



FAIRBANKS CITY COUNCIL
AGENDA NO. 2016-12
REGULAR MEETING JUNE 20, 2016
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

PRELIMINARY MEETING

6:00 p.m. Work Session – Possible Charter Amendment Regarding Candidacy Filing

REGULAR MEETING

7:00 P.M.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. CITIZENS COMMENTS, oral communications to Council on any item not up for Public Hearing. Testimony is limited to five minutes. Any person wishing to speak needs to complete the register located in the hallway. Normal standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, kindly silence all cell phones and electronic devices.
5. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by an asterisk (*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda.
6. APPROVAL OF PREVIOUS MINUTES

7. SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the following Request for an Extension of Premises for a Beverage Dispensary License. Public Testimony will be taken and limited to five minutes.

Type: Beverage Dispensary, License #270
DBA: Lavelle's Taphouse
Requestor: Arlette Eagle-Lavelle
Physical Location: 414 2nd Avenue, Fairbanks, Alaska

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 6017 – An Ordinance to Amend FGC Chapter 30, Article II International Fire Code, by Adopting the 2015 International Fire Code with Local Amendments. Introduced by Mayor Eberhart.
- b) Ordinance No. 6018 – An Ordinance to Amend FGC Chapter 10, Article XVI International Energy Conservation Code, by Adopting the 2015 International Energy Conservation Code with Local Amendments. Introduced by Mayor Eberhart.
- c) Ordinance No. 6019 – An Ordinance Adopting the 2015 International Existing Building Code with Local Amendments. Introduced by Mayor Eberhart.
- d) Ordinance No. 6020 – An Ordinance to Amend FGC Chapter 10, Article VII, by Adopting the 2015 City of Fairbanks Code for the Abatement of Dangerous Buildings. Introduced by Mayor Eberhart.
- e) Ordinance No. 6021 – An Ordinance to Amend FGC Chapter 10, Article II, by Adopting the 2015 City of Fairbanks Administrative Code. Introduced by Mayor Eberhart.

10. NEW BUSINESS

- *a) Resolution No. 4747 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the Alaska Transportation Alternatives Program for the Chena Riverwalk Project. Introduced by Mayor Eberhart.

- *b) Resolution No. 4748 – A Resolution Authorizing the City of Fairbanks to Apply for Funds from the Alaska Transportation Alternatives Program for the Carlson Center 2nd Avenue Sidewalk Connector Project. Introduced by Mayor Eberhart.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

- *a) Request for Concurrence: City Attorney's Re-appointment to the AMLJIA Board of Trustees
- *b) Memo Regarding Board of Adjustment Appeal Withdrawal (GR2016-082)
- *c) Board of Plumber Examiner Meeting Minutes of March 15, 2016
- *d) Fairbanks Diversity Council Meeting Minutes of May 10, 2016
- *e) Chena Riverfront Commission Meeting Minutes of May 11, 2016

13. COUNCIL MEMBERS' COMMENTS

14. CITY CLERK'S REPORT

15. CITY ATTORNEY'S REPORT

16. EXECUTIVE SESSION

- a) Fairbanks Firefighters Union (FFU) Labor Negotiations


17. ADJOURNMENT

MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, CMC, City Clerk

TO: Mayor John Eberhart
City Council Members

FROM: D. Danyielle Snider, CMC, City Clerk 

SUBJECT: Request for Extension of Premises, Lavelle's Taphouse

DATE: June 15, 2016

A request has been received from the State Alcohol and Marijuana Control Office (AMCO) for an extension of premises for the following liquor license:

License Type: Beverage Dispensary, License #270
D.B.A.: **Lavelle's Taphouse**
Licensee/Applicant: Arlette Eagle-Lavelle
Physical Location: 414 2nd Avenue, Fairbanks, Alaska

Requests such as this are not very common and the Fairbanks General Code does not outline a specific process for Council consideration of premises extensions. I have followed a similar procedure as I would for a transfer of a liquor license. I requested responses from these City Departments and their respective recommendations and comments are as follows:

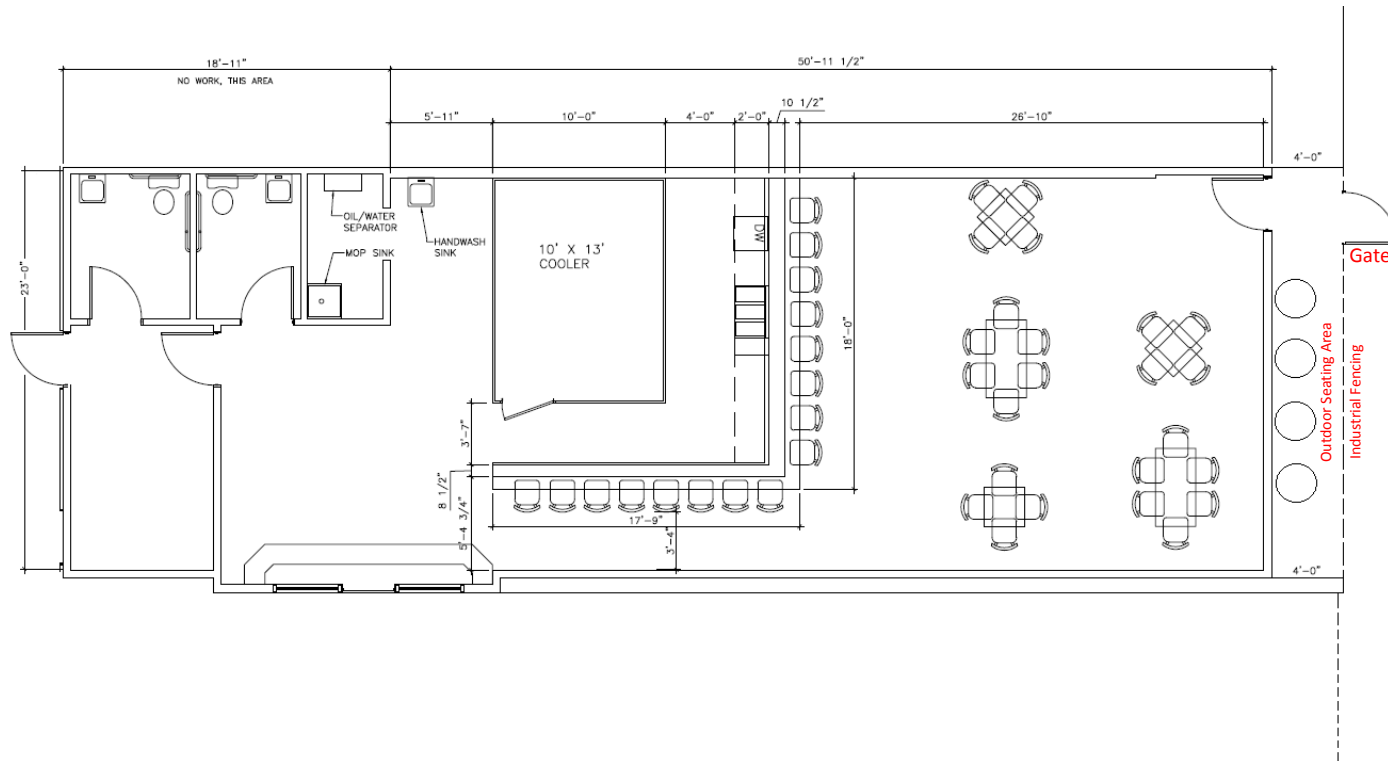
Department	Protest/No Protest	Comments
Building	Protest	Building permit, approval, and inspection required to verify occupant load and egress
Engineering	No Protest	The fence will be placed along the dividing line between the property and City sidewalk; no encroachment
Finance	No Protest	None
Fire	No Protest	None
Police	No Protest	Proprietor should have someone who continually has oversight of the area on the sidewalk

Attached you will find Ms. Eagle-Lavelle's request to AMCO and a schematic of the premises including the area she wishes to extend.

From: [REDACTED]
To: [Alcohol Licensing, CED ABC \(CED sponsored\)](#)
Subject: Fwd: Outside seating floor plan
Date: Thursday, May 19, 2016 1:15:16 PM
Attachments: [Floorplan with outdoor seating taphouse.docx](#)

Good Afternoon,
Attached is my purposed outdoor seating area for license #270 Lavelle's Taphouse in Fairbanks, Alaska. Please let me know if you need any further information moving forward. Thanks for your time and consideration!

Arlette Lavelle
owner
[REDACTED]
Lavelle's Taphouse
414 2nd Ave
Fairbanks, AK
99701



1 FLOOR PLAN
 scale: 3/16" = 1'-0"

Lavelle’s Taphouse is looking to expand into a very limited outdoor seating area. The front entrance to the Taphouse is located in an alcove approximately 23 feet by 4 feet. My intention is to enclose this alcove space as demonstrated in the above illustration with an industrial fencing equipped with a gate. The entirety of the space would be visible from inside the Taphouse as the length of the exterior wall is primarily windows. Employees would be on shift for the purpose of monitoring the outdoor space and preventing drinks from leaving the licensed premise as well as preventing underage individuals from consuming alcohol.

Introduced by: Mayor Eberhart
Introduced: June 6, 2016

ORDINANCE NO. 6017

**AN ORDINANCE TO AMEND FGC CHAPTER 30, ARTICLE II
INTERNATIONAL FIRE CODE, BY ADOPTING THE 2015 INTERNATIONAL
FIRE CODE WITH LOCAL AMENDMENTS**

WHEREAS, the Building Code Review and Appeals Commission reviewed the 2015 International Fire Code and the amendments thereto and recommends adoption of the 2015 International Fire Code with local amendments; and

WHEREAS, the City Council accepts the recommendations of the Building Code Review and Appeals Commission,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. Fairbanks General Code Chapter 30, Article II, is hereby repealed and re-enacted as follows:

ARTICLE II INTERNATIONAL FIRE CODE

Sec. 30-31. Adoption.

The International Fire Code, 2015 Edition, including all appendix chapters, as published by the International Code Council is hereby adopted.

Sec. 30-32. Amendments.

The City of Fairbanks Local Amendments to the 2015 International Fire Code is hereby adopted. Copies of the Local Amendments to the 2015 International Fire Code shall be made available at the Building Department and published online at the City of Fairbanks website.

Section 2. That the effective date of this Ordinance is the ____ day of June 2016.

John Eberhart, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

CITY OF FAIRBANKS

Local Amendments to the 2015 International Fire Code

(Adopted by Ordinance No. 6017)

The International Fire Code, 2015 Edition, is hereby amended as follows:

Section 105 Permits.

Section 105.6 Required operational permits. is amended by deleting all required operational permits except:

105.6.15 Explosives and fire works

105.6.45 Temporary membrane structures, tents, and canopies

Section 105.7 Construction Permits is amended by deleting all the required construction permits except:

105.7.1 Automatic fire extinguishing systems

105.7. 6 Fire alarm and detection systems & related equipment

105.7. 7 Fire pumps & related equipment

105.7. 17 Standpipe systems

105.7. 18 Temporary membrane structures, tents, and canopies

A permit is required to operate an air-supported temporary membrane structure, a temporary stage canopy or tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Fabric canopies and awnings open on all sides which comply with all the following:
 - 2.1 Individual canopies shall have a maximum size of 700 square feet (65 m²).
 - 2.2 The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 2.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

Section 105 Permits is amended by adding the following new sections

105.7.1.1 A person and/or company designing, installing, testing, or maintaining automatic fire extinguishing systems are required to be NICET certified and provide a current permit issued by the Alaska State Fire Marshal's Office.

105.7. 6.1 A person and/or company designing, installing, testing, or maintaining fire alarm and detection systems and related equipment are required to be NICET certified and provide a current permit issued by the Alaska State Fire Marshal's Office.

Section 106 Inspection Add subsection 106.5 as follows:

106.5 All buildings and structures subject to the authority of this code are subject to inspection pursuant to a duly adopted inspection program. All inspections provided will subject the owner and/or operator to payment of fees as set forth in Fairbanks Code of Ordinances .

Section 201.3 Terms Defined in Other Codes.

Where terms are not defined in this code and are defined in the International Building Code, International Fuel Gas Code, International Mechanical Code or Uniform Plumbing Code, as adopted by the and amended by the City of Fairbanks, such terms shall have the meanings ascribed to them as in those codes.

Where reference to any electrical code is made in this code, it shall be taken to mean the National Electrical Code as adopted and amended by the City of Fairbanks.

Section 202 Definitions and Abbreviations. Amend the definitions as follow:

Educational Group E, day care facilities is revise to read: "This group includes building and structure, or portion thereof occupied by more than five children older than 2 ½ years of age, including children related to staff, who receive educational, supervision or personal care services for less than 24-hours per day.";

Educational Group E Day care

Create a new definition for **Family Child Care Homes** to read as follows:

A family child care home is a licensed facility that is located within a single- family home in which personal care services are provided by the owner or tenant that normally occupies the residence on a twenty four basis.

Add the following exception to this section "Exception: Family child care homes operated in a primary residence (R-3) and operating between the hours of 6:00 a.m. and 10:00 p.m. may accommodate a total of twelve children including children related to staff, provided that no more than 5 children are under the age of 2 ½ years, without conforming to the requirements of a Group E occupancy except for (1) smoke alarms as described in Subsection 907.2.11; (2) general means of egress requirements of Section 1003, including emergency escape and rescue openings, as required by Section 1030, in napping or sleeping rooms; (3) accessibility requirements as outlined in Chapter 11; (4) portable fire extinguisher requirements as described in Section 906 and (5) CO detection as required in IFC Section 915.

Family child care homes operated in a primary residence (R-3) and operating between the hours of 10:00 p.m. and 6:00 a.m. with more than 5 children including children related to staff shall be equipped with an approved automatic sprinkler system throughout, designed and installed in accordance with IFC Section 903.3.1.3 and NFPA Standard 13D or an approved equivalent system as approved by the Fire Chief; emergency escape and rescue openings, as required by Section 1030, in napping or sleeping rooms; portable fire extinguisher requirements as described in Section 906", smoke detection as required in Subsection 907.2.11 and CO detection as required in IFC Section 915;

Create a new definition for **Foster Care Facilities** to read as follows:

Foster Care Facilities. Facilities that provide care on a 24-hour basis to more than five children 2 ½ years of age or less, including children related to the staff, shall be classified as Group I-2.

Institutional Group I-1. Revised this section by deleting the second paragraph of condition 2 and replacing with the following:

A facility housing more than 2 and not more than 16 persons receiving custodial care shall be classified as Group R-4;

And revise the third paragraph of Condition 2 by deleting it and replacing it with the following:

Two or fewer persons receiving custodial care: A facility with two or fewer persons receiving custodial care shall be classified as a Group R-3.

Institutional Group I-2 is revised to read: "Institutional Group I-2 occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than two persons who are not capable of self-preservation."

Institutional Group I-2 is revised to read: "A child care facility that provides care on a 24-hour basis to more than five children who are 2 ½ years of age or less,

including children related to the staff shall be classified as Group I-2.” This facility shall include “Foster Care Facilities”.

Institutional Group I-4, day care facilities first paragraph is revised to read: “Institutional Group I-4 shall include building and structure, or portion thereof occupied by more than five children of any age, including persons related to the staff, receiving custodial care for less than 24 hours. ”;

Add new definition:

Nursing homes. Facilities that provide care, including both intermediate care facilities and skilled nursing facilities, serving more than two persons and any of the persons are incapable of self-preservation.

Residential Group R, R-4. Delete this paragraph in its entirety and replace as follows:

Residential occupancies shall include buildings, structures or portions thereof for more than 2 and no more than 16 persons, excluding staff, which reside on a 24 hour basis in a supervised residential environment and receive custodial care. Occupants of a residential care/assisted living facility are capable of responding to an emergency situation without physical assistance from the staff. Occupancies which include individuals who are not capable of responding to an emergency situation or incapable of self-preservation shall be classified as an “I occupancy”. R-4 occupancies shall be sprinklered throughout as required by section 903.3.1.3.

Townhouse. Delete the definition and replace as follows:

Townhouse: A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. Each townhouse shall be considered a separate building as recognized by a recorded lot line between such units. Each townhouse unit shall be provided with separate water, sewer, heating and electrical services.

Section 307.2 Permit required is revised by deleting this paragraph and replacing with:

A permit is required to be obtained for any open burning of brush or other organic plant material that does not create black smoke, toxic gases or odors which may affect nearby persons as prescribed by the ADNR / Forestry Division. Burning of other material must be approved / permitted by ADEC and FNSB Air Quality.

Section 405 EMERGENCY EVACUATION DRILLS is revised by the addition of a subsection:

405.10 False alarms.: False alarms may not be counted as a fire drill for the purposes of Section 405.

Section 507.5.4 (Obstructions) is revised by deleting this paragraph and adding the following:

Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections (FDC) or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. No vehicle shall be parked within 15 feet of the front and ten feet of the side of a fire hydrant, fire department connection or fire protection control valve on private or public property.

Section 901.3 Permits is revised by deleting this section and adding the following:

Permits shall be required as set forth in Section 105.7. Any company installing and or performing maintenance on sprinkler systems shall have at least one individual on site that holds a permit issued by the State Fire Marshal's Office.

