

Introduced by:	Mayor
Date:	10/28/25
Hearing:	12/02/25
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2025-24**

**AN ORDINANCE AMENDING KPB CHAPTER 10.04 RELATING TO
SOLID WASTE DISPOSAL AND AMENDING KPB 1.24.090 RELATING
TO THE MINOR OFFENSE PENALTY SCHEDULE TO INCLUDE
VIOLATIONS OF KPB CHAPTER 10.04**

WHEREAS, this ordinance amends KPB Code relating to solid waste facilities and solid waste disposal with added definitions, disposal requirements, and providing for a minor offense citation process for improper or illegal dumping of waste and unauthorized entry into solid waste facilities;

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

SECTION 1. That this ordinance amends KPB Code and will be codified.

SECTION 2. That the KPB Code of Ordinances, Chapter 10.04, Solid Waste Disposal, is hereby amended to read as follows:

CHAPTER 10.04. SOLID WASTE DISPOSAL

10.04.005. Applicability.

This chapter applies to all borough-owned solid waste landfills, monofills, and transfer sites.

[10.04.010. DEFINITIONS.

UNLESS OTHERWISE PROVIDED OR THE CONTEXT OTHERWISE REQUIRES:

- (A) "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 SMOLDERING MATERIALS;

- (B) "INCINERATOR" MEANS ANY EQUIPMENT, DEVICE, OR CONTRIVANCE, EXCLUDING FIREPLACES AND BURN BARRELS, USED FOR THE CONTROLLED THERMAL REDUCTION OF SOLID WASTE;
- (C) "LANDFILL" MEANS A LAND AREA USED FOR THE DISPOSAL OF SOLID WASTE;
- (D) "PUTRESCIBLE WASTE" MEANS MATERIAL CAPABLE OF BEING DECOMPOSED SO AS TO CAUSE NUISANCE OR OBNOXIOUS ODORS;
- (E) "SOLID WASTE" MEANS ALL UNWANTED OR DISCARDED SOLID OR SEMISOLID MATERIAL WHETHER PUTRESCIBLE OR NONPUTRESCIBLE, 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.
- (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.]

10.04.015. Purpose.

The protection of the public health, safety and welfare of the residents and visitors of the borough is the purpose of this chapter. This chapter and any policies or regulations promulgated pursuant to this chapter are intended to:

- (A) Control dumping and disposal of solid waste at such places and in such manner that it will not be a detriment to the health, safety and welfare of the residents of the borough;
- (B) Regulate the storage, collection, and disposal of solid waste for all residences and businesses regardless of the amount of solid waste generated by any particular business or residence, in order to protect the public health, safety and welfare;
- (C) Provide facilities for the proper disposal of solid waste in a cost effective manner;

- (D) Reduce litter and littering; and
- (E) Promote resource recovery, recycling and reuse of solid waste.

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, 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.

10.04.030. Area and facilities—Establishment and contract authority.

Unless otherwise authorized by the assembly the mayor shall 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.

10.04.040. Services contracts[AREA AND FACILITIES—MAINTENANCE CONTRACT—TERMS AND CONDITIONS—BOND].

The mayor, or designee, may contract, in accordance with KPB 5.28, to provide for maintenance, disposal, transport or other contract services under terms and conditions approved by the administration. [UNLESS OTHERWISE AUTHORIZED BY THE ASSEMBLY, THE MAYOR SHALL 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. THE 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 CHAPTER ARE THOSE SOLID WASTES ORIGINATING OR ARISING FROM THE LANDS WHICH ARE SUBJECT TO TAXATION FOR THE SUPPORT OF THESE FACILITIES OR SUCH NONTAXABLE 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. THE 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. THE 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. THE CONTRACTOR WILL BEGIN NO OPERATIONS FOR THE MAINTENANCE OF THE FACILITIES UNDER THE CONTRACT UNTIL THE LIABILITY INSURANCE POLICIES AND PERFORMANCE BONDS REQUIRED HEREIN ARE FURNISHED TO BE KENAI PENINSULA BOROUGH AND APPROVED BY THE BOROUGH ATTORNEY.
- H. THE CONTRACT WILL NOT PROHIBIT THE 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 BOROUGH.]

