

# Kenai Peninsula Borough

## Planning Department

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### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Mayor CP

**FROM:** Robert Ruffner, Planning Director RR

**DATE:** June 23, 2022

**RE:** Ordinance 2022-25 Amending KPB Chapter 21.50 Relating to Stop-Work Orders and Fine Amounts in Stipulated Agreements (Mayor)

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Having appropriate mechanisms to address violations of code is an important means of ensuring code compliance. Presently there is a large gap between the kindest, gentlest approach and the heaviest mechanisms to achieve compliance. In many cases, this means stipulated agreements (SA) which are settled for half of the daily fine, regardless of how impactful the violation may be to residents and taxpayers. Stipulated agreements are an important tool and have been successfully used in many cases to keep violations from escalating to court or administrative proceedings. We are not proposing to eliminate the SA approach, but are seeking to make it more appropriate by providing the flexibility to make the fine commensurate with the violation(s). This should result in more timely responses and with violators coming into compliance through terms contained in the SA.

A tool we presently lack is a stop-work order which would assist in addressing violations without necessitating an SA. In those cases where a cease-and-desist order is issued and not followed—but eventually resolved with an SA—there is little incentive for the violator to actually stop, since the end fine as currently established in code results in half of a daily fine, regardless of what happened between issuing an order and signature on a stipulated agreement. This new stop-work tool adds the incentive to actually stop work with real consequences if work is not stopped.

Finally, many of the violations we are now addressing require substantial expense to the borough. Investigations, field surveys, repeat site visits and compliance efforts can easily cost thousands of dollars only to be settled for \$150 with the tools presently available; short of court or administrative action. These changes add more flexibility to help us resolve issues more quickly and more in line with the expenses borne by the taxpayer.

Your consideration of this ordinance is appreciated.