

An Ordinance of the Haines Borough amending Haines Borough Code Title 8 to Amend the Definitions of Bear Attraction Nuisance and Refuse Container Standards.

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.

Section 4. Amendment of Section 8.08.040 Section 8.08.040 of the Haines Borough Code is hereby amended, as follows:

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

8.08.040 Refuse container standards.

A. To satisfy the requirements of this chapter, a refuse container must be **an Interagency Grizzly Bear Committee (IGBC) certified bear-resistant container.**

- ~~1. Strong, watertight, not easily corrodible, and rodent and insect proof;~~
- ~~2. Fitted with a tight cover; and~~
- ~~3. Kept tightly covered at all times, except when necessary to place litter therein or remove litter therefrom.~~

B. Refuse containers must be emptied and the contents properly disposed of on a regular basis.

Section 5. Amendment of Section 8.20.010 Section 8.20.010 of the Haines Borough Code is hereby amended, as follows:

8.20.010 Definitions.

The terms and phrases used in this chapter shall have the following meanings:

A. "Bear attraction nuisance" means, except as otherwise provided in this section:

1. More than one-half gallon of any putrescible waste **material**, including packaging or other surfaces to which the material is adhered;
2. **Livestock, excluding horses and cattle;**

3. "Bear attraction nuisance" does not include:

- a. Manure or sewage;
- b. Material in a garbage can temporarily placed outside for purposes of collection after 4:00 a.m. on a day scheduled for collection; **an Interagency Grizzly Bear Committee (IGBC) certified bear-resistant container;**

c. Material completely enclosed in a structure or container which **normally excludes access by bears and** requires hands or tools to open;

d. Material, livestock, or an orchard completely enclosed within an electric fence.

~~B.~~ "Garbage can" means a watertight, odor-free, corrosion-resistant container equipped with a tight-fitting cover secured so as to remain in place if the can is knocked over.

~~C.~~ "Person in control" means a tenant or an agent, superintendent, or other owner's representative.

~~D.~~**C.** "Property" means developed or undeveloped real property, including any apartment house, mobile home park, planned unit development, or other multifamily development.

~~E.~~**D.** "Putrescible waste **material**" means organic materials prone to degrade rapidly, giving rise to obnoxious odors, including **but not limited to** foods or animal parts, **livestock feed, harvestable fruits, and compost** which is capable of being decomposed by microorganisms.

Section 5. Amendment of Section 8.20.030 Section 8.20.030 of the Haines Borough Code is hereby amended, as follows:

8.20.030 Enforcement.

This chapter shall be enforced by the police department or by other employees authorized by the borough manager. Whenever a bear attraction nuisance is found on property in violation of this chapter, the officer or authorized employee shall ~~issue a citation stating the nature of the offense and the date and time for a court appearance.~~ **take the following progressive actions:**

A. Issue a citation for a violation.

1. The citation for the violation shall be waived upon proof that the person cited has taken steps to correct the problem within a week.

2. Acceptable correction may include the acquisition of an acceptable

refuse container, or the installation of an electric fence, or other actions that will have the effect of correcting the problem.

B. Issue a citation for any subsequent violation within the year.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 9TH DAY OF MARCH, 2021.

ATTEST:

Alekka Fullerton, CMC, Borough Clerk



Douglas Olerud, Mayor

Date Introduced:	01/26/21
Date of First Public Hearing:	02/09/21 - Amended
Date of Second Public Hearing:	02/23/21 - Amended
Date of Third Public Hearing:	03/09/21 - Amended and Adopted