

Introduced by:	Borough Assembly
Requested by:	Borough Manager/Staff
Drafted by:	Env. Spec. Mitchell
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Public Hearing:	04/01/2010
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**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2010-07**

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**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
AMENDING THE KODIAK ISLAND BOROUGH CODE OF ORDINANCES TITLE 8
HEALTH AND SAFETY BY REPEALING THE EXISTING CHAPTER 8.25 SOLID WASTE
COLLECTION AND DISPOSAL AND REENACTING A NEW CHAPTER 8.25 SOLID
WASTE COLLECTION AND DISPOSAL SECTION 8.25.10 TO SECTION 8.25.240**

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WHEREAS, the existing Solid Waste Collection and Disposal code was put in place in 1986; and

WHEREAS, staff determined the need to bring the Solid Waste Collection and Disposal code into compliance with the modified solid waste collection and disposal services; and

WHEREAS, the existing KIBC 8.25 is being repealed in its entirety and a new Chapter 8.25 is being established. The new chapter includes policies that reflect the modified solid waste collection and disposal services, and establishes policies and procedures to effectively provide enforcement; and

WHEREAS, staff research and proposal considered Alaska Statutes, codes from other municipalities, and expertise from an attorney specializing in solid waste; and

WHEREAS, this ordinance was also reviewed by the Borough Attorney for compliance.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

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Section 1: This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances;

Section 2: The Kodiak Island Borough Code of Ordinances Title 8 *Health and Safety*, Chapter 8.25 *Solid Waste Collection and Disposal* is hereby repealed in its entirety as follows:

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**~~Chapter 8.25
SOLID WASTE COLLECTION AND DISPOSAL~~**

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- Sections:
~~8.25.010 — Policy and purpose.~~
~~8.25.020 — Definitions.~~
~~8.25.030 — Solid waste collection and disposal service required.~~

- 50 ~~8.25.040~~—Repealed.
- 51 ~~8.25.045~~—Services available.
- 52 ~~8.25.050~~—Schedule of rates.
- 53 ~~8.25.055~~—Vacancy.
- 54 ~~8.25.060~~—Solid waste storage and containers.
- 55 ~~8.25.065~~—Service requests, billing and collection.
- 56 ~~8.25.070~~—Hazardous and toxic wastes.
- 57 ~~8.25.080~~—Placement for collection.
- 58 ~~8.25.090~~—General conditions of service.
- 59 ~~8.25.100~~—Baler facility and sanitary landfill.

60 **8.25.010 Policy and purpose.**

61 It is hereby declared to be the purpose of this chapter to regulate the storage, collection,
 62 processing, recovery and disposal of solid waste in order to protect the public safety, health
 63 and welfare, and to enhance the environment of the people of the borough. [Ord. 86-39-O
 64 §2, 1986. Formerly §8.20.010].

65 **8.25.020 Definitions.**

66 As used in this chapter, each of the following terms shall have the meaning herein stated:
 67 “Director” means the manager or his designee;
 68 “Garbage” means any waste food products, food containers, kitchen refuse, and any other
 69 putrescible material;
 70 “Haul” means to transport either personally or by use of the services of another individual
 71 acting under the direct authority and control of the person whose garbage is transported;
 72 “Hazardous or toxic waste” means waste that requires special handling to avoid illness or
 73 injury to persons or damage to property as defined by the United States Government and/or
 74 the state of Alaska;
 75 “Home business” means any business operated from a building devoted primarily to
 76 residential purposes and occupied by the proprietor or one or more employees of the
 77 business, the operation of which business requires a license or permit issued by the state or
 78 federal government;
 79 “Putrescible solid waste” means organic solid waste matter capable of being decomposed
 80 by microorganisms except industrial waste such as fish processing by-products;
 81 “Rubbish” or “trash” means all waste material not included within the definition of garbage;
 82 “Secured load” means a load of solid waste which has been tied or covered in the vehicle
 83 in a manner that will prevent any part of the solid waste from leaving the vehicle while the
 84 vehicle is moving;
 85 “Solid waste” means useless, unwanted or discarded material with insufficient liquid to be
 86 free flowing;
 87 “Solid waste collection” means the act of removing solid waste from the central storage
 88 point of a primary generating source (such as a residence or business) to a place of solid
 89 waste disposal;
 90 “Solid waste disposal” means the orderly process of finally disposing of solid waste; and
 91 “Solid waste storage” means the interim containment of solid waste, in an approved
 92 manner, after generation and prior to collection and disposal. [Ord. 98-16 §2, 1998; Ord. 86-
 93 39-O §2, 1986. Formerly §8.20.020].

94 **8.25.030 Solid waste collection and disposal service required.**

95 Every person residing in or occupying a building within the corporate limits of the city of
 96 Kodiak or in the area outside cities within the borough in accord with AS 29.35.210(a)(4)
 97 shall provide for solid waste collection and use the system of solid waste disposal provided
 98 by the borough.

99 All solid waste generated within the borough in the area outside cities and within the city
100 of Kodiak shall, unless exempted in writing by the finance director, be disposed of by
101 delivery to qualified solid waste processing and disposal facilities located in the borough.

102 Any licensed business operating within the Kodiak Island Borough not utilizing the solid
103 waste collection and disposal services as defined in this chapter shall be billed and
104 obligated to pay a minimum monthly rate in the current fee schedule as set by resolution of
105 the assembly or an appropriate charge comparable to similar businesses. When multiple
106 businesses utilize one dumpster, each business will share the cost of the dumpster
107 accordingly. The finance director has the authority to exempt any business from these
108 charges, if proven in writing that no solid waste is generated. If a business owner or an
109 employee is observed dumping business-related trash in a public dumpster, the business
110 will be assessed a fine in accordance to the current fee schedule as set by resolution of the
111 assembly.

112 The borough will maintain an appropriate site to be utilized as a baler facility and sanitary
113 landfill for the disposal of garbage, rubbish, and trash. The baler facility will be open six days
114 per week for a minimum of six hours per day.

115 No person may deposit or dispose of any material in the baler facility maintained by the
116 borough without first paying applicable fees established by KIBC ~~8.25.050~~.

117 No person may transport rubbish or trash to any location off-site for the purpose of
118 disposal (e.g., burning, landfilling, etc.) except as provided in this section.

119 The finance director may exempt a person from these requirements if he determines that
120 the person requires solid waste collection and disposal service which cannot be provided by
121 the borough system. [Ord. 95-15 §2, 1995; Ord. 89-17-O §2, 1989; Ord. 86-52-O §1, 1986;
122 Ord. 86-39-O §2, 1986. Formerly §8.20.030].

