

Title 15 – Chapter 15.50.170 - Foreclosure registry.

- A. **Duty to Notify.** A mortgage or deed of trust lender and its servicing company or assignee (each, a “lender” filing a complaint in an action to foreclose, or recording a notice of default, with respect to a mortgage or deed of trust on any property within the municipality shall, within 30 days of the date of filing or recording, notify the Real Estate Department in writing that an action to foreclose on a mortgage or deed of trust has been filed against the subject property.
1. The Notice shall Contain:
 - a. Property owner name,
 - b. Complete legal description of subject property, including street address, and
 - c. Full name and contact information, including direct telephone number and e-mail address, for the representative of the lender who shall be responsible for the care, maintenance, security, and upkeep of the property and for receiving and responding to complaints of property maintenance and code violations during the pendency of the foreclosure proceedings; and
 2. In the event the lender is located outside of Alaska, the notice shall also contain:
 - a. Full name and contact information, including direct telephone number and e-mail address, of a representative in Alaska who shall be responsible for the care, maintenance, security, and upkeep of the property and for receiving and responding to complaints of property maintenance and code violations during the pendency of the foreclosure proceedings; and
 - b. Full name and contact information of an individual located within Alaska who is authorized to accept service on behalf of the lender.
 3. The fee for filing such a notice shall be two hundred dollars per property, payable to the Real Estate Department.
- B. **Duty to Maintain During Foreclosure Process.** Upon registration with the municipality as required in subsection 15.05.170A, a lender shall be considered an “owner” of the subject property for the purposes of obligations, enforcement actions, and penalties provided under this title, until foreclosure proceedings conclude and title vests in the lender or a third party.

Title 15 – Chapter 15.05.120 - Enforcement.

- A. In addition to any other remedy or penalty provided by this title, any person who violates any provision of this title or any rule, regulation, permit, variance or order issued pursuant to this title shall be subject to a civil penalty as set forth in section 14.60.030, or, if no penalty is included in section 14.60.030, a civil penalty of not less than \$50.00 and not more than \$2,000.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of violation, or both injunctive relief and a civil penalty.
- B. Any person who violates any provision of this title or any rule, regulation or permit issued pursuant to this title shall be subject to a fine of not less than \$50.00 and not more than \$500.00 for each offense, except that the fine for a violation of sections 15.20.020B.6.a and B.12.c shall be set at \$300.00 for the first offense and not less than \$300.00 and not more than \$600.00 for second and subsequent offenses.

Title 15 - Chapter 15.20 - PUBLIC NUISANCES

15.20.005 - Purpose and scope. The purpose of this chapter is to ensure that public nuisances are prevented, discontinued, and abated in a timely manner and do not reoccur. Other chapters of the Anchorage Municipal Code

address public nuisances as well. Various municipal agencies are responsible for regulating public nuisances, depending upon the type or location of the public nuisance. The provisions in this chapter, including the description of the various types of public nuisances, procedures for prevention, discontinuation, inspection, enforcement, appeal, and abatement, as well as the appeal and remedies sections, are not exclusive or a limitation on municipal agencies in addressing public nuisances.

15.20.010 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned real property means real property that has been abandoned by all of its lawful owners.

Garbage means every accumulation of animal, vegetable or other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit or vegetables, including the cans, containers, wrappers or other tangible items wasted or used along with such materials.

Junk or salvage means any abandoned, used, worn out, wrecked, scrapped, partially or fully dismantled or discarded tangible material, including vehicles of all kinds, or any combination of materials or items including appliances, chemicals, building materials, equipment or parts thereof, fiber, machinery, metal, scrap metal, rags, rubber, paper, plastics, lumber or wood, that cannot without further alteration and reconditioning be used for their original purposes.

Solid waste means garbage, litter, refuse, rubbish and other unwanted or discarded matter with insufficient liquid content to be free-flowing.

