

Adopted

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 is effective upon adoption.~~ **This ordinance shall become effective January 1, 2016, provided the borough manager develops a policy addressing the Issuance of Citations. Such policy must address who is authorized to issue citations, the specific code titles they are authorized to enforce, and the training required prior to receiving the authorization. Such policy must be approved by the borough assembly via resolution prior to the January 1, 2016, ordinance effective date. Otherwise, this ordinance will not take effect and will become null and void.**

Section 4. Repeal and Reenactment of Chapter 1.24. Chapter 1.24 of the Haines Borough Code is hereby repealed in its entirety and reenacted to read as follows:

1.24.010 General penalty

A. 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 United States Constitution, the State of Alaska 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.

B. Every act prohibited by borough ordinance is unlawful. Unless another penalty is expressly provided by this code for a particular act or offense, every person who commits an infraction or violation of any provision of this code, or any rule or regulation adopted or issued pursuant to this code, commits a minor offense as that term is defined in the Alaska Rules of Minor Offense Procedure and may be punished by a fine of not more than five hundred (\$500) dollars.

C. In addition to any other remedies or penalties that may be provided in this code, or may otherwise be available, the borough or any aggrieved person may institute a civil action to obtain injunctive or compensatory relief against a person who violates any provision of the code. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of violation or threatened violation, the superior court shall grant the injunction.

D. Each act of violation and every day upon which the violation shall occur will constitute a separate offense.

E. The Borough Clerk's office shall maintain a record of the amount of all fines imposed by the borough or a court and all fines remitted to the borough as a result of all violations of the ordinances in this code. The total dollar amount of fines remitted to the borough each fiscal year

shall be provided to the Public Safety Commission or the Borough Assembly upon request, and to members of the public pursuant to normally applicable laws governing requests for public records. Nothing in this ordinance is intended to require the borough to create records in response to public records requests that are not otherwise maintained by the borough in the normal course of business.

1.24.015 Surcharge required

In addition to any penalty prescribed by law, a person found to have violated a borough ordinance shall pay the surcharge required under AS 12.55.039 and 29.25.074. All such surcharges collected shall be remitted to the State of Alaska as required by AS 29.25.074.

1.24.020 Procedure.

A. The charge for the violation of a code provision may be brought by a borough police officer based upon information personally known to the police officer or upon sworn statement by the borough manager or other borough official responsible for the administration and enforcement of the code provision which has been violated. ~~Such enforcement~~Police officers are authorized, but not required, to issue warnings for a first violation of any provision of this code.

B. The borough shall use the Alaska Uniform Citation form, or the electronic version if authorized, to provide notice of a minor offense to anyone accused of violating any provision of this Code.

1.24.030 Disposition of minor offenses.

A person charged with a minor offense listed on a fine schedule may appear in court to contest the charge. If an offense is not listed on a fine schedule, or if the citation indicates that a court appearance is mandatory, the defendant must appear in court to answer the charges. As a minor offense, trial is by the court without a jury, and there is no right to court-appointed defense counsel.

1.24.040 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Alaska Court System's Rules of Minor Offense Procedures apply to all offenses listed below. If a person charged with one of these offenses appears in court and is found to have committed the offense, the ~~court shall impose the penalty set forth~~penalty imposed for the offense may not exceed in the fine schedule ~~below amount listed below~~ for that offense. Citations charging these offenses must meet the requirements of the Rules of Minor Offense Procedure. The fines set forth below may not be judicially reduced.

Code Section	Offense Description	Fine Amount
3.80.035(D)	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	300

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Comment [PM1]: The changes in this section are intended to achieve the Committee's instructions to

(1) provide language requiring borough officials to provide information to police officers who would be the only people authorized to actually issue citations (based on the information provided to them); and

(2) provide explicit authorization allowing, but not requiring, officers to give a warning instead of a citation. In order to provide some guidelines, we propose using the "first violation" language here but this is not required and is intended primarily as a suggestion to facilitate further Committee discussion regarding whether and how to provide some guidance to officers on when and whether to exercise discretion.

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	returns	
3.80.170	Failure to obtain business license	300
3.80.190(A)	Failure to file final sales tax return	300
5.04.030(C)	Failure to obtain required permit (general)	500
5.04.080(E)(2)	Sign violation	100
5.04.140(A)	commercial tour/ enterprise operating w/o 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 a.m.	500
5.12.040	Accessibility for inspection of licensed premises within the townsite service area	300
5.16.010(A)	All operators of gaming activities prohibited from conducting gaming activities	300
5.18.015	Commercial tour permit required	500

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5.20.030	Failure to display commercial passenger vehicle / tour vehicle permit	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 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
6.08.010(A)	Dog license required	Altered dog: \$50
6.08.010(A)	Dog license required	Unaltered dog: \$150
6.08.010(D)	Failure to display tag	Altered dog: \$50
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)	Using dog license receipt or	Altered dog: \$50

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	license tag issued for another dog	
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
6.08.020(A)	At-large dog	Unaltered dog: \$150
6.08.020(B)	Barking, howling, or other noises	Altered dog: \$50
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
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)	Littering in any place other than in an appropriate refuse container	50
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

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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)	Depositing offensive, noxious, or otherwise dangerous litter	100
8.08.040(A)(1)	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)	Burying a person outside an established cemetery	300
8.12.020(B)	Annoy, injure or endanger the public	300
8.12.020(C)	Offending public decency	300
8.12.020(D)	Interfere with a street, highway, lake or stream	100
8.12.020(E)	Making loud or unreasonable noise	100
8.12.020(F)	Operating device that causes preventable electric interference	100
8.12.020(G)	Allowing animal access to an unoccupied building	300
8.12.020(H)	Unsafe condition due to disrepair of building	300
8.12.020(I)	Reducing surrounding value of properties by maintaining building in state of disrepair	300

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8.12.020(J)	Accumulation of stagnant water or discharge of wastewater	300
8.12.020(K)	Failure to take reasonable and precautionary measures to restrict access to hazards	300
8.12.020(L)	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)	Public exposure of a person having a contagious disease	300
8.12.020(P)	Noxious cellar, pool, sewer, water closet, or private drain	300
8.12.030	Hazardous building or public nuisance	300
8.16.015	Use of fireworks prohibited	100
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)	Smoking in an enclosed public area	100
8.18.020(B)	Smoking in an enclosed public area	100
8.18.020(C)	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
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	100

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	entrance to hospital or medical clinic	
8.18.040(B)	Smoking within 20 feet of entrance to enclosed school area	100
8.18.040(C)	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(C)	Failure to provide smoke-free workplace	200
8.18.070(D)	Failure to prevent smoking at a smoke-free establishment	200
8.18.080(B)	Smoking where prohibited	100
8.18.080(C)	Permitting smoking in public place where prohibited	200
8.20.020	Creating or permitting a bear attraction nuisance	100
9.04.010(A)	Open container of alcoholic beverages within vehicle	100
9.04.010(B)(1)	Consuming alcoholic beverage upon street or highway	100
9.04.010(B)(2)	Consuming alcoholic beverage in public	100
9.04.010(B)(3)	Consuming alcoholic beverage on school property	200
9.04.010(B)(4)	Consuming alcoholic beverage at school function	200
9.08.010	Curfew For Minors	250
9.08.020	Parental responsibility for curfew violation	250
9.24.010(A)	Discharging pistol or firearm	300
9.24.010(C)	Hunting in prohibited area	300
9.24.020(A)	Obstructing highways and other public passages	100
9.24.020(B)(1)	Failure to obey order to	100

