

Proposed by:	Assemblyman Cochran
Public Safety Review:	09/11/2012
First Reading:	10/04/2012
Second Reading:	10/18/2012
Vote:	5 Aye      0 Nay    1 Absent

## MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 12-20

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 15 BUILDINGS AND CONSTRUCTION BY AMENDING SECTION 15.08.040 MINIMUM FIRE PROTECTION REQUIREMENTS FOR BUILDINGS IN THE URBANIZED AREA AND ESTABLISHING AN AUTOMATIC FIRE-EXTINGUISHING SYSTEM GRANT PROGRAM.**

**WHEREAS**, buildings without fire protection systems pose great risk to adjacent structures within the historic district due to the close proximity of buildings located there; and

**WHEREAS**, the deadline to install automatic fire-extinguishing systems for commercial structures in the historic district is currently June 30, 2013; and

**WHEREAS**, there are commercial structures in the historic district not currently in compliance with SMC 15.08.040(E), and the Assembly wishes to extend the deadline for those structures to have systems in place; and

**WHEREAS**, the Assembly wishes to establish a grant program for the installation of new automatic fire-extinguishing systems and the maintenance and/or replacement of existing automatic fire-extinguishing systems;

**NOW THEREFORE 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 Title 15 by Amending 15.08.040 Minimum Fire Protection Requirements for Buildings in the historic district by extending the deadline for required fire protection systems and providing for a grant program to fund the installation of new automatic fire-extinguishing systems and the maintenance and/or replacement of existing automatic fire-extinguishing systems.

**Section 3. Amendment.** The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Chapter 15.08.040 is hereby amended as follows.

- 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 municipal dispatch center in accordance with the National Fire Protection Association standards 71, 72A and 72E (2006 Edition).

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Commercial and mixed occupancy 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 one hundred dollars (\$100.00) until reconnected.
  3. 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 permitting 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 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.

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- E. All ~~€~~Commercial structures **in excess of 500 square feet** 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 ~~2013~~**2015**.
- F. The borough manager shall under policies and guidelines adopted by the borough assembly establish a grant program for the installation of new automatic fire-extinguishing systems and the maintenance and/or replacement of existing automatic fire-extinguishing systems. This program shall be administered by the borough manager.
1. The borough assembly may fund this program with up to one-hundred-fifty-thousand (\$150,000.00) of sales tax revenue for each fiscal year. Funds will be available to private businesses within the business historic district. Funding will be through a grant of municipal money to install or maintain automatic fire-extinguishing systems in accordance with National Fire Protection Association Standard Number 13. The grant will be funded as follows:
    - a. Seventy percent (70%) in fiscal year 2014;
    - b. Sixty percent (60%) in fiscal year 2015;
    - c. Fifty percent (50%) in fiscal year 2016;
    - d. Forty percent (40%) in fiscal year 2017;
    - e. Thirty percent (30%) in fiscal year 2018;
    - f. Twenty percent (20%) in fiscal year 2019; and
    - g. Ten percent (10%) in fiscal year 2020.
  2. The merit to fund grant applications submitted under this program shall be in the following order:
    - a. In order of receipt, pending review and approval of applications by the Public Safety Committee, fire chief and permitting official;
    - b. Other merit may be given to requirements by the State Fire Marshal, or other fire safety needs as determined by the borough assembly.
  3. Final approval for grants shall be by borough assembly resolution.
  4. Subsection F of this section shall sunset at the end of fiscal year 2020.

**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 18<sup>th</sup> day of October, 2012.



Stan Selmer, Mayor

ATTEST:

  
Emily A. Deach, Borough Clerk  
(SEAL)

