



FAIRBANKS CITY COUNCIL
AGENDA NO. 2011-05
REGULAR MEETING March 07, 2011
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

PRELIMINARY MEETING

- I 5:00 PM WORK SESSION – Trucking LNG and Gasline Projects
 - II 6:30 PM EXECUTIVE SESSION – SAS114 Audit Responsibilities
-

REGULAR MEETING

- III 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 (5) 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 phone, electronic and messaging 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
 - *a) Regular Meeting Minutes of February 14, 2011.

7. SPECIAL ORDERS

- a) The Fairbanks City Council, Sitting as a Committee of the Whole, will hear interested citizens concerned with the below-referenced Liquor License Application(s) for renewal. Public Testimony will be taken and limited to five (5) minutes.

Lic #	Name	Type	Service Location	Owner Name
3467	Lin's Asian Bistro	Restaurant Eating Place	1900 Airport Way	Lin's Panda Garden Inc.
3050	Gambardella's Pasta Bella	Restaurant Eating Place	706 2 nd Avenue	Gambardella's II Inc.
3965	K&L Beverage Company LLC	Wholesale-General	945 Elizabeth Street	K&L Beverage Co LLC
617	K&L Distributors	Wholesale-General	945 Elizabeth Street	K&L Distributors Inc.
4504	Gold Rush Deli	Beverage Dispensary	3399 Peger Road #C	Upriver Inc.
4458	Iris Café and Saloon	Beverage Dispensary-Tour	900 Noble Street	J & Y Enterprises Inc.
1377	Barracuda's Beach Bar	Beverage Dispensary	1351 Cushman Street	Scruff-N-Porks Inc.
77	300 Club	Beverage Dispensary	940 Cowles Street	Karen A Meadows-Sours
1912	Gold Rush Saloon/-KT's Kitchen and Deli	Beverage Dispensary	3399 Peger Road	Downriver Inc.

8. MAYOR'S COMMENTS AND REPORT

9. UNFINISHED BUSINESS

- a) Ordinance No. 5831 – An Ordinance to Revise FGC Section 10-401, Adopting the 2009 International Residential Code with Amendments, and Setting an Effective Date. Introduced by Mayor Cleworth. Public Hearing was Held at the Regular Meeting of February 28, 2011. POSTPONED from the Regular Meeting of February 28, 2011.
- b) Ordinance No. 5833 – An Ordinance Ratifying a Labor Agreement Between the City of Fairbanks and the AFL-CIO Crafts Bargaining Unit, and Setting an Effective Date. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.
- c) Ordinance No. 5834 – An Ordinance to Amend FGC Sections 10-66 and 10-67, Adopting the 2009 International Building Code with Amendments, and Setting an Effective Date. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

- d) Ordinance No. 5835 – An Ordinance to Amend FGC Sections 30-31 and 30-32, Adopting the 2009 International Fire Code with Amendments, and Setting an Effective Date. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

10. NEW BUSINESS

- *a) Resolution No. 4462 – A Resolution Supporting Liquefied Natural Gas Trucking and Gasline Projects as a Way to Lower and Stabilize Energy Costs for Interior Residents. Introduced by Council Members Roberts and Gatewood.

11. DISCUSSION ITEMS (INFORMATION AND REPORT)

- a) Committee Reports

12. COMMUNICATIONS TO COUNCIL

- *a) Code Review Commission Meeting Minutes of February 2, 2011.

13. COUNCIL MEMBERS' COMMENTS

14. CITY ATTORNEY'S REPORT

15. CITY CLERK'S REPORT

16. EXECUTIVE SESSION: Labor Negotiations – Fairbanks Fire Fighters Assoc.

17. ADJOURNMENT



FAIRBANKS CITY COUNCIL
REGULAR MEETING MINUTES, FEBRUARY 14, 2011
FAIRBANKS CITY COUNCIL CHAMBERS
800 CUSHMAN STREET, FAIRBANKS, ALASKA

The City Council reconvened at 7:00 p.m. on the above date, after a work session on the Comprehensive Economic Development Strategy, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jerry Cleworth presiding and with the following Council Members in attendance:

Council Members Present: Vivian Stiver, Seat A - Telephonic
Chad Roberts, Seat B
Bernard Gatewood, Seat C
Jim Matherly, Seat D
John Eberhart, Seat F

Absent: Emily Bratcher, Seat E - Excused

Also Present: Clem Clooten, Electrical Inspector
Patrick B. Cole, Chief of Staff
Warren Cummings, Fire Chief
Paul Ewers, City Attorney
Janey Hovenden, City Clerk
Stephanie Johnson, Dispatch Ctr Manager
Michael J. Schmetzer, City Engineer
Steve Shuttleworth, Building Official
Laren Zager, Police Chief

INVOCATION

The Invocation was given by City Clerk Janey Hovenden.

FLAG SALUTATION

Mayor Cleworth led the Flag Salutation.

CITIZEN'S COMMENTS

Helen Renfrew, 4097 Yvonne Street, Fairbanks. Ms. Renfrew provided a brief report on the work performed in support of AFN by the Fairbanks Convention & Visitors Bureau.

Victor Buberger, PO Box Fairbanks. Mr. Buberger spoke about recent winter deaths, wet houses for the homeless, and Mr. Turney's health.

David Lerman, 126 2nd Avenue, #16, Fairbanks. Mr. Lerman spoke to a lot that needs to be condemned, bus shelters, the Polaris Building, and air quality.

Lisa Peger, 3873 Peger Road, Fairbanks. Ms. Peger spoke about energy saving with Nanotech Energy Solutions.

APPROVAL OF AGENDA AND CONSENT AGENDA

Mr. Roberts, seconded by **Mr. Gatewood**, moved to APPROVE the Agenda and Consent Agenda.

Mr. Gatewood pulled Resolution Nos. 4458 and 4459 from the Consent Agenda.

Mayor Cleworth called for objection and, hearing none, so ORDERED.

City Clerk Hovenden read the Consent Agenda into the record.

APPROVAL OF PREVIOUS MINUTES

a) Meeting Minutes of December 13, 2010.

PASSED and APPROVED on the CONSENT AGENDA.

b) Meeting Minutes of January 10, 2011.

PASSED and APPROVED on the CONSENT AGENDA.

MAYOR'S COMMENTS AND REPORT

Mayor Cleworth provided the Council a memorandum and the PSEA Arbitration Award and a cost analysis. **Mayor Cleworth** congratulated the Finance Department for receiving the Municipal Accounting Award. **Mayor Cleworth** forwarded a request for concurrence by GHU regarding the wastewater treatment facility. **Mayor Cleworth** shared that resources are being developed to respond to the need for assistance for local inebriates and the homeless.

Based on the invitation from Mayor Cleworth, Chief Cummings reported on the various service areas for fire protection within the Borough.

Mayor Cleworth explained that there are businesses south of Van Horn Road, outside City limits, that are looking into buying fire protection from the University as a cost savings measure. He explained that the City's mil rate is 4.9 and the University's mil rate is only 2.7, which allows the University to provide that service cheaper. He spoke of changing the rate for those that just have fire protection, but deferred that discussion to a Finance Committee meeting.

Chief Cummings shared that he spoke with Mr. van den Berg to discuss expansion of the area that the Community Service Patrol covers.

Based on the invitation from Mayor Cleworth, Chief Zager reported that the First National Bank was robbed earlier in the day by an armed individual. He provided a brief report of the incident.

UNFINISHED BUSINESS

- a) ORDINANCE NO. 5828 – An Ordinance to Amend FGC Section 46-5 Disposal of Firearms Held as Evidence. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Roberts, seconded by **Mr. Gatewood**, moved to ADOPT Ordinance No. 5828.

Mayor Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5828, AS FOLLOWS:

YEAS: Eberhart, Gatewood, Stiver, Matherly, Roberts

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5828 ADOPTED.

- b) ORDINANCE NO. 5829 – An Ordinance to Amend FGC Sections 10-276 and 10-277, Adopting the 2011 National Electrical Code with Local Amendments, and Setting an Effective Date. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to ADOPT Ordinance No. 5829.

Mayor Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

Mr. Shuttleworth provided a brief report on the amendments.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5829, AS FOLLOWS:

YEAS: Gatewood, Roberts, Eberhart, Matherly, Stiver

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5829 ADOPTED.

- c) ORDINANCE NO. 5830 – An Ordinance to Amend FGC Sections 10-136 and 10-137, Adopting the 2009 Uniform Plumbing Code with Amendments and Setting an Effective Date. Introduced by Mayor Cleworth. SECOND READING AND PUBLIC HEARING.

Mr. Gatewood, seconded by **Mr. Roberts**, moved to ADOPT Ordinance No. 5830.

Mayor Cleworth called for Public Testimony and, hearing none, declared Public Testimony closed.

Mr. Shuttleworth provided a brief report on the amendments.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO ADOPT ORDINANCE NO. 5830, AS FOLLOWS:

YEAS: Matherly, Roberts, Stiver, Gatewood, Eberhart

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and ORDINANCE NO. 5830 ADOPTED.

NEW BUSINESS

- a) RESOLUTION NO. 4456 – A Resolution Encouraging the Alaska Legislature to Transfer Parcels of Alaska Railroad Land, Subject to any Existing Leases, to the Fairbanks North Star Borough Through a Land Exchange or Other Method. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- b) RESOLUTION NO. 4457 – A Resolution Amending the Schedule of Fees and Charges for Services by Adjusting Refuse Collection Rates. Introduced by Mayor Cleworth.

PASSED and APPROVED on the CONSENT AGENDA.

- c) RESOLUTION NO. 4458 – A Resolution to Apply for and Accept Funding from the National Institute of Justice for the Solving Cold Cases with DNA Grant. Introduced by Mayor Cleworth.

Mr. Gatewood, seconded by **Mr. Matherly**, moved to APPROVE Resolution No. 4458.

Based on Mr. Gatewood's question, Chief Zager reported that the City did not receive funding for the previous cold case grant it applied for. He briefly reported on the grant requirements and uses.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4458, AS FOLLOWS:

YEAS: Roberts, Matherly, Gatewood, Eberhart, Stiver

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and RESOLUTION NO. 4458 APPROVED.

- d) RESOLUTION NO. 4459 – A Resolution to Apply for and Accept Funding from the Alaska Department of Natural Resources for a Historic Preservation Fund Grant. Introduced by Mayor Cleworth.

Mr. Matherly, seconded by **Mr. Roberts**, moved to APPROVE Resolution No. 4459.

Based on Mr. Gatewood's question, **Mayor Cleworth** explained the intended use for the grant funds and in-kind matches.

A ROLL CALL VOTE WAS TAKEN, ON THE MOTION TO APPROVE RESOLUTION NO. 4459, AS FOLLOWS:

YEAS: Stiver, Matherly, Gatewood, Eberhart, Roberts

NAYS: None

Mayor Cleworth declared the MOTION CARRIED and RESOLUTION NO. 4459 APPROVED.

- e) ORDINANCE NO. 5831 – An Ordinance to Revise FGC Section 10-401, Adopting the 2009 International Residential Code with Amendments, and Setting an Effective Date. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

- f) ORDINANCE NO. 5832 – An Ordinance to Amend FGC Section 10-456, by Adopting the 2009 International Energy Conservation Code with Amendments, and Setting an Effective Date. Introduced by Mayor Cleworth.

ADVANCED on the CONSENT AGENDA.

DISCUSSION ITEMS

- a) Committee Reports

Permanent Fund Advisory Committee. **Mr. Gatewood** reported on the February 3, 2011 meeting.

FMATS. **Mr. Roberts** reported that the Policy Committee would meet on Wednesday at 10:00 am.

COMMUNICATIONS TO COUNCIL

- a) A Street Apartments Referral of Claim to Fact Finding Commission.

Mr. Ewers provided background on the issue for the Council, see Memorandum dated February 8, 2011. He indicated that the matter would be referred to the Fact Finding Commission (FFC) for a binding decision.

Mayor Cleworth provided a brief history on the claim and the two offers presented by the City to the owners, as well as a report on the flooding that occurred during a rain storm in July, 2010. **Mayor Cleworth** stated that the Fact Finding Commission had only been called to act one other time.

Mr. Eberhart questioned whether the FFC could act as a body that could issue a binding finding, as the Code did not allow for that.

Mayor Cleworth indicated that he could not recall the specifics of the other referral to the FFC but that it was some years ago.

Mr. Eberhart indicated that the FFC is only a fact gathering commission and not a body authorized to offer dispute resolution.

Mayor Cleworth reiterated that it would be more efficient to have the FFC issue a binding decision so that the claim could not be appealed and then left up to the Council to decide.

Mr. Eberhart offered other options for the claim process.

Mayor Cleworth indicated that taking this approach would be a cost savings for the City.

Mr. Roberts reiterated Mr. Eberhart's concerns.

Mayor Cleworth stated that the City could only make an offer up to \$10,000 before it must be referred to the Council.

Mr. Eberhart questioned what type of insurance the FFC had in the event it is sued.

Mr. Ewers explained that the FFC would make a decision much like a jury would, fact finding in nature.

Mr. Eberhart stated that the City is asking the FFC to go beyond fact finding and actually make a decision, a binding decision.

Mr. Ewers stated that the City would have a duty to indemnify the members on the FFC.

Mr. Roberts, seconded by **Mr. Gatewood**, moved to REFER the Claim of A Street Apartments, LLC to the Fact Finding Commission and to be Bound by the Commission's Findings, Conditioned on A Street Apartments, LLC Signing a Written Agreement Specifying that the Decision of the Commission Will be Final and Binding on A Street Apartments, LLC and its Owners.

Mr. Eberhart expressed his concern over how the decision could set precedence for future claims.

Mayor Cleworth stated that FFC was not initially created to handle these types of claims.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO REFER, AS FOLLOWS:

YEAS: Roberts, Stiver, Matherly, Gatewood

NAYS: Eberhart

Mayor Cleworth declared the MOTION CARRIED.

- b) Request for Council Approval of Indemnity for Hoffman and Johnson.

Mr. Ewers provided background on the issue for the Council, proposing that the defense in the Hutton/Whorton case be consolidated, see Memorandum dated February 8, 2011.

Mr. Matherly, seconded by **Mr. Roberts**, moved to INDEMNIFY Hoffman and Johnson for all Potential Liability in the Hutton/Whorton v. City of Fairbanks Lawsuit.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO INDEMNIFY, AS FOLLOWS:

YEAS: Gatewood, Stiver, Matherly, Roberts
NAYS: Eberhart
Mayor Cleworth declared the MOTION CARRIED.

- c) Appointments to the Code Review & Appeals Commission.
PASSED and APPROVED on the CONSENT AGENDA.
- d) Building Official New Construction Code Overview.
ACCEPTED on the CONSENT AGENDA.
- e) Chena Riverfront Commission Meeting Minutes of December 6, 2010.
ACCEPTED on the CONSENT AGENDA.
- f) Public Safety Commission Meeting Minutes of November 9, 2010.
ACCEPTED on the CONSENT AGENDA.
- g) Public Safety Commission Meeting Minutes of January 11, 2011.
ACCEPTED on the CONSENT AGENDA.
- h) Code Review Commission Meeting Minutes of January 12, 2011.
ACCEPTED on the CONSENT AGENDA.
- i) Code Review Commission Meeting Minutes of January 19, 2011.
ACCEPTED on the CONSENT AGENDA.
- j) Code Review Commission Meeting Minutes of January 26, 2011.
ACCEPTED on the CONSENT AGENDA.

COUNCIL MEMBERS' COMMENTS

Ms. Stiver expressed her concern that the Fact Finding Commission act in a binding fashion.

Mr. Gatewood indicated that the referral to the Fact Finding Commission would be a good first run at testing whether commissions should be allowed to act in a binding fashion.

Mr. Roberts indicated that he was looking forward to spring.

Mr. Eberhart commented on the homeless and chronic inebriate problem in Fairbanks. He explained that a damp shelter had been looked at as a possibility in Fairbanks and hoped to see that effort move forward this year.

Mr. Matherly commented on the Arctic Winter Games in Fairbanks in 2014.

Mr. Ewers noted that the Regulatory Commission of Alaska met on Aurora Energy's Petition regarding deregulation of steam heat. He indicated he would have an update at the next meeting.

Mr. Roberts, seconded by **Mr. Gatewood**, moved to go into Executive Session for the purpose of discussing labor negotiations.

Mayor Cleworth called for objection and, hearing none, so ORDERED.

Mayor Cleworth called for a five minute recess.

EXECUTIVE SESSION

a) Labor Contract Negotiations – AFL-CIO

The City Council met in Executive Session to discuss labor negotiations and no action was taken.

ADJOURNMENT

Mr. Roberts, seconded by **Ms. Stiver**, moved to ADJOURN the meeting.

Mayor Cleworth called for objection and, hearing none, so ORDERED.

Mayor Cleworth declared the Meeting adjourned at 9:30 p.m.

JERRY CLEWORTH, MAYOR

ATTEST:

JANEY HOVENDEN, CMC, CITY CLERK

Transcribed by: DO



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715
Fax (907)459-6710

MEMORANDUM

TO: Mayor Jerry Cleworth
City Council Members

FROM: Janey Hovenden, CMC, City Clerk

SUBJECT: Renewal of Liquor Licenses (9)

DATE: March 2, 2011

Attached you will find the notification of liquor license renewals from the State ABC Board for nine liquor licenses. You will also find responses received from the Building Department, Finance Department and Police Department:

Lic #	Establishment Name	License Type	Premise Location	Owner Name
3467	Lin's Asian Bistro	Restaurant Eating Place	1900 Airport Way	Lin's Panda Garden Inc.
3050	Gambardella's Pasta Bella	Restaurant Eating Place	706 2 nd Avenue	Gambardella's II Inc.
3965	K&L Beverage Company LLC	Wholesale-General	945 Elizabeth Street	K&L Beverage Co LLC
617	K&L Distributors	Wholesale-General	945 Elizabeth Street	K&L Distributors Inc.
4504	Gold Rush Deli	Beverage Dispensary	3399 Peger Road #C	Upriver Inc.
4458	Iris Café and Saloon	Beverage Dispensary-Tourism	900 Noble Street	J & Y Enterprises Inc.
1377	Barracuda's Beach Bar	Beverage Dispensary	1351 Cushman Street	Scruff-N-Porks Inc.
77	300 Club	Beverage Dispensary	940 Cowles Street	Karen A Meadows-Sours
1912	Gold Rush Saloon/KT's Kitchen and Deli	Beverage Dispensary	3399 Peger Road	Downriver Inc.

Pursuant to FGC Sec. 14-178 the Council must determine whether or not to protest liquor license renewals after holding a public hearing.

Please note that there are no departmental protests.

Please contact me if you need any further information.



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

February 4, 2011

Renewal Application Notice

**Fairbanks North Star Borough
Fairbanks**

DBA	Lic Type	Lic #	Owner	Premise Address
Lin's Asian Bistro	Restaurant Eating Place	3467	Lin's Panda Garden Inc.	1900 Airport Way
Gambardella's Pasta Bella	Restaurant Eating Place	3050	Gambardella's II Inc.	706 2 nd Avenue
K&L Beverage Company LLC	Wholesale-General	3965	K&L Beverage Co LLC	945 Elizabeth Street
K&L Distributors	Wholesale-General	617	K&L Distributors Inc.	945 Elizabeth Street
Gold Rush Deli	Beverage Dispensary	4504	Upriver Inc.	3399 Peger Road #C
Iris Café and Saloon	Beverage Dispensary-Tourism	4458	J & Y Enterprises Inc.	900 Noble Street
Barracuda's Beach Bar	Beverage Dispensary	1377	Scruff-N-Porks Inc.	1351 Cushman Street
300 Club	Beverage Dispensary	77	Karen A Meadows-Sours	940 Cowles Street
Gold Rush Saloon/KT's Kitchen and Deli	Beverage Dispensary	1912	Downriver Inc.	3399 Peger Road

We have received a renewal application for the above listed licenses (see attached applications) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Alcoholic Beverage Control Board
5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD
Director

/s/ Lauren Edades
Lauren Edades
Records & Licensing Supervisor
269-0359
lauren.edades@alaska.gov

Alcoholic Beverage Control Board
5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715
Fax (907)459-6710

LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 BUILDING DEPT.
 FAIRBANKS POLICE DEPT.

DATE: February 10, 2011

FROM: CITY CLERK'S OFFICE
RE: LIQUOR LICENSE ACTION - RENEWALS

DATE NOTICE RECEIVED AT CLERKS OFFICE: 02/07/2010 (60 DAY DUE DATE 04/08/11)

DATE RESPONSE DUE: 03/01/2011 for City Council Meeting of 03/07/2011

Lic #	Establishment Name	License Type	Premise Location	Owner Name	Phone
3467	Lin's Asian Bistro	Restaurant Eating Place	1900 Airport Way	Lin's Panda Garden Inc.	(907)451-1100
3050	Gambardella's Pasta Bella	Restaurant Eating Place	706 2 nd Avenue	Gambardella's II Inc.	(907)456-3417
3965	K&L Beverage Company LLC	Wholesale-General	945 Elizabeth Street	K&L Beverage Co LLC	(907)452-8271
617	K&L Distributors	Wholesale-General	945 Elizabeth Street	K&L Distributors Inc.	(907)452-8271
4504	Gold Rush Deli	Beverage Dispensary	3399 Peger Road #C	Upriver Inc.	(907)479-5821
4458	Iris Café and Saloon	Beverage Dispensary-Tourism	900 Noble Street	J & Y Enterprises Inc.	(907)455-4747
1377	Barracuda's Beach Bar	Beverage Dispensary	1351 Cushman Street	Scruff-N-Porks Inc.	(907)452-6294
77	300 Club	Beverage Dispensary	940 Cowles Street	Karen A Meadows-Sours	(907)456-7719
1912	Gold Rush Saloon/KT's Kitchen and Deli	Beverage Dispensary	3399 Peger Road	Downriver Inc.	(907)456-6410

(Form Continued on Next Page)

2-11-11

NOTE: THIS COMPLETED FORM MUST BE RETURNED TO THE CITY CLERK'S OFFICE BY THE DATE INDICATED ABOVE. YOU MAY E-MAIL OR FAX (459-6710) THE FORM. ANY QUESTIONS CALL OUR OFFICE AT 459-6774. THANK YOU.

NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT
SIGNEE: _____ / _____
(Signature) (Printed Name)

[Handwritten Signature] / *Jim Soileau*



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715
Fax (907)459-6710

LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 BUILDING DEPT.
 FAIRBANKS POLICE DEPT.