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	move to prevent obstruction	
9.24.020(B)(2)	Failure to obey order to move to maintain public safety	100
9.24.030	Disrupting meetings and processions	100
12.08.160(B)	Utility permit required	300
12.10.010	Construction work on driveway in a right of way without a permit	300
12.12.040(A)	Failure to install street numbers in compliance with code	100
12.16.010	Street and sidewalk obstructions prohibited	50
12.16.030(A)	Use of streets for private purposes	50
12.40.030	Prohibited activity or construction in Picture Park restricted area	100
12.50.020	Motorized vehicle use in Chilkat River beaches recreational zone	100
13.04.310(A)	Unlawful opening of fire hydrant	300
13.08.100(A)	Failure to connect to sewer system after notice	300
14.34.030(A)(1)	Cutting timber 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
15.08.040	Following fire apparatus or otherwise interfering with fire control operations	100
15.08.060	Smoking where prohibited for safety reasons	100
15.12.020(B)	Failure to file required report by a person handling hazardous substances	300
15.12.020(D)	Failure to file required report by a person handling	300

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	consumer quantities of hazardous material or chemical	
15.12.070(A)	Failure to file required transshipment facility report	300
15.12.070(C)	Failure to display marking or warnings with respect to 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
15.16.020	Crash post does not meet specifications	100
16.12.020	Obstruction of dock area by vehicle, cart, conveyance, or other transportation system	50
16.12.030	Vessel in excess of 65 feet using gridiron	50
16.16.135	Launching or recovering vessel without paying fee or obtaining annual ramp launch sticker	100
16.16.150	Unapproved vessel mooring in harbor	100
16.16.170	Non-compliant electrical connection	100
16.16.190	Mooring without payment	100
16.16.200(A)	Dead storage prohibited	100
16.16.210	Use of harbor crane without permit of paying fee	100
16.20.040	Snow must be removed from dock, float, or finger	50
16.28.005(D)	Wood fires not permitted in port and harbor facilities	100
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

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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)	Unlawful 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)	Writing or posting printed matter upon any bulletin board without permission of the harbormaster	50
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	100

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	use of mooring areas or other uses of port and harbor facilities	
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
18.40.010	Land use permit required	250
18.40.040(A)	Temporary use permit required	250
18.40.040(B)	Exceeding scope of temporary permit	100
18.50.020	Conditional use permit required	250
18.70.030(A)	Violating restrictions in townsite planning/zoning district	100
18.70.030(B)	Violating restrictions in Mud Bay planning/zoning district	100
18.70.030(B)(3)(g)	Setback violation	100
18.70.030(B)(3)(h)	Maintaining a prohibited use in RRZ	100
18.70.030(B)(4)(f)	Maintaining a prohibited use in Cannery Zone	100
18.70.030(C)	Violating restrictions in Lutak Inlet planning/zoning district	100
18.70.030(C)(3)(f)	Maintaining a prohibited use in RRZ	100
18.70.030(C)(3)(h)	Setback violation	100
18.70.030(C)(3)(i)	Building height violation	100
18.70.030(C)(3)(j)	Sign violation	100
18.70.030(C)(3)(k)	Use of RV as permanent dwelling or excessive RVs on property	100
18.70.030(C)(3)(l)	Noise violation	100

18.70.030(C)(4)(f)	Maintaining a prohibited use in Riparian Zone	100
18.70.030(D)	Violating restrictions in general use planning/zoning district	100
18.80.030(A)	Setback violation	100
18.80.040	Unlawful parking provided	100
18.90.030(A)	Failure to obtain sign permit	250
18.90.040	Excessive number of signs	100
18.90.050(B)	Projecting sign violation	100
18.90.050(C)	Portable sign obscuring traffic or sight angles	100
18.90.070	Prohibited sign in use	100
18.90.080(C)	Prohibited sign in Significant structures area zone	100
18.90.100(B)	Prohibited sign in residential zoning districts	100

1.24.060 Ordinances Affecting Minor Offenses Sent to Borough Attorney

Immediately after the Assembly enacts a code ordinance affecting, creating, or eliminating a minor offense, the Borough Clerk shall transmit the ordinance to the Borough Attorney. The Borough Attorney shall submit any necessary updates to the Alaska Court System for inclusion in the Uniform Table of Minor Offenses.

Comment [PM2]: We eliminated previous sections 1.24.060 and .070 at the request of the Committee.

Section 5. Amendment of Section 2.06.035(C). Section 2.06.035(C) of the Haines Borough Code is hereby amended as follows:

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

2.06.035 Public financial disclosure.

C. The disclosure must be true, correct and complete and shall be signed under oath or affirmation, or certified to be true under penalty of perjury. A person required to file a financial disclosure statement under this section who refuses or knowingly fails to disclose required information within the time required in this chapter, or who provides false or misleading information, knowing it to be false or misleading, **commits a minor offense** ~~is guilty of a violation and upon conviction is punishable by a fine of not less than \$100.00 nor more than \$500, \$1,000 notwithstanding Chapter 1.24 HBC.~~ A municipal officer or candidate for an office who refuses or fails to file a financial disclosure statement required under this section when due shall not hold office, and the person's name shall not be submitted to the assembly for appointment or reappointment, until the person complies. The person may not be confirmed, hired, or appointed, and the person forfeits and may not be paid any salary, per diem, or travel expenses, until the person complies. If, after installation in

Comment [PM3]: We have removed references to "guilty" and "conviction" throughout this ordinance at the request of the Committee.

office or beginning employment in the position, the person refuses or fails to file the required financial disclosure statement when due, the person **commits a minor offense** ~~is guilty of a violation and upon conviction is~~ punishable by a fine of not less than \$100.00 nor more than **\$500**, ~~\$1,000 notwithstanding Chapter 1.24 HBC~~. Any citizen eligible to vote in Alaska may bring a civil action to enforce any of the provisions of this section.

Section 6. Amendment of Section 2.96.010. Section 2.96.010 of the Haines Borough Code is hereby repealed and reenacted as Section 2.96.010 and 2.96.020 as follows:

2.96.010 Unlawful activity and conduct.

A. It shall be unlawful for:

1. Any person to give, render, pay, offer, solicit, or accept any money, service, or other valuable thing in attempting to secure any appointment, promotion, or advantage in a position in the borough service.
2. Any person to require personnel to subscribe, contribute, or provide a service to any political party.
3. Any person to seek or attempt to use any political party endorsement to secure any appointment or promotion in the borough service.
4. Any elected official or employee to solicit, negotiate for, or promise to accept anything of substantial value from any person, firm or company which is engaged in the transaction of business with the borough.
5. Any elected official or employee to use information which is obtained in the person's official capacity as an employee of the borough and which concerns the property, government or affairs of the borough to advance the financial or other private interests of the person or others.
6. Any elected official or employee to accept any loan, gift, gratuity, remuneration or compensation from any person, business or organization other than the borough when the same is offered in exchange for performing or discharging any official duty or responsibility.

B. A violation of this section is a minor offense and subject to a maximum fine of up to \$500 for each offense.

2.96.020 Prohibited conduct

A. It shall be prohibited for:

1. Any person, except a school district employee, to continue as an employee of the borough after being elected to the borough assembly.
2. Any person to take any action which affects the employment status of any other person when the reason for such action is predicated on race, color, religion, sex, or national origin.
3. Any person to make any false statement on any application, report or other document relating to employment status or to commit any other fraud which would prevent the fair and impartial execution of this code.
4. Any person to be employed in any position in any department whose immediate family member is the elected official, borough officer or department head under whom such person is employed.

