

14.08.010. - Definitions.

- A. *Borough right-of-way*: all dedicated rights-of-way, public easements and section line easements within the Kenai Peninsula Borough which are outside of the boundaries of any first- and second-class city and which are not subject to jurisdiction and maintenance by the Alaska Department of Transportation and Public Facilities.
- B. *Maintenance*: upkeep, repair, or improvement work on an existing utility facility which does not expand the area occupied by, or change the location of the facility.
- C. *Excavation*: the removal, carrying away, backfilling, tunnelling, boring, bulldozing, digging out, leveling, clearing, or moving of earth or soil by manual or mechanical means.
- D. *Public utility*: every corporation, company, individual or association of individuals as defined by AS 42.05.720 that owns, operates, manages or controls any plant, pipeline or system for furnishing electrical service, telephone service, cable television service, natural or manufactured gas service, water service or sewer service to the public for compensation.
- E. *Road opening*: excavation within a road accepted for maintenance by the Kenai Peninsula Borough.

(Ord. No. 94-56, § 1(part), 1995)

14.08.020. - Utility use of right-of-way—Permits required.

- A. After February 7, 1995, a public utility shall not construct any facility in, under or over borough right-of-way without first having been granted:
  - 1. A general utility right-of-way use permit as set forth in section 14.08.030 of this chapter; and,
  - 2. A utility construction project permit for each individual road opening project, excavation or overhead pole line project as set forth in section 14.08.040 of this chapter.
- B. Utility right-of-way use permits may include reasonable conditions deemed necessary to protect the public health, safety and welfare and the interests of the borough.

(Ord. No. 94-56, § 1(part), 1995)