DATE: February 10, 2011

FROM: CITY CLERK'S OFFICE
RE: LIQUOR LICENSE ACTION - RENEWALS

DATE NOTICE RECEIVED AT CLERKS OFFICE: 02/07/2010 (60 DAY DUE DATE 04/08/11)

DATE RESPONSE DUE: **03/01/2011** for City Council Meeting of 03/07/2011

Lic #	Establishment Name	License Type	Premise Location	Owner Name	Phone
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617	K&L Distributors	Wholesale-General	945 Elizabeth Street	K&L Distributors Inc.	(907)452-8271
4504	Gold Rush Deli	Beverage Dispensary	3399 Peger Road #C	Upriver Inc.	(907)479-5821
4458	Iris Café and Saloon	Beverage Dispensary-Tourism	900 Noble Street	J & Y Enterprises Inc.	(907)455-4747
1377	Barracuda's Beach Bar	Beverage Dispensary	1351 Cushman Street	Scruff-N-Porks Inc.	(907)452-6294
77	300 Club	Beverage Dispensary	940 Cowles Street	Karen A Meadows-Sours	(907)456-7719
1912	Gold Rush Saloon/KT's Kitchen and Deli	Beverage Dispensary	3399 Peger Road	Downriver Inc.	(907)456-6410

approved by
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NO PROTEST:
COMMENTS

PROTEST
REASONS:

DEPARTMENT
SIGNEE:


(Signature)

1. Steve Shuttleworth
(Printed Name)



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6715
Fax (907)459-6710

LIQUOR LICENSE RESPONSE FORM

TO: FINANCE DEPT.
 BUILDING DEPT.
 FAIRBANKS POLICE DEPT.

DATE: February 10, 2011

FROM: CITY CLERK'S OFFICE
RE: LIQUOR LICENSE ACTION - RENEWALS

DATE NOTICE RECEIVED AT CLERKS OFFICE: 02/07/2010 (60 DAY DUE DATE 04/08/11)

DATE RESPONSE DUE: **03/01/2011** for City Council Meeting of 03/07/2011

Lic #	Establishment Name	License Type	Premise Location	Owner Name	Phone
3467	Lin's Asian Bistro	Restaurant Eating Place	1900 Airport Way	Lin's Panda Garden Inc.	(907)451-1100
3050	Gambardella's Pasta Bella	Restaurant Eating Place	706 2 nd Avenue	Gambardella's II Inc.	(907)456-3417
3965	K&L Beverage Company LLC	Wholesale-General	945 Elizabeth Street	K&L Beverage Co LLC	(907)452-8271
617	K&L Distributors	Wholesale-General	945 Elizabeth Street	K&L Distributors Inc.	(907)452-8271
4504	Gold Rush Deli	Beverage Dispensary	3399 Peger Road #C	Upriver Inc.	(907)479-5821
4458	Iris Café and Saloon	Beverage Dispensary-Tourism	900 Noble Street	J & Y Enterprises Inc.	(907)455-4747
1377	Barracuda's Beach Bar	Beverage Dispensary	1351 Cushman Street	Scruff-N-Porks Inc.	(907)452-6294
77	300 Club	Beverage Dispensary	940 Cowles Street	Karen A Meadows-Sours	(907)456-7719
1912	Gold Rush Saloon/KT's Kitchen and Deli	Beverage Dispensary	3399 Peger Road	Downriver Inc.	(907)456-6410

(Form Continued on Next Page)

NOTE: THIS COMPLETED FORM MUST BE RETURNED TO THE CITY CLERK'S OFFICE BY THE DATE INDICATED ABOVE. YOU MAY E-MAIL OR FAX (459-6710) THE FORM. ANY QUESTIONS CALL OUR OFFICE AT 459-6774. THANK YOU.

ORDINANCE NO. 5831

**AN ORDINANCE TO REVISE FGC SECTION 10-401, ADOPTING THE
2009 INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS,
AND SETTING AN EFFECTIVE DATE**

WHEREAS, the Building Code Review and Appeals Commission has reviewed the 2009 International Residential Code and the amendments thereto; and

WHEREAS, the City Council now desires to accept 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 Sec. 10-401 is repealed and re-enacted as follows:

Sec. 10-401. Adopted; amendments.

The 2009 International Residential Code is hereby adopted.

The 2009 International Residential Code is hereby amended as follows:

Chapter 1 Administration

Delete the following sections: R103 and R104.10.1, and refer to the Administrative Code for the City of Fairbanks.

Section R105.2 Work exempt from permit. Amend this section by deleting items 1, 2 and 10 and replace as follows: Further amend this section by adding the following item #11.

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.
10. Uncovered Decks which are constructed not more than 30 inches above grade at any point.
11. Replacement of exterior siding, doors and windows; excluding required egress windows.

Section R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. Delete this section in its entirety and refer to Title 15 Fairbanks North Star Borough Flood Plain Management Regulations.

Section R106.1.3 Information for construction in flood hazard areas. Delete this section in its entirety and refer to Title 15 Fairbanks North Star Borough Flood Plain Management Regulations.

Section R107.1 General. Revise this section by amending the second sentence to read as follows:

Such permits shall be limited as to time of service, but shall not be permitted for more than 360 days.

Section R108 Fees. Delete this section in its entirety and replace with the City of Fairbanks Administrative Code.

Section R109 Inspections. Delete this section in its entirety and replace with the City of Fairbanks Administrative Code.

Section R112.2.1 Determination of substantial improvement in areas prone to flooding. Delete this section in its entirety and refer to the Title 15 Fairbanks North Star Borough Flood Plain Management Regulations.

Section R 112.2.2 Criteria for issuance of a variance for areas prone to flooding. Delete this section and refer to Title 15 Fairbanks North Star Borough Flood Plain management Regulations.

Chapter 2 Definitions

Amend section R202 Definitions by adding the following definition:

Duplex Dwelling Unit. Buildings which contain not more than two dwelling units which are not otherwise distinguished or separated by a recorded lot line.

Amend Section R202 Definitions Townhouse by the deleting 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, fuel gas and electrical services.

Table R301.2(1) Climatic and Geographic Design Criteria. Amend this table to read as follows

Table R301.2 Climatic and Geographic Design Criteria:

Roof Snow load:	50 psf
Wind speed:	90 mph
Seismic Design Category:	D1
Weathering:	Severe
Frost line depth:	42" below finished grade
Termite:	None to slight
Decay:	None to slight
Winter Design Temp.	- 47°
Flood Hazards:	Refer to FNSB Title 15

Section R301.2.2.1.1 Alternate determination of seismic design category.

Add the following sentence to the end of the paragraph to read as follows:

The seismic design category for the City Of Fairbanks shall be D1.

Section R301.2.4 Floodplain Construction. Delete this section in its entirety.

Table R301.5 Minimum Uniformly Distributed Live Loads. Amend this table by deleting the live load value of 30 psf live load for sleeping rooms and replace with 40 psf.

Section R302.2 Townhouses. Delete this section in its entirety and replace with the following.

Each townhouse shall be considered a separate building and shall be separated by fire-resistive wall assemblies meeting the requirements of section R302.1 for exterior walls. Each townhouse shall be protected from the adjacent dwelling unit by construction of independent one hour fire resistive exterior walls. The wall shall be rated for fire exposure on both sides. Plumbing, mechanical equipment, ducts or vents may be installed within independent one hour fire – resistive walls provided the openings are fire stopped as required by section 302.4. Electrical installations shall be installed in accordance with the National Electrical Code and shall be in accordance with section R302.4.

Exception 1.

A common 2- hour fire resistive rated wall is permitted provided such walls do not contain plumbing, mechanical equipment, ducts, or vents in the cavity of the common wall.

Exception 2.

A common 1- hour fire resistive rated wall is permitted provided such walls do not contain plumbing, mechanical equipment, ducts or vents in the cavity wall of the common wall and the townhouses are protected with an approved sprinkler system throughout.

Section R302.2.4 Structural Independence. Delete exception #5 of this section and replace as follows:

5. Townhouses separated by a common 2- hour fire- resistive wall as provided in section R302.2 as amended.

Section R302.3 Two – family dwellings. Revise the last sentence of exception #2 to read as follows:

The structural framing supporting the ceiling shall be protected by not less than 5/8 inch thick type X gypsum board or equivalent.

Section R302.5.1 Opening protection. Add the following sentence to this section:

Doors between the garage and residence shall be self-closing and latching. Doors shall be equipped with tight fitting smoke gasket seals installed along the top and sides of doors. A tight fitting threshold seal shall also be installed.

Table R302.6 Dwelling/Garage Separation. Amend this table as follows:

Revise all references in the table to ½ inch gypsum board and replace with 5/8 inch thick type X gypsum board.

Revise line two of the Material column to read as follows:

Not less than one layer 5/8 inch Type X gypsum board for nominal dimensional lumber or two layers of gypsum board as required by ICC report ESR 1336 or as required by other proprietary research reports for specific engineered I Joists which achieve a one hour rated assembly.

Section R303.1 Habitable Rooms (Light and Ventilation). Replace this section and the exceptions with the following:

All habitable rooms shall be provided with natural light by means of exterior glazed openings with an area of not less than 5 percent of the floor area of such rooms with a minimum area of 5 square feet, except that minimum egress requirements shall govern. Natural ventilation shall be provided by openings to the exterior of not less than 4 percent of the floor area of habitable rooms. Such openings shall be openable and readily controllable by the building occupants. In lieu of required exterior openings for natural ventilation, a mechanical ventilating system may be provided. Such system shall be capable of providing air changes in accordance with the 2009 IECC as adopted and amended.

Section R303.3 Bathrooms. Delete this section in its entirety, rename and replace with the following:

Section R303.3 Bathrooms and Kitchens. Bathrooms, water closet compartments and similar rooms shall have a mechanical ventilating system connected directly to the outside capable of providing five air changes per hour.

Moisture exhaust ducts shall be smooth and rigid. All moisture exhaust ducts located in an unconditioned space shall be insulated with a minimum R-11 and installed so as not to create low points where condensation may collect. All exhaust ducts shall be equipped with a back-draft damper.

Kitchens shall have mechanical exhaust ventilation provided directly above or immediately adjacent to the primary cooking appliance. All vents shall be connected directly to the exterior. A total exhaust ventilation rate for the structure shall be a minimum of 80 cfm per 1000 square feet of habitable floor space. All exhaust ducts shall be equipped with a back draft damper.

Structures of unusually tight construction containing fuel-burning appliances, including fireplaces and mechanically exhausted range-top cooking appliances shall be provided with supplemental supply air in accordance with the Mechanical Code. A draft activated damper allowing air to flow into the structure when depressurization exceeds 10 pascals may be installed within a supply air duct.

Section R309.3 Flood hazard areas. Delete this section and refer to Title 15 Fairbanks North Star Borough Flood Management Regulations

Section R310.1.1 Minimum opening area. Delete the exception.

Section R 313 Automatic Fire Sprinkler Systems. Delete this section in its entirety.

Section 315.1 Carbon Monoxide Alarms. Delete this section in its entirety and replace as follows:

For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages. Carbon monoxide detectors shall be listed and installed in accordance with their listing. Combination carbon monoxide/smoke detectors are acceptable provided they are installed in accordance with this section and section R314.3 for sleeping room locations.

Exceptions:

1. Carbon monoxide detectors are not required in dwelling units that have no combustion appliances and that do not have an attached garage.
2. Carbon monoxide detectors are not required in dwelling units that have only direct vent combustion appliances and that do not have an attached garage.

Section R315.1.1 Interconnection. Add new subsection to read as follows:

In new construction, carbon monoxide detectors shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit.

Section R315.1.2 Power source. Add new subsection to read as follows:

In new construction, carbon monoxide detectors shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery back-up. Wiring shall be permanent and without disconnecting switch other than those required for over-current protection. In existing construction, carbon monoxide detectors shall be permitted to be battery powered or cord-and-plug type with battery back-up.

Section R315.2 Where required in existing dwellings. Amend this section by adding the following exceptions:

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.

Section R318 Protection against subterranean termites. Delete this section in its entirety.

Section R322. Flood – Resistant Construction. Delete this section in its entirety and refer to Title 15 Fairbanks North Star Borough Flood Plain Management Regulations

Section R323 Storm Shelters. Delete this section in its entirety.

Section R324 Moisture Vapor Retarders. Create a new section and title to read as follows:

Section R324.1 Moisture control

The building design shall not create conditions of accelerated deterioration from moisture condensation. All exterior wall, ceiling, roof and floor assemblies which enclose heated spaces and which are exposed to outdoor ambient temperatures shall be protected against water vapor transmission. Assemblies not otherwise of impermeable construction shall have installed, on the heated side of the insulation or air spaces, vapor retarders having a perm rating of 0.06 minimum (equivalent to 6 mils polyethylene sheeting) or other material approved by the Building Official. 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 all 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 the total installed insulation may be installed on the warm side of approved vapor retarders.

Section R324.2 Crawl space moisture protection. Create a new sub section and title to read as follows:

Crawl space moisture protection.

Exposed earth in crawl space foundations shall be covered with a continuous vapor retarder. All joints of the vapor retarder shall be overlapped by 6 inches or shall be sealed or taped in approved manner. The edges of the vapor retarder shall either extend over the concrete footing and secured in approved manner.

Section R401.3 Drainage. Delete the section and the exception and replace with the following:

Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall be sloped a minimum of 2% within the first 10 feet. It shall be the responsibility of the owner or contractor to assure that discharge of roof and surface runoff is disposed of without affecting the adjacent property. Surface drainage across lot lines is prohibited.

Section R403.1 General. Delete the reference to “wood foundations” in the first sentence and add the following sentence to the end of the section to read as follows:

Wood footings shall be designed and stamped by a registered engineer licensed in the State of Alaska.

Section R 403.1.1 Minimum size. Delete this section in its entirety and replace as follows:

The footing width shall be based on the load- bearing value of the soil in accordance with Table R401.4.1. All footing and foundation systems shall comply with standard foundations details (SFD1-SFD8). In no case shall the minimum size for concrete and masonry footings be less than 1'-4". The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with table R401.4.1.

Table R403.1 Minimum width of concrete or masonry footings. Delete the table in its entirety and reference standard foundation details (SFD1-SFD8).

Section R403.1.3 Seismic reinforcing. Delete this section in its entirety and replace as follows:

Seismic reinforcing shall be provided in accordance with standard foundation details SFD1 though SFD8 unless reinforcing is specifically designed by a

registered engineer licensed by the State of Alaska. Bottom reinforcement shall be located a minimum of 3 inches clear from the bottom of the footing.

Section R403.1.3.1 Foundations with stemwalls. Delete this section in its entirety and replace as follows:

Foundations with stemwalls shall have installed a minimum of two #4 bars within 6 inches of the top of the wall and one #4 bar located 3 inches to 4 inches above the top of the footing. All reinforcing steel shall comply with standard foundation details SFD1- SFD8 unless specifically designed and stamped by a registered engineer licensed by the State of Alaska.

Section R403.1.3.2 Slabs-on- ground with turned-down footings. Delete this section and the exception in its entirety and replace as follows:

Slabs-on- ground with turned-down footings shall be designed and stamped by an engineer licensed by the State of Alaska. Insulation for such slabs and footings shall be in accordance with section 403.3, figure 403.3(1) and table R403.3(1).

Section R403.1.4 Minimum depth. Delete this section in its entirety and replace as follows:

All exterior footings shall be placed at least 42 inches below finished grade unless the foundation system is designed by a registered engineer licensed by the State of Alaska. Where applicable the depth of footings shall also conform to sections R403.1.4.1 through R403.1.4.2.

Exception:

1. Non habitable detached single story accessory structures less than 480 square feet.

Section R403.1.4.1 Frost protection. Amend this section by deleting the exceptions and replace as follows:

Exceptions:

1. Protection of non-habitable freestanding accessory single story structures with an area of 480 square feet or less shall not be required.
2. Decks not covered with a roof and decks which are not more than 30 inches above grade at any point need not be provided with footings that extend below the frost line.

Section R403.2 Footings for wood foundations. Delete this section in its entirety including references to figures R403.1(2) and R403.1(3) and replace as follows:

Wood foundations shall comply with standard foundation details SFD3 and SFD6 or the wood foundation system shall be specifically designed and stamped by a registered engineer licensed by the State of Alaska.

Section R403.3 Frost protected shallow foundations. Delete the first sentence and replace with the following:

Frost protected shallow foundations shall be designed and stamped by an engineer licensed in the State of Alaska. The design must be in constructed in accordance with Sections R403.3.1 thru R403.3.3, including Figures R403.3(1), R403.3(3) or R403.3(4) and Table R403.3 (1).

Section R403.3.3 Drainage. Delete this section in its entirety and replace with the following:

Final site drainage shall be in accordance with Section R401.3

Section R403.3.4 Termite damage. Delete this section in its entirety.

Section R403.4.1 Crushed stone footings. Delete this section in its entirety.

Table R403.4 Minimum Depth of Crushed Stone footings. Delete this table in its entirety.

Section R404.1.1 Masonry foundation walls. Delete this section in its entirety and all references to tables R404.1.1(1), R404.1.1(2), R404.1.1(3), R404.1.1(4) and replace as follows:

The minimum design for masonry foundation walls shall comply with The City of Fairbanks Standard Foundation Details (SFD) #1, #4 or #7 unless an alternate foundation design has been prepared and stamped by a registered engineer licensed by the State of Alaska.

Section R404.1.2 Concrete foundation walls. Add the following sentence to the end of the paragraph.

The minimum design for concrete foundation walls shall comply with The City of Fairbanks Standard Foundation Details (SFD) #2, #5 or #8 unless an alternate foundation design has been prepared and stamped by an engineer licensed by the State of Alaska.

Table R404.1.2(1). Delete the table in its entirety and replace as follows:

Two #4 bars are required to be installed within the top 6 inches of the wall and one #4 bar shall be provided near mid-height of the wall story where the maximum unsupported height of the basement wall is greater than 4 feet and less than or equal to 8 feet. When the maximum unsupported height of basement wall is greater than 8 feet required reinforcing shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Section R404.1.2.2 Reinforcement for foundation walls. Delete this section in its entirety and replace as follows:

Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with table R404.1.2(1) as amended. Vertical reinforcement shall be provided in accordance with Standard foundation Details SFD1-SFD8. In buildings assigned to Seismic Design Category D1 or concrete foundation walls shall also comply with Section R404.1.4.2.

Table R404.1.2(2). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1-SFD8 or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(3). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1-SFD8 or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(4). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1-SFD8 or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(5). Delete this table in its entirety and replace as follows:

Vertical wall reinforcement shall be installed in accordance with the manufactures installation instructions or a design provided by a registered engineer license by the State of Alaska.

Table R404.1.2(6). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with the manufactures installation instructions or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(7). Delete this table in its entirety

Table R404.1.2(8). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1-SFD8 or shall be installed in accordance

with a design provided by a registered engineer licensed by the State of Alaska.

Section R404.1.4.1 Masonry foundation walls. Delete this section in its entirety and replaces as follows:

Foundation walls in buildings assigned to seismic Design Category D1 as established in Table R301.2(1), supporting more than 4 feet of unbalanced backfill or exceeding 8 feet in height shall be constructed in accordance with Table R404.1.1(2), R404.1.1(3) or R404.1.1(4) as amended or a design shall be provided by a registered engineer licensed by the State of Alaska. Masonry foundation walls shall have two #4 bars horizontal in bars located in the upper 6 inches of the wall.

Section R404.1.4.2 Concrete foundation walls. Delete this section in its entirety and replace as follows:

In buildings assigned to Seismic Design Category D1 as established in table R301.2(1), concrete foundation walls that support light –frame walls shall comply with this section and concrete foundation walls that support above-grade concrete walls shall comply with ACI 318, ACI 332 or PCA 100 (see section R404.1.2). In addition to the horizontal reinforcement by table R404.1.2(1) as amended concrete foundation walls shall comply with standard foundation details SFD1-SFD8.

Section R404.2 Wood foundations. Delete this section in its entirety and replace as follows:

Wood foundation walls shall be constructed in accordance with the provisions of sections R404.2.1 through R404.2.6 and standard foundation details SFD3 and SFD6 as adopted by the City of Fairbanks. An alternate design may be submitted for review and approval if the design is prepared and stamped by a registered engineer licensed by the State of Alaska.

Section R404.2.5 Drainage and Damproofing. Delete this section in its entirety and replace as follows:

Wood foundation basements shall be drained and dampproofed in accordance with Standard Foundation Details SFD3 and SFD6.

Section R405.1 Concrete or masonry foundations. Delete this section in its entirety and replace as follows:

Concrete and masonry foundations shall be installed in compliance with Standard foundation details SFD1-SFD8. A drainage system is not required when the foundation is installed on well-drained ground or sand gravel mixture soils according to the Unified Soil Classification System, Group I soil, as detailed in Table R405.1.

Section R405.2 Wood foundations. Delete this section in its entirety and replace as follows:

Wood foundations shall comply with Standard foundation details SFD1-SFD8.

Section R405.2.1 Base. Delete this section in its entirety.

Section R405.2.3 Drainage system. Delete this section in its entirety.

Section R406.1 Concrete and Masonry Foundation Dampproofing. Amend this section by revising the first sentence to read as follows:

Except where required by section R406.2 to be water proofed, foundation walls that retain earth and enclose interior spaces and floors below grade shall be dampproofed from the top of the footing to 6 inches above finished grade.

Section R406.1. Amend this section by adding exception #2 to read as follows:

2. Crawl space foundation walls or walls backfilled on both sides, such as those used in conjunction with a "slab on grade", do not require damp-proofing.

Section R406.3 Dampproofing for wood foundations. Amend this section by adding the following sentence to the end of the paragraph.

Foundation foundations shall comply with Standard foundation details SFD1-SFD8.

Section R406.3.2 Below-grade moisture barrier. Delete the first sentence and replace with the following:

A double layer of 6-mil polyethylene film shall be applied over the below-grade portion of the exterior foundation walls prior to backfilling. A single layer of self adhering polymer modified bitumen sheet material may be used in lieu of the polyethylene film.

Section R406.3.2 Below- grade moisture barrier. Delete the last sentence of the paragraph and replace with the following:

The moisture barrier shall overlap onto the footing.

Section R408.1 Ventilation. Delete this section in its entirety and replace with the following:

Each under-floor space shall be ventilated by an approved mechanical means or by openings in exterior foundation walls. Such openings shall have a net area of not less than 0.1 square foot for each 150 square feet of under-floor area. There shall be two openings located as close to corners as practical on opposite sides to provide cross ventilation. The openings shall be covered with corrosion resistant wire mesh

approximately 1/4" in size. All structures with a crawl space shall have a minimum 6 mil ground vapor retarder to prevent the flow of water vapor from soils into the heated building interior.

