

Introduced by: Mayor
Date: 11/12/24
Hearing: 01/07/25
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2024-32**

**AMENDING KPB 21.50.055 RELATING TO THE START OF ACCRUAL OF CIVIL
FINES FOR VIOLATIONS OF TITLE 21 OF THE KPB CODE**

WHEREAS, the purpose of KPB Chapter 21.50 is to promote compliance with KPB ordinances and promote consistency in enforcement of the KPB land use and subdivision regulations codified in KPB Title 21; and

WHEREAS, KPB 21.50.040 provides for cumulative remedies for violations of KPB Title 21, including civil penalties and fines; and

WHEREAS, KPB 21.50.055 sets forth the fines for violations of KPB Title 21; and

WHEREAS, KPB 21.50.055, as presently written, does not provide for accrual of fines until the date an enforcement notice is issued; and,

WHEREAS, KPB Chapter 1.24 provides for a general penalty for violations of KPB Code; and

WHEREAS, KPB 1.24.020(C) states, “Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense[]”; and

WHEREAS, KPB Chapter 1.24 provides for cumulative remedies for violations of KPB Code, including civil penalties and fines but does not require issuance of an enforcement notice to begin fine or penalty accrual; and

WHEREAS, the Assembly finds it is in the best interests of the KPB to provide consistency among the discrete Titles, Chapters and Sections of its Code; and

WHEREAS, the Assembly finds it is in the best interests of the KPB to allow greater flexibility when enforcing its land use and subdivision regulations;

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

SECTION 1. That KPB 21.50.055(A), Fines, is hereby amended to read as follows:

CHAPTER 21.50. -Violations and Enforcement.

....

21.50.055. - Fines.

A. Following are the fines for violations of this title. Each day a violation occurs is a separate violation. Violations begin to accrue [THE DATE THE ENFORCEMENT NOTICE IS ISSUED] on the first day of violation and continue to the date the enforcement is initially set for hearing, or the first day of trial, as applicable. The fine for a violation may not be reduced by the hearing officer or judicial officer, as applicable, to less than the equivalent of one day’s fine for each type of violation.

....

SECTION 2. That this ordinance shall be effective immediately.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2024.

Peter Ribbens, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent: