

CITY OF HOMER
HOMER, ALASKA

ORDINANCE EM84 - 1

AN ORDINANCE OF THE CITY OF HOMER FINDING THAT AN EMERGENCY EXISTS; THAT THE PUBLIC HEALTH, SAFETY AND WELFARE ARE ENDANGERED; THAT AS A RESULT OF FIRE IN A COMMERCIAL STRUCTURE THE YAH SURE CLUB IS A DANGEROUS STRUCTURE PURSUANT TO HOMER CITY CODE 5.12.010.

WHEREAS, the Yah Sure Club, located at 3726 Lake Street, Homer, Alaska, was totally damaged by fire on May 3, 1984, and represents a dangerous structure per Homer City Code 5.12.010, and

WHEREAS, the Director of Public Safety has conducted an inspection of the burned structural remains and submits the following findings and conclusions:

- (1) The structure is an attractive nuisance for juveniles and others.
- (2) The building has numerous potentially dangerous objects scattered throughout, to-wit: protruding rusty nails, broken glass, pieces of sharp scrap metal fragments and splintered wood fragments.
- (3) The structure has been weakened to the point where persons could either fall through certain areas of flooring or elements of the wall and/or roof could fall in upon them.
- (4) During periods of rainfall, noxious odors are produced by the wet combustion residues which are offensive to the public and may constitute a public nuisance.
- (5) The building has been damaged to such an extent that demolition is the only reasonable option available to abate these hazardous conditions, and

WHEREAS, the City Manager concludes, in findings dated July 2, 1984, that the Yah Sure Club constitutes a dangerous structure and has caused the Public Safety Director to post appropriate notices on said property and serve notice on the owners by certified mail, and

WHEREAS, pursuant to Homer City Code 5.12.050 (d), a public hearing was held on August 13, 1984, during which any person having an interest in the property was allowed to appear in person or by agent or attorney.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Declaration of Emergency

That an emergency exists and that there is a present danger to the health, safety and welfare of the citizens of Homer under the facts as hereinabove stated,

Section 2. Condemnation of Structure

That the burned Yah Sure Club structure is condemned and that the owners have thirty (30) days from August 13, 1984 to cause the removal or demolition of the condemned structure,

Section 3. Enforcement by Management

That, pursuant to Homer Municipal Code 5.12.080, should the owners fail to comply with the Board of Adjustments notice to remove the condemned structure, the City Manager shall enforce all provisions of the ordinance with City employees or by contract if enforcement by available City employees is not feasible. The cost of such abatement shall be chargeable against the property, first against the salvaged material, which may be sold at public auction, and the balance of cost, if any against the land, the same as under the foreclosure proceedings for taxes and assessments set forth in the City Code.

CITY OF HOMER


Erle Cooper, Mayor

ATTEST


Kathleen Herold, City Clerk

Introduction and First Reading - August 13, 1984

Effective Date - August 13, 1984

Expiration Date - October 13, 1984