

CLERK'S OFFICE

APPROVED

Date:

7-26-2016

ANCHORAGE, ALASKA
AO No. 2016-81(S)

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE CHAPTER 15.20 TO REQUIRE VACANT AND**
3 **ABANDONED BUILDINGS TO BE REGISTERED WITH THE MUNICIPALITY,**
4 **POSTED WITH THE OWNER'S NAME AND CONTACT INFORMATION, SECURED**
5 **AND MAINTAINED; AND AMENDING THE FINE SCHEDULE IN ANCHORAGE**
6 **MUNICIPAL CODE SECTION 14.60.030 TO INCLUDE FINES FOR VIOLATIONS**
7 **OF SUCH OBLIGATIONS.**
8

9
10 **WHEREAS,** structures that are vacant or abandoned can become a blight on the
11 community, attract vagrants and criminals, present elevated fire risks, pose serious
12 threats to public health and safety, and have an adverse impact upon adjacent and
13 nearby properties;
14

15 **WHEREAS,** Anchorage Municipal Code subsection 15.20.020B.1. declares
16 unsecured abandoned, unoccupied and vacant buildings to be public nuisances;
17

18 **WHEREAS,** Anchorage Municipal Code subsection 15.20.020B.15. declares
19 unsightly premises to be public nuisances;
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21 **WHEREAS,** Anchorage Municipal Code subsection 15.020.020B.15 defines
22 "unsightly premises" to mean, "[p]roperty including but not limited to building exteriors
23 maintained in such condition as to become so defective or unsightly or in such
24 condition of deterioration or disrepair that the property causes appreciable diminution
25 of the property values of surrounding property or is materially detrimental to proximal
26 properties and improvements," and including "the keeping or disposing of or the
27 scattering over the property or premises of any waste, lumber, or unused objects of
28 equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or
29 containers; stagnant water or excavations; or any device, decoration, design, fence,
30 structure, clothesline or vegetation that is unsightly by reason of its condition or its
31 inappropriate location";
32

33 **WHEREAS,** the Municipality of Anchorage lacks an effective means of monitoring
34 vacant and abandoned buildings within its jurisdiction;
35

36 **WHEREAS,** neighbors aware of an undesirable condition or adverse development at
37 a vacant or abandoned building often lack an effective means of contacting the owner
38 or person responsible for the vacant or abandoned building; and
39

40 **WHEREAS,** over 550 localities have enacted vacant property registration ordinances
41 to ensure: (1) that the owners of vacant properties are known and can be reached if
42 necessary, (2) that owners of vacant properties are aware of the obligations of
43 ownership under relevant law, and (3) that owners meet minimum security and
44 maintenance standards for their vacant properties; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 15.20.010 is hereby amended to read as follows (*the remainder of the section is not affected and not set out*):

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.

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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[30] days.** 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 **181[34]st** 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.

Waste means useless, superfluous or discarded material.

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(GAAB 18.15.010, 18.20.020, 18.20.050; CAC 8.10.010, 8.10.050; AO No. 79-63; AO No. 92-129(S); AO No. 97-109(S), § 1, 8-26-97; AO No. 2003-130, §§ 2, 3, 10-7-03; AO No. 2009-83(S), § 1, 7-7-09)

Section 2. Anchorage Municipal Code section 15.20.020 is hereby amended to read as follows (*the remainder of the section is not affected and not set out*):

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 [UNOCCUPIED] buildings. Vacant[, UNOCCUPIED OR ABANDONED] buildings and abandoned real property, except those that have been registered and meet all requirements of section 15.20.105[HAVE BEEN BOARDED UP AT ALL DOORS, WINDOWS AND OTHER OPENINGS SUFFICIENTLY TO PREVENT INGRESS OR OTHERWISE SECURED AS REQUIRED IN APPLICABLE SECTIONS OF TITLE 23].

