



Sponsored by: Administration

CITY OF KENAI

ORDINANCE NO. 2985-2017 (SUBSTITUTE)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE SECTION 13.20.035-CAMPING, FIRES AND OTHER ACTIVITIES ON CITY BEACHES, TO PROHIBIT THE BURNING OF PALLETS AND OTHER WOOD MATERIALS CONTAINING METAL FASTENERS ON CITY BEACHES.

WHEREAS, burning of pallets and other wood materials containing metal fasteners on City beaches often results in nails and screws left behind after the fire is extinguished and abandoned; and,

WHEREAS, nails, screws and other metal fasteners left on City beaches can not only be unsightly, but present a hazard to vehicles, pedestrians and animals; and,

WHEREAS, the City receives complaints about metal fasteners left on the beaches from fires and expends resources to clean the beaches; and,

WHEREAS, it is in the best interest of the City to prohibit the burning of pallets and other wood materials containing metal fasteners on City beaches; and,

WHEREAS, in recognition that the burning of pallets and other materials with wood fasteners on Kenai beaches has been a past practice of many residents and visitors, a delayed effective date for this ordinance is in the City's best interest to allow for sufficient public outreach and education.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. Form: That this is a code ordinance.

Section 2. Amendment of Section 13.20.035 of the Kenai Municipal Code: That Kenai Municipal Code, Section 13.20.035- Camping, fires and other activities on City Beaches, is hereby amended as follows:

Camping, ~~F~~Fires, and ~~O~~Other ~~A~~Activities on City ~~B~~Beaches.

(a) The intent of this section is to regulate camping, fires and other activities on City beaches that threaten or have the potential to threaten or damage public and private property, use and enjoyment of the beaches, public safety, health and welfare, and other City interests.

(1) Camping, starting or maintaining open fires, and parking on City beaches is prohibited as follows:

(A) On that portion of the South Beach beginning at the line common to the NE ¼, and SE ¼, of Section 7, Township 5 North, Range 11 West, Seward Meridian Alaska South to the City of Kenai boundary, located on Section 7 and 18, Township 5 North, Range 11 West, Seward Meridian, as shown on Appendix V of Title 13 of the Kenai Municipal Code.

(B) On all City Beaches, the burning of pallets and other wood materials containing metal fasteners.

(2) With reasonable public notice, and without further authorization, the City Manager may temporarily close City beaches or portions thereof to camping, starting or maintaining open fires, parking, vehicular access and other similar activities. Causes for such temporary closures include but are not limited to extreme high tides, conditions creating high fire dangers, health hazards, high waters or flooding or other risks to public safety, health or welfare or for the maintenance of City owned or managed property.

(A) Any temporary closure described in subsection (a)(2) above authorized by the City Manager must be reported to Council at the next Council meeting after the temporary closure takes effect.

(B) Temporary closures authorized by the City Manager as described in subsection (a)(2) above may not exceed thirty (30) days. The Council may extend and modify closures by resolution.

(b) "City beaches," for purposes of this section, means the areas of the North and South Beach as shown on Appendix III of Title 13 of the Kenai Municipal Code.

(c) A violation of this section shall be punishable as provided in KMC 13.05.010, except that a violation of subsection (a)(1)(B) shall be punishable by a \$50.00 fine.

(d) The provisions of this section do not apply to governmental officials in the performance of their official duties, or to private property owners otherwise lawfully engaged in activities on their private property.

Section 3. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 4. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect July 1, 2018.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 4th day of October, 2017.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Jamie Heinz, City Clerk

Introduced: September 6, 2017
Enacted: October 4, 2017
Effective: July 1, 2018



"Village with a Past, City with a Future"

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MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council
FROM: Scott Bloom⁵², City Attorney on behalf of Paul Ostrander, City Manager
DATE: September 28, 2017
SUBJECT: Prohibition of burning wood materials containing metal fasteners on City beaches (Substitute)

The Substitute Ordinance proposed addresses concerns expressed at the last City Council meeting of September 20, 2017. The Substitute amends the effective date to July 1, 2018, to allow the administration to provide adequate notice to the public. This notice is intended to be carried out through various media including the City's website and dip net app, as well as signage placed at beach entrances. Further, the Substitute Ordinance changes the fine amount for a violation of the Ordinance from a fine of up to \$500, requiring a mandatory court appearance, to a set fine amount of \$50. Your consideration is appreciated.

