

Nome Zoning Code Compliance Guide

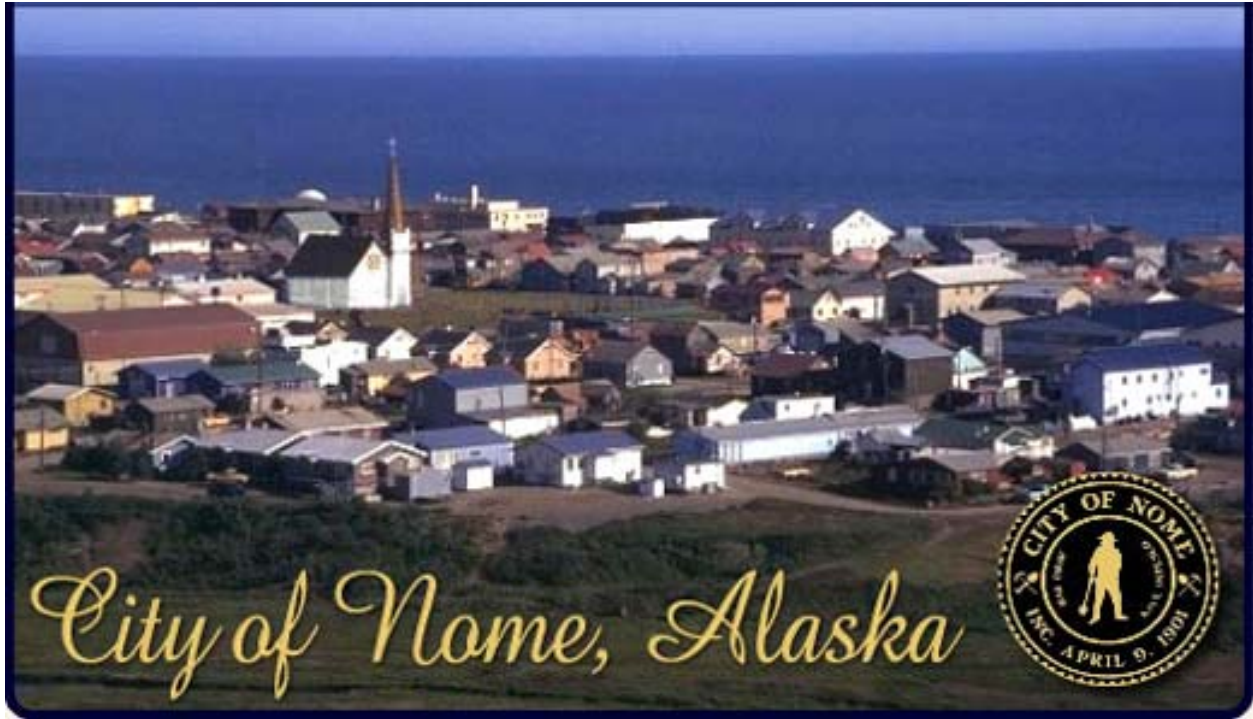


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I Purpose of Zoning Code Enforcement Guide

A. Goal of Guide

1. Public Education

The Nome Zoning Code Enforcement Guide was developed to help residents and business owners better understand the zoning code enforcement process within the City. This guide explains the process by which City staff enforces Title 18 of the Nome Zoning Code.

2. Clarification of the Process

The guide will clarify what is a zoning violation, the process for abatement and how to report a zoning violation

3. Guidelines for City Officials

This guide describes the procedures and methods carried out by City staff to enforce Title 18 Nome Zoning Code.

The City of Nome's policy is to achieve voluntary compliance with reported and discovered zoning violations. However, not all violations have the same degree of severity. As such, the City has established through this guide priority ranking and procedures. The intent is to allow the level of enforcement that best fits the type and circumstances of the zoning violation(s) within clear and objective criteria, consistent with the established priorities, and maximize available resources.

4. Compliance with the Zoning Code

This guide does not summarize all of the laws and regulations included in the Nome Zoning Code (attached in the Appendices). If you have specific questions, you are encouraged to call City Hall at 907.443.6603 or email City staff at gsmith@nomealaska.org or to consult the on-line version of the Zoning Code <http://www.codepublishing.com/AK/nome> or via the City's website (www.nomealaska.org search for Zoning Code).

