

Introduced by: Torgerson, Scalzi
Date: 07/19/94
Hearing: 08/16/94
Postponed to: 09/06/94
Postponed to: 09/20/94
Action: Defeated as Amended
Vote: 1 Yes, 7 No

**KENAI PENINSULA BOROUGH
ORDINANCE 94-35**

**AN ORDINANCE ADDING CHAPTER 10.30, LITTERING,
TO THE BOROUGH CODE OF ORDINANCES AND AMENDING CHAPTER 10.04
TO ADDRESS PROPER DISPOSAL AT TRANSFER SITES**

WHEREAS, the Kenai Peninsula Borough currently maintains some 600 miles of roads; and

WHEREAS, the incidences of littering along the roadways maintained by the Kenai Peninsula Borough are increasing; and

WHEREAS, public concerns have been expressed regarding this increase in littering; and

WHEREAS, improper use of transfer site facilities creates expense and can result in safety hazards;

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

SECTION 1. That Chapter 10.30, of the Kenai Peninsula Borough Code is enacted to read:

10.30.010. Unlawful acts.

A. A person may not throw, drop, deposit, discard or otherwise dispose of litter from a vehicle or otherwise, in or on rights of way controlled or owned by the borough or other borough property or waters of the borough or properties under borough management unless:

1. the property is designated by the borough or state as a site for the sanitary disposal site for the type of waste being deposited, and the person is authorized to use the site for that purpose; or

2. litter is placed in a litter receptacle, and the person is authorized to use that receptacle, so that the litter is prevented from being carried away or deposited by the elements upon public or private property or waters in the borough or under borough jurisdiction.

B. A vehicle may not be driven or moved on a public highway or right-of-way unless it is constructed, loaded or covered to prevent its load from dropping, sifting, leaking or otherwise escaping from the vehicle. This subsection does not apply to a vehicle used

1. to deposit salt or sand to secure traction; or
2. by a public agency to clean or maintain highways.

A person who operates a vehicle from which an object has fallen or escaped upon borough owned or controlled property or within a borough road right-of-way shall immediately remove the object at his own expense. A person who fails to remove such objects shall be liable for any costs of removal and such failure shall be deemed a violation of this section subject to the criminal penalties imposed for such violation. The vehicle owner and the person who operates the vehicle are each responsible for penalties for violation of this section.

10.30.020. Definition.

As used in this chapter, "litter" means any discarded, used, or unconsumed substance or waste material which has not been deposited in a suitable litter receptacle.

10.30.030. Penalties and remedies.

A. A person who violates the provisions of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than one thousand dollars. In addition, the court may order the person to gather and dispose of litter in an area and for a length of time to be determined by the court.

B. Notwithstanding the availability of any other remedy, the borough or any aggrieved person may bring a civil action to enjoin any violation of this chapter or to obtain damages for any injury the plaintiff suffered as a result of the violation.

C. Each act or condition violating this chapter, and each day during which the act or condition exists, continues or is repeated shall be a separate and distinct violation.

D. The penalties provided for violation of this chapter are in addition to and not in lieu of any other penalty provided for in state law or any civil remedy available to the borough.

SECTION 2. That KPB 10.04 is amended by adding a new section 10.04.032, to read:

10.04.032. Disposal at authorized facilities - Proper use Restrictions Penalties.

A. The transfer stations and transfer boxes located within the borough are designated for the disposal of solid waste with the exception of vehicles, construction debris and other items posted at the site as prohibited. The borough mayor has the authority to prohibit particular types of solid waste from disposal at particular sites based on the ability of the site to handle such materials.

B. No solid waste shall be dropped, deposited, discarded or otherwise disposed at a transfer facility except within a designated container. Disposal of solid waste of a type other than that designated for a particular container is prohibited.

C. No person may dispose of hazardous or infectious waste at a transfer facility or site.

D. Shooting or damaging of waste containers or signs at borough waste disposal sites is prohibited.

E. Any person violating this section shall be guilty of a misdemeanor punishable by a fine of up to \$1,000. Each occurrence or act in violation of this section shall be considered a separate offense.

SECTION 3. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS
_____ DAY OF _____, 1994.

Betty J. Glick, Assembly President

ATTEST:

Gaye J. Vaughan, Borough Clerk