Section 901 General is revised by adding a new subsection to read as follows:

901.11 Damage protection. When exposed to probable vehicular damage due to proximity to alleys, driveways or parking areas; standpipes, post indicator valves and sprinkler system or standpipe system connections, as well as Fire Hydrants (private or public) shall be protected in an approved manner as outlined by IFC (International Fire Code) or GHU (Golden Heart Utilities) standards.

Section 901.6.2 is revised by deleting this section and adding the following:

Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years. Copies of all inspection and service reports shall be sent to the fire code official within 30 days of inspection, testing, and maintenance.

901.6.2.1 "Records" is revised by deleting this section and adding the following:

Initial records shall include the name of the installation contractor, type of components installed, and manufacturer of the components, location and number of components installed per floor. Records shall also include the manufacturers'

operation and maintenance instruction manuals. Such records shall be maintained on the premises for the life of the installation. A copy of all inspection and service reports shall be sent to the fire code official within 30 days of the install.

Section 903.2.3 Group E. Delete this section in its entirety and replace as follows:

An automatic sprinkler system shall be provided throughout all Group E occupancies. An automatic sprinkler system shall also be provided for every portion of educational buildings below the level of exit discharge. Day care uses that are licensed to care for more than 5 persons between the hours of 10 p.m. and 6 a.m. shall be equipped with an automatic sprinkler system designed and installed in accordance with Section 903.3.1.3, or an approved equivalent system.

Exceptions:

1. Buildings with E occupancies having an occupant load of 49 or less.
2. Day care uses not otherwise required to have automatic sprinkler systems by other provision of the code.

903.2.11 Specific building areas and hazards is revised by adding the subsection:

903.2.11.7 Pit sprinklers. Sprinklers shall be installed in the bottom of all new and existing elevator pits below the lowest projection of the elevator car but no higher than 24" from the bottom of the pit.

Section 903.3.1.1 is revised by adding a new Subsection:

903.3.1.1.2 Elevator Hoist ways and Machine Rooms. When the provisions of this code require the installation of automatic sprinkler systems, the installation in elevator hoist ways and machine rooms must occur as described in IBC Chapter 30 (Elevators & Conveyer Systems) and N.F.P.A. 13, (Elevator Hoist ways and Machine Rooms) and adopted by reference, and the American Society for Mechanical Engineers (A.S.M.E.) *A17.1 Safety Code for Elevators and Escalators* (as adopted by the State of Alaska Dept. of Labor Standards and Safety) and adopted by reference. The sprinkler head at the top of the elevator shaft must have an isolation valve so the single head can be shut off in the event of an emergency. The valve must be marked and sealed or locked in the open position.

Exception: Sprinklers are not required in an elevator machine room where the machine room is:

- (1) Separated from the remainder of the building as described in *I.B.C.* Section 3006.4;

- (2) Smoke detection is provided in accordance with N.F.P.A. 72 and adopted by reference; and,
- (3) Notification of alarm activation is received at an approved central station alarm.

Section 903.4.2 Alarms. Amend this section by adding the following sentence to the end of the paragraph:

Buildings equipped with a sprinkler system without an alarm system shall have at least one notification device (horn/strobe) located inside the building in a commonly occupied area(s) to alert occupants of a sprinkler activation.

Section 907.2.3 Group E is revised by adding a second paragraph to read:

Rooms used for sleeping or napping purposes within a day care use of Group E occupancy must be provided with smoke alarms that comply with Section 907.2.11 and CO (carbon monoxide) detection as required Section 915.

Section 907.7 Acceptance Test is revised by adding a new sentence to read:

A copy of the acceptance test certificate must be forwarded to the fire code official by the firm conducting the test within 30 days of the completion of the installation.

Section 907.8.5 Maintenance, Inspection and Testing is revised by changing the last sentence to reads:

Records of inspection, testing and maintenance shall be maintained and a copy shall be **delivered within 30 days** to the fire code official.

Section 915.1 General. Revise the last sentence of this paragraph to read as follows.

Carbon monoxide detection shall be installed in existing buildings in accordance with Chapter 11 of the International Fire Code and this section.

Section 915.1.7 Vehicle parking. Add this subsection and the following.

Carbon monoxide detection shall be provided where there is located any vehicle parking within 25 feet of any direct air intake openings.

915.4.1 Power source. Is revised by adding the following sentence to the end of the paragraph;

Carbon monoxide detectors shall be permitted to be cord-and-plug type with battery backup, or battery powered in existing construction.

Section 1006.3.2.3 Exits from Basements. Create a new subsection and title to read as follows:

Basements in all occupancies except Group R-3 shall be provided with a minimum of at least two independent exits.

Exceptions:

1. Basements used exclusively for the service of the building.
2. Basements used exclusively for storage purposes and limited to 750 square feet.
3. Basements used for private offices, maintenance rooms or laundry rooms and similar uses limited to an aggregate floor area of 500 square feet, provided a hard wired smoke detector is installed in the basement and interconnected to a smoke detector located on the level of discharge as approved by the City Fire Marshal.
4. Basements used for private offices, maintenance rooms or laundry rooms and similar uses which are provided with a direct exterior exit to grade shall be limited to an aggregate floor area of 750 square feet, provided a hard wired smoke detector is installed in the basement and interconnected to a smoke detector on the level of exit discharge as approved by the City Fire Marshal.
5. Buildings which are sprinklered throughout and contain a basement may have one exit provided:
 - 5.1 Basements are used exclusively for storage purposes and limited to 1500 square feet.
 - 5.2 Basements are used for private offices, maintenance rooms, or laundry rooms and similar uses limited to an aggregate floor area of 1000 square feet.
 - 5.3 Basements are used for private offices, maintenance rooms or laundry rooms and similar uses and are provided with a direct exterior exit to grade shall be limited to an aggregate floor area of 1500 square feet.

Section 1010.1.9.3 Locks or Latches. Add Condition 6 as follows:

6. In Groups B, F, M and S occupancies, a single thumb turn may be used in exit doors, where the occupant load is 100 or less, in conjunction with an approved lock set when the thumb turn requires no more than one-half turn to unlock. Hardware height shall comply

with Section 1010.1.9.2. This exception does not apply when panic hardware is required or installed.

Section 1010.1.9.3.1 Manual security bar for limited use. Create a new subsection and title to read as follows:

Manual security bar for limited use. Assembly occupancies such as restaurants, taverns and lounges and B,F,M,S occupancies with an occupant load of less than 100 may utilize a manual security bar for the second required exit when the building is not occupied by the public. The security bar shall be pre-approved by the fire marshal before installation. The bar must be easily removed and shall not be provided with padlocks, chains or other locking devices requiring special tools or knowledge. The bar shall be identified by a contrasting color. The exit door shall be provided with a sign stating, "This door to remain unlocked during business hours." The conditions and approval of the security bar installation shall be kept on file with the fire marshal. The use of this provision may be revoked by the fire marshal for non-compliance.

Assembly occupancies with an occupant load of 300 or less which are provided with an approved sprinkler system thorough out may install a security bar on the second required exit as specified above. The conditions and approval of the security bar installation shall be kept on file with the fire marshal. The use of this provision may be revoked by the fire marshal for noncompliance.

Section 1011.5.2 Riser height. Amend section by adding an exception #6 to read as follows:

Stairs or ladders used only to attend equipment are exempt from the requirements of Section 1011.

Section 1030.1 General. Revise the first sentence of the paragraph to read as follows:

In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in Group R, I-1, **and** day care occupancies where napping or sleeping rooms are provided.

Section 1030.1 General. Revise this section by deleting exceptions 1.

Section 1030.2 Minimum size. Delete the exception.

Section 1030 Maintenance of the means of egress is revised by adding the following section:

Section 1031.10 Protection from falling snow and ice. Where the accumulation of snow and/or ice on a structure creates a hazardous condition, the areas below the accumulation shall be protected from falling snow and/or ice. These areas shall include (but not be limited to) building entrances and exits, pedestrian, driveways, public right-of-way and utility locations for gas meters, fire department connections, and electrical meters, services and disconnects, etc.

Appendix B Fire Flow Requirements for Buildings

Section B103- Modifications: Add new subsections B103.4 and B103.5 as follows:

B103.4 For buildings requiring a fire flow of 1,500 gallons per minute or less, located in areas not served by water mains, the Fire Chief may waive or reduce the fire flow requirements and/or may require a fire alarm system, if the cost of installing water mains or reservoirs exceeds 5% of the total cost of the structure(s) and improvement(s) as determined by the architect's or engineer's estimate.

B103.5 Table B105.1 is modified as follows for buildings located in areas not served by water mains.

- a. Floor areas for buildings may be increased by 100% of the basic floor area without an increase in fire flow, provided that an automatic, central station, or remote station supervised smoke or heat detection system is installed throughout the structure in accordance with NFPA 72. For the purposes of this subsection, such an installation may allow type V-B construction to be increased to 10,000 square feet in area.
- b. Separate fire areas within a building may be created by the construction of concrete or concrete block walls having minimum fire duration of two (2) hours, with no openings permitted, and extending to the outer edges of horizontal projecting elements. Full height parapets are required above the roof line.
- c. Sprinkler systems installed to reduce fire flow requirements (by 75% in accordance with the exception to section B105.2) and not otherwise required by the International Building or Fire Codes, 2009 editions, may be supplied from either pressure tanks or tanks with a listed fire pump, sized in accordance with the following criteria:

Classification	Design area (X 1500 sq. ft.)	Tank with fire pump	Pressure tank
Light Hazard	.10 gal/sq. ft.	2,000 gals	3,000 gals
Ord. Hazard 1	.15 gal/sq. ft.	2,500 gals	3,750 gals
Ord. Hazard 2	.20 gal/sq. ft.	3,000 gals	4,500 gals
Extra Hazard 1 & 2	NOT PERMITTED		

- d. Sprinkler systems specifically required by the 2009 editions of the International Building Code or Fire Code shall be installed in accordance with Chapter 9 of the International Fire Code 2009 edition. An approved water supply capable of providing ten minutes of the sprinkler system design discharge, not including hose stream allowances, shall be provided. The system must be monitored by an approved central or remote station alarm system. At such time that a water utility main is laid in front of, alongside of, or adjacent to the improved property, the owner of the property must connect the sprinkler system to the water utility main in an approved manner within one year and thirty days from the date such water service is declared available.
- e. A tract of land or subdivision which has been surveyed and divided into residential lots for purpose of sale shall meet fire flow requirements as determined by Section B105.1 of this Appendix.
- f. A tract of land, which, by means of incremental development, becomes similar to a tract of land or subdivision, which has been surveyed and divided into residential lots for purpose of sale, shall meet fire flow requirements as determined by Section B105.1 of this Appendix..
- g. Once an approved water main system is installed, subsequent additions to existing buildings, and all new construction, shall meet the required fire flow.
- h. Multiple structures on a single lot shall be individually evaluated for fire flow requirements.

ORDINANCE NO. 6018

**AN ORDINANCE TO AMEND FGC CHAPTER 10, ARTICLE XVI
INTERNATIONAL ENERGY CONSERVATION CODE, BY ADOPTING THE
2015 INTERNATIONAL ENERGY CONSERVATION CODE WITH LOCAL
AMENDMENTS**

WHEREAS, the Building Code Review and Appeals Commission reviewed the 2015 International Energy Conservation Code and the amendments thereto and recommends adoption of the 2015 International Energy Conservation Code with local amendments; and

WHEREAS, the City Council accepts the recommendations of the Building Code Review and Appeals Commission,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. Fairbanks General Code Chapter 10, Article XVI, is hereby repealed and re-enacted as follows:

ARTICLE XVI. INTERNATIONAL ENERGY CONSERVATION CODE

Sec. 10-456. Adopted.

The 2015 International Energy Conservation Code is hereby adopted.

Sec. 10-457. Amendments.

The City of Fairbanks Local Amendments to the 2015 International Energy Conservation Code is hereby adopted. Copies of the Local Amendments to the 2015 International Energy Conservation Code shall be made available at the Building Department and published online at the City of Fairbanks website.

Section 2. That the effective date of this ordinance is the ____ day of June 2016.

JOHN EBERHART, MAYOR

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

CITY OF FAIRBANKS

Local Amendments to the 2015 International Energy Conservation Code

(Adopted by Ordinance No. 6018)

The International Energy Conservation Code, 2015 Edition, is hereby amended as follows:

Commercial Provisions Chapter 1 – Chapter 6. Delete this section in its entirety.

Residential Provisions Chapter 1. Delete sections R101.5-101.5.1 and R102-R109 in their entirety and refer to the City of Fairbanks Administrative Code.

Section R202 General Definitions.

Vapor Retarder. Create a new definition to read as follows:

Vapor retarder. A vapor resistant material, membrane or covering having a permeance rating of .06 perm and recognized as a class 1 vapor retarder in accordance with the International Residential Code.

Section R401.3 Certificate. Delete this section in its entirety.

Table R402.1.2 Insulation and Fenestration Minimum R-Values by Component.

Delete the table in its entirety and replace with the following:

Table R402.1.1 Insulation and Fenestration Minimum R-Values by Component								
Climate Zone	Windows	Doors	Ceiling ^a	Exterior frame wall ^d	Floor ^e	Below grade wall ^b	Slab ^c & Depth	Crawl-space wall ^b
8	3.22	7	60 or 49	21	38	15/19	15, 4ft	15/19

a. The smaller value may be used with a properly sized, energy-heel truss.
 b. The first R-value applies to continuous insulation, the second to framing cavity insulation; either meets

the requirement.

c. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation shall not be placed below the footing portion unless bearing on entirely non-frost susceptible soils.

d. Includes rim joists

e For exposed floors, floors above crawl spaces do not require insulation.

Section R402.1.2 R-value Computation.

Delete the last sentence in its entirety.

Table R402.1.3 Insulation and Glazing Maximum U-Factors by component. Delete the table in its entirety and replace with the following:

Table R402.1.3 Insulation and Glazing Maximum U-Factors by Component ^c								
Climate Zone	Windows	Doors	Ceiling ^a	Exterior frame wall	Floor ^e	Below grade wall ^b	Slab	Crawl-space wall ^b
8	.31	.14	0.017 or 0.020	0.047	0.0026	0.067/ 0.053	0.067	0.066/ .052

a. The smaller value may be used with a properly sized, energy-heel truss.
b. The first R-value applies to continuous insulation,

the second to framing cavity insulation; either meets the requirement.

c. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation shall not be placed below the footing portion unless bearing on entirely non-frost susceptible soils.

d. Includes rim joists

e. For exposed floors, floors above crawlspaces do not require insulation.

Section R402.2.1 Ceilings with attic spaces. Amend this section by adding the following exception:

Exception: R-49 fiberglass blanket insulation may be compressed at the eave to provide a 1.5 inch air space when installed between wood trusses having a minimum heel height of 11.25 inches.

Section R402.2.5 Mass walls. Delete this section in its entirety.

Section R402.2.11 Crawl space walls. Delete this section in its entirety and rename and replace as follows:

Section R402.2.11 Crawl space walls and adjacent floor.

Floors located above crawl spaces and not directly exposed to exterior ambient temperatures are not required to be insulated if such spaces contain, plumbing piping, hydronic piping or water and sewer services. Crawl spaces may be vented by natural or mechanical means as prescribed by the International Residential Code or International Building Code. Crawl spaces which are vented to the exterior and contain piping as described above shall be protected during freezing temperatures by an approved method or material. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor level to the top of the footing. Exposed earth in crawl space foundations shall be covered with a continuous vapor retarder. All joints of the vapor retarder shall overlap by 6 inches and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches up the stem wall and shall be attached or secured to the stem wall in an approved manner.

Section R402.3.7 Glazing limitation. Add a new section to read as follows:

Glazing shall be limited to 15% of the conditioned floor area unless substantiated by a design prepared by a licensed engineer or architect registered in the State of Alaska

Section R402.4.6 Moisture control (Mandatory) Create a new section and title to read as follows.

Moisture control (Mandatory). The building design shall not create conditions of accelerated deterioration from moisture condensation. Walls, floors, ceilings, crawl space walls, crawl space floors and concrete slabs shall incorporate an approved, continuous, vapor retarder. The vapor retarder shall be installed on the warm side of the insulation. All seams shall be lapped a minimum of one stud or joist bay or sealed with an approved tape or sealant. All voids between joists and studs shall be insulated and sealed in an approved manner.

Exceptions:

1. In construction where moisture or its freezing will not damage materials.
2. One-third of total installed insulation may be installed on the warm side of vapor retarders.

Section R403.1.1 Programmable Thermostat. Delete this section

Section R403.2 Hot water boiler outdoor temperature setback. Delete this section.

Section R403.2.2 Sealing (Mandatory). Delete this section in its entirety and replace with the following:

All ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with the 2015 International Mechanical Code as adopted by the City Of Fairbanks.

Section R403.2.4 Duct material. Create a new subsection to read as follows:

A duct transporting ventilation air shall be constructed of a smooth-walled material, such as galvanized steel or lined fiberglass (rigid or semi-rigid). The use of flexible ducting is approved as a transition from rigid ducting to mechanical and air handling equipment. In all circumstances flexible ducting shall be installed per the manufacturer's instructions. Flexible ducting shall be supported to prevent sags. The radius at the centerline shall not be less than one duct diameter.