123 **8.25.040 Services available.**

124 Repealed and reenacted as KIBC ~~8.25.045~~ by Ord. 86-52-O §2, 1986. [Ord. 86-39-O §2,
125 1986. Formerly §8.20.040].

126 **8.25.045 Services available.**

127 A. The following categories of service are available under the system of collection and
128 disposal provided by the borough:

129 1. Residential can or bag service shall be available within the corporate limits of the
130 city of Kodiak to each dwelling unit occupied by related persons or by five or fewer unrelated
131 persons, on a once-a-week basis, except on dead-end streets and alleys with no
132 turnaround, where dumpsters will be provided on a ratio of one dumpster per 10 to 15
133 dwelling units;

134 2. Residential carryout service, consisting of collection of bagged garbage, rubbish,
135 and trash from a location within or in close proximity to the dwelling unit, will be provided at
136 a charge in addition to the charge for established residential can or bag service. "Carryout"
137 means transporting the garbage from the residence or building to the collection point;

138 3. Residential dumpster service on a ratio of one dumpster to 10 to 15 dwelling units
139 located within apartment buildings, trailer courts, and other locations where utilization of a
140 centralized collection location is reasonably convenient to the customers, necessary to the
141 efficient collection of garbage, rubbish, and trash, and a suitable location for a dumpster if
142 available. Residential dumpster service shall be available in all areas where service is
143 provided outside the corporate limits of the city of Kodiak. Dumpsters will be located at or
144 near intersections of feeder roads and main arterial roads;

145 4. Commercial can service will be available to business premises on the basis of
146 once per week. Services shall be limited to four 30-gallon bags or cans per collection.
147 Commercial can service shall also be made available to all dwelling units, within the city
148 limits, that are not eligible for residential bag service or home business service; and

149 5. Commercial dumpster service will be provided to business establishments with a
150 collection frequency between one and seven times per week with dumpster capacities
151 ranging from two to six cubic yards, as selected by the customer. Federal facilities may
152 provide their own system of collection services or may contract with the borough for such
153 services.

154 B. Items such as beds, water heaters, furnaces, major appliances, and similar bulky
155 household items discarded by individuals utilizing the established collection service should
156 be taken directly to the landfill by the owner. Collection of such items will be provided once a
157 month as part of the residential service, at no additional charge, except for the months of
158 December, January, February and March.

159 C. The category of service to be provided and utilized, as well as the frequency of
160 collection necessary to conform to the health requirements, shall be determined by the
161 environmental engineer in conformance with the provisions of this chapter. Prior to any
162 change in category or classification of service, the environmental engineer shall send a
163 notice to the person affected by the change, requesting the person to appear and confer
164 with the environmental engineer within seven days from the date of mailing or personal
165 delivery of the notice. The notice shall specify the former classification or category of
166 service, the proposed new category of service, the date and place to appear to discuss the
167 change in classification, and shall invite the person or persons affected by the change to
168 appear and present any basis that may exist for modifying or nullifying the proposed change
169 in category of service. [Ord. 96-20 §2, 1996; Ord. 86-52-O §2, 1986. Formerly §8.20.041].

170 **8.25.050 Schedule of rates.**

171 A. The rates to be charged for garbage collection and disposal, including the operation
172 and maintenance of the baler facility and the sanitary landfill, will be set by resolution of the
173 assembly at such rates as are necessary to make the garbage disposal service operate as a
174 nonsubsidized freestanding operation. Payment should be made in cash at the time of
175 delivery, except commercial users may make arrangements for a monthly billing.

176 B. Unsecured loads transported by cars, pickups or trailers eight feet or less in length
177 shall be charged \$10.00 more than the secured load charge. All other unsecured loads shall
178 be charged \$30.00 more than the secured load charge.

179 C. Borough baler facility charge accounts:

180 1. Individuals or firms which regularly use the baler facility may obtain a charge
181 account. Applications to establish an account may be obtained from the director of finance
182 or his designee. All applications are subject to approval by the director of finance or his
183 designee;

184 2. Charges for which credit is extended will be billed monthly and are due within 10
185 days after the bill is mailed; and

186 3. Charging privileges may be revoked without notice to the account owner at any
187 time an account becomes delinquent. [Ord. 96-20 §2, 1996; Ord. 86-39-O §2, 1986.
188 Formerly §8.20.050].

189 **8.25.055 Vacancy.**

190 A. No reduction of charges will be made on partially vacant or vacant premises unless the
191 director of finance has first been notified of such intended vacancy. No allowance will be
192 made for a vacancy period of less than 30 days. The garbage account will be billed
193 according to the fee schedule as set by resolution during the recognized vacancy period.

194 B. When such a vacancy occurs, the property owner will certify in writing that the
195 premises are vacant and will indicate the length of vacancy anticipated. The property owner
196 of vacant premises will be required to recertify in writing that the premises remains in a
197 vacant status when the duration of such vacancy exceeds 180 days from the original
198 certification or recertification. The property owner will notify the director of finance

199 immediately when the premises are again occupied. If the premises are found to be
200 occupied and the director of finance is not notified, the account will be back-billed as if no
201 vacancy occurred. [Ord. 96-20 §2, 1996; Ord. 95-15 §3, 1995. Formerly §8.20.055].

202 **8.25.060 Solid waste storage and containers.**

203 All garbage, rubbish, and trash placed for collection shall be contained or secured by one
204 of the following methods:

205 A. In plastic bags having a minimum thickness of 2.0 mils and a maximum capacity of 30
206 gallons, securely tied and unbroken. The contents of each bag shall not weigh more than 30
207 pounds;

208 B. In metal or plastic cans having a maximum capacity of 32 gallons, a maximum empty
209 weight of 20 pounds, and a maximum loaded weight of 60 pounds. Cans shall be tapered
210 outward toward the top and so loaded that the contents will readily fall from the container
211 when the lid is removed and the can is inverted. The cans shall be equipped with handles
212 that are easily gripped with a gloved hand and a lid that can be readily removed for
213 emptying. If lids are tied to cans, they shall be secured in such a manner that the lid is held
214 by elastic cord, is easily removed from the top of the can and hugs tight to the side of the
215 can when removed from the top of the can. Cans and lids shall be maintained in good repair
216 and shall exclude water;

217 C. Bulky items of trash may be secured in tied bundles not over 15 inches in diameter, 36
218 inches in length, and having a maximum weight of 30 pounds;

219 D. Ashes, soot, kitty litter, excrement, and other objectionable and obnoxious material
220 shall be placed in securely tied plastic bags and shall not be placed loose in cans;

