Planning Department Report

From: **Rachael Pitts, Planning Director**
Date: **January 1, 2013**

The Planning Director will be working with Taunnie Boothby to prepare for a Floodplain Management and Mitigation Program compliance review for Bethel. This is a process that begins with a visit from Taunnie in January. She is a Planner III with the State of Alaska.

The planner has also been working with the legal department to rewrite some of the city code pertaining to residential properties.

Site Plan Permit Applications and Code Enforcement: We have issued 67 Site Permits to date.

We are planning a demolition of a shack identified by the Police Department as a public nuisance. This particular lot has junk cars and trash as well. This is where we had a death earlier in the month.

Two trailers and one boat were removed from the ROW in the Blueberry Fields Subdivision that were restricting the snow plows. The owner removed them at the request of the city.

The Bethel Port:

We received at letter from the State of Alaska declining to transfer the road easement at the port. They prefer to retain their access. We were seeking to get the easement transferred to us because the road is no longer needed. The Planning Department would have initiated an easement vacation process.

Construction Projects:

Swimming Pool: Site development has begun and city staff members are providing information and feedback on access and other design elements.

BNC Commercial Project (Kipusvik): Pilings are going in.

Prematernal Home and Long Term Care Facility: A lot of progress has been made on the Pre-Maternal facility. The walls are up and the roof is being completed.

GIS: We are continuing to do an analysis of the program and shape files. The planner has contacted a planner friend in Haines Borough with some questions about adding layers to the map for zoning.

Opportunities: There may be a grant available to move a family in a flood prone home to a new home. If anyone can identify an appropriate property, possibly by the Slough, let the Planner know.

Abandoned Homes

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15.03.010 Definitions

A. "Abandoned and unoccupied buildings" means any vacant, unoccupied or abandoned buildings, except those boarded up at all doors, windows and other openings sufficiently to prevent ingress or otherwise secured as required in applicable sections below.

B. "Beyond Economic Feasibility to Repair" when the estimated cost of repair exceeds the estimated replacement cost.

C. "Building" includes the main structure, outbuildings or other structures on the property.

D. "Dangerous Building" For the purpose of this chapter, any building or structure with any or all of the conditions or defects hereinafter described to such an extent that the condition endangers the life, limb, health, morals, property, safety or welfare of the general public or its occupants.

1. Whenever any door, aisle, passageway, stairway or other means or exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever any portion thereof has been damaged by fire, earthquake, wind, and flood or by any other cause, to such an extent the structural strength or stability thereof is materially less than before such catastrophe.
4. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons.

E. "Fire Hazard" means any structure, which, for want of proper repairs, or by reason of age or dilapidated condition, or by reason of poorly installed or defective electrical wiring or equipment, defective chimneys, defective heating apparatus or any other cause or reason, is especially liable to fire, or which building or structure is so situated and occupied as to endanger any other structure or property or human life. Such term shall also mean and include any structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind, especially liable to cause fire or endanger the safety of such structure, premises, or human life. Such term shall also mean and include any situation or condition in which any combustible or explosive material, rubbish, rags, waste, oils, gasoline or

inflammable substance of any kind is especially liable to cause or spread fire or endanger the safety of any structure, premises or human life.

F. "Health hazard" means any parcel or structure which is in a filthy or unsanitary condition especially liable to cause the spread of contagious or infectious disease or diseases, or permits foul odors or obnoxious or poisonous gases to escape from such parcel or structure.

G. "Public nuisance" means any parcel or structure the condition of which is such as to likely endanger the safety of persons or property of persons other than the owner of the building or structure, whether because of damage, deterioration, dilapidation, or other cause whether or not the fault of the owner.