10.04.050. Contractor may secure other contracts.

Although maintenance contracts will be let separately for each disposal area which may include 1 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 1 area.

10.04.060. Wastes authorized for disposition—Permitted areas of origin.

Those solid wastes which are authorized for disposition in the facilities established pursuant to this chapter are those solid wastes described in Section 10.04.070 hereunder which originate or arise from:

- (A) Those lands which are taxable by the Kenai Peninsula Borough and lie outside cities and within disposal areas established as provided herein;
- (B) 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 borough; and
- (C) 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 is authorized to negotiate and enter into such contracts subject to approval by the assembly.

10.04.070. Wastes authorized for disposition—Materials described.

Only the following solid wastes are authorized for disposition in the facilities established pursuant to this chapter:

- (A) Solid wastes as defined herein but specifically excepting solid wastes originating from industrial waste or commercial sources, hauled commercially by Alaska Public Utilities Commission permittees, hazardous wastes, septic tank pumpings, cannery fish wastes, and live animals;
- (B) Those solid wastes excepted in subparagraph A 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;

- (C) Those solid wastes not authorized for disposition under subparagraph B 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 Kenai Peninsula Borough, and the mayor is authorized to negotiate and enter into such contracts.

10.04.080. Transfer of powers.

- (A) The transfer of solid waste disposal powers by the city of Soldotna, the city of Kenai, the city of Homer and the city of Seward to the Kenai Peninsula Borough are approved by the Kenai Peninsula Borough insofar as and to the extent that said power is exercised by the borough in the area outside cities pursuant to Chapter 10.04 of the Kenai Peninsula Borough Code and any amendment thereto.
- (B) The transfer of solid waste disposal powers by the city of Seldovia to the Kenai Peninsula Borough is approved by the Kenai Peninsula Borough insofar as and to the extent that said power is exercised by the borough in the area outside cities pursuant to Chapter 10.04 of the Kenai Peninsula Borough Code and any amendment thereto.

10.04.090. Authority of mayor.

The mayor is authorized and directed to provide for the orderly and efficient transfer of said powers and to execute the necessary documents pursuant to Chapter 10.04 of the Kenai Peninsula Borough Code to accomplish the purpose of Section 10.04.080, containing additional provisions deemed necessary in the interest of the Kenai Peninsula Borough.

10.04.100. Grants.

Subject to the appropriation and availability of funds, the borough may provide for grant funding to a utility or energy provider to assist, study, and/or develop solid waste services or facilities or secondary products generated by solid waste activities as provided in this chapter. An applicant seeking funding under this chapter must submit a grant application no later than March 15 of each year on forms provided by the borough.

10.04.110. Waste disposal general requirements.

- (A) Designated disposal area. All users of a borough solid waste facility shall comply with the facility's rules and policies. Only municipal solid waste accepted by the facility may be disposed of at the facility in the area designated for such disposal, unless the facility specifically provides for disposal of other categories of waste as defined in this Code, AS 46.03.900, or 18 AAC 60.990. Failure to comply with facility rules and policies relating to waste disposal constitutes a violation of this chapter.
- (B) Construction and Demolition. All construction and demolition waste generated within the borough must be separated and placed in separate waste containers from that of municipal solid waste, other waste, or disposed of within the area designated for construction and demolition materials.
- (C) Municipal solid waste. Municipal solid waste may only be disposed of in waste container bins, dumpsters, or areas designated for disposal at a landfill or monofill facility. The borough may reject any waste which is judged to be unacceptable for disposal. Hauling or transporting garbage, refuse, rubbish, or solid waste in a vehicle or container in a manner that permits the contents to seep, spill, drop-off, or fall to the public rights-of-way or public areas leading to authorized disposal areas is prohibited. Entry into a disposal container or employee-only area at a landfill, monofill, transfer facility or transfer site is prohibited.
- (D) Non-standard and other waste. Designated waste areas and collection dates may be established by the borough for the disposal of non-standard or hazardous waste including, but not limited to, asbestos containing material, batteries, brush, fluorescent bulbs, junked or abandoned vehicles, recyclable materials, refrigerant containing appliances, scrap metals, used oil, and electronics.