5. Any elected official or employee to demand or request an applicant for employment to provide information relating to the applicant's religion, ancestry, race, or political convictions.

6. Any elected official or employee to invest, either directly or indirectly, in any business or participate in any private business transaction which conflicts with his official duties.

7. Any elected official or employee to be a party to the purchase of or influence the purchase of goods or services for the use of the borough from any business in which the person has a substantial financial interest unless the purchase is approved in advance by the assembly.

B. Any employee or official who violates this section shall be subject to discipline or those penalties provided in Chapter 2.06.

Section 7. Amendment of Section 3.80.260. Section 3.80.260 of the Haines Borough Code is hereby amended as follows:

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

3.80.260 Violations a minor offense ~~misdemeanor~~.

A seller, including a person, firm, co-partnership or corporation, or an officer, director or agent of a corporation acting on behalf of the seller, including a person with signatory authority over any corporate savings or checking accounts, who violates a provision of this chapter or who fails or refuses to comply with a request or demand of the clerk authorized or made under this chapter **commits a minor offense**, ~~is guilty of a misdemeanor.~~ **Prosecution under this chapter shall not limit the Borough's right to collect in a civil action all unpaid taxes, penalty and interest which may be owed.**

Section 8. Amendment of Section 5.02.020. Section 5.02.020 of the Haines Borough Code is hereby amended as follows:

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

5.02.020 Violation a minor offense ~~misdemeanor~~.

An individual or entity subject to this chapter, or a responsible officer, director, or agent of an entity subject to this chapter, who violates the requirements of this chapter **commits a minor offense** ~~is guilty of a misdemeanor, which is punishable by not more than 30 days in jail and/or a \$1,000~~ **a fine in the amount of \$100 for each month or part thereof a business operates without a license or in violation of the license, each of which shall constitute a separate offense, up to a maximum total fine of \$1,000. Each month or part thereof of operation in violation of this chapter shall constitute a separate offense.**

Section 9. Amendment of Section 5.04.140. Section 5.04.140 of the Haines Borough Code is hereby amended as follows:

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

5.04.140 Penalties.

A. Operation of any commercial tour or business enterprise for which a permit is required under this title without a permit, or the failure to follow any permit condition, shall constitute ~~an~~ **offense punishable a minor offense punishable**, ~~upon conviction, by a fine not exceeding~~

~~\$1,000~~ **of \$500** 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.

B. The securing of a permit through deceit, fraud, or intentional misrepresentation shall constitute an offense punishable, ~~upon conviction,~~ by a fine ~~not exceeding \$5001,000,~~ plus any surcharge required to be imposed by AS 12.55.039. **The permit may also be revoked through administrative proceedings,** ~~as well as revocation of the permit.~~

C. The commission by a permittee of an act of fraud, misrepresentation, or cheating that would constitute an unlawful act or practice under AS 45.50.471, either through the permittee's own act or through the acts of the permittee's employee, agent, or representative, in relation to an activity authorized under a permit, is, ~~upon conviction,~~ punishable by a fine **of \$500** ~~not exceeding \$300.00~~ for each violation plus any surcharge required to be imposed by AS 12.55.039.

D. The borough may institute a civil action against a person who violates this chapter. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction.

Section 10. Amendment of Section 5.04.150. Section 5.04.150 of the Haines Borough Code is hereby amended as follows:

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

5.04.150 Offenses separable.

Each ~~such~~ person **who violates a provision of this chapter or a provision of any permit issued under this chapter commits a** ~~is guilty of~~ separate offense for each and every day during any portion of which any violation of any provision of any permit issued under this chapter is committed, continued or permitted by ~~the any such person.~~

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Section 11. Amendment of Section 5.08.020. Section 5.08.020 of the Haines Borough Code is hereby amended as follows:

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

5.08.020 Solicitation on private property without invitation prohibited.

The practice of going in and upon private residences in the borough by transient solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of the private residence for the purpose of soliciting orders for the sale of goods, wares, and merchandise and/or disposing of and/or peddling or hawking the same is **unlawful,** ~~declared to be a nuisance and punishable as such nuisance.~~

Section 12. Amendment of Section 6.08.060. Section 6.08.060 of the Haines Borough Code is hereby amended as follows:

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

6.08.060 Impoundment and citations.

A. The manager shall appoint an animal control officer or firm whose duties shall be to enforce the provisions of this title. The borough shall provide an animal shelter where dogs may be impounded. In the absence of an animal control officer or firm contracted to enforce the animal control regulations, or if the assembly determines that additional personnel are necessary, the manager may appoint someone on a temporary basis to fulfill the animal control officer's duties.

B. The animal control officer shall have the authority to impound any dog found running at large or kept in violation of this title and any unlicensed dog found, other than a seeing-eye dog. Whether the dog is impounded or not, if the owner or keeper is known, the police department or animal control officer shall immediately give notice verbally or in writing to the owner or keeper that such dog has been impounded, is running at large or is otherwise in violation of this title. The police department or animal control officer or firm may cite the owner or keeper of the dog to appear in court to answer a charge of violation of this title. **Any citation issued for a violation of this title shall be processed by the court system in accordance with Chapter 1.24 HBC.**

C. Any person may file a complaint with the animal control officer or police that a dog is running at large or is otherwise in violation of this title and it shall be the duty of the animal control officer or police department to give notice to the owner or keeper as provided in subsection (B) of this section.

D. When a dog has been impounded, and if the owner or keeper is known or can be ascertained from the dog tag or records of the borough, the police department shall notify the dog's owner or keeper of the impoundment as soon as possible and of the fact that the animal may be redeemed according to the provisions of this title. The police department shall keep a record of all dogs impounded including the dog's description and the disposition of the dog.

Section 13. Amendment of Section 6.08.130(A). Section 6.08.130(A) of the Haines Borough Code is hereby amended as follows:

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

6.08.130 Penalties for violations.

A. Any person ~~accused~~ **convicted** of violating HBC 6.08.030 concerning dangerous dogs or HBC 6.08.040 or 6.08.050 concerning rabies, **shall appear in court and fined up to \$500 if the court determines the person committed the offense.** ~~control shall be guilty of a misdemeanor punishable by a fine of up to \$1,000 and/or imprisonment up to 30 days.~~

B. Any person violating the provisions of, or failing to comply with, any other section of this chapter ~~commits a minor offense~~ **is guilty of a violation** and, unless otherwise specifically provided, shall be fined ~~as follows:~~ **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$500.**

~~1. Spayed or Neutered Dog (Owner or keeper must provide veterinarian's proof of spay/neuter procedure):~~

First violation	\$25.00
Second violation	\$50.00
Third and subsequent violations	\$100.00

~~2. Nonspayed or Nonneutered Dog:~~

First violation	\$75.00
Second violation	\$150.00
Third and subsequent violations	\$300.00

~~C. A past violation taken into account in determining a fine payable under subsection (B) of this section will be deleted from an animal's record if such animal has had no violations for a period of three calendar years from the date of that prior violation. A fine imposed under subsection (B)(2) of this section shall be vacated and a lesser fine imposed under subsection (B)(1) of this section, if, within 30 days of the date of the violation, proof from a licensed veterinarian showing that the offending dog has been spayed or neutered is presented to the police department.~~

Section 14. Amendment of Section 8.08.050. Section 8.08.050 of the Haines Borough Code is hereby amended as follows:

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

8.08.050 Compliance – Enforcement.

A person violating a provision of this chapter shall be subject to punishment according to the provisions of HBC Chapter 1.24.040.

