

## NOTICE OF HEARING REGARDING NONCOMPLIANCE WITH AN ORDER TO VACATE AND REPAIR A DANGEROUS BUILDING

**PROPERTY ADDRESS:** 410 Mitkof Highway, Petersburg, Alaska

**OWNER OF BUILDING:** Courtney Johnson and Courtney Johnson  
PO Box 1904 13713 Hwy 57  
Petersburg, AK 99833 Vancleave, MS 39565  
Email: cjohnson5047@gmail.com

**MORTGAGE HOLDER:** Alaska Housing Finance Corporation, holder/beneficial owner  
PO Box 101020  
Anchorage, AK 99510  
and  
First Bank, lending institution/originator  
Loan Servicing  
Attn: Heather Borch  
2030 Sea Level Drive, Suite 200  
Ketchikan, AK 99901  
Heather.Borch@firstbankak.com

**NONCOMPLIANCE HEARING TO BE HELD:** September 18, 2023, 6:00 p.m., at the Petersburg Borough Assembly Chambers located at 12 S. Nordic Drive, Petersburg, Alaska.

Dear Ms. Johnson:

On June 20, 2023, you received notice that the residential structure located at 410 Mitkof Highway ("the building") in Petersburg had been determined by the Borough Building Official to be a Dangerous Building under the provisions of Chapter 9.20 of the Petersburg Municipal Code (PMC), and you were ordered to vacate the buildings until the dangerous condition of improper sewer disposal was fully repaired. A copy of that notice is enclosed, which contained the following determination:

The building is being used as a residence by one or more persons, however the structure is not hooked up to the Borough's sewer system and has no water service due to prior abatement proceedings. The inspection of the property disclosed that an improper outfall line runs from the building to a nonfunctional

septic tank 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.  
[footnotes omitted]

The Building Official directed that the building be properly connected to the borough sewer and water system within 30 days from the date of the June 20, 2023 notice.

The time within which the required corrective action was to be taken expired, without the repairs having been performed, and the Utility Director and Building Official reported the noncompliance to the Borough Assembly.

**Accordingly, pursuant to PMC section 9.20.070, you are hereby given notice to appear before the Petersburg Borough Assembly at a noncompliance hearing to be held on Monday, September 18, 2023 at 6:00 p.m., at the Borough Assembly Chambers located at 12 S. Nordic Drive, Petersburg, Alaska, to give and provide testimony and evidence to show cause as to why the building located at 410 Mitkof Highway should not be ordered permanently vacated unless and until repaired in accordance with the requirements set out in the Building Official's June 20, 2023 notice.**

**The hearing will be conducted informally. At the hearing, you may appear in person or by agent or attorney, and offer documents and testimony, of yourself or other witnesses. The Borough Building Official, Utility Director and other borough employees are expected to offer testimony, written documents and photographs concerning the building and its condition. Both you, the Building Official and the Utility Director, or any member of the Assembly, may cross-examine witnesses. Testimony and cross-examination of witnesses will be conducted under reasonable time limits adopted by the Assembly. Oaths shall be administered to persons who wish to testify, and a record shall be kept of the proceedings by the Borough Clerk. The Building Official will mail to you, under separate cover, a copy of the documents which the official will present to the Assembly at that hearing. If you will also have documents to present to the Assembly, we would ask that you provide them to the borough clerk's office by 4:30 p.m. on Friday, September 8, 2023, so that they may be included in the packet which is provided to the Assembly prior to the hearing. If you do provide documents to the clerk for inclusion in the Assembly packet, you should additionally provide a copy of those documents directly to the Borough Building Official.**

Following the hearing, the Assembly will make written findings of fact as to whether or not the building is a dangerous building within the terms of PMC 9.20.010. If the building is determined by the Assembly to be a dangerous building, it is anticipated that the Assembly will issue an order directing you and all other persons having an interest in the building to permanently vacate the building unless and until the building is properly connected to the borough sewer and water system. Failure to comply with an Assembly order can have serious financial and other consequences, including being responsible for costs under PMC 9.20.110.

Failure to appear at the hearing will waive your right to offer testimony or evidence to the Assembly regarding the building, which shall proceed to make findings of facts and issue its order based upon the evidence or testimony presented by the Building Official, the Utility Director and any other person who attends the hearing and provides testimony or evidence.

A copy of Chapter 9.20 of the Petersburg Municipal Code is enclosed for your information and review.