II. Purpose of Zoning Enforcement

A. Goal of Enforcement

1. Protect Public Health and Safety
2. Protect Property Investments
3. Obtain Voluntary Compliance with City Ordinances
4. Improve Visual Presence in Nome

III. Types of Zoning Violations

Zoning violations involve structures and land use and are defined as follows. Examples of each of these types of violations are depicted in Figures 1 and 2.

A. Violations Involving Structures

Structure zoning violation means a structure or portion thereof, which is not in compliance with all applicable ordinances and regulations.

Figure 1 Example of a zoning violation involving a structure.



Note that there is not a setback between the building and the structure is in disrepair.

B. Violations Land Use

Land use zoning violation means a use, which is not in compliance with all applicable ordinances and regulations.

Figure 2 Zoning violation involving land use.



Note that inoperable vehicles and miscellaneous building supplies and junk are in violation of the zoning code.

III. How Zoning Violations are Processed

A. Who Can Report a Violation?

1. Nome City Officials

The city manager and the building inspector, or their designees, and the Nome police department may enforce compliance with this title through an action seeking injunctive relief or by issuing a citation for the violation or both. (NCO 18.10.110)

2. Citizen Reports

Citizen reports will be accepted, but may or may not be investigated at the discretion of the City depending on the following factors:

- a. The reliability of the report;

- b. Whether the report alleges an imminent threat to public health and safety or to the environment;
- c. The ease or difficulty with which the complaint may be verified by City staff.
- d. The City policy is to maintain the confidentiality of zoning report files and computer records, including the identity of the complainant, to the extent legally possible. In addition, the City recognizes that some complainants do not wish to have their names disclosed to the alleged code violator for fear or retaliation. However, in some cases it may be necessary for successful prosecution and enforcement for the complainant to be identified and to governing public records and disclosure.

B. Enforcement Levels

Table 1 lists the usual order of enforcement levels that the City will undertake in abating zoning violations.