Section 15. Repeal and reenactment Section 8.12.140. Section 8.12.140 of the Haines Borough Code is hereby repealed and reenacted as follows:

8.12.140 Enforcement.

A. The abatement official or any police officer may cite an offender or property owner for a violation of any provision of this chapter, whether or not abatement proceedings are instituted. Such a violation shall be considered a minor offense and is punishable by a fine set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$500. Any proceeding instituted for such a violation is separate from, and shall not affect, the abatement process provided for in this chapter.

B. Each act of violation and every day upon which the violation occurs shall constitute a separate offense.

C. In addition to prosecuting a violation of this section, the borough may initiate the nuisance abatement procedures set forth in HBC 8.12.040 - .130 against any person maintaining a nuisance or against any property upon which a nuisance is deemed to exist, whether or not the person is cited for a violation of this chapter. In any such proceeding, the borough shall be entitled to collect a civil penalty in the same amount of the fine established by this Title and HBC 1.24.040 for the same violation for every day the violation exists.

D. In addition to other remedies or procedures provided in this chapter, any public nuisance may be restrained, enjoined or otherwise abated by the borough in a civil action.

Section 16. Amendment of Section 8.16.025. Section 8.16.025 of the Haines Borough Code is hereby amended as follows:

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

8.16.025 Use of fireworks near port facilities prohibited.

~~A.~~ It is unlawful for any person other than a licensed pyrotechnician who has a contract with the borough and their agents and employees to discharge fireworks in, on, under, or within 250 feet of any of the borough's port facilities, including, but not limited to, Letnikof Cove, Port Chilkoot Dock, Lutak Dock, and the boat harbor.

~~B. A person violating the provisions of, or failing to comply with the prohibitions of, this chapter is guilty of a violation, and unless otherwise specifically provided, shall be punished by a fine of not more than \$300.00.~~

Section 17. Amendment of Chapter 8.16. Chapter 8.16 of the Haines Borough Code is hereby amended to include a new Section 8.16.040 to read as follows:

A person violating the provisions of, or failing to comply with the prohibitions of, this chapter **commits** is guilty of a minor offense, and unless otherwise specifically provided, shall be punished by a fine of not more than \$300.00.

Section 18. Amendment of Section 8.18.080. Section 8.18.080 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.

A. 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.

B. A person who smokes in an area where smoking is prohibited by the provisions of this chapter is subject to a fine of \$100.00.

C. A person, owner, manager, employer, or operator who controls a public place, a business, an enclosed area, place of employment or place of child care or other premises in violation of this chapter is subject to HBC 8.18.090(B) and **a penalty in the amount of \$200 for every violation of this chapter.** ~~the following penalties:~~

- ~~1. A fine of \$100.00 for a first violation;~~
- ~~2. A fine of \$200.00 for a second violation within a 24-month period; and~~
- ~~3. A fine of \$300.00 for a third or additional violation within a 24-month period.~~

D. Each and every day that a violation occurs is a separate violation.

Section 19. Amendment of Section 8.18.090. Section 8.18.090 of the Haines Borough Code is hereby amended as follows:

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

8.18.090 Enforcement.

A. The borough ~~manager or designee~~ **and the borough police department shall enforce** must administer this chapter. A person who desires to register a complaint hereunder may initiate enforcement consideration with the borough manager ~~or borough police department,~~ **or borough police department.** ~~or designee.~~ **A person or entity believed to have violated any provision of this chapter may be cited pursuant to Chapter 1.24 HBC. Any violation of this chapter is a minor offense.**

B. Before citing an operator for violation of this chapter, the borough manager ~~or police department~~ must provide the operator with a written warning for the violation. Thereafter, the operator is subject to the penalties set out in HBC 8.18.080.

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C. In addition to the remedies provided in this chapter, a person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or place of employment to comply with the provisions of this chapter may apply for injunctive relief to enforce those provisions in a court of competent jurisdiction.

Section 20. Amendment of Section 8.20.040. Section 8.20.040 of the Haines Borough Code is hereby amended as follows:

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

8.20.040 Fines.

A. Each person who owns and/or is in control of property that creates, maintains, or permits a bear attraction nuisance on the property shall be charged with a minor offense ~~an infraction~~ and subject to a fine as set forth in HBC 1.24.0440.

B. Each and every day after notice during any portion of which a violation or failure to comply is committed, permitted, or continued, shall be treated as a separate offense, and subject the offender to separate charges and a fine as provided in subsection (A) of this section.

Section 21. Repeal of Chapter 9.01. Chapter 9.01 of the Haines Borough Code is hereby repealed in its entirety.

Section 22. Amendment of Section 9.08.030. Section 9.04.010 of the Haines Borough Code is hereby amended as follows:

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

9.04.010 Consumption of alcoholic beverages in public places.

A. It is unlawful to possess an open bottle, can, or other receptacle containing an alcoholic beverage within the passenger compartment of a vehicle.

B. It is unlawful ~~or~~ to consume alcoholic beverages

(1) upon the public streets or highways; ~~or~~

(2) in any public place other than a premises covered by a liquor control license; ~~or~~

(3) on any public school property; ~~or~~

(4) at any public or private school-related function.

Section 23. Amendment of Section 9.08.030. Section 9.08.030 of the Haines Borough Code is hereby amended as follows:

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

9.08.030 Penalty for violation of curfew ordinance.

A person who fails to abide by the provisions of this chapter commits a minor offense punishable by ~~shall be guilty of a violation and subject to a fine of not more than~~ \$250.00.

Section 24. Repeal and reenactment Chapter 10.06. Chapter 10.06 of the Haines Borough Code is hereby repealed and reenacted as follows:

10.06.010 State traffic laws and regulations adopted by reference.

A. The borough adopts all vehicle and traffic statutes and regulations of the state of Alaska, as they presently exist and as they may be revised in the future, including those which apply to motorcycles.

B. Notwithstanding subsection A of this section, the borough does not adopt those state traffic laws that establish misdemeanor and felony offenses which are not listed on Alaska Supreme Court bail forfeiture schedules, including AS 28.35.030.

C. All citations issued under this chapter shall use the appropriate "AS" or "AAC" or CFR statute or regulation numbers, include a description of the offense, indicate that the offense was adopted by reference as a borough ordinance, and that the charging entity or plaintiff is the Haines Borough.

D. Additional traffic ordinances of the borough that are necessary to meet specific local requirements shall be incorporated in other chapters of this title.

E. When the context requires, the term "Alaska State trooper" or "peace officer" when used in a provision incorporated by reference under subsection (A) of this section shall be deemed to mean and construed as identical with chief of police, police officer, or such other local police officer sworn to undertake the duties prescribed in HBC 10.02.020. When the context requires, the term "department" appearing in the Alaska Statutes and Alaska Administrative Code provisions adopted by reference shall be construed to mean the Haines police department.