221 E. Garbage, rubbish, and trash accumulating between regularly scheduled collection days
222 shall be stored in containers or locations which exclude dogs, cats, rats, rain, and snow and
223 shall be protected in some manner so that the container will not be easily tipped by dogs or
224 windstorms;

225 F. Solid waste shall not be stored longer than the period between scheduled collections
226 and/or a maximum of two weeks;

227 G. All putrescible solid waste shall be drained of surplus liquids and shall be securely
228 wrapped in paper or placed in watertight bags before being placed in containers;

229 H. No person shall deposit solid wastes upon any street, alley, city or borough property, or
230 upon any property or in any container owned by another unless he does so with the consent
231 of the property owner; and

232 I. No person having the care as owner, lessee, agent, or occupant of any premises shall
233 not store solid wastes for collection purposes except in a clean and sanitary manner and in
234 accordance with all other applicable federal, state and municipal statutes, ordinances, rules,
235 and regulations. The borough reserves the right to clean such premises if not properly kept
236 and to add the cost thereof to the utility bill of such person, and to prosecute such person for
237 noncompliance with this code. [Ord. 96-20 §2, 1996; Ord. 86-39-O §2, 1986. Formerly
238 §8.20.060].

239 **8.25.065 Service requests, billing and collection.**

240 A. Each person making an initial request for collection service shall complete, sign, and
241 submit an application to the borough on a form prescribed by the director of finance,
242 specifying the premises to be served, the type of service, the address to which billing shall
243 be sent, and such other information as may be determined to be necessary by the director
244 of finance.

245 B. Billing for service will normally be in the customer's hands prior to the tenth of the
246 subsequent month. The person subscribing to the collection service shall be billed either
247 directly by the city of Kodiak, the borough, or by the contractor performing the service on
248 behalf of the borough. Billings by the borough for garbage collection service may be

249 combined with billings for other borough services in an itemized billing setting forth the
250 charge for each service provided.

251 C. Payments for garbage collection and disposal service shall normally be made monthly
252 on or before the twenty-fifth day of each month and billings may require payments to be
253 made in advance. Payments for garbage collection service that are not timely made shall be
254 subject to late charges as outlined in KIBC 13.05.190.

255 D. If the borough determines that a person applying for service, who is not the owner of
256 the premises to be served, has not established credit in the community sufficient to create a
257 reasonable belief that billings for garbage collection will be timely paid, the borough may
258 require the applicant to post a deposit in an amount equal to two months' billings for the
259 collection service requested. The deposit shall be retained by the borough for a period of
260 one year, after which it will be returned on a request of the person making the deposit if a
261 record of timely payment has been established. Deposits posted with the borough will not be
262 escrowed and the depositor will not earn interest during the period the funds are retained by
263 the borough.

264 E. Every charge to a person made by the borough in connection with garbage collection,
265 to include, but not be limited to, residential can or bag service, residential carry-out service,
266 residential dumpster service, commercial bag service, and commercial dumpster service,
267 constitutes a lien chargeable against the property and has a status the same as if the
268 charge had been levied or assessed as a property tax. The lien may be foreclosed by the
269 borough in the same manner as any other lien or mortgage against the property for
270 nonpayment. [Ord. 96-20 §2, 1996; Ord. 95-15 §4, 1995; Ord. 94-07 §2, 1994; Ord. 91-07
271 §2, 1991; Ord. 86-52 O §3, 1986. Formerly §8.20.065].

272 **8.25.070 Hazardous and toxic wastes.**

273 A. Except as provided in this chapter:

- 274 1. No person shall dispose of hazardous or toxic wastes within the borough; and
275 2. No person shall dispose of hazardous or toxic wastes generated within the
276 borough.

277 B. Hazardous and toxic wastes that the environmental engineer determines can be safely
278 and efficiently disposed of at borough disposal facilities shall be separately contained,
279 clearly identified and delivered to a designated disposal facility upon such reasonable notice
280 as the environmental engineer may require.

281 C. Hazardous and toxic wastes which the environmental engineer determines cannot be
282 both safely and efficiently disposed of at borough disposal facilities shall be disposed of in
283 such a manner as to prevent any hazard, damage, or injury to persons or property, and
284 shall, in addition, be disposed of in accordance with any and all applicable federal, state and
285 municipal statutes, ordinances, rules and regulations. [Ord. 96-20 §2, 1996; Ord. 86-39-O
286 §2, 1986. Formerly §8.20.070].

287 **8.25.080 Placement for collection.**

288 A. If garbage containers are placed or maintained in racks for collection, the racks shall
289 be constructed to meet the following criteria:

- 290 1. The surface upon which the garbage container rests shall have no latches, and
291 shall be constructed so they will not close automatically when opened;
292 2. Covers for racks shall be hinged or sliding, shall have no latches, and shall be
293 constructed so they will not close automatically when opened.
294 3. Racks may not be placed or located on the traveled right-of-way;
295 4. If racks are utilized by adjacent premises, the racks shall be located next to each
296 other near the common boundary line of the two properties unless prevented by physical
297 obstructions; and
298 5. All racks shall be maintained in good condition and repair.

299 B. Collection of garbage, rubbish, and trash shall be on the day determined and specified
 300 by the borough or its authorized contractor.
 301 C. Items to be collected shall be placed within five feet of the route of the collection
 302 vehicle and shall be placed loose on the ground, on the day of collection only.
 303 D. If the premises are adjacent to more than one street or alley, the collection point for all
 304 garbage services shall be located on the same street or alley unless otherwise specified by
 305 written notice to the occupant from the borough or its authorized contractor.
 306 E. Access from the traveled way to the garbage, rubbish, and trash placed for collection
 307 shall be of a firm accessible route, free from obstacles and obstructions. [Ord. 86-52-O §4,
 308 1986; Ord. 86-39-O §2, 1986. Formerly §8.20.080].

309 **8.25.090 General conditions of service.**

310 A. No garbage, rubbish, or trash may be placed for collection or collected, hauled or
 311 disposed of in a manner that is unnecessarily offensive to any person or property.
 312 B. Vehicles utilized for the collection of garbage, rubbish, and trash shall be equipped with
 313 a reasonably tight container body and a suitable cover that will prevent filtration, blowing, or
 314 scattering of ashes, leaves, or debris, or loss of any material or item being hauled as a result
 315 of road shocks or other normal conditions.
 316 C. Vehicles used for the collection of garbage, rubbish, and trash shall be kept clean, well
 317 painted, and in good repair, and shall be thoroughly flushed and washed each day. [Ord. 86-
 318 39-O §2, 1986. Formerly §8.20.090].