Section R502.1 Identification. Add the following exception:

Exception: Rough sawn, ungraded, dimensional lumber may be used for framing materials in floors, walls and roofs of detached garages, utility buildings and other unheated accessory building and other applications where approved by the Building Official.

Section R601.3 Vapor retarders. Delete this section in its entirety including the exceptions and replace as follows:

Class I vapor retarders are required to be installed on the interior side of framed walls in zone 8. The vapor retarder may be installed within the wall such that not less than 2/3 of the total wall R-value is placed on the cold side of the vapor retarder.

Exception: Construction where moisture or its freezing will not damage the materials.

Section R601.3.1 Class III vapor retarders. Delete this section in its entirety and refer to section R601.3 as amended.

Table R601.3.1 Class III Vapor Retarders. Delete this section in its entirety and refer to section R601.3 as amended.

Section R602.11.1 Wall anchorage. In the second sentence, replace "3 inch by 3 inch" with the following:

2 inch by 2 inch.

Section R703.2 Water-resistive barrier. Delete this section in its entirety.

Section R802.10.2 Design. Add the following sentence to end of paragraph:

A 15% load duration increase shall not be utilized for wood trusses where the live load considered is snow.

Section 806.2 Minimum area. Amend this section by deleting the last sentence of the paragraph and replace as follows:

As an alternative, the net free cross-ventilation area may be reduced to 1/300 when a class I vapor barrier is installed on the warm-in-winter side of the ceiling.

Section 806.4 Unvented attic assemblies. Delete this section in its entirety.

Section R807.1 Attic access. Add the following sentence to the end of the paragraph:

Attic access shall not be located in a room containing bathing facilities. Access may be located in closets with minimum depth of 23 inches and minimum width of 48 inches.

Exception:

Attic access may be provided from the exterior gable vent in accordance with size and opening requirements of this section. The gable vent must be readily accessible.

Section R903.1 General. Add the following sentence to the end of section:

1. All valleys shall have a modified bitumen ice barrier lapped eighteen inches minimum each side of valley centerline. No penetrations shall be located in required valley ice barrier.

Section R903.4 Roof drainage. Add the following sentence to the end of the paragraph:

Roof drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall be sloped a minimum of 2% within the first 10 feet. It shall be the responsibility of the owner or contractor to assure that discharge of roof and surface runoff is disposed of without affecting the adjacent property. Water drainage which migrates across property lines is strictly prohibited.

Section R905.2.2 Slope. Delete the section and replace with the following:

Asphalt shingles shall be used only on roof slopes of two units vertical in 12 units horizontal or greater. Required underlayment shall be provided as follows: A roof slope of 2:12 shall be provided with an approved self-adhering polymer modified bitumen on the entire roof surface. A roof slope of 3:12 shall be provided with double underlayment in accordance with section R905.2.7. Roof slopes of 4:12 or greater shall be provided with a single layer of underlayment in accordance with section R905.2.7.

Section R905.2.5 Fasteners. Add an exception to read as follows:

Staples may be substituted for nails on new work only. They must be galvanized or stainless steel with a 1 inch crown and of sufficient length to completely penetrate the shingle and the roof sheathing. Staples must be straight and flush with the shingle surface.

Section R905.2.7 Underlayment application. Amend this section by deleting the first sentence and replace as follows:

A roof slope of 2:12 shall be provided with an approved self-adhering polymer modified bitumen on the entire roof surface. A roof slope of 3:12 shall be provided with double underlayment in the following manner.

Section R905.2.7.1 Ice Barrier. Delete this section in its entirety and replace with the following:

Where a non-energy heel truss design is utilized, an approved self-adhering polymer modified bitumen sheet shall be installed on the roof deck extending from the eave up the roof to 36 inches inside the exterior wall line of the building.

Exception: Detached accessory structures that contain no conditioned floor area.

Section R905.14 Sprayed polyurethane foam roofing. Delete this section in its entirety.

Chapter 11 Energy Efficiency. Delete this chapter in its entirety and reference the International Energy Conservation Code as currently adopted and amended.

MECHANICAL

Chapters 12-23. Delete these chapters and reference the Mechanical Code as currently adopted and amended by the City of Fairbanks.

FUEL GAS

Chapter 24. Delete this chapter and reference the Fuel Gas code as currently adopted and amended by the City of Fairbanks.

PLUMBING

Chapters 25-31. Delete these chapters and reference the Plumbing code as currently adopted and amended by the City of Fairbanks.

APPENDICES

Appendix K Sound Transmission. Adopt Appendix K Sound Transmission and revise section AK 102 AIR-BORNE Sound and section AK 103 Structural-Borne Sound to read as follows:

Section AK 102 AIRBORNE SOUND

Air-borne sound insulation for a wall and floor- ceiling assemblies shall meet a Sound Transmission Class (STC) rating of 50 when tested in accordance with ASTM E90. Penetrations or openings in construction assemblies for piping; electrical devices, recessed cabinets, bathtubs soffits or heating ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings. Dwelling

unit entrance doors, which a share a common space shall be tight fitting to the frame and sill and shall be provided with gasket seals at the top and sides of such doors.

Section Ak 103 Structural–Borne Sound

Floor/ceiling assemblies between a dwelling unit and public space or service area within the structure shall have an impact insulation class (IIC) rating of not less than 50 when tested in accordance with ASTM E 492.

Section 2. That the effective date of this Ordinance shall be the ____ day of March, 2011.

Jerry Cleworth

AYES:
NAYS:
ABSENT:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney



January 26, 2011

City of Fairbanks Code Review and Appeals Commission
800 Cushman Street
Fairbanks, AK 99701

To Whom It May Concern,

In regards to the proposed amendments to IRC 2009 being considered by the Code Review and Appeals Commission we encourage you to consider the following recommendations. The Interior Alaska Building Association encourages the following changes:

- Section R313: Mandatory Fire Sprinklers should not be adopted until, at the very least, appraisal and financing issues can be addressed to minimize the negative impact on the consumer.
- Section R807.1: Make gable vents secure with screws rather than hinges.
- Section 302.1.7: Eave venting should not be blocked off in any way so as to maintain air flow and insure the long term structural integrity of the home.
- Sections 505.1.3.1 and 505.1.4.1: Sheetrock should not be required on the lower surface in floors with either I-joists or cold-formed steel floor joists located in unfinished, daylight or full basements.
- Section R302.2: Support changes related to townhouses proposed by City of Fairbanks Building Department.

While not inclusive, we believe, these recommendations effectively represent the majority interests of our community - both public and professional.

Sincerely,

Darrell Bourne
2011 IABA President

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ORDINANCE NO. 5831, AS AMENDED

**AN ORDINANCE TO REVISE FGC SECTION 10-401, ADOPTING THE
2009 INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS,
AND SETTING AN EFFECTIVE DATE**

WHEREAS, the Building Code Review and Appeals Commission has reviewed the 2009 International Residential Code and the amendments thereto; and

WHEREAS, the City Council now desires to accept 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 Sec. 10-401 is repealed and re-enacted as follows:

Sec. 10-401. Adopted; amendments.

The 2009 International Residential Code is hereby adopted.

The 2009 International Residential Code is hereby amended as follows:

Chapter 1 Administration

Delete the following sections: R103 and R104.10.1, and refer to the Administrative Code for the City of Fairbanks.

Section R105.2 Work exempt from permit. Amend this section by deleting items 1, 2 and 10 and replace as follows: Further amend this section by adding the following item #11.

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.
10. Uncovered Decks which are constructed not more than 30 inches above grade at any point.
11. Replacement of exterior siding, doors and windows; excluding required egress windows.

Section R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. Delete this section in its entirety and refer to Title 15 Fairbanks North Star Borough Flood Plain Management Regulations.

Section R106.1.3 Information for construction in flood hazard areas. Delete this section in its entirety and refer to Title 15 Fairbanks North Star Borough Flood Plain Management Regulations.

Section R107.1 General. Revise this section by amending the second sentence to read as follows:

Such permits shall be limited as to time of service, but shall not be permitted for more than 360 days.

Section R108 Fees. Delete this section in its entirety and replace with the City of Fairbanks Administrative Code.

Section R109 Inspections. Delete this section in its entirety and replace with the City of Fairbanks Administrative Code.

Section R112.2.1 Determination of substantial improvement in areas prone to flooding. Delete this section in its entirety and refer to the Title 15 Fairbanks North Star Borough Flood Plain Management Regulations.

Section R 112.2.2 Criteria for issuance of a variance for areas prone to flooding. Delete this section and refer to Title 15 Fairbanks North Star Borough Flood Plain management Regulations.

Chapter 2 Definitions

Amend section R202 Definitions by adding the following definition:

Duplex Dwelling Unit. Buildings which contain not more than two dwelling units which are not otherwise distinguished or separated by a recorded lot line.

Amend Section R202 Definitions Townhouse by the deleting 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, fuel gas and electrical services.

Table R301.2(1) Climatic and Geographic Design Criteria. Amend this table to read as follows:

Table R301.2 Climatic and Geographic Design Criteria:

Roof Snow load:	50 psf
Wind speed:	90 mph
Seismic Design Category:	D1
Weathering:	Severe
Frost line depth:	42" below finished grade
Termite:	None to slight
Decay:	None to slight
Winter Design Temp.	- 47°
Flood Hazards:	Refer to FNSB Title 15

Section R301.2.2.1.1 Alternate determination of seismic design category.

Add the following sentence to the end of the paragraph to read as follows:

The seismic design category for the City Of Fairbanks shall be D1.

Section R301.2.4 Floodplain Construction. Delete this section in its entirety.

Table R301.5 Minimum Uniformly Distributed Live Loads. Amend this table by deleting the live load value of 30 psf live load for sleeping rooms and replace with 40 psf.

Section R302.2 Townhouses. Delete this section in its entirety and replace with the following.

Each townhouse shall be considered a separate building and shall be separated by fire-resistive wall assemblies meeting the requirements of section R302.1 for exterior walls. Each townhouse shall be protected from the adjacent dwelling unit by construction of independent one hour fire resistive exterior walls. The wall shall be rated for fire exposure on both sides. Plumbing, mechanical equipment, ducts or vents may be installed within independent one hour fire – resistive walls provided the openings are fire stopped as required by section 302.4. Electrical installations shall be installed in accordance with the National Electrical Code and shall be in accordance with section R302.4.

Exception 1.

A common 2- hour fire resistive rated wall is permitted provided such walls do not contain plumbing, mechanical equipment, ducts, or vents in the cavity of the common wall.

Exception 2.

A common 1- hour fire resistive rated wall is permitted provided such walls do not contain plumbing, mechanical equipment, ducts or vents in the cavity wall of the common wall and the townhouses are protected with an approved sprinkler system throughout.

Section R302.2.4 Structural Independence. Delete exception #5 of this section and replace as follows:

5. Townhouses separated by a common 2- hour fire- resistive wall as provided in section R302.2 as amended.

Section R302.3 Two – family dwellings. Revise the last sentence of exception #2 to read as follows:

The structural framing supporting the ceiling shall be protected by not less than 5/8 inch thick type X gypsum board or equivalent.

Section R302.5.1 Opening protection. Add the following sentence to this section:

Doors between the garage and residence shall be self-closing and latching. Doors shall be equipped with tight fitting smoke gasket seals installed along the top and sides of doors. A tight fitting threshold seal shall also be installed.

Table R302.6 Dwelling/Garage Separation. Amend this table as follows:

Revise all references in the table to ½ inch gypsum board and replace with 5/8 inch thick type X gypsum board.

Revise line two of the Material column to read as follows:

Not less than one layer 5/8 inch Type X gypsum board for nominal dimensional lumber or two layers of gypsum board as required by ICC report ESR 1336 or as required by other proprietary research reports for specific engineered I Joists which achieve a one hour rated assembly.

Section R303.1 Habitable Rooms (Light and Ventilation). Replace this section and the exceptions with the following:

All habitable rooms shall be provided with natural light by means of exterior glazed openings with an area of not less than 5 percent of the floor area of such rooms with a minimum area of 5 square feet, except that minimum egress requirements shall govern. Natural ventilation shall be provided by openings to the exterior of not less than 4 percent of the floor area of habitable rooms. Such openings shall be openable and readily controllable by the building occupants. In lieu of required exterior openings for natural ventilation, a mechanical ventilating system may be provided. Such system shall be capable of providing air changes in accordance with the 2009 IECC as adopted and amended.

Section R303.3 Bathrooms. Delete this section in its entirety, rename and replace with the following:

Section R303.3 Bathrooms and Kitchens. Bathrooms, water closet compartments and similar rooms shall have a mechanical ventilating system connected directly to the outside capable of providing five air changes per hour.

Moisture exhaust ducts shall be smooth and rigid. All moisture exhaust ducts located in an unconditioned space shall be insulated with a minimum R-11 and installed so as not to create low points where condensation may collect. All exhaust ducts shall be equipped with a back-draft damper.

Kitchens shall have mechanical exhaust ventilation provided directly above or immediately adjacent to the primary cooking appliance. All vents shall be connected directly to the exterior. A total exhaust ventilation rate for the structure shall be a minimum of 80 cfm per 1000 square feet of habitable floor space. All exhaust ducts shall be equipped with a back draft damper.

Structures of unusually tight construction containing fuel-burning appliances, including fireplaces and mechanically exhausted range-top cooking appliances shall be provided with supplemental supply air in accordance with the Mechanical Code. A draft activated damper allowing air to flow into the structure when depressurization exceeds 10 pascals may be installed within a supply air duct.

Section R309.3 Flood hazard areas. Delete this section and refer to Title 15 Fairbanks North Star Borough Flood Management Regulations

Section R310.1.1 Minimum opening area. Delete the exception.

Section R 313 Automatic Fire Sprinkler Systems. Delete this section in its entirety.

Section 315.1 Carbon Monoxide Alarms. Delete this section in its entirety and replace as follows:

For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages. Carbon monoxide detectors shall be listed and installed in accordance with their listing. Combination carbon monoxide/smoke detectors are acceptable provided they are installed in accordance with this section and section R314.3 for sleeping room locations.

Exceptions:

1. Carbon monoxide detectors are not required in dwelling units that have no combustion appliances and that do not have an attached garage.
2. Carbon monoxide detectors are not required in dwelling units that have only direct vent combustion appliances and that do not have an attached garage.

Section R315.1.1 Interconnection. Add new subsection to read as follows:

In new construction, carbon monoxide detectors shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit.

Section R315.1.2 Power source. Add new subsection to read as follows:

In new construction, carbon monoxide detectors shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery back-up. Wiring shall be permanent and without disconnecting switch other than those required for over-current protection. In existing construction, carbon monoxide detectors shall be permitted to be battery powered or cord-and-plug type with battery back-up.

Section R315.2 Where required in existing dwellings. Amend this section by adding the following exceptions:

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.

Section R318 Protection against subterranean termites. Delete this section in its entirety.

Section R322. Flood – Resistant Construction. Delete this section in its entirety and refer to Title 15 Fairbanks North Star Borough Flood Plain Management Regulations

Section R323 Storm Shelters. Delete this section in its entirety.

Section R324 Moisture Vapor Retarders. Create a new section and title to read as follows:

Section R324.1 Moisture control

The building design shall not create conditions of accelerated deterioration from moisture condensation. All exterior wall, ceiling, roof and floor assemblies which enclose heated spaces and which are exposed to outdoor ambient temperatures shall be protected against water vapor transmission. Assemblies not otherwise of impermeable construction shall have installed, on the heated side of the insulation or air spaces, vapor retarders having a perm rating of 0.06 minimum (equivalent to 6 mils polyethylene sheeting) or other material approved by the Building Official. 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 all 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 the total installed insulation may be installed on the warm side of approved vapor retarders.

Section R324.2 Crawl space moisture protection. Create a new sub section and title to read as follows:

Crawl space moisture protection.

Exposed earth in crawl space foundations shall be covered with a continuous vapor retarder. All joints of the vapor retarder shall be overlapped by 6 inches or shall be sealed or taped in approved manner. The edges of the vapor retarder shall either extend over the concrete footing and secured in approved manner.

Section R401.3 Drainage. Delete the section and the exception and replace with the following:

Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall be sloped a minimum of 2% within the first 10 feet. It shall be the responsibility of the owner or contractor to assure that discharge of roof and surface runoff is disposed of without affecting the adjacent property. Surface drainage across lot lines is prohibited.

Section R403.1 General. Delete the reference to “wood foundations” in the first sentence and add the following sentence to the end of the section to read as follows:

Wood footings shall be designed and stamped by a registered engineer licensed in the State of Alaska.

Section R 403.1.1 Minimum size. Delete this section in its entirety and replace as follows:

The footing width shall be based on the load- bearing value of the soil in accordance with Table R401.4.1. All footing and foundation systems shall comply with standard foundations details (SFD1-SFD8). In no case shall the minimum size for concrete and masonry footings be less than 1'-4". The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with table R401.4.1.

Table R403.1 Minimum width of concrete or masonry footings. Delete the table in its entirety and reference standard foundation details (SFD1-SFD8).

Section R403.1.3 Seismic reinforcing. Delete this section in its entirety and replace as follows:

Seismic reinforcing shall be provided in accordance with standard foundation details SFD1 though SFD8 unless reinforcing is specifically designed by a

registered engineer licensed by the State of Alaska. Bottom reinforcement shall be located a minimum of 3 inches clear from the bottom of the footing.

Section R403.1.3.1 Foundations with stemwalls. Delete this section in its entirety and replace as follows:

Foundations with stemwalls shall have installed a minimum of two #4 bars within 6 inches of the top of the wall and one #4 bar located 3 inches to 4 inches above the top of the footing. All reinforcing steel shall comply with standard foundation details SFD1- SFD8 unless specifically designed and stamped by a registered engineer licensed by the State of Alaska.

Section R403.1.3.2 Slabs-on- ground with turned-down footings. Delete this section and the exception in its entirety and replace as follows:

Slabs-on- ground with turned-down footings shall be designed and stamped by an engineer licensed by the State of Alaska. Insulation for such slabs and footings shall be in accordance with section 403.3, figure 403.3(1) and table R403.3(1).

Section R403.1.4 Minimum depth. Delete this section in its entirety and replace as follows:

All exterior footings shall be placed at least 42 inches below finished grade unless the foundation system is designed by a registered engineer licensed by the State of Alaska. Where applicable the depth of footings shall also conform to sections R403.1.4.1 through R403.1.4.2.

Exception:

1. Non habitable detached single story accessory structures less than 480 square feet.

Section R403.1.4.1 Frost protection. Amend this section by deleting the exceptions and replace as follows:

Exceptions:

1. Protection of non-habitable freestanding accessory single story structures with an area of 480 square feet or less shall not be required.
2. Decks not covered with a roof and decks which are not more than 30 inches above grade at any point need not be provided with footings that extend below the frost line.

Section R403.2 Footings for wood foundations. Delete this section in its entirety including references to figures R403.1(2) and R403.1(3) and replace as follows:

Wood foundations shall comply with standard foundation details SFD3 and SFD6 or the wood foundation system shall be specifically designed and stamped by a registered engineer licensed by the State of Alaska.

Section R403.3 Frost protected shallow foundations. Delete the first sentence and replace with the following:

Frost protected shallow foundations shall be designed and stamped by an engineer licensed in the State of Alaska. The design must be in constructed in accordance with Sections R403.3.1 thru R403.3.3, including Figures R403.3(1), R403.3(3) or R403.3(4) and Table R403.3 (1).

Section R403.3.3 Drainage. Delete this section in its entirety and replace with the following:

Final site drainage shall be in accordance with Section R401.3

Section R403.3.4 Termite damage. Delete this section in its entirety.

Section R403.4.1 Crushed stone footings. Delete this section in its entirety.

Table R403.4 Minimum Depth of Crushed Stone footings. Delete this table in its entirety.

Section R404.1.1 Masonry foundation walls. Delete this section in its entirety and all references to tables R404.1.1(1), R404.1.1(2), R404.1.1(3), R404.1.1(4) and replace as follows:

The minimum design for masonry foundation walls shall comply with The City of Fairbanks Standard Foundation Details (SFD) #1, #4 or #7 unless an alternate foundation design has been prepared and stamped by a registered engineer licensed by the State of Alaska.

Section R404.1.2 Concrete foundation walls. Add the following sentence to the end of the paragraph.

The minimum design for concrete foundation walls shall comply with The City of Fairbanks Standard Foundation Details (SFD) #2, #5 or #8 unless an alternate foundation design has been prepared and stamped by an engineer licensed by the State of Alaska.

Table R404.1.2(1). Delete the table in its entirety and replace as follows:

Two #4 bars are required to be installed within the top 6 inches of the wall and one #4 bar shall be provided near mid-height of the wall story where the maximum unsupported height of the basement wall is greater than 4 feet and less than or equal to 8 feet. When the maximum unsupported height of basement wall is greater than 8 feet required reinforcing shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Section R404.1.2.2 Reinforcement for foundation walls. Delete this section in its entirety and replace as follows:

Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with table R404.1.2(1) as amended. Vertical reinforcement shall be provided in accordance with Standard foundation Details SFD1-SFD8. In buildings assigned to Seismic Design Category D1 or concrete foundation walls shall also comply with Section R404.1.4.2.

Table R404.1.2(2). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1-SFD8 or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(3). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1-SFD8 or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(4). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1-SFD8 or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(5). Delete this table in its entirety and replace as follows:

Vertical wall reinforcement shall be installed in accordance with the manufactures installation instructions or a design provided by a registered engineer license by the State of Alaska.

Table R404.1.2(6). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with the manufactures installation instructions or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(7). Delete this table in its entirety

Table R404.1.2(8). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1-SFD8 or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Section R404.1.4.1 Masonry foundation walls. Delete this section in its entirety and replaces as follows:

Foundation walls in buildings assigned to seismic Design Category D1 as established in Table R301.2(1), supporting more than 4 feet of unbalanced backfill or exceeding 8 feet in height shall be constructed in accordance with Table R404.1.1(2), R404.1.1(3) or R404.1.1(4) as amended or a design shall be provided by a registered engineer licensed by the State of Alaska. Masonry foundation walls shall have two #4 bars horizontal in bars located in the upper 6 inches of the wall.

Section R404.1.4.2 Concrete foundation walls. Delete this section in its entirety and replace as follows:

In buildings assigned to Seismic Design Category D1 as established in table R301.2(1), concrete foundation walls that support light –frame walls shall comply with this section and concrete foundation walls that support above-grade concrete walls shall comply with ACI 318, ACI 332 or PCA 100 (see section R404.1.2). In addition to the horizontal reinforcement by table R404.1.2(1) as amended concrete foundation walls shall comply with standard foundation details SFD1-SFD8.