Section R403.4 Mechanical system piping insulation (Mandatory). Insert an exception to read as follows:

Exception: piping installed within the building thermal envelope.

Section R403.6 Mechanical ventilation (Mandatory) Add the following to this paragraph:

Ventilation shall comply with the 2015 International Mechanical Code or the latest edition of the ASHRAE Standard 62.2 as referenced. Exterior exhaust vents shall be located to prevent exhaust air from entering attic or soffit vents.

Section R403.7 Equipment sizing and Efficiency Rating (Mandatory). Add the following to the end of the paragraph:

Heating and cooling equipment shall be sized in accordance with the 2015 International Mechanical Code as adopted by the City of Fairbanks or based on design loads determined in accordance with the procedures described in ASHRAE Fundamentals Handbook, or other approved equivalent computational procedures.

Section R404 Electrical Power and Lighting Systems. Delete this section in its entirety.

Section R405.3 Performance based compliance Add an exception to read as follows:

Exception: Compliance may be demonstrated through a home energy rating under a program approved by the Alaska Housing Finance Corporation (AHFC) that meets the following:

1. A minimum four star plus rating is required.
2. The maximum air infiltration rate shall not exceed seven air changes per hour at 50 Pascal's pressure difference.
3. The compliance rating shall be performed by a person authorized by AHFC.
4. Compliance with sections 404.4 through 404.6 is not required.

Chapter 6 Referenced Standards. Add the following to the ASHRAE section:

62.2 2013 Ventilation and acceptable indoor air quality in low rise buildings.

ORDINANCE NO. 6019

AN ORDINANCE ADOPTING THE 2015 INTERNATIONAL EXISTING BUILDING CODE WITH LOCAL AMENDMENTS

WHEREAS, prior to 2015, the City Council adopted the International Building Code, published by the International Code Council, including Chapter 34, which regulated the alteration, repair, addition, and change of occupancy of existing structures; and

WHEREAS, in 2015, the International Code Council no longer provides for the alteration, repair, addition, and change of occupancy in existing structures in the International Building Code but, rather, publishes applicable regulations as the separate 2015 International Existing Building Code; and

WHEREAS, the International Code Council publishes the 2015 International Existing Building Code with the expressed intent of providing flexibility to permit the use of alternative approaches in compliance with minimum requirements to safeguard the public health, safety, and welfare; and

WHEREAS, the Building Code Review and Appeals Commission reviewed the 2015 International Existing Building Code and the amendments thereto; and

WHEREAS, the City Council accepts the recommendations of the Building Code Review and Appeals Commission to adopt the 2015 International Existing Building Code with local amendments,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. Fairbanks General Code, Chapter 10, is hereby amended by adding Article XVII. International Existing Building Code as follows:

ARTICLE XVII. INTERNATIONAL EXISTING BUILDING CODE

Sec. 10-501. Adoption.

The 2015 International Existing Building Code is hereby adopted.

Sec. 10-502. Amendments.

The 2015 International Existing Building Code is hereby amended as follows:

Chapter 1, Scope and Administration. Delete Chapter 1 in its entirety and refer to the City of Fairbanks Administrative Code, as amended.

Section 302.1 Applicability. Add the following at the end of this paragraph.

The design and construction of buildings or portions of buildings to meet the requirements of the Americans with Disabilities Act and Fair Housing Act is the exclusive responsibility of the owner of the structure.

Section 2. That the effective date of this ordinance is the ___ day of June 2016.

John Eberhart, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

ORDINANCE NO. 6020

**AN ORDINANCE TO AMEND FGC CHAPTER 10, ARTICLE VII, BY
ADOPTING THE 2015 CITY OF FAIRBANKS CODE FOR THE ABATEMENT
OF DANGEROUS BUILDINGS**

WHEREAS, the Building Code Review and Appeals Commission reviewed the current City of Fairbanks Code for the Abatement of Dangerous Buildings adopted in 2011 and recommends adoption of the attached 2015 version; and

WHEREAS, the City Council accepts the recommendations of the Building Code Review and Appeals Commission;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. FGC Section 10-206 is hereby repealed and re-enacted as follows:

Sec. 10-206. Adoption.

The 2015 City of Fairbanks Code for the Abatement of Dangerous Buildings is hereby adopted by the City of Fairbanks.

Copies of the City of Fairbanks Code for the Abatement of Dangerous Buildings shall be made available at the Building Department and published online at the City of Fairbanks website.

Section 2. That the effective date of this Ordinance will be the ____ day of June 2016.

John Eberhart, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

2015 CITY OF FAIRBANKS

CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

CHAPTER 1 TITLE AND SCOPE

SECTION 101 – TITLE

These regulations shall be known as the Abatement of Dangerous Buildings Code, may be cited as such, and will be referred to herein as “this code” or the “Abatement Code.”

SECTION 102 – PURPOSE AND SCOPE

102.1 Purpose. It is the purpose of this chapter to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the construction codes as adopted by the City of Fairbanks, or otherwise available by law, whereby buildings or structures, which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, will be repaired, vacated, demolished or removed.

The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

Section 102.2 Scope. The provisions of this chapter apply to all dangerous buildings or structures, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

SECTION 103 – ALTERATIONS AND REPAIRS

All buildings or structures required to be repaired under the provisions of this chapter are subject to the provisions of the International Building Code, as adopted by the City of Fairbanks.

CHAPTER 2 ADMINISTRATION AND ENFORCEMENT

SECTION 201 - GENERAL

201.1 Administration. The building official and fire chief are hereby authorized to enforce the provisions of this code.

The code official shall have the authority and duty to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations will be in conformity with the intent and purpose of this code.

201.2 Inspections. The building official and fire marshal are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

201.3 Right of entry. When it is necessary to make an inspection to enforce the provisions of this code or when the code official or the code official's authorized representative has reasonable cause to believe there exists in a building or structure a condition which is contrary to or in violation of this code and makes the building or structure dangerous or unlawful, the code official may enter the building or structure at reasonable times to inspect or to perform the duties imposed by this code, provided if such building or structure be occupied that credentials be presented to the occupant and entry requested. If such building or structure is unoccupied, the code official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or structure and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

SECTION 202 – ABATEMENT OF DANGEROUS BUILDINGS

All buildings or structures or portions thereof which are determined after inspection by the building official to be dangerous, as defined in this code, are hereby declared to be public nuisances and will be abated by repair, demolition, or removal in accordance with the procedure as specified in Section 401 of this code.

SECTION 203 – VIOLATIONS

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

SECTION 204 – INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required are subject to inspection by the building department in accordance with inspection requirements as set forth by the Administrative Code as adopted and amended by the City of Fairbanks. All work will be inspected and approved by the code official before it is covered.

SECTION 205 – APPEALS BOARD

205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, an appeals board is hereby created. The composition of the appeals board and its general rules of procedure, duties and powers are set forth in the Fairbanks General Code of Ordinances, Sections 2-481 through 2-484.

205.2 Limitations of Authority. The appeals board shall have no authority relative to interpretations of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

CHAPTER 3 DEFINITIONS

SECTION 301 – GENERAL

For the purpose of this chapter, certain terms, phrases, words and their derivatives will be construed as specified in either this chapter or as specified in the code. Where terms are not defined, they will have the ordinary accepted meanings within the context with which they are used. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

Abandoned Structure is a structure that has been vacant for a period in excess of 12 months or any period less than 12 months when a vacant structure or portion thereof constitutes an attractive nuisance or hazard to the public as determined by the Building Official. A structure will not be considered abandoned if it is available for lease and ready for occupancy in compliance with the applicable provisions of chapter 10 of the Fairbanks General Code.

Beyond Economic Feasibility to Repair is when the estimated cost of repair exceeds the estimated replacement cost of the entire structure.

Building Code is the most current edition of the International Building Code as adopted by the City of Fairbanks.

Code or Codes are the relevant codes, as adopted by this jurisdiction.

Code Official is the building official, fire official or their designee.

Dangerous Building is any building or structure deemed to be dangerous under the provisions of section 302 of this code.

Derelict Building is any building, structure or portion thereof which is unoccupied and meets any of the following criteria:

1. Has been ordered vacated by the Building Official pursuant to the provisions of this code.
2. Has been issued a correction notice by the Building Official pursuant to the provisions of this code.
3. Has been posted for violation of this code more than once in any two year period.
4. Is unsecured.

Habitual means customarily or by frequent practice or use. It does not mean entirely or exclusive.

Imminent or immediate means near or at hand, or left unattended to, on the point of happening. An observable structural, electrical, mechanical or plumbing failure to the extent that a reasonable person may believe that possesses a serious threat to life and safety.

Record Owner – any legal interest of record disclosed from official public records.

Unfit for Human Occupancy – A building or structure is unfit for human occupancy whenever the code official finds such structure is unsafe, unlawful or because of the degree to which the building or structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the building or structure, constitutes a hazard to the occupants of the building or structure or to the public. A building which is unfit for human occupancy is classified as a dangerous building and shall be abated as determined by the building official in accordance with this code.

Unsafe Building or Structure – is one found to be dangerous to the life, health, property or safety of the public or the occupants of the building or structure by not providing the minimum safeguards to protect or warn occupants in the event of fire, or because such building or structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. An unsafe building shall be abated as determined by the building official in accordance with this code. Abatement may consist of correction and repair in accordance with an approved work agreement or demolition.

Unsafe Equipment – includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the building or structure in such disrepair or condition that such equipment is a hazard to life, health, property or safety.

Unoccupied means not being used for lawful occupancy.

Unsecured means the lack of a secure means of ingress and egress thus allowing for occupancy or use of a building or structure by unauthorized persons.

Work Agreement Contract to Repair is a written agreement between the owner of a building and the City of Fairbanks wherein the owner agrees to carry out required repair/work on any abandoned, unsafe, dangerous structure or structures between a specified commencement and completion date.

SECTION 302- DANGEROUS BUILDING

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described is deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the code for buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent the structural strength or stability thereof is materially less than before such catastrophe and is less than the minimum requirements of the code for buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building or structure, or any member, appurtenance or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the code for such buildings or structures.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar construction.
8. Whenever the building or structure, or any portion thereof, because of:
 - a. Dilapidation, deterioration or decay;
 - b. Faulty construction;
 - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building or structure;
 - d. The deterioration, decay or inadequacy of its foundation; or
 - e. Any other cause;is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose of which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children;
 - b. A harbor for vagrants, criminals or immoral persons; or
 - c. Enables persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty (50) percent, or in any supporting part, member or portion, less than sixty-six (66) percent of the:
 - a. Strength;
 - b. Fire-resisting qualities or characteristics; or
 - c. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building or structure of like area, height and occupancy in the same location.
 - d. This subsection does not apply to strength required to resist seismic loads.
15. Whenever a building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the code official to be unsanitary, unfit for human occupancy or in such a condition it is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the code official to be a fire hazard.

17. Whenever any building, structure or grounds are in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or structure or portion thereof an attractive nuisance or hazard to the public.

CHAPTER 4 NOTICE AND ORDER OF BUILDING OFFICIAL

SECTION 401 - GENERAL

401.1 Commencement of Proceedings. When the building official has inspected or caused to be inspected any building or structure and has determined that such building is a dangerous building, the building official shall commence proceedings to cause the repair, demolition, or removal of the building or structure.

401.2 Notice and Order. The code official shall issue a notice and order directed to the record owner of the building or structure. The notice and order will contain:

1. The street address and a legal description sufficient for identification of the property upon which the building or structure is located.
2. A statement that the code official found the building or structure to be dangerous or unlawful with a brief and concise description of the conditions found to render the building or structure dangerous or unlawful under the provisions of section 302.
3. A statement of the action required to be taken as determined by the building official:
 - 3.1 If the building official has determined that the building or structure must be repaired or removed, the order shall require all required permits be secured therefore and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all the circumstances.
 - 3.2 If the building official has determined that the building or structure must be vacated, the order shall require the building or structure shall be vacated within a time certain from the date of the order as determined by the code official to be reasonable.
 - 3.3 If the building official has determined the building or structure must be demolished, the demolition will be completed within such time as the

building official determines is reasonable and will be specified on the Notice and Order. A minimum notification of 60 days is required for all building demolitions unless the building or structure represents an immediate danger to the public health, safety and welfare.

4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed and (ii) may proceed to cause the work to be done and charge the costs thereof against the property and/or its owner.
5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the appeals board provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

401.3 Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, must be served upon the record owner and posted on the property; and one copy thereof must be served on each of the following if known to the building official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the code official to serve any person required herein to be served will not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

401.4 Method of Service. Service of the notice and order will be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the property tax records of the Fairbanks North Star Borough or as known to the code official. If no address of any such person so appears or is known to the code official, then a copy of the notice and order will be mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice will not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided will be effective on the date of mailing.

401.5 Proof of Service. Proof of service of the notice and order will be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail, will be affixed to the copy of the notice and order retained by the building official.

SECTION 402 – RECORDATION OF NOTICE AND ORDER

If the notice and order has not been complied with in the time specified therein, and no appeal has been properly and timely filed, the code official shall file in the Fairbanks District Recorder's Office a certificate describing the property and certifying:

1. The building or structure is a dangerous building; and
2. The owner has been so notified.

When the corrections ordered have been completed or the building or structure demolished so it no longer exists as a dangerous building or structure on the property described in the certificate, the code official shall file a new certificate with the Fairbanks District Recorder certifying the building or structure has been removed, demolished or all required corrections have been made so that the building or structure is no longer dangerous, whichever is appropriate.

402.1 Transfer of ownership. It is unlawful for the owner of any building or structure who has received a notice and order under this Abatement Code to sell, transfer, mortgage, lease or otherwise dispose of such building or structure to another until the provisions of the notice and order have been complied with, or until such owner has furnished the grantee, transferee, mortgagee or lessee a true copy of any notice and order issued by the code official and furnished the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice and order or notice of violation fully accepting the responsibility without condition for making corrections or repairs required by such notice and order or notice of violation.

SECTION 403 – REPAIR VACATION AND DEMOLITION

The following standards will be followed by the Building Official (and the Appeals Board if an appeal is taken) in ordering the repair vacation or demolition of any dangerous, abandoned or derelict building or structure or public nuisance defined herein.

1. Any building declared a dangerous, abandoned or derelict building as classified by this code will be made to comply by the owner with one of the following options:
 - 1.1 The building will be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair. All work will be permitted and inspected as required by the applicable building code as adopted by the City of Fairbanks.
 - 1.2 The building or structure may be demolished at the option of the owner.
2. If the building or structure is in such condition as to make it immediately dangerous to life, limb, property or safety of the public or its occupants, it will be

ordered to be vacated and, if repairs are not begun within 60 days as stipulated by the notice and order, demolished.

3. If one or more of the following conditions exists, the building or structure may be ordered to be demolished:
 - a. The building is in imminent danger of collapse due to structural failure.
 - b. The building has not been properly secured or maintained so that it is habitually used as a harbor for vagrants or is an attractive nuisance to children.
 - c. The building is beyond economic feasibility to repair.
 - d. The building remains abandoned or derelict 180 days after notice pursuant to the provisions of this code.

SECTION 404 – NOTICE TO VACATE

404.1 Posting. Every notice to vacate, in addition to being served as provided in Section 401.3, will be posted at or upon each exit of the building and will be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY
It is a misdemeanor to occupy this building or to remove or deface this notice.
Building Official
City of Fairbanks**

404.2 Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under section 401.2 identifying the emergency or circumstances and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

404.3 Summary Abatement. The building official may abate any public nuisance without notice in an emergency where the safety of the public is endangered and where immediate action is necessary and timely notice cannot be given. All other abatement proceedings, except the necessity and the manner and method of giving notice, will apply to the nuisance summarily abated, including the recovery of the costs of the summary abatement.

CHAPTER 5 APPEAL

SECTION 501 – GENERAL

501.1 Form of Appeal. Any person entitled to service under sections 401.3 may appeal any notice and order or any action of the code official under this code by filing at the office of the building official a written appeal within (30) days from the date of service of such notice and

order of the building official; provided, however, if the building or structure is in such condition as to make it immediately dangerous to the life, limb, health, morals, property, safety or welfare of the general public or their occupants and is ordered vacated and is posted in accordance with section 404, such appeal must be filed within ten (10) days from the date of the service of the notice and order of the code official. The written appeal must contain:

- a) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
- b) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
- c) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
- d) The signatures of all parties named as appellants and their official mailing addresses.

501.2 Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of the appeals board.

501.3 Scheduling and noticing appeal for hearings. As soon as practicable after receiving the written appeal, the appeals board shall fix a date, time and place for the hearing of the appeal by the board. Such date will not be less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the code official. Written notice of the time and place of the hearing will be given at least ten (10) days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

SECTION 502 – EFFECT OF FAILURE TO APPEAL

Failure of any person to file an appeal in accordance with the provisions of section 501 will constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

SECTION 503 – SCOPE OF HEARING ON APPEAL

Only those matters or issues specifically raised in the notice and order or actions by any persons with authority under this chapter will be considered in the appeal hearing.