319 **8.25.100 Baler facility and sanitary landfill.**

320 A. The borough will maintain an appropriate site to be utilized as a baler facility and
 321 sanitary landfill for the disposal of garbage, rubbish, and trash.
 322 B. No person may deposit or dispose of any material in the baler facility maintained by the
 323 borough without first paying applicable fees established by resolution of the assembly. [Ord.
 324 86-52-O §5, 1986. Formerly §8.20.100].
 325

326 **Section 3:** The Kodiak Island Borough Code of Ordinances Title 8 Health and Safety,
 327 Chapter 8.25 Solid Waste Collection and Disposal is hereby reenacted as
 328 follows:
 329

330 **Chapter 8.25**
 331 **SOLID WASTE COLLECTION AND DISPOSAL**
 332

- 333 8.25.010 Purpose
- 334 8.25.020 Definitions
- 335 8.25.030 Construction
- 336 8.25.040 Solid waste accumulation and prevention of nuisance
- 337 8.25.050 Litter
- 338 8.25.060 Solid waste collection service
- 339 8.25.070 Solid waste storage and set-out
- 340 8.25.080 Solid waste discard
- 341 8.25.090 Billing and collection
- 342 8.25.100 Transportation
- 343 8.25.110 Disposal of solid waste
- 344 8.25.120 Disposal of hazardous and toxic wastes
- 345 8.25.130 Prohibition on burning of solid waste
- 346 8.25.140 Solid waste handling services
- 347 8.25.150 General conditions of service
- 348 8.25.160 Prohibition of scavenging

349	8.25.170	Ownership
350	8.25.180	Baler facility and sanitary landfill
351	8.25.190	User fee schedule
352	8.25.200	Prohibited disposal
353	8.25.210	Applicability of federal, state, and local solid waste law
354	8.25.220	Administration, implementation, and enforcement
355	8.25.230	Enforcement officer
356	8.25.240	Violations, enforcement actions, and remedies

357 **8.25.010 Purpose.** As authorized by AS 29.35.210(a)(4), the purpose of this chapter is to
 358 regulate the management of municipal solid waste, including storage, collection, processing,
 359 recovery, and disposal of solid waste, for the following reasons:

- 360 1. to protect the public safety, health, and welfare of the people of the borough;
- 361 2. to protect, preserve, and enhance the environment of the people of the borough; and
- 362 3. to provide fiscally responsible solid waste management.

363
 364 **8.25.020 Definitions.** In this chapter, each of the following terms has the respective
 365 corresponding meaning:

366 **"Bear Cart"** means a cart designed to be resistant to opening by bears.

367
 368 **"Bin"** means a receptacle for storing solid waste that is picked up with front end loading
 369 vehicles, such as those having a three to eight-yard capacity, sometimes referred to as a
 370 "dumpster".

371
 372 **"Bulky item(s)"** means any large item of solid waste, as determined from time to time by the
 373 manager which can be safely lifted by two individuals using a dolly, generated at residential
 374 premises and discarded at residential set-out sites, such as the following:

- 375 1. furniture, including metal desks and storage cabinets;
- 376 2. pianos and organs;
- 377 3. televisions;
- 378 4. large appliances, including washers, driers, refrigerators, freezers, dishwashers and
 379 stoves;
- 380 5. toys, bikes, and dismantled swing sets;
- 381 6. lawn mowers and snow blowers with no gas or oil in them, up to four auto or pickup
 382 tires per customer each calendar month, with rims removed; and
- 383 7. any item, other than lumber, that can be cut or broken down meeting the following
 384 requirements:
 - 385 a. not longer than four feet in length; and
 - 386 b. weighing no more than 70 pounds.

387
 388 **"Bulky items"** does not mean the following:

- 389 1. material generated at non-residential premises, including commercial business
 390 operations;
- 391 2. bundled yard waste, branches;
- 392 3. sod, soil, and rock;
- 393 4. broken concrete and asphalt;
- 394 5. brick, block, and stone;
- 395 6. railroad ties or similar type of retaining wall timbers;
- 396 7. remodeling debris, including shingles;
- 397 8. carpeting;
- 398 9. sinks, concrete laundry tubs, and cast iron plumbing fixtures;
- 399 10. windows and doors;

- 400 11. lumber;
- 401 12. animal waste, including all excrement from domestic animals and fowl, and all hay,
- 402 straw, or other materials that have been used for animals' or fowls' bedding;
- 403 13. liquids, including paint;
- 404 14. hazardous waste, including household hazardous waste;
- 405 15. fuel oil tanks; and
- 406 16. any automotive parts, including vehicle batteries and tires.
- 407
- 408 **"Cart"** means a wheeled receptacle for storing solid waste that can be emptied by either
- 409 semi- or fully-automated vehicles.
- 410
- 411 **"Collection contract"** means the contract described between the contract hauler and the
- 412 borough for collection of solid waste and transportation to the borough landfill.
- 413
- 414 **"Collection service area"** means all premises accessible via roads maintained by the
- 415 State of Alaska, the Borough, the City of Kodiak, or the U.S. government, in and around
- 416 Kodiak City and within the boundaries of the Borough, except for the USCG facilities and
- 417 past milepost one of Anton Larsen Road.
- 418
- 419 **"Commercial"** describes people, such as customers, places, such as premises, or things,
- 420 such as carts or types of solid waste, in the Borough that are not residential or multi-family.
- 421
- 422 **"Compactor"** means a receptacle containing a ram that pushes and compresses waste
- 423 into a container or bale.
- 424
- 425 **"Contract hauler"** means the contractor under the municipal solid waste collection
- 426 contract.
- 427
- 428 **"Disposal"** or **"Dispose"** means the act or action of discarding solid waste.
- 429
- 430 **"Hazardous or toxic waste"** means any material that meets the definition of 40 CFR 261
- 431 and AS 46.03.900, such as poisons, pesticides, acids, batteries, caustics, infectious or
- 432 pathological wastes, radioactive materials, explosive or highly flammable materials, oil and
- 433 petroleum products, and burning or smoldering materials.
- 434
- 435 **"Household hazardous waste"** means hazardous waste generated on residential
- 436 premises.
- 437
- 438 **"Borough landfill"** means the landfill owned by the borough.
- 439
- 440 **"Manager"** means the borough manager or designee.
- 441
- 442 **"Multi-family"** describes people, such as customers, places, such as premises, or things,
- 443 such as carts or types of solid waste, in the borough that are not residential premises.
- 444
- 445 **"Multi-family premises"** means premises that are not residential premises, and therefore
- 446 contains four or more dwelling units, including apartment complexes and trailer courts.
- 447
- 448 **"Premises"** means property having any habitable building, whether residential, multi-
- 449 family, or commercial.
- 450