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(GAAB 16.68.110, 18.15.020, 18.15.030, 18.20.030, 18.20.060; CAC 8.10.020, 8.10.050; AO No. 113-76; AO No. 78-48; AO No. 79-63; AO No. 93-173(S), § 3, 2-24-94; AO No. 95-42, § 3, 3-23-95; AO No. 2001-145(S-1), § 12, 12-11-01; AO No. 2003-130, § 4, 10-7-03; AO No. 2009-83(S), § 2, 7-7-09; AO No. 2010-43(S), § 1, 6-22-10; AO No. 2010-63, § 1, 9-14-10; AO No. 2011-52, § 1, 4-26-11)

Section 3. Anchorage Municipal Code is hereby amended to add a new section 15.20.105 to read as follows:

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[the] 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[or] the real property or real property upon which the building[it] 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, as follows:
 - a. \$100 for the first year,
 - b. \$200 for the second year, [and]
 - c. \$300 for the third year, and[each subsequent year the property remains registered.]
 - d. \$0.10 per building total gross floor area with a minimum of \$300 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[3]. that is no smaller than 8.5 inches by 11 inches; and

5[4]. 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[eriminal]** 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.* ~~Vacant buildings owned by a federal, state or local government agency shall be exempt from this section, but~~ The director may send a courtesy notice to a federal, state or local government[the] agency advising a federal, state or local government[the] 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.

Section 4. Anchorage Municipal Code section 14.60.030 is hereby amended to read as follows (*the remainder of the section is not affected and not set out*):

14.60.030 Fine Schedule

The fine schedule under this chapter is as follows:

Code Section	Offense	Penalty / fine
* * *		
<u>15.20.105A.</u>	<u>Failure to Register</u>	<u>\$10/day</u>
<u>15.20.105B.</u>	<u>Failure to Sign</u>	<u>\$200 \$25/day</u>
<u>15.20.105C.</u>	<u>Failure to Secure</u>	<u>\$100/day</u>
<u>15.20.105D.</u>	<u>Failure to Maintain</u>	<u>\$100/day</u>

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(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39, § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12; AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13; AO No. 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14; AO No. 2014-85, § 4, 8-5-14; AO No. 2014-110(S), § 2, 9-9-14; AO No. 2014-137(S), § 3, 11-18-14; Ord. No. 2015-23(S), § 20, 3-24-15; AO No. 2015-48, § 16, 5-14-15; AO No. 2015-54, § 1, 5-26-15; AO No. 2015-65, § 4, 6-9-15; AO No. 2015-111(S-1), § 2, 1-1-16; AO No. 2016-16(S), § 4, 2-9-16)

Section 5. This ordinance shall be effective 30 days after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 26th day of July, 2016.


Chair of the Assembly

ATTEST:



Municipal Clerk



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 497-2016

Meeting Date: July 26, 2016

From: ASSEMBLY MEMBER WEDDLETON

Subject: AO 2016-81(S): AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 15.20 TO REQUIRE VACANT AND ABANDONED BUILDINGS TO BE REGISTERED WITH THE MUNICIPALITY, POSTED WITH THE OWNER'S NAME AND CONTACT INFORMATION, SECURED AND MAINTAINED; AND AMENDING THE FINE SCHEDULE IN ANCHORAGE MUNICIPAL CODE SECTION 14.60.030 TO INCLUDE FINES FOR VIOLATIONS OF SUCH OBLIGATIONS.

The (S) version of this ordinance makes the following changes from the initial proposal:

- changes the vacancy period from 30 to 180 days;
- relieves residences not boarded up from having to post a sign;
- changes the fine for failure to post a sign to a flat \$200;
- makes some technical corrections; and
- bases the registration fee for years 4 and beyond on square footage.

I RECOMMEND APPROVAL OF THE AMENDMENTS.

Prepared by: William D. Falsey, Municipal Attorney

Respectfully submitted: John Weddleton, Assembly Member, District 6