

Substitute for Ord. 73-30, Intro. 6-5-73
Introduced by: C. E. Johnson,
Westphal, Burton
and Fields
Hearing: August 7, 1973
Adopted: August 7, 1973

KENAI PENINSULA BOROUGH

ORDINANCE 73-41

AN ORDINANCE PROVIDING FOR THE SELECTION AND PROCUREMENT OF GARBAGE AND SOLID WASTE DISPOSAL SITES AND FOR CONTRACTING FOR THE ESTABLISHMENT AND MAINTENANCE OF SAID SITES.

WHEREAS, AS 29.48.020(5) and AS 29.48.033 authorize the Kenai Peninsula Borough, in the area outside cities, to provide for garbage and solid waste collection and disposal; and

WHEREAS, regulations for solid waste management have been promulgated as 18 AAC 60.010 to 18 AAC 60.130; and

WHEREAS, AS 29.33.250 and AS 29.33.260 provide that a city may transfer powers to a second class borough in which it is located subject to the approval of the borough assembly; and

WHEREAS, the assembly of the Kenai Peninsula Borough believes that in the best interest of the citizens thereof it should exercise in part those powers authorized, and any such powers which may be transferred from cities within the borough, to select and procure sites for solid waste disposal facilities in such locations as to minimize the number of such sites necessary for disposal of solid waste; and

WHEREAS, it is the further opinion of the Assembly of the Kenai Peninsula Borough that the citizens thereof would be best served by having the borough contract with individuals or corporations to establish and maintain solid waste disposal facilities on the sites selected;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. Title 14 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new chapter to read:

CHAPTER 14.10 GARBAGE AND SOLID WASTE DISPOSAL FACILITIES

Section 14.10.010. Selection and Procurement of Site.

The Mayor of the Kenai Peninsula Borough, after receiving advice of the Planning Commission of the Kenai Peninsula Borough, shall select and procure sites for solid waste disposal facilities in accordance with a policy of attempting to provide a system whereby in the more densely settled areas no haul of more than 15 miles along a major highway would be required to reach a solid waste disposal facility. The sites may include sites for landfill operations, intermediate disposal facilities, transfer stations, incinerators, composting plants, recycling or reclamation facility, or any site utilized for the reduction, consolidation, conversion, processing, or disposal of solid waste.

Section 14.10.020. Establishment of Disposal Areas.

The Mayor may establish disposal areas, including such solid waste disposal facility sites, as may be practical and economically feasible to operate as a unit for the disposition of solid waste.

Section 14.10.030. Establishment and Maintenance of Disposal Facilities.

Establishment and maintenance of disposal facilities within each disposal area will be effected by contract under the following terms and conditions:

- (a) The period of such contract shall be at least 3 years;
- (b) Contractor must agree to abide by all federal and state laws, rules, and regulations concerning collection, transportation, and disposition of solid waste and establishment and maintenance of solid waste disposal facilities

insofar as his contract authority and responsibility extend including, without being limited thereto, full and complete compliance with the terms and provisions of Chapter 60 (SOLID WASTE MANAGEMENT) of Title 18 of the Alaska Administrative Code;

- (c) The only solid wastes which may be deposited in the facilities provided for in this ordinance are those solid wastes originating or arising from the lands which are subject to taxation for the support of these facilities or such non-taxable lands as may be covered by a contract for disposition between the owner or lessee of such lands, or the governmental unit responsible for such lands, and the Mayor of the Kenai Peninsula Borough;
- (d) The contractor shall collect no charges for the disposition of solid wastes authorized to be disposed in these facilities and shall not accept for disposition any solid wastes not authorized;
- (e) Contractor will agree to hold the Kenai Peninsula Borough harmless from any liability caused by the establishment and maintenance of the disposal facilities or any of his operations in connection therewith, such as, without being limited thereto, hauling of such wastes from temporary disposal sites to permanent disposal sites, and will provide such liability insurance covering the Kenai Peninsula Borough, and such evidence of such insurance coverage as may be required by the contract;
- (f) Contractor will furnish to the Kenai Peninsula Borough a performance bond in an amount required by the contract but not less than the annual payment under the contract;
- (g) Contractor will begin no operations for the establishment or maintenance of the facilities under the contract until the liability insurance policies and performance bonds required herein shall be furnished to the Kenai

Peninsula Borough and approved by the
Borough Attorney;

- (h) The contract will not prohibit contract-
or from entering into private contracts
with other parties to haul or transport
solid waste to the disposal facilities,
provided however, that no solid waste may
be so hauled except those which are auth-
orized for disposition at the facilities
established hereunder;
- (i) Such other provisions as the Mayor may
feel necessary to provide for orderly and
adequate service to the taxpayer, pro-
tection to the Kenai Peninsula Borough,
and preservation of the environment of the
Kenai Peninsula Borough.

Section 14.10.040. Contractor Not Limited to One
Contract.

Although contracts will be let separately for each
disposal area, a contractor is not prohibited from bidding
on and securing contracts for the establishment and main-
tenance of solid waste disposal facilities in more than one
area.

Section 14.10.050. Solid Waste Authorized for
Disposition.

Those solid wastes which are authorized for disposition
in the facilities established pursuant to this ordinance
are those solid wastes originating or arising from:

- (a) Those lands which are taxable by the Kenai
Peninsula Borough and lie outside home
rule and first class cities and within
disposal areas established as provided
herein;
- (b) Lands inside home rule and first class
cities where the authority of the city to
provide for disposition of solid waste
has been transferred to the Kenai Peninsula
Borough by said city and such transfer has
been accepted by the Assembly of the Kenai
Peninsula Borough;
- (c) Any other lands which may be covered by a
contract between the owner or lessee of
such lands, or the governmental unit

responsible for such lands, and the Kenai Peninsula Borough, and the Mayor of the Kenai Peninsula Borough is hereby authorized to negotiate and enter into such contracts subject to approval by the assembly.

Section 14.10.060. Definitions.

Unless otherwise provided or the context otherwise requires:

- (a) "Incinerator" means any equipment, device, or contrivance, excluding fireplaces and burn barrels, used for the controlled thermal reduction of solid waste;
- (b) "Landfill" means a land area used for the disposal of solid waste;
- (c) "Solid Waste" means all unwanted or discarded solid or semi-solid material whether putrescible or non-putrescible, originating from any source, including but not limited to garbage, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street sweepings dewatered sewage sludge, dead animals, offal, junked vehicles and equipment, material and debris resulting from construction or demolition projects, abandoned and decaying structures, and hazardous wastes;
- (d) "Putrescible waste" means material capable of being decomposed so as to cause nuisance or obnoxious odors;
- (e) "Hazardous waste" means waste that is capable of causing injury, disease or impairment of health, or property damage, including but not limited to poisons, pesticides, acids, caustics, infectious or pathological wastes, radioactive materials, explosive materials and oil and petroleum products;
- (f) "Solid waste disposal facility" means an intermediate disposal facility, transfer station, landfill, incinerator, composting plant, recycling or reclamation facility or any site utilized for the reduction, consolidation, conversion, processing or disposal of solid waste.


Section 2. This ordinance shall be effective immediately upon enactment.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 7th DAY OF August, 1973.



Assembly President

ATTEST:



Borough Clerk