10.06.020 Fine Schedule for State Traffic Offenses Adopted by Reference.

A. The borough adopts as its traffic fine schedule for state traffic offenses adopted by reference the "Traffic Bail Forfeiture Schedule" and the "Oversize Vehicle Bail Forfeiture Schedule" in Administrative Rules 43.1 and 43.6 of the Alaska Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the Alaska Supreme Court. In addition, the borough adopts all amendments of those schedules that become effective after the effective date of the ordinance codified in this chapter. Citations for offenses listed on those schedules may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the amounts listed plus the state surcharge required by AS 12.55.039 and 29.25.074. If a person charged with one of these offenses appears in court and is found to have committed the offense, the penalty imposed for the offense may not exceed the amount listed for that offense on the schedule. Citations charging these offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of Court. If an offense is not listed on the fine schedule, the defendant must appear in court to answer to the charges.

B. For violation of a provision of this title that does not adopt an Alaska Statute ("AS") or state regulation ("AAC") by reference and that may be satisfied by the payment of bail, the applicable fine for such violation is listed in HBC 1.24.040.

10.06.030 Fine Schedule for Local Traffic Offenses

In accordance with AS 28.05.151(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found to have committed the offense, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. These fines may not be judicially reduced. If an offense is not listed on the fine schedule, or if the citation indicates a court appearance is required, the defendant must appear in court to answer to the charges.

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The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

Code Section	Offense Description	Fine Amount
10.09.010	Starting parked vehicle - excessive acceleration	15
10.09.020(A)	Driving on sidewalks - vehicle	20
10.09.020(B)	Driving on sidewalk in CBD - bicycle	20
10.09.020(C)	Failure to yield - bicycle	20
10.09.030	U-turn where prohibited	30
10.09.040	Projections on wheels or tracks prohibited	20
10.09.050	Dragging objects prohibited	150
10.09.060	Projecting load on passenger vehicles	20
10.09.070	Carrying animals on outside of vehicles	125
10.09.080(A)	Use of coaster, roller skates, sleds or skis on roadway	25
10.09.080(B)	Use of skateboard or human powered device in prohibited area	25
10.09.080(C)	Negligent operation of device	25
10.34.005(B)	Operating a snow machine or ATV in unauthorized location or after hours.	30
10.34.005(C)	Operating a snow machine or ATV under 16 years of age.	30
10.34.005(D)	Driver's license required to operate snow machine or ATV	30
10.34.005(E)	Registration of snow machine or ATV required	30
10.34.005(F)	Proof of insurance	30
10.34.005(G)	Excess passengers - 13 AAC 02.445	30
10.34.005(H)	Speed in excess of 25 mph or other violation of traffic regulations	30
10.34.005(I)	Failure to signal turn	30
10.34.005(J)	ATV or snow machine on sidewalk or pedestrian way	30
10.34.005(K)	Failure to stop snow machine or ATV when directed to do so by a police officer	30

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10.34.005(M)	Owner responsibility for violation	30
10.34.009(A)	Snow machine or ATV not equipped with functional headlight, tallight, and brake light	30
10.34.009(B)	Failure to maintain equipment in good working order	30
10.34.010(A)	Parental responsibility for violation	30
10.42.010	Bicycle violations: operator to obey rules of the road	30
10.42.020	Bicycle violations: parents responsible for actions/violations	30
10.42.030	Bicycle violations: obey signs/dismount and act as pedestrian	30
10.42.040	Bicycle violations: two or more on bike made for one	30
10.42.050	Bicycle violations: attaching to other vehicle/hooky-bobbing	30
10.42.060	Bicycle violations: minimum of one hand on handle bars	30
10.42.070	Bicycle violations: unicycle/coaster/roller skates on roadway prohibited	30
10.42.080	Bicycle violations: ride on right side of roadway	30
10.42.090	Bicycle violations: yield to vehicle upon audible signal	30
10.42.100	Bicycle violations: no more than two bikes abreast in one lane	30
10.42.110	Bicycle violations: must use shoulder when available	30
10.42.120	Failure to give auditable signal passing pedestrian	30
10.42.130	Bicycle violations: turn and signal requirements	30
10.42.140	Bicycle violations: ride in business district where prohibited	30
10.42.160	Bicycle violations: Bike Parking Requirements	30
10.42.170	Bicycle violations: bike not to enter limited use areas	30
10.42.180	Bicycle violations: yield to traffic	30
10.42.190	Bicycle violations: headlight requirements	30
10.42.200	Bicycle violations: taillight requirements	30

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10.42.210	Bicycle violations: reflector requirements	30
10.42.220	Bicycle violations: brake requirements	30
10.44.010	Parking during snow removal	25
10.44.020	Prohibited 24-hour parking – impounding vehicles	25
10.44.030	Time limit parking	25
10.44.050	Standing or parking close to curb	25
10.44.060(A)	Signs or markings indicating angle parking	25
10.44.070	Obedience to angle-parking signs or markings	25
10.44.080(B)	Violating permit for loading or unloading at an angle to the curb	25
10.44.090(A)	Stopping, standing, or parking prohibited – no signs required	25
10.44.090(B)	Moving the vehicle of another into unlawful parking area	25
10.44.100	Parking not to obstruct traffic	25
10.44.110	Parking in alleys	25
10.44.120(A)	Parking for certain purposes prohibited: displaying such vehicle for sale	25
10.44.120(B)	Parking for certain purposes prohibited: washing, greasing, or repairing	25
10.44.130(B)	Parking adjacent to schools	25
10.44.140(B)	Parking prohibited on narrow streets	25
10.44.150	Standing or parking on one-way streets	25
10.44.160(B)	No stopping, standing, or parking near hazardous or congested places	25
10.44.210(A)	Abandonment of vehicle	25
10.44.210(B)	Exceeding time limit for parking in designated areas	25
10.44.220	Unauthorized parking on private property	25
10.48.010	Pedestrians must obey regulations	25
10.48.020	Pedestrians not to enter limited use areas	25

10.48.030	No pedestrian may walk into path of vehicle	25
10.48.040	Pedestrian must cross at crosswalk	25
10.48.050	Pedestrian must yield to vehicles	25
10.48.060	Crossing roadway where prohibited	25
10.48.070	Diagonally cross intersection must use sidewalks	25
10.48.080	Must walk on left side/shoulder of roadway	25
10.48.090	Pedestrian creates hazard/interferes with traffic	25
10.48.100	Sleep/loiter/obstruct highway	25
10.48.110	Solicit ride/distracts driver	25
10.48.120	Nonblind pedestrian not to use cane/dog	25
10.48.130	Pedestrian must yield to emergency vehicle	25
10.48.140	Pedestrian not to cross against "don't Walk" signal	25

10.06.040 Mandatory appearance and surcharges.

A person who violates a provision of this title that is not on the Fine Schedule for State offenses adopted by reference or on the borough's Fine Schedule for local traffic offenses is subject to a mandatory court appearance and shall pay the fine imposed pursuant to this code plus the state surcharge required by AS 12.55.039 and AS 29.25.074.

Section 25. Repeal of Chapters 10.08, 10.10, 10.12, 10.14, 10.16, 10.18, 10.20, 10.24, 10.26, 10.28, 10.30, 10.32, 10.34, 10.36, 10.38, 10.40. Chapters 10.08, 10.10, 10.12, 10.14, 10.16, 10.18, 10.20, 10.24, 10.26, 10.28, 10.30, 10.32, 10.34, 10.36, 10.38, 10.40 of the Haines Borough Code are hereby repealed in their entirety.

