

1st Reading: APRIL 25, 2016
2nd Reading: MAY 9, 2016

Presented By:
City Planner

Action Taken:
Yes 4
No 2
Abstain 0

CITY OF NOME, ALASKA

ORDINANCE NO. O-16-04-01 (Amended)

AN ORDINANCE AMENDING TITLE 5, BUILDINGS AND CONSTRUCTION, OF THE NOME CODE OF ORDINANCES TO ADD A NEW CHAPTER 5.40 ESTABLISHING VACANT STRUCTURE REGISTRATION AND MAINTENANCE REGULATIONS

Section 1. Classification. Sections 3 and 4 of this ordinance shall become a part of the Nome Code of Ordinances. All other sections are non-Code provisions.

Section 2. Legislative Findings. The Nome Common Council expressly makes the following findings of the basis for this ordinance:

1. Many homes and buildings in Nome are vacant and unsupervised. This has caused properties to become attractive nuisances for minors and criminal activity.
2. Vacant properties have a negative impact on surrounding properties and neighborhoods.
3. Potential buyers of occupied real property are deterred by the presence of nearby vacant abandoned buildings.
4. There is an increased instance of unsecured or open doors and windows, broken water pipes, theft of metals and other materials, and illegal activity at vacant structure throughout Nome.
5. Such neglect devalues properties and contributes to a cycle of property deterioration in Nome.
6. The City needs to be able to contact owners of vacant structures for utility shutoff, fire safety and police reasons.

Section 3. Amendment of Title 5. Title 5 of the Nome Code of Ordinances is hereby amended by adoption of a new Chapter 5.40 to read as follows:

Chapter 5.40 Vacant Structure Registration and Maintenance Regulations

Sections

| | |
|----------|--|
| 5.40.010 | Purpose |
| 5.40.020 | Definitions |
| 5.40.030 | Scope |
| 5.40.040 | Evidence of vacant structure |
| 5.40.050 | Registry of vacant structure |
| 5.40.060 | Vacant structures to be registered |
| 5.40.070 | Record owner's registration form; content |
| 5.40.080 | Registration fee |
| 5.40.090 | Requirement to keep information current |
| 5.40.100 | Maintenance and security requirements |
| 5.40.110 | Monitoring of structure; fee |
| 5.40.115 | Open structure; securing fee |
| 5.40.120 | Fire damaged structure |
| 5.40.125 | Unpaid fees; assessment |
| 5.40.135 | International Property Maintenance Code Amendments |
| 5.40.140 | Criminal penalties; civil infraction |
| 5.40.010 | Purpose |

The purpose of this ordinance is to help protect the health, safety and welfare of citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and promoting the safe and sanitary maintenance of dwellings, commercial, industrial and nonprofit buildings.

5.40.020 Definitions

- A. Certificate of Occupancy as defined under the State of Alaska Construction Code Act.
- B. Record Owner means any person who has the right to possess, convey or occupy a specific building or structure.
- C. Vacant structure means a building or structure that is not legally or currently occupied. Vacant structure does not mean property that is temporarily unoccupied while the record owners or residents are away on vacation, personal matters, or business and is not intended by the record owner to be left vacant more than nine consecutive months, except for structures located in the Resource Development zoning district.

D. Junk means old or scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or mined motor vehicle or parts thereof.

E. Junk motor vehicle means a discarded, dismantled, wrecked, scrapped or mined motor vehicle or parts thereof, an unregistered motor home not connected to water and/or sewer, or a vehicle other than an on-premises utility vehicle which is allowed to remain unregistered for a period of 30 days from the date of discovery.

5.40.030 Scope

The provisions of this ordinance shall apply to all owners of record of existing or new structures or new structures within city boundaries, except for structures located within the Resource Development District.

5.40.040 Evidence of vacant structure

Evidence of vacant structures may include any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the structure is vacant. Such conditions include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; boarded up windows; abandoned vehicles, auto parts or materials; the absence of or continually drawn window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with habitation or occupancy; written or oral statements that the structure is vacant based on personal observation and belief by neighbors, passersby, delivery agents or utility agents, the City Manager, Building Inspector, Department of Public Works or Police and Fire Department employees.

5.40.050 Registry of vacant structure

The City Manager or designee shall establish and maintain a registry of vacant structures.

5.40.060 Vacant structures to be registered

A. Record owners of vacant structures are required to register all such structures within ninety (90) days of the first day of vacancy. Structures that are vacant as of July 1, 2016 must register no later than October 1, 2016.