SECTION 504 – STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to section 404, enforcement of any notice and order of the code official issued under this chapter will be stayed during the appeal there from which is properly and timely filed.

CHAPTER 6 PROCEDURES FOR CONDUCT OF HEARING APPEALS

SECTION 601 - GENERAL

601.1 Hearing Examiners. The board may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of hearings until it is submitted to the board for decision.

601.2 Record. A record of the entire proceedings will be made by tape recording or by any other means of permanent recording determined to be appropriate by the board.

601.3 Continuances. The board may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

601.4 Oaths-Certification. In any proceedings under this chapter, the board, any board member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

601.5 Reasonable Dispatch. The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SECTION 602 - FORM OF NOTICE OF HEARING

The notice to appellant will be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before (the appeals board or name of hearing examiner) on the ____ day of _____, 20__, at __:__ a.m./p.m., at _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefore with (appeals board or name of hearing examiner)."

SECTION 603 – SUBPOENAS

603.1 Filing of Affidavit. The board or examiner may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and

service of such subpoena will be obtained upon the filing of an affidavit therefore which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular.

603.2 Cases Referred to Examiner. In cases where a hearing is referred to an examiner, all subpoenas will be obtained through the examiner.

603.3 Penalties. Any person who refuses without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls, as required by any subpoena served upon such person as provided for herein is guilty of a misdemeanor.

SECTION 604 - CONDUCT OF HEARING

604.1 Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

604.2 Oral Evidence. Oral evidence will be taken only on oath or affirmation.

604.3 Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but is not sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

604.4 Admissibility of Evidence. Any relevant evidence will be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

604.5 Exclusion of Evidence. Irrelevant and unduly repetitious evidence will be excluded.

604.6 Rights of Parties. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut the evidence; and

6. To be represented by anyone who is lawfully permitted to do so.

604.7 Official Notice.

604.7.1 What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the board or departments and ordinances of the city or rules and regulations of the board.

604.7.2 Parties to be notified. Parties present at the hearing will be informed of the matters to be noticed, and these matters will be noted in the record, referred to therein, or appended thereto.

604.7.3 Opportunity to refute. Parties present at the hearing will be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the board or hearing examiner.

604.7.4 Inspection of the premises. The board or the hearing examiner may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the board or the hearing examiner shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn there from. Each party then will have a right to rebut or explain the matters so stated by the board or hearing examiner.

SECTION 605 - METHOD AND FORM OF DECISION

605.1 Hearing before Board Itself. When a contested case is heard before the board itself, a member thereof who did not hear the evidence or has not read the entire record of the proceedings shall not vote on or take part in the decision.

605.2 Hearing before Examiner. If a contested case is heard by a hearing examiner alone, the examiner shall within a reasonable time (not to exceed 90 days from the date the hearing is closed) submit a written report to the board. Such report will contain a brief summary of the evidence considered and state the examiner's findings, conclusions and recommendations. The report also will contain a proposed decision in such form that it may be adopted by the board as its decision in the case. All examiners' reports filed with the board will be matters of public record. A copy of each such report and proposed decision will be mailed to each party on the date they are filed with the board.

605.3 Consideration of Report by Board-Notice. The board shall fix the time, date and place to consider the examiner's report and proposed decision. Notice thereof shall be mailed to each interested party not less than five days prior to the date fixed, unless it is otherwise stipulated by all of the parties.

605.4 Exceptions to Report. Not later than two days before the date set to consider the report, any party may file written exceptions to any part or all of the examiner's report and may attach thereto a proposed decision together with written argument in support of such decision. By leave of the board, any party may present oral argument to the board.

605.5 Disposition by the Board. The board may adopt or reject the proposed decision in its entirety, or may modify the proposed decision.

605.6 Proposed Decision Not Adopted. If the proposed decision is not adopted as provided in Section 605.5, the board may decide the case upon the entire record before it, with or without taking additional evidence, or may refer the case to the same or another hearing examiner to take additional evidence. If the case is reassigned to a hearing examiner, the examiner shall prepare a report and proposed decision as provided in Section 605.2 hereof after any additional evidence is submitted. Consideration of such proposed decision by the board will comply with the provisions of this section.

605.7 Form of Decision. The decision will be in writing and will contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision will be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested.

605.8 Effective Date of Decision. The effective date of the decision will be as stated therein.

CHAPTER 7 ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL OR THE APPEALS BOARD

SECTION 701 – COMPLIANCE

701.1 General. After any order of the building official or the appeals board made pursuant to this code becomes final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

701.2 Failure to Obey Order. If, after any order of the building official or the appeals board, made pursuant to this code, becomes final, the person to whom such order is directed fails, neglects or refuses to obey such order, the building official may (i) cause such person to be prosecuted under Section 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

701.3 Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

**DANGEROUS BUILDING
DO NOT OCCUPY**

It is a misdemeanor to occupy this building or to remove or deface this notice.

**Building Official
City of Fairbanks**

2. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

3. The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris there from removed and the lot cleaned. Any such repair or demolition work will be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, will be paid to the person or persons lawfully entitled thereto.

SECTION 702 - EXTENSION OF TIME TO PERFORM WORK

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 180 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

**SECTION 703 - INTERFERENCE WITH REPAIR OR DEMOLITION WORK
PROHIBITED**

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building, which has been ordered repaired, vacated or demolished under the provisions of this code or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building

or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

CHAPTER 8 PERFORMANCE OF WORK OF REPAIR OR DEMOLITION

SECTION 801 – GENERAL

801.1 Procedure. When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3, of this code, the building official shall issue an order to the director of public works, and the work will be accomplished by city personnel or by private contract under the direction of the director. Plans and specifications may be prepared by the director, or the director may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures will be followed.

801.2 Costs. The cost of such work will be paid from the general fund and may be made from a special assessment against the property involved and/or a personal obligation of the property owner, as the city council shall determine appropriate.

CHAPTER 9 RECOVERY OF COST OF REPAIR OR DEMOLITION

SECTION 901 - ACCOUNT OF EXPENSE, FILING OF REPORT

The director of public works shall keep an itemized account of the expense incurred in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code. Upon the completion of the work of repair or demolition, the director shall prepare and file with the city clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 401.3.

SECTION 902 - NOTICE OF HEARING

Upon receipt of the report, the city clerk shall present it to the city council for consideration. The council shall fix a time, date and place for hearing the report and any protests or objections thereto. The clerk shall publish notice of the hearing once in a newspaper of general circulation in this jurisdiction and shall mail a copy of the notice by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the borough's property tax records, if it appears, or as known to the clerk. In addition, the building official shall cause notice of the hearing to be posted upon the property involved. Such notice will be given at least 10 days prior to the date set for the hearing and will specify the day, hour and place when the council will hear and pass upon the director's report, together with any

objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.

SECTION 903 - PROTESTS AND OBJECTIONS

Any person interested in or affected by the proposed charge may file written protests or objections with the clerk at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of the protest or objection. The clerk shall endorse on every such protest or objection the date of receipt. The clerk shall present such protests or objections to the council at the time set for the hearing, and no other protests or objections will be considered.

SECTION 904 - HEARING OF PROTESTS

Upon the day and hour fixed for the hearing, the council shall hear and pass upon the report of the director, together with any objections or protests. The council may make such revision, correction or modification in the report or the charge as it may deem just; and when the council is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, will be confirmed or rejected. The decision of the council on the report and the charge, and on all protests or objections, will be final and conclusive.

SECTION 905 - PERSONAL OBLIGATION AND PROPERTY LIEN

905.1 General. The council may order that the charge be made a personal obligation of the property owner and/or a lien against the property.

905.2 Personal Obligation. If the council orders that the charge be a personal obligation of the property owner, it shall direct the city attorney to collect the charge on behalf of the city by use of all appropriate legal remedies.

905.3 Property Lien. If the council orders that the charge be made a lien against the property, it shall direct that the lien be recorded. The lien will be paramount to all other liens except for state and borough property taxes with which it will be upon a parity. The lien will continue until paid in full.

905.4 Interest. All charges imposed by the council remaining unpaid after 30 days from the date of recording will become delinquent and will bear interest at the legal rate from and after that date.

SECTION 906 – CONTEST

Any action to contest the council's action under Sections 904 or 905 must be commenced within 30 days.

ORDINANCE NO. 6021

**AN ORDINANCE TO AMEND FGC CHAPTER 10, ARTICLE II, BY
ADOPTING THE 2015 CITY OF FAIRBANKS ADMINISTRATIVE CODE**

WHEREAS, the Building Code Review and Appeals Commission reviewed the current City of Fairbanks Administrative Code adopted in 2011 and recommends adoption of the attached 2015 version; and

WHEREAS, the City Council accepts the recommendations of the Building Code Review and Appeals Commission,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. FGC Section 10-31 is hereby repealed and re-enacted as follows:

Sec. 10-31. Adoption.

The 2015 City of Fairbanks Administrative Code is hereby adopted by the City of Fairbanks.

Copies of the City of Fairbanks Administrative Code shall be made available at the Building Department and published online at the City of Fairbanks website.

Section 2. That the effective date of this Ordinance will be the ____ day of June 2016.

John Eberhart, Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul Ewers, City Attorney

2015 CITY OF FAIRBANKS ADMINISTRATIVE CODE

Chapter 1 Title, Scope and General

Section 101	Title Purpose and Scope.....	5
101.1	Title.....	5
101.2	Purpose.....	5
101.3	Scope.....	5
101.4	Other Laws.....	5
101.5	Referenced Codes.....	5
101.6	Adopted codes.....	5
Section 102	Application to Existing Buildings / Building Service Equipment.....	5
102.1	General.....	5
102.2	Additions, Alterations or Repairs.....	5
102.3	Existing Installations.....	6
102.4	Existing Occupancy.....	6
102.5	Maintenance.....	6
102.6	Moved Buildings.....	7
102.7	Temporary Structures.....	7
102.8	Historic Buildings.....	7
Section 103	Definitions.....	7-9
Section 104	Conflicting Provisions.....	9
Section 105	Alternate Materials, Methods of Design And Methods of Construction.....	9
Section 106	Modifications.....	10
Section 107	Tests.....	10

Chapter 2 Organization and Enforcement

Section 201	Authority.....	10
201.1	Creation of Enforcement Agency.....	10
201.2	General.....	10
201.2.1	Fire Department.....	10

Section 202	Powers and Duties of Building Official and Fire Official	10
202.1	General.....	10
202.1.1	Fire Department.....	11
202.2	Deputies.....	11
202.3	Right of Entry.....	11
202.4	Stop Work Orders.....	11
202.4.1	Unlawful Continuance.....	11
202.5	Occupancy Violations.....	11
202.6	Authority to Disconnect Utilities.....	11
202.7	Authority to Condemn Building Service Equipment.....	12
202.8	Connection after Order to Disconnect.....	12
202.9	Liability.....	12
202.10	Cooperation of Other Officials and Officers.....	12
202.11	Notice and Orders.....	12
202.12	Department Records.....	12
202.13	Approved Materials and Equipment.....	13
202.14	Used Materials and Equipment.....	13
202.15	Research Reports.....	13
Section 203	Unsafe Buildings, Structures or Building Service Equipment.....	13
Section 204	Building Code Review and Appeals Commission.....	13
204.1	General.....	13
204.2	Limitations of Authority.....	13
Section 205	Violations.....	14
205.1	Unlawful Acts.....	14
205.2	Notice of Violation.....	14
205.3	Prosecution of Violation.....	14
205.4	Violation Penalties.....	14

Chapter 3 Permits, Construction Documents and Inspections

Section 301	Permits.....	14
301.1	Permits Required.....	14
301.1.1	Emergency Repairs.....	14
301.2	Work Exempt from Permit.....	14
301.2.1	Building Permits.....	14
301.2.2	Plumbing Permits.....	15

301.2.3	Electrical Permits.....	16
301.2.4	Mechanical Permits.....	16
301.2.5	Fire Sprinkler and Alarm Permits.....	17
Section 302	Application for Permit and Construction Documents.....	17
302.1	Application.....	17
302.2	Submittal Documents.....	17
302.3	Required Information on Plans and Specifications.....	18
302.4	Architect or Engineer of Record.....	18
302.4.1	General.....	18
302.4.2	Deferred Submittals.....	19
302.5	Special Inspection and Observation Program.....	19
302.6	Examination of Documents.....	19
302.7	Approval of Construction Documents.....	19
302.8	Previous Approvals.....	19
302.9	Phased Plan Approval.....	19
Section 303	Permits Issuance.....	20
303.1	Issuance.....	20
303.2	Retention of Plans.....	20
303.3	Validity of Permit.....	20
303.4	Expiration.....	20
303.5	Suspension or Revocation.....	20
303.6	Electrical Permit Issuance.....	21
303.7	Plumbing Permit Issuance.....	21
303.8	Mechanical Permit Issuance.....	21
303.9	Electrical Sign Permit Issuance.....	21
303.10	Fuel Gas Permit Issuance.....	22
303.11	Fire Permit Issuance.....	22
Section 304	Fees.....	22
304.1	General.....	22
304.2	Building Permit Fees.....	22
304.3	Fire Code Review and Inspection.....	22
304.4	Plan Review Fees.....	22
304.4.1	Plan Check Fee Identical Building Construction.....	23
304.4.2	Early Residential Plan Submittal.....	23
304.4.3	Expiration of Plan Review.....	23
304.5	Work without a Permit.....	23

	304.5.1	Investigation.....	23
	304.5.2	Penalty Fee.....	23
	304.6	Fee Refunds.....	23
Section 305		Inspections.....	24
	305.1	General.....	24
	305.2	Inspection Record Card.....	24
	305.3	Inspection Requests.....	24
	305.4	Approval Required.....	24
	305.5	Required Building Inspections.....	24
	305.5.1	General.....	24
	305.6	Required Building Service Equipment Inspections.....	25
	305.6.1	General.....	25
	305.6.2	Operation of Building Service Equipment.....	25
	305.7	Other Inspections.....	25
	305.8	Reinspections.....	25
Section 306		Prefabricated Construction.....	26
	306.1	General.....	26
	306.2	Approved Fabricators.....	26
Section 307		Connection to Utilities.....	26
	307.1	Energy Connections.....	26
	307.2	Temporary Connections.....	27
Section 308		Certificate of Occupancy.....	27
	308.1	Use or Occupancy.....	27
	308.2	Change in Use.....	27
	308.3	Certificate Issued.....	27
	308.4	Temporary Certificate.....	27
	308.5	Posting.....	28
	308.6	Revocation.....	28
Section 309		Final Letter of Completion.....	28
Section 310		Notice of Non Compliance.....	28

Chapter 1 TITLE, SCOPE AND GENERAL

SECTION 101 - TITLE, PURPOSE AND SCOPE

101.1 Title. These regulations shall be known as the City of Fairbanks Administrative Code, may be cited as such and will be referred herein as the “code.”

101.2 Purpose. The purpose of this code is to provide for the administration and enforcement of the technical codes adopted by this jurisdiction.

101.3 Scope. The provisions of this code shall serve as the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within this jurisdiction.

101.4 Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

101.5 Referenced Codes. Throughout the International Codes there are references to other codes. In all places where the International Codes make a reference to the International Plumbing Code, it shall mean the Uniform Plumbing Code as adopted by the City of Fairbanks. In all places where the International codes and other codes refer to the Electrical Code, it shall mean the electrical code as adopted by the City of Fairbanks.

101.6 Adopted Codes. The following codes are adopted by the City of Fairbanks: 2015 International Building Code, 2015 International Residential Code, 2015 International Existing Building Code, 2015 International Fire Code, 2015 International Mechanical Code, 2015 International Fuel Gas Code, 2015 Uniform Plumbing Code, 2014 National Electrical Code, 2015 International Energy Conservation Code, 2009 Uniform Swimming Pool, Spa and Hot Tub Code, City of Fairbanks Code for the Abatement of Dangerous Buildings.

SECTION 102 - APPLICATION TO EXISTING BUILDINGS AND BUILDING SERVICE EQUIPMENT

102.1 General. Buildings, structures and their building service equipment to which additions, alterations or repairs are made shall comply with all the requirements of the technical codes for new facilities, except as specifically provided in this section and the adopted International Existing Building Code.

102.2 Additions, Alterations or Repairs. Additions, alterations or repairs may be made to a building or its building service equipment without requiring the existing building or its building service equipment to comply with all the requirements of the technical codes, provided the addition, alteration or repair conforms to that required for a new building or building service equipment. Additions or alterations shall not be made to an existing building or building service equipment which will cause the existing building or building service equipment to be in violation of the provisions of the technical codes nor shall such additions or alterations cause the existing building or building service equipment to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or building service equipment to become structurally unsafe or overloaded; will not provide adequate egress in compliance with the provisions of the Building Code or will obstruct existing exits; will create a fire hazard; will reduce required fire resistance; will cause building service equipment to become overloaded or exceed their rated capacities; will create a health hazard or will otherwise create conditions dangerous to human life. A building so altered, which involves a change in use or

occupancy, shall not exceed the height, number of stories and area permitted by the Building Code for new buildings. A building plus new additions shall not exceed the height, number of stories and area specified by the Building Code for new buildings. Additions or alterations shall not be made to an existing building or structure when the existing building or structure is not in full compliance with the provisions of the Building Code except when the addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety and sanitation, than before such additions or alterations are undertaken.

