement  
personnel**



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# Recommendations

## Emphasize Compliance not Enforcement

- Discretion by law enforcement personnel
- **Authorizes warnings instead of citations for first offenses.**



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# Recommendations

## **Maintain Record of all Fines**



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# Recommendations

## Maintain Record of all Fines

- **Provided to Public Safety Commission or Assembly upon request.**



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# Recommendations

## Maintain Record of all Fines

- Provided to Public Safety Commission or Assembly upon request.
- **Key to providing transparency and oversight of enforcement.**



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# Recommendations

## Maintain Record of all Fines

- Provided to Public Safety Commission or Assembly upon request.
- Key to providing transparency and oversight of enforcement.
- **Aligns with Purpose and Intent**



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# Recommendations

## **“Softened” Language**



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# Recommendations

## “Softened” Language

- **Removed words such as “guilty”, “conviction” and “punishable” throughout the ordinance.**



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# Recommendations

## Legal “Second Opinion”



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# Recommendations

## Legal “Second Opinion”

**- Legal wording and grammar**



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# Recommendations

## Legal “Second Opinion”

- Legal wording and grammar
- **Numbering of sections and chapters after edits.**



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# Recommendations

## Legal “Second Opinion”

- Legal wording and grammar
- Numbering of sections and chapters after edits
- **Implications of wording affecting future interpretation**



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# Chapter Specific Recommendations



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# Chapter Specific Recommendations

## Chapter 2



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# Chapter Specific Recommendations

## Chapter 2

### **- Public employees and elected officials**



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# Chapter Specific Recommendations

## Chapter 2

- Public employees and elected officials
- **Unlawful conduct and activity**



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# Chapter Specific Recommendations

## Chapter 2

- Public employees and elected officials
- Unlawful conduct and activity
- **No major changes recommended**



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# Chapter Specific Recommendations

## Chapter 3



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# Chapter Specific Recommendations

## Chapter 3

### - **Sales taxes and business licenses**



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# Chapter Specific Recommendations

## Chapter 3

- Sales taxes and business licenses
- **No Major Changes**



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# Chapter Specific Recommendations

## Chapter 5



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# Chapter Specific Recommendations

## Chapter 5

### - **Commercial businesses and tours**



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# Chapter Specific Recommendations

## Chapter 5

- Commercial businesses and tours
- **Adopt TAB Recommendations**



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# Chapter Specific Recommendations

## Chapter 6



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# Chapter Specific Recommendations

## Chapter 6

### - **Animal Control**



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# Chapter Specific Recommendations

## Chapter 6

- Animal Control
- **Recommendations from HARK**



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# Chapter Specific Recommendations

## Chapter 6

- Animal Control
- Recommendations from HARK
- **Intend to honor these recommendations, but some work remains**



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# Chapter Specific Recommendations

## Chapter 8



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# Chapter Specific Recommendations

## Chapter 8

- **Littering, public nuisances, firework and smoking laws.**



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# Chapter Specific Recommendations

## Chapter 8

- Littering, public nuisances, firework and smoking laws.
- **Vague terminology requires definition section.**



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# Chapter Specific Recommendations

## Chapter 8

- Littering, public nuisances, firework and smoking laws.
- Vague terminology requires definition section.
- **May require revisiting and further committee consideration**



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# Chapter Specific Recommendations

## Chapter 9



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# Chapter Specific Recommendations

## Chapter 9

- **Alcohol, curfew and public safety infractions**



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# Chapter Specific Recommendations

## Chapter 9

- Alcohol, curfew and public safety infractions
- **May be duplication with State law**



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# Chapter Specific Recommendations

## Chapter 9

- Alcohol, curfew and public safety infractions
- May be duplication with State law
- **No major changes**



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# Chapter Specific Recommendations

## Chapter 10



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# Chapter Specific Recommendations

## Chapter 10

### - **Traffic offenses**



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# Chapter Specific Recommendations

## Chapter 10

- Traffic offenses
- **Significant part of the Ordinance**



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# Chapter Specific Recommendations

## Chapter 10

- Traffic offenses
- Significant part of the Ordinance
- **First removed, now back in**



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# Chapter Specific Recommendations

## Chapter 10

- Traffic offenses
- Significant part of the Ordinance
- First removed, now back in
- **Align with State law**



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# Chapter Specific Recommendations

## Chapter 10 – Skiing



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# Chapter Specific Recommendations

## Chapter 10 – Skiing

- **Align with State regulations governing pedestrians on roadways.**



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# Chapter Specific Recommendations

## Chapter 12



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# Chapter Specific Recommendations

## Chapter 12

### - **Construction related and parks**



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# Chapter Specific Recommendations

## Chapter 12

- Construction related and parks
- **Drop house number fine**



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# Chapter Specific Recommendations

## Chapter 12

- Construction related and parks
- Drop house number fine
- **No other major changes**



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# Chapter Specific Recommendations

## Chapter 13



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# Chapter Specific Recommendations

## Chapter 13

### - **Fire hydrants / sewer connection**



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# Chapter Specific Recommendations

## Chapter 13

- Fire hydrants / sewer connection
- **No major changes**



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# Chapter Specific Recommendations

## Chapter 14



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# Chapter Specific Recommendations

## Chapter 14

### - **Timber and firewood cutting infractions**



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# Chapter Specific Recommendations

## Chapter 14

- Timber and firewood cutting infractions
- **No major changes**



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# Chapter Specific Recommendations

## Chapter 15



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# Chapter Specific Recommendations

## Chapter 15

### - **Fire / Fire-related infractions**



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# Chapter Specific Recommendations

## Chapter 15

- Fire / Fire-related infractions
- **No major changes recommended**



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# Chapter Specific Recommendations

## Chapter 16



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# Chapter Specific Recommendations

## Chapter 16

### - **Ports and Harbors**



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# Chapter Specific Recommendations

## Chapter 16

- Ports and Harbors
- **Adopt PHAC recommendations**



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# Chapter Specific Recommendations

## Chapter 16

- Ports and Harbors
- Adopt PHAC recommendations
- **Harbormaster and assistant may issue citations**



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# Chapter Specific Recommendations

## Chapter 18



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# Chapter Specific Recommendations

## Chapter 18

### - **Planning and Zoning**



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# Chapter Specific Recommendations

## Chapter 18

- Planning and Zoning
- **Adopt recommendations of  
Planning Commission**



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# Chapter Specific Recommendations

## Chapter 18

- Planning and Zoning
- Adopt recommendations of Planning Commission
- **Recommend removal of Chapter 18 from Minor Offenses Ord.**



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# Unfinished Business



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# Unfinished Business

- Issuance of criminal and civil fines for a single offense



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# Unfinished Business

- Issuance of criminal and civil fines for a single offense
- **Chapter 8 definitions**



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# Unfinished Business

- Issuance of criminal and civil fines for a single offense
- Chapter 8 definitions
- **Separable offenses**



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**Thank you for attending!**



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