Section R404.2 Wood foundations. Delete this section in its entirety and replace as follows:

Wood foundation walls shall be constructed in accordance with the provisions of sections R404.2.1 through R404.2.6 and standard foundation details SFD3 and SFD6 as adopted by the City of Fairbanks. An alternate design may be submitted for review and approval if the design is prepared and stamped by a registered engineer licensed by the State of Alaska.

Section R404.2.5 Drainage and Damproofing. Delete this section in its entirety and replace as follows:

Wood foundation basements shall be drained and damproofed in accordance with Standard Foundation Details SFD3 and SFD6.

Section R405.1 Concrete or masonry foundations. Delete this section in its entirety and replace as follows:

Concrete and masonry foundations shall be installed in compliance with Standard foundation details SFD1-SFD8. A drainage system is not required when the foundation is installed on well-drained ground or sand gravel mixture soils according to the Unified Soil Classification System, Group I soil, as detailed in Table R405.1.

Section R405.2 Wood foundations. Delete this section in its entirety and replace as follows:

Wood foundations shall comply with Standard foundation details SFD1-SFD8.

Section R405.2.1 Base. Delete this section in its entirety.

Section R405.2.3 Drainage system. Delete this section in its entirety.

Section R406.1 Concrete and Masonry Foundation Dampproofing. Amend this section by revising the first sentence to read as follows:

Except where required by section R406.2 to be water proofed, foundation walls that retain earth and enclose interior spaces and floors below grade shall be dampproofed from the top of the footing to 6 inches above finished grade.

Section R406.1. Amend this section by adding exception #2 to read as follows:

2. Crawl space foundation walls or walls backfilled on both sides, such as those used in conjunction with a "slab on grade", do not require damp-proofing.

Section R406.3 Dampproofing for wood foundations. Amend this section by adding the following sentence to the end of the paragraph.

Foundation foundations shall comply with Standard foundation details SFD1-SFD8.

Section R406.3.2 Below-grade moisture barrier. Delete the first sentence and replace with the following:

A double layer of 6-mil polyethylene film shall be applied over the below-grade portion of the exterior foundation walls prior to backfilling. A single layer of self adhering polymer modified bitumen sheet material may be used in lieu of the polyethylene film.

Section R406.3.2 Below- grade moisture barrier. Delete the last sentence of the paragraph and replace with the following:

The moisture barrier shall overlap onto the footing.

Section R408.1 Ventilation. Delete this section in its entirety and replace with the following:

Each under-floor space shall be ventilated by an approved mechanical means or by openings in exterior foundation walls. Such openings shall have a net area of not less than 0.1 square foot for each 150 square feet of under-floor area. There shall be two openings located as close to corners as practical on opposite sides to provide cross ventilation. The openings shall be covered with corrosion resistant wire mesh approximately 1/4" in size. All structures with a crawl space shall have a minimum 6 mil ground vapor retarder to prevent the flow of water vapor from soils into the heated building interior.

Section R502.1 Identification. Add the following exception:

Exception: Rough sawn, ungraded, dimensional lumber may be used for framing materials in floors, walls and roofs of detached garages, utility buildings and other unheated accessory building and other applications where approved by the Building Official.

Section 502.1.4.1 Usable space under floors. Add a new subsection to read as follows:

Usable space under floors. Usable space under the first story limited to daylight and full basements which are framed with light weight I joists shall be protected with a minimum of ½ inch thick gypsum board applied directly to the ceiling.

Exceptions.

- 1) Conventional crawl spaces
- 2) Buildings equipped with an approved residential sprinkler system throughout.

Section 505.1.3.1 Protection of cold-formed steel floor joists. Add a new subsection to read as follows:

Protection of cold-formed steel joists. Usable space under the first story limited to daylight and full basements which are framed with steel joists shall be protected with a minimum of ½ inch thick gypsum board applied directly to the ceiling.

Exceptions.

- 1) Conventional crawl spaces
- 2) Buildings equipped with an approved residential sprinkler system throughout.

Section R601.3 Vapor retarders. Delete this section in its entirety including the exceptions and replace as follows:

Class I vapor retarders are required to be installed on the interior side of framed walls in zone 8. The vapor retarder may be installed within the wall such that not less than 2/3 of the total wall R-value is placed on the cold side of the vapor retarder.

Exception: Construction where moisture or its freezing will not damage the materials.

Section R601.3.1 Class III vapor retarders. Delete this section in its entirety and refer to section R601.3 as amended.

Table R601.3.1 Class III Vapor Retarders. Delete this section in its entirety and refer to section R601.3 as amended.

Section R602.11.1 Wall anchorage. In the second sentence, replace “3 inch by 3 inch” with the following:

2 inch by 2 inch.

Section R703.2 Water-resistive barrier. Delete this section in its entirety.

Section R802.10.2 Design. Add the following sentence to end of paragraph:

A 15% load duration increase shall not be utilized for wood trusses where the live load considered is snow.

Section 806.2 Minimum area. Amend this section by deleting the last sentence of the paragraph and replace as follows:

As an alternative, the net free cross-ventilation area may be reduced to 1/300 when a class I vapor barrier is installed on the warm-in-winter side of the ceiling.

Section 806.4 Unvented attic assemblies. Delete this section in its entirety.

Section R807.1 Attic access. Add the following sentence to the end of the paragraph:

Attic access shall not be located in a room containing bathing facilities. Access may be located in closets with minimum depth of 23 inches and minimum width of 48 inches.

Exception:

Attic access may be provided from the exterior gable vent in accordance with size and opening requirements of this section. The gable vent must be readily accessible.

Section R903.1 General. Add the following sentence to the end of section:

1. All valleys shall have a modified bitumen ice barrier lapped eighteen inches minimum each side of valley centerline. No penetrations shall be located in required valley ice barrier.

Section R903.4 Roof drainage. Add the following sentence to the end of the paragraph:

Roof drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall be sloped a minimum of 2% within the first 10 feet. It shall be the responsibility of the owner or contractor to assure that discharge of roof and surface runoff is disposed of without affecting the adjacent property. Water drainage which migrates across property lines is strictly prohibited.

Section R905.2.2 Slope. Delete the section and replace with the following:

Asphalt shingles shall be used only on roof slopes of two units vertical in 12 units horizontal or greater. Required underlayment shall be provided as follows: A roof slope of 2:12 shall be provided with an approved self-adhering polymer modified bitumen on the entire roof surface. A roof slope of 3:12 shall be provided with double underlayment in accordance with section R905.2.7. Roof slopes of 4:12 or greater shall be provided with a single layer of underlayment in accordance with section R905.2.7.

Section R905.2.5 Fasteners. Add an exception to read as follows:

Staples may be substituted for nails on new work only. They must be galvanized or stainless steel with a 1 inch crown and of sufficient length to completely penetrate the shingle and the roof sheathing. Staples must be straight and flush with the shingle surface.

Section R905.2.7 Underlayment application. Amend this section by deleting the first sentence and replace as follows:

A roof slope of 2:12 shall be provided with an approved self-adhering polymer modified bitumen on the entire roof surface. A roof slope of 3:12 shall be provided with double underlayment in the following manner.

Section R905.2.7.1 Ice Barrier. Delete this section in its entirety and replace with the following:

Where a non-energy heel truss design is utilized, an approved self-adhering polymer modified bitumen sheet shall be installed on the roof deck extending from the eave up the roof to 36 inches inside the exterior wall line of the building.

Exception: Detached accessory structures that contain no conditioned floor area.

Section R905.14 Sprayed polyurethane foam roofing. Delete this section in its entirety.

Chapter 11 Energy Efficiency. Delete this chapter in its entirety and reference the International Energy Conservation Code as currently adopted and amended.

MECHANICAL

Chapters 12-23. Delete these chapters and reference the Mechanical Code as currently adopted and amended by the City of Fairbanks.

FUEL GAS

Chapter 24. Delete this chapter and reference the Fuel Gas code as currently adopted and amended by the City of Fairbanks.

PLUMBING

Chapters 25-31. Delete these chapters and reference the Plumbing code as currently adopted and amended by the City of Fairbanks.

APPENDICES

Appendix K Sound Transmission. Adopt Appendix K Sound Transmission and revise section AK 102 AIR-BORNE Sound and section AK 103 Structural-Borne Sound to read as follows:

Section AK 102 AIRBORNE SOUND

Air-borne sound insulation for a wall and floor- ceiling assemblies shall meet a Sound Transmission Class (STC) rating of 50 when tested in accordance with ASTM E90. Penetrations or openings in construction assemblies for piping; electrical devices, recessed cabinets, bathtubs soffits or heating ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings. Dwelling unit entrance doors, which share a common space shall be tight fitting to the frame and sill and shall be provided with gasket seals at the top and sides of such doors.

Section Ak 103 Structural-Borne Sound

Floor/ceiling assemblies between a dwelling unit and public space or service area within the structure shall have an impact insulation class (IIC) rating of not less than 50 when tested in accordance with ASTM E 492.

Section 2. That the effective date of this Ordinance shall be the _____ day of March, 2011

Jerry Cleworth

AYES:
NAYS:
ABSENT:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

ORDINANCE NO. 5833

AN ORDINANCE RATIFYING A LABOR AGREEMENT BETWEEN THE CITY OF FAIRBANKS AND THE AFL-CIO CRAFTS BARGAINING UNIT AND SETTING AN EFFECTIVE DATE

WHEREAS, the Collective Bargaining Agreement between the City and the AFL-CIO Craft Unit expired on December 31, 2008; and

WHEREAS, a tentative agreement has been reached for a new three-year agreement which incorporates the labor goals of the City Council, is consistent with the terms of other recently adopted labor contracts, and has been approved by the membership of the bargaining unit.

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

Section 1. That the attached collective bargaining agreement is hereby ratified.

Section 2. That the effective date of this ordinance shall be March ____, 2011; the agreement is effective January 1, 2011.

Jerry Cleworth, City Mayor

AYES:
NAYS:
ABSTAIN:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

AGREEMENT

Between

THE CITY OF FAIRBANKS

and

FAIRBANKS AFL-CIO CRAFTS COUNCIL

January 1, 2011 – December 31, 2013

AGREEMENT

This Agreement, made and entered into effective January 1, 2011, by and between the **CITY OF FAIRBANKS**, hereinafter referred to as "the City" or "Employer," and the **FAIRBANKS AFL-CIO CRAFTS COUNCIL**, hereinafter referred to as "the Union." The parties have mutually agreed as follows:

PURPOSE OF AGREEMENT

The purpose of this Agreement is to assure a supply of competent and capable workers to promote the settlement of labor disagreements by conference, to prevent strikes and lockouts, to avoid interruption or interference with the efficient operation of the City, to promote fair, safe and healthful working conditions, to assure amicable labor-management relations, to encourage the growth and development of the City employees, and to record the terms of agreement with respect to rate of pay, hours of work and other conditions of employment arrived at through the process of collective bargaining.

1. DURATION, MODIFICATIONS AND CHANGES

- 1.1 This agreement shall become effective on January 1, 2011, and shall remain in effect until December 31, 2013. Any retroactivity contained herein shall affect only those employees covered by this Agreement and actually employed by the Employer on the effective date of this Agreement.
- 1.2 (a) Either party desiring a change or modification in this Agreement shall notify the other party in writing between one hundred twenty days and prior to the anniversary date of this Agreement. Upon receipt of such notice, negotiations shall begin within fifteen (15) days. Changes or modifications mutually agreed to may be made at any time during the life of the agreement subject to member ratification and City Council approval.

(b) In the event that the parties commence negotiations for a new contract or for amendment of the current contract, each party craft may have a negotiator present at negotiations. Three represented employees may attend such negotiations on duty, and others are free to attend if off duty on approved leave.
- 1.3 In the event that the termination date of this Agreement shall occur during the course of negotiations for a renewal of the Agreement, the terms and conditions of this Agreement shall be binding upon the parties until the renewal Agreement is negotiated and executed by the parties.
- 1.4 If retroactive pay is negotiated, same will be paid within thirty (30) days of contract signing.

2. COVERAGE

- 2.1 The City recognizes the AFL-CIO Crafts Council as the bargaining representative for all classifications listed under Article 23, Schedule A, of this Agreement. All personnel matters for Union members covered by this contract will be controlled and regulated by this Agreement.

3. EMPLOYER-UNION RELATIONS

- 3.1 The City under this Agreement has and will retain the sole right to represent and manage the City, and to direct the working forces, including, but not limited to, the right to determine the City's mission, policies, and to set forth all standards of service offered to the public; the right to plan, direct, control, and determine the operations and services to be conducted by employees of the City; the right to determine the methods, means, and number of personnel needed to carry out the City's mission; the right to hire, to promote and demote, to discipline, to reclassify and/or discharge any personnel in its employ for good and just reason in the interest of the City, provided it does not conflict with the provisions of this Agreement. Nothing in this Agreement is intended to, or is to be construed in any way, to interfere with the recognized prerogative of the City to manage and control the business.
- 3.2 (a) The Union assumes the responsibility to supply the City with competent qualified workers with no discrimination of race, sex, age, color, religion, disability or national origin for those classifications listed in Article 23 of this Agreement. Recognizing the mutual benefits derived from the process of democratic collective bargaining, the City will not discourage new employees from joining the Union. The City may reject any employee it finds unsatisfactory.
- (b) It is hereby agreed that there shall be no discrimination by the City, or the Union, against any employee because of race, sex, age, color, religion, disability or national origin or because of membership in or lawful activity on behalf of the Union. To the extent allowed by law, the City further agrees to give priority of hire and job tenure to residents of the Fairbanks, Alaska, area when such possess the requisite skills and abilities and are available.
- 3.3 The City will recognize five (5) Shop Stewards including one Teamster, one Operator, one Trade Specialist, and two Laborers. Stewards will be selected by the Union and recognized by the City as authorized representatives of the Employees or groups for whom they are selected. The Union shall notify the City within 24 hours as to the appointment or official status of any Shop Steward.
- 3.4 The City shall furnish bulletin boards for the use of the Union.

- 3.5 The authorized Union Business Representatives shall be granted access to the City's premises during which any employees represented by this Agreement are on duty, but shall not interfere with operations.
- 3.6 The Union agrees that its members, who are employees of the City, shall individually and collectively perform loyal and efficient service and that they shall use their influence and best efforts to protect the property and interests of the City and to cooperate with the City to this end at all times.
- 3.7 It is agreed that work shall be assigned in accordance with craft jurisdiction. Any jurisdictional disputes between labor organizations affiliated with the AFL-CIO Crafts Council shall be settled in accordance with the rules and procedures established by the Council. However, it is recognized by the parties that conditions of public employment do not always permit work to be performed on the basis of strict craft lines:
- (a) Employees may be required to work out of classification for a period of up to, but not exceeding three (3) work days in any one (1) calendar month per classification (Trade Specialist, Operator, Teamster, and Laborer). If it is deemed that the project/work will take longer than three (3) days, the City must contact the affected labor organization and mutual agree on an extension or request a member from the Union Hall with adequate job skills. Nothing in this sub-section authorizes work to be performed in an unsafe manner in violation of Section 17.1.
 - (b) It is also understood that to promote maximum efficiency on certain operations/projects that the composite crew concept may be employed by the City where it does not conflict with Section 3.7(a) above.
 - (c) Periodic review of such work assignments shall be made for purposes of adjusting such assignments, as appropriate, to take care of changing needs.
- 3.8 Any provision of the Agreement or subsequent amendments thereto, found to be in violation of any applicable State or Federal law shall be null and void, but all other provisions of the Agreement shall remain in full force and effect. In the event any provision of this Agreement is declared unlawful, in a manner described above, the parties hereto agree to meet within fifteen (15) days and for a reasonable period thereafter until final negotiations or appropriate substitute clauses have been ratified by the parties.
- 3.9 The masculine pronoun as used herein shall be equally applicable to both men and women, and words used in the singular are intended to include the plural form, whenever appropriate.

- 3.10 The Union agrees that it will not engage in any work stoppage because of any jurisdictional dispute with any labor organization.

4. GRIEVANCE PROCEDURES

- 4.1 It is the mutual desire of the City and the Union to provide for the prompt adjustment of grievances in a fair and reasonable manner, with a minimum amount of interruption of the work schedules. Every reasonable effort shall be made by both the City and the Union to effect the resolution of grievances at the earliest step possible. In the furtherance of this objective, the City and the Union have adopted the following procedure.
- 4.2 A grievance is defined as any dispute involving the interpretation, application or alleged violation of any provision of this Agreement. However, any dispute involving the commencement date or termination date of this contract shall not be considered a grievance, and shall not be submitted to the grievance-arbitration procedure set forth therein, but any such questions concerning commencement or termination of this Agreement shall be specifically reserved for judicial review. A Grievance may be initiated by the Union or the City as hereafter specified.
- 4.3 FIRST STEP. When an employee has a grievance, the employee (accompanied by the steward, if the employee so chooses) shall verbally discuss the matter with the immediate supervisor and attempt to resolve the problem. The grievance must be brought to the attention of the immediate supervisor within thirty (30) calendar days after its occurrence or within thirty (30) calendar days of the employee having, through the exercise of reasonable diligence, gained knowledge, or should have gained knowledge, that a grievance exists. If the grievance cannot be resolved through verbal discussion, the grievance shall be reduced to writing, signed by the employee, and presented to his immediate supervisor. The immediate supervisor shall investigate the grievance and shall indicate thereon, in writing, his response to the grievance within three (3) working days following the day on which the written grievance was presented. The written grievance containing the response of the immediate supervisor shall be delivered to the Union, with a copy to the aggrieved employee(s), for further handling at the next step of this procedure.
- 4.4 SECOND STEP. If the grievance is not settled to the satisfaction of all concerned parties in the first step, the written grievance and response thereto with a written statement as to why the response to Step One was not acceptable shall, within five (5) working days, be delivered to the department head who shall attempt to settle or have settled the grievance. If the grievance is not settled the department head shall deliver his written response, with the original grievance and all previous responses attached, to the appropriate Union, a copy to the President of the Fairbanks AFL-CIO

Crafts Council and the aggrieved employee(s) within five (5) working days after the submission of the grievance to him. If the written answer of the department head is not satisfactory, then the employee shall have five (5) working days to decide if he wishes to appeal the grievance to the third step of this procedure.

4.5 THIRD STEP.

- (a) If the dispute is not settled to the satisfaction of all concerned parties, then the written grievance with responses thereto shall be submitted by the Union's business agent to the personnel director, who shall investigate and report his findings and recommendations to the City Mayor within five (5) working days after the matter has been submitted to him. The City Mayor shall attempt to settle the grievance, but if he is not successful, the City Mayor shall have five (5) working days after the grievance has been submitted to him by the personnel director to answer. If the answer of the City Mayor is not satisfactory, and before going to arbitration as provided in 4.6 below, those matters which are unresolved shall be discussed at a meeting between the parties (the employee involved, the Union's business agent, the City Mayor, the personnel director, the department head and such other persons as may be mutually agreeable to the parties) during which time all pertinent facts and information will be reviewed in an effort to resolve the matter through conciliation.
- (b) An employer grievance will be filed with the Union's business agent at the Third Step. A grievance may be filed by the Union at the Third Step. A Grievance initiated by the Union or the City shall be in writing and shall state the section number of this Agreement alleged to have been violated and the manner it has been violated.

4.6 ARBITRATION. The moving party shall make demand in writing upon the other party for binding arbitration within fourteen (14) calendar days from the date of delivery of the final response of the City Mayor or of the Union, as the case may be. Such notice shall include the nature of the matter to be arbitrated and the contract provision(s) allegedly violated.

- (a) ARBITRATOR SELECTION. When a grievance is submitted to binding arbitration, the Union and the City shall meet at a mutually agreeable date and time within fourteen (14) calendar days to select an arbitrator.
 - (1) Upon the failure of the parties to agree upon an arbitrator, both parties agree to request the Federal Mediation and Conciliation Service or the American Arbitration Association to submit a list of seven (7) names of persons who are available for services as arbitrators.

- (2) Within five (5) working days of receipt of the list, the City and the Union representatives shall alternately strike one (1) name from the list until one name remains. The side to strike the first name shall be chosen by lot. The person whose name has been chosen shall become the Arbitrator.
- (b) TIME LIMITS OF ARBITRATION. Unless mutually agreed otherwise, arbitration shall commence within forty-five (45) days after first notification that the grievance is to be submitted to binding arbitration or the arbitrator shall hear the case within thirty-five (35) working days after the arbitrator has been selected, whichever is the earlier. Should the arbitrator selected be unable to hear the case within these time limits the previously struck arbitrator under (a) above will hear the case and so on until these time limits can be met. Arbitration shall commence as soon as the selected arbitrator is available. The arbitrator shall make a written report of his/her findings to the Union and the City within thirty (30) working days after the hearing is concluded, unless mutually agreed otherwise.
- (c) RULES GOVERNING THE ARBITRATION. Said arbitrator will be governed by "Voluntary Labor Arbitration Rules of the American Arbitration Association as amended. The decision of the arbitrator shall be final and binding on both parties to the dispute.
- (d) IMPLEMENTATION OF DECISION. The final decision of the arbitrator shall be implemented as soon as possible, but no later than thirty (30) days after the final decision is rendered.
- (e) AUTHORITY OF ARBITRATOR. The authority of the arbitrator shall be limited to the application and interpretation of this Agreement. He shall have no authority to amend, alter, modify or otherwise change the terms or scope of this Agreement. However, by mutual agreement of the City and Union, the Grievance procedure set forth above may be used in other matters.
- 4.7 SEPARATE ARBITRATORS. Each grievance or dispute will be submitted to a separately convened arbitration proceeding, except where the City and the Union mutually agree to have more than one grievance or dispute submitted to the same arbitrator. Multiple grievances filed over the same issue will be combined.
- 4.8 ARBITRATION EXPENSE. The City and the Union shall equally share the expense of the arbitrator and shall share equally the other expenses involved in such arbitration proceedings, including stenographic expenses except each party shall bear the expense of their respective non-employee witnesses.

