

*Referred to Committee
to be back
in Council
present in
2-84*

Introduced by: Stephens,
Jean & Carey
Date: Sept. 6, 1983
Hearing: Oct. 11, 1983
Action: Withdrawn/Refer to Committee
Vote:

KENAI PENINSULA BOROUGH

(Stephens, Jean, Carey)

ORDINANCE 83-74

ESTABLISHING A KENAI PENINSULA BOROUGH WASTE DISPOSAL ADVISORY COMMISSION.

WHEREAS, location and operation of waste disposal facilities by the Borough is a matter of public concern; and

WHEREAS, there currently is nobody to study proposals and advise the administration and Assembly regarding waste disposal facilities; and

WHEREAS, there does not exist a means to investigate and report on the operation of waste disposal facilities; and

WHEREAS, the Assembly wishes to establish a commission to advise the Borough on new facilities and provide a means of insuring proper waste disposal operations;

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

Section 1. That the Kenai Peninsula Borough Code of Ordinances be amended by adding a new chapter 10.02, Kenai Peninsula Borough Waste Disposal Advisory Commission, and shall read as follows:

10.02.010 Waste Disposal Advisory Commission.

There is created a Kenai Peninsula Borough Waste Disposal Advisory Commission comprised of representatives from those areas of the borough with similar potential waste disposal characteristics.

10.02.020 Waste disposal area representatives--appointment. A. The commission shall consist of five members. The Mayor shall appoint one Waste Disposal Advisory Commission representative from each assembly district and one member at large.

B. The term of office for a Waste Disposal Commission representative shall be for the period set by the appointing authority but not more than three years.

10.02.030 Expenses. Commission members shall be allowed per diem and travel expenses as provided for Borough employees.

10.02.040 Meetings. Commission meetings and public hearings shall be called and conducted in the manner provided for the Planning Commission.

10.02.050 Advisory Commission--Duties--New disposal plans. The Waste Disposal Advisory Commission shall review all waste disposal plans and compare said plans with the appropriate city and borough comprehensive plans, zoning ordinances; watershed and other factors and shall conduct public hearings and report their findings in writing to the Mayor.

10.02.060 Advisory Commission--Duties--Existing disposal facilities. A. The Waste Disposal Advisory Commission shall upon resolution of the Borough Assembly, or upon written request of the Mayor, investigate apparent compliance of existing waste disposal facilities with federal, state, borough or city laws, rules, regulations, ordinances and contracts, including conducting public hearings and shall make written reports and recommendations to the requesting body.

B. The Commission shall not have subpoena powers and shall not have the power to compel testimony or the production of documents, and any investigation conducted under this section is for the purpose of determining apparent compliance of the facility and to determine the nature of complaints concerning the facility, and to report and make recommendations only.

Section 2. That Section 10.04.020 of the Kenai Peninsula Borough Code is amended as follows:

10.04.020 Site selection and procurement--Authority and criteria. The Mayor of the Kenai Peninsula Borough, after receiving advice of the Planning Commission of the Borough and the report of the Waste Disposal Advisory Commission, 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 facilities, or any site utilized for the recovery, reduction, consolidation, conversion, processing or disposal of solid waste.

Section 3. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS _____ DAY OF _____, 1983.

Donald L. McCloud, Assembly President

ATTEST:

Borough Clerk