5.40.070 Registration form; content

Vacant structures shall be documented using a Vacant Structure Registration Form, as prepared by the City Building Inspector, containing the following information:

- A. The name of the record owner of the structure.
- B. A mailing address where mail may be sent that will be acknowledged as received by the record owner. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address is returned for whatever reason, then such occurrence shall be prima facie proof that the record owner has failed to comply with this requirement.
- C. If known, the name of an individual responsible for the care and control of the structure. Such individual may be the record owner, if the record owner is an individual, or may be someone other than the owner with whom he/she has contracted.
- D. The current street address of the structure.
- E. A current phone number, fax, and email address (if fax and email addresses are available) where communications may be sent that will be acknowledged as received by the record owner or individual responsible for the care and control of the structure.

5.40.080 Registration fee

The registration fee shall be twenty-five (25) dollars per structure.

5.40.090 Requirement to keep information current

A record owner who has received or submitted a vacant structure registration form shall notify the Building Inspector in writing whenever any information in the registration form is no longer accurate. All notifications required by this section shall be made in writing no later than thirty (30) days after the property record owner first knows or should have known any information in the registration form is no longer valid. Each thirty (30) day period of noncompliance constitutes a separate offense.

5.40.100 Maintenance and security requirements

- A. Trash, junk, debris, building materials, graffiti, and tagging or similar markings are not allowed. It is not allowed to have any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law. Discarded items including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials, or inoperable vehicles must not collect on the property.

B. The structure shall be considered to be free of graffiti, tagging or similar markings if such markings have been removed or painted over with an exterior grade paint that matches the color of the exterior structure. Structures shall be free of vegetative blockage at entrances.

C. Structures subject to this ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and/or structure(s). Broken windows must be repaired or replaced within thirty (30) days of breakage. Boarding up of open or broken windows/doors that are means of egress is prohibited.

5.40.110 Monitoring of structure; fee

A. Upon violation of this ordinance by a record owner, the building inspector or designee is hereby authorized to monitor the condition of any structure required to be registered under this ordinance. Such monitoring may not begin until the latter of thirty (30) days after the property record owner has been issued a written notice of violation or the date any administrative proceedings contesting the notice of violation have been concluded.

B. A monthly monitoring fee of fifty (50) dollars may be assessed against the record owner to offset the costs incurred by the City in responding to telephone calls, complaints, inquiries, site visits, record owner contacts, and the monitoring of the site. The fee shall be payable within thirty (30) days of receipt of the monitoring invoice.

5.40.115 Open structure; securing fee

Vacant structures left open and/or accessible for more than thirty (30) days after receipt of written notice requiring the record owner to take security measures as required by this Chapter shall be subject to entry by the City in order to determine if the structure has become an attractive nuisance or is in violation of the security requirements of this Chapter. The record owner of a vacant structure found open or unsecured may be charged a securing fee of fifty (50) dollars, or the cost incurred by the City in securing the property, whichever is higher.

5.40.120 Fire damaged structure

If a structure is damaged by fire, the record owner has ninety (90) days from the date of the fire to apply for a permit to start construction or demolition. Failure to do so may result in enforcement action.

5.40.135 Appeals

The Planning Commission shall hear and decide appeals of orders, decisions or determinations made by the Building Official or the City Clerk relative to the application and interpretation of this Code. When hearing appeals, the Planning Commission shall use procedures established by the Planning Commission. In order to hear and decide appeals of orders, decisions or determinations made by the Planning Commission relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Adjustment. That Board of Adjustment shall be made up of the City Council. The Board shall operate under the procedures established by the Nome Code of Ordinances.

5.40.140 Violations, Penalties


Except as otherwise provided, any person who violates any provision of this chapter is guilty of an infraction and upon conviction shall be fined in the amount set forth in NCO Section 1.20.040, or if no fine is there established an amount not to exceed three hundred dollars, plus any surcharge required to be imposed by AS 12.55.039. Each thirty (30) days of an infraction shall constitute a separate offense. Any violation of this ordinance shall be a strict liability offense regardless of intent.

Section 4. Amendment of Section 1.20.040. Section 1.20.040 of the Nome Code of Ordinances is hereby amended by adding the following to the table of the minor offense fine schedule:

| <u>NCO Section</u> | <u>Offense</u> | <u>Penalty/Fine</u> |
|--------------------|--|---------------------|
| 5.40.060 | Failure to Register Vacant Property | 100 |
| 5.40.090 | Failure to Keep Information Current | 50 |
| 5.40.100 | Failure to Maintain or Secure Property | 100 |

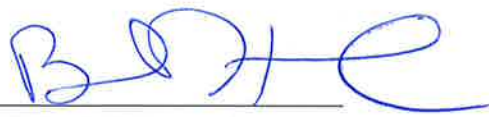
Section 5. Effective Date. This ordinance shall be effective on July 1, 2016.