15.03.020 Dangerous Buildings Prohibited

1. It is unlawful for the registered owner or other person with legal right to possession of a building to maintain it, the outbuildings or other structures on the property or allow them to remain in such a state of disrepair as to create a dangerous or hazardous condition.
2. For the purposes of this chapter, any building (including outbuildings) or structure with any or all of the conditions or defects hereinafter described to such an extent the condition endangers life, limb, health, morals, property, safety, or welfare of the general public or its occupants shall be deemed a dangerous building:
    a. Whenever any door, aisle, passageway, stairway or other means is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
    b. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
    c. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses recommended by the provisions of the International Existing Building Code for buildings of a similar structure, purpose or location.
    d. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent the structural strength or stability thereof is materially less than before such catastrophe and is less than the minimum requirements of the code for buildings of similar structure, purpose or location.
    e. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
    f. Whenever any portion of a building or structure, or any member, appurtenance or ornamentation of the exterior thereof is not sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting wind pressure of one half of that specified in the International Existing Building Code for such buildings and structures.
    g. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar construction.

h. Whenever the building or structure, or any portion thereof, because of:
    i. Dilapidation, deterioration or decay;
    ii. Faulty construction;
    iii. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building or structure;
    iv. The deterioration, decay or inadequacy of its foundation; or
    v. Any other cause is likely to partially or completely collapse

i. Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose of which it is being used.

j. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

k. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

l. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become
    i. An attractive nuisance to children;
    ii. A harbor for vagrants, criminals or immoral persons; or
    iii. Enables persons to resort thereto for the purpose of committing unlawful or immoral acts.

m. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this City, as specified in the Code, or of any law or ordinance of this State or City relating to the condition, location or structure of buildings.

n. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than fifty (50) percent, or in any supporting part, member or portion, less than sixty-six (66) percent of:
    i. Strength;
    ii. Fire-resisting qualities or characteristics; or
    iii. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building or structure of like area, height and occupancy in the same location.

o. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the City to be unsanitary, unfit for human occupancy or in such a condition it is likely to cause sickness or disease.

p. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction,

faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the City to be a fire hazard.

q. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

r. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute an attractive nuisance or hazard to the public.

15.03.030 Vacant Properties

A. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition so as not to cause a blighting problem or adversely affect the public health or safety.

B. Vacant buildings shall be secured such that doors and windows are boarded up and sealed to prevent trespassers.

15.03.040 Abatement of Public Nuisances on Dangerous or Vacant Properties

1. Whenever the existence of a public nuisance comes to the attention of the City, the City may promptly cause to be inspected the property on which it is alleged that such public nuisance exists. Should the City find that a public nuisance exists, and that the health, safety or welfare may be in immediate danger, then Summary Abatement procedures shall be implemented and the City may cause the nuisance to be removed or abated.
2. The City may notify the City Planner if the public nuisance involves a building that appears structurally unsafe. The City Planner, upon being notified, shall cause the building on which it is alleged the public nuisance exists, to be inspected and submit a written report of such inspection to the City Manager.
3. If, after inspecting a reported public nuisance, the City Planner declares the nature thereof is not such as to require the summary abatement of such nuisance, then, regular abatement procedures shall be followed. Photographs and reports of the findings and inspections shall be made and filed with the City.
4. The City Planner or their designee may issue a notice and order, in accordance with 09.36.070 or 15.03.050 that would require the person upon whom the notice and order is served to abate or prevent a public nuisance/dangerous situation, pay penalties or otherwise comply with this chapter.
5. The fire chief or their designee, the police chief or their designee, the code official and/or the City Planner or their designee are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.
6. When it is necessary to make an inspection to enforce the provisions of this chapter, or when the City Planner or their designee has reasonable cause to believe there exists in a building or structure a condition which is contrary to or in violation of this chapter and makes a building or structure dangerous or unlawful, the City Planner or their designee may enter the building or structure at reasonable times to inspect or to perform the duties imposed by this chapter, provided if such building or structure be occupied that credential be presented to the occupant and entry requested. If such building or structure is unoccupied, the code official shall first make

a reasonable effort to locate the owner or other persons having charge or control of the building or structure and request entry. If entry is refused, the City Planner or their designee shall have recourse to the remedies provided by law to secure entry.