451 "Recyclables" means materials which can be reprocessed, reconditioned, or adapted to
452 use again or for a new use or function.
453

454 "Residential premises" means a premises meeting both of the following conditions:
455 1. it contains one, two, or three dwelling unit(s), and
456 2. each dwelling unit is occupied by related individuals, or by five or fewer unrelated
457 individuals.
458

459 "Roll-off" means an open-topped rectangular receptacle for storage, collection, and
460 transport of solid waste that is rolled on and off flatbed collection vehicles via winches or
461 reeving cylinders (hooks).
462

463 "Scavenging" means the controlled removal of waste materials for recycling or reuse.
464

465 "Sewage solids" means waste that passes the paint filter test, EPA Test Method 9095,
466 published in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-
467 846, adopted by reference in 18 AAC 60.365, and has been removed from a wastewater
468 treatment system, sewer, septic tank, or other wastewater handling equipment; "sewage
469 solids" includes lagoon dredge, sewer cleanout waste, barscreen grit, and wastewater
470 treatment sludge.
471

472 "Solid waste" means "municipal solid waste" as defined in AS 46.03.900.
473

474 "Solid waste collection" means the act of removing solid waste from the central storage
475 point of a primary generating source, such as a residence or business, to a place of solid
476 waste disposal.
477

478 "Solid waste disposal" means the orderly process of finally disposing of solid waste.
479

480 "Solid waste generator" means anyone who creates solid waste during everyday living
481 and working.
482

483 "Solid waste storage" means the interim containment of solid waste, in an approved
484 manner, after generation and prior to collection and disposal.
485

8.25.030 Construction.

487 **A. Citations.** References to "section" or "article" refer to sections or articles in this chapter,
488 unless other citation is provided. References to "subsection" refer to subsections within that
489 section.

490 **B. Designees.** Reference to any individual borough staff person by title, such as the
491 manager, includes reference to the designee.
492

8.25.040 Solid waste accumulation and prevention of nuisance.

493 **A.** Solid waste generators may not accumulate/store solid waste on their premises longer
494 than the period between their regularly scheduled collections or two weeks, whichever is
495 greater.
496

497 **B.** A solid waste generator must keep solid waste stored on that generator's premises as
498 follows:
499

500 1. in a clean and sanitary manner that does not create a public nuisance or health
hazard, in the judgment of the manager, and

501 2. in accordance with all other applicable federal, state and municipal statutes,
502 ordinances, rules, and regulations.

503 The borough may clean up solid waste that is not kept as required and charge the owner of
504 the premises the cost, in addition to prosecuting the owner for violation of this chapter.

505 C. While storing or handling human food, animal food, or solid waste, no one may violate 5
506 AAC 92.230 which prohibits the feeding of game and deleterious exotic wildlife, nor in a
507 manner that attracts game, deleterious exotic wildlife, dogs, or cats.
508

509 **8.25.050 Litter.** In addition to the prohibitions in KIBC 8.20, no one may place solid waste in
510 another person's bin, cart, or roll-off without that person's consent.
511

512 **8.25.060 Solid waste collection service.**

513 **A. Regular service.** Every owner of premises in the collection service area must subscribe
514 to and pay for solid waste collection service for its premises by the contract hauler at least
515 weekly, in carts, including bear carts, bins, or roll-offs, as administered by the manager,
516 even if that owner self-hauls all or a portion of its solid waste for disposal at the borough
517 landfill or recycling at a processing facility.

518 **B. Temporary service in bins/dumpsters.** Anyone who has a temporary need or
519 conducts construction or demolition on its premises may subscribe to and pay for solid
520 waste collection service from the contract hauler for bin or dumpster service.

521 **8.25.070 Solid waste storage and set-out.**

522 **A. Storage.** Each solid waste generator is responsible for the placement of that person's
523 bin or cart so that it will not easily be tipped, such as by an animal or the wind. Lids on the
524 bin or cart must be kept closed to keep out rain, snow, and animals. Surplus liquids must be
525 drained from solid waste and placed in watertight bags before discarding it in containers.
526

526 **B. Set-out.**

527 1. **Site.** Anyone who receives solid waste collection service in cart or bin service must
528 place their container in the following locations, or as instructed by the contract hauler:

- 529 a. roadside;
530 b. in an adjacent alley; or
531 c. within three feet of the roadway on which the contract hauler can drive its
532 collection vehicles.

533 For example, if the serviced premises are adjacent to more than one street, alley, or
534 roadway, the contract hauler may instruct the customer to set-out containers on only one
535 specified street, alley, or roadway.

536 2. **Required actions.** Anyone who receives solid waste collection service, whether in a
537 cart, bin, or roll-off must do the following:

- 538 a. discard only securely bagged or bundled solid waste inside the cart, bin, or roll-
539 off provided by the contract hauler for that customer's use; and
540 b. clean up any solid waste discarded, scattered, littered, or otherwise strewn
541 outside the cart, bin, or roll-off.

542 The contract hauler is not required to clean up solid waste discarded, scattered, littered, or
543 otherwise strewn outside the cart, bin, or roll-off, except for solid waste that the contract
544 hauler spills during collection and transportation.

545 3. **Prohibited Conduct.** Anyone who receives solid waste collection service, whether in a
546 cart, bin or roll-off, must not do any of the following:

- 547 a. discard dead animals in the cart, bin, or roll-off; or
548 b. discard any solid waste outside the cart, bin, or roll-off, including the following:
549 i. litter;
550 ii. bulky items, such as appliances, bed springs, mattresses, furniture;

- 551 iii. non-bulky items listed in the definition of "bulky items" (such as
552 construction/demolition waste, unless as allowed during temporary
553 service as in KIBC 8.25.060(B), tree limbs, lawn clippings, animal waste;
554 and
555 iv. hazardous or toxic waste.

556 No one may discard any material in a roll-off except for the roll-off provided by the contract
557 hauler for that person's solid waste collection service.

558 **C. Clearance and access.** A cart customer must maintain a minimum of three feet of
559 clearance between each cart and any mailbox, vehicle, snow berm, or other object that
560 would obstruct collection, including the arm on an automated collection truck. A cart
561 customer must maintain clear access to the cart set-out site so that the collection vehicles
562 can lift and empty carts, including clearing away snow and other obstructions, such as
563 parked vehicles.

564 **D. Bin sharing.** Two or more bin customers must share bins, and the allocable service
565 charges for solid waste collection, if directed by the contract hauler when there is limited
566 space for set-out or collection of bins.