Vacant building means a structure designed for residential or commercial use that has not been lawfully used for residential or commercial purposes for 180 days. Vacant building does not include:

1. Vacation properties;
2. Structures used only a seasonal basis;
3. A building that has been vacant for less than 365 days, if the building has been continuously offered in good faith for sale, lease or rent since the 181st day it most recently ceased to be used for lawful residential or commercial purposes; or
4. Buildings for which there is:
 - a. A valid, open and current building permit for repair, rehabilitation, construction, or demolition,
 - b. Such permitted repair, rehabilitation, construction, or demolition activity is actively underway, and
 - c. Such permitted repair, rehabilitation, construction or demolition is completed within one year from the date the initial permit was issued.

15.20.020 - Public nuisances prohibited; enumeration.

- A. No person shall allow, maintain or permit a public nuisance to exist or allow, maintain or permit recurrence of a public nuisance. Such existence, allowance, maintenance, permitting or recurrence of a public nuisance is a violation of this chapter.
- B. Public nuisances include, but are not limited to, the following acts and conditions:
 1. *Abandoned real property and vacant buildings.* Vacant buildings and abandoned real property, except those that have been registered and meet all requirements of section 15.20.105.

15.20.105 - Vacant buildings and abandoned real property; registration; duties to sign, secure, and maintain.

- A. *Duty to register.* The owner of a vacant building or former owner of an abandoned real property not registered pursuant to this section must file a complete registration statement within 30 days of the building becoming vacant or abandoned.
 1. *Contents of registration.* Registration statements shall be submitted in a manner and on a form prescribed by the director, and shall include:
 - a. For each owner of the building, or abandoning owner of the real property, the owner's:
 - i. Name,

- ii. Street address,
 - iii. Mailing address,
 - iv. Phone number,
 - v. Facsimile number, if any,
 - vi. Email address, and
 - vii. If the owner of a vacant building being registered is not also the owner of the real property upon which the building is situated, then include the same information listed above for the owner of the real property;
 - b. For each agent authorized to act on an owner's behalf for the real property or building, the agent's:
 - i. Name,
 - ii. Street address,
 - iii. Mailing address,
 - iv. Phone number,
 - v. Facsimile number, if any, and
 - vi. Email address;
 - c. The real property or building's street address, if any, and the tax parcel identification number of the real property or real property upon which the building is located;
 - d. An identification, by type and coverage levels, of any insurance policies covering the building or real property;
 - e. For vacant buildings:
 - i. The period of time the building is expected to remain vacant, and
 - ii. The current plan, with timetable, for returning the building to appropriate occupancy or for demolition; and
 - f. For abandoned real property, a sworn statement from each owner that each abandoning owner has abandoned the real property to the municipality, together with an acknowledgment that abandonment of real property does not relieve any owner of any lawful liability, responsibility, or obligation.
 2. *Annual fees.* The owner of a vacant building, and the former owner of an abandoned real property, shall pay an annual registration fee, which shall be deposited into the municipality's Nuisance Property Abatement Fund. Annual registration fees shall be as follows:
 - a. \$100.00 for the first year,
 - b. \$500.00 for the second year,
 - c. \$1000.00 for the third year, and
 - d. \$5000.00 for the fourth and each subsequent year the property remains registered.
 3. *Obligation to update registration.* An owner shall notify the director, within 30 days, of any change in the information provided in the registration statement, by filing an updated registration statement. There shall be no fee associated with the filing of an updated registration statement.
- B. *Duty to sign.* No later than 31 days after a building becomes vacant or abandoned, the owner of the vacant or abandoned building, other than a residential property for which the director has waived in whole the requirements of subsection C.1., shall post a weather-proof and durable sign in a format approved by the director:
1. Indicating the name, mailing address, telephone number, and email address of the owner or abandoning owner;
 2. Indicating the name, mailing address, telephone number, and email address of any agent authorized to act for the owner or abandoning owner with respect to the property, or to accept notice or service of process related to the property;
 3. Stating that "No Trespassing" is permitted;
 4. That is no smaller than 8.5 inches by 11 inches; and
 5. At each entrance or former entrance to a vacant or abandoned building, unless obscured by fencing or other barrier, in which case a sign shall be conspicuously placed on each side of the fence or other barrier visible from a public street or sidewalk.