10.04.120. Facilities.

- (A) Landfills. The borough maintains a Class I municipal solid waste landfill (MSWLF) and five Class III rural landfills in accordance with Alaska law. The facilities are monitored by video surveillance.
- (B) Monofills/Transfer Facilities. The borough currently operates two monofills and transfer facilities. The facilities are monitored by video surveillance.

- (C) Transfer sites. The borough maintains a number of transfer sites. A list of locations may be found on the borough's website or may be obtained by contacting the borough's solid waste department. Transfer sites are monitored by video surveillance. Except as provided for in KPB 10.04.110(D), the following items may not be disposed of at transfer sites:
- (1) Appliances larger than a standard household toaster oven;
 - (2) Asbestos containing material;
 - (3) Branches or lumber;
 - (4) Commercial solid waste;
 - (5) Construction debris;
 - (6) Dead animals with the exception of double bagged fish waste;
 - (7) Hazardous waste;
 - (8) Honey Buckets;
 - (9) Liquids;
 - (10) Lumber, wood, brush, yard waste;
 - (11) Mattresses;
 - (12) Sewage/Septage;
 - (13) Tires;
 - (14) Vehicles;
 - (15) Wastewater treatment plant sludge;
 - (16) Other items as posted at the site.
- (D) All municipal solid waste or other waste must be disposed of either in an empty dumpster or designated area at the landfill or monofill facility. If a bin is full, it may no longer be used. Disposal of refuse, garbage, or waste on the ground is prohibited and constitutes a violation under this chapter.
- (E) Code violations under this chapter are subject to a minor offense citation. Criminal activity will be reported to law enforcement. Surveillance video will be used to enforce borough code and provided to law enforcement for the purpose of reporting criminal activity. The registered owner of the vehicle identified through video surveillance will be presumed to be the individual who violated code for purposes of this chapter. Borough personnel, or contractors managing a site on behalf of the borough, are authorized to require compliance with borough solid waste rules and state regulations and requirements. Refusal to comply constitutes grounds for removal from the facility. Waste may only be disposed in the area of the facility designated for solid waste or other waste on days and times when such waste disposal is allowed.

10.04.130. Violations—Minor offense citation.

- (A) Citation. Any violation of this chapter is an infraction. The fine for offenses in this title is the fine provided in the minor offense fine schedule found in KPB 1.24.090. If no fine is listed in the fine schedule for an

offense, then the defendant must appear in court and is subject to the fine provided in KPB 1.24.070.

- (B) Littering and improper disposal of municipal solid waste. It is a violation of this chapter to throw, drop, discard, or otherwise dispose of municipal solid waste, other waste or litter at a borough-owned solid waste facility, landfill, or transfer site outside of a designated area or dumpster in accordance with KPB 10.04.110 and KPB 10.04.120. It is a violation of this chapter to throw, drop, discard, or otherwise dispose of municipal solid waste, other waste or litter on public rights-of-way or borough lands unless the item is placed in a receptacle maintained for the deposit of municipal solid waste or other waste.

10.04.140. Entry authorized during designated hours only.

- (A) Designated hours. Entry into the disposal area of any solid waste landfill, monofil, transfer facility or transfer site is only permitted during the designated hours of operation.
- (B) Unlawful entry. It is unlawful to enter or remain in any area of a solid waste facility that is closed to the public, except in the course of employment by the borough or as an authorized agent.

10.04.150. Polluting water prohibited.

Within the borough, it is unlawful for any person to put, dump, place or convey any refuse of any kind anywhere where such disposal will corrupt or impair the water tables, water streams, or water bodies within the borough.

10.04.160. Loitering prohibited.

Borough solid waste facilities are open to the public for the limited and specific purpose of proper waste handling and disposal. Loitering is prohibited.

10.04.170. Damages.

Breaking, damaging, destroying, defacing, or tampering with any container, structure, appurtenance, or equipment which is a part of the borough's solid waste system is prohibited and constitutes a violation under this chapter. Damage to borough-owned equipment will be assessed the full cost of repair or replacement.