Section 26. Addition of new Chapter 10.09. There is enacted a new Chapter 10.09 of the Haines Borough Code to read as follows:

Chapter 10.09 Miscellaneous offenses

10.09.010 Starting parked vehicle – Excessive acceleration.

A person may not accelerate a vehicle which is stopped, standing, or parked on or along a highway, or which is entering a highway, so rapidly as to unnecessarily cause the tires to squeal or spin on the highway or on the surface on which the vehicle is standing immediately before it enters the highway or which causes the driver to lose control of the vehicle or causes the vehicle to fishtail.

10.09.020 Driving on sidewalks

A. The driver of any vehicle, except a bicycle, shall not drive within any sidewalk area except at a permanent or temporary driveway.

B. No person shall ride a bicycle upon a sidewalk within the central business traffic district or any business district excepting police and emergency response personnel operating a bicycle during the discharge of their duties.

C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

10.09.030 U-turns prohibited where posted.

Where posted, a driver of a vehicle shall not turn within a street or intersection such vehicle so as to proceed in the opposite direction.

10.09.040 Projections on wheels or tracks prohibited.

No person shall drive or propel any vehicle or object upon any street or highway in the townsite service area which shall have any wheel, tire, or track made or equipped with spikes, cleats, lugs or other attachments or projections, except tire chains. Studded tires which fall within the exclusion of 13 AAC 04.230(b)(3) are not prohibited.

10.09.050 Projecting loads on passenger vehicles.

No passenger-type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the hub caps on its left side or more than eight feet in total width.

10.09.060 Carrying animals on outside of vehicles.

It is unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle, unless suitable harness, cage, or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom.

10.09.080 Use of coaster, roller skates, sleds and skis.

A. No person upon roller skates, skis, or riding in or by means of any coaster, sleds, toy vehicles, or similar device, shall go upon any townsite service area roadway except while crossing a street on a crosswalk and, when so crossing, such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. For the purposes of this section, the term "roadway" means that portion of a highway, street, or road designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, shoulder, or right-of-way. The berm or shoulder of the right-of-way may be used by persons riding bicycles or other similar human-powered vehicles. Skateboards, skis, coasters, sleds, toy vehicles, or similar devices are prohibited on sidewalks in business districts, or where otherwise regulated by signage.

B. Prohibited Sidewalks and Areas. No person shall ride a skateboard or other similar human-powered vehicle as defined in subsection (A) of this section:

1. On the sidewalks on Main Street between Third Avenue and Front Street;
2. On the sidewalks on Second Avenue between Main Street and Dalton Street;
3. On the sidewalks on Third Avenue between Main Street and Haines Highway;
4. At Lookout Park;

5. On the sidewalks on Main Street between Third Avenue and Fifth Avenue during school hours and one-half hour before and one-half hour after.

C. Negligent Operation. No person shall operate one of the devices described in subsection (A) of this section in a negligent manner. "To operate in a negligent manner" means the operation of a device in such a manner as to endanger or be likely to endanger any person or property. Examples of operating in a negligent manner include, but are not limited to, failure

to obey all traffic control devices, failure to yield right-of-way to pedestrians and/or vehicular traffic.

Section 27. Repeal of Section 10.34.050. Section 10.34.050 of the Haines Borough Code is hereby repealed.

Section 28. Repeal of Sections 10.44.040, 10.44.230, 10.44.240, and 10.44.250. Sections 10.44.040, 10.44.230, 10.44.240, and 10.44.250 of the Haines Borough Code are hereby repealed in their entirety.

Section 29. Repeal and reenactment of Chapter 10.50. Chapter 10.50 of the Haines Borough Code is hereby repealed and re-enacted as follows:

10.50.010 Citations for violations and disposition of fines.

A. When a person is stopped or contacted by a borough peace officer for the commission of a motor vehicle or traffic offense that is a violation of this title, the officer shall, except when otherwise required by law or the immediate circumstances, issue a citation to the person in charge of, or operating, the motor vehicle involved. A citation issued pursuant to this subsection must meet the requirements of AS 12.25.200 and the Alaska Rules of Minor Offense Procedures. The borough shall use the Alaska Uniform Citation form, or the electronic version, if authorized.

B. A citation for a violation of a state motor vehicle law that has been incorporated by reference in this Title shall reference the Alaska Statute or Alaska Administrative Code section that has been violated and indicate that the law or regulation has been incorporated in the borough Code by reference. All such citations shall list the Haines Borough as the prosecuting entity and shall be submitted to and processed by the Alaska court system. Fines paid to the court for that violation shall be remitted to the borough.

C. A citation for a violation of a provision of this title that does not adopt by reference a provision of the state motor vehicle laws shall reference only the appropriate borough code section. Fines paid to the court for that violation shall be remitted to the borough.

D. If the offender refuses to accept the citation the citing peace officer shall arrest the offender in the manner otherwise provided by law.

10.50.020 Lesser penalty controlling.

In the event conflicting maximum penalties are prescribed by adopted statute or regulation, or by Alaska Supreme Court bail forfeiture schedules or by separate code section, the lesser penalty shall be the controlling maximum.

Section 30. Amendment of Section 11.44.030. Section 11.44.030 of the Haines Borough Code is hereby amended as follows:

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

11.44.030 Penalty.

~~Any person convicted of a~~ **A** violation of any of the sections of this chapter is a minor offense.
~~shall be subject to punishment as provided in this code.~~

Section 31. 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.

~~A.~~ 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.

~~B. Any person violating a provision of this chapter shall be punished by a fine not exceeding \$300.00.~~

Section 32. Amendment of Section 12.40.060. Section 12.40.060 of the Haines Borough Code is hereby amended as follows:

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

12.40.060 Enforcement and penalties.

A. Enforcement.

1. The Haines Borough manager shall have the right to issue administrative regulations pertaining to use of the property subject to approval of the assembly.

2. The Haines Borough police department, other licensed peace officers, and designated Haines Borough employees shall have the authority to enforce this chapter and any borough manager regulations and may eject from the park any persons acting in violation of this chapter or any temporary use permit issued for use of the property.

3. Nothing in this chapter shall prevent Haines Borough employees from performing their assigned duties.

4. **A violation of this chapter or a permit issued under it shall be a minor offense.** Enforcement of this chapter shall be in the same manner set forth in Chapter ~~1.24~~ **1.24** HBC.

B. Penalties. Violations of this chapter are subject to the ~~same~~ penalties ~~as~~ provided in Chapters 1.24 ~~and 9.01~~ HBC.

Section 33. Amendment of Section 13.04.350. Section 13.04.350 of the Haines Borough Code is hereby amended as follows:

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

13.04.350 Penalties.

Any person violating a provision of this chapter shall, ~~upon conviction thereof,~~ be punished by a fine ~~not exceeding~~ **in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than** \$300.00.

Section 34. Amendment of Section 13.08.100. Section 13.08.100 of the Haines Borough Code is hereby amended as follows:

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

~~STRIKETHROUGH~~ ITEMS ARE DELETED

13.08.100 Required connections.

A. Wherever there is now, or may hereafter be constructed within the borough limits, an interceptor for the purpose of transmitting sewage to the sewage treatment plant, the owner or owners of the property abutting on any street, alley, or right-of-way along which the interceptor is constructed must connect all improvements on such property in which sewage or liquid waste is produced with a customer service line and an interceptor. Whenever the borough shall notify in writing any owner or owners of property to connect such improvements to such line and interceptor, it shall be the duty of such owner or owners to make application, pay the prescribed fees, and complete the connection with the interceptor within 30 days from the date of said notice. The department may, for good and sufficient reason, extend the time for completion of the connection.