If you have any questions regarding this notice of hearing, please feel free to contact Borough Clerk Debra Thompson in writing at [dthompson@petersburgak.gov](mailto:dthompson@petersburgak.gov).

Respectfully,

A handwritten signature in blue ink that reads "Debra K. Thompson". The signature is written in a cursive style with a long, sweeping tail on the letter "n".

Debra K. Thompson, Borough Clerk  
on behalf of the Petersburg Borough Assembly  
**DATE OF THIS NOTICE:** August 25, 2023

## Chapter 9.20 - DANGEROUS BUILDINGS

### Sections:

#### 9.20.010 - Defined.

All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle of its base;
- B. Those which, exclusive of the foundation, show thirty-three percent or more of damage or deterioration of the supporting member or members, or fifty percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city;
- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;
- 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;
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication;
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public, or property;
- 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;
- J. Those buildings existing in violation of any provision of the building code of the city, or any provision of the fire-prevention code, or other ordinances of the city.

(Ord. 291 § 5, 1973; prior code § 42.70.010)

9.20.020 - Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the building official and the city council in ordering repair, vacation, or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
- C. In any case where a dangerous building is fifty percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this chapter, or any ordinance of the city or statute of the state of Alaska, it shall be demolished.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.020)

9.20.030 - Unlawful.

- A. It is unlawful for any person, firm, association, club or corporation to have, keep or maintain within the city any building or other structure which is, or has become, a fire or health hazard, or a public nuisance.
- B. All dangerous buildings within the terms of Section 9.20.010, declared to be public nuisances under Chapter 9.16 of this code, shall be repaired, vacated or demolished as provided in this chapter.

(Ord. 291 § 5 (part), 1973: prior code §§ 42.60.030 and 42.70.030)

9.20.040 - Inspection duties of building official.

The building official, or his designated representative, shall:

- A. Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, and commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of Section 9.20.010;
- B. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this chapter;
- C. Inspect any building, wall or structure reported by the fire or police department in the manner provided in this chapter, as probably existing in violation of the terms of this chapter.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.040 (part (1—3)))

9.20.050 - Notice duties of building official.

The building official, or his designated representative, shall:

- A. Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in any building found by the building official to be a dangerous building within the standards set forth in Section 9.20.010 of this chapter that:
  1. The owner must vacate, or repair, or demolish the building in accordance with the terms of the notice and this chapter,
  2. The occupant or lessee must vacate the building, or may have it repaired in accordance with the notice and remain in possession,
  3. The mortgagee, agent or other person having an interest in the building may, at his own risk, repair, vacate or demolish the building, or have such work or act done;
- B. Set forth in the notice provided for in subsection A of this section a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building, and an order requiring the same to be put in such condition as to comply with the terms of this chapter within thirty days of the date of notice; provided, however, that any person so notified may petition the city council for a thirty-day extension of time in which to comply with the provision of the notice;
- C. Report to the council any noncompliance with the notice provided for in subsections A and B;
- D. Appear at all hearings conducted by the council, and testify as to the conditions of dangerous buildings;
- E. Place a notice on all dangerous buildings reading as follows:

This building has been found to be a dangerous building by the building official. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in such building. It is unlawful to remove this notice until such notice is complied with.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.040 (part (4—8)))

9.20.060 - Noncompliance hearing—Before city council.

For every case of noncompliance with the notice provided for in this chapter reported by the building official, the city council shall hold a hearing and hear testimony as the building official, or the owner, occupant, mortgagee, lessee or any other persons having an interest in the building, shall offer relative to the dangerous building.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.050)

9.20.070 - Noncompliance hearing—Notice.

Upon receipt of a report of the building official as provided for in Section 9.20.050(C) of this chapter, the city council shall give notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building to appear before the council on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the building officials' notice provided for in Section 9.20.050(B).

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973: prior code § 42.70.060)

9.20.080 - Noncompliance hearing—Findings of city council.

The city council shall make written findings of fact from the testimony offered at the hearing as to whether or not the building in question is a dangerous building within the terms of Section 9.20.010.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.070)

9.20.090 - Issuance of order to repair, vacate or demolish.

In the event the city council determines in its findings of fact that the building in question is in fact a dangerous building within the terms of Section 9.20.010, the council shall issue an order based upon its findings commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in the building to repair, vacate or demolish the building within such time period and upon such terms and conditions as the council may prescribe. Any person not the owner of the dangerous building but having an interest in the building, may demolish such dangerous building at his own risk to prevent the acquiring of a lien against the land upon which the dangerous building stands by the city as provided in Section 9.20.100.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.080)

9.20.100 - City action upon failure to comply.

