

Proposed by:	Administration
First Reading:	02/07/2008
Second Reading:	02/21/2008
Vote: 5 Aye	1 Nay 0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA**  
**ORDINANCE NO. 08-05**

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING CHAPTER 15.08, FIRE PREVENTION CODE TO ADDRESS THE CHANGE IN STATUS FROM CITY TO BOROUGH GOVERNMENT AND UPDATE WHICH EDITION OF THE INTERNATIONAL BUILDING CODES ARE USED AS WELL AS ADDING LANGUAGE REGARDING OWNER’S RESPONSIBILITY TO MAINTAIN FIRE PROTECTION SYSTEMS.**

**WHEREAS,** Amendments are required to address the change in status from city to borough government; and

**WHEREAS,** The Building Inspector has proposed amendments to update which edition of the International Building Codes are used and owner’s responsibility to maintain fire protection systems.

**BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:**

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

**Section 2. Purpose.** To amend Chapter 15.08, Fire Prevention Code, to address the transition from city to borough government and to update which edition of the International Building Codes are used and owner’s responsibility to maintain fire protection systems. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from, and **bold** indicates text added to the current code as follows:

**Section 3. Amendment.** Chapter 15.08, Fire Prevention Code is hereby amended as follows

**Chapter 15.08**  
**FIRE PREVENTION CODE**

**Sections:**

- 15.08.010 Fire Prevention Code adopted.**
- 15.08.020 Enforcement.**
- 15.08.025 Urbanized area**
- 15.08.030 Prohibited materials storage.**
- 15.08.040 Minimum fire protection requirements for buildings in the urbanized area.**
- 15.08.050 Exemptions and modifications.**
- 15.08.060 Penalties for false alarms.**

**15.08.010 Fire Prevention Code adopted.**

- A. For the purpose of regulating conditions hazardous to life and property from fire or explosion, there is hereby adopted by reference, as the Fire Prevention Code of the ~~city~~ **municipality**; the ~~2000~~ **2006** edition of that certain compilation of rules and regulations published by the International Conference of Building Officials known as the “International Fire Code,” and which compilation is hereby made a part of this section as if fully set forth herein. One copy has been filed with the office of the ~~city clerk~~ **borough building inspector**; one copy has been filed in the office of the Fire Department; and

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one copy has been filed with the Skagway Public Library for public use, inspection and examination.

- B. The five (5) member board of appeals established by the International Fire Code shall consist of any five (5) persons currently serving as mayor or members of the ~~city council~~ **borough assembly**.

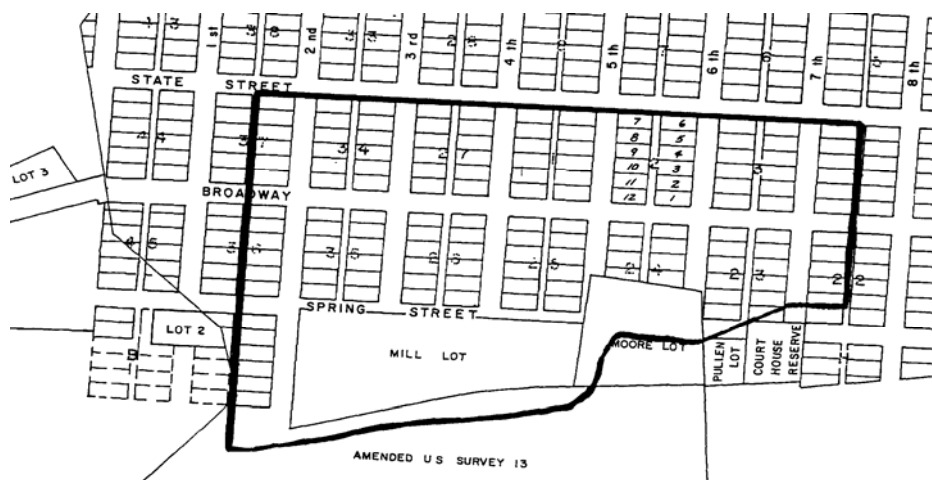
**15.08.020 Enforcement.**

The chief of the fire department (fire chief) shall be responsible, under the direction of the ~~city~~ **borough** manager, for enforcement of the provisions of this chapter.