- C. *Duty to secure.* Vacant and abandoned buildings shall be secured so as to prevent ingress or egress, except by persons authorized by an owner, as follows:
1. All doors, windows, and other openings shall be closed, weather-tight, and secured against entry by animals and trespassers by means of plywood or commercial grade steel painted in a workmanlike fashion with an exterior grade paint that matches the color of the exterior of the structure.
 - a. The director may waive the requirements of section C.1., in whole or in part, for a door or window where the door or window is in good repair, can be closed and secured, is weather-tight, and is sufficient to prevent ingress or egress in the absence of a covering.
 2. The director may order the grounds on which the vacant or abandoned building is situated or to be fenced, using materials and of a perimeter deemed sufficient by the director, in order to prevent further unlawful activity, where there the director determines there is good cause to believe:
 - a. That a vacant or abandoned building has not, by means specified in subsection C.1., been sufficiently secured against unauthorized ingress or egress, or
 - b. That the building or real property is the site of repeated unlawful activity.
- D. *Duty to maintain.*
1. The real property where a vacant or abandoned building is situated shall be kept clean, sanitary and free from waste, trash, rubbish, debris, and excessive vegetation.
 2. Vacant and abandoned buildings shall:
 - a. Meet the requirements of title 23;
 - b. Be kept in a condition that is structurally safe;
 - c. Be kept clean, sanitary, and free from waste, trash, rubbish, debris, and animals;
 - d. Be appropriately winterized;
 - e. Be kept free of graffiti, tagging, or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure; and
 - f. Be kept free of unauthorized signs and posters.
 3. Adherence to this section does not relieve any person of any valid obligation set forth in any covenant, condition, restriction or homeowners' association rule or regulation, or any other requirement of this code that applies to the property.
- E. *Removal from registry.* The owner of a registered vacant or abandoned real property or building, or the agent of the owner, may apply to remove the registered real property or building from the registry if the real property or building is no longer vacant or abandoned. Application for removal from the registry shall be accompanied by corroborating documentation that the real property or building is no longer vacant or abandoned. The director shall approve or deny the application within 30 days. If denied, the director shall describe the reasons in a written decision. A denial of an application for removal from the registry may be appealed as provided in subsection 15.05.090C.
- F. *Government buildings.* The director may send a courtesy notice to a federal, state or local government agency advising a federal, state or local government building fails to satisfy the duties to sign, secure and maintain the building in accordance with this section.
- G. *Liens.* Unpaid registration fees, delinquent fines imposed for violations of this section, and costs incurred by the municipality for enforcement and work performed to achieve compliance with this section become a lien upon the real property upon which the building or structure is or was located. The director shall cause to be recorded a claim of lien at the Anchorage District Recorder's Office. The lien placed shall meet all Alaska Statutes and municipal codes, and may be foreclosed upon in accordance with AS 09.45.170 through 09.45.220 or similar statutes in substitution thereof.

Title 14 – Chapter 14.60 Fines

15.20.105A.	Failure to Register	\$25.00/day
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15.20.105B.	Failure to Sign	<p><u>First offense in a calendar year: \$200.00 per violation and all administrative costs.</u></p> <p><u>Second offense in a calendar year: \$500.00 per violation and all administrative costs.</u></p> <p><u>Third and subsequent offenses in a calendar year: \$1,000 per violation and all administrative costs.</u></p>
15.20.105C.	Failure to Secure	<p><u>First offense in a calendar year: \$200.00 per violation and all administrative costs.</u></p> <p><u>Second offense in a calendar year: \$500.00 per violation and all administrative costs.</u></p> <p><u>Third and subsequent offenses in a calendar year: \$1,000 per violation and all administrative costs. [100.00/DAY]</u></p>
15.20.105D.	Failure to Maintain	<p><u>First offense in a calendar year: \$200.00 per violation and all administrative costs.</u></p> <p><u>Second offense in a calendar year: \$500.00 per violation and all administrative costs.</u></p> <p><u>Third and subsequent offenses in</u></p>
		<p><u>a calendar year: \$1,000 per violation and all administrative costs.</u></p>