567 **E. Safety.** Each customer must maintain its set-out site so that it is safely accessible to
568 contract hauler's vehicles and employees. If the contract hauler determines that the set-out
569 site is not safe, it is not obligated to provide collection service there. Contractor will
570 coordinate safe set-out location with customer for each occurrence.
571

572 **8.25.080 Solid waste discard.**

573 **A.** The contract hauler is not obligated to provide collection service in any of the events
574 listed in this section or in the collection contract.

575 1. **Solid waste only.** No one may discard any material in a container for collection by
576 the contract hauler except solid waste. The contract hauler may inspect the contents
577 of any container. The contract hauler must not collect any container that stores
578 materials other than solid waste. In that event, the customer must pay the contract
579 hauler \$50, or other amount established by the manager.

580 2. **Containerized.** No one may discard any solid waste for collection by the contract
581 hauler outside their container except for bulky items discarded at the time when, and
582 place where, the contract hauler is obligated to collect bulky items. He must tightly
583 close container lids. They may not place solid waste on top of a container or allow
584 solid waste to protrude from the container. The contract hauler may refuse to collect
585 any overfilled container.

586 3. **Within weight limits.** No one may discard solid waste in containers in excess of the
587 weight limit that the contract hauler prescribes on the container. The contract hauler
588 may refuse to collect any overweight container.

589 4. **At Proper Set-out Site:** No one may discard solid waste for pickup by the contract
590 hauler anywhere except at the set-out site designated by the contract hauler. The
591 contract hauler may refuse to collect any misplaced container or bulky waste.

592 5. **Contaminated recyclables.** If the contract hauler provides recyclables collection
593 service, no one may discard any material in a recyclables container for collection by
594 the contract hauler except recyclables. The contract hauler may inspect the contents
595 of any recyclables container. The contract hauler must collect that container and
596 discard its contents as refuse. In that event, the customer must pay the contract
597 hauler \$50, or other amount established by the manager.

598 **B. No refills.** No one may discard a second load of solid waste in a cart or bin immediately
599 after the contract hauler lifts and dumps the container.
600
601

602 **8.25.090 Billing and collection.**

603 **A. Payment.** Every owner of premises in the collection service area must pay the contract
604 hauler for solid waste collection service at the following times:

- 605 1. monthly by the 25th day of each month, in advance, or other time provided in the
606 collection contract; or
607 2. as determined by the manager.

608 **B. Late Fees.** If the contract hauler is not timely paid, the contract hauler may charge the
609 following late payment fees:

- 610 1. established under the collection contract; or
611 2. one percent per month on the outstanding balance with a minimum of \$1.00 for each
612 month.

613 **C. Deposits.** If following request by the contract hauler, the borough reasonably
614 determines that an owner of premises who is commencing new service has not established
615 sufficient credit in the community to assure timely payment of solid waste collection service
616 charges, the contract hauler may require a deposit in an amount equal to two months
617 billings for the collection service requested, or other amount determined by the manager.
618 The contract hauler may retain the deposit for up to one year, after which the owner may
619 request the contract hauler to return the deposit if the owner has established a record of
620 timely payment. Neither the borough nor the contract hauler is obligated to escrow or pay
621 interest on the deposit.

622 **D. Liens.** Charges for solid waste collection and disposal service constitute a lien
623 chargeable against the property being serviced, as if the charge had been levied or
624 assessed as a property tax. If a customer does not pay solid waste service charges, upon
625 request of the contract hauler or by the determination by the borough, the borough may
626 foreclose the solid waste collection service lien in the same manner as a property tax lien or
627 as any other lien or mortgage against property.

628
629 **8.25.100 Transportation.** Everyone who transports cargo such as ashes, leaves, or other
630 materials that might blow, fall, spill, drop, leak, sift, or otherwise escape from the transport
631 vehicle during passage over a public alley, street, or road must contain the cargo by either
632 of the following means:

- 633 A. tight enclosure or container that is an integral part of the vehicle; or
634 B. a separate cover that is fastened onto the vehicle and secures the top and all sides
635 of the cargo.
636

637 **8.25.110 Disposal of solid waste.** No one may dispose of solid waste generated in the
638 collection service area or USCG except at state-permitted solid waste processing and
639 disposal facilities in the borough, including any recyclables processing center operating in
640 compliance with law and the borough landfill, unless exempted in writing by the manager.
641

642 **8.25.120 Disposal of hazardous and toxic wastes; used motor oil; electronic waste.**

643 **A. Non-Borough materials banned.** No one may dispose of hazardous or toxic waste, or
644 used motor oil, which is generated from outside the borough, in the borough.

645 **B. Residential used motor oil:** Everyone must dispose of any used motor oil generated on
646 residential premises, at any facility operating in compliance with law, including the borough
647 landfill. The borough landfill will charge the following fees or other fees determined by the
648 manager:

- 649 1. up to five gallons per month without charge; or
650 2. in excess of five gallons per month, but less than ten gallons per month in containers
651 not exceeding five gallons in size, for the charge in the Borough User Fee Schedule.

652 **C. Household hazardous waste:** Everyone must dispose of household hazardous waste
653 at the borough landfill, or other borough facility or sponsored collection event, and pay the
654 borough the following fees or other fees as determined by the manager:

- 655 1. up to 40 pounds per month without charge; or
- 656 2. more than 40 pounds per month for the charge in the borough user fee schedule.

657 Everyone must dispose of electronic waste, computer monitors, Cathode Ray Tubes, circuit
658 board containing components, cables, and cable boxes, generated on premises that are not
659 residential, such as businesses or schools, at a facility designated by the manager, or
660 absent designation, at a facility operating in compliance with law and pay the charges
661 established at the facility.

662
663 **8.25.130 Prohibition on burning of solid waste.** In addition to complying with KIBC 8.35,
664 no one may burn any materials that cause odor or black smoke that has an adverse effect
665 on nearby persons or property, as determined by the manager, including the following:

- 666 1. animal carcasses;
- 667 2. petroleum based materials such as plastic bags, or other materials contaminated
668 with petroleum or petroleum derivatives; and
- 669 3. any other solid waste.

670
671 **8.25.140 Solid waste handling services.** No one may directly or indirectly provide,
672 organize, manage, direct, or sponsor solid waste handling services to someone else for
673 compensation in cash, kind or credit, except the following:

- 674 1. the contract hauler; and
- 675 2. someone transporting solid waste as an incident of its primary business, such as a
676 contractor transporting construction and demolition debris, in its own vehicles.

