Whereas, the improper replacement of a gas-fired water heater can create significant health and safety risks, including but not limited to: fires, explosions, and carbon monoxide poisoning;

Whereas, permitting reduces the risk of improper water-heater installations, and exemption from permitting should, in the interest of public safety, be limited to electric water-heater replacement;

Whereas, Anchorage Municipal Code section 