- 4.9 WITNESS EXPENSE. Any City employee called as a witness by either side will continue to receive his regular rate of pay while attending such hearings, not to exceed regular working hours. Should such meetings be scheduled outside of regular working hours, or extended beyond such regular working hours, no compensation shall be paid by the City for the time outside such hours.
- 4.10 WORKING CONDITIONS/AWARD LIMITS. When any matter in dispute has been referred to the Grievance Procedure set forth above, the conditions and provisions prevailing prior to the time the dispute arose shall, insofar as it is possible and consistent with normal operations, not be changed until the decision is rendered. When the subject matter warrants, the decision shall be made retroactive to the time the dispute began. In cases where it is determined an employee has been discharged unjustly and without cause, the Arbitrator shall order the City to return the employee to his position without loss of seniority or pay.
- 4.11 DEFAULT. In the event that the City fails to answer a grievance within the time required at any step of the Grievance Procedure, or the Union fails to appeal the answer given to the next step of the Grievance Procedure within the time allowed, then the grievance will be considered settled against the side which has defaulted. However, any of the time limits to the grievance-arbitration procedures may be extended by mutual agreement. Grievances resolved by default cannot be the basis of establishing precedent for the settlement of any other grievances.
- 4.12 Any grievance that originates from a level above the first step of the Grievance Procedure shall be submitted directly to the step or level from which it originates.

5. EMPLOYEE BENEFITS

- 5.1 RETIREMENT. Employees covered under this Agreement shall participate in their respective unions' retirement trust funds.

The City agrees to contribute to the applicable trust funds the amount set forth in Schedule A for each compensable hour credited to employees for the purpose of retirement benefits as specified in said trust agreements. It is understood and agreed that the contributions are to be computed solely on the total number of compensable hours, including personal leave and paid holidays and are not to be included in wages or the computations of overtime. Except for the making of hourly contributions under this agreement, the City has no responsibility or liability for the administration or operation of the trust funds, eligibility for employees to receive pension benefits, future payment of pension benefits to retirees. The AFL-CIO Crafts Council and each member Union further agrees that the employer trustees named in the trusts and those

successors in trust are and shall be the firm's representatives and consents to be bound by the actions and determinations of the trustees.

The City agrees to allow employees to participate in the City's deferred compensation plan. Employees will designate the amount to be deducted from their paycheck each week. Deductions will be deposited in the employees deferred compensation account at least monthly.

- 5.2 The City agrees to make available to the employee and also with the employee's permission to the Union, Business Manager or his appointed representative his individual records, upon reasonable notification.
- 5.3 HEALTH AND SECURITY. The City agrees to make a monthly contribution, as set forth in Schedule A, to the respective Union Health and Welfare Trusts. Except for the making of monthly contributions under this agreement, the City has no responsibility or liability for the administration or operation of the Health & Welfare Health Trusts, eligibility for employees to receive plan benefits, or the level or terms of future plan benefits. The AFL-CIO Crafts Council and each member Union further agrees that the employer trustees named in the trusts and those successors in trust are and shall be the firm's representatives and consents to be bound by the actions and determinations of the trustees. The City's contribution to each Union's respective Health and Welfare Trust will be as specified on Schedule A of this agreement.
- 5.4 PREPAID LEGAL. The City agrees to participate in the various Union-Employer prepaid legal trust plans and to be bound by the Trust Agreements creating and controlling such plans as may be amended from time to time. Contributions, in an amount designated by the participating crafts involved, shall be submitted by the City on or before the 15th day of the month following the month in which the contributions were earned. The contribution reduces the rate of that particular craft. Said contribution, and any subsequent increases in contributions, shall be deducted from the employee's negotiated wage.
- 5.5 PHYSICAL EXAMINATIONS. Employees' Union health care plans may provide for physical examinations. A yearly physical examination is offered to employees of the city, beginning during their second year of employment, and subject to the approval of specific application for such physical examination to the City Mayor. The inclusion or exclusion of any tests or procedures will be determined by the physician conducting the physical after consultation with the employee. The results of these test shall be confidential between the employees and the examining physician.

When in the opinion of the City there arises specific question as to the physical or mental ability of an employee to perform his normal work assignment, a physical examination may be ordered by the City. If such

examination demonstrates, in the opinion of the examining physician, that the employee is physically incapable of performing his normal work assignment, the employee shall be allowed to seek a second opinion from a local licensed physician of his choice. If the results of these two examinations are not in agreement, then a third opinion shall be solicited from a physician mutually agreeable to the City and the employee. The results of this third examination shall be final and shall be binding on both parties. The employer shall pay for all physical examinations and connected expenses involved with this section.

5.6 For any employee whose physical condition prevents him from performing his normal work assignment, the Employer agrees to make an effort to place him in a classification he can perform within his craft under this Agreement.

5.7 CLOTHING REIMBURSEMENT. (employees working more than 1,000 hours per year); The City will reimburse eligible employees as follows for reimbursement of the expense of replacing work boots, and work clothing in recognition of the wear and tear due to City employment.

(a) Gloves and coveralls will be provided for employees engaged in road oiling, sewer work, garbage collection, vehicle repair, and maintenance operations, or other similar types of work.

(b) The employees assigned to oiling and patching for forty (40) hours will be reimbursed by the City for the cost of one (1) pair of boots per person, per year, as approved by the City not to exceed two hundred (\$200.00) dollars.

(c) Employees assigned to work in conditions that damage or permanently soils personal clothing will be reimbursed the cost of replacing clothing used at work, provided that the items for which reimbursement is requested shall be at the discretion of the Public Works Director and will not exceed \$200.00.

(d) A washer/dryer and detergent will be furnished by the employer for those employees wishing to launder the above-listed items of clothing during their off-duty hours or the employer may, at its option, provide cleaning for gloves and coveralls.

5.8 The City shall furnish lockers for clothes and equipment and space reserved for drying personal effects and other equipment for public works employees.

6. WORKING RULES

6.1 (a) WORK WEEK. The work week may be either "unmodified" or "modified". The "unmodified" work week shall consist of five (5) consecutive days of eight (8) hours per day, Monday through Friday. The "unmodified" work

day shall be eight (8) consecutive hours, exclusive of a lunch break. Regular starting times shall be established for each employee, which may be adjusted for operational needs.

- (b) The work week schedule may be modified by the City (i.e. four tens, Tues.-Sat., Sun.-Thur., or some variation thereof). The 4-10 schedule shall consist of four(4) consecutive days of ten (10) hours per day, exclusive of a lunch break with regular starting times that may be adjusted for operational needs. Prior to establishing a modified work week, volunteers in the needed classifications will be sought, volunteers being assigned to the modified work week will be equitably rotated based on seniority. If insufficient employees in the needed classifications volunteer, the required number of least senior employees will be assigned. The provisions of 6.13 shall apply.
- (c) By mutual agreement, between the Union and the City, variations of the normal unmodified work week may be established (i.e. flex schedule, split shift, etc).

6.2 SHIFTS

- (a) The day shift is any shift with starting times between the hours of 6:00 a.m. and 11:59 a.m.
- (b) The swing shift is any shift with starting times between the hours of 12:00 noon and 6:59 p.m.
- (c) The graveyard shift is any shift with starting times between the hours of 7:00 p.m. and 5:59 a.m.
- (d) With prior mutual agreement between the Union and the City, other shifts may be worked and/or scheduled.

6.3 OVERTIME.

Overtime shall be paid for all work performed outside the regularly scheduled workday, however, overtime shall not be pyramided. If overtime performance is less than one-half (1/2) hour, the time shall be considered at one-half (1/2) hour and paid accordingly. If overtime performance is more than one-half (1/2) hour, but less than one (1) full hour, the extent of time shall be considered as one (1) full hour and paid accordingly.

- (a) For those employees working under the unmodified schedule as outlined in 6.1(a). Overtime will be paid at the time and one half(1.5) rate for hours worked in excess of eight hours per day or forty (40) hours per week when employees work a five (5) day per week eight (8) hour per day

schedule. After forty (40) hours of work during a week overtime will be paid at 1.5 times the employee's pay.

- (b) For those employees working under a "4-10" modified schedule as outlined in 6.1(b). Overtime will be paid at the time and one half (1.5) rate for hours worked in excess of ten (10) hours per day or forty (40) hours per week when employees work a four (4) day per week ten (10) hour per day schedule. After 40 hours of work during a week overtime will be paid at 1.5 times the employees pay rate.
- (c) All work performed on Sunday shall be paid at the time and one half (1.5) rate unless that employee is assigned to modified work schedule that includes Sundays.
- (d) Employees who work overtime may elect, in lieu of being paid overtime, to accrue compensatory time at the rate of 1.5 hours for every hour of overtime. Compensatory time may be taken and used in the same manner and terms as Personal Leave. If not used by the end of each year, compensatory time balances will be paid by the City to the employee. [Union option on Comp Time].
- (f) It is recognized that due to the nature of municipal operations, employees may be required from time to time to work overtime to accomplish pressing public need such as snow removal, pumping during spring thaw, removal of construction hazards and other public needs as may be determined by the City. The City agrees to give reasonable notice to employees that overtime is necessary to accomplish pressing public needs and further agrees that when such emergency situations are corrected, overtime shall not be mandatory. The City agrees to give recognition to situations which may arise from time to time which may prohibit an employee from working overtime.
- (g) The City agrees to fairly distribute overtime to its employees and agrees that regular employees shall have first refusal of overtime, if the safety and welfare of employee or public are in question (examples; prescribed medication or 14 hours of continuous operation), the Supervisor must assess the situation and assign the overtime in a fair and equitable manner. However, it is understood that when employees have been assigned to tasks during the course of the day and overtime is required to complete those tasks, employees assigned to those tasks shall have the right to work the overtime necessary to complete the assigned task.

6.4 REPORTING TIME. Employees required to report to work and not put to work shall receive two (2) hours pay at their regular straight time rate, unless notified not to report at the end of their previous shift or two (2) hours prior to the start of the shift.

- 6.5 LUNCH BREAK. Lunch periods will be at least thirty (30) minutes in duration and will be scheduled at the midpoint of the shift. If the work requires the lunch period to start at a time other than the midpoint of the shift, then the employee shall be paid for such period at the applicable overtime rate. Poor weather lunch periods shall be taken in the warm and dry, normally at nearest employer facility or in heated enclosed vehicles at the discretion of the craft supervisor. Except, because of special conditions which exist that are not compatible with the above clause concerning lunch periods, by mutual agreement between the Employer and the Union those particular lunch periods may be altered to fit a specific purpose. Whenever an employee is required to work more than ten (10) hours, not including his lunch break, or is required to work more than two (2) hours before or after this regular scheduled shift, he shall be allowed the necessary time to complete a meal, not to exceed thirty (30) minutes, while remaining on the payroll at the applicable rate and at intervals of not more than four (4) hours thereafter while he continues to work any hours not a part of his regular shift. He shall be compensated for each meal at the rate of ten dollars (\$10.00) per meal. Said compensation to be included in the employee's next pay check.
- 6.6 RELIEF PERIOD. All employees shall be allowed one (1) relief break not to exceed fifteen (15) minutes in duration during the first half of the shift and fifteen (15) minutes during the second half of the shift. The Union and the Employer shall mutually agree on reasonable rules governing the taking of such relief periods as provided herein. When working other than the regular shift, relief breaks shall be taken each two (2) hours.
- 6.7 In Public Works, when three (3) or more union personnel work on one job location without a foreman (excepting maintenance workers and packer crews), one of the employees will be designated as a working lead worker, and it will be his responsibility to direct the work force. The City may at its option, designate a working lead worker for a lesser number of employees. There shall be permanent non-working craft foremen for each of the following classifications: laborers, operators, mechanics, and all Trade Specialists collectively only when the City employs more than four regular trade Specialists. If fewer than five regular Trade Specialists are employed, one shall be selected and paid as a lead worker who will take direction as designated by the City. Each craft supervisor foreperson shall have a permanent lead worker who will replace the supervisor when on personal sick leave and cover the shift when double-shifting. A minimum of one lead worker will be appointed in the absence of the permanent lead worker for the following classifications: laborers, operators, mechanics, and trade specialists. A foreman with vehicular access to several crews will be considered to have direct supervision over those crews. Employees shall take instructions from whichever supervisor, foreman or lead worker, is designated by management. See Schedule A for pay of foreman and lead workers.

- 6.8 (a) The employer agrees to the utilization of employees within their respective classifications, with the further understanding that should it become necessary to work an employee in a higher rated classification; said employee will be paid at the higher rate of pay for working in said classification. An employee will be paid one-half (1/2) shift at the higher rate of pay for any period of work not exceeding one-half (1/2) shift duration and will be paid the whole shift at the higher rate of pay for work in excess of one-half (1/2) shift duration, with the further understanding that should it become necessary to work an employee in a lower rated classification, said employee will continue to be paid at his regular rate of pay.
- (b) An Engineering Technician who is assigned the responsibility for computer software documentation coordination and maintenance will be paid a four percent (4%) premium above scheduled pay. Such assignment does not affect seniority and is at the option of the City.
- 6.9 Gloves and coveralls will be provided for employees engaged in road oiling, sewer work, garbage collection, vehicle repair and maintenance operations, or other similar types of work. The employees assigned to oiling and patching for forty (40) hours will be reimbursed by the City for the cost of one (1) pair of boots per person, per year, as approved by the City not to exceed two hundred (\$200.00) dollars. A washer/dryer and detergent will be furnished by the employer for those employees wishing to launder these items of clothing during their off-duty hours or the employer may, at its option, provide cleaning for gloves and coveralls.
- 6.10 The City shall furnish lockers for clothes and equipment and space reserved for drying personal effects and other equipment for public works employees.
- 6.11 No permanent employees covered by this Agreement shall as a result of inclement weather, be caused to lose any pay, provided they report to work in the regular manner contained herein. If, due to inclement weather, employees are unable to perform their regular work, they shall, at the option of the City, perform other miscellaneous work as directed.
- 6.12 CALL BACK. A minimum of two (2) hours at the applicable overtime rate shall be paid when employees are called back to work after the regular shift.
- 6.13 CALL OUT. If an employee is called to report to work on a scheduled day off, the employee will be paid a minimum of two (2) hours at the applicable overtime rate.
- 6.14 ON CALL. An employee on call (standby) will be paid two (2) hours at the applicable overtime rate for covering the phone or radio, with the further

understanding that this time will be in addition to call out time. Call out time will be a minimum of one (1) hour.

6.15 SHIFT CHANGE.

- (a) An employee changing shifts when the employer requests it with less than forty-eight (48) hours prior notification shall receive 1.5 times the employee's regular rate of pay for all hours worked on the first shift. The premium pay does not apply when changing back to the employee's normal shift from short term changes. For the purpose of this provision, an employee's shift is changed when his starting time is moved to one of the other defined shifts.
- (b) Unless mutually agreed otherwise by the City and employee, starting times for employees shall not be changed without forty-eight (48) hours prior notification. Should an employee's regular starting time be changed without forty-eight (48) hour's notice to the employee all hours worked on the employee's first new workday shall be paid at one and one-half (1-1/2) times the employee's regular rate of pay. This premium pay does not apply when changing back to the employee's normal starting time from short term changes. For the purpose of this provision, an employee's starting time is changed if his starting time is moved to a time different from his regular starting time, within the hours of any given shift listed in 6.2.

7. HOLIDAYS

- 7.1 The following days shall be considered holidays,: New Year's Day, President's Day, Memorial Day, Fourth of July (Independence Day), Labor Day, Alaska Day (which shall be observed as a floating holiday in the same manner as the personal holiday; not on the actual date of the State holiday) Veteran's Day, Thanksgiving Day, Christmas Day, and one personal holidays which must be used in the year accrued or otherwise lost without cash value, and such other days as the City Council, by resolution may fix for City employees.
- 7.2 When a holiday falls on an employee's first scheduled day off, or second day for employees working a four day a week schedule, the preceding non-premium work day shall be considered to be the employee's holiday and paid as such. When a holiday falls on an employee's last scheduled day off, the following non-premium work day shall be considered the employee's holiday and paid as such.
- 7.3 Holiday pay, in the amount of eight hours for each holiday shall be paid regular employees at the employee's regular rate of pay if not worked; employees working on a 4-10 schedule may use personal leave or leave

without pay for two hours on such holiday. If mutually agreeable, the City will schedule two extra straight time work hours during a work week, not to exceed 11 hours a work day. Temporary employees shall not receive holiday pay.

- 7.4 Regular employees, who work on any of the above named holidays shall be paid at the rate of one and one half (1.5) times their regular rate of pay, in addition to the holiday pay as set forth above.
- 7.5 Employees on leave with pay shall receive pay for a recognized holiday occurring during such leave with pay at their regular rate.
- 7.6 Employees on leave without pay shall not receive pay for a holiday occurring during such leave without pay.
- 7.7 ELIGIBILITY FOR HOLIDAY PAY - In order to receive pay for an observed holiday an employee must not have been absent without authorized leave on the workday before or after the holiday.

8. PERSONAL LEAVE

- 8.1 All employees covered by this Agreement shall be entitled to Personal Leave in accordance with the following:
- 8.2 Personal leave will be paid for at the employee's contract regular rate for his regular classification.
- 8.3 (a) PERSONAL LEAVE ACCRUAL. For those employed as regular employees prior to June 1 2007, Personal leave shall accumulate as follows at the rate of two hundred forty (240) working hours per calendar year. Ten (10) hours shall be credited per pay period.

(b) Persons hired after June 1, 2004 of this agreement shall accrue leave according to the following schedule:
 - 1) One – Two Years: 160 hours per calendar year;
 - 2) Three – Five Years: 200 hours per calendar year;
 - 3) Over Five Years: 240 hours per calendar year

Employment for less than a full pay period shall be pro-rated for the purpose of computing personal leave.

- 8.4 LEAVE REQUESTS. Personal leave shall be taken at any time mutually agreeable to the department head and the employee and shall not be unreasonably withheld by the employer. Requests for leave exceeding 160 continuous hours will not be granted unless approved by the Department

Head. An employee shall notify his department head at least one (1) day in advance, when not more than two (2) days leave are desired, except in the case of any emergency. When longer periods of leave are desired, at least one (1) week advance notice shall be given. Notification of scheduled personal leave shall be made at least thirty (30) days in advance. (Scheduled annual leave is defined as any leave which is scheduled 30 or more days in advance). Leave will be granted, if, in the opinion of the department head, the employee can be spared from his job for the time requested, however, such leave shall not be unreasonably withheld. Upon notification of scheduled personal leave to the City by the employee, the City agrees to approve or disapprove the employee's scheduled personal leave in writing within ten (10) working days of submittal. If the City fails to reply to a leave request within (10) ten days such leave request will be considered approved. Scheduled personal leave may also be taken in conjunction with approved travel on City business so long as any additional expenses to the city are reimbursed by the employee. When personal leave is used for illness or bereavement, the employee shall notify the foreman as soon as possible, but in no case later than 8:00 am on a day they are scheduled to work. Leaving a message on the assigned voice mail number satisfies notice. If the City believes an employee is abusing the use of sick leave the union agrees to meet with the City and the effected employee to discuss leave usage with the goal of correcting any perceived abuse.

- 8.5 No employee shall absent himself from the job without providing good and sufficient reasons, unless he has complied with the provisions of Section 8.4. Nothing in this section shall preclude the employer from exercising reasonable restraints on excessive absences and lateness from work.
- 8.6 TERMINATION CASH-OUT. Upon termination of any employee covered by this agreement, accrued leave shall be paid in accordance with Article 8, Section 8.7, at the employee's then current rate of pay. In the case of termination, leave in excess of 160 hours will not be granted: all remaining personal leave hours will be cashed out with pension contributions as provided by Section 8.7
- 8.7 DRAW DOWN OF PERSONAL LEAVE. Subject to the "cash-out value cap" provision set forth below, any employee covered by this agreement may cash out their personal leave in accordance with the following schedule. Member "cash-out" requests must be submitted to the City Mayor. The cashed out hours will be paid on a separate check within fifteen (15) days. In addition, the City will contribute pension payments to the appropriate trust at the rate in effect on the date of approval for all hours cashed out.

LEAVE USAGE. All personal leave hours have full leave usage and leave usage is not reduced at any time regardless of the total number of hours accrued.

Total Personal Leave Hours for Draw Down:

0 - 200 hours	Cannot cash out. (except in case of emergency hardship, or at termination 100%)
200+	100% cash out value.

8.8 PERSONAL LEAVE DONATIONS. The parties recognize that it is desirable from time to time to have a means for employees to assist other employees in time of need. The following shall be the vehicle for that purpose.

- (a) Each employee wishing to donate personal leave will fill out, date and sign a leave slip showing the amount of leave the employee wishes to donate in increments of not less than four (4) hours and deliver said leave slip to the Finance Department.
- (b) Each leave slip will have written or typed along the bottom, "Leave donated to (employee name)."
- (c) The employer will convert the hourly rate to a dollar value and transfer that amount to the recipient's personal leave account where it will be converted into the recipient's hourly rate for use as personal leave.
- (e) All personal leave donation requests are subject to the approval of the City Mayor.
- (f) Once personal leave is donated and approved, it is irretrievable by the donor.

8.9 LEAVE VALUE CONVERSION. A laid off or reclassified employee who has bumped or moved into a lower paying job classification shall be credited with personal leave at the value it accrued prior to reclassification. The dollars will be converted to leave at the lower hourly rate of the reclassified employee and the appropriate hours of leave will be added to the employee's personal leave account.

8.10 Employees serving a probationary period on an original appointment leaving the city service without satisfactory completion of the probationary period shall not be compensated for any accrued personal leave.

8.11 Employees serving a probationary period on an original appointment shall accrue personal leave in accordance with the provisions of this section. Such employees shall not be granted paid personal leave until they have completed their probationary period as defined in Section 13.7, but may take unpaid leave upon mutual agreement.

- 8.12 Only earned personal leave may be taken by an employee.
- 8.13 At the expiration of all personal leave, an additional period of leave, as required, without pay may be granted at the request of the employee, and such leave privilege will be subject to verification by a doctor's certificate.
- 8.14 Seniority rights accrued by an employee up to the date of commencement of a sickness or disability which requires absence from work shall not accrue during any period of leave without pay attributable to a non-work related sickness or disability, except as provided for under the family leave provisions of this agreement.
- 8.15 In the event case of job-incurred injury or serious illness to a regular employee, within the coverage of the Alaska Workers' Compensation Act in effect at the time of injury, the employee's position shall be held for him until it has been established that he will be unable to return to work or one year whichever is sooner and his seniority shall be in full force during the period. An award to the employee of Workers' Compensation Permanent Disability shall be deemed to establish that the employee will be unable to return to work unless the employee, by actually returning to work, or by the report of a competent physician establishes that a permanent partial disability will not preclude his or her return to the job in question.

The City will compensate regular employees that portion of the difference between Workers' Compensation as required by State Statute and eighty percent (80%) of the employee's regular rate of pay until the employee is able to return to duty or is medically retired; provided, however, that such time does not exceed nine (9) months. The employee shall be required to submit to his foreman a weekly report from the attending physician.

