

Proposed by:	Administration
First Reading:	02/07/2008
Second Reading:	02/21/2008
Vote: 6 Aye	0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 08-04

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING CHAPTER 15.02 AND CHAPTER 15.04 TO ADDRESS THE CHANGE IN STATUS FROM CITY TO BOROUGH GOVERNMENT AND UPDATE WHICH EDITION OF THE INTERNATIONAL BUILDING CODES ARE USED.

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.

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 15.02, Standards for Construction and Modification of Buildings, Chapter 15.04, Standards for Occupancy and Use of Buildings, to address the transition from city to borough government and to update which edition of the International Building Codes are used. 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 15.02, Standards for Construction and Modification of Buildings and Chapter 15.04, Standards for Occupancy and Use of Buildings are hereby amended as follows

Chapter 15.02 STANDARDS FOR CONSTRUCTION AND MODIFICATION OF BUILDINGS

Sections:

- 15.02.010 **Building Code adopted.**
- 15.02.020 **Electrical Code adopted.**
- 15.02.030 **Mechanical Code adopted.**
- 15.02.040 **Plumbing Code adopted.**
- 15.02.050 **Overhangs of Public Rights of Way.**

15.02.010 Building Code adopted.

- A. For the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures or portions thereof in the city **municipality**; there is hereby adopted by reference, as the Building Code of the city **municipality**, the ~~2000~~ **2006** edition of that certain compilation of rules and regulations prepared and published by the International Conference of Building Officials, entitled "International Building Code, excluding Chapter 27," and "International Residential Code," and which compilation is made part of this section as if fully set forth herein. Where the IBC refers to the International Electrical Code (IEC), read as NEC. One copy has been filed in the office of the city clerk **borough building inspector**; one copy has been filed in the office of the Fire Department; and one copy has been filed with the Skagway Public Library for public use, inspection and examination.
- B. Projecting signs within the Skagway Historic District are an exception to the currently adopted City **municipal** building code if they meet the criteria established in 19.08.012(A)(7)(b).

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 08-04
PAGE 2 OF 3

15.02.020 Electrical Code adopted.

For the purpose of regulating the construction, reconstruction, addition, enlargement, conversion, equipment, use and maintenance of all electrical wiring and devices within and without all buildings and structures within the ~~city~~ **municipality**, there is hereby adopted, as the Electrical Code of the ~~city~~ **municipality** the ~~current~~ **2005** edition of that certain compilation of rules and regulations prepared and published by the National Fire Protection Association, entitled "National Electrical Code," and which compilation is hereby made a part of this section as if fully set forth herein. One copy has been filed in the office of the ~~city~~ **borough** clerk; one copy has been filed in the office of the Fire Department; and one copy has been filed with the Skagway Public Library for public use, inspection and examination.

15.02.030 Mechanical Code adopted.

A. For the purpose of regulating the construction, reconstruction, addition, enlargement, conversion, equipment, use and maintenance of all heating, ventilating, cooling and refrigeration systems within and without all buildings and structures within the ~~city~~ **municipality**; there is here adopted as the Mechanical Code of the ~~city~~ **municipality**, the ~~2000~~ **2006** edition of that certain compilation of rules and regulations prepared and published jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, which compilation is entitled "International Mechanical Code," and the "International Fuel Gas Code," and which compilation is hereby made a part of this section as if fully set forth herein. One copy has been filed in the office of the ~~city~~ **borough building inspector**; one copy has been filed in the office of the Fire Department; and one copy has been filed with the Skagway Public Library for public use, inspection and examination.

15.02.040 Plumbing Code adopted.

For the purpose of regulating the construction, reconstruction, addition, enlargement, conversion, equipment, use and maintenance of all plumbing within and without all buildings and structures and portions thereof within the ~~city~~ **municipality**; there is hereby adopted by reference as the Plumbing Code of the ~~city~~ **municipality**, the ~~2000~~ **2006** edition of that certain compilation of rules and regulations prepared and published by the International Association of Plumbing and Mechanical Officials, which compilation is known as the "International Plumbing Code," and which compilation is hereby made a part of this as if fully set forth herein. One copy has been filed with the office of the ~~city~~ **borough building inspector**; one copy has been filed in the office of the Fire Department; and one copy has been filed with the Skagway Public Library for public use, inspection and examination.

15.02.050 Overhangs of Public Rights of Way.

Purpose: to regulate the space over public streets, sidewalks and alleys, and maintain uniformity of construction.

- A. Except as provided in SMC 19.08 and Subsection 1 below, no part of any structure constructed after February 20, 1997 or any appendage thereto shall project onto any right of way except:
1. Oriel windows, balconies, sun-control devices, unroofed porches, cornices, belt courses and appendages such as water tables, sills, capitals, bases and architectural projections may project over the public property of the building site a distance as determined by the clearance of the lowest point of the projection above the grade immediately below as follows:
 - a. Clearance above grade less than eight feet (8') – no projection is permitted.
 - b. Clearance above grade over eight feet (8') – one inch (1") of projection is permitted for each additional inch of clearance, provided that no such projection shall exceed a distance of four feet (4').
 - B. There shall be no overhang of any part of any structure into an alley including but not limited to weather heads, meters or meter bases, eaves, embellishments, porches, awnings, signs, vents or trim.
 - C. Interference with overhead utilities: Conformance with this section does not in any way circumvent requirements for separation between structures and overhead utilities. Any overhang of a public right of way must be in accordance with the provisions of the appropriate electrical codes. Electrical, telecommunication and cable utilities shall be informed of any plan to build over a public right of way.

Chapter 15.04
STANDARDS FOR OCCUPANCY AND USE OF BUILDINGS

Sections:

15.04.010 Housing Code adopted.

15.04.010 Housing Code adopted.

- A. For the purpose of regulating the occupancy, habitation and use of all residential buildings and structures within the ~~city~~ **municipality**, there is hereby adopted, as the Housing Code of the ~~city~~ **municipality**; the ~~2000~~ **2006** edition of that certain compilation of rules and regulations prepared and published by the International Conference of Building Officials, which compilation is entitled "International Residential Code," and which compilation is hereby made a part of this section as if fully set forth herein. One copy has been filed in the office of the ~~city clerk~~ **borough building inspector**; one copy has been filed in the office of the Fire Department; and 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 Residential Code shall consist of any five (5) persons currently serving as mayor or members of the ~~city council~~ **borough assembly**.

19.02.010 Definitions.

16. "Congregate Residence" means any building or portion thereof that contains facilities for living, sleeping and sanitation, as required by the IBC **and IRC if applicable**, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

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 21st day of February, 2008.

Thomas D. Cochran, Mayor

ATTEST:

Marjorie D. Harris, Borough Clerk

(SEAL)