

ORDINANCE NO. 5903, As Amended

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE
CHAPTER 34, ARTICLE VI, SECTION 34-201, TO ALLOW
REPLACEMENT OF HYDRONIC HEATERS**

WHEREAS, in 2008, the EPA declared part of the Fairbanks North Star Borough a non-attainment area for fine particulate pollution (PM_{2.5}); and

WHEREAS, except for a small portion of land along the Tanana River, the entire City of Fairbanks is within the non-attainment area; and

WHEREAS, in 2009, the City enacted Ordinance No. 5775, as amended, that placed a moratorium on the installation of hydronic heaters in the City until such time as the City Council adopted appropriate standards; and

WHEREAS, since the passage of Ordinance No. 5775, as amended, the Council has not adopted such standards; and

WHEREAS, new models of hydronic heaters have been qualified by the U.S. Environmental Protection Agency as meeting federal emission standards; and

WHEREAS, it is appropriate that owners of hydronic heaters within the City not only be allowed to upgrade their current units to EPA approved units but should also be encouraged to do so; and

WHEREAS, the current moratorium on the installation of hydronic heaters is keeping the owners of hydronic heaters that were installed before the June 8, 2009, moratorium from upgrading their units,

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

SECTION 1. That Fairbanks General Code Chapter 34, Article VI, Section 34-201, is hereby amended as follows [new text in **underline/bold** font]:

Sec. 34-201. Hydronic heaters.

No hydronic heater may be installed inside the City of Fairbanks after June 8, 2009, without a permit issued by the City of Fairbanks **Building Department**. No permit shall be issued until standards are adopted by the Fairbanks City Council. **However, permits for the upgrade or replacement of existing hydronic heaters may be issued if the upgraded or replacement heater is qualified by the U.S. Environmental Protection Agency as meeting the federal emissions limit standard appropriate for that type of appliance or, in the event EPA regulations do not address a particular appliance, if the**

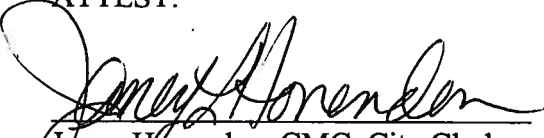
replacement appliance's emissions are improved and demonstrated as such by a certified U.S. EPA laboratory or official federal opacity assessment method.

Section 2. That the effective date of this Ordinance shall be the 14th day of November, 2012.

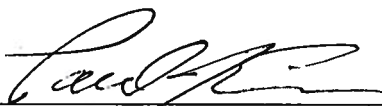


Jerry Cleworth, City Mayor

AYES: Walley, Matherly, Gatewood, Hilling, Eberhart
NAYS: None
ABSENT: Staley
ADOPTED: November 19, 2012

ATTEST:


Janey Hovenden, CMC, City Clerk

APPROVED AS TO FORM:


Paul J. Ewers, City Attorney