

Introduced by: Davis, Bjerregaard,
McCloud, William Johnson,
and Burton
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Enacted: June 4, 1974 ; 125 "Yes";
10 "no"

KENAI PENINSULA BOROUGH

ORDINANCE 74-24

AN ORDINANCE TO REPEAL ORDINANCE 73-41 AND TO REPEAL AND REENACT CHAPTER 14.10 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES FOR THE SELECTION AND PROCUREMENT OF GARBAGE AND SOLID WASTE DISPOSAL SITES AND FOR CONTRACTING FOR THE CONSTRUCTION AND MAINTENANCE OF DISPOSAL FACILITIES.

WHEREAS, Ordinance 73-41 was enacted by the Assembly of the Kenai Peninsula Borough to establish Chapter 14.10 of the Code of Ordinances of the Kenai Peninsula Borough to provide garbage and solid waste disposal facilities; and

WHEREAS, since such establishment, a number of questions have arisen which were not contemplated in the original enactment of said ordinance; and

WHEREAS, a special committee of the assembly has studied the ordinance in light of subsequent developments and with a view to modification thereof;

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

Section 1: Ordinance 73-41 and Chapter 14.10 of the Code of Ordinances of the Kenai Peninsula Borough created thereby is hereby repealed and reenacted to read: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 recovery, reduction, consolidation, conversion, processing, or disposal of solid waste.

Section 14.10.020. Establishment of Disposal Areas and Construction of Facilities.

The mayor may establish disposal areas and construct therein by contract with the lowest responsible bidder such solid waste disposal facilities as may be practical and economically feasible to operate as a unit for the disposition of solid waste.

Section 14.10.030. Maintenance of Disposal Facilities.

The mayor may provide for the maintenance of disposal facilities within each disposal area to be effected by contract let to the lowest responsible bidder under the following terms and conditions:

- (a) The period of such contract shall be at least 1 year;
- (b) Contractor must agree to abide by all federal and state laws, rules, and regulations concerning disposition of solid waste 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 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 facilities to permanent disposal facilities, 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 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 contractor 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 deposited at the facilities established hereunder except those which are authorized for disposition therein;
- (i) Such other provisions as the mayor may feel necessary to provide for orderly and adequate service to the taxpayer, protection 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 maintenance contracts will be let separately for each disposal area which may include one or more solid waste disposal facilities, a contractor is not prohibited from bidding on, and securing, contracts for the maintenance of solid waste disposal facilities in more than one area.

Section 14.10.050. Solid Waste Authorized for Disposition.

- (a) Those solid wastes which are authorized for disposition in the facilities established pursuant to this ordinance are those solid wastes described in paragraph (b) hereunder which originate or arise from:
 - (1) Those lands which are taxable by the Kenai Peninsula Borough and lie outside cities and within disposal areas established as provided herein;
 - (2) Lands inside 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;

- (3) 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.

(b) Only the following solid wastes are authorized for disposition in the facilities established pursuant to this ordinance:

- (1) Solid wastes as defined herein but specifically excepting solid wastes originating from industrial or commercial sources, hauled commercially by Alaska Public Utilities Commission Permittees, hazardous wastes, septic tank pumpings, cannery fish wastes, and live animals;
- (2) Those solid wastes excepted in sub-paragraph (1) above which the mayor determines would not create a danger to operators or users of the facility or others living or having reason to be in the neighborhood and which, because of lack of volume, nature, or special arrangements provided therefor, would not unduly increase the expense of operation of the facility, but it is specifically provided that Alaska Public Utilities Commission Permittees may deposit in a final disposition facility any wastes which would be authorized if not commercially hauled;
- (3) Those solid wastes not authorized for disposition under sub-paragraph (2) above because their disposition would unduly increase the expense of operation of the facility if they are authorized by contract (providing sufficient payment to recompense the borough for such additional expense) between the party or parties responsible for the creation of the waste and the Kenai Peninsula Borough, and the mayor of the borough is hereby authorized to

negotiate and enter into such contracts.

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 or highly flammable materials, oil and petroleum products, and burning or smouldering materials;
- (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 recovery, 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 4 DAY OF June, 1974.

ATTEST:


Borough Clerk


Assembly President

