

Nome Planning Commission
City Hall
102 Division St.
Nome, AK 99762

January 7, 2025

Subject: Grievance Regarding Zoning Compliance and Public Nuisance Enforcement

Dear Members of the Nome Planning Commission,

I am writing to express concerns regarding apparent zoning violations and public nuisance issues discussed at your December 3, 2024, meeting. The property owned by Mr. Joe Burnham (KANOSAK LLC) has reportedly been used for commercial purposes without necessary permits, creating disturbances for neighboring residents. The reported lack of permits for pad construction, ongoing after-hours activities, and the possible storage of materials outside allowable uses are significant concerns.

Under Nome City Code **8.25.030ⁱ**, it is unlawful to store or maintain junk vehicles on public or private land in a manner that creates a public nuisance or safety hazard, including for children. If applicable, this provision should be enforced to address any violations on the property. Additionally, City Code **18.10.110ⁱⁱ** should be applied for the months the property was used in current manner without permit. Furthermore, if the owner indeed is lacking a proper ongoing local business operation in which the property would be used, it seems they are in violation of the Nome Zoning Code chapter **18.60.020.tⁱⁱⁱ** and **18.30.030.k^{iv}**

Failure to ensure compliance with zoning regulations and public nuisance laws undermines community trust and creates inequities. Residents and businesses who diligently follow ordinances deserve assurance that enforcement applies consistently.

I encourage the Commission to:

1. Investigate this property's compliance with the herein referenced codes and ordinances.
2. Impose appropriate penalties for violations, including the removal of junk vehicles where applicable.
3. Implement clear follow-up actions to ensure accountability.

Thank you for addressing these concerns as I know the Commission prioritizes fairness and transparency in enforcing city codes and ordinances.



Sincerely,
Thomas Simonsson

ⁱ 8.25.030 Removal of junk vehicles.

(a) It is unlawful to store, keep or maintain any junk vehicle upon public or private property such that it creates a public nuisance, a public health or safety hazard or an attraction to children.

(b) Any junk vehicle stored, kept or maintained in violation of subsection (a) of this section may be subject to removal by the Nome police department.

(c) At least thirty days prior to the date a junk vehicle is removed pursuant to this section, a notice shall be sent to the registered owner of record, lien holders of record and any other party known to have an ownership interest in the junk vehicle, informing

the person or party that the vehicle shall be removed and disposed of within thirty days or the city will remove the junk vehicle at the owner's or party's expense. (Ord. O-93-6-6 § 1 (part), 1994)

ⁱⁱ 18.10.110 Violation—Penalties and remedies.

(a) Violation. A violation of any provision of this title shall be an infraction. Upon conviction, the court shall levy a fine as set forth in NCO Section [1.20.040](#), or if no fine is there established, of up to one thousand dollars for each day the violation exists, and assess any surcharge required to be imposed under AS [12.55.039](#). Each day that an unlawful act or condition continues constitutes a separate violation.

(b) 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.

(c) Remedies.

(1) If any structure is being used, or is constructed or substantially improved, in violation of this chapter, the city may cite the offender for an infraction.

(2) In addition to other remedies, the city may institute any proper actions or proceedings necessary, including enjoining of connections to public utilities, to restrain, correct or abate violations.

(3) Pursuant to AS [29.40.190](#), the city or an aggrieved person may institute a civil action against a person who violates a provision of this title, or a term, condition or limitation imposed by the planning commission, and may collect a civil penalty not to exceed one thousand dollars for each violation. (Ord. O-14-01-02 § 44, 2014)

ⁱⁱⁱ 18.60.020 Permitted Uses and Structures Permitted Uses - The following uses and their accessory uses are permitted in commercial districts: a. Retail and wholesale businesses. b. Offices. c. Churches. d. Restaurants, taverns, and entertainment establishments. e. Hospitals, medical and dental clinics. f. Hotels and motels. g. Public and governmental buildings and uses. h. Incidental, small-scale manufacturing, processing, and storage of goods for wholesale or retail sale on the premises. i. Residential use of the upper floor above a commercial use. j. Funeral homes. k. Service stations. l. Clubs or fraternal, religious or philanthropic associations and union halls. m. On-premise dwelling for owner or caretaker of commercial use. n. Parks and playgrounds. o. Schools. p. Museums and Cultural centers. q. Interpretative area or visitor's center. r. Recreational facilities. s. Fire station and emergency medical aid station. t. Outdoor storage, including junk, as an accessory use to any permitted or conditional use. u. Boat marinas and docks. v. Marine transportation and port facilities. w. Navigation aids and facilities. x. Personal service businesses. y. Warehousing and storage. z. Transportation facilities, including bus and taxi operations. aa. Helicopter landing pad.

^{iv} 18.60.030 Conditional Uses and Structures The following uses are permitted with a conditional use permit in commercial districts: a. Day care houses and facilities. b. Halfway houses. c. Single family, duplex, and multi-family dwellings. d. Home occupations and businesses. e. Public utility facilities or structures. f. Snow dumpsites and storage sites. g. Vehicle and equipment repair facilities. h. Mobile homes and mobile home parks. i. Residential use of the upper floor above a commercial or industrial use. j. Youth correctional facility. k. Private storage, including junk, or small warehouse associated with residential use/home occupations.