If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in Section 9.20.090 within the time established by the city council for such compliance, then the council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards provided for in Section 9.20.020.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.090)

9.20.110 - Costs of repair, vacation or demolition.

- A. In the event that any building is repaired, vacated or demolished as provided for in Section 9.20.100, the costs thereof shall constitute a lien in favor of the city upon the land on which the building existed, and such lien shall be enforced and foreclosed as provided by ordinances of the city relating to the enforcement and foreclosure of ad valorem tax liens.\*
- B. In addition to the provision of subsection A as to liens, the owner of the land upon which the building existed shall be personally liable for such costs of repair, vacation or demolition, and such liability may be enforced in a personal action brought by the city against such property owner in the courts of the state of Alaska.
- C. In any case where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of the city, the city may institute any appropriate action or proceedings against the owner of the land upon which the building existed to force such owner to make all necessary repairs or demolish the building.
- D. If any person becomes obliged under the provisions of this chapter to demolish any building or other structure, then he shall likewise be obliged to remove from the land upon which such building is or was situated all debris and other property (except permanent foundations) resulting from or related to such demolition.
- E. None of the provisions contained in this section shall be deemed exclusive of any of the others, or of any other remedies that the city may have at law.

(Ord. 291 § 5 (part), 1973; prior code § 42.70.100)

\* Editor's Note: Provisions on the foreclosure of ad valorem tax liens are found in Ch. 9.24.

9.20.120 - Emergency cases.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined in Section 9.20.010 is immediately repaired, vacated or demolished, the building official shall report such facts to the city council, and the council shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition shall be collected in the same manner as provided in Section 9.20.110.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973; prior code § 42.70.110)

9.20.130 - Manner of notice when owner absent.

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the city, all notices or orders provided for in this chapter shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in the building, as shown by the land



records of the Petersburg Recording District, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

(Ord. 291 § 5 (part), 1973; prior code § 42.70.120)

9.20.140 - Administrative liability denied.

No officer, agent or employee of this city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of this city as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city attorney.

(Ord. 291 § 5 (part), 1973; prior code § 42.70.130)

9.20.150 - Duty to report—Fire department.

The members of the fire department shall make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be dangerous buildings within the terms of this chapter.

(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973; prior code § 42.70.140)

9.20.160 - Duty to report—Police department.

All police officers shall make a report in writing to the building official of any buildings or structures which are, or may be, or are suspected to be dangerous buildings within the terms of this chapter.

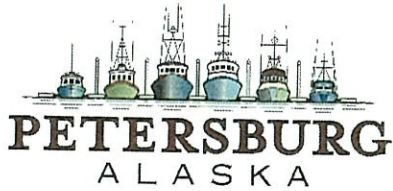
(Ord. 899 § 3 (part), 2006; Ord. 291 § 5 (part), 1973; prior code § 42.70.150)

9.20.170 - Violations—Penalties.

- A. The owner of any dangerous building who fails to comply with any notice or order to repair or vacate or demolish the building, given by any person authorized by this chapter to give such notice or order, shall be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars or by imprisonment for not more than thirty days, or both. Each and every day that a person fails to so comply beyond the date fixed for compliance shall constitute a separate offense.
- B. The occupant or lessee in possession who fails to comply with any notice to vacate or fails to repair the building in accordance with any notice given as provided for in this chapter shall be guilty of a misdemeanor. Each and every day that such person fails to comply beyond the date

fixed for compliance shall constitute a separate offense.

(Ord. 291 § 5 (part), 1973: prior code § 42.70.160)



CERTIFICATE OF SERVICE

The undersigned affirms that on the 25<sup>th</sup> day of August, 2023, she served the Notice of Hearing Regarding Noncompliance with an Order to Vacate and Repair a Dangerous Building on the following:

Via email and US Mail:

Courtney Johnson  
PO Box 1904  
Petersburg, AK 99833  
cjohnson5047@gmail.com

Courtney Johnson  
13713 Hwy 57  
Vanceleave, MS 39565

and

Via US Mail:

Alaska Housing Finance Corporation, holder/beneficial owner  
PO Box 101020  
Anchorage, AK 99510

and

Via email and US Mail:

First Bank, lending institution/originator  
Loan Servicing  
Attn: Heather Borch  
2030 Sea Level Drive, Suite 200  
Ketchikan, AK 99901  
Heather.Borch@firstbankak.com

Debra K. Thompson, Borough Clerk