15.03.050 Notice and Abatement

1. If the City Planner or their designee declares a parcel, property or structure to be a fire hazard, health hazard or public nuisance, they may order correction of the defects, removal or demolition thereof by the owner or his agent. If a structure constitutes a hazard to those occupying it, the City Planner may order the structure to be vacated.
2. Unless the City Planner determines that a longer or shorter period is reasonable or is required, notice of a correction, removal or demolition order shall specify a period of not less than fourteen (14) days from the date of the declaration by which the correction, removal or demolition must be completed, and shall state that the city may remove or demolish the property thereafter.
3. If the structure or property is not removed or demolished in accordance with the order, the City may remove, repair, abate or demolish it or cause it to be removed, repaired, abated or demolished. If the City removes the building, the cost of removal or demolition is a lien upon the land and chargeable to the proceeds of the sale of the structure and the salvaged material, which may be sold at public auction or by competitive bid or by negotiated agreement if no acceptable bids are received. The balance of cost, if any, remains a charge against the land. If the proceeds of any sale of the structure and salvaged material exceed the total cost to the city of the removal or demolition and sale, the excess shall be returned to the owner of the land.
4. If a condition of a structure or property on a parcel that has been ordered corrected has not been corrected in accordance with the order, the City may enter upon the property and take such action as necessary to correct the nuisance or hazardous condition. The cost of correcting the condition shall be a lien against the land.
5. The owner and the person to whom the order is directed, if other than the owner, shall comply with the order and each such person is liable for failure to comply. Failure to comply is a violation of this section.
6. Notice of a lien arising under this chapter shall be filed in the Bethel district recording office and thereafter may be foreclosed as provided by Alaska Statute.

15.03.060 Penalties

a. Any person who violates any section or subsection of this chapter is guilty of a violation and subject to a fine of not less than three hundred ($300) dollars for a first offense.
b. Any person who has previously been convicted under subsection (a) above or who remains in violation for at least thirty (30) days after a citation has issued under subsection (a) above, is guilty of a violation and subject to a fine of not less than Seven Hundred ($700) Dollars.
c. Any person who has previously been convicted under subsection (b) above or who remains in violation for at least thirty (30) days after a citation has issued under subsection (b) above, is guilty of a violation and subject to a fine of not less than One Thousand ($1,000) Dollars.

15.03.070 Hearing

a. At any time before the date set for removal, repair, abatement, or demolition, the owner of the property or structure may request a hearing. Such request must be in writing to and addressed to the City Manager. The request for hearing shall include a statement setting out with specificity the corrective actions taken or initiated, and how these steps did or will eliminate the hazard or nuisance found by the City Planner or their designee.

b. The City Manager shall review the request and will convene and hearing within thirty (30) days from receipt of the request for hearing.

c. Failure of the owner or their agent to appear for their designated hearing will not cause the hearing to be vacated. Instead the hearing officer may proceed and issue a decision based on the information known on that date. It will then be up to the owner to show good cause to re-open the matter.

d. The hearing officer will issue a final decision within fourteen (14) days of the hearing.

15.03.080 Appeal

a. A property owner who disagrees with the hearing officer's written decision may file an appeal.

b. A request for an appeal must be in writing and must be filed with the Clerk of Court no later than ten (10) days from the date of the hearing officer's decision.

c. The request for appeal must be accompanied by a written statement outlining the basis for the appeal and must include the filing fee for the appeal.

d. The appeal will be reviewed by the City Manager within twenty-one (21) days from the date of receipt.