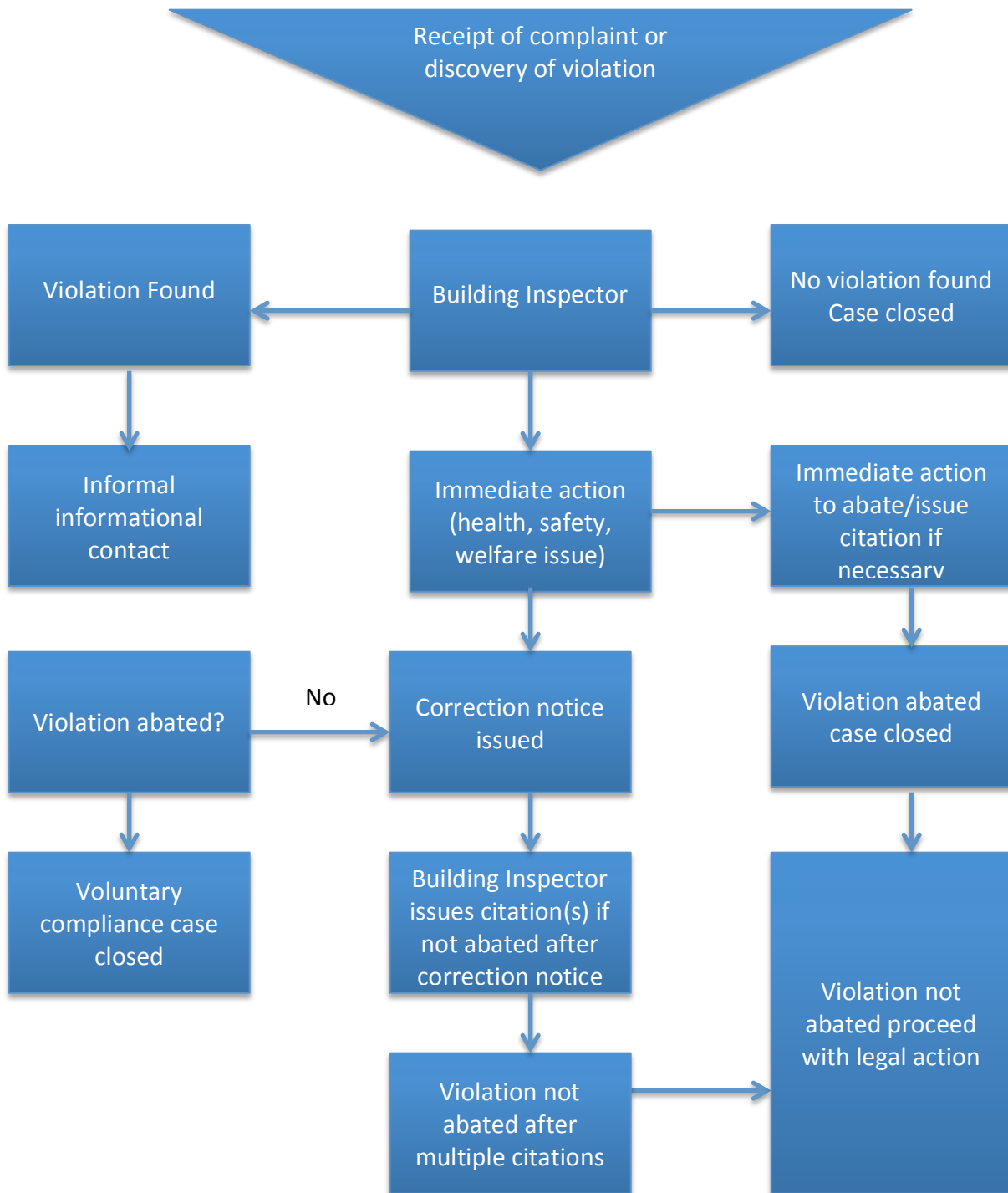
Table 1 Enforcement Levels

Level of abatement procedure	Abatement mechanism
1.	Obtaining voluntary compliance
2.	Correction notice issued
3.	Stop work order (when applicable)
4.	Physical abatement by City employees and/or agents
6.	Zoning Citation and fines levied
7.	Legal Proceedings

C. Zoning Report and Correction Flowchart

Figure 3 is a flowchart of the process that takes place after a zoning violation has been reported or discovered by the City.

Figure 3 Zoning Report and Correction Flowchart



D. Establishing Priority Cases

The City has established the following priorities:

1. Violations that present an imminent threat to public health and safety;
2. Building code violations consisting of non-permitted construction or failure to obtain permits for construction;
3. Violations affecting storm drainage, wetlands and/or adjacent areas;
4. Building, Planning, Engineering and Environmental Health permit violations including failure to obtain required permits or failure to meet conditions and requirements of permits;
5. Multiple reports received on the same property; and
6. At the discretion of city staff, reports may be processed in any order that maximizes efficiency. Reports concerning a particular type of zoning violation may be processed together, regardless of the order in which the reports are received.

E. Criteria for Establishing Priority/Level of Enforcement

Zoning violation cases may be moved to priority status if they have one or more of the following criteria.

1. The actions leading to the violation(s) were deliberate.
2. The violation causes economic harm to individuals or the City as a whole.
3. The alleged zoning violator is receiving economic benefit from the continuing zoning violations.
4. The potential impact of violation.
5. The violation has existed uncorrected for a period of multiple attempts to abate the violation.
6. There is a previous history of reports and zoning enforcement on the subject property and/or with the alleged zoning violator.
7. There is community interest in the violation expressed by the receipt of multiple reports from separate individuals or by a report by a citizen group.
8. The relative benefit of zoning enforcement outweighs its cost to the City (e.g. correction should be quick and inexpensive to accomplish).
9. After reasonable efforts have been made, there is little likelihood of obtaining voluntary compliance (contacted twice with no response or citizen refuses to acknowledge City authority), and is flagrant and visible to the public.

IV. Appeal Process

Chapter 18.160 of the Nome Zoning Code sets forth the appeal process.

The Planning Commission shall hear and decide appeals from any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this Title.

The Common Council shall hear and decide appeals from any order, requirement, decision, or determination made by the Commission in enforcement of this Title.

Appendices

- A. Property Law Brochure**
- B. Matrix of Permitted and Conditional Uses**

The Nome Municipal Code

Dear Citizens of Nome,

It may surprise you to learn that there are city laws that apply to your property if you live within the city limits. Those laws are called *city ordinances* and they make up part of the ***Nome Municipal Code***.