APPROVED and SIGNED this 9th day of May, 2016.

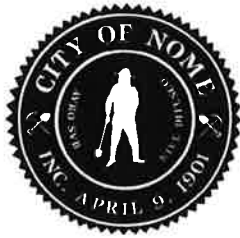


RICHARD BENEVILLE,
Mayor

ATTEST:



BRYANT HAMMOND,
Clerk



CITY OF NOME
City Manager's Office
P.O. Box 281
Nome, Alaska 99762
907.443.6600
tmoran@nomealaska.org

AGENDA STATEMENT

Meeting Date: May 9, 2016
From: Tom Moran, City Manager
Subject: O-16-04-01 (Vacant Structure Registration)

Background & Justification:

The City of Nome is currently experiencing an unprecedented housing crisis. Primarily, there is a shortage of available housing. Secondly, what is available is often substandard. Lastly, what is available is usually overpriced. Given the cost associated with subdividing undeveloped land outside of "town proper," the short-term solution is clearly the renovation of unoccupied structures between Front Street and Fifth Avenue, from Prospect Place to N Street. This ordinance will provide some incentive for that to happen.

Furthermore, the City is presently handcuffed when trying to deal with problematic blight and dilapidated structures. The current abatement process is ambiguous and difficult to enforce:

5.30.020 Abatement.

(a) If the city council declares a building or structure to be a fire hazard, health hazard or public nuisance, it may order removal or demolition thereof by the owner or his agent.

(b) Notice of a removal or demolition order shall specify a period of not less than fourteen days in which the removal or demolition must be completed, and shall state that the city will remove or demolish the premises thereafter.

(c) At any time before the date set for commencement of removal or demolition, the owner or his agent of the building or structure may request a rehearing. At such rehearing, the owner or his agent may show that the deficiencies proved have been substantially remedied or that he has taken steps to remedy them, in which case the city council may rescind or conditionally suspend its order.

(d) If the building or structure is not removed or demolished in accord with the order, the city may remove or demolish it or cause it to be removed or demolished. If the city

removes the building, the cost is chargeable to the building, first against the salvaged material, which may be sold at public auction, and the balance of cost, if any, against the land as in the case of taxes. (Ord. O-93-6-6 § 1 (part), 1994)

O-16-04-01 would do exactly what our proposed ordinances always intend to do: put tools in the City's toolbox to streamline and universalize the processes used when dealing with problematic situations. This ordinance is not meant to be a revenue-generator; it is meant to

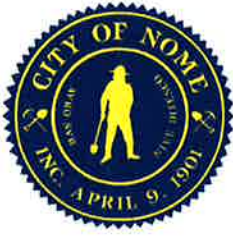
Recommendation:

That the Nome Common Council approves O-16-04-01, requiring the registration and maintenance of vacant structures within City limits. If it is the wish of the Council, a provision could even be added to allow leniency for 'snowbirds,' such as:

5.40.135 Appeals

Up to one period of clemency may be granted by either the City Manager or the Building Official, or their designee, for each owner who has demonstrated good cause, such as out-of-town habitation for a prolonged period of time. Such period of clemency shall not exceed beyond six-months. The Planning Commission shall hear and decide appeals of orders, decisions or determinations made by the Building Official or the City Clerk relative to the application and interpretation of this Code. When hearing appeals, the Planning Commission shall use procedures established by the Planning Commission. In order to hear and decide appeals of orders, decisions or determinations made by the Planning Commission relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Adjustment. That Board of Adjustment shall be made up of the City Council. The Board shall operate under the procedures established by the Nome Code of Ordinances.

All this ordinance is endeavoring to do is require private owners to take responsibility for the safe upkeep of their properties. By doing so, it may have the ancillary benefit of increasing Nome's realty market, which would also improve the plight of Nome's many renters.



VACANT STRUCTURE REGISTRATION FORM

Building Inspector – City of Nome

102 Division Street

P.O. Box 281, Nome, AK 99762

907.443.6663

Property information

Address of Vacant Structure: _____

Parcel Tax Identification # (if known): _____

Property Type: ☐ Single Family ☐ Multi-Family ☐ Commercial ☐ Industrial

Utilities: **Water** ☐ On ☐ Off **Heat** ☐ On ☐ Off **Electricity** ☐ On ☐ Off **Winterized** ☐ On ☐ Off

Property Owner

Name: _____

Business Name (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-Mail: _____

Emergency Contact: _____

Phone: _____ E-Mail: _____

Registration Fee: \$25 per Property

Make checks payable to: City of Nome

Please fill out the information requested above, sign and deliver or mail this form to:

City Hall

102 Division Street

P.O. Box 281

Nome, Alaska 99762

Signed Name

Date

Printed Name