



## City of Homer

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### Memorandum 21-155

TO: Mayor Castner and Homer City Council  
FROM: Rob Dumouchel, City Manager  
DATE: July 19, 2021  
SUBJECT: Port & Harbor Dumpster Usage Ordinance

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The Port & Harbor Enterprise has challenges with individuals using dumpsters located on the spit as a place to dispose of solid waste from households and businesses. This has never been permitted, but it is a long running practice by many. The intent of this proposed ordinance is to discourage the practice, reduce costs to the enterprise, keep the spit and waterways clean, and give the City the ability to fine the most egregious of offenders.

#### **Solid Waste Management Background**

The City transferred its powers as they relate to garbage and solid waste disposal, acquisition, and maintenance of suitable disposal sites to the Kenai Peninsula Borough (KPB) many years ago (HCC 5.08.010). KPB maintains a transfer station in Homer located at 169 Sterling Highway. The vast majority of the types of solid waste we frequently find in Port & Harbor dumpsters can be deposited at the transfer station for free. The transfer station is open Monday through Saturday 8:00AM to 5:45PM and Sundays 12:00pm to 4:00pm. Sunday hours are currently unavailable October through April.

#### **Port & Harbor Dumpsters**

The existing Port & Harbor dumpsters (approximately 16 units) are funded in large part by vessel moorage and specifically intended for use by vessels moored in the port & harbor. The Enterprise pays approximately \$60,000 per year in solid waste disposal. We have not conducted a waste characterization study to determine what percentage of that is non-vessel-related waste; however, staff is confident that a significant amount of waste comes from households and businesses.

It is not uncommon for the dumpsters to overflow, particularly on the weekends. Individuals will leave bags of solid waste on the ground in the vicinity of a dumpster where it is vulnerable to wind, birds, rodents, etc. which can damage garbage bags and lead to solid waste entering nearby waterways.

Currently there are not specific code sections for Port & Harbor Dumpsters nor clear signage which makes it clear dumpsters on the spit are not for general use.

Please note that there are also dumpsters on the spit for Parks-related uses. These dumpsters are generally in place seasonally and are paid for by the General Fund. An existing section in Homer City Code makes it clear that these dumpster are for parks use only (HCC 19.20 (i)).

## Relevant Solid Waste Sections in Homer City Code (HCC)

HCC has a number of references to solid waste disposal and illegal dumping.

- HCC Chapter 5.08 Garbage and Solid Waste Disposal: Covers the transfer of power to KPB and a provision about securing solid waste in vehicles in such a way that it will not scatter or spill onto the roadway.
- HCC Chapter 10.08 Protection of the Harbor and Waterways
  - Defines “dump” to mean the discharge, deposit, dump, spill, leak, inject, or place matter into or on any land or water so that such matter or any constituent part thereof enters the Homer harbor or any waterway.”
  - Specifically outlaws dumping trash and other materials into the Homer Harbor or any waterway.
  - Sets fines for dumping which start at \$100 and escalate to \$1000 with each act of dumping and day of dumping as separate offenses. Each individual battery dumped is its own offense.
    - Additionally, any person who dumps in the Harbor or any waterway is strictly liable for the cost of removing the prohibited matter and repairing/remediating any damage. They City may also exercise any civil remedy available under HCC 1.16.020, AS 46.03.822, or any other provision of law.
- HCC Chapter 19.20 Parks and Recreation Facilities: Specifically states that “dumpsters provided at park facilities are intended for park use only.”
- HCC Chapter 18.28 Tidelands:
  - Includes littering or dumping of waste in the definition of “waste or injury to land”
  - Waste or other injury upon City-owned tideland and contiguous submerged land is unlawful and the offending person is civilly liable for any damages caused and may also be punished in accordance with HCC 1.16.010

Notably absent is a general provision for littering. Staff recommends that the Port & Harbor dumpster ordinance be followed up by a littering ordinance in the near future.

## Proposed Solution

While it is clear that dumping of solid waste outside of dumpsters is not legal on the spit, the restricted use of Port & Harbor dumpsters is not clearly defined in code. Staff believes that it should be specifically stated in code that dumpsters are for port & harbor use similar to the provision for park dumpsters in Chapter 19.20.

The proposed ordinance creates a new section which makes it clear port & harbor dumpsters are limited to use by moorage paying vessels, and creates a mechanism to penalize offenders. The ultimate goal isn't to spend much time enforcing the ordinance, we just want to deter the current unauthorized use. The ordinance also sets aside \$3000 in Port & Harbor Reserve funds for signage.

## Alternatives

The following alternative concepts have been discussed briefly by Council but without resolution:

1. Allow households and businesses to use Enterprise dumpsters to dispose of solid waste with supplemental funding from KPB.
2. Encourage KPB to keep the transfer station open on Sundays year-round to avoid gaps in availability.

Staff is not supportive of encouraging the use of Enterprise dumpsters by the public for non-Port & Harbor purposes. It creates extra expense, extra work, and is likely to create attractive nuisances around popular dumpsters which are likely to overflow and cause environmental concerns. While funds from KPB would be welcome relief to the Enterprise budget, the increased dumping is likely not worth the financial contribution.

On the other hand, staff is extremely supportive of KPB directing funds to itself to keep the transfer station open on Sundays all year. It removes a barrier to disposal for folks who want to do their trash run on a Sunday. This change by KPB would be an excellent complement to the proposed ordinance.

**Staff Recommendation:** Introduce the proposed Port & Harbor dumpster ordinance on Sept 13<sup>th</sup> and adopt it at the Sept 27<sup>th</sup> meeting. Continue to lobby KPB to extend Sunday service on a year round basis.