

Introduced by: Mayor Henderson
Date: September 23, 2025
Action: Passed
Vote: 6-0

CITY OF BETHEL, ALASKA

Resolution #25-11

A RESOLUTION AND ORDER BY THE BETHEL CITY COUNCIL DECLARING THE PROPERTY AT U.S. SURVEY 4117, LOT 37, OUR OWN ROAD, BETHEL ALASKA, A PUBLIC NUISANCE, FIRE HAZARD, AND HEALTH HAZARD AND ORDERING THE ABATEMENT THEREOF

WHEREAS, the legal description of the property subject to this resolution and order is U.S. Survey 4117, Lot 37, Our Own Road recorded in the Bethel Recording District, Fourth Judicial District, State of Alaska, subject to reservations, exceptions, easements, covenants, conditions and restrictions of record, if any;



WHEREAS, pursuant to Bethel Municipal Code (BMC) 15.04.010, the Bethel City Council received a written report on August 4, 2025 from the City Manager that the property located at U.S. Survey 4117, Lot 37, Our Own Road, constitutes a fire hazard, a health hazard, and a public nuisance;

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WHEREAS, the report identified Bosco Olson, as the property owner of record;

WHEREAS, pursuant to BMC 15.04.010(B), after receiving the report regarding the potential nuisance, the Bethel City Council set a hearing for September 4, 2025 and the City Clerk notified all necessary parties;

WHEREAS, pursuant to BMC 15.04.010(C), on August 20, 2025 notice to the property owner and manager of the property was provided by the City Clerk prior to the hearing by certified mail along with a copy of the record; additionally, notice of the hearing was posted at three public places around town, and notice of the hearing was posted at the property;

WHEREAS, pursuant to BMC 15.04.010(D), a hearing on the matter was held on September 4, 2025;

WHEREAS, the City Administration, City Manager Lori Strickler, and City Planner Lee Foley, presented evidence that the property described herein constitutes a public nuisance, a fire hazard, and a health hazard;

WHEREAS, the property owner of Record, Bosco Olson, did not attend the September 4, 2025, hearing nor did anyone representing the property owner attend the hearing; and

WHEREAS, based on evidence presented at the hearing, the Council found that the City Manager's report was substantially correct in all material respects and that there exists on the property a fire hazard, public nuisance, and health hazard as those terms are defined in BMC 15.04.040, and that these conditions require abatement.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BETHEL,

The property located at U.S. Survey 4117, Lot 37, Our Own Road is declared a public nuisance, fire hazard, and health hazard. The Council hereby makes the following findings of fact and conclusions of law, and issues the following orders:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Titles 15, 16, 17, and 18 of the Bethel Municipal Code require the City to enforce platting, land use, and site development code provisions in order to promote a logical growth pattern within the city and the economic extension of public services and facilities; encourage the most appropriate use of land throughout the city; reduce congestion in the streets; enhance safety from fire, flooding and other dangers; provide adequate light, air and open space; preserve property values; prevent the overcrowding of the land; avoid undue concentration of population; facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities; assure that development does not adversely affect either the ability of the city to deliver public services or the safety of property and the health, safety and welfare of persons; assure that the burdens placed on public facilities

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by development are borne by the development; and promote the public health, safety and welfare.