Different areas of the city have different laws with regard to how a person can use a piece of property, depending on what *zone* that property is located in. These laws are called *Zoning Laws* and they determine the way in which your property can be used. For more information, please visit us on the web at

www.nomealaska.org and <http://www.codepublishing.com/AK/nome/>

Sincerely,

Nome City Staff

Ph: (907) 443-6663	P.O. Box 281
Fax: (907) 443-5345	102 Division St
	Nome, AK
	99762

Nome Municipal Code Violation Report (for Property)

Date: _____

Reporters Name: _____

Reporters Mailing Address: _____

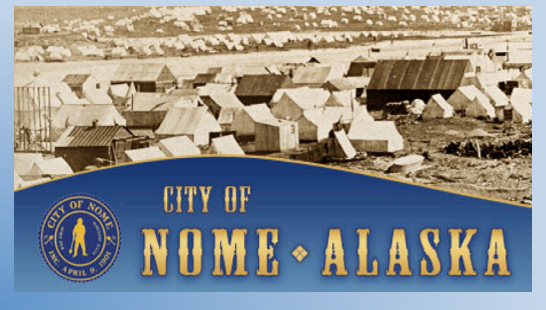
Reporters Phone: _____

I would like to remain anonymous. I understand that by doing so I will not receive information on the progress of this report.

Physical Address of Violation: _____

Description of Violation (attach additional pages if necessary):

*Please complete this form and return it to Nome City Hall (102 Division Street).



Property Law Brochure

Help keep our community safe and beautiful!

Did you know...

- 1) It is against the law to have a junk vehicle sitting on private property if it creates a public nuisance, health or safety hazard?
- 2) It is against the law to own an animal unless all areas where the animal is kept are maintained and in a sanitary condition?
- 3) That if any dilapidated structure is declared by the City Council to be a public nuisance, fire or health hazard, the owner must take action to repair or remove it?

The Nome "You Call, We Haul Program" is available to any Nome resident for the pickup of large items such as junk vehicles, old appliances, etc... every Saturday in May and September.

Junk Vehicles

Reference - Title 8 Vehicles & Traffic

Chapter 8.25: IMPOUNDMENT OF VEHICLES

“Junk vehicle” means any motor vehicle that has been wholly or partially dismantled, wrecked or is otherwise inoperable and does not have a current motor vehicle registration in Alaska or any other state.

“Motor vehicle” means a vehicle which is self-propelled except a vehicle moved by human or animal power. This includes snow machines, 4-wheelers, argos, etc...



It is against the law to store, keep or maintain any junk vehicle upon public or private property when it creates a public nuisance, a public health or safety hazard or an attraction to children.

The *Nome Municipal Code* is Online!

To reference any of the sections referenced in this brochure please visit:

<http://www.codepublishing.com/AK/nome/>

Animal Care

Reference - Title 10 Health, Safety & Welfare

Chapter 10.30: ANIMAL CONTROL

It is against the law to own any animal unless all structures, pens and yards, and areas in which the animal is kept are maintained in a sanitary condition.



A sanitary condition exists where responsible pet care is practiced to include the regular, frequent removal of animal wastes, such wastes are removed and disposed of in a manner that prevents the spread of pests and disease, odors arising from pet wastes are controlled and the structures, pens and yards are maintained in a manner that does not constitute a nuisance.

Hazardous Properties

Reference - Title 5 Buildings & Construction

Chapter 5.30: NUISANCES

The mayor, city engineer, chief of police, fire chief or city health officer may report to the city council that a particular building or structure constitutes a fire hazard, health hazard or public nuisance.



If this happens, the City Council may order the removal or demolition of the building by the owner.



Appendix B

Chapter 18.110 Matrix of Permitted and Conditional Uses

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/ Rec
Residential Uses						
Single family dwellings	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Duplex dwellings	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Multiple-family dwelling	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Mobile homes and mobile home parks	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Residential use of the upper floor above a commercial or industrial use	Text	Conditional Use	Conditional Use	Conditional Use	Conditional Use	Not Allowed
On premise dwelling for owner or caretaker of commercial use					Conditional Use	Not Allowed
Civic/Institutional/Public Uses						
Parks and playgrounds	Permitted	Permitted	Permitted	Conditional Use	Conditional Use	Permitted
Churches	Permitted	Permitted	Permitted	Not Allowed	Conditional Use	Not Allowed
Public and governmental buildings and uses	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Fire station and emergency medical aid station	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed

