



KENAI PENINSULA BOROUGH

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**MIKE NAVARRE
BOROUGH MAYOR**

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THROUGH: Mike Navarre, Borough Mayor

FROM: Max Best, Planning Director

DATE: January 5, 2017

SUBJECT: Amendment to Ordinance 2016-44, Amending KPB 20.10 and KPB 21.50 Regarding Violations and Enforcements (Mayor)

I am respectfully requesting the assembly approve the following amendments to this ordinance. The stricken language in KPB 21.50.100(H) was inadvertently included from a draft of the stipulated agreement section of the ordinance. It conflicts with 21.50.100(H)(1) and should be removed. Additionally the citation in KPB 21.50.100(H)(1) should be changed to KPB 21.50.055(A) as that is the section requiring the minimum fine:

- Amend Section * by deleting the language in ~~**bolded strikeout**~~ below:

SECTION 8. That KPB 21.50.100 is hereby amended as follows:

21.50.100. Enforcement Proceedings.

...

H. The borough and a property owner or occupant may enter an enforcement agreement as provided herein. An enforcement agreement between the borough and a property owner or occupant shall constitute an admission and acknowledgement by the property owner or occupant of the alleged code violation. The enforcement agreement shall include an agreement to remedy the violation and pay civil fines as described within the agreement within the timeframe agreed upon. ~~The fine shall be the minimum fine for a one day violation. Where there is more than one violation associated with the enforcement agreement the fine shall be a one day fine for each violation cited.~~ The enforcement agreement shall be submitted for signature of the hearing officer as an enforcement order. The hearing officer shall approve the agreement upon finding it is in compliance with KPB 21.50. It shall

have the full force and effect of an enforcement order issued under KPB 21.50.130(G).

1. A suspended fine may be included in an enforcement agreement between the borough, property owner, occupant or responsible party. An enforcement agreement may be entered requiring a fine of up to the maximum fine allowable for each violation cited in an enforcement notice. The fine for all but the minimum fine required by KPB 21.50.055(A)~~100(H)~~ may be suspended to a date certain to allow time to obtain compliance. All or a portion of the suspended fine may be forgiven by order of the hearing officer commensurate with the compliance obtained with the enforcement order.

The matrix has also been updated to reflect the proposed amendment.