



## **KENAI PENINSULA BOROUGH**

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**MIKE NAVARRE  
BOROUGH MAYOR**

### **MEMORANDUM**

**TO:** Dale Bagley, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Mike Navarre, Mayor *MN*

**FROM:** Max Best, Planning Director *MB*

**DATE:** June 25, 2015

**SUBJECT:** Ordinance 2015-23, An Ordinance Amending KPB 21.50.040, .050, .120 and .130 Regarding Enforcement of Borough Land Use Regulations for Conformity with Road Service Area Enforcement Actions and Current Practice

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This is a companion ordinance to the ordinance amending KPB chapter 14.40, also up for introduction July 7, 2015. The proposed amendment to KPB chapter 14.40 amends the enforcement procedure for right-of-way violations. Kenai Peninsula Borough Chapter 21.50 addresses enforcement of borough land use regulations. Efforts were made to ensure that the two sets of enforcement procedures are consistent with one another where appropriate. While drafting the ordinance amending Kenai Peninsula Borough chapter 14.40, the administration noticed that KPB chapter 21.50 required several amendments to ensure continuity between KPB chapters 14.40 and 21.50.

KPB 21.50.040 lists the various remedies available to the borough for any violations of title 21. Subsection A describes the borough's ability to pursue court action. AS 29.25.070 allows a municipality to seek injunctive relief against any person who violates an ordinance. The current version of KPB 21.50.040(A) unduly limits the borough to seek court action only when a violation creates an immediate threat.

KPB 21.50.050 presents the fine schedule for violations of KPB Title 21. It currently does not describe how fines are assessed. The proposed amendment, assessing fines starting the date the enforcement notice is issued and continuing to the date of the enforcement hearing, represents current practice.

KPB 21.50.120 does not require the borough to copy the enforcement file to the respondent. An amendment, consistent with proposed KPB 14.40.340(B) would require the borough copy the enforcement file to the respondent which will also conform the code to the planning department's practice.

KPB 21.50.130(G)(2) is also revised by clarifying that the equivalent of a one day fine cannot be suspended which is consistent with the interpretation of the current language of the section and consistent with the proposed companion language in KPB 14.40.

Your consideration of these amendments is appreciated.