EXCEPTION: Alterations of existing structural elements, or additions of new structural elements, which are not required by Section 102.4 and which are initiated for the purpose of increasing the lateral- force-resisting strength or stiffness of an existing structure need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced, and
2. The lateral loading to required existing structural elements is not increased beyond their capacity, and
3. New structural elements are detailed and connected to the existing structural elements as required by these regulations, and
4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations, and
5. An unsafe condition as defined above is not created.

Alterations or repairs to an existing building or structure which are nonstructural and do not adversely affect a structural member or a part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, subject to approval by the building official. Installation or replacement of glass shall be as required for new installations.

Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the technical code in effect at the time the original installation was made, subject to approval of the building official, and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, unsanitary or overloaded.

102.3 Existing Installations. Building service equipment lawfully in existence at the time of the adoption of the technical codes may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and a hazard to life, health or property has not been created by such building service equipment.

102.4 Existing Occupancy. Buildings in existence at the time of the adoption of the Building Code may have their existing use or occupancy continued if the use or occupancy was legal at the time of the adoption of the Building Code, and provided continued use is not dangerous to life, health and safety. A change in the use or occupancy of any existing building or structure shall comply with the provisions of Section 308 of this code and the adopted Existing Building Code.

102.5 Maintenance. Buildings, structures and building service equipment, existing and new, and parts thereof shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the technical codes shall be maintained in conformance with the technical code under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and their building service equipment. To determine compliance with this section, the building official may cause a structure to be reinspected.

102.6 Moved Buildings. Buildings, structures and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new buildings or structures and their building service equipment. Such building shall have a code compliance inspection conducted by the City of Fairbanks for fire life safety evaluation prior to the move.

102.7 Temporary Structures. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Buildings or structures erected under a special permit need not comply with the type of construction or fire-resistive time periods required by the Building Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

102.8 Historic Buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or its building service equipment may be made without conforming to the requirements of the technical codes when authorized by the building official, provided:

1. The building or structure has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.
2. Unsafe conditions as described in this code are corrected.
3. The restored building or structure and its building service equipment will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

SECTION 103 – DEFINITIONS

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

ADDITION is an extension or increase in floor area or height of a building or structure.

ALTER or ALTERATION is a change or modification in construction or building service equipment.

APPROVED, as to materials, types of construction, equipment and systems, refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

APPROVED AGENCY is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building official.

BUILDING is a structure used or intended for supporting or sheltering a use or occupancy.

BUILDING CODE is the code as adopted by City of Fairbanks.

BUILDING, EXISTING is a building erected prior to the adoption of this code, or one for which a legal building permit has been issued.

BUILDING OFFICIAL is the officer or other designated authority charged with the administration and enforcement of this code, or a regularly authorized deputy.

BUILDING SERVICE EQUIPMENT refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

DANGEROUS BUILDINGS CODE is the Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, as adopted and amended by this jurisdiction.

ELECTRICAL CODE is the National Electrical Code promulgated by the National Fire Protection Association, as adopted by this jurisdiction.

ELEVATOR CODE is the safety code for elevators, dumbwaiters, escalators and moving walks as adopted by this jurisdiction.

ENERGY CODE is the International Energy conservation code as adopted by the City of Fairbanks.

FIRE CODE is the fire code adopted by the City of Fairbanks

FIRE CODE OFFICIAL is the officer or other designated authority charged with the administration and enforcement of the fire code or a regularly authorized deputy

FUEL GAS CODE is the fuel gas code as adopted by the City of Fairbanks.

JURISDICTION, as used in this code, is a state or political subdivision which adopts this code for administrative regulations within its area of authority.

LISTED and **LISTING** are terms referring to equipment and materials included in a list published by an approved testing laboratory, inspection agency, or other organization concerned with product evaluation that maintains periodic inspection of current productions of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards or tests and has been tested or evaluated and found suitable for use in a specified manner.

MECHANICAL CODE is the mechanical code as adopted by the City of Fairbanks.

OCCUPANCY is the purpose for which a building, or part thereof, is used or intended to be used.

OWNER is any person, agent, firm or corporation having a legal or equitable interest in the property.

PERMIT is an official document or certificate issued by the building official authorizing performance of a specified activity.

PERSON is a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PLUMBING CODE is the Plumbing Code, as adopted by this jurisdiction.

REPAIR is the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

SHALL, as used in this code, is mandatory.

STRUCTURAL OBSERVATION means the visual observation of the structural system, for general conformance to the approved plans and specifications, at significant construction stages and at completion of the structural system. Structural observation does not include or waive the responsibility for the inspections required by Sections 305 and 306.

STRUCTURE is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TECHNICAL CODES refer to those codes adopted by this jurisdiction containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment as herein defined.

VALUATION or VALUE is the actual construction cost to build a new building, addition, remodel or alteration. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, landscaping, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment. Valuation shall be determined in accordance with the latest edition of the Building Safety Journal data chart as published by the International Code Council or based on the final contract amount, which ever is greater. When calculating the valuation utilizing the building valuation data chart the regional modifier shall be (1.3). A copy of the bid award may be required by the building official or fire chief. In any case the final determination of value or valuation under any of the provisions of these codes shall be made by the building official.

SECTION 104 - CONFLICTING PROVISIONS

- 1) When conflicting provisions or requirements occur between this code, the technical codes and other codes or laws, the most restrictive shall govern.
- 2) When conflicts occur between the technical codes, those provisions providing the greater safety to life shall govern. In other conflicts where sanitation, life safety or fire safety are not involved, the most restrictive provisions shall govern.
- 3) Where in a specific case different sections of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern.
- 4) When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. When conflicts occur between specific provisions of this code and administrative provisions in a technical code which is then applicable within this jurisdiction, those provisions becoming the law most recently shall prevail.

SECTION 105 - ALTERNATE MATERIALS, METHODS OF DESIGN AND METHODS OF CONSTRUCTION

The provisions of the technical codes are not intended to prevent the use of any material, method of design or method of construction not specifically prescribed by the technical codes, provided an alternate has been approved and its use authorized by the building official. The building official may approve an alternate, provided the building official finds that the proposed design is satisfactory and complies with the provisions of the technical codes and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the

technical codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The building official shall require that sufficient evidence or proof be submitted to substantiate claims that may be made regarding its use. The details of an action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

SECTION 106 - MODIFICATIONS

Whenever there are practical difficulties involved in carrying out the provisions of the technical codes, the building official may grant modifications for individual cases. The building official shall first find that a special individual reason makes the strict letter of the technical code impractical and the modification is in conformity with the intent and purpose of the technical code, and that such modification does not lessen health, life safety and fire safety requirements or any degree of structural integrity. The details of actions granting modifications shall be recorded and entered in the files of the code enforcement agency.

SECTION 107 – TESTS

Whenever there is insufficient evidence of compliance with the provisions of the technical codes or evidence that materials or construction do not conform to the requirements of the technical codes, the building official may require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified by the technical codes or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall determine test procedures. Tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

Chapter 2 ORGANIZATION AND ENFORCEMENT

SECTION 201 – AUTHORITY

201.1 Creation of Enforcement Agency. There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the building official except for matters pertaining to the Fire Code. The Fire Code Official shall have administrative and operational control to enforce the fire code.

201.2 General. Whenever the term or title "administrative authority," "responsible official," "building official," "chief inspector," "code enforcement officer," or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the building official designated by the appointing authority of this jurisdiction.

201.2.1 Fire Department. Whenever the term or title "administrative authority", "responsible official", "fire inspector", "code enforcement officer" or similar designation is used herein, or in any technical codes, it shall be construed to mean fire code official designated by the appointing authority of this jurisdiction.

SECTION 202 - POWERS AND DUTIES OF BUILDING OFFICIAL AND FIRE OFFICIAL

202.1 General. The building official is hereby authorized and directed to enforce all the provisions of this code and the referenced technical codes. For such purposes, the building official shall

have the powers of a law enforcement officer. The building official shall have the power to render interpretations of this code and the referenced technical codes, and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

202.1.1 Fire Department. The fire code official and/or his designated representatives are hereby authorized and directed to enforce all the provisions of the fire code and any referenced technical codes. For such purposes, the fire code official or his designated representatives shall have the powers of a law enforcement officer. The fire code official or his designated representative shall have the power to render interpretations of the fire code and the referenced technical codes, and to adopt and enforce rules and regulations supplemental to the fire code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of the fire code. All buildings and structures subject to inspection in accordance with a duly adopted inspection program shall be subject to fees set forth in Table 3-F of this code.

202.2 Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the building official and/or the fire code official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The building official and/or fire code official may deputize such inspectors or employees as may be necessary to carry out the function of the code enforcement agency and shall be empowered to do so.

202.3 Right of Entry. When necessary to make an inspection to enforce any of the provisions of this code and the technical codes, or when the Building Official and/or Fire Code Official has reasonable cause to believe that there exists in any building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the building official shall have recourse to the remedies provided by law to secure entry.

202.4 Stop Work Orders. When work has commenced without issuance of the required permit or when work is being done contrary to the provisions of this code, the technical code, or other pertinent laws or ordinances implemented through the enforcement of this code, the building official may order the work stopped by notice in writing served on persons engaged in the doing or causing such work to be done. Such persons shall forthwith stop the work until authorized by the building official to proceed with the work.

202.4.1 Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed by the building official to perform to remove a violation or unsafe condition, shall be subject to penalties prescribed by law.

202.5 Occupancy Violations. When a building or structure or building service equipment therein regulated by this code and the technical codes is being used contrary to the provisions of such codes, the building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of such codes.

202.6 Authority to Disconnect Utilities. The building official or fire chief or authorized representative shall have the authority to disconnect a utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

202.7 Authority to Condemn Building Service Equipment. When the building official or fire chief ascertains that building service equipment regulated in the technical codes has become hazardous to life, health or property, or has become unsanitary, the building official shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, as appropriate. The written notice itself shall fix a time limit for compliance with such order. Defective building service equipment shall not be maintained after receiving such notice. When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises. When any building service equipment is maintained in violation of the technical codes and in violation of a notice issued pursuant to the provisions of this section, the building official shall institute appropriate action to prevent, restrain, correct or abate the violation.

202.8 Connection after Order to Disconnect. Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to building service equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered to be discontinued by the building official until the building official authorizes the reconnection and use of such equipment.

202.9 Liability. The building official charged with the enforcement of this code and the technical codes, acting in good faith and without malice in the discharge of his duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the building official or employee because of such act or omission performed by the building official or employee in the enforcement of the provisions of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from, shall be assumed by this jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure or building service equipment therein for damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming such liability by reason of the inspections authorized by this code or permits or certificates issued under this code.

202.10 Cooperation of Other Officials and Officers. The building official and Fire Code Official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this code or other pertinent laws or ordinances.

202.11 Notices and Orders. The building official shall issue all necessary notices and orders to ensure compliance with this code and the technical codes.

202.12 Department Records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and

orders issued. Such records shall be retained in the official records for the period required for retention of public records.

202.13. Approved Materials and Equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

202.14. Used Materials and Equipment. The use of used materials which meet the requirements of this code and the technical codes for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

202.15. Research Reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code or the technical codes shall consist of valid research reports from approved sources.

SECTION 203 - UNSAFE BUILDINGS, STRUCTURES OR BUILDING SERVICE EQUIPMENT

Buildings or structures regulated by this code and the technical codes which are structurally inadequate or have inadequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe buildings. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section and in accordance with the City of Fairbanks Abatement of Dangerous Buildings Code. A vacant structure not secured against entry shall be deemed unsafe.

Building service equipment regulated by such codes, which constitutes a fire, electrical or health hazard, or an in sanitary condition, or is otherwise dangerous to human life is, for the purpose of this section, unsafe. Use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in a deteriorated condition or otherwise unable to sustain the design loads which are specified in the Building Code are hereby designated as unsafe building appendages.

Unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the building official or other employee or official of this jurisdiction as designated by the governing body may institute other appropriate action to prevent, restrain, correct or abate the violation.

SECTION 204 – BUILDING CODE REVIEW AND APPEALS COMMISSION

204.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of the technical code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and

shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

204.2 Limitations of Authority. The building code review and appeals commission shall have no authority relative to interpretation of the administrative provisions of this code or the administrative provisions of the technical codes nor shall the board be empowered to waive requirements of either this code or the technical codes.

SECTION 205 – VIOLATIONS

205.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment, or cause or permit the same to be done in violation of this code and the technical codes.

205.2 Notice of Violation. The building official and fire code official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

205.3 Prosecution of Violation. If the notice of violation is not complied with promptly, the building official request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or the technical codes or of the order or direction made pursuant thereto.

205.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs alters, repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code or the technical codes shall be subject to penalties prescribed by law.

Chapter 3 PERMITS, CONSTRUCTION DOCUMENTS AND INSPECTIONS

SECTION 301 – PERMITS

301.1 Permits Required. Except as specified in Section 301.2, any owner, contractor or authorized agent intending to construct, enlarge, alter, repair, remove, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code or the technical codes , or to cause any such work to be done, shall first submit an application to the building official and obtain the required permit before construction commences.

301.1.1 Emergency repairs. Where equipment replacement, piping systems or electrical systems must be performed in an emergency situation, the permit application shall be submitted to the building official within 72 hours of such emergency. All required inspections shall be conducted.

301.2 Work Exempt from Permit. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this

code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

301.2.1 Building permits. A building permit shall not be required for the following:

1. One story detached structures used as garages, tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet. Separate permits are required for any electrical, plumbing or mechanical work.
2. Fences.
3. Oil derricks.
4. Movable cases, counters and partitions not over 5 feet 9 inches (1753 mm) high.
5. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.
6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
7. Platforms, walks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.
8. Painting, papering and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Window awnings supported by an exterior wall of Group R3 and Group U Occupancies when projecting not more than 54 inches (1372 mm).
11. Prefabricated swimming pools accessory to a Group R3 Occupancy in which the pool walls are entirely above the adjacent grade and the capacity does not exceed 5,000 gallons (18 925 L).

Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

12. Ordinary maintenance on a single family or duplex structure (R3 and U occupancy). Ordinary maintenance of a building or structure shall not include the cutting away or addition of any wall, partition or portion thereof, the removal of any structural beam or bearing support, or the removal of any required means of egress, or rearrangement of parts of a structure; nor shall ordinary maintenance include additions of replacement or relocation of any standpipe, water supply, sewer, drainage drain leader, gas, waste vent or similar piping electrical work wiring, mechanical or other work affecting public health or safety. All ordinary maintenance shall be made in accordance with the building code or other technical codes as adopted by the City of Fairbanks.

13. Storage racks not over six (6) feet in height.
14. Uncovered Decks which are constructed not more than 30 inches above grade at any point.
15. Replacement of exterior siding, doors and windows; excluding required egress windows

301.2.2 Plumbing permits. A plumbing permit shall not be required for the following:

1. The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any concealed trap, drain pipe, soil, waste or vent pipe become defective and it becomes necessary

to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

301.2.3 Electrical permits. An electrical permit shall not be required for the following:

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.

2. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

3. Temporary decorative lighting.

4. Repair or replacement of current-carrying parts of any switch, contactor or control device.

5. Reinstallation of attachment plug receptacles, but not the outlets therefore.

6. Repair or replacement of any over current device of the required capacity in the same location.

7. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

8. Taping joints.

9. Removal of electrical wiring.

10. Temporary wiring for experimental purposes in suitable experimental laboratories.

11. The wiring for temporary theater, motion picture or television stage sets.

12. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

13. Low-energy power, control and signal circuits of Class II and Class III as defined in the Electrical Code.

14. A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

301.2.4 Mechanical permits. A mechanical permit shall not be required for the following:

1. A portable heating appliance.

2. Portable ventilating equipment.

3. A portable cooling unit.

4. A portable evaporative cooler.

5. A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the Mechanical Code.
6. Replacement of any component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes.
7. Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes.
8. A self-contained refrigerating system as defined in the Mechanical Code, that contains 10 pounds or less of refrigerant, or that is actuated by a motor of 1 horsepower or less.

301.2.5 Fire sprinkler and alarm permits.

Fire sprinkler and alarm permits shall be coordinately directly with the City Fire Marshal. A fire sprinkler permit or alarm permit is required for the following:

1. Installation of a new sprinkler or fire alarm system.
2. Modification or alteration of an existing sprinkler system or fire alarm system.

Exceptions:

- a. Relocation or alteration of not more than 6 sprinkler heads
- b. Routine maintenance not requiring a change to the design system.
- c. Changing or replacing of components of an alarm system.

SECTION 302 - APPLICATION FOR PERMIT AND CONSTRUCTION DOCUMENTS

302.1 Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans, diagrams, computations and specifications, and other data as required in Section 302.2.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as may be required by the building official.