10.04.180. Definitions.

Unless otherwise provided or the context otherwise requires:

“Dispose” has the meaning given “disposal” in 42 U.S.C. 6903(3);

"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 smoldering materials;

"Incinerator" means any equipment, device, or contrivance, excluding fireplaces and burn barrels, used for the controlled thermal reduction of solid waste;

"Industrial waste" means a liquid, gaseous, solid, or other waste substance or a combination of them resulting from process of industry, manufacturing trade or business, or from the development of natural resources; however, gravel, sand, mud, or earth taken from its original situs and put through sluice boxes, dredges, or other devices for the washing and recovery of the precious metal contained in them and redeposited in the same watershed from which it came is not industrial waste;

"Municipal solid waste" means waste material

- (1) generated by a household, including a single-family or multi-family residence, and collected and disposed of as part of municipal solid waste collection services; or
- (2) generated by a commercial, industrial, or institutional entity, to the extent that the waste material
 - (i) is essentially the same as waste normally generated by a household;
 - (ii) is collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services; and
 - (iii) contains a relative quantity of hazardous substances not greater than the relative quantity of hazardous substances contained in waste material generated by a typical single-family household;

"Landfill" means a land area used for the disposal of solid waste;

"Other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, trimmings from logging operations, sand, lime cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, heat from cooling or other operations, and other substances not sewage or industrial waste which may cause or tend to cause pollution of the waters of the state;

"Putrescible waste" means material capable of being decomposed so as to cause nuisance or obnoxious odors;

"Solid waste" means garbage, refuse, abandoned or other discarded solid or semi-solid material, regardless of whether subject to decomposition, originating from any source and includes all municipal solid waste;

"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 3. That KPB 1.24.090 is hereby amended to read as follows:

1.24.090. Minor offense penalty schedule.

Section	Offense Title	Fine Amount
KPB 5.12.117(B)	False Representations re: Exemptions on Property Taxes	\$500
KPB 5.12.380(B)	False Representations re: Property Taxes	\$500
KPB 5.18.620(A)	Failure to Timely File Sales Tax Returns or Remit Taxes	\$500
KPB 5.18.630	Failure to Keep Adequate Sales Tax Records	\$500
KPB 5.18.640(A)	Misuse of Resale or Exempt Card	\$500
<u>KPB 10.04.130(B)</u>	<u>Littering and improper disposal of municipal solid waste</u>	<u>\$500</u>
KPB 10.04.140(B)	<u>Unauthorized entry into a solid waste facility</u>	<u>\$500</u>
KPB 10.08.010(A)(1)	Smoking in public building	\$100
KPB 10.08.010(A)(2)	Smoking within 20 feet of public building	\$100
KPB 10.08.010(A)(3)	Smoking within 10 feet of playground	\$100
KPB 10.08.010(A)(4)	Smoking within 50 feet of hospital	\$100
KPB 10.08.010(A)(5)	Smoking inside municipal vehicle	\$100
KPB 10.18.020	Use of Fireworks within the Borough	\$500
KPB 10.18.050	Sale of Fireworks	\$500
KPB 10.20.080	Fail to Report Hazardous Materials	\$750
KPB 11.10.030	Operation of Gambling Establishment or Game of Chance	\$1,000
KPB 12.04.020	Parking in a designated No Parking Area	\$100
KPB 12.04.070	Parking in Manner that Impedes Traffic or Maintenance	\$100
KPB 12.08.020(b)	Abandoned Vehicle on Property not Designated for Vehicle Disposal	\$100
KPB 12.08.030(c)	Abandoned Vehicle on Private Property	\$100
KPB 12.08.040(a)	Junk Vehicle Placed or Remaining on Borough Property or ROW	\$100
KPB 14.40.115	Encroachment without a Permit	\$100

KPB 20.10.030(F)	Sale of subdivision land prior to Final Plat	\$750
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SECTION 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances will not be affected

SECTION 5. That this ordinance shall become effective at 11:59 PM on December 31, 2025.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2025.

Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent: