

Report of Non-Compliance

To: Petersburg Borough Assembly

By: Karl Hagerman, Utility Director
Ray Wesebaum, Building Official

RE: 410 Mitkof Highway – Report of Non-compliance to a Notice of Dangerous Building

Cc: Steve Giesbrecht, Borough Manager
Debra Thompson, Borough Clerk
Liz Cabrera, Community Development Director

I. Introduction

Pursuant to Petersburg Municipal Code (PMC) Chapter 09.20, and a June 7, 2023 inspection conducted under the authority of an Administrative Search Warrant at the property located at 410 Mitkof Highway, Petersburg, Alaska ("the property"), notice was given by the Borough Utility Director and Borough Building Official to the owner of the property of a determination that the housing structure located at the property ("the building") is a dangerous building within the standards set forth in PMC 9.20.010(F) and (I). A copy of the *Notice of Dangerous Building* is attached to this report.

In brief, it came to the attention of the Borough that the building was being used as a residence by one or more persons, including the owner's father, however the building is not hooked up to the Borough's sewer system, and has no water service due to prior abatement proceedings. The recent inspection of the property disclosed that an improper outfall line runs from the building to a nonfunctional septic tank¹ and then from the tank down the hill and onto the beach of Wrangell Narrows, resulting in untreated human waste being deposited into public waters.² See, attached photographs taken during the inspection.

II. Previous Proceedings

This situation was the subject of a previous *Notice and Order of Abatement* dated August 3, 2020, when raw sewage was noted at the property by a borough employee. The property owner appealed

¹ The top and sides of the septic tank are covered with earth and extensive vegetation, making the inspection hatches inaccessible. The septic tank has not been pumped in many years and does not appear to be functional.

² This constitutes a violation of PMC 14.08.020, *Unlawful sewage - Disposal methods designated*, paragraphs A and B:

A. No person shall place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the borough, or in any area under the jurisdiction of the borough, any human or animal excretion, garbage or other objectionable waste.

B. No person shall discharge into any natural outlet within the borough, or in any area under the jurisdiction of the borough, any sanitary sewage, industrial waste or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

to the Assembly, which issued a Decision on Appeal on November 2, 2020, upholding the *Notice and Order of Abatement*. Thereafter, the property has continued to be occupied from time to time, with no abatement occurring in that the building remains unconnected to the Borough sewer system.

III. Current Proceedings

As a result of the continued use and occupancy of the building, and the lack of proper sewage disposal, Borough officials determined that it met the definition of a dangerous building under the standards of PMC 9.20.010(F) and (I):

F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;

I. Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of the city; (PMC 9.20.010)

The owner was directed by a *Notice of Dangerous Building*, dated June 20, 2023, which was also posted onto the building per PMC 9.20.050, ordering that:

1. The building must be immediately vacated by all persons until the dangerous condition is fully repaired; and

2. The building must be repaired by properly hooking it up to the Borough sewer and water system within thirty (30) days of the date of this Notice.

As of July 20, 2023, no repair of the dangerous building has occurred, insofar as legal connections have not been made from the house to the borough sewer and water systems. Therefore, this constitutes a condition of non-compliance, necessitating this report of non-compliance to the Assembly under PMC 9.20.050(C).

In keeping with the provisions of PMC Sections 9.20.060 - .080, it is requested that the Assembly hold a non-compliance hearing to consider a issuance of an order requiring the building be vacated until the owner, or other party of interest, makes legal connection from the building to the borough sanitary sewer system.

Thank you for your consideration.

Photos from the Serving of Administrative Search Warrant at 410 Mitkof Highway on June 20, 2023



Discharge pipe below house leading to septic tank.



Pipe connected to septic tank and leading to beach.



Pipe connected to septic tank.



Pipe from septic tank going to beach.



DANGEROUS BUILDING

This building has been found to be a Dangerous Building by the Borough Building Official.

This document is to remain on this building until it is vacated and repaired in accordance with the notice that has been given the owner and mortgagee of this building.

It is unlawful to remove this until such notice is complied with.

Ray Wesebaum
Building Official
Dated: June 20, 2023

Karl Hagerman
Utility Director
Dated: June 20, 2023