**15.08.025 Urbanized area**

A. Urbanized Area Defined. "Urbanized area" means that geographic area of the ~~city~~ **municipality** defined by the following boundaries:

- Begin at a point at the intersection of the alley between 7th and 8th Avenues and the east side of State Street;
- thence in a southerly direction to the alley located between First and Second Avenues and State Street;
- thence easterly to Pullen Creek; then along Pullen Creek to the center of the alley between 7th and 8th Avenues; and
- thence westerly to the point of beginning.



**15.08.030 Prohibited materials storage.**

- A. Prohibited Storage. Within the urbanized area, storage of the following materials is prohibited:
1. Explosives and blasting agents;
  2. Bulk storage of flammable liquids in outside above ground tanks; and
  3. Bulk storage of liquefied petroleum gas.

**15.08.040 Minimum fire protection requirements for buildings in the urbanized area.**

- A. The following minimum fire protection requirements are in addition to those provided in the International Fire Code and shall apply to buildings within the urbanized area, as defined in subsection A of Section 15.08.025.
1. All commercial and mixed occupancy buildings in excess of five hundred (500) square feet in total floor area in existence on January 1, 1991, shall have installed by January 1, 1992 an automatic alarm notification system connected to ~~fire department headquarters~~ **municipal dispatch center** in accordance with the National Fire Protection Association standards 71, 72A and 72E (1987 **2006** Edition). Commercial and mixed occupancy

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buildings permitted for construction subsequent to January 1, 1991 shall have such systems installed prior to occupancy.

- 2. Building owner(s) are responsible for the continued operation and maintenance of the fire protection system requirements as stated within these codes. Unauthorized disconnection and/or delinquent accounts which may include water, telephone and electric utilities will be charged a separate daily fee of up to three one hundred dollars (\$3-100.00) until reconnected.**
- 23.** Exemptions or modifications to the requirements of this section shall be allowed only by issuance of a written exemption or modification to the owner of those buildings which, as determined in writing by the building official, meet one of the following conditions:
- a. Commercial and mixed occupancy buildings of less than five hundred (500) square feet in total floor area.
  - b. Buildings in which there is an automatic fire extinguishing system installed in conformance with NFPA Standard 13, provided the system is in operation year-round with the extinguishing system alarm connected to the fire department alarm panel.
  - c. Buildings that are unused, secure from unauthorized entry and with no electrical service from the electrical pole to the building. "Unused" shall mean any building not serviced by utilities and protected from unauthorized entry for the previous twelve (12) months. Reconnection of the automatic alarm notification system to ~~fire department headquarters~~ **municipal dispatch center** shall be charged for at the rate of three hundred dollars (\$300.00).
  - d. Buildings used as one (1) or two (2) family dwellings.
  - e. Private garages accessory to one (1) or two (2) family dwellings.
  - B. Alarm notification systems may be temporarily disconnected only under the following conditions:
    1. When the alarm system is undergoing maintenance.
    2. The fire department shall be notified prior to disconnection of an alarm system and upon restoration of alarm system functions.
  - C. Continued use of commercial and mixed occupancy buildings in excess of five hundred (500) square feet of total floor area within the urbanized area without a fully operable electronic fire warning system in conformance with published standards shall be deemed a violation of this code section; and the building owner, upon conviction, shall be subject to the penalty provisions of this chapter. Each separate building may give rise to a separate violation, and each day during which a building remains in use without a fully conforming electronic fire warning system shall be a separate violation.
  - D. Extinguishing Systems. Automatic fire-extinguishing systems shall be installed in accordance with National Fire Protection Association Standard Number 13 in all new construction in excess of five hundred (500) square feet in total floor area. For the purpose of this section, "new construction" shall include additions in excess of five hundred (500) square feet in total floor area to existing buildings. Such additions, if required to be protected by fire-extinguishing systems, shall not impose a requirement to install fire-extinguishing systems in the existing building. Fire-extinguishing systems shall not be required when an existing building is altered or repaired, unless such alteration results in an increase in total floor area in excess of five hundred (500) square feet.
  - E. The ~~city~~ **borough** manager shall under policies and guidelines adopted by the ~~city council~~ **borough assembly** establish a sprinkler incentive grant program. This program shall be administered by the ~~city~~ **borough** manager through the clerk's office.
    1. The council may fund this program with up to one hundred thousand dollars (\$100,000.00) of sales tax revenue for each fiscal year. Funds will be available to private businesses in the business historic district. Funding will be through a grant of ~~city~~ **borough** money to supply and install automatic fire-extinguishing systems in