302.2 Submittal Documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that

state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

302.3 Required Information on Plans and Specifications.

1. Plans and specifications shall be drawn to scale and fully dimensioned on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

2. Plans for buildings of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire - resistive integrity will be maintained where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems. Fire stop construction details shall be submitted for review and approval before work commences.

3. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code and the technical codes. In other than occupancies in Group R-3 as applicable in section 101.2 of the building code the construction documents shall designate the number of occupants to be accommodated on every floor and in all rooms and spaces.

4. The construction documents shall provide design analysis including but not limited to: occupancy classifications, identification of accessory and incidental uses, construction type, actual floor area, allowable area calculations, occupant load, accessibility elements, fire resistive construction and landscaping.

5. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code and the technical codes as adopted by the City of Fairbanks. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, weather-resistive membrane and details around openings.

6. Residential construction documents shall identify all required thermal envelope insulation in accordance with the 2009 International Energy Conservation Code as amended by the City of Fairbanks.

7. The construction documents submitted with the application for permit shall be accompanied by a site plan drawn to scale and fully dimensioned, the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades; and shall be drawn in accordance with an accuracy boundary line survey. The building official is authorized to waive or modify the requirements for a site plan when the application for permit is limited to alteration or repair or when otherwise warranted.

302.4 Architect or Engineer of Record.

302.4.1 General. When it is required that documents be prepared by an architect or engineer, the building official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances

require, the owner may designate a substitute architect or engineer of record who shall perform all the duties required of the original architect or engineer of record. The building official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties. The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

302.4.2 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the building official within a specified period. Deferral of any submittal items shall have prior approval of the building official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the building official. Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

302.5 Inspection and Observation Program. When special inspection is required by Section 1704, the architect or engineer of record shall prepare an inspection program which shall be submitted to the building official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work to have special inspection, the name or names of the individuals or firms who are to perform the special inspections and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work. When structural observation is required by Section 1709, the inspection program shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur. The inspection program shall include samples of inspection reports and provide time limits for submission of reports.

302.6 Examination of documents. The building official shall examine or cause to be examined the submitted construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and the technical codes and other pertinent laws or ordinances.

302.7 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved by separate letter, plan review or the plans shall be stamped as, "Approved and Reviewed for Code Compliance". One set of construction documents so reviewed shall be retained by the building official. The other set shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative. Work shall be installed in accordance with the approved construction documents. Changes to the approved set of construction documents that affect code compliance are prohibited unless amended documents are resubmitted by the appropriate design professional for review and approval before such modification is constructed in the field.

302.8 Previous Approvals. This code or the technical codes shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code or the technical codes and has not been abandoned.

302.9 Phased plan approval. The building official is authorized to issue a partial permit for the construction of foundations or any other part of a building or structure before complete construction documents for the whole building or structure have been submitted, provided that

adequate information and detailed statements and documentation has been filed complying with the pertinent requirements of the technical codes for the specific phase of work requested by the applicant. The holder of such partial permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk and without assurance that the balance of the permit for the entire structure will be granted. In no case may the holder of the partial permit proceed beyond the specific scope of work identified on the application and permit. A fast track fee shall be assessed in accordance with this code for all phased plan approval and permit issuance.

SECTION 303 - PERMITS ISSUANCE

303.1 Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and the technical codes and other pertinent laws and ordinances, and that the fees specified in Section 304 have been paid, the building official shall issue a permit therefore to the applicant.

303.2 Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than 180 days from the date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

303.3 Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or the technical codes, or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on there under when in violation of these codes or of any other ordinances of this jurisdiction.

303.4 Expiration. Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

303.5 Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code and the technical codes when the permit is issued

in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of these codes.

303.6 Electrical Permit Issuance.

An electrical permit shall not be issued to any person, other than a licensed electrical administrator, licensed pursuant to AS 08, Chapter 40, Electrical Administrators, or a person performing electrical work that is exempt from the requirements of the Alaska Statutes pursuant to AS 08.40.190. Electrical permit fees shall be as set forth in Table 3-B.

303.7 Plumbing Permit Issuance.

A plumbing permit shall not be issued to any person to do or cause to be done any work regulated by the plumbing code except to a person holding a valid unexpired and unrevoked master plumber's license as required by Section 2.482 of the Fairbanks General Code, except when and or otherwise hereinafter provided in this section. Any plumbing permit required by this code may be issued to any person to do work regulated by this code in a dwelling as defined by section 202 of the building code or portion thereof which contains not more than two (2) dwelling units) used exclusively for living purposes, and such person is the legal owner, and said owner or member of the owner's immediate family shall perform all labor in connection therewith, and said dwelling(s) is not intended for sale at the time of installation. Plumbing permit fees shall be as set forth in Table 3-D

303.8 Mechanical Permit Issuance.

A Mechanical Permit shall not be issued to any person performing work requiring a permit, other than a licensed mechanical administrator, pursuant to AS 08, Chapter 40, Article 2 Mechanical Administrators; unless such person is performing mechanical work that is exempt from the requirements of the Alaska Statutes pursuant to AS 08.40.390 or the work is solely on non-fuel-fired ventilation and/or exhaust systems in a single family home or duplex. Mechanical permit fees shall be as set forth in Table 3-C

303.9 Electrical Sign Permit Issuance.

An electrical sign permit shall be issued as required in this section. Sign permit fees shall be as set forth in Table 3-B.

- a) A separate sign permit is required for the installation of any electrically energized sign which is either attached to a structure or is free standing.
- b) The required sign permit may be secured by either, the general contractor, electrical contractor or sign contractor licensed by the State of Alaska.
- c) The person or contractor that installs the sign is responsible for code compliance.
- d) A sign contractor may make the final electrical connection from the sign junction box to the sign provided such distance does not exceed six (6) feet.
- e) The sign shall be inspected to insure that the sign is listed and the internal wiring of the sign and final connection to the building or pole is in compliance with the National Electrical Code. It shall be the responsibility of the sign contractor to call twenty four (24) hours in advance for the required inspection and to provide the necessary equipment to facilitate the inspection. Inspection requests for Saturday and Sunday require forty eight (48) hour notice.

f) If an existing sign is removed from the building and is re-worked or re-configured, either in the field or at the contractor's shop and then subsequently replaced; a sign permit will be required. The sign shall be listed and the required inspection conducted.

h) If an existing sign face plate is changed or if routine maintenance is conducted on the sign without removal of the sign; a sign permit is not required nor will the sign be retroactively required to be listed or inspected.

i) If any sign, existing or new, is found to be inherently unsafe and constitutes a danger to the user or public, the sign shall be removed from service.

303.10 Fuel Gas Permit Issuance.

A mechanical permit for the installation of fuel gas piping and related equipment regulated by the International Fuel Gas Code shall not be issued to any person performing work requiring a permit, other than a licensed mechanical administrator, pursuant to AS 08, chapter 40, Article 2 Mechanical Administrators; unless such person is performing mechanical work that is exempt from the requirements of the Alaska Statutes pursuant to AS 08.40.390 or the work is solely on non- fuel fired ventilation and or exhaust systems in a single family residence or duplex dwelling. Fuel gas permits shall be as set forth in Table 3-E.

303.11 Fire Permit Issuance

A fire permit for the installation of fire detection and fire suppression systems and related equipment regulated under the International Fire Code shall only be issued to a person and or company that possess a current permit issued by the State of Alaska Fire Marshal's Office.

SECTION 304 - FEES

304.1 General. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by this jurisdiction.

304.2 Building Permit Fees. Building permit fees shall be as set forth in Table 3-A. The permit fees for each of the technical codes as adopted by the city of Fairbanks are as set forth in Tables 3-B, 3-C, 3-D, 3-E and 3-F. Where a technical code has been adopted by the jurisdiction for which no fee schedule is shown in this code, the fee required shall be in accordance with the schedule established by the legislative body. The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment. Valuation shall be determined in accordance with the latest edition of the Building Safety Journal data chart as published by the International Code Council or based on the final contract amount, which ever is greater. When calculating the valuation utilizing the building valuation data chart the regional modifier shall be (1.3). A copy of the bid award may be required by the building official or fire chief. In any case the final determination of value or valuation under any of the provisions of these codes shall be made by the building official.

304.3 Fire Code Review and Inspection. For new construction, including additions, remodel and alterations, fees shall be as set forth in Table 3- F.

304.4 Plan Review Fees.

When submittal documents are required by Section 302.2, a plan review fee shall be paid. The plan review fee shall be paid when the review has been completed. The plan review fee shall be paid in conjunction with the building permit fee. The plan review fee is not required to be paid at

the time of plan or application submittal; building plan review fee shall be 75 percent of the building permit fee as shown in Table 3-A. The plan review fee for projects where completed plans are not received prior to commencement of construction will be charged a fast track rate equal to one hundred percent (100%) of the building permit fee. The plan review fees for electrical, mechanical and plumbing work shall be equal to 75 percent of the total permit fee as set forth in Tables 3-B, 3-C and 3-D 3-E. The plan review fees specified in this section are separate fees from the permit fees specified in Section 304.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 302.4.2, an additional plan review fee shall be charged at the rate shown in Tables 3-A through 3-F.

304.4.1 Plan Check Fee Identical Building Construction.

The plan check fee for identical buildings with the same building construction shall be reduced by **75%** when the following conditions are met;

- a. The structural framing and floor plan are identical
- b. Construction is simultaneous.

304.4.2 Early Residential Plan Submittal.

When complete plans, complying with the residential check list for construction of single family dwellings through four plex structures are submitted between January 1st and May 1st, the plan review fee shall be reduced by **50%**.

304.4.3 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

304.5 Work without a Permit.

304.5.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation may be made before a permit may be issued for such work.

304.5.2 Penalty Fee. A penalty fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law. The penalty fee for performing work without the required permit is \$750.

304.6 Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before examination time has been expended. The

building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

SECTION 305 - INSPECTIONS

305.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the person or contractor performing the work to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans.

305.2 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or the agent of the permit holder shall have posted or otherwise made available an inspection record card such as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

305.3 Inspection Requests. It shall be the duty of the person or contractor doing the work authorized by a permit to notify the building official that such work is ready for inspection. Twenty four hour notice is required for all inspections as set forth in this code. Access and means to inspect the work shall be provided by the contractor or person performing the work. Forty eight hour notice is required for all inspections requested on Saturday, Sunday and Holidays.

305.4 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use. The building official shall have the authority to accept reports of inspections by approved agencies or individuals provided such agencies and individuals have been pre approved to provide such service. Reports of such inspections shall be in writing and be certified by a responsible officer of such agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

305.5 Required Building Inspections.

305.5.1 General. Reinforcing steel or structural framework of a part of a building or structure shall not be covered or concealed without first obtaining the approval of the building official. Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved. The building official, upon notification, shall make the following building inspections. In addition to these inspections, electrical, plumbing and mechanical inspections shall be conducted as required by the technical codes.

1. Soil inspection. To be made at the bottom of excavation prior to the placement of backfill.

2. Foundation inspection. To be made after excavations for footings are complete and required reinforcing steel, including installation of the concrete encased electrode is in place. For concrete foundations, required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except when concrete is ready-mixed in accordance with approved nationally recognized standards, the concrete need not be on the job. When the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official. All weather wood foundations shall be installed in accordance with Standard foundation Detail SFD- 3 or as provided by a design prepared and stamped by an engineer licensed by the State of Alaska. The foundation wall shall be inspected and approved before backfill is placed.

3. Dampproofing. To be made prior to backfill of any daylight or full basement. Dampproofing materials shall be approved prior to application.

4. Concrete slab or under-floor inspection. To be made after in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed or floor sheathing installed, including the sub floor.

5. Frame inspection. To be made after the roof, framing, fire blocking and bracing are in place and all pipes, chimneys and vents are complete and the rough electrical, plumbing, and heating wires, pipes and ducts are approved.

6. Vapor barrier and insulation inspection. To be made prior to the placement of gypsum wall board or any finish and wall or ceiling material. Vapor barrier and insulation inspections are only required for residential construction.

7. Fire stop inspection. When required by code and approved construction documents a fire stop inspection shall be conducted before the system is concealed.

8. Lath and/or wallboard inspection. To be made after lathing and wallboard, interior and exterior, is in place but before plaster is applied or before wallboard joints and fasteners are taped and finished.

9. Final inspection. To be made after finish grading, landscaping and the building is completed and ready for occupancy.

305.6 Required Building Service Equipment Inspections.

305.6.1 General. Building service equipment for which a permit is required by this code shall be inspected by the building official. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved. When the installation of building service equipment is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply, or sewer system until authorized by the building official.

305.6.2 Operation of Building Service Equipment. The requirements of this section shall not be considered to prohibit the operation of building service equipment installed to replace existing building service equipment serving an occupied portion of the building in the event a request for inspection of such building service equipment has been filed with the building official not more than 48 hours after the replacement work is completed, and before any portion of such building service equipment is concealed by permanent portions of the building.

305.7 Other Inspections. In addition to the called inspections specified above, the building official may make or require other inspections of construction work to ascertain compliance with the provisions of this code or technical codes and other laws which are enforced by the code enforcement agency.

305.8 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall request the required and pay the reinspection fee in accordance with Tables 3-A through 3-H or as set forth in the fee schedule adopted by this jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

SECTION - 306 PREFABRICATED CONSTRUCTION

306.1 General. Prefabricated construction shall comply with chapter 17 of the building code. Prefabricated construction built outside the City of Fairbanks shall be inspected during construction by an approved third party independent inspection agency. A certificate of approval shall be furnished with every prefabricated structure or assembly, except where the assembly is readily accessible to inspection at the site. The certificate of approval shall certify that the assembly in question has been inspected by an approved agency and meets all the requirements of the technical codes and local code amendments as adopted by the City of Fairbanks. When mechanical equipment is installed so that it cannot be inspected at the site, the certificate of approval shall certify that such equipment complies with the laws applying thereto.

306.2 Approved Fabricators. Special inspections required by this section and elsewhere in this code or the technical codes shall not be required where the work is done on the premises of a fabricator registered and approved by the building official to perform such work without special inspection. The certificate of registration shall be subject to revocation by the building official if it is found that work done pursuant to the approval is in violation of the technical codes. The approved fabricator shall submit a certificate of compliance to the building official and to the engineer or architect of record stating that the work was performed in accordance with the approved plans and specifications. The approved fabricator's qualifications shall be contingent on compliance with the following:

1. The fabricator has developed and submitted a detailed fabrication procedural manual reflecting key quality control procedures which will provide a basis for inspection control of workmanship and the fabricator plant.
2. Verification of the fabricator's quality control capabilities, plant and personnel as outlined in the fabrication procedural manual shall be by an approved inspection or quality control agency.
3. Periodic plant inspections shall be conducted by an approved inspection or quality control agency to monitor the effectiveness of the quality control program.
4. It shall be the responsibility of the inspection or quality control agency to notify the approving authority in writing of any change to the procedural manual. Fabricator approval may be revoked for just cause. Re approval of the fabricator shall be contingent on compliance with quality control procedures during the past year.

SECTION 307 - CONNECTION TO UTILITIES

307.1 Energy Connections. Persons shall not make connections from a source of energy, fuel or power to building service equipment which is regulated by the technical codes and for which a permit is required by this code, until approved by the building official.

307.2 Temporary Connections. The building official may authorize the temporary connection of the building service equipment to the source of energy, fuel or power for the purpose of testing building service equipment, , or for use under a temporary certificate of occupancy.

SECTION 308 - CERTIFICATE OF OCCUPANCY

308.1 Use or Occupancy. Buildings or structures or portions thereof shall not be used or occupied nor shall a change in the existing use or occupancy classification thereof be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

308.2 Change in Use. Changes in the character or use of a building shall not be made except as specified in the adopted Building Code and Existing Building Code.

308.3 Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws which are enforced by the code enforcement agency and all work has been completed, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provision of chapter 3 of the building code.
9. The type of construction.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required including the classification of such system.
12. Any special stipulations and conditions of the building permit.

308.4 Temporary Certificate. If the building official finds that substantial hazard will not result from occupancy of a building or portion thereof before the same is completed, a temporary certificate of occupancy for the use of a portion or portions of a building or structure may be issued prior to the completion of the entire building or portion thereof provided a bond is posted. The bond shall be a minimum of \$1000 or (1%) of the total construction cost as stipulated on the permit application with a maximum amount capped at \$10,000. Upon completion of and inspection of all outstanding work the bond shall be released. In the event work has not been completed, corrected and inspected within one year from the issuance date of the temporary certificate of occupancy the bond shall be forfeited.

308.5 Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

308.6 Revocation. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this code when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure or portion thereof is in violation of an ordinance, regulation or the provisions of this code. The temporary certificate of occupancy may be revoked if the conditions as stipulated in the certificate have not been met.

SECTION - 309 FINAL LETTER OF COMPLETION

In lieu of a certificate of occupancy a final letter of completion may be issued for those projects which involve additions, remodel, or alterations of existing buildings for the scope of work for which a permit was issued.

SECTION - 310 NOTICE OF NON COMPLIANCE

The building official is authorized to file with the State of Alaska Recorder's Office a notice of non compliance when the applicant, owner or contractor has failed to comply with the minimum building code requirements as identified in a notice and order to correct. Before a notice of non compliance is filed the building official shall provide certified written notice to the applicant, owner or contractor that such work must be completed or corrected.