9. OTHER APPROVED ABSENCES

All employees covered by this Agreement shall be entitled to paid personal leave in conformity with the following:

- 9.1 MATERNITY/PATERNITY/FAMILY LEAVE shall be granted when the employee can be certified for such leave by a competent physician. A pregnant employee may work as long as she is certified to be in good health by a competent physician. Absences due to or contributed to by "pregnancy, miscarriage, abortion, childbirth, and recovery" are the same as any other temporary disability and should be treated that way under health and disability insurance or sick leave plans. City Mayor may grant a regular employee leave without pay. The employee must either return to full employment status at the end of such leave without pay or terminate. Approved leave without pay shall not constitute a break in service and the employee shall be restored to the same job classification without loss of seniority.

- 9.2 ELECTIONS. Any employee shall be given the necessary time off, without loss of pay, for the purpose of voting when polls are not open at least (2) hours before or after the employee's scheduled hours of work.
- 9.3 BEREAVEMENT LEAVE. All regular employees shall be permitted to use personal leave in the event of illness or death in the immediate family of the employee to make household adjustments, arrange for medical services or to attend funeral services. "Immediate family" is defined as: husband, wife, daughter, son, mother, father, sister, brother, step-mother, step-father, step-children, foster children, mother-in-law, father-in-law, grandparents and grandchildren. Nothing in this section shall preclude the use of leave for such bereavement when approved in advance by the City.
- 9.4 MILITARY RESERVE TRAINING OR EMERGENCY NATIONAL GUARD SERVICE. All employees covered under this Agreement shall be entitled to administrative leave without pay for any active duty in any Armed Forces component including units of the National Guard or Reserve. Provided that, in accordance with applicable State and Federal laws and regardless of any language or provision of this Agreement, to the contrary, there shall be no adjustment of any affected employee's anniversary date for any active duty period up to the Federal statutory limit so as to cause loss of seniority or longevity, or to deny the accrual of sick or annual leave as provided by law. Employees are to present a copy of official orders for active duty as soon as possible to the City to comply with the law and to allow the City to reschedule the work force.
- 9.5 LEAVE WITHOUT PAY. The City Mayor may grant to a permanent employee leave without pay not to exceed ninety (90) calendar days if, when it is in the best interest of the City to do so, and the employee can be spared from his job for the time requested. During the employee's approved leave of absence his position may be filled by temporary promotion, or temporary reassignment of any employee. At the expiration of the leave without pay the employee has the right to, and shall be reinstated to, the position he vacated if the position still exists; or, if not, to any other vacant position in the same class. Approved leave without pay shall not constitute a break in service. Longevity credits for the purpose of completing probation, pay anniversary date and accumulation of leave benefits shall be suspended during the periods of leave without pay exceeding one work day.
- 9.6 Personal leave shall be granted to employees for the birth or adoption of a child. In addition, employees will be entitled to LWOP in accord with the Family and Medical Leave Acts.

10. PAY DAYS

Pay days shall be established covering payroll periods from the first (1st) to the fifteenth (15th) day of the month inclusive (for which the payday is by month end) and from the sixteenth (16th) day of the month to the last day of the month (for which the payday is the 15th of the following month except when pay day falls on Saturday or holidays. When the payday falls on a Saturday, Sunday, or Monday City Holiday, the payday will be Friday. The City reserves the right to establish a bi-weekly pay period upon thirty (30) calendar days' notice to the Union. If established, pay day shall fall on every other Friday. If the designated pay day falls on a holiday, pay checks will be available for distribution the day preceding the holiday. However, no employee shall lose any wages or benefits accruing under this Agreement as a result of the change from semi-monthly to by-weekly pay periods. Each check shall have a stub, or duplicate, itemizing all legal and authorized deductions, hours worked, rate of pay for straight time and overtime hours worked.

11. UNION MEMBERSHIP AND DUES

11.1 The Union shall assume all obligations and responsibilities for the collection of any Union dues, fees or assessments except as agreed to by the Employer and set forth herein.

The Employer will deduct membership working dues from the employees' pay checks for each compensable hour in an amount so designated by the particular Unions involved, with proper authorization submitted to the Employer by the employees so affected.

All moneys collected for working dues by the Employer shall be paid to the appropriate Unions. The working dues which are deducted shall be paid monthly by the fifteenth (15th) of the month following the month in which they were deducted.

11.2 No employee shall be discriminated against for the upholding of Union principles, and any employee who heeds the instructions of the Union, or who serves on a committee, shall not lose his position or be discriminated against for this reason. The Union shall not discourage any employee from carrying out his work assignment for the City.

11.3 The Employer agrees that he will not in any manner, directly or indirectly, attempt to interfere between any of the employees covered under the terms of this Agreement and the Union, and that he will not in any manner, restrain or attempt to restrain any employee from belonging to the Union or from taking an active part in Union affairs, and that it will not discriminate against any employee because of the employee's Union membership or lawful Union activity.

- 11.4 All employees covered by this Agreement shall be required as a condition of continued employment, to apply for and become members of, and to maintain membership in the appropriate craft union within thirty-one (31) days following the beginning of their employment or the effective date of this Agreement, whichever is later.
- 11.5 The City will within five (5) working days after receipt of written notice from the Union discharge any employee who is not in good standing in the union as required in Section 11.4. If the employee signs an authorization to the City to withhold working dues and pays his initiation fee and monthly dues to the union before the expiration of the five (5) working days, he shall be considered in good standing with the union, and not be discharged for that reason.

12. HIRING HALL

- 12.1 The Union agrees to maintain a hiring hall and to solicit qualified workers, both Union and non-Union, in order to fill necessary requisitions for workers. The Employer agrees to use the services of such hiring hall and will call upon the Union to furnish all the qualified workers he may require in the classifications herein mentioned, subject to the following terms and conditions.
- 12.2 Selection of applicants for referral to jobs shall be on a non-discriminatory basis and shall not be based on, or in any way affected by, Union membership, By-laws, rules, regulations, constitutional provisions, or any other aspect or obligation of Union membership, policies or requirements.
- 12.3 The Employer retains the right to reject any job applicant referred by the Union. The employer will apply the terms of its current nepotism policy, as provided in the Fairbanks General Code. ta2/6/09
- 12.4 All employees covered by this Agreement, that operate heavy equipment and packers shall be required, as a condition of employment, to possess and maintain a Commercial Driver's License as required by law. The City will annually reimburse permanent employees for the cost of renewal of any licenses or training required by law or required by the City to perform their duties while in City employ, with the exception of personal drivers licenses.
- 12.5 The Union agrees that it will not discriminate against non-Union workers in referring workers to the Employer, and the Employer agrees that it will not discriminate against Union workers in selecting job applicants referred to it by the Union.

- 12.6 The Union and the Employer agree to post in places where notices to employees and applicants for employment are customarily posted, all provisions relating to the functioning of these hiring arrangements.
- 12.7 In the event the Union is unable to supply the Employer with qualified workers when called upon by the Employer within seventy-two (72) hours, exclusive of Saturdays, Sundays, and holidays, the Employer may procure workers from other sources; provided, however, that in such instances the Employer shall furnish the Union with the names of workers, their classifications and date of hiring.

13. SENIORITY

13.1 Seniority shall be established by craft for the following seniority groups:

- (a) laborer
- (b) operator
- (c) mechanic
- (d) electrician
- (e) carpenter
- (f) plumber
- (g) dispatcher & network coordinator
- (h) engineering employees
- (i) supply specialist/expediter
- (j) warehouse/records coordinator
- (k) custodian
- (l) inventory specialist/material handler
- (m) or other seniority groups mutually agreed to by the City and the Craft Council.

The employee having the longest term of service with the Employer shall be number one on the seniority list subject to the provisions of Section 13.7, and all other employees, likewise, shall be listed according to length of service with the Employer; such lists shall be posted. Date of hire as a permanent employee will be the criterion used to establish the length of service for new employees.

- 13.2 Lay-offs due to reduction in force shall be made in reverse order of seniority subject to Section 13.1. In rehiring, seniority shall apply. When calling back laid-off employees, the City will recall, through the Union, the employees in the proper order of seniority recall rights.
- 13.3 Promotions, including promotions to newly created jobs, and reclassification to positions of different responsibilities shall be in order of seniority, provided the employee is qualified and competent to perform the work in the proposed classification. This provision shall not apply to the selection of General

Foreman or Craft Supervisor. Lead worker and Craft Supervisor shall be selected by the City from among the regular permanent employees. The City shall be the judge of the employee's qualifications and competency.

- 13.4 Employees under this Agreement shall be allowed to transfer into another bargaining unit with the City, provided they are qualified to perform the work and the position vacancy has been first offered to existing employees in that bargaining unit and no employees are interested or qualified. It is understood that such transferring shall be within the appropriate Unions and all parties in the bargaining unit(s) concur. Employees transferred thus shall carry continuous service credits (longevity) but will lose division or unit seniority.
- 13.5 City seniority shall be terminated and the employer-employee relationship shall be severed by the following conditions:
 - (a) Discharge for cause
 - (b) Lay-off of eighteen (18) months duration
 - (c) Resignation or retirement
- 13.6 In the event an employee is not worked in his rightful position of seniority pursuant to Section 13.1, 13.2 and 13.3, he shall be compensated in the amount that was earned by the employee who has worked in his stead, unless otherwise mutually agreed upon by the Union and the Employer.
- 13.7 Each new employee shall be hired as a probationary employee and shall not have seniority until the end of a probationary period of one hundred eighty (180) days, unless the employee has worked in a position in the bargaining unit within eighteen (18) months of the appointment. The employee who has worked in a position in the bargaining unit within eighteen (18) months of the appointment shall have his probationary period reduced by the amount of time he has worked in a position in the bargaining unit within eighteen (18) months of his appointment, but in no case shall the probationary period be less than ninety (90) calendar days. Upon completion of such period, the employee shall have seniority from date of hire with full accrual of personal leave. A probationary employee shall not be terminated for the sole purpose of defeating the accrual of such.

14. LAY-OFF AND DISCHARGE

- 14.1 When an employee is terminated, or effects a separation, he shall be paid all accrued earnings in accordance with State law, or within forty-eight (48) hours, whichever is earlier, excluding Saturday, Sunday and holidays.
- 14.2 Written notice of lay-off will be given to the affected employees by the Employer. Employees having less than ninety (90) days continuous service shall receive two (2) days' notice prior to termination. The employees having

ninety (90) days continuous service but less than twelve (12) months continuous service shall receive six (6) working days' notice prior to termination. Employees having twelve (12) months or more continuous service shall receive twelve (12) working days' notice. In instances where notice is not given by the Employer prior to termination, the employee shall receive in lieu thereof, pay at the basic rate for the time established herein. Employees effecting a separation without prior notice to the Employer shall forfeit severance pay. Temporary employees hired for twenty-one (21) days or less will receive twenty-four (24) hours of notification prior to termination.

15. SHOP STEWARD

- 15.1 A Shop Steward shall be appointed from among the employees of the Employer at any given point by the Union at the Union's discretion and shall be the last employee terminated unless such employee is discharged for cause.
- 15.2 The Shop Steward shall be allowed to handle requests, complaints and grievances arising under this Agreement during the Shop Steward's working hours without loss of compensation for time spent in the pursuit of Shop Steward's duties. There may be occasions when the work load will prevent the granting of such times until a later time. In the absence of compelling circumstances to the contrary, the employee will be made available. The Steward will be the last employee terminated in the respective craft as long as there is work available which such employee is capable of performing.
- 15.3 Shop Stewards and aggrieved employees shall, upon notification to their foreman or immediate supervisor, be given time during working hours and without loss of pay to handle grievances. It is further agreed that Shop Stewards shall be given time during working hours and without loss of pay to attend Union negotiations and other authorized joint employer-Union conferences.

16. JURY DUTY

- 16.1 Employees required to serve on jury duty will suffer no loss in regular earnings, but shall be compensated during their service at the rate of forty (40) hours per week. Fees paid the juror, while serving such jury duty, will be returned to the employer by the employee. An employee, other than a regular day shift employee shall be considered to be a regular day shift employee while serving on jury duty. Such an employee who was required to serve on jury duty on his previously scheduled day off shall not be required to work on the following Saturday or Sunday. It is agreed that an employee reporting for jury duty who is then released for the day shall return to work for the rest of the work shift.

A certificate of attendance shall be obtained by the employee from the jury clerk and made available to the department head upon request.

Temporary employees will only be paid for jury duty if they are not granted a deferral to a later date.

17. SAFETY

- 17.1 All work should be executed in a safe and proper manner. The "Alaska State General Safety Code" will serve as minimum standards.
- 17.2 The employer shall furnish such safety equipment as is necessary for the safety of the employees. Safety devices and first-aid equipment as may be needed for safety and proper emergency medical treatment, shall be provided and be available for employees working under adverse conditions.
- 17.3 When any work is being done in a manhole, there shall be an employee stationed at the street level as a minimum safety precautionary measure in accordance with "Alaska State General Safety Code" regulations and City of Fairbanks Safety Policy Manual.
- 17.4 A Safety and First-Aid Program, as required by the State Safety Code, shall be instituted and regular safety meetings for each department shall be held once each month during working hours, without loss of pay to the employee.
- 17.5 It shall not be considered a violation of this Agreement where employees refuse to work with or ride in unsafe equipment or where safeguards are not provided, or when the facilities are not being maintained in a reasonable sanitary condition.
- 17.6 It is agreed that when one (1) employee is on shift alone the employees supervisor will call to check on the employee should the employee fail to report every two (2) hours. It will be the employee's responsibility to notify public works dispatch that he is working alone that shift. Nothing in the section applies to work in a confined space or other hazardous conditions.

18. TRAINING - EMPLOYEE UPGRADING

The parties agree that it is in their mutual interest and in the interest of the industry that employees be trained in the fields of work and equipment covered by this Agreement.

The Employer may utilize training courses, technical publications, specifications and training schools of equipment manufacturers and vendors, as the Employer deems necessary, to develop and upgrade their employees to the state of the art skills regarding the latest products, equipment, systems and their operation, maintenance

and repair. When specialized training is provided by the employer seniority will be considered when offering such training to employees. When training for a specialized skill is provided by the City to a junior employee, senior employees will not be laid off because they lack such specialized skill. When an employee is sent for special training the Employer will pay all authorized expenses. Upon prior written approval the costs for any training beneficial to job requirements and after satisfactory completion will be reimbursed to the employee.

19. MAINTENANCE OF PRIVILEGE AND REMUNERATION

It is understood and agreed by and between the City of Fairbanks and the Fairbanks AFL-CIO Crafts Council that, except as provided by this agreement, no employee, covered by this Agreement, will suffer a loss in privileges or rights which they now enjoy due to signing of this Agreement by and between the City of Fairbanks and the Fairbanks AFL-CIO Crafts Council. Any future changes in working conditions that will affect the employees covered under the terms of the Agreement will be mutually agreed to between Management and the Union prior to implementation. This clause does not preclude the signatory parties to this Agreement from negotiating changes in the Agreement.

19.1 Shift premiums for classification under this contract will be five percent (5%) for swing shift and five percent (5%) for a work week which includes work on Saturday. Ten percent (10%) for graveyard shift and ten percent (10%) for a work week that includes work on Sunday.

20. MISCELLANEOUS

20.1 The parties agree that all permanent employees hired prior to January 1, 1996 will receive longevity pay on the basis of three percent (3%) of the employee's basic wage rate for three (3) years of service, and an additional one percent (1%) for each year's service thereafter up to a maximum \$2.72 dollars an hour without regard to any changes in the CPI.

Permanent employees hired after January 1, 1996 shall not receive longevity pay as specified in the preceding paragraph.

20.2 Mechanics, carpenters, and electricians shall furnish their own tools and provide a complete inventory, but shall not be required to furnish special tools as follows: Air or electric wrenches, gear and bearing pullers, electric drills, reamers, taps dies, oxyacetylene hoses, gauges, torches and tips, thirty-six inch pipe wrenches, socket wrench drives over 3/4", wrenches over 2", coffin hoists, hydraulic jacks, etc. The Employer agrees to reimburse employees for tools lost provided that such loss was not intentional or due to recklessness. Such reimbursement shall be for the full amount of the prior agreed inventory of such tools lost, and will be based upon the current price for tools of the same brand. Such tools will be replaced with tools of the same brand. Tools

broken in the course of employment shall be replaced with tools of the same brand at no cost to the employee, provided the broken tool is turned in to the Employer and further provided that such damage was not intentional or due to recklessness.

- 20.3 **PARKING**. The City will make every effort to provide adequate parking facilities and electrical connections for head-bolt heaters at existing installations. Such facilities shall be provided at any newly constructed installation.
- 20.4 Upon the proper written authorization by an employee, the City agrees to deduct the amount so designated from the employee's wages and submit the amount so indicated to the appropriate union's political, educational or charitable committee. Forms shall be supplied by the employee's union. Such amount shall be submitted to the union on the fifteenth (15) day of the month following the month in which the deductions were made.
- 20.5 (a) Except in the case of an emergency, Employer agrees to refrain from transferring work normally being performed by employees in job classifications falling within the scope of this agreement to any supervisor or unrepresented position unless mutually agreed upon between the employer and the union. The foregoing shall not operate to prohibit the employees of a manufacturer or supplier from warranty work, trouble-shooting or working on equipment or apparatus supplied or leased to the Employer. No regular employee shall be laid off, terminated, or discharged by the Employer as a result of the Employer sub-contracting any work currently performed by the bargaining unit.
- (b) Efforts by community groups, such as Festival Fairbanks or the Downtown Association, to improve the community are encouraged and supported by both the Employer and the Union. Such efforts will not result in the layoff of any craft employees.

21. PERSONNEL RECORDS

- 21.1 An employee's personnel record shall include, but shall not be limited to, the employee's application, reports of results of employment investigations, reports of work performance, progress and disciplinary actions, personnel actions and survivor benefit forms. The employee's personnel file shall be maintained by the City Mayor or designee.
- 21.2 Employees shall be given access to their personnel file upon reasonable request. Copies of additions or other date changes to their individual personnel files shall be provided to the employee upon request and upon reasonable time notifications.

- 21.3 Personnel records will not be used as a private dossier on employees nor shall they contain any materials which an employee has not seen.
- 21.4 Recognizing the employers need to discipline and the employee's desire for fair and equal discipline the employer agrees to remove letters of reprimand, not related to public safety, from an employee's personnel file twenty four (24) months after being placed in such file.

22. TEMPORARY EMPLOYEES

- 22.1 A temporary employee is one who is called for occasional work or for a limited period not to exceed eight calendar months in any year. Unless mutually agreed otherwise by the Union and the City, at the end of this period the employee shall be placed in a regular position or laid off.
- 22.2 (a) Temporary employees shall be paid in accord with Schedule "A" for their classification, plus per hour pension contributions and Health & Welfare contributions.
- (b) Whenever temporary employees are needed under this provision, the City shall first attempt to contact and hire their trained and experienced temporary workers before hiring workers new to the City system. Should such workers decline employment, or not be available for employment, the City shall contact the appropriate hiring hall for referrals.
- 22.3 Temporary employees shall not accrue seniority, be paid for holidays, or receive paid personal leave, but shall be eligible for unpaid leave upon mutual agreement.
- 22.4 Temporary employees shall not be hired if there is a permanent employee of the appropriate craft on lay-off who has seniority recall rights and is available.
- 22.5 Temporary employees shall be considered for regular positions which are created or become vacant after the position has been closed to all regular employees and before the City places a call to the Union.

23. SCHEDULE "A" WAGES

- 23.1 In 2011, employees shall be compensated as provided in the attached Appendix "A" which provides a 2.5% increase to the package rate after certain adjustments which are shown.
- 23.2 Each Local may allocate the package rate to wages, pension and health and welfare as it sees fit.

- 23.3 Application of the Package Rate Concept. The parties recognize that computing a full package rate, in which actual wages, health care and pension costs are computed on the basis of annual compensable hours, is a more accurate method of reflecting the actual cost to the City. The parties agree that future percentage increases will be applied to the package rate.
- 23.4 This agreement is effective until December 31, 2013 PROVIDED THAT the parties agree to reopen negotiations on economic issues only for 2012 and 2013. Such negotiations will commence in October of 2011 for 2012 and 2012 for 2013. The parties agree to utilize mediation and arbitration if the re-opened negotiations result in impasse.

**SIGNED FOR THE FAIRBANKS
AFL-CIO CRAFTS COUNCIL:**

Lake Williams, President
AFL-CIO Crafts Council

Date: _____

**SIGNED FOR THE CITY OF
FAIRBANKS:**

Jerry Cleworth
Mayor, City of Fairbanks

Date: _____

Patrick B. Cole
Chief of Staff

Date: _____

Michael Schmetzer
City Engineer/Public Works Director

Date: _____

ORDINANCE NO. 5834

**AN ORDINANCE TO AMEND FGC SECTIONS 10-66 AND 10-67,
ADOPTING THE 2009 INTERNATIONAL BUILDING CODE WITH
AMENDMENTS, AND SETTING AN EFFECTIVE DATE.**

WHEREAS, the Building Code Review and Appeals Commission reviewed the **2009** International Building Code and the amendments thereto and recommended adoption of the **2009** International Building Code with amendments; and

WHEREAS, the City Council now desires to accept 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 Sections 10-66 and 10-67 are hereby repealed and re-enacted as follows:

Sec. 10-66. Adoption.

The International Building Code **2009** Edition as published by the International Conference of Building Officials is hereby adopted by the City of Fairbanks.

Sec. 10-67 Amendments.

The 2009 International Building Code is hereby amended as follows:

Section 101.2.1 Appendices. Amend this section to read as follows: Appendices E and H are hereby adopted.

Chapter I Administration. Delete this chapter in its entirety and replace with the Administrative Code for the City of Fairbanks Building Department

Section 202 Definitions. 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 hour basis.

Section 202 Definitions. 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 305.2 Day Care. Revise this section as follows:

The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 ½ years of age, including children related to the staff, shall be classified as a Group E occupancy.

Section 305.2 Day Care. Add the following exception to this section:

Exception.

Family child care homes operating between the hours of 6:00 am and 10:00 p.m. may accommodate a total of twelve children, provided that no more than 5 children are under the age of 2 ½ years. Family child care homes as defined are classified as an (R3) occupancy and shall comply with section 907.2.10 (smoke detectors), section 908.7 (carbon monoxide detectors) and section 1003 (emergency escape and rescue openings as required by section 1029 for napping and sleeping rooms. Fire extinguishers shall be provided in accordance with the International Fire Code.

