

Introduced by: Mayor
Date: 09/20/11
Hearing: 11/01/11
Action: Postponed until 12/06/11
Date: 12/06/11
Action: Tabled
Vote: 9 Yes, 0 No, 0 Absent
Date: 10/09/12
Action: Stricken per KPB 22.40.070(C)

**KENAI PENINSULA BOROUGH
ORDINANCE 2011-36**

**AN ORDINANCE AMENDING KPB 14.40.155 TEMPORARY ROAD CLOSURE, TO
CLARIFY AND EXPAND THE REASONS AND PROCEDURE FOR CLOSING
BOROUGH ROADS AND RIGHTS-OF-WAY**

1 **WHEREAS**, KPB 14.40.155 currently allows the Road Service Area (RSA) director to close a
2 road temporarily where damage to a right-of-way or a threat to public safety is
3 presented by continued use of the road; and

4 **WHEREAS**, situations exist where it would be beneficial to the RSA and borough residents to
5 be able to close a right-of-way to various types of traffic where no road exists, or
6 where the borough maintains a road not within a dedicated borough right-of-way,
7 for example, within a state section line; and

8 **WHEREAS**, expanding the scope of KPB 14.40.155 to allow for the closure of borough
9 dedicated rights-of-way or borough roads where unwarranted damage to riparian
10 habitat or water bodies is occurring through use of the road or right-of-way would
11 allow the RSA to better protect sensitive habitat critical for anadromous fish
12 species and other wildlife;

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

15 **SECTION 1.** That KPB 14.40.155 is hereby amended as follows:

1 **14.40.155. [TEMPORARY] Right-of-way and road closure.**

2 A. The director may [TEMPORARILY] close a dedicated borough right-of-way
3 or road within a dedicated borough right-of-way or other borough
4 maintained road [WITH A PHYSICAL BARRICADE AND SIGNAGE] where
5 damage to the right-of-way, road, riparian habitat, water body or a threat
6 to public safety is presented by continued use of the right-of-way or road.
7 The road or right-of-way may be reopened when the director determines
8 that the condition(s) causing the threat to public safety or damage to the
9 right-of-way, road, riparian habitat or water body has been repaired or
10 alleviated.

11 B. The Road Service Area Board must approve a right-of-way or road closure
12 lasting more than six months. If the Road Service Area Board approves a
13 right-of-way or road closure, it also must approve the reopening of the
14 right-of-way or road.

15 **SECTION 2.** That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF DECEMBER, 2011.

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Vote on Motion to Table:

Yes: Haggerty, Johnson, McClure, Murphy, Pierce, Smalley, Smith, Tauriainen, Knopp
No: None
Absent: None