

Introduced by: Local Roads & Trails Committee
Date: July 17, 1979
Hearing: Failed Setting for Hearing 7/17/79
Vote:
Action:

KENAI PENINSULA BOROUGH

ORDINANCE 79-45

PROVIDING FOR A PHASED ASSUMPTION OF ROAD CONSTRUCTION AND MAINTENANCE POWERS BY THE BOROUGH IN THE AREA OUTSIDE CITIES.

WHEREAS, the Assembly finds it desirable for the Borough to assume road powers outside cities in order to upgrade and maintain certain existing roads not currently maintained by the State of Alaska and to construct new roads according to more appropriate local standards; and

WHEREAS, the Assembly finds that this assumption of road powers by the Borough must be ratified by majority vote of the voters residing outside the boundaries of any first-class city;

WHEREAS, the Assembly intends to place this issue before the voters at the next regular election in the Borough; and

WHEREAS, it is necessary that any powers assumed by the Borough be exercised in a phased manner which will provide for suitable study and efficient allocation of Borough resources;

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

Section 1. That the Borough Code of ordinances is amended by enacting a new title, to be Title 14, which shall read as follows:

CHAPTER 14.04

GENERAL PROVISIONS

14.04.010 Assumption of Powers - Mill Levy.

A. The Borough hereby assumes in the area outside first class cities, road construction and maintenance powers.

B. These powers are coextensive with the construction and maintenance functions already exercised by the State of Alaska on certain roads.

C. There is established a limitation of 1.5 mills upon any general property tax levy of proceeds which are allocated for the construction and/or maintenance of roads. Special assessments are not included within this 1.5 mill limitation. A mill levy in excess of 1.5 mills is subject to a majority vote of the electors on a regular, or special, election in the Borough outside cities.

14.04.020 Department of Public Works - Responsibilities.

A. The Mayor, through the Department of Public Works, shall be responsible for the administration of road construction and maintenance functions pursuant to this title.

B. To the maximum extent feasible and economical, the Department of Public Works shall perform construction and maintenance functions through the issuance of contracts for this work to private concerns.

14.04.030 Cooperation with Other Governmental Entities.

A. The Director of Public Works shall identify those roads which the State of Alaska currently is constructing, upgrading or maintaining or which the State will construct, upgrade, or maintain. Borough funds shall not be expended for the construction, upgrading or maintenance of such state roads unless the Borough Assembly, by resolution, approves such expenditures.

B. The Assembly may, by ordinance, authorize and set the terms and conditions for the Borough's assumption of road construction, upgrading and maintenance functions in areas within cities if the Assembly and the particular City Council approve the transfer of such functions to the Borough or approve the joint exercise of such functions by the Borough and by the City for those areas.

14.04.040 Maintenance Districts

A. All road maintenance, including minor road upgrading, shall be provided on an area-wide basis in that portion of the Borough outside first class cities, to be paid from an area-wide mill levy.

B. The Assembly, upon recommendation of the Mayor, shall adopt minimum standards appropriate for the construction of each category of road which is to be maintained by the Borough in whole or in part. The Borough shall maintain only roads which meet the minimum construction standards for that class of road.

C. Prior to June 1, 1980, the Mayor shall provide the Assembly with an inventory of existing roads which are not maintained currently by the State of Alaska. The report shall classify each road as to its construction standards, suitability for maintenance, approximate number of residences and land area served, and right-of-way status. The report shall indicate which roads will be accepted by the Borough over a five-year period for inclusion in the maintenance program, shall designate the priority in which each road will be accepted for Borough maintenance, the proposed level of maintenance service, and the anticipated costs of providing such services over a five-year period. The report shall also indicate which roads must be upgraded in order to meet minimum construction standards. The Borough inventory shall be revised annually and shall be presented to the Assembly, as part of the regular budgetary process, by June 1 of each year. The inventory shall indicate the status of each road which will be maintained by the Borough for the next fiscal year, contingent upon the Assembly's approval of necessary funds.

14.04.050 Construction - Local Improvements Districts.

A. Prior to June 1, 1980, the Mayor shall propose to the Assembly, as part of the regular budgetary process, a plan detailing all road construction and major upgrading projects proposed for the next five years. The plan shall include the priority in which each project shall be undertaken, an estimate of probable cost of construction, and the number of persons and the amount of land which will be benefited by each project. Anticipated sources of funding will be set forth. Prior to June 1 of each subsequent year, the capital improvements plan will be revised and upgraded to show the status of all completed, pending and anticipated capital improvement projects over the subsequent five years.

B. Roads identified as arterial roads by the approved Borough Arterial Road Plan shall be constructed by the Borough and shall be funded in full by the area-wide road tax levy.

C. Collector roads, which, for the purposes of this ordinance, are defined as roads which are primary access to arterial roads and which collect and distribute traffic from arterial roads to local subdivision roads and other access roads shall be constructed or upgraded by the Borough on an area-wide basis and funded as follows:

1. The cost of initially constructing a road to local subdivision road standards shall be borne by the subdivider or subdividers or by the formation of a local improvement district.
2. The cost of upgrading a local subdivision road to collector road standards shall be borne by the Borough and funded from the area-wide road tax levy.

D. Local subdivision roads, which are roads that are primarily residential in character, shall be constructed, or upgraded, to minimum standards by:

1. The affected subdividers; or
2. The formation of a local improvement district

14.04.070 Effective Dates.

A. The construction and maintenance powers conferred by this ordinance shall be assumed immediately upon certification of election results.

B. Construction, upgrading, and maintenance functions conferred by this ordinance shall commence as of July 1, 1980, but shall be exercised only on those roads where service is authorized by the Assembly or where local improvement districts have been formed and approved and only at such levels of service as have been approved by the Assembly.

C. The Mayor, through the Director of Public Works, shall propose to the Assembly specific road construction and maintenance requirements for newly subdivided land at the earliest practicable time.

Section 2. That this proposition shall be placed on the ballot at the next regular Borough election, October 2, 1979:

"Should Ordinance 79-45 which provides for phased assumption of road construction and maintenance powers by the Borough in the area outside cities, and to be funded by a mill levy not to exceed 1.5 mills, be approved?"

Yes ☐

No ☐

Section 3. That this ordinance takes effect immediately upon its enactment, subject to approval by a majority of the electors voting on the question at the next regular Borough election outside cities.

FAILED SETTING FOR HEARING

~~ENACTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____
DAY OF _____, 1979.

JoAnn Elson, Assembly President

ATTEST:

Borough Clerk