Section 305.3 Day Care Hours of Operation. Create a new section title to read as follows:

Day care hours of operation.

A Day Care that operates between the hours of 10:00 p.m. and 6:00 a.m. shall be equipped with an approved automatic sprinkler system throughout, designed and installed in accordance with NFPA Standard 13-D-1996 or an approved equivalent system as approved by the Fire Chief. An approved emergency escape or

rescue window meeting the requirements of IBC Section 1026 shall be provided in each sleeping or napping room. **Smoke detectors and carbon monoxide detectors shall be installed in accordance with sections 907.2.10 and 908.7. Fire extinguishers shall be provided in accordance with the International Fire Code.**

Section 308.2 Group I-1. Revise this section by deleting the last paragraph and replace with the following:

A facility housing more than 2 persons and no more than 16 persons shall be classified as a Group R-4.

Section 308.3.1 Definition. Child Care Facility. Amend the definition to read as follows:

A child care facility that provides 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.

Section 308.3.1 Definition. Nursing Homes. Delete the definition and revise as follows:

Nursing homes are long-term care facilities on a 24 hour basis, including both intermediate care facilities and skilled nursing facilities, serving more than two persons and any of the persons are incapable of self-preservation.

Section 310.1 Residential Group R-4. Delete this paragraph in its entirety and replace as follow:

Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than 2 and no more than 16 persons, excluding staff, shall be classified as Group R-4. 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 through out as required by section 903.3.1.3.

Section 406.1.4 Separation. Delete this section in its entirety and replace as follows.

1. The private garage shall be separated from all dwelling units by a one hour fire resistive wall assembly. The fire resistive wall may terminate at the ceiling provided: a) the ceiling framing construction is protected by a layer of 5/8 inch thick type X gypsum board and the area above the ceiling is a non habitable attic space. Garages located beneath habitable rooms or dwelling units shall be separated by an approved one hour fire resistive horizontal floor ceiling assembly and one hour fire resistive vertical wall assemblies. Penetrations of the fire resistive assemblies shall be fire stopped with materials approved for the hourly rating. Door openings between a private garage and a dwelling shall be provided with a minimum rating of 45 minutes and be equipped with self closing and self-latching doors. In addition these doors shall be provided with gasket seals on the top and sides including installation of a tight fitting threshold. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

2. Ducts in a private garage and ducts penetrating the walls or ceilings separating the dwelling unit from the garage shall be constructed of a minimum 0.019-inch (0.48 mm) sheet steel and shall have no openings into the garage. The duct shall be firestopped with materials approved for a one hour fire resistive assembly.

3. A separation is not required between a group R-3 and U carport, provided the carport is entirely open on two or more sides and there are not enclosed areas above.

Section 413.3 Usable space under floors. Add a new subsection to read as follows:

Usable space under the first story shall be enclosed except in groups R-3 and U occupancies, and such enclosure when constructed of metal or wood shall be protected on the side of the usable space as required for one hour fire resistive construction. Doors shall be self closing, of noncombustible construction or solid core, not less than 1 3/8" inches in thickness or a twenty minute door assembly may be used.

Exception:

Areas protected by approved automatic sprinkler systems.

Section 501.3 Location on property. Create a new section to read as follows:

For the purposes of allowable area limitations, required yards shall be permanently maintained. Buildings shall adjoin or have access to a permanent public way or yard on not less than one side.

Table 508.2.5 Incidental Accessory Occupancies. Amend table by adding footnote (a) to read as follows:

footnote (a). Regardless of the Btu rating, psi rating or horsepower rating a one hour separation or automatic fire – extinguishing system is required for furnace or boiler rooms providing heat for group E, R-1, R-2, I and R-4 Occupancies

Table 601 Fire-resistance rating requirements for building elements. Amend footnote (d) by adding the following sentence.

In group E Occupancies, an automatic sprinkler system may be substituted for 1 hour fire-resistance-rated-construction provided the system is designed in accordance with section 903.3.1.1.

Section 603.1 Allowable Materials. Add the following item to allowable materials.

26.4 Fire-retardant treated wood may be used as furring for exterior bearing and nonbearing wall construction provided the building is sprinklered throughout and the required fire rating of the wall is 2 hours or less.

Section 717.4.2 Groups R-1 and R-2.

Delete the last sentence in its entirety and replace with the following:

Draft stops in attic spaces shall be installed so that the maximum area between draft stops does not exceed 3,000 square feet, and the greatest horizontal dimension does not exceed 60 feet. Such draft stops are not required to be located directly above or in line with walls separating tenant spaces.

Delete exception 1 in its entirety.

Revise exception 3 to read as follows:

In R-2 occupancies that do not exceed four stories in height, the attic space shall be subdivided into areas not exceeding 3,000 square feet.

Section 808.1.1.1 Suspended acoustical ceilings. Delete this section in its entirety and replace as follows:

Suspended acoustical ceiling systems shall be installed in accordance with the provisions of ASTM C635 and ASTM C636 and the following installation standards.

1. A heavy duty-rated grid system shall be used in all occupancies. The perimeter wall angle shall be deemed to provide structural support for the perimeter cross-tee and main runner intersections and the edge support for the ceiling tiles provided it is secured.

Exception: Intermediate duty rated systems may be used in R-3 Occupancies.

2. Changes in the ceiling plane elevation shall be provided with structural support or additional wires capable of maintaining a positive bracing system.

3. Cable trays and electrical conduits shall be independently supported and braced independently of the ceiling.

4. Compression posts are not required if the distance from the plane of the suspended ceiling and the lowest structural framing elements are 24 inches or less.

5. Cross-tees, which are 8 inches or less in length and located at the perimeter of any room, do not require additional vertical 12 gauge support wires.

6. A 90 degree cross tee return system may be used to support the cross-tee to the perimeter wall angle. Rivets, zip-it wall anchors and/or screws may be used to positively attach the cross tee to the perimeter wall angle or wall substrate in lieu of additional perimeter wires. The installation shall be in accordance with this suspended ceiling policy.

7. Lighting fixtures seismically supported in accordance with CISCA 3-4 are not required to be positively attached to the suspended grid members.

8. Recessed can or bullet type lighting fixtures weighing less than 20 pounds shall be supported to the grid system and shall be positively attached to the structure above with a minimum of one 12 gauge wire or safety chain. Fixtures weighing more than twenty pounds shall be supported with a minimum of two 12 gauge wires or two safety chains attached to the fixture and secured to the structure above. These wires may be slack.

9. Suspended acoustical ceiling systems may not be used to provide lateral support for non-bearing partitions unless: a) designed by an engineer or b) installed in accordance with an approved evaluation report recognized by the International Building Code.

10. Ceiling mounted air terminals weighing less than 20 pounds shall be positively attached to the ceiling suspension main runners or cross tees having the same carrying capacity as the main

runners. Air terminals weighing more than twenty pounds shall be provided with a minimum of two 12-gauge wires, connected from the terminal to the structure above and shall be positively attached to the grid system.

11. Corridors which are 6 feet in width or less may have the seismic splay wires installed in the direction of the long axis of the corridor. These splay wires shall be spaced 12 feet on center and splayed at a 45 degree angle. Splay wires are not required in the short axis of the corridor.

12. When all ceiling tiles are replaced in an existing non-complying suspended ceiling, the lights and mechanical air terminals shall be upgraded and seismically braced prior to the new tile installation.

13. When lighting fixtures are replaced or relocated in an existing suspended ceiling, the new lights or relocated lights shall be seismically-braced in accordance with CISCA 3-4 and this section.

14. When mechanical ductwork or air terminals are altered or relocated in an existing suspended ceiling, those mechanical devices shall comply with the seismic requirements with CISCA and this section.

15. When 50% or more of the grid system is replaced or altered, the entire grid system shall be upgraded to meet the current seismic standards in accordance with CISCA 3-4.

16. Two inch wide perimeter angles are not required.

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. The use of a firewall or fire barrier does not establish a separate building or fire area for the purpose of this section.

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 system by other provisions of the code.

Section 903.2.11.7. Pit Sprinklers. Add a new subsection and title to read as follows:

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 inches from the bottom of the pit.

Section 903.3.1.1 NFPA 13 Sprinkler systems is revised by adding a new Subsection 903.3.1.1.2 to read as follows:

Elevator Hoist ways and Machine Rooms. Where the provisions of this code require the installation of automatic sprinkler systems, such installation in Elevator hoist ways and machine rooms shall be in accordance with NFPA [13, Section 5-13.6.1] 13-2002 and ASME A17.1 Safety Code for Elevators and Escalators, 2000 edition

Exception:

Sprinklers may be deleted in an elevator machine room when such room is:

- (1) Separated from the remainder of the building in accordance with Section 3006.4
- (2) Smoke detection is provided in accordance with NFPA 72
- (3) Notification of alarm activation is received at a constantly monitored location.

Section 903.4.2 Alarms. Amend this section by adding the following sentence to 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 to alert occupants of a sprinkler activation.

Section 907.2.3 Group E. Revise this section by adding a second paragraph to read as follows:

Rooms used for sleeping or napping purposes within a day care use for a Group E occupancy shall be provided with smoke detectors that comply with section 907.2.11.2 and carbon monoxide detectors as specified in section 908.7.

Section 908 Emergency alarm systems. Revise this section by adding new sub-sections 908.7, 908.71 and 908.72

Section 908.7 Carbon Monoxide Detectors. Create a new subsection and title to read as follows:

Carbon Monoxide Detectors.

The provisions of this section apply to Group I-1,R-2, R-3 and R-4 occupancies. At least one (1) carbon monoxide detector shall be installed on each floor level. If a floor level contains bedrooms or sleeping rooms, at least (1) detector shall be located in the immediate vicinity of the sleeping area, outside of the bedrooms/sleeping rooms. Carbon monoxide detectors shall be listed and installed in accordance with their listing. The alarm shall be clearly audible in all sleeping rooms with intervening doors closed.

Exceptions:

1. Carbon monoxide detectors are not required in dwelling units and structures with no combustion (carbon base fuels) type appliances and with no attached garages **or parking of vehicles in close proximity of openings such as windows, doors and fresh air inlets.**
2. Carbon monoxide detectors are not required in Group R-2 occupancies where all combustion (carbon base fuel) equipment is located within a mechanical room separated from the rest of the building by construction capable of resisting the passage of smoke or the structure has an attached garage and is ventilated by an approved automatic carbon monoxide exhaust system designed in accordance with the mechanical code.

Section 908.7.1 Interconnection. Create a new subsection and title to read as follows:

In new construction, all carbon monoxide detectors located within a single dwelling unit shall be interconnected in such a manner that actuation of one alarm shall activate all of the alarms within the individual dwelling unit.

Section 908.7.2 Power Source. Create a new subsection and title to read as follows:

In new construction, carbon monoxide detectors shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with battery backup. Wiring shall be permanent and without a disconnecting switch other than those required for over current protection. Carbon monoxide detectors shall be permitted to be cord-and-plug type with battery backup in existing construction.

Section 1008.1.9.3 Locks or Latches. Add Exception 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 1008.1.8.2. This exception does not apply when panic hardware is required or installed.

Section 1008.1.9.3.1 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 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 throughout 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 1008.1.8.7 Delayed egress locks. Revise exception #3 to read as follows:

3. The door locks shall have the capability of being unlocked by a signal from an approved location.

Section 1009.4.2 Stair riser and tread depth. Amend section by adding an exception #8 to read as follows:

Stairs or ladders used only to attend equipment are exempt from the requirements of Section 1009.

Section 1021.5 Exits from basements. Create a new subsection and title to read as follows:

Exits from basements.

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 1029.1 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 day care occupancies where napping or sleeping rooms are provided.

Section 1029.1 Delete exceptions 1-4.

Section 1029.2 Minimum size. Delete the exception.

1101.2 Design. Add the following 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.

1102.1 Definitions. Add the following definitions:

CONVENTIONAL INDUSTRY TOLERANCES: Plus or minus ½ inch up to 36 inches and plus or minus 1 percent over 36 inches. Slopes may be plus or minus 1 percent.

ADAPTABLE: The ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered so as to accommodate the needs of either disabled or non-disabled persons, or to accommodate the needs of persons with different types or degrees of disability.

1103.1 Where required. Add the following sentence to this section:

Subject to the approval of the Building Official, areas where work cannot reasonably be performed by persons having a severe impairment (mobility, sight or hearing) need not have specific features which provide accessibility to such persons.

1103.2.4 Detached dwellings. Delete this paragraph as replace as follows:

Detached one and two family dwellings and three unit dwellings, including accessory structures and their associated sites and facilities, are not required to be accessible.

1108.2.7 Assistive listening systems. Add the following sentence to this section:

Assistive listening systems shall be required in groups B, E, and M occupancies which contain rooms of assembly.

1110.1 Signs. Delete Item 1 and replace with the following:

1. Accessible parking spaces as required by Section 1106.1

1110.3 Other signs. Add the following item to this section:

7. Building directories are required for the following occupancies as defined by the building code: Groups A, B, E, I, & M greater than 6000 sq. ft. or more than one story. Regardless of building size, directories shall be provided for governmental office buildings, medical care facilities, shopping malls, public transportation facilities, senior citizen housing and hotels. Directories shall be provided within or immediately adjacent to the main entrances as approved by the Building Official. Directory signage shall comply with ICC/ANSI A117.

1111.1 Public telephones. Add a new section as follows:

Public telephones are required in medical care facilities, governmental office buildings, shopping malls, public and private schools, hotels, convention centers, and shall be located on an accessible route.

(For the purpose of this section schools which meet the Group E, Division 1 occupancy classification as defined in Chapter 3 of the Building Code shall comply).

1111.2 Public text telephones. Add a new section.

A public text telephone is required in governmental office buildings including police and fire stations, medical care facilities, senior housing facilities, hotels, conventions centers, libraries, public & private schools and shopping malls. A public text telephone is required in or adjacent to a hospital emergency room or hospital waiting room, and shall be located on an accessible route.

(For the purpose of this section schools classified as group E, occupancy as defined in Chapter 3 of the building code shall comply).

Section 1203.2 Attic spaces. Delete this section in its entirety and replace with the following:

Enclosed attics and enclosed rafter spaces formed where ceilings are applied direct to the underside of the roof rafters or trusses shall have cross ventilation for each separate space by ventilating openings protected against the entrance of snow and rain. The net free ventilation area for each space shall be not less than 1/150 of that area of the space ventilated. One-half of this required ventilating area shall be provided in the upper one-third portion of the space to be ventilated and the remaining required ventilating

area shall be evenly distributed at eave vents. A minimum continuous opening of 1.5 inches in width shall be provided at the eave vents. The openings shall be covered with corrosion-resistant metal mesh covering.

Section 1203.3.1 Openings for under-floor ventilation. Delete section 1203.3.1, 1203.3.2 in their entirety and replace with the following:

Each under-floor space shall be ventilated by an approved mechanical means or by openings in exterior foundation walls. Such openings shall have a net area of not less than 0.1 square foot for each 150 square feet of under-floor area. There shall be two openings located as close to corners as practical on opposite sides to provide cross ventilation. The openings shall be covered with corrosion resistant wire mesh approximately 1/4" in size. All structures with a crawl space shall have a minimum 6 mil ground vapor retarder to prevent the flow of water vapor from soils into the heated building interior.

Section 1205.2 Natural light. Delete the paragraph in its entirety and replace as follows:

Guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural light by means of exterior glazed openings with any area not less than one twentieth of the floor area of such rooms with a minimum of 5 square feet, except that minimum egress requirements shall govern.

1209.2 Attic Spaces. Add a sentence as follows:

Attic access shall not be located in a room containing bathing facilities.

1210.1 Floor and wall base finish materials. Delete this paragraph and replace with the following:

In other than dwelling units, toilet and bathing room floors shall have a smooth, nonporous, non-absorbent surface such as non-cushioned sheet vinyl, sealed concrete or ceramic tile with sealed joints or other approved materials. Base shall be of similar materials, shall extend up the wall 5 inches (127 mm) minimum, and shall be sealed to the flooring and wall surface and allowing differential movement without water penetration.

1210.2 Walls and partitions wainscot. Revise this section by renaming the section and delete the first paragraph to read as follows:

Walls and partitions wainscot.

Walls and partitions within 2 feet (610 mm) of the front and sides of urinals, water closets and sinks shall have a smooth, non-porous, hard, non-absorbent surface such as non-cushioned sheet vinyl, sealed concrete, ceramic tile with sealed joints, approved plastic panels, or other approved materials, installed to a minimum height of 4 feet above the finished floor and except for structural elements, the materials in such walls shall be of a type that is not adversely affected by moisture.

1210.2 Walls and partitions. Delete exception 1 and 2 and replace as follows:

Exception.

1. Dwelling Units

1210.2.1 Walls and partitions moisture resistive gypsum board application. Create a new subsection and title to read as follows:

In addition to the wainscot provisions as required by section 1202.2, moisture resistive gypsum board, cement board or other approved material shall be applied to walls within two feet from the front and sides of urinals, water closets, tub, shower, lavatories and service sinks. Moisture resistive gypsum board shall be applied on walls in the spaces as stated above in all occupancies up to a height of 4 feet. Walls immediately adjacent to tub and shower areas shall be provided with moisture resistive gypsum board to a height of 7 feet above the drain inlet.

Chapter 13 ENERGY EFFICIENCY. Delete this chapter in its entirety and refer to chapters 1-4 of the International Energy Conservation Code as amended.

Section 1507.2.2 Slope. Delete this paragraph and replace as follows:

Asphalt shingles shall be used only on roof slopes of two units vertical in 12 units horizontal or greater. Required underlayment shall be provided as follows: A roof slope of 2:12 shall be provided with an approved self-adhering polymer modified bitumen on the entire roof surface. A roof slope of 3:12 shall be provided with double underlayment in accordance with section 1507. Roof slopes of 4:12 or greater shall be provided with a single layer of underlayment in accordance with section 1507.

Section 1507.2.6 Fasteners. Add an exception to read:

Staples may be substituted for nails on new work only. They must be galvanized or stainless steel with a (1) inch crown and of sufficient length to completely penetrate the shingle and roof sheathing. Staples must be straight and flush with the shingle surface.

Section 1507.2.8 Underlayment application. In the first sentence, change “two units vertical” to “three units vertical”.

Section 1507.2.8.2 Ice barrier. Delete this section in its entirety and replace as follows:

Where a non-energy heel truss design is utilized, an approved self-adhering polymer modified bitumen sheet shall be installed on the roof deck extending from the eave up the roof to 36 inches inside the exterior wall line of the building.

Exception: Detached accessory structures that contain no conditioned floor area.

Section 1607.11.2 Reduction in roof live loads. Delete this section in its entirety and replace as follows:

Roof snow loads shall not be reduced.

Section 1608.3 Roof snow loads. Add a new section to read as follows:

In no case shall the roof design snow load be less than 50 psf. There is no snow load duration increase allowed for wood framed or wood trussed roofs. A minimum ground snow load (P_g) of 60 pounds per square foot shall be used in the determination of drift loads.

Section 1608.4 Sliding snow. Create a new subsection and title to read as follows:

Metal roofs with a slope greater than 2:12 shall have barriers installed to resist the sliding action and subsequent dumping of ice and snow on persons and property. These barriers shall be constructed to specifically protect required public parking areas, public walkways, entrances and required exit discharge.

Section 1612 Flood loads. Delete this entire section.

Section 1704.4 Concrete construction. Delete exception 2.3 and replace with the following:

The structural design is based on an f'_c no greater than 3,000 pounds per square inch (psi).

Section 1803.1 General. Add the following sentence to the paragraph.

The effects of soil densification and differential settlement shall also be considered in the investigation, reporting and determination of potential soil strength loss when conditions warrant, also reference Section 1802.2.7.

Section 1803.5.2 Questionable soil. Add the following sentence to the paragraph.

In the event permafrost conditions are suspected, a soils investigation may be required.

Section 1804.3 Site grading. Add the following sentence to the last paragraph.

It shall be the responsibility of the building owner to assure that discharge of roof and surface runoff is disposed of without affecting adjacent property.

Section 1804.5 Compacted fill material. Delete the first sentence and replace with the following:

Where footings will bear on compacted fill material, the compacted fill shall, when required by the Building Official, comply with the provisions of an approved report, which shall contain the following:

Fill material used to support building foundations and/or floor slabs shall consist of not more than five percent by weight of particles passing the No. 200 sieve and shall be compacted to a minimum of 95 percent of maximum density. The Building Official may require that verification of compaction be submitted in the event a site inspection reveals questionable soil conditions.

Section 1805.4.2 Foundation drain. Delete this section in its entirety.

Section 1806.2 Presumptive load-bearing values. Add a third paragraph to the section to read as follows:

Footings shall bear upon in-situ, coarse-grained soils as defined in ASTM 2487 with the exception of groups SM and SC. Soils grouped in the SM and SC classifications shall be acceptable provided the footings are at a depth as

required above and placed upon a minimum of 1'-6" of compacted, clean gravel fill.

Table 1807.1.6.2 Concrete foundation walls. Add a footnote f to read as follows:

f. Plain concrete foundation walls are prohibited in Seismic Design Category D.

Section 1807.1.3 Rubble Stone. Delete this section and referenced tables in its entirety.

Table 1807.1.6.3(1) Plain masonry foundation walls. Add a footnote (g) to read as follows:

(f.) Plain masonry foundation walls are prohibited in seismic design category D.

Section 1807.1.6.3.1. Alternative foundation wall reinforcement. Delete this section in its entirety and replace as follows:

In lieu of the reinforcement provisions for masonry foundation walls in table 1807.1.6.3(2), 1807.1.6.3(3) or 1807.1.6.3(4), alternative reinforcing bar sizes and spacing having an equivalent cross-sectional area of reinforcement per linear foot of wall shall be permitted to be used, provided the spacing of reinforcement does not exceed 48 inches and reinforcing bar sizes do not exceed No.11.

Section 1809.1 General. Delete this section and replace as follows:

Shallow foundations shall be designed by a registered engineer licensed by the State of Alaska. Such design shall comply with sections 1809.2 through 1809.13.

Section 1809.2. Supporting soils. Add the following sentence to the paragraph.

Footings and foundations shall be built on unfrozen, undisturbed, non-frost susceptible soil or compacted unfrozen NSF fill or CLSM.

Section 1809.4 Depth and width of footings. Delete this section in its entirety and replace as follows:

The minimum depth of footings below the undisturbed ground surface shall be 3'-6" unless substantiated by a design prepared by a registered engineer licensed in the State of Alaska. The minimum

width of footings shall be in accordance with a design prepared by a registered engineer licensed in the State of Alaska.