677
678 **8.25.150 General conditions of service.**

679 **A. Collection hours.** Monday through Friday, 5 a.m. until 5 p.m. or as determined from
680 time to time by the manager.

681 **B. Vehicles.** Contract hauler will keep each vehicle that it uses to provide solid waste
682 collection service clean, flushed and washed daily, well painted, and in good repair, in
683 reasonable judgment of the manager.

684 **C. Carts and Bins.** The contract hauler will provide everyone that receives cart or bin
685 services with use of a cart, carts, bin or bins for storage of solid waste. Carts and bins will
686 remain the property of the contract hauler, unless otherwise provided in the collection
687 contract.

688 **D. Customer Rights notice.** The contract hauler must provide each customer with a
689 written "Customer's Rights" notice, in format and content satisfactory to the manager,
690 including the following:

- 691 1. type and capacity of subscribed containers;
 - 692 2. the day, or days, of service;
 - 693 3. the location of the container set-out site;
 - 694 4. a description of "solid waste" that may be discarded, and a list including examples
695 of materials that may not be discarded, such as household hazardous waste, with
696 alternatives for safe and legal discard;
 - 697 5. schedule of monthly service charges;
 - 698 6. a description of optional services, such as scheduled or on-call collection of bulky
699 waste, collection of containers from on the premises rather than at the public set-out
700 site, certain container exchanges, bin locks, etc., with applicable charges; and
 - 701 7. any other matters required by the manager.
- 702

703 **8.25.160 Prohibition of scavenging and tampering.**
704 **A. Solid waste removal without permission.** No one may remove solid waste from
705 someone else's container without the written permission of the individual or entity that
706 pays for solid waste collection services with that container or owns that container, except
707 the following:
708 1. the contract hauler;
709 2. a law enforcement officer;
710 3. a borough employee; or
711 4. someone authorized and directed by the manager, such as someone conducting
712 solid waste audits.

713 **B. Use of container without permission.** No one may tamper with or use someone else's
714 container for any purpose without the written permission of the individual or entity that pays
715 for solid waste collection services with that container or owns that container.
716

717 **8.25.170 Ownership.** Solid waste, or any other discarded material, remains the property of
718 the generator until the occurrence of any of the following events:

719 **A. Public trash cans.** The generator legally discards the solid waste, for example, a
720 restaurant customer discards a beverage container into a refuse receptacle provided by the
721 restaurant where the customer purchased the beverage; or an automobile passenger
722 discards litter in a refuse receptacle located at a gas station for use of customers.

723 **B. Self haul.** The owner, occupant, manager or other person in possession, charge or
724 control of a premise where solid waste is generated removes solid waste located on the
725 premise and legally discards the solid waste, for example, a resident self-hauls yard debris
726 to the borough baler and landfill.

727 **C. Contract hauler collection.** The contract hauler collects solid waste from its customer
728 and recycles or disposes of it in accordance with law.

729 Absent the occurrence of these events, solid waste, or other material, remains the property
730 of the generator even if the generator abandons the solid waste, exercises no dominion or
731 control over the solid waste or asserts no ownership of the solid waste. If the generator
732 abandons that solid waste, for example by litter or illegal dumping, the manager may clean
733 up and discard the solid waste and charge the generator the related solid waste handling
734 costs.
735

736 **8.25.180 Baler facility and sanitary landfill.**

737 **A.** The Borough will provide for the disposal of solid waste generated in the collection
738 service area, at the borough's baler facility and sanitary landfill or at another facility or in
739 another manner approved by the assembly, such as a materials processing or composting
740 facility.

741 **B.** At the borough baler facility and sanitary landfill, no one may do any of the following:
742 1. enter outside of posted opening hours, unless otherwise authorized by the borough; or
743 2. deliver any materials prohibited under section 8.25.200; or
744 3. discard any material without first paying applicable user fees under section 8.25.190;
745 or
746 4. dispose of any material in an area other than a designated area.
747

748 **8.25.190 User Fee Schedule.**

749 **A. Enterprise funding.** By resolution, the assembly will set fees for solid waste
750 management services provided at the borough owned or operated facilities, including
751 disposal of solid waste and household hazardous waste at borough's baler facility and the
752 sanitary landfill, sufficient to cover the facilities' costs of operation, maintenance, and capital

753 improvements without subsidy from any other source, as an enterprise and nonsubsidized
754 freestanding operation.

755 **B. Cash or commercial charge accounts.** No one may deliver any material to a facility
756 owned or operated by the borough without paying applicable fees established by resolution
757 of the assembly in cash upon delivery, except the following users:

758 1. the contract hauler and other commercial users determined by the manager, such as
759 contractors that regularly delivery construction and demolition debris to the borough
760 landfill, which may establish charge accounts under subsection D.

761 **C. Schedule.** The assembly will establish a user fee schedule, which may provide fees for
762 different categories of service, including the following:

- 763 1. per unit of weight, such as ton, of solid waste;
764 2. per unit of time, such as a half-hour, for materials that require special handling by
765 facility personnel upon delivery, in addition to the applicable fees per ton;
766 3. for types and amounts of hazardous and toxic waste; or
767 4. for any other materials.

768 **D. Charge accounts.** The manager may extend credit for user fees as follows:

769 1. an applicant may obtain a credit application from the director of finance or his
770 designee;

771 all credit applications are subject to approval by the director of finance in his discretion and
772 this may include a deposit. The borough may retain the deposit for up to one year, after
773 which the owner may request the return of the deposit if borough determines that the
774 applicant has established a record of timely payment. The borough is not obligated to
775 escrow or pay interest on the deposit;

776 2. the charge account holder must pay bills within 30 days after the borough mails the
777 monthly bill; and

778 3. the director of finance may revoke credit and charging privileges without notice to the
779 charge account holder at any time an account becomes delinquent.

780

781 8.25.200 Prohibited disposal

782 **A. Unpermitted.** No one may deliver to, deposit at, or dispose in the borough landfill, any
783 of the following materials:

- 784 1. material prohibited under the borough's solid waste disposal permit issued by the
785 Alaska State Department of Environmental Conservation;
786 2. polluted or contaminated soil as defined in 18 AAC 60, 18 AAC 75 or 18 AAC 78;
787 3. sewage sludge for which no test results, required by law (e.g., 18 AAC 60.365) or as
788 determined by the manager, have been submitted to the borough; and

789 **B. Exceptions.** Exempt waste described below is prohibited from disposal unless it meets
790 the following requirements:

- 791 1. it is mixed with nonexempt waste;
792 2. there is a public health, safety, or welfare threat or environmental problem
793 associated with management of the exempt waste as determined by the manager; or
794 3. the exempt waste is being managed in a manner that causes or contributes to a
795 nuisance.

