



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: August 6, 2015

SUBJECT: Amendment to 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

The administration respectfully requests the assembly approve the following amendments to this ordinance. Recent enforcement actions have revealed two additional code sections that should have housekeeping amendments. KPB 21.50.100(A)(4) is amended to make the language consistent with KPB 21.50.040(B) and 21.50.130(I). KPB 21.50.100(G) is amended because an enforcement notice, rather than an enforcement order, is issued by the code compliance officer.

- **Amend the title as shown in bold and underline below.**

AN ORDINANCE AMENDING KPB 21.50.040, .050, **.100**, .120 AND .130 REGARDING ENFORCEMENT OF BOROUGH LAND USE REGULATIONS FOR CONFORMITY WITH ROAD SERVICE AREA ENFORCEMENT ACTIONS AND CURRENT PRACTICE

- **Add a new section 3 as shown below and renumber the remaining sections.**

SECTION 3. That KPB 21.50.100(A)(4) is hereby amended as follows:

21.50.100. Enforcement proceeding.

A. The borough commences an administrative enforcement proceeding under this chapter by serving an enforcement notice that contains the following:

- ...
4. A description of the action, if any, that is required to correct or abate the alleged violation, including without limitation any one or more of the following, and the time within which the correction or abatement must occur:

- a. The discontinuation of a use of land, a structure, or a permitted activity;
- b. The abatement or removal of a condition or use of land, a structure, or a vehicle or other personal property;
- c. The discontinuation of activity preparatory to the use or occupancy of land or a structure;
[AND]
- d. The repair or rehabilitation of a condition or use of land, a structure, or a vehicle or other personal property; and
[d]e. Obtaining a permit.

➤ **Add a new section 4 as shown below and renumber the remaining sections.**

SECTION 4. That KPB 21.50.100(G) is hereby amended as follows:

- G. Continuing work when an enforcement [ORDER] notice includes a stop work order is a separate violation of this chapter.