B. Failure to connect any property that is required to be connected to the sewer system is a minor offense subject to penalty as set forth in Chapter 1.24 HBC for each offense. Each day/week a property that is required to be connected to the sewer system is not connected constitutes a separate offense.

Section 35. Amendment of Section 13.08.270. Section 13.08.270 of the Haines Borough Code is hereby amended as follows:

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

~~STRIKETHROUGH~~ ITEMS ARE DELETED

13.08.270 Connection made without permit.

A. It shall be unlawful ~~and a misdemeanor~~ for any customer or other person to connect a customer service line to an interceptor without first making application, paying the connection fee, and securing a permit therefor from the clerk.

B. Any person who connects or attempts to connect a service line in violation of this section commits a minor offense subject to penalty as set forth in Chapter 1.24 HBC for each offense. Each day/week a property is connected in violation of this section constitutes a separate offense. A person who violates subsection (A) of this section is subject to a penalty not to exceed a fine of \$1,000 and imprisonment for 90 days.

Section 36. Amendment of Section 13.08.310. Section 13.08.310 of the Haines Borough Code is hereby amended as follows:

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

~~STRIKETHROUGH~~ ITEMS ARE DELETED

13.08.310 Penalties.

Unless otherwise specifically provided, any person violating a provision of this chapter shall, ~~upon conviction thereof,~~ be punished by a fine ~~not exceeding~~ in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$300.00.

Section 37. Amendment of Section 14.16.170. Section 14.16.170 of the Haines Borough Code is hereby amended as follows:

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

14.16.170 Responsibility to properly locate on leased premises.

A. It shall be the responsibility of the lessee to properly locate improvements on the leased land.

B. It is unlawful for a lessee to encroach on other lands of the borough or on lands owned or leased by another.

~~C. A violation of subsection (B) of this section is a misdemeanor, punishable by a fine of up to \$1,000 and up to 90 days imprisonment.~~

Section 38. Repeal of Section 14.34.020. Section 14.34.020 of the Haines Borough Code is hereby repealed.

Section 39. Amendment of Section 14.34.030. Section 14.34.030 of the Haines Borough Code is hereby amended as follows:

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

14.34.030 Violations.

A. The following acts are minor offenses under this chapter:

1. Cutting for firewood any timber that is not already dead or downed.

2. Cutting firewood for other than personal use.

3. Using mechanical means other than chainsaws and vehicles to cut firewood.

B. The taking of any wood that is green and standing, no matter what it is used for, is considered a trespass. The penalty for taking green standing timber is \$1,000 plus triple stumpage, **which may be collected in a civil action whether or not the violator is cited for a violation of this chapter.**

Section 40. Amendment of Section 15.04.020. Section 15.04.020 of the Haines Borough Code is hereby amended as follows:

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

15.04.020 Enforcement.

The fire department and its members shall enforce the provisions of the fire code and all provisions of this title. **The police department, borough manager, or his designee may cite an offender for a violation of any provision of this title,** and may be assisted therein by the chief of police.

Section 41. 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, ~~There shall be no~~ 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.**

Section 42. Amendment of Section 15.20.020. Section 15.20.020 of the Haines Borough Code is hereby amended as follows:

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

15.20.020 Violation – Penalty.

A. Violation of any of the provisions of this title shall, ~~upon conviction,~~ be punishable as a **minor offense** violation as provided in **Chapter 1.24 and fined in the amount set forth in section 1.24.040, or if no fine is there established, in an amount to be determined by the court not to exceed \$500 for each offense.** ~~HBC 1.24.040.~~ In addition, a person who violates a provision of this title ~~may~~ **shall** be subject to injunctive relief.

B. Each day of violation shall constitute a separate offense for the purposes of this title.

Section 43. Amendment of Section 16.28.030(A). Section 16.28.030(A) of the Haines Borough Code is hereby amended as follows:

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

16.28.030 Penalties for violations.

A. Any person violating any of the provisions of this title will be fined **in the amount set forth in section 1.24.040, or if no fine is there established, in an amount to be determined by the court not to exceed \$500 for each offense.** ~~according to the fees set out in the most current assembly approved fee schedule.~~

Section 44. Amendment of Section 16.28.040. Section 16.28.040 of the Haines Borough Code is hereby amended as follows:

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

16.28.040 Citation.

A person who commits a violation of this title shall **be cited in the manner set forth in Chapter 1.24 HBC.** ~~receive a citation unless otherwise required by law or the circumstances.~~

Section 45. Repeal of Sections 16.28.050 and 16.28.060. Sections 16.28.050 and 16.28.060 of the Haines Borough Code are hereby repealed in their entirety.

Section 46. Amendment of Section 16.32.045. Section 16.32.045 of the Haines Borough Code is hereby amended as follows:

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

16.32.045 Parking.

Long-term parking of vehicles, vessels, or trailers is prohibited outside of the designated long-term parking area at the Letnikof Cove Small Boat Harbor. "Long-term" is defined as 24 or more continuous hours. Areas shall be posted or otherwise marked by an appropriate sign or by combinations of placed and painted signs indicating prohibited and authorized parking areas. ~~Enforcement of this section shall be in the same manner as set forth in Chapter 16.28 HBC.~~

Section 47. Amendment of Section 18.30.070. Section 18.30.070 of the Haines Borough Code is hereby amended as follows:

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

18.30.070 Fees and penalties.

A. The fees for various permits are as follows:

Animal husbandry, not including conditional use permits for these uses	\$25.00
Sign permit	\$25.00
Land use permit	\$50.00
Lot line vacation/adjustment	\$50.00
Short plat	\$75.00
Special conditions permit	\$150.00
Conditional use/variance permit	\$150.00
Rezoning/subdivision permit	\$200.00

B. ~~Penalties~~ **Late fees**

1. After-the-fact fee in addition to the normal associated permit fee for beginning work without a permit or construction declaration \$250.00 or 3% of the project value to a maximum of \$2,500

2. **Penalties for violations of this title are as set forth in HBC 18.30.080, 18.30.090, and 1.24.** ~~Penalty for violation of any section of this title (except beginning work without a permit — see~~ \$100.00

~~after the fact fee above)~~

3. ~~The procedure for assessing penalties shall be as follows:~~ After the fact fees for beginning work without a permit or construction declaration shall be assessed when the violator applies for the permit or submits the declaration, upon discovery of the violation. ~~In all other violations of this title, borough staff shall notify the violator by certified letter. The letter shall state the nature of the violation and inform the violator that they will have 10 business days to conform to the code. If the violation is not corrected within 10 business days, a penalty of \$100.00 shall be assessed.~~

4. If a fee or penalty is not paid within 30 days, interest of one and one-half percent per month (18 percent annually) will accrue. If the penalty is not paid within one year, the sum will be added to the violator's property tax.

C. An applicant having been processed under a permit listed above, who is subsequently required to obtain encounters the requirement of another type of permit for the same action or project on the same property type, shall be charged the permit fee which is the highest, including any permit fees paid with the original application (i.e., an applicant who pays \$50.00 for a land use permit who then is required to apply for a variance shall be charged only \$150.00 for the entire process).

D. Multiple buildings or improvements and/or multiple variance requests as part of a single application for the same site will be considered as one permit ~~respectively~~ and not subject to successive permit fees.