796 **"Exempt wastes"** means the following:

- 797 1. land clearing waste, including excavated dirt, rock, soil, butt ends, stumps, and other
798 similar waste;
799 2. tree limbs and other foliage or woody debris, sometimes referred to as "slash," in a
800 timber harvest area;
801 3. bricks, mortar, and Portland cement type concrete, including reinforcing steel that
802 cannot be easily removed;
803 4. crumb rubber used in asphalt paving;

- 804 5. crushed glass;
805 6. crushed asphalt pavement used:
806 i. in a building pad or parking area as road base, or pavement; or
807 ii. as a material to construct a containment berm for a tank farm.
808

809 **8.25.210 Applicability of federal, state, and local solid waste law.** Solid waste law and
810 the rules, regulations, provisions, and conditions promulgated under that law (as they may
811 be amended, repealed, or replaced) applies in the borough and failure to comply with solid
812 waste law is a violation of this chapter. The borough may, but is not obligated, to take
813 enforcement actions or seek remedies for violation of solid waste law.

814 Examples of solid waste law follow:

- 815 A. with respect to environmental protection:
- 816 1. Comprehensive Environmental Response, Compensation and Liability Act of 1982
817 (42 U.S. C. §9601 et seq.)("CERCLA");
 - 818 2. Resource Conservation and Recovery Act (42 D.S.C. §6901 et seq.) ("RCRA");
 - 819 3. Clean Air Act, (42 U.S.C. §1351 et seq., 42 U.S.C. §7401-7642); and California
820 Clean Air Act (Health & Safety Code Sections 1251 et seq. and Health and Safety
821 Code §39000 et seq.);
 - 822 4. Emergency Planning and Community Right to Know Act, (42 U.S.C. §11001 et seq.);
 - 823 5. Alaska Department of Environmental Conservation, Solid Waste (18 AAC 60);
 - 824 6. Litter Receptacles. (18 AAC 64.005 – 18 AAC 64.250);
 - 825 7. Hazardous Waste. (18 AAC 62.010 – 18 AAC 62.990);
 - 826 8. Pesticide Control. (18 AAC 90.010 – 18 AAC 90.990); and
 - 827 9. Oil and Other Hazardous Substances Pollution Control. (18 AAC 75.005 – 18 AAC
828 75.990).
- 829 B. with respect to solid waste handling labor:
- 830 1. Occupational Safety and Health Act, (29 U.S.C. §651 et seq.), including the Solid
831 Waste Disposal Facility Criteria promulgated by the U.S. EPA on October 9, 1991
832 (40 C.F.R., Parts 257 and 258);
 - 833 2. Immigration Reform and Control Act of 1986 (PL.99-603);
- 834 C. Miscellaneous:
- 835 1. Civil Rights Act of 1964 (Sub chapter VI or Chapter 21 of Title 42);
836

837 **8.25.220 Administration, implementation, and enforcement.** The manager is authorized
838 to administer, implement, and enforce this chapter and promulgate related solid waste
839 policy, unless this chapter expressly names another person. The manager may request
840 assistance from other persons or request that other persons administer, implement and
841 enforce all or a portion of this chapter. Examples of other persons are:

- 842 1. the director of finance or the auditor-controller, for example, with respect to collection
843 of user fees;
- 844 2. City of Kodiak Police Department;
- 845 3. Borough attorney;
- 846 4. other borough departments;
- 847 5. District Attorney;
- 848 6. Alaska State Department of Environmental Conservation;
- 849 7. Alaska Department of Fish and Game;
- 850 8. Alaska State Troopers; and
- 851 9. an enforcement officer.
852
853
854

855 **8.25.230 Enforcement officer.**
856 **A. Authority.** The enforcement officer has the authority to issue citations, summons, and
857 complaint, or notices of violation to anyone who violates this chapter.
858 **B. Citation.** A citation filed in the district court charging a violation under this chapter is
859 deemed as a lawful complaint for purposes of prosecution under this chapter.
860

861 **8.25.240 Violations, enforcement actions and remedies.**

862 **A. Violations.**
863 1. **Per failure.** Each failure to comply with any provision of this chapter or any
864 regulation promulgated under this chapter constitutes a separate violation. For
865 example, scavenging is a separate violation for each container from which materials
866 are scavenged.
867 2. **Per day.** Each day a violation continues is a separate violation. For example, failure
868 to maintain a collection vehicle in accordance with Section 8.25.150B is a separate
869 violation for each day until the vehicle is repaired.

870 **B. Enforcement Actions and Remedies.**
871 1. **Actual Violations.** If the manager believes that someone has violated any provision
872 of this chapter, whether that person is acting or failing to act in the capacity of a
873 principal, agent, employee or otherwise, then the manager may institute any
874 enforcement action and exercise any legal or equitable remedy available to the
875 borough under law, such as the following:
876 i. civil actions seeking a penalty of up to \$250 per violation;
877 ii. civil actions seeking injunctive relief;
878 iii. civil suits seeking damages or civil penalties, including the costs of any corrective
879 action that the manager deems necessary to mitigate consequences of violations,
880 whether acts or omissions; or
881 iv. proceedings to declare a property a public nuisance and abate the nuisance as
882 authorized by AS 46.03.870(c).
883 2. **Immanent violations.** If the manager believes that a person will immanently violate
884 any provision of this Chapter, whether that person is acting or failing to act in the
885 capacity of a principal, agent, employee, or otherwise, then the manager may
886 exercise any equitable remedy available to the borough under law, such as a
887 temporary restraining order or injunction.
888 3. **Enforcement actions and remedies are cumulative, not exclusive.** Enforcement
889 actions and remedies are cumulative, not mutually exclusive. The manager may
890 institute any single enforcement action or exercise any single remedy or a
891 combination of multiple enforcement actions and remedies, separately or
892 simultaneously. The manager need not conclude any particular enforcement action
893 or exhaust any particular remedy before instituting other enforcement action or
894 exercising any other remedy.
895 4. **Penalties and remedies are not limited.** The penalties and remedies provided for
896 violation of this chapter are in addition to and not in lieu of any other penalty or
897 remedy provided for in state law or otherwise.
898

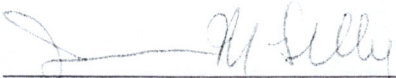
899 **Section 3: Effective Date.** This ordinance shall become effective on July 1, 2010.
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ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS FIFTEENTH DAY OF APRIL 2010

KODIAK ISLAND BOROUGH



Jerome M. Selby, Borough Mayor

ATTEST:



Nova M. Javier, MMC, Borough Clerk