accordance with National Fire Protection Association Standard Number 13 in structures that existed prior to September 19, 1996. The grant will be funded as follows:

- a. Seventy percent (70%) in fiscal year 2004;
  - b. Sixty percent (60%) in fiscal year 2005;
  - c. Fifty percent (50%) in fiscal year 2006;
  - d. Forty percent (40%) in fiscal year 2007;
  - e. Thirty percent (30%) in fiscal year 2008;
  - f. Twenty percent (20%) in fiscal year 2009; and
  - g. Ten percent (10%) in fiscal year 2010.
2. The merit to fund sprinkler applications shall be in the following order.
    - a. Highest priority as recommended by Management Development Institute's report of December 1989 to the city, updated as needed.
    - b. Other merit may be given to requirements by the State Fire Marshall, or other fire safety needs as determined by the council.
  3. Final approval for grants shall be by ~~city council~~ **borough** resolution.
  4. Subsection E of this section shall sunset at the end of fiscal year 2010.
  - F. All commercial structures in the business historic district shall be protected by automatic fire-extinguishing systems in conformance with National Fire Protection Association Standard Number 13 before the end of fiscal year 2010.
  - G. Applications for sprinkler grant money shall be accepted from February 1st through March 31st each year. Qualified applications shall receive granted money during the immediately following fiscal year.

**15.08.050 Exemptions and modifications.**

- A. The fire chief is authorized to grant temporary exemptions from or modifications to provisions of the International Fire Code in individual instances, provided the applicant shows (and the fire chief determines) that:
  1. There are practical difficulties in complying with the strict letter of the Code; and
  2. If the specific exemption or modification is granted, there will nevertheless be substantial compliance with the Code, the public safety will be protected, and substantial justice done.
- B. When an exemption or modification is granted or denied, the fire chief's decision and his reasons therefore shall be entered upon the department's records, and a signed copy furnished to the applicant. The fire chief's decision is subject to appeal to the ~~city council~~ **borough assembly** within thirty (30) days after issuance of the fire chief's decision.

**15.08.060 Penalties for false alarms.**

False alarms, as determined in writing by the fire chief or a designated representative, shall be charged for as follows:

First false alarm:	\$ 50.00
Second false alarm:	100.00
Third and subsequent false alarms:	200.00

Penalties may be imposed by the fire chief for malicious and/or repetitive alarm signals which are false due to negligence of the owner/operator or caused by the owner/operator or his tenants or employees. Identified false alarms shall be listed cumulatively by location during the calendar year. At the conclusion of the year incident logs shall be closed and a new list of false alarms shall be initiated as needed.

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**Section 4. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 5. Effective Date.** This ordinance shall become effective immediately upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 21<sup>st</sup> day of February, 2008.

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Thomas D. Cochran, Mayor

ATTEST:

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Marjorie D. Harris, Borough Clerk

(SEAL)