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## **KENAI PENINSULA BOROUGH CODE OF ORDINANCES**

### **17.08.020. General terms and conditions applicable to all contracts.**

- A. The purchaser shall be solely responsible for the access to the location of the property from which timber may be salvaged or otherwise harvested and shall take no timber from outside the boundary of the sale.
- B. The purchaser shall be solely responsible for provision and maintenance of access to the site and for the cost of clean-up, if any.
- C. The purchaser shall post notice that the borough will not be held responsible for any claims or damages caused at the site, and upon access leading to it, and shall hold the borough harmless from any claims which might be asserted against the borough, or on any damages to the persons or the land or adjacent land, arising in connection with the purchaser's activities.
- D. The purchaser shall provide a bond in an amount and form satisfactory to the mayor and made for the benefit of the borough which will indemnify the borough against any claims, liabilities or law suits or damage to land arising in connection with the purchaser's activities.
- E. The purchaser shall keep adequate and current records of all timber cut.
- F. The borough may file with the appropriate State office a lien upon all timber removed from the land and such lien will not be released until payment has been made to the borough or has been deposited in an appropriate escrow account.
- G. The purchaser will take all measures necessary to prevent and control damage arising from fire, or other causes in the harvesting operation.
- H. The purchaser shall not remove any gravel or other minerals from the land without prior approval of the borough, mineral rights being excluded from the operation of this chapter.
- I. All timber shall be cut, trimmed and moved in accordance with sound logging practice and shall be done in such a manner as to minimize scarring of the land and unnecessary destruction of live vegetation.
- J. The purchaser shall not engage in the practice known as "clear cutting" and may take only dead and mature timber, whether standing or down.

- K. All use activities shall be conducted with appropriate planning including environmental assessments and notification to agencies involved in the management of these resources.
- L. All timber management will be subject to the requirements of the State of Alaska Forest Resource and Practices Act and regulations. In case of conflict between the State of Alaska Forest Practice Act and the Kenai Peninsula Borough Code, the Kenai Peninsula Borough Code shall govern all cases where the requirements exceed those of the State of Alaska.
- M. Riparian standards for borough lands. No forest operator will be allowed to cause any resource extraction within a 300 foot distance of any anadromous streams within the boundaries of the Kenai Peninsula Borough, except as outlined below.
1. A 300-foot no-harvest riparian buffer zone shall be identified on both banks of all water bodies supporting anadromous and high value resident fish on lands owned by the Kenai Peninsula Borough.
  2. Timber harvest activities between 100--300 feet from the ordinary high water mark of a water body may occur only by submitting and receiving approval for a variance from the standard described in item 1.
  3. Timber harvest activities between 100 and 300 feet from the ordinary high water mark of a water body may occur with approval by the mayor or his designee with due deference given to the Alaska Department of Fish and Game regarding the effects on fish and wildlife habitat from timber harvesting in riparian areas.
  4. No timber harvesting activities shall be permitted in the riparian buffer area within 100 feet of the ordinary high water mark of a water body except for stream crossings or life and safety conditions described in the timber harvest operational plan and reviewed by the Alaska Department of Fish and Game pursuant to AS 16.05.870.

**(Ord. No. 93-55, § 1, 1994; Ord. No. 81-3, § 1(part), 1981**

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