



NOTICE OF APPEAL HEARING ON NOTICE AND ORDER OF ABATEMENT

PROPERTY ADDRESS: 410 Mitkof Highway
Lot Portion GL 7, Section 10, T59S, R79E

OWNER/RESPONSIBLE PARTY: Courtney Johnson
PO Box 1904
Petersburg, AK 99833

DATE/TIME OF HEARING: October 20, 2020, 5:00 p.m.

Dear Ms. Johnson:

On August 3, 2020, you were served with a Notice and Order of Abatement regarding the household sewer system serving the above-described premises and ordered to take corrective action by August 18, 2020 to abate the nuisance. A copy of that notice is enclosed, which contained the following determination:

The premises are found to constitute a nuisance and an immediate threat to the public health, safety or welfare or to the environment and is therefore subject to abatement. If the nuisance is not corrected by taking the described corrective action by the date specified, the borough may without further prior notice enforce this order and abate the condition under PMC 9.16.070(A)2.

Description of the nuisance: raw sewage, including human excrement, is being discharged from the household onto the hillside and beach of Wrangell Narrows without treatment. There exists a sanitary sewer service lateral pipe which the home must connect to per Municipal Code.

Pursuant to your August 18, 2020 appeal from the Notice and Order of Abatement and PMC section 9.16.080, you are hereby given notice that the hearing on your appeal is scheduled for **Tuesday, October 20, 2020 at 5:00 p.m.** before the Petersburg Borough Assembly. The hearing will be held via videoconference system (Zoom) due to COVID-19 in-person attendance restrictions.

The hearing shall be conducted informally. At the hearing, you may be assisted by a representative or attorney, and offer documents and provide testimony, of both yourself or

other witnesses. The Borough Utility Director and other borough employees are expected to offer testimony, written documents and photographs concerning the household's sewer system and its condition. You will be provided the opportunity to ask questions of witnesses, as will the Utility Director or any member of the Assembly. 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 Utility Director will mail or email to you, under separate cover, a copy of the documents which the Director will present to the Assembly at that hearing. If you will also have documents to present to the Assembly, please provide two copies of those documents to the borough clerk's office by 4:30 p.m. on Wednesday, October 14, 2020, so that they may be included in the packet which is provided to the Assembly prior to the hearing.

Following the hearing, the Assembly will make a written decision on the appeal, including findings of fact. If the Assembly affirms the Notice and Order of Abatement, the Assembly will issue an order directing the abatement within a specified time period and upon such terms and conditions as the Assembly may determine. A copy of that written decision will be mailed or delivered to you.

Failure to appear at the hearing will waive your right to offer testimony and present testimony and evidence to the Assembly regarding the issues presented in your appeal, and the Assembly shall proceed to make findings of facts and issue its order based upon the evidence or testimony before it.

Prior to the hearing, I will send you via email an invite to the Zoom meeting, by which you will be able to click and connect to the meeting. If you are unable to attend via videoconferencing, please contact me no later than 4:30 p.m. Wednesday, October 14, 2020 so that alternative arrangements can be made to schedule your participation by teleconference.

If you have any questions regarding this notice of hearing, please feel free to contact me in writing at dthompson@petersburgak.gov.

Respectfully,

A handwritten signature in cursive script that reads "Debra K. Thompson".

Debra K. Thompson, Borough Clerk
on behalf of the Petersburg Borough Assembly

DATE OF THIS NOTICE: October 9, 2020



NOTICE AND ORDER OF ABATEMENT

DATE OF NOTICE: August 3, 2020

Property Address: 410 Mitkof Highway

Legal Description: Lot Portion GL 7, Section 10, T59S, R79E.

Parcel ID: 01-084-155

Owner/Responsible Party:

Courtney Johnson

Mailing Address: PO Box 1904 , Petersburg, AK 99833

Contact from the Petersburg Police Department regarding photo evidence of the above property revealed the following code violation(s) as defined by the Petersburg Municipal Code: 14.08.020, 14.08.080 and 9.16.030(B)2

The premises are found to constitute a nuisance and a immediate threat to the public health, safety or welfare or to the environment and therefore subject to abatement. If the nuisance is not corrected by taking the described corrective action by the date specified, the borough may without further prior notice enforce this order and abate the condition under PMC 9.16.070(A)2.

Description of Violations:

Violation of PMC 14.08.020(A) & (B) – Unlawful sewage – Disposal methods designated

Violation of PMC 14.08.080(A) – When connection to public sewer is required

Violation of PMC 9.16.030(B)2 – Nuisance – Unlawful enumeration

Description of Nuisance: Raw sewage, including human excrement, is being discharged from the household onto the hillside and beach of Wrangell Narrows without treatment. There exists a sanitary sewer service lateral pipe which the home must connect to per Municipal Code.

Wastewater Department

PO Box 329, Petersburg, AK 99833 – Phone (907)772-4521

www.petersburgak.gov

Corrective Action Required to Abate the Nuisance:

- 1. Area in which the spill is occurring is accessible to the public and domestic pets. The contaminated area must be clearly marked and cordoned off to restrict access.**
- 2. The domestic sewer from the household must be connected to the Petersburg Borough sanitary sewer collection system by way of excavation and plumbing of the household sewer to the existing sewer service lateral. Map showing approximate location of the sewer service lateral is attached.**
- 3. Sewer connection must be completed by a licensed construction contractor (excavation) and residential plumber (household plumbing to public sewer) licensed by the State of Alaska. Plumber shall provide written statement to the Borough attesting connection work was completed in accordance with adopted building code.**
- 4. Site of illegal discharge must be cleansed per DEC Cleanup Guidelines for domestic wastewater spills (enclosed). Access to the area must be restricted for at least 24 hours after the site has been cleansed.**

As the property owner or the person creating, permitting or maintaining the nuisance, you are directed to abate the nuisance by taking the above described corrective action **by no later than 5:00 pm on August 18, 2020.**

If the required corrective action is not taken and the nuisance abated on or before the date and time stated above, the Petersburg Borough may, at its option, disconnect water service under 14.04.130 and/or undertake abatement of the nuisance under PMC 9.16.070(A)2, the cost and expense of either/both shall be charged to you. The borough may also impose civil penalties of \$500/day or seek criminal fines as well as administrative fees against you.

Any person having record title or legal interest in the premises may appeal this notice and order to the Borough Assembly by filing a written appeal with the Borough Clerk's office, on an appeal form provided by the Clerk's office, within 15 days from the date of service of this notice in accordance with section 9.16.080 of the Petersburg Municipal Code. Failure to

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properly and timely file an appeal shall constitute a waiver of all rights to contest this notice and order.

As this violation constitutes an immediate threat to the public health, we encourage you to act quickly to remedy this situation and are waiving the requirement to obtain a plumbing permit prior to commencement of work.

Please contact me at the phone number below with any questions.

ISSUED BY Karl Hagerman  ON August 3, 2020
PHONE: 907-772-5421 EMAIL: khagerman@petersburgak.gov
Cell Phone: 907-518-4559

Copies of Section 14.08.020, 14.08.080, 14.04.130 and Chapter 9.16 of the Municipal Code are enclosed. Additionally, guidelines from the State of Alaska Department of Environmental Conservation pertaining to the proper way to cleanup a domestic wastewater spill and a map showing you the location of the sanitary sewer lateral pipe where you must connect, are also enclosed.