Section 1809.5 Frost protection. Delete item 1 and replace with the following:

1. The minimum depth of footings shall be 3'-6" below the undisturbed ground surface.

Delete item 2 under the exceptions and replace with the following:

2. Area of 400 feet (56 m²) or less for light-framed construction.

Delete the last sentence of the paragraph and replace with the following:

Footings shall not bear on frozen soil.

Section 1809.7 Prescriptive footings for light frame construction. Delete this section in its entirety including table 1809.7 and replace as follows:

Where a specific design is not provided, concrete footings supporting walls of light-frame single family–duplex residential construction are permitted to be constructed in accordance with the City of Fairbanks Standard Foundation Details SFD1-SFD8. Commercial foundation designs shall be prepared by a registered engineer licensed by the State of Alaska.

Section 1809.8. Plain concrete footings. Delete this section in its entirety.

Section 1809.9 Masonry-unit footings. Delete this section and the exception in its entirety and replace as follows:

Masonry-unit footings shall be reinforced and shall be designed by a registered engineer licensed by the State of Alaska.

Section 1809.12 Timber footings. Add the following sentence to the end of the paragraph.

Timber footings shall be designed by a registered engineer licensed by the State of Alaska.

Section 1905.12 Cold weather requirements. Add the following sentence to the paragraph.

For the purposes of near freezing weather considerations, 40 degrees F shall be used. The protection shall be capable of maintaining the

temperature of the curing concrete at or above 50 degree F for the required time periods stated in section 1905.11.

Section 1908.1.8 ACI 318, Section 22.10. Amend this section by revising paragraph 22.10.1 to read as follows

22.10.1- Structures assigned to seismic design category C, D, E or F shall not have elements of structural plain concrete.

Section 1908.1.8 ACI 318, Section 22.10. Amend this section by further deleting sub paragraphs (a), (b) and (c).

Section 2304.7.2. Structural Roof Sheathing Add a new paragraph to read as follows:

Roof sheathing installed on structural supports spaced (2) feet on center shall have a minimum (32/16) span rating with panel edge clips placed midway between such supports. Roof sheathing with a minimum (40/20) span rating may be applied to framing supports spaced at (2) feet on center without panel edge clips.

Section 2304.7.2.1 Spaced lumber sheathing Add a new subsection and exception to read as follows:

Spaced lumber sheathing installed on roofs located in seismic design category D shall be designed by a licensed engineer registered in the State of Alaska. Drawings and supporting calculations shall be submitted for review and approval. Truss design shall consider effects of spaced sheathing.

Exception:

Detached residential garages, storage sheds green houses and other non habitable accessory structures. A shop building or warehouse does not qualify for the exception unless designed by an Engineer licensed by the State of Alaska. Truss design shall consider effects of spaced sheathing.

Section 2305.4. Seismic framing connectors. Create a new section and title to read as follows:

Seismic framing connectors. Seismic framing connectors (hurricane ties) shall be installed at each exterior bearing end of each truss or rafter and shall have a minimum lateral load capacity of not less than 400 pounds unless otherwise substantiated by design calculations provided by a civil engineer licensed in the State of Alaska.

Table 2306. 2.1(1) Allowable Shear. Add the following sentence to footnote (d).

Where necessitated by sheathing nail spacing, two 2-inch nominal members fastened together in accordance with section 2301.1 to transfer design shear value between the framing members is permitted.

Table 2306. 2.1(2) Allowable Shear. Add the following sentence to footnote (e).

Where necessitated by sheathing nail spacing, two 2-inch nominal members fastened together in accordance with section 2301.1 to transfer design shear value between the framing members is permitted.

Table 2306.3 Allowable Shear. Add the following sentence to footnote (f.)

Where necessitated by sheathing nail spacing, two 2-inch nominal members fastened together in accordance with section 2301.1 to transfer design shear value between the framing members is permitted.

Table 2306.3 Allowable Shear. Delete the last sentence to footnote (i) and replace as follows:

Foundation anchor bolts shall have a steel plate washer under each nut not less than 2-1/2 x 2-1/2 x 1/4 inch. The plate washer shall extend to within 1/2 inch of the edge of the bottom plate on the sheathed side.

Section 2306.7 Shear walls sheathed with other materials. Amend this section by revising the last sentence of the paragraph to read as follows:

Shear walls sheathed with portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall not be used to resist seismic forces in structures assigned to seismic design category D, E or F.

Table 2306.7 Allowable shear for wind or seismic forces for shear walls of lath and plaster or gypsum board wood framed wall assemblies. Add a footnote (I) to read as follows:

Lath and plaster or gypsum board values not permitted in Seismic Design Category D.

Section 2308.2 Limitations. Amend this section by revising item 3.1 to read as follows:

3.1. Average dead loads shall not exceed 29 psf for combined roof and ceiling, exterior, walls and partitions.

Section 2308.2 Limitations. Amend this section by revising item 3.2 to read as follows:

Live loads shall not exceed 50psf.

Section 2308.2 Limitations. Amend this section by revising item 3.3 to read as follows:

Ground snow loads shall not exceed 60 psf.

Section 2308.6. Foundation plates or sills. Amend this section by adding the following sentence to the end of the paragraph to read as follows:

A minimum washer of 2 inch X 2 inch by 3/16 inch is required for each sill plate bolted connection unless an alternate design is provided by a registered engineer licensed by the State of Alaska.

Section 2308.12.1 Numbers of Stories. Delete this section in its entirety and replace with the following:

Structures of conventional light-frame construction shall not exceed two stories in height unless designed by a registered engineer licensed by the State of Alaska.

Section 2509.3 Limitations. Delete exception 1 in its entirety.

Chapter 27 Electrical. Delete this chapter in its entirety and replace with the **National Electric Code as adopted and amended by the City of Fairbanks.**

Section 2901.1 Scope. Revise this section by deleting the reference to the **International Plumbing Code and International Private Sewage Disposal Code.**

Add the following note to the beginning of this paragraph:

Where reference to any Plumbing Code is made in this Code it shall be taken to mean the *Uniform Plumbing Code* as adopted and amended by the City of Fairbanks.

Table 2902.1 Minimum Number of Required Plumbing Fixtures. Delete the footnotes to the table and replace as follows:

Add footnotes (g) and (i) in the “water closet” column heading; add footnote (i) in the “other” column heading. Add footnote (h) at row 4 under the Factory and Industrial heading and under the Bathtubs and Showers column.

- a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the *International Building Code*.
- b. Toilet facilities for employees shall be separate from facilities for inmates or patients.
- c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient rooms shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.
- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
- e. Where water is served in restaurants, drinking fountains shall not be required. Excluding A and E occupancies, bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required drinking fountains. In B occupancies with fewer than 75 occupants, bottled water dispensers or sinks shall be permitted to be substituted for the required drinking fountains.
- f. The minimum number of drinking fountains shall comply with Table 3902.1 as amended and chapter 11 of the IBC.
- g. In each bathroom or toilet room, urinals shall not be substituted for more than 67 percent of the required water closets in assembly and educational occupancies. Urinals shall not be substituted for more than 50 percent of the required water closets in all other occupancies.
- h. Emergency showers and eyewash stations shall conform to ISEA Z358.1.
- i. Floor drains shall be installed in Toilet rooms containing two (2) or more water closets or a combination of at least one (1) water closet and one (1) urinal, except in a dwelling unit. Floor drains shall also be installed in commercial kitchens, laundry rooms in commercial buildings, and common laundry facilities in multi-family dwelling buildings.

Section 3002.1 Hoistway Enclosure Protection. Add the following:

Elevator hoistway shaft enclosure walls not required to have a fire resistive rating may be constructed with glass. Such glass shall be laminated glass that passes the requirements of ANSI A17.1.

Section 3004.1 Vents Required. Delete this section in its entirety and replace as follows:

Hoistways of elevators and dumbwaiters penetrating more than two stories shall be provided with a means for venting smoke and hot gases to the outer air in case of fire. When energy conservation requires that the vents be normally closed, automatic venting by actuation of an elevator

lobby detector or power failure may be accepted. When hoist way pressurization is used, venting upon power failure may be accepted. In either case a manual override must be provided.

Section 3004.3 Area of vents. Amend this section by adding a second paragraph to the exception to read as follows:

Vents shall be mechanically operated and shall be automatically activated upon operations of any elevator lobby smoke detector. An approved fire alarm system or sprinkler system, for activation purposes, may be used in lieu of the elevator lobby detectors. A manual override shall be provided in an approved location, for fire department use and to address potential power failures. Vents shall be equipped with a failsafe device to open when power failure occurs. The venting of each individual hoistway shall be independent from any other hoistway venting, and the interconnection of separate hoistways for the purpose of venting is prohibited.

Section 3411.1 Scope (Accessibility to Existing Buildings). Add the following 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. The effective date of this Ordinance is the ____ day of March, 2011.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
ABSTAIN:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

ORDINANCE NO. 5835

AN ORDINANCE TO AMEND FGC SECTIONS 30-31 AND 30-32, ADOPTING THE 2009 INTERNATIONAL FIRE CODE WITH AMENDMENTS, AND SETTING AN EFFECTIVE DATE

WHEREAS, the Building Code Review and Appeals Commission reviewed the **2009** International Fire Code and the amendments thereto and recommended adoption of the **2009** International Fire Code; and

WHEREAS, the City Council now desires to accept the recommendations of the Building Code Review and Appeals Commission; and

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

Section 1. Fairbanks Code of Ordinance Sections 30-31 and 30-32 are hereby repealed and re-enacted as follows:

ARTICLE II INTERNATIONAL FIRE CODE

Sec 30-31 Adoption.

The International Fire Code, **2009** Edition, including all appendix chapters as published by the International Code Council is hereby adopted.

Sec 30-32 Amendments.

Section 105 Permits.

Section 105.6 Operational Permits is amended by deleting all required operational permits except:

- 105.6.15 Explosives and Fire Works
- 105.6.44 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
- 105.7.4 Fire alarm and detection systems & related equipment
- 105.7.5 Fire pumps & related equipment
- 105.7.12 Standpipe systems
- 105.7.13 Temporary membrane structures, tents, and canopies

A permit is required to operate an air-supported temporary membrane structure or tent having an area in excess of 200 square feet (19 m²), or a canopy 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 State Fire Marshal's Office.

105.7.3.1 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 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 Code of Ordinances Section 30-1.

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-C Definitions and Abbreviations. Amend the definitions as follow:

Educational Group E, Day care revise to read: "The use of a building or structure, or portion of the building or structure, for education, supervision, or personal care services for more than five children who are older than two and one-half years of age, including children related to the staff, shall be classified as a Group E occupancy.";

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, 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 907.2.10; (2) general means of egress requirements of Section 1003, including emergency escape and rescue openings, as required by Section 1029, 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 908.7.

A Day Care occupancy which operates between the hours of 10:00 p.m. and 6:00 am shall be equipped with an approved automatic sprinkler system throughout, designed and installed in accordance with IFC Section 903.3 and NFPA Standard 13D or an approved equivalent system as approved by the Fire Chief; emergency escape and rescue openings, as required by Section 1026, in napping or sleeping rooms; portable fire extinguisher requirements as described in Section 906, smoke detection as required in Subsection 907.2.10 and CO detection as required in IFC Section 908.7;

Institutional Group I-1 Revised this section by deleting the last sentence of the paragraph and replacing with the following:

A facility such as above, housing more then 2 and not more than 16 persons, shall be classified as Group R-4.

Institutional Group I-2 is revised to read: "A facility such as one described above with five or fewer persons including persons related to the staff shall be classified as Group R-3."

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."

Institutional Group I-4, day care facilities is revised to read: "A facility within this occupancy classification with five or fewer persons, including persons related to the staff, shall be classified as a Group R-3.";

Nursing Homes. Delete the definition and revise as follows:

Nursing homes are long-term care facilities on a 24 hour basis, 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 arranged for occupancy as Residential Care/Assisted Living Facilities including more than 2 and no more than 16 persons, excluding staff shall be classified as Group R-4. 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 308.3 Delete this section and add the following:

Open flame. A person shall not utilize or allow to be utilized an open flame in connection with a public meeting or gathering for the purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation, or similar purposes in assembly or educational occupancies with out consultation and coordination with the fire chief. Written authorization is required if approved.

Section 308.3.1 is revised by deleting this section and adding the following:

Charcoal burners and other open-flame cooking & heating devices shall not be operated on combustible balconies or decks, or within 10 feet (3048 mm) of combustible construction.

Section 405 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. EMERGENCY EVACUATION DRILLS.

Section 408.3 is revised by the addition of a subsection as follow:

408.3.5 False alarms. False alarms may not be counted as a fire drill for the purposes of this section.

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. "Certification" Any company installing and or performing maintenance on sprinkler systems shall have at least one individual on site who 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:

901.10 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, 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 and shall be copied to the fire code official within 30 days.

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. A copy of all inspection and service reports shall be sent to the Fairbanks Fire Prevention Office.

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.

903.2.12 Other hazards is revised by adding the following 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 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.

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 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 907.2.11.2 and CO (carbon monoxide) detection as required Section 908.7.

Section 907.17 Acceptance Test is revised by adding a new sentence to read:

907.8 Acceptance tests.

Upon completion of the installation of the fire alarm system, alarm notification appliances and circuits, alarm-initiating devices and circuits, supervisory-signal initiating devices and circuits, signaling line circuits, and primary and secondary power supplies shall be tested in accordance with NFPA 72. A copy of the acceptance test certificate must be forwarded to the fire department by the firm conducting the test within 30 days of the completion of the installation.

Section 907.9.5 Maintenance, Inspection and Testing is revised by changing the last sentence to reads:

The building owner shall be responsible for ensuring that the fire and life safety systems are maintained in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be **delivered within 30 days** to the fire code official.

Section 908 Emergency Alarm Systems is revised by the addition of a new section 908.7 and sub sections 908.7.1, 908.7.2

908.7 Carbon monoxide detectors. The provisions of this section shall apply to Group I-1, R-2, R-3 and R-4 occupancies. At least one (1) carbon monoxide detector shall be installed on each floor level. If a floor level contains bedrooms or sleeping rooms, at least one (1) detector shall be located in the immediate vicinity of the sleeping area, outside of the bedrooms/sleeping rooms. Carbon monoxide detectors shall be listed and installed in accordance with their listing. The alarm shall be clearly audible in all sleeping rooms with intervening doors closed.

Exceptions:

1. Carbon monoxide detectors are not required in dwelling units and structures with no combustion (carbon base fuel) type appliances and with no attached garage or parking of vehicles in close proximity.

2. Carbon monoxide detectors are not required in Group I-1 and R-2 occupancies where all combustion (carbon base fuel) equipment is located within a mechanical room separated from the rest of the building by construction capable of resisting the passage of smoke; and/or the structure has an attached garage and is ventilated by an approved automatic carbon monoxide exhaust system designed in accordance with the mechanical code.

908.7.1 Interconnection. In new construction, all carbon monoxide detectors located within a single dwelling unit shall be interconnected in such a manner that actuation of one alarm shall activate all of the alarms within the individual dwelling units.

908.7.2 Power source. In new construction, carbon monoxide detectors shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Wiring shall be permanent and without disconnecting switch other than those required for over current protection. Carbon monoxide detectors shall be permitted to be cord-and-plug type with battery backup, or battery powered in existing construction.

Section 1003.1 General Means of Egress Applicability is revised by adding an exception to read as follows:

Exception: Stairs or ladders used only to attend equipment are not considered elements of the means of egress system.

Section 1003.6 (Means of Egress) is revised by the addition of the sentence:

No kiosks, merchandise or similar obstruction shall be placed in such a way to restrict the minimum clear width required by the International Building Code.

Section 1008.1.9.3 Locks or Latches. Add Exception 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 1008.1.8.2. **This exception does not apply when panic hardware is required or installed.**

Section 1008.1.9.3.1 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 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 1008.1.9.7 Delayed egress locks is revised by changing item number 3 to read as follows:

3. The door locks shall have the capability of being unlocked by a signal from a location approved by the code official.

Section 1009.4.2 Stair treads and risers. Amend section by adding an exception #8 to read as follows:

Stairs or ladders used only to attend equipment are exempt from the requirements of Section 1009.

Section 1021.5 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 through out 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 1029.1 General. Revise this section by deleting exceptions 1 thru 4.

Section 1029.2 Minimum size. Delete the exception.

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

Section 1030.9 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.

Chapter 45 (NFPA References) is revised by changing the referenced standards from the publication date listed to the following edition, and the standards are adopted by reference:

- N.F.P.A. 10-2010 Portable Fire Extinguishers;***
- N.F.P.A. 13-2010 Installation of Sprinkler Systems;***
- N.F.P.A. 13D-2010 Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes;***
- N.F.P.A. 13R-2010 Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height;***

N.F.P.A. 14-2010 Standpipe and Hose System;
N.F.P.A. 20-2010 Installation of Stationary Pumps for Fire Protection;
N.F.P.A 24-2010 Private Fire Service Mains
NFPA 25-2011 Inspection, Testing, and Maintenance of Water Base Fire
Protection Systems
N.F.P.A.72-2010 National Fire Alarm Code;

1.1 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.

Section 2. That the effective date of this Ordinance is the ___ day of March, 2011.

Jerry Cleworth, Mayor

AYES:
 NAYS:
 ABSTAIN:
 ABSENT:
 ADOPTED:

ATTEST:

APPROVED AS TO FORM

Janey Hovenden, CMC, City Clerk

Paul Ewers, City Attorney

RESOLUTION NO. 4462

**A RESOLUTION SUPPORTING LIQUEFIED NATURAL GAS TRUCKING AND
GASLINE PROJECTS AS A WAY TO LOWER AND STABILIZE ENERGY COSTS
FOR INTERIOR RESIDENTS**

WHEREAS, the current costs of energy in the Fairbanks community is limiting the community's economic success and future development; and

WHEREAS, the council believes that the community needs to support energy plans that can reduce the cost of energy and provide economic relief to the residents of Fairbanks in the near term and in the future; and

WHEREAS, after reviewing the possible energy projects that could favorably impact our community's energy costs in the near term, the council believes that trucking LNG from Alaska's North Slope to Fairbanks can reduce the community's electric costs by as much as 10% and the residential space heating costs by more the 50%; and

WHEREAS, the council believes that a gasline is the best method for sustained, long-term, development of Alaska's gas resources; and

WHEREAS, while the council has questions concerning the details of project, LNG trucking is the only viable short term (two years) solution that will reduce energy costs for Fairbanks.

NOW, THEREFORE, BE IT RESOLVED that the City Council supports the Alaska Gasline Port Authority's efforts to deliver liquefied natural gas to the Fairbanks community and supports gasline projects that would bring natural gas to Fairbanks.

Passed, Approved, and Effective this 7th Day of March 2011.

Jerry Cleworth, Mayor

AYES:
NAYS:
ABSENT:
APPROVED:

ATTEST:

APPROVED AS TO FORM:

Janey Hovenden, CMC, City Clerk

Paul J. Ewers, City Attorney

February 2, 2011

CODE REVIEW COMMISSION MEETING

Date: 2/2/2011

Meeting #4

**Meeting Location and Time: City Hall Council Chambers 800 Cushman Street
11:30 am 2/2/2011**

Agenda:

**Review and evaluate 2009 International Building Code and local amendments
Review and evaluate 2009 International Energy Code and local amendments**

Members Present:

**Pete Jacobsen, Jim Movius, Martha Hanlon, Jerry Mustard, Spenser Damschroder,
John Ellinson, Gary Pohl**

**Others Present: S. Shuttleworth, Kirk Larson, Marty Woodrow, Clem Clouten,
Steve Anderson, Ernie Misewicz, Chris Miller, Wally Smith**

The commission continued the discussion of structural items that Mr. Jacobsen wished to reconsider, those items included: revisions to table 2306.2.1(1), footnote d, table 2306.2.1(2) footnote e, table 2306.3 footnote f. Mr. Jacobsen suggested that the existing wording *“properly nailed”* was too generic and potentially problematic. More specific language should be provided. The proposed new language and amendment to read as follows; *“Where necessitated by sheathing nail spacing two 2-inch nominal members fastened together in accordance with section 2301.1 to transfer design shear value between the framing members.”*

**Mr. Jacobsen also recommended the following changes:
Revise section 2308.6 to read as follows-**

“A minimum washer of 2 inch by 2 inch by 3/16 inch is required for each sill plate bolted connection unless and alternate design is provided by a registered engineer licensed by the State of Alaska.”

Revise Table 2306.3 footnote (i) to read as follows-

“Foundation anchor bolts shall have a steel plate washer under each nut not less than 2-1/2”x2-1/2”x1/4”. The plate washer shall extend to within 1/2” of the edge of the bottom plate on the sheathed side.”

Martha Hanlon questioned the need to maintain local amendments regarding mandatory public phones in newly constructed buildings as most people rely on cell phones. She also questioned whether the building department actually enforced these accessible code provisions. After discussion from the commission it was the consensus that existing code provisions regarding public phones remain during this code cycle and eliminate those provisions during the next code cycle as there is a general user preference to eliminate land line phones – the local amendment may no longer be necessary with changing technology.

The commission requested these items be tabled until next meeting so that the specific code language could be further reviewed and developed. The commission requested the building official to revise the proposed building code ordinance and provide an updated edition at the next meeting for formal review and approval.

The International Energy Code was presented by Mr. Kirk Larsen. The only new code amendment proposed for adoption was to increase the ceiling (attic) insulation level from R38 to R49. The recommendation was based on the current practice of subcontractors providing insulation values in excess of what is minimally required. Most contractors have not installed the minimum R38 insulation for several years. The new amendment is simply provided to keep up with local and standard practice.

Ilya Benesch with Cold Climate Housing requested the commission consider raising the R values such that triple pane windows would be the minimum standard. Mr. Miller with Design Alaska stated that the cost differential between double and triple panes windows has decreased and further stated the (U) and (R) values are not necessarily a reciprocal of each other and that each element of the assembly must be considered. The commission debated this proposed amendment at great length. Some members requested that the (U) values and (R) values be changed in the tables to coincide with triple pane standards other members felt that the existing code language (double pane windows) should remain as is and consider revising the window amendment during the next code cycle. Mr. Damschroder recommended to leave the existing amendment alone, Ms. Hanlon concurred; the consensus of the commission was to leave the glazing minimums at their current level and increase the requirement during the next code cycle. Mr. Ellinson suggested that the R values for doors be re evaluated as well.

The commission unanimously recommended to adopt the 2009 IEC with local amendments as proposed by the building department. The meeting was adjourned at 1:05 pm.

Respectfully Submitted / Jerry Mustard Vice Chairman

