

Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Peter Ribbens, Assembly President
Members, KPB Assembly

THRU: Peter A. Micciche, Mayor *PM*

FROM: Robert Ruffner, Planning Director *RR*

DATE: October 30, 2024

RE: 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 (Mayor)

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

The fines for violations of KPB Title 21 are set forth in KPB 21.50.055. As presently written, however, fines for violations of KPB Title 21 do not begin to accrue until the date an enforcement notice is issued. An enforcement notice initiates an enforcement proceeding and although enforcement proceedings are important enforcement tools, they require KPB to hire a hearing officer and have procedural features similar to civil bench trials. Additionally, other enforcement mechanisms such as stipulated agreements are available to address violations of KPB Title 21.

Moreover, KPB Chapter 1.24 also 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. Instead, 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.

The amendment to KPB 21.50.055 proposed by the Ordinance will provide consistency between KPB Chapter 1.24 and KPB Chapter 21.50 and will allow greater flexibility when enforcing KPB’s land use and subdivision regulations.

Your consideration is appreciated.