

Introduced by: Mayor
Date: 02/28/12
Hearing: 04/03/12
Action: Enacted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-05**

**AN ORDINANCE AMENDING KPB CHAPTER 14.40 TO DELETE THE PROVISIONS
FOR SEASONAL PERMITS WHICH ARE NO LONGER ISSUED BY THE ROAD
SERVICE AREA**

WHEREAS, KPB 14.40.040, right-of-way use permits, provides for the various types of right-of-way permits issued by the Road Service Area (RSA); and

WHEREAS, KPB 14.40.040(A)(2) provides for the issuance of seasonal permits; and

WHEREAS, seasonal permits allow for a contractor to submit one application and obtain one permit for all road projects within borough right-of-way meeting RSA standards from May 1 to November 1 each calendar year, and requires the contractor to submit advance written notice and a year-end list of roads constructed to the borough; and

WHEREAS, instead of seasonal permits the RSA only issues project-specific or driveway permits as they allow for improved oversight and control of projects; and

WHEREAS, on November 29, 2011, the RSA board adopted Resolution 2011-19 requesting KPB Chapter 14.40 be amended to delete the provisions for seasonal permits;

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

SECTION 1. That KPB 14.40.040(A) shall be amended as follows:

14.40.040. Right-of-way use permits.

The Borough shall issue the following types of right-of-way use permits for borough rights-of-way:

A. *Right-of-way construction permits.* Right-of-way construction permits are issued for construction of roads, driveways, trails and any blockading which impedes traffic flow or lawful use of rights-of-way related to construction, which include the following types of permits:

1. Driveway permits for intersections within Borough rights-of-way between private drives and Borough rights-of-way.

2. [SEASONAL PERMITS MAY BE ISSUED TO SOMEONE HOLDING A STATE OF ALASKA CONTRACTOR'S LICENSE. SUCH PERMITS SHALL BE VALID FROM MAY 1 THROUGH NOVEMBER 15 OF EACH YEAR FOR ALL PROJECTS A CONTRACTOR IS CONSTRUCTING TO THE TYPICAL SECTION UNDER KPB 14.06.100(A). PROJECTS WITHIN THE RIGHT-OF-WAY NOT CONSTRUCTED TO THE TYPICAL SECTION REQUIRE A PROJECT-SPECIFIC PERMIT OR A DRIVEWAY PERMIT. IN ORDER FOR THE SEASONAL PERMIT TO REMAIN IN EFFECT, THE CONTRACTOR MUST HOLD A CURRENT CONTRACTOR'S LICENSE ISSUED PURSUANT TO TITLE 8 OF THE ALASKA STATUTES, AND MUST NOT BE IN ARREARS IN ANY FINANCIAL OBLIGATIONS TO THE BOROUGH. A CONTRACTOR MUST PROVIDE 48 HOURS' WRITTEN NOTICE TO THE BOROUGH PRIOR TO COMMENCING CONSTRUCTION ON EACH INDIVIDUAL ROAD SUBJECT TO THE SEASONAL PERMIT. FACSIMILE NOTICE IS ACCEPTABLE. THE CONTRACTOR SHALL ALSO PROVIDE A LIST OF ROADS CONSTRUCTED UNDER THAT YEAR'S SEASONAL PERMIT NO LATER THAN DECEMBER 31 OF THE YEAR IN WHICH THE PERMIT WAS GRANTED.

- 3.] Project-specific construction permits for all construction within a Borough right-of-way that is not covered by a [SEASONAL PERMIT OR A] driveway permit. Project-specific permits require improvement of a right-of-way, and may require improvement to Borough standards set forth in KPB 14.06, Road Construction Standards.

SECTION 2. That KPB 14.40.060(B)(11) shall be amended as follows:

14.40.060. Permit application and conditions.

...

B. *Mandatory conditions.* All permits shall be subject to the following conditions:

...

11. Construction [OF RIGHTS-OF-WAY FOR MOTOR VEHICLE USE WITHIN THE KENAI PENINSULA BOROUGH ROAD SERVICE AREA UNDER A SEASONAL PERMIT SHALL MEET THE BOROUGH ROAD STANDARDS SET FORTH IN KPB 14.06. ALL OTHER CONSTRUCTION] projects are subject to either a driveway or a project-specific permit, and may be required to meet road construction standards pursuant to road service area board policies approved by the mayor. Construction shall not damage the right-of-way, adjacent properties, or adjacent water bodies.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF APRIL, 2012.

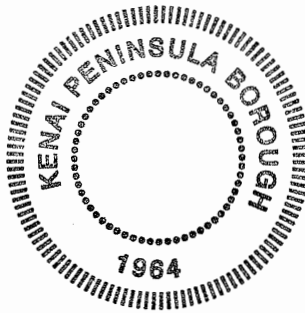
Gary Knopp

Gary Knopp, Assembly President

ATTEST:

John Blankenship

John Blankenship, Borough Clerk



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