

Introduced by: Mayor  
Date: April 19, 1977  
Hearing: May 17, 1977  
Vote: Unanimous  
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 77-26  
(SUBSTITUTE)

AN ORDINANCE AMENDING CHAPTER 10.04 OF THE KENAI PENINSULA BOROUGH CODE TO AUTHORIZE THE MAYOR TO ENTER INTO CONTRACTS FOR THE DISPOSAL OF SOLID WASTES AND FOR THE MAINTENANCE OF SOLID WASTE DISPOSAL FACILITIES AFTER COMPETITIVE BIDDING, UNLESS OTHERWISE AUTHORIZED BY THE ASSEMBLY.

WHEREAS, Chapter 10.04 of the Kenai Peninsula Borough Code of Ordinances provides that contracts pertaining to the disposition of solid wastes in the borough shall be entered into after competitive bidding and by contract with the lowest responsible bidder; and

WHEREAS, such contracting has been subject to litigation by certain permittees holding permits from the Alaska Public Utilities Commission; and

WHEREAS, the Alaska Supreme Court has issued a preliminary judgment indicating that Chapter 10.04 of the Kenai Peninsula Borough Code of Ordinances may be in conflict with the rights of such permittees; and

WHEREAS, it is essential that the borough be permitted to take effective action in order that the solid waste disposal program continue the essential public service;

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

Section 1. That Section 10.04.030 of the Kenai Peninsula Borough Code of ordinances be amended to read as follows:

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10.04.030 Area and facilities--Establishment and contract authority. Unless otherwise authorized by the assembly, the mayor shall [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.

That the first paragraph of Section 10.04.040 be amended to read as follows:

10.04.040 Area and facilities--Maintenance contract--Terms and conditions--Bond. Unless otherwise authorized by the assembly, the mayor shall [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:

Section 2. This ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
THIS 24 DAY OF May, 1977.

  
JoAnn Elson, Assembly President

ATTEST:

  
Borough Clerk