RESOLUTION NO. 4747

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO APPLY FOR FUNDS FROM THE ALASKA TRANSPORTATION ALTERNATIVES PROGRAM FOR THE CHENA RIVERWALK PROJECT

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP-21) authorized the State of Alaska Transportation Alternatives Program (TAP) to provide funding for programs and projects defined as transportation alternatives; and

WHEREAS, the City of Fairbanks Engineering Department wishes to obtain construction funding for Phase I of the Chena Riverwalk project; and

WHEREAS, the Fairbanks Metropolitan Area Transportation System (FMATS) Office previously allocated \$400,000 from the State Legislature under Senate Bill 230 for the planning, design, and environmental phases of the project; and

WHEREAS, the City of Fairbanks wishes to request \$673,684 from State of Alaska Department of Transportation & Public Facilities TAP to construct Phase I of the Chena Riverwalk project, which includes a multi-use path on the north bank of the Chena River between Peger Road and the existing foot bridge at Pioneer Park; and

WHEREAS, the City of Fairbanks is required to provide a 20% match in the amount of \$168,421, which will be provided by the existing FMATS allocation;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor is authorized to execute any and all documents required for requesting funds on behalf of the City for this grant.

PASSED and APPROVED this 20th day of June 2016.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS

FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4747

Abbreviated Title: CHENA RIVERWALK PROJECT

Department(s): ENGINEERING

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No x

2) additional support or maintenance costs? Yes _____ No x

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No x

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

PROJECTS:	Equipment	Contracts	Personnel	Total
PHASE I CHENA RIVERWALK CONSTRUCTION		\$842,105		\$842,105
				\$0
				\$0
				\$0
				\$0
TOTAL	\$0	\$842,105	\$0	\$842,105

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
STATE OF ALASKA DOT & PF (FEDERAL) TAP PROGRAM GRANT		\$673,684		\$673,684
STATE OF ALASKA DOT&PF (FMATS)		\$168,421		\$168,421
				\$0
TOTAL	\$0	\$842,105	\$0	\$842,105

Phase I of the Chena Riverwalk project includes approximately 2,000 feet of path on the north bank of the Chena River between Peger Road and the existing foot bridge crossing over to Pioneer Park. The path will be constructed on land owned by the Alaska Railroad and a Land Use Permit has already been secured by the City. The path alignment has also already been surveyed for design, and the City's Engineering Department will complete the design. The Fairbanks North Star Borough has agreed to maintain the path after construction.

Reviewed by Finance Department:

Initial cp

Date 6/13/2016

RESOLUTION NO. 4748

A RESOLUTION AUTHORIZING THE CITY OF FAIRBANKS TO APPLY FOR FUNDS FROM THE ALASKA TRANSPORTATION ALTERNATIVES PROGRAM FOR THE CARLSON CENTER 2ND AVENUE SIDEWALK CONNECTOR PROJECT

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP-21) authorized the State of Alaska Transportation Alternatives Program (TAP) to provide funding for programs and projects defined as transportation alternatives; and

WHEREAS, the City of Fairbanks Engineering Department wishes to partner with the Fairbanks North Star Borough (FNSB) to install a new segment of sidewalk along 2nd Avenue in front of the Carlson Center to address a missing connection between the existing sidewalk on 2nd Avenue and the multi-use path on the south bank of the Chena River; and

WHEREAS, the City of Fairbanks and FNSB would mutually benefit from the project by addressing a gap in pedestrian facilities between the City of Fairbanks road right-of-way and FNSB park facilities; and

WHEREAS, the City of Fairbanks and FNSB wish to request \$276,606 from State of Alaska Department of Transportation & Public Facilities TAP to design and construct the project; and

WHEREAS, the FNSB will provide the required 20% match in the amount of \$55,321; and

WHEREAS, the City of Fairbanks will continue to maintain the road right-of-way, including the new sidewalk segment after it is constructed;

NOW, THEREFORE, BE IT RESOLVED by the City Council that the Mayor is authorized to execute any and all documents required for requesting funds on behalf of the City for this grant.

PASSED and APPROVED this 20th day of June 2016.

John Eberhart, City Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, CMC, City Clerk

Paul J. Ewers, City Attorney

CITY OF FAIRBANKS
FISCAL NOTE

I. REQUEST:

Ordinance or Resolution No: 4748

Abbreviated Title: CARLSON CENTER 2ND AVENUE SIDEWALK

Department(s): ENGINEERING

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget? Yes _____ No x

2) additional support or maintenance costs? Yes x No _____

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget? Yes _____ No x

If yes, how many positions? _____

If yes, type of positions? _____ (F - Full Time, P - Part Time, T - Temporary)

II. FINANCIAL DETAIL:

PROJECTS:	Equipment	Contracts	Personnel	Total
CARLSON CENTER 2ND AVE SIDEWALK		\$331,927		\$331,927
				\$0
				\$0
				\$0
				\$0
TOTAL	\$0	\$331,927	\$0	\$331,927

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
STATE OF ALASKA DOT&PF (FEDERAL) GRANT		\$276,606		\$276,606
FAIRBANKS NORTH STAR BOROUGH		\$55,321		\$55,321
				\$0
TOTAL	\$0	\$331,927	\$0	\$331,927


This project will install a new 400-foot segment of sidewalk along 2nd Avenue in front of the Carlson Center to address a missing connection between the existing sidewalk on 2nd Avenue and the multi-use path on the south bank of the Chena River. The Fairbanks North Star Borough has offered to pay the match for this project as it directly benefits their facilities. The sidewalk will be installed within City right-of-way and be maintained by the City along with the existing sidewalks along 2nd Avenue. The operations and maintenance costs associated with these improvements will be incorporated in the annual general fund budget.

Reviewed by Finance Department: Initial cp Date 6/13/2016

City of Fairbanks

**From the
Office of the City Attorney**

MEMORANDUM

TO: Mayor Eberhart and Councilmembers
FROM: Paul Ewers, City Attorney 
SUBJECT: AMLJIA Board of Trustees – reappointment
DATE: June 20, 2016

I am currently a member of the Board of Trustees of the Alaska Municipal League Joint Insurance Association. My term expires this fall, and I would like to seek reappointment. As I have done in the past, I am seeking the Council's consent before accepting another term.

In January of 2014, I was appointed to the Board of Trustees to serve out Patrick Cole's remaining term. Patrick had been the Chair of the Board before his death. I was reappointed in the fall of 2014 for a full two-year term. I feel it is important for the City of Fairbanks to have a representative on the Board of Trustees, especially since I am currently the only Board member from Interior Alaska. A list of current Board members is attached.

The AMLJIA is a not-for-profit corporation formed in July of 1988 by the Alaska Municipal League to provide insurance and risk management services to AML member municipalities and school districts. The City of Fairbanks is a member and participant. The Board of Trustees directs the professional staff and sets policy for the organization. The Board meets at least four times a year. Members are not compensated but are reimbursed for approved travel expenses.

This memo will be listed on the consent agenda under "Communications to Council." If you have any questions, please feel free to pull it from the consent agenda.



SEARCH

HOME COVERAGE CLAIMS RISK MANAGEMENT UNDERWRITING PUBLICATIONS EVENT CALENDAR

WELCOME PAUL EWERS

OVERVIEW

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Committees

Audit

- Joe Evans
- Kristin Erchinger
- Gary Hennigh
- Tammy White

Executive/Policy

- Dave Jones, Chair
- Joe Evans
- Gary Hennigh
- Kathie Wasserman

Underwriting Committee

- Karl Short, Chair
- Joe Evans
- Bob Harcharek
- Paul Ewers

Municipal Advisory

- Bob Harcharek
- Charles Leeper
- Jason Mayrand
- Leo Rasmussen

Finance

- Rick Gifford, Chair
- Kristin Erchinger
- Karl Short
- Tammy White

Schools Advisory

- Dave Jones, Chair
- Bob Harcharek
- Stewart McDonald
- Vacant

Claims

- Joe Evans, Chair
- Rick Gifford
- Dave Jones
- Paul Ewers
- Tammy White

Police Professional Advisory

- John Papasodora, Chair
- Brad Johnson
- Hal Henning
- Mark Robl
- Eric Swisher




SELDOVIA

MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, City Clerk

TO: Mayor John Eberhart and City Council Members
FROM: D. Danyielle Snider, CMC, City Clerk 
SUBJECT: Board of Adjustment Appeal Withdrawal (GR2016-082)
DATE: June 15, 2016

Please be advised that the following appeal on the administrative determination of the FNSB Department of Community Planning has been withdrawn due to the sale of the property:

Grandfather rights appeal by Dale C. Nielson of a property on Lot 16, Block 139, Weeks Field Subdivision (located at 1041 Pedro Street).

The City Council had set the appeal hearing date for the Regular Meeting of June 20, 2016, but the hearing will no longer be necessary.

A memo from Borough Clerk Nanci Ashford-Bingham and a letter of withdrawal from the property owner is attached. The case is considered closed.



Fairbanks North Star Borough

Borough Clerk

809 Pioneer Road * PO Box 71267 * Fairbanks, Alaska 99707-1267 * (907)459-1401 FAX 459-1224

MEMORANDUM

TO: Board of Adjustment Members

FROM: Nanci Ashford-Bingham, MMC *NAB*
Borough Clerk

DATE: June 6, 2016

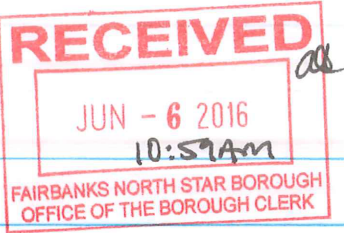
SUBJECT: Board of Adjustment Appeal Filed by Dale Craig Nielson Regarding Administrative Decision of GR2016-082

The above referenced appeal scheduled before the Board of Adjustment on Monday, June 20, 2016, has been withdrawn. The Nielson's have sold the property and are no longer in need of the grandfather rights (see attached letter of withdrawal).

The case will be considered closed at this time.

Please contact our office with any questions.

cc: René Broker, Borough Attorney
Danyielle Snider, City Clerk, City of Fairbanks, for distribution to Board & City Attorney



6-6-2016

To

Nanci Ashford
Borough Clerk.

I Marie Nielsen and Dale Craig Nielsen wish to withdraw our appeal GR 2016-082 1041 Pedro St, ~~to~~ lot 16 block 139 weeks field subdivision. We have sold this property and are no longer ⁱⁿ need of the grandfather rights. The sale is final and property has new owners.

Thank You,
Marie Nielsen

[REDACTED]
FBK, ak 99701
[REDACTED]

Dale Craig Nielsen

BUILDING DEPARTMENT

PHONE 459-6723

FAX 459-6719

March 15, 2016

Board of Plumbing Examiners

Minutes

Meeting location and time: Council Chambers, 800 Cushman St., 12:00pm

Agenda:

Review recent examination results covering Ordinances 5830, 5837 and 5838 as adopted by the City Council.

Members Present:

Kraig Hogenson, Sean Randle, Dan Portwine and Mike Davis

Meeting convened at 12:00 with the reading of the minutes of the prior meeting. A call to accept the minutes was made. Minutes were accepted as read. A discussion over the recent test results and review and scoring was made. A letter to the test candidate(s) will be sent by acting Chairman Kraig Hogenson. Discussion about changing from the Uniform Plumbing Code to the International Plumbing Code ensued.

Motion to adjourn was seconded. Meeting ended 1:00pm.

Chairman,



Mike Desmond



FAIRBANKS DIVERSITY COUNCIL
 REGULAR MEETING MINUTES
 MAY 10, 2016 – 5:30 PM
 FAIRBANKS CITY COUNCIL CHAMBERS
 800 CUSHMAN STREET, FAIRBANKS, ALASKA



The **Fairbanks Diversity Council (FDC)** convened at 5:30 p.m. on the above date to conduct a Regular Meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Acting Mayor Jeff Jacobson presiding as Chair and with the following members in attendance:

- | | | |
|-------------------------|---|--|
| Members Present: | Ana Maria Richards, Seat A (left @ 6:40)
Shirley Lee, Seat B
June Rogers, Seat D
Travis Cole, Seat E
Doris Lenahan, Seat G
Rosalind Kan, Seat H
Kathleen Wattum, Seat I | Jo Ann Borges, Seat K
Rita Davis, Seat L
Jeff Walters, Seat M
Amanda Frank, Seat N
Kelvin Lee, Seat O
Bernard Gatewood, Council Member
Angela Foster-Snow, HR Director |
| Members Absent: | Montean Jackson, Seat C
Trina Bailey, Seat F | Douglas Toelle, Seat J
Mayor John Eberhart, Chair |
| Also Present: | D. Danyielle Snider, City Clerk
Randall Aragon, Chief of Police | Stewart Lewis, FPD Officer |

Clerk Snider shared that this would be Ms. Frank’s last meeting as an FDC Member.

CALL TO ORDER

Chair Jacobson called the meeting to order and asked Ms. Rogers to read aloud the mission statement of the FDC.

APPROVAL OF AGENDA

Ms. Rogers, seconded by **Ms. Lee**, moved to APPROVE the Agenda.

Chair Jacobson called for objection to the APPROVAL of the Agenda and, hearing none, declared the MOTION CARRIED.

CITIZENS COMMENTS (limited to 3 minutes)

Sgt. Mark Pulver, Eielson Air Force Base (EAFB) – Sgt. Pulver stated that EAFB just started a Diversity Council. He stated that he has only attended one meeting so far. He indicated that he would like to learn more about what the FDC does. He stated that participation in the group at Eielson is on a volunteer basis and that there is no set meeting schedule at this time.

Chair Jacobson stated that Clerk Snider would send Sgt. Pulver more information on the FDC meeting schedule and how the EAFB group could communicate with the FDC.

APPROVAL OF PREVIOUS MINUTES

- a) Regular Meeting Minutes of April 12, 2016

Mr. Walters, seconded by **Ms. Davis**, moved to APPROVE the Regular Meeting Minutes of April 12, 2016.

Chair Jacobson called for objection to the APPROVAL of the Minutes and, hearing none, declared the MOTION CARRIED.

UNFINISHED BUSINESS

- a) Diversity Day / Juneteenth Celebration – Guest Speaker, Mr. Sean Rice

Sean Rice, Juneteenth Event Chair – Mr. Rice distributed a PowerPoint printout that spoke to the need to introduce groups like the FDC to the community. He spoke about taking positive actions in the community and to reigniting the “melting pot” in Fairbanks. He emphasized the significance of diversity in America and to the importance of networking. Mr. Rice stated that community members need to be aware that the FDC exists and that the FDC could change the voice of the Fairbanks community.

Chair Jacobson asked Mr. Rice how he envisions the Juneteenth and Diversity Day events coming together.

Mr. Rice stated that he would like for the FDC to set up a table at the Juneteenth Celebration and see FDC members mingle with community members. He stated that the event will take place on June 17 & 18. He stated that they held a picnic and a parade in past years, but will be unable to do a parade this year due to the late start in planning the event. He stated that the event will be pretty basic this year. Mr. Rice explained the origin and purpose of the historical Juneteenth Celebration and introduced his colleague, Mr. Dion Wilson. He stated that they have created an outline for the event and are now looking for funding an advertisement opportunities. He stated that he has lined up some performers but is interested in finding more.

Ms. Frank expressed concern that Diversity Day may take away from the Juneteenth event. Mr. Rice stated that they would not want to take away from the significance of Juneteenth and what it represents, but that African Americans were not the only group of people that were enslaved at that time. Mr. Rice expressed hope that there could be a melting pot celebration in July during the month of the birth of the United States. He explained that America is the melting pot of the world and its many immigrants have made the country what it is today. He stated that America has used holidays and traditions from all different cultures and that our differences are what holds a people together, not their similarities. Mr. Rice spoke about other events he is involved with throughout the Fairbanks community. He shared that the next Juneteenth organizational meeting will take place on Thursday, May 12 at 6 p.m. at the Regional Housing Authority.

Mr. Walters thanked Mr. Rice for the information and stated that it gave him some ideas for the Diversity Action Plan (DAP). **Ms. Wattum** stated that she likes the ideas that had been discussed but stated that she does not want to overshadow Juneteenth with Diversity Day; she added that she thought it would be a good idea for the FDC to have a table at the Juneteenth event.

Mr. Rice suggested that the FDC begin maintaining a calendar of community events.

b) Diversity Action Plan

Mr. Walters stated that the Media & Communications / Education & Outreach Committee has met twice to work on the DAP. He stated that the group has reviewed three of the six goals in the Plan. He suggested that the FDC devote 45 minutes of time in the meeting to working through some of the DAP goals.

No Members objected to dedicating 45 minutes to working on the DAP.

Mr. Walters led the group through a discussion of each of the first three goals of the DAP. Along the way, members were asked for objection to changes to the Plan. There were no objections from members on the changes.

Ms. Wattum, seconded by **Mr. Walters**, moved to spend around \$200 to PURCHASE a 6' banner with the FDC logo and City of Fairbanks Seal.