E. The planning commission may recommend to the assembly that charges and fees be stayed. The assembly may stay the fees under subsection (A) of this section if it is in the best interest of the municipality to do so and special circumstances warrant. The action must be made in writing and made part of the borough assembly's public record.

Section 48. Amendment of Section 18.30.080. Section 18.30.080 of the Haines Borough Code is hereby amended as follows:

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

18.30.080 Compliance.

Any use may be ordered to cease by the manager or his designee if in conflict with the provisions of this title, or if the terms and conditions of any rezoning, or commission approval, or manager approval are violated. The borough assembly may establish by resolution and enforcement priority for violations of this title.

A. Violation Complaint. Any person may bring to the attention of the manager suspected violations of this title. The complaint must be in writing and must include the full name of the person making the complaint.

B. ~~Administrative Enforcement Order.~~ After a violation has been discovered, investigated and verified, the manager may begin administrative enforcement proceedings, and shall begin enforcement proceedings if a permit or other valuable license is to be revoked.

1. Administrative enforcement order. To initiate an administrative enforcement action, the manager shall notify, by written finding, the person responsible for the violation and the property owner by personal notice, certified mail or notice posted on the site of the violation. The finding shall specify the violation(s) and order abatement and may also (but is not required to) specify the range of fines or penalties to be imposed, and shall include

notice indicating if a permit or variance can be revoked as a result of the violation pursuant to HBC 18.30.090(B). The finding shall direct the person to cease the violation, or appeal the finding within two days after receipt or posting of the notice, as the case may be. All violation notices will be reported by the manager to the commission at its next regular meeting and the manager shall keep a copy of the violation notice in the permanent record.

~~2. C-~~ **Planning Commission Review.** Upon application of the developer, the commission shall review the enforcement order at its next regular meeting. The review shall be limited to the presence of the violations stated in the enforcement order, and in such review, the burden of proof shall be upon the developer to prove that the violations do not exist. The commission, by majority motion, may modify or rescind the enforcement order, **and may impose any penalty authorized by this Title, including suspension or revocation or any permit, variance, or other authorization.**

C. Minor offense. In addition to any administrative enforcement proceedings, it is a minor offense for any person to fail to obtain a required permit, or to violate any conditions attached to a permit issued under this Title. The borough police department manager may at any time cause a citation to be issued issue a citation to a person responsible for a violation of this title and the owner of the property upon which the violation occurs. All minor offenses are subject to the provisions of HBC Chapter 1.24.

Section 49. Amendment of Section 18.30.090. Section 18.30.090 of the Haines Borough Code is hereby amended as follows:

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

18.30.090 Violations, penalties and remedies.

A. Generally. All remedies hereunder are cumulative and are in addition to those existing at law or equity. Each act in violation of this title and every day a violation of this title exists may be considered to constitute a separate violation.

B. Suspension or Revocation.

1. The planning commission may suspend or revoke a permit **for any violation of this Title, or** whenever the approval **for a permit is** granted ~~is~~ in error or ~~is~~ on the basis of incorrect information supplied **by the applicant,** or ~~is~~ **if the applicant commits a** violation of any ordinance or regulation or any provision of this code. Before taking any action to revoke or suspend a permit or variance, the planning commission shall give the permit owner and/or the owner of the property ~~at~~ **not less than 10** days' written notice by certified U.S. mail in advance of the date of hearing, of the subject of the hearing, and of the date, time, and place of the hearing. This notice is complete upon mailing.

2. The planning commission shall thereafter hold the hearing at the time and place set forth in the notice. At the hearing, the permittee may present evidence on the permittee's behalf and may cross-examine witnesses. The burden of proof is on the planning commission. After the hearing, the planning commission shall make written findings of fact from the evidence supporting the conclusion that the permittee has failed to comply with the conditions of the permit or variance (in cases where the permit or variance is revoked or suspended), or the permittee has not failed to comply with the conditions of the permit or variance (in cases where the permit or variance is not revoked or suspended). The findings shall be embodied in **a** formal resolution that the planning commission shall retain permanently.

3. After the variance or permit has been revoked or suspended, the permittee shall thereafter immediately discontinue the use of the property for which the permit or variance had

originally been granted. If, after ~~the~~ a permit or variance has been revoked or suspended, the permittee does not immediately discontinue the use of the property for which the permit or variance had originally been granted, a civil penalty not to exceed ~~\$500~~~~300.00~~ for each day of continuing violation may be imposed. The manager, on behalf of the borough, or the planning commission, may also apply to the superior court for an injunction to restrain the former permittee from using the land for the purposes previously authorized in the permit or variance.

C. Civil Remedies. Upon violation of any of the provisions of this title, or any of the conditions placed upon any permit issued pursuant hereto, the manager, on behalf of the borough or any aggrieved citizen, may institute or cause to be instituted any appropriate civil action to prevent, enjoin, abate, stop, remove or punish such violation and to obtain monetary damages suffered by such party. In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed ~~\$500~~ **\$500 for each violation or each day a violation exists.** An action to enjoin a violation of this title may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing or threatened violation, the court shall grant injunctive relief to restrain the violation. Each person violating the terms of this title shall be required to reimburse the municipality for **all reasonable** administrative and legal costs ~~commensurate with the activity relating~~ **incurred to enforce this Title or to correct** ~~to~~ the violation.

D. Criminal **Minor Offense** Remedies. ~~Every act where~~ **Failing to obtain a required permit or variance,** the maintenance of any condition prohibited by this title, ~~or by and a violation of~~ any condition placed upon any permit issued pursuant hereto, is unlawful, ~~and the willful commission of such act or maintenance of such condition is a misdemeanor.~~ Every person ~~convicted of a~~ **who commits a** violation of any provision of this title or of any condition placed upon any permit issued pursuant hereto shall be punished by a fine **as set forth in HBC 1.24.040, or if no fine is there established,** of not more than ~~\$500~~~~1,000~~ **for each offense.** Each unlawful act or condition, and every day upon which such shall occur after date of notification, shall constitute a separate violation of this section. **A minor offense cannot result in the loss of a valuable license or permit under this title, but shall be subject to the penalties and procedures set forth in Chapter 1.24 HBC.**

E. Parties. A proper party for any enforcement action under subsection (B) of this section shall include, but shall not be limited to, the owner of the site or any part thereof; any lessee or occupant of the site or any part thereof; the developer, the developer's agents, contractors and subcontractors, and employees who participate in, assist, commit, or maintain a violation.

F. Remedies Applicable to Subdivision Regulations. It is unlawful for any owner, lessee or agent to partition, sell, transfer, lease or offer or agree to partition, sell, lease or transfer any land which results in a subdivision as defined by this title before a final plat of the subdivision has been duly approved and recorded in accordance with the provisions of this chapter and state law. No person may file or record a subdivision plat in any public office unless the plat bears the signatures of the chair of the planning commission and the mayor. The borough may enjoin any partition, lease, transfer or sale of land that would result in an unlawful subdivision. Following an unlawful partition, transfer, lease or sale, the borough may enjoin any further transfer or sale of all unlawfully subdivided parcels until such time as the parcels are duly subdivided or returned to common ownership.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 22nd DAY OF SEPTEMBER, 2015.

ATTEST:

Janice Hill, Mayor

Haines Borough
Ordinance No. 15-06-413
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Julie Cozzi, Borough Clerk

Date Introduced: 06/09/15
Date of First Public Hearing: 08/25/15
Date of Second Public Hearing: 09/08/15 – Adoption postponed
Adopted with Conditions: 09/22/15