Zoning Code Matrix Page 2

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/ Rec
Schools	Permitted	Permitted	Permitted	Not Allowed	Conditional Use	Not Allowed
Museums and Cultural Facilities	Permitted	Conditional Use	Permitted	Not Allowed	Conditional Use	Conditional Use
Public utility facilities or structures	Conditional Use	Not Allowed	Conditional Use	Permitted	Conditional Use	Permitted
Snow dump and storage sites	Conditional Use	Conditional Use	Conditional Use	Permitted	Conditional Use	Not Allowed
Youth Correction Facilities	Conditional Use	Conditional Use	Conditional Use	Not Allowed	Conditional Use	Not Allowed
Halfway houses	Conditional Use	Conditional Use	Conditional Use	Not Allowed	Conditional Use	Not Allowed
Correctional facilities	Conditional Use	Not Allowed	Conditional Use	Not Allowed	Conditional Use	Not Allowed
Cemetery	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Interpretative area or visitors center	Permitted	Conditional Use	Permitted	Not Allowed	Conditional Use	Permitted
Public watershed area and related facilities	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Conditional Use	Permitted
Business/Commercial/Retail Uses						
Hospitals, medical and dental clinics	Permitted	Not Allowed	Permitted	Not Allowed	Conditional Use	Not Allowed
Home businesses and occupations	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed

Zoning Code Matrix Page 3

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/ Rec
Private storage, including junk, or small warehouse associated with residential use/home occupations	Not Allowed	Not Allowed	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Private storage, "not" including junk, or small warehouse associated with residential use/home occupations	Permitted	Permitted	Conditional Use	Conditional Use	Conditional Use	Not Allowed
Retail and wholesale businesses	Permitted	Conditional Use	Permitted	Permitted	Conditional Use	Not Allowed
Offices	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Restaurants, taverns and entertainment establishments	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Hotels and motels	Permitted	Not Allowed	Permitted	Not Allowed	Conditional Use	Not Allowed
Funeral home	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Clubs or fraternal, religious or philanthropic associations and union hall		Not Allowed		Not Allowed	Conditional Use	Not Allowed
Personal service businesses	Permitted	Permitted	Permitted	Not Allowed	Conditional Use	Not Allowed
Recreational facilities	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed
Day care houses and facilities	Permitted	Permitted	Conditional Use	Not Allowed	Conditional Use	Not Allowed

Zoning Code Matrix Page 4

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/ Rec
Industrial Uses						
Outdoor storage, including junk, as an accessory use to any permitted or conditional use in the district	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Outdoor storage, "not" including junk, as an accessory use to any permitted or conditional use in the district	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed
Incidental, small-scale manufacturing, processing, and storage of goods for wholesale or retail sale on the premises	Permitted	Permitted	Permitted	Permitted	Conditional Use	Not Allowed
Service stations	Conditional Use	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Vehicle and equipment repair facilities	Not Allowed	Not Allowed	Conditional Use	Permitted	Conditional Use	Not Allowed
Manufacturing, processing, assembling, wholesale or storage	Not Allowed	Not Allowed	Not Allowed		Conditional Use	Not Allowed
Boat marinas and docks	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Marine transportation and port facilities	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Navigation aids and facilities	Not Allowed	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed

Zoning Code Matrix Page 5

Zoning District	General Use	Residential	Commercial	Industrial	Resource Development	Open Space/ Rec
Bulk Petroleum storage, including aviation fuel	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Junkyards, commercial, and auto wrecking yards	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Aircraft storage, loading, parking, repair and aviation-related facilities	Not Allowed	Not Allowed	Not Allowed		Conditional Use	Not Allowed
Warehousing and storage	Conditional Use	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed
Air transport terminals for passengers and freight	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Transportation facilities, including bus and taxi operations	Not Allowed	Not Allowed			Conditional Use	Not Allowed
Dredging and filling	Not Allowed	Not Allowed	Not Allowed	Permitted	Conditional Use	Not Allowed
Dog kennels and lots	Not Allowed	Not Allowed	Not Allowed	Conditional Use	Conditional Use	Not Allowed
Mining of minerals, aggregate, sand, gravel or other earth products; and accessory uses and buildings	Not Allowed	Not Allowed	Not Allowed	Conditional Use	Permitted	Not Allowed
Helicopter landing pad	Permitted	Not Allowed	Permitted	Permitted	Conditional Use	Not Allowed