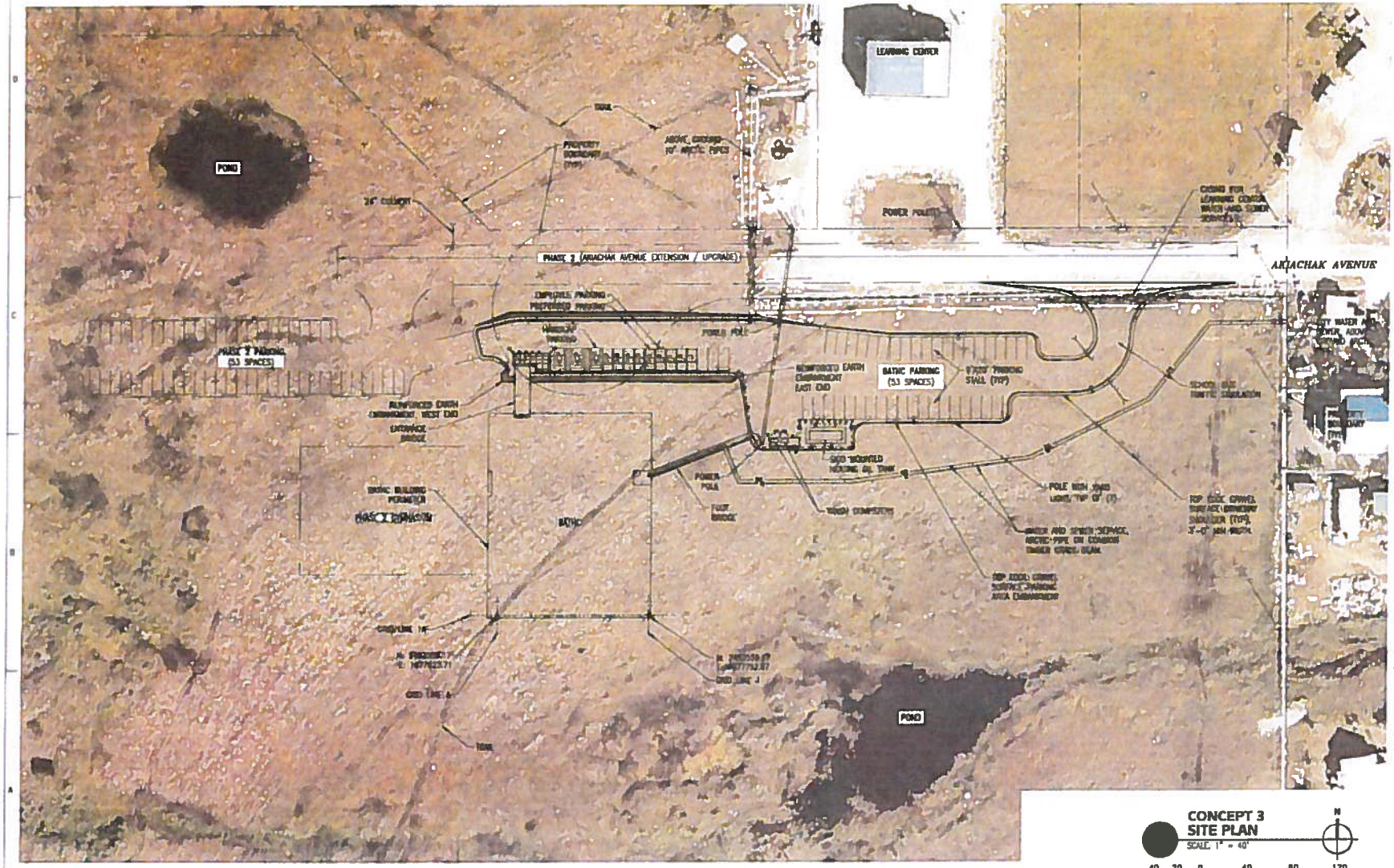
e. The City Manager will then issue a written decision based on the appeal.

f. An owner who disagrees with the decision of the City Manager may then appeal to the City Council or the Bethel court.

15.03.090 Enforcement

In addition to enforcement under the provisions of this chapter, civil and criminal actions may be taken and the matter may be pursued in the Alaska court system as necessary.

15.04 [Repealed]



Architects Alaska.

Consultant

PDC INC. ENGINEERS

Architects Alaska

BETHEL AQUATIC TRAINING & HEALTH CENTER

BETHEL, ALASKA

Revisions		
No.	Description	Date

Drawn by	Date
DSA	SEP 25 2012
Checked	Job No.
DSA	[illegible]

Sheet Contents

SITE PLAN
CONCEPT 3

Category	Sheet No.
C	201-3