Chair Jacobson called for objection to the motion to purchase a banner and, hearing none, declared the MOTION CARRIED.

Ms. Foster-Snow gave a report on City vacancies and hiring statuses.

Ms. Borges requested that a City HR vacancy/hiring status report be given at each FDC meeting.

NEW BUSINESS

a) Prejudice Discrimination & Efforts to Reduce Prejudice (requested by Ms. Kan)

Ms. Kan discussed three points relating to efforts to reduce prejudice:

1) No matter how different people look or how different their outer behaviors are, a deeper look reveals that people are very much alike. Humans have similar needs and a person's deepest hunger is to be understood, recognized and appreciated.

2) Individuals need to take anger out of situations and work on compromise.

3) One cannot assume that another individual is discriminating, at least not deliberately. Unintentional behavior can be a person's biggest enemy because people may not realize that they are hurting others.

Ms. Kan referenced the recent article in the Fairbanks Daily News Miner (FDNM) titled, *Building Diversity Bridges in the Golden Heart City* by Mayor Eberhart and Chief Aragon.

FDC MEMBERS COMMENTS

Mr. Lee stated that there is a community conversation taking place monthly at the JP Jones Center; he stated that this month the meeting will be on May 28 starting at 2 p.m. He invited FDC members to attend. He stated that the group discusses local and state government issues and elections. He

shared that there will be an event to pack purses at the JP Jones on the May 14th. He explained that the purses will be given to about 100 homeless ladies. **Mr. Lee** spoke to a breakfast/job club from 8-10:30 every morning and stated that the Department of Labor (DOL) is supporting the efforts in the neighborhood by giving free zip drives to people who come.

Ms. Davis stated that she appreciates Ms. Frank.

Ms. Borges stated that everyone should be grateful for the things they have. She stated that often people take basic needs for granted.

Mr. Walters thanked everyone for the progress made on the DAP. He thanked Ms. Frank for her contributions to the FDC.

Ms. Foster-Snow thanked Ms. Frank and stated that she hopes to see her again. She thanked Ms. Kan for her presentation. She stated that she is excited about having a calendar of community events. **Ms. Foster-Snow** stated that the FDC group photo would be postponed until the June meeting. She stated that the City's HR Department is always open if anyone needs anything.

Mr. Gatewood stated that he appreciates the comments and presentation by Ms. Kan. He stated that sometimes people need to self-reflect to make sure that they have not given people a reason to discriminate against them. He stated that people should not jump to conclusions about others, but should self-reflect while remaining vigilant in the goals of diversity and equality.

Ms. Lenahan thanked Ms. Lee and Ms. Borges for providing food at the meeting. She thanked Ms. Foster-Snow and Mr. Walters for their hard work on the DAP. She thanked Ms. Kan for her presentation. She wished Ms. Frank good luck.

Ms. Wattum thanked everyone for their patience during her absence. She stated that she enjoyed what Ms. Kan had to say and encouraged more discussions of that type. She stated that she would like to have more open discussions on how to deal with those types of issues. She wished Ms. Frank well in her future endeavors.

Mr. Cole wished Ms. Frank well and thanked Ms. Kan for the presentation. He spoke to creating a positive community and to the derogatory comment in the FDNM about springtime "bringing out the drunks." He stated that he was once drunk and homeless and spoke against hurting those in that situation in the Fairbanks community. He stated that he would like the FDC to set up a table to interact with people at the Juneteenth Celebration.

Ms. Frank stated that as a reporter, a main objective is to show what society is really like. She stated that the comment in the FDNM from a community member should be a reminder that there are people like that in Fairbanks. She supported the idea of putting the truth out there for people to talk about. She stated that she was diagnosed with a chronic illness last fall that she has been dealing with for years and stated that she currently has a lot on her plate. **Ms. Frank** stated that with her upcoming term expiration on the FDC, she felt that someone else could better serve the community in her place. She stated that she is off to some new adventures and that people can connect with her through email.

Ms. Kan stated that she has appreciated Ms. Frank's service on the FDC; she stated that Ms. Frank has shared some valuable stories and experiences. She commented that it was nice to make progress on the DAP. She stated that she would not be present for the June and July FDC meetings.

Ms. Rogers thanked Ms. Lee and Ms. Borges for the hospitality by bringing food to the meeting. She thanked everyone for their input and for the progress made on the DAP. She stated that the earlier comment about going deeper than outward behavior is a really good thing to remember throughout life. She thanked Ms. Frank for the special conversations that the two of them have shared. **Ms. Rogers** stated that one of the most real and engaging conversations that she has participated in was the Fairbanks Four healing meeting organized by Ms. Frank. She provided encouraging words to fellow members.

Ms. Lee expressed delight in the work accomplished at the meeting and thanked Mr. Walters and Ms. Foster-Snow. She invited everyone to community listening session on a potential sobering center in Fairbanks. She stated that the idea for the project came about because of a great need. She stated that Housing First was recently criticized in a public meeting at the Borough when the issue of a nearby marijuana establishment was being discussed. She stated that Housing First has been in operation since 2012 without one complaint. **Ms. Lee** reminded everyone that Housing First does not house all the homeless in Fairbanks and that she does not speak for all Native Alaskans. She stated that she will be gone for the June 14 meeting. She stated that she would send her comments on the DAP to Mr. Walters or Ms. Foster-Snow. **Ms. Lee** stated that she will miss Ms. Frank's voice and perspective on the FDC. She stated that she was happy to bring food to the meeting and suggested that the group do it again in the future.

Chair Jacobson thanked Ms. Kan for her presentation. He thanked all the FDC Members who attending the Cultural Tapestry Celebration at Ryan Middle School in April. He reminded everyone that there will be a group photo taken at the next FDC meeting and thanked Ms. Frank for her service.

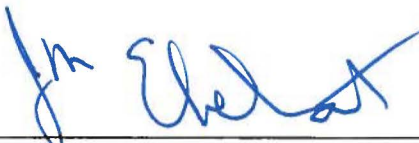
MEETING DATES

- a) The next Regular Meeting of the FDC is scheduled for Tuesday, June 14, 2016.

ADJOURNMENT

Ms. Rogers, seconded by **Mr. Cole**, moved to ADJOURN the meeting.

Chair Jacobson called for objection to adjourning the meeting and, hearing none, declared the meeting ADJOURNED at 7:50 p.m.



Mayor John Eberhart, Chair



D. Danyelle Snider, CMC, City Clerk

Transcribed by: DS

**Fairbanks North Star Borough / City of Fairbanks
CHENA RIVERFRONT COMMISSION
MINUTES
May 11, 2015**

The Fairbanks North Star Borough/City of Fairbanks Chena Riverfront Commission (CRFC) met on Wednesday, May 11, 2016, Commissioner Wright presiding. The following Commission members were in attendance: Julie Jones, Lee Wood, Bob Henszey, Sue Rainey, Buki Wright, Kelley Hegarty-Lammers, Carrie McEnteer and Anna Plager (via phone).

Also present were: Kellen Spillman, Deputy Director, Department of Community Planning; Melissa Kellner, Department of Community Planning; Wendy Doxey, Assistant Borough Attorney; Pascale Siedl, FNSB Computer Services; Barry Hooper, DOT; Donna Gardino, FMATS; Bryant Wright, FNSB Parks & Recreation; and Laura McLean, FNSB Recording Clerk.

Excused Commissioners, Liasons and Ex-Officios: Ian Olson, Christine Nelson, Jackson Fox and Nancy Durham.

Unexcused Commissioners, Liasons and Ex-Officios: Gordy Schlosser, Laura Minski.

1. CALL TO ORDER

Mr. Wright called the meeting to order at 12:07 p.m.

2. APPROVAL OF AGENDA

A motion was made by **Ms. Plager** to hear Unfinished Business before New Business. All were in favor. There were no objections.

*A motion was made by **Ms. Rainey**, seconded by **Ms. Jones** to approve the amended Agenda for May 11, 2016. There were no objections.*

3. APPROVAL OF MINUTES OF April 13, 2016

*A motion was made by **Ms. Jones**, seconded by **Ms. Hegarty-Lammers** to approve the minutes for April 13, 2016. There were no objections.*

4. COMMUNICATIONS TO THE COMMISSION

Melissa Kellner addressed the Commission. She advised the Commission of a training opportunity regarding Parliamentary Procedure and Robert's Rules of Order that is being held on June 14, 2016 in the Assembly Chambers. All of the Borough Boards and Commissions are being invited to this training.

Ms. Plager advised the Commission that the roster which is found on the Borough web page incorrectly lists Ms. McEnteer as Vice-Chair. **Ms. McLean** will follow up with the Mayors' office as they are the ones who are responsible for changes to the rosters.

Ms. Gardino inquired if the APA Great Places application had been submitted. **Ms. McLean** replied that it was submitted and an e-mail communication was received stating that the application had been received.

5. PUBLIC COMMENTS

None

6. UNFINISHED BUSINESS

A. Borough e-mail use and legal issues

Ms. Doxey addressed the Commission. She made herself available to answer any questions that the Commission may have.

Ms. Wood questioned if she could use her personal tablet and device to receive e-mail as she was instructed earlier by Computer Services not to do so.

Ms. Doxey replied that there is a risk if a personal device or personal e-mail account is utilized, even when "ccing" your borough address. She further commented that though relatively low, there is a risk that a personal device or personal e-mail account could be affected.

Ms. Doxey again stressed the importance of "ccing" your borough e-mail account if you utilize your personal e-mail or personal devices.

Ms. Wood inquired if the same holds true to the use of smart phones. **Ms. Doxey** responded that if you go to the Borough web page and log on through the Borough browser, one does not have to go through Computer Services. If you want to hook up an app to your smart phone that directly pushes e-mail to your phone, you would have to contact Computer Services.

Ms. Hegarty-Lammers stated that perhaps she has misunderstood. It was her understanding that volunteers did not need to establish themselves with the Borough e-mail if the Clerk of this Commission were kept "in-the-loop." **Ms. Doxey** replied that if **Ms. McLean** is copied on everything, the purpose of this policy is met.

Ms. Hegarty-Lammers inquired if it would be alright if **Ms. McLean** were to send correspondence to both the Borough issued e-mail address as well as personal e-mail addresses. **Ms. Doxey** stated that that would be fine. **Ms. Hegarty-Lammers** requested that **Ms. McLean** send correspondence to both accounts for each Commission member in the future.

Further group discussion was had regarding this topic. The Commission decided that anything sent to the Borough e-mail addresses will also be sent to the personal e-mails addresses for each Commissioner. **Ms. Doxey** cautioned the Commission to not get too comfortable using their personal e-mails as the Borough e-mail address is what is published for the public to use and could result in personal e-mail accounts to be subject to scrutiny in the future.

Ms. Jones commented that the instructions provided originally for accessing Borough e-mails was incorrect. Changes were noted and instructions for accessing Borough e-mails was clarified.

Pascale Siedl, FNSB Computer Services, addressed the Commission and made herself available for questions.

Ms. Hegarty-Lammers inquired if the Commission on Commissions has met to address this issue yet. **Ms. Doxey** stated that she will pass this along to that Commission as a concern.

Ms. Hegarty-Lammers commented that she is concerned that volunteers on Commissions will be lost if utilizing Borough e-mails is made mandatory.

Ms. Plager inquired who is on the Commission on Commissions. **Ms. Doxey** suggested contacting the Mayors' office. **Ms. Plager** requested that Mr. Spillman contact the Mayors' office and find out who is on the Commission on Commissions. Mr. Spillman will do so and report back.

Ms. Hegarty-Lammers commented that she would like to see at least one member of each commission on the Commission on Commissions.

Ms. Doxey cautioned that this discussion is getting far from the subject which was advertised and suggested that this item be added to the next agenda so that it can be discussed in further detail.

B. Borough email use, technical challenges illuminated

This topic was discussed in conjunction with the above item.

C. Report on updated Liaison/Ex-officio list

Ms. Jones commented that she contacted the Alaska Railroad and FEDCO regarding representation on this Commission.

Ms. Jones reported that she did hear back from FEDCO and that they are interested in considering a position as a liaison. They requested that they be able to attend a meeting before making a commitment to the Commission.

Ms. Jones reported that she did not have any luck with the Railroad. She will continue to pursue them.

Ms. Hegarty-Lammers reported that she has not had contact with Deb Hickock with Explore Fairbanks.

Mr. Henszey will check with the Corps of Engineers to see if they would like to have a representative attend on their behalf.

7. NEW BUSINESS

A. Mitigation funding (US Army Corps of Engineers)

Ms. Plager stated that this was a result of a meeting last week. The DOT manager indicated that he felt quite a bit of construction will be coming up and that the Army Corps of Engineers has a mitigation bank that they can provide funding for worthwhile non-profit or government entities who qualify to receive the offsite mitigation funds when needed.

Mr. Henszey stated that the Corps of Engineers is required under the Clean Water Act to regulate wetland fill as well as activities in navigable waters. Part of their process is mitigating the impacts for these projects. **Mr. Henszey** further explained the process that the Corps of Engineers follows. He suggested that a representative from the Corps visit with this Commission in the near future to answer questions. He will make arrangements for a representative to visit with the CRFC.

Mr. Spillman commented that the Borough is looking into getting involved with wetland mitigation. He suggested that a representative from FNSB Land Management visit with the Commission at the next meeting to answer questions that the Commission may have. Mr. Spillman will arrange for a representative from Land Management.

Ms. Plager inquired what type of role the CRFC would play in mitigation. **Mr. Henszey** replied primarily recommendations for properties along the riverbank.

Mr. Spillman gave an example of how wetlands mitigation could work.

B. CRFC Plan printing

The question before this commission is what exactly is to be printed. It was determined that the small "pocket plan" will be reproduced as well as posting the current updated plan to the web page. The "pocket plan" can be distributed to the public when they come to the counter in Community Planning. The larger, all-inclusive version can be produced in smaller quantities as needed.

Mr. Spillman suggested that the Commission determine what type and how many copies of the plan are desired and let the Department of Community Planning know.

Ms. Hegarty-Lammers commented that printing just the ordinance does not serve "Public Education." She commented that the "Background" section is important and should be made available somewhere.

It was suggested that there be three different versions available on the website.

Ms. Rainey suggested that versions should be made available on the web. She further commented that additional copies should be produced to provide to other entities when they are hosting events.

It was determined that the Commission will think about this topic and will discuss it in further detail at the next meeting.

Ms. Plager added that she has many photos from various CRFC events that she is offering to provide for the flyer.

8. STAFF AND LIASION COMMENTS

Ms. Gardino commented regarding the Green Streets Policy Committee. She thanked this Commission for their continued support of this Policy.

Ms. Gardino also commented that the ribbon cutting ceremony for Cushman Street is tentatively scheduled for July 11. She will update us at a later date.

Ms. Jones added that she is trying to form a group that addressed all sister cities in the Borough. It is thought that perhaps the Cushman Street ribbon cutting ceremony could coincide with the activities of this new group. She will keep this Commission apprised as things develop.

Mr. Bryant Wright stated that on May 17th at 6:30 pm the Snedden Memorial Foundation is having a ribbon cutting ceremony at Snedded Park in Island Homes off of Slater Drive to celebrate the new features that have been added to the park.

9. COMMISSIONERS COMMENTS

Ms. McEnteer announced that this week is the clean-up at Ft. Wainwright to include the riverfront. She also commented that the post is also expanding the activities that they are offering this year on the Chena River and are also looking at developing a boat launch up river near the golf course. These added amenities are available to anyone who has a Department of Defense identification card.

Mr. Henszey added that the Noyes Slough clean-up is happening on June 11, 2016. **Mr. Bryant Wright** confirmed this.

Ms. Jones commented that Festival Fairbanks will be planting flowers downtown during the last week of May.

Ms. Rainey reminded the Commission about the Walk for Charity on Friday the 13th. She further questioned if anyone had heard whether or not the Red Green Regatta is being replaced. **Mr. Bryant Wright** added that he heard that one of the radio stations is considering bringing it back.

Mr. Bryant Wright also advised the Commission that the Fairbanks Paddlers are doing their annual clean-up this evening beginning at Graehl Landing at 6:00 pm.

Ms. Plager stated that the "Chena River and You" class that she was organizing has concluded. She stated that it was well attended and well received and that they may consider doing the class again next year.

Ms. Jones announced that the Palace Theatre is offering a "Local Night" for local citizens on May 20th. Admission is \$5. This will continue through the summer and the price will go up to \$11 for the remainder of the summer.

Ms. Wood inquired if the Bacon Festival will be held again this year. **Ms. Jones** stated that there will not be a Bacon Festival this year.

Mr. Buki Wright commented that Cushman Street is looking wonderful.

10. AGENDA SETTING FOR June 8, 2016 COMMISSION MEETING

Unfinished Business:

- Committee on Commissions – K. Spillman
- Wetlands mitigation – Land Management (Sandra Wagner)
- Liasion/Ex-Officio list update
- CRFC Plan printing
- History of CRFC Land Trust

New Business:

- Army Corps of Engineers]

11. ADJOURNMENT

*A motion was made by **Ms. Hegarty-Lammers**, seconded by **Mr. Henszey** to adjourn. All were in favor. There were no objections.*