2. The City Manager's report is **substantially correct in all material respects** as required for the declaration of a fire hazard, health hazard, or public nuisance at the property under BMC 15.04.010(D).
3. BMC 15.04.040 defines "**fire hazard**" as "any structure, which, for want of proper repairs, or by reason of age or dilapidated condition, or by reason of poorly installed or defective electrical wiring or equipment, defective chimneys, defective heating apparatus or any other cause or reason, is especially liable to fire, or which building or structure is so situated and occupied as to endanger any other structure or property or human life. Such term shall also mean and include any structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind, especially liable to cause fire or endanger the safety of such structure, premises, or human life. Such term shall also mean and include any situation or condition in which any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind is especially liable to cause or spread fire or endanger the safety of any structure, premises or human life."
4. The Council finds that the property presents a **fire hazard** as defined in BMC 15.04.040 and Section 304 of the International Fire Code **due to the presence of:** junk vehicles, tires, and trash that can easily catch fire; tire piles, which in particular burn intensely, are difficult to extinguish, and produce toxic smoke.
5. BMC 15.04.040 defines "**health hazard**" as "any parcel or structure which is in a filthy or unsanitary condition especially liable to cause the spread of contagious or infectious disease or diseases or permits foul odors or obnoxious or poisonous gases to escape from such parcel or structure."
6. The Council finds that the property presents a **health hazard** as defined in BMC 15.04.040 **due to the presence of:** tires, debris and trash, which can collect stagnant water and can breed mosquitoes, leading to public health risks. The decomposing of organic material and trash can attract rodents, insects, and other vermin, creating a space for disease transmission.
7. BMC 15.04.040 defines "**public nuisance**" as "any parcel or structure the condition of which is such as to likely endanger the safety of persons or property of persons other than the owner of the building or structure, whether because of damage, deterioration, dilapidation, or other cause, whether or not the fault of the owner."
8. BMC 16.12.30 further defines "**nuisance**" as activity which arises from unreasonable, unwarranted or unlawful use by a person of property, which interferes with, obstructs or injures the right of another, or the public, in the use or enjoyment of property, endangers personal health or safety or produces material annoyance, inconvenience and discomfort.

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9. The Council finds that the property presents a **nuisance** and a **public nuisance** as defined in BMC 15.04.040 and 16.12.030 **due to the presence of:** abandoned vehicles, and equipment, trash, tires, and other debris scattered across the lot in violation of BMC 16.04.010; 16.12.030; and 15.04.040.

II. ORDERS OF THE CITY COUNCIL

1. Pursuant to BMC 15.04.020(A), the City Council ORDERS the property owner to abate the hazards and nuisances, including but not limited to the following, on the following timelines:

- **Within thirty (30) days:**

- Property owner shall clean up and remove major hazards such as junk vehicles, trash, and loose debris.
- Property owner shall remove and properly dispose of all inoperable vehicles.
- Property owner shall eliminate fire hazards: tires, wood and plastic pallets whether broken or intact, five-gallon buckets, 50-gallon drums, and gas cans must be removed or neatly organized inside an enclosed, weatherproof, fire-resistant structure if intended for personal use; otherwise, they must be disposed of properly. Gas cans, if retained, must be emptied, cleaned, and safely stored according to fire safety regulations.
- Property owner shall remove all loose trash and remove or organize other items.
- Property owner shall remove any remaining loose or broken materials such as wood scraps, foam panels, or pallets and organize salvageable property by neatly storing, safely stacking, and securing against tipping or damage all usable plastic and metal items. Any materials or property deemed unusable must be properly disposed of.
- The City shall verify that cleanup efforts are underway.

- **Within sixty (60) days**, the property owner shall come into full compliance with this order; the City will conduct a final inspection to ensure compliance.

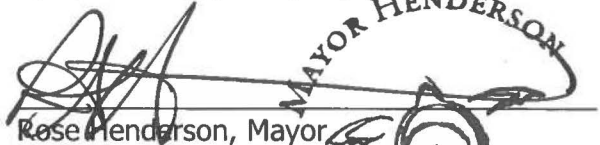
2. Removal of the hazards and public nuisance shall be completed by the above timelines after **final written notice** is mailed to the owner.
3. If the hazards and public nuisance are not abated by the imposed deadlines, the City may initiate abatement of its own volition as stated in BMC 15.04.020(D) and (E), and the cost of correcting the condition **shall be a lien against the land**, subject to recording and foreclosure as provided in BMC 15.04.020(G).

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4. The City Clerk is directed to, at minimum, cause a copy of this Order to be conspicuously posted on the property and to mail a copy to the property owner.
5. As provided in BMC 15.04.020(C), at any time before the date set for completion of the Council orders, the owner of the property **may request a rehearing**. The request for rehearing shall include a notarized statement setting out with specificity the corrective actions taken or initiated, and how these steps did or will eliminate the hazards or nuisance found by the City Council.
6. As provided in BMC 15.04.030, the owner of the property or their agent **may appeal the decision and order of the City Council to the Alaska Superior Court** in accordance with the court rules of appellate procedure. A request for a rehearing does not toll the time for filing the notice of appeal.

ENACTED THIS 23RD DAY OF SEPTEMBER 2025 BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.


Kevin Morgan, City Clerk


Rose Henderson, Mayor


MAYOR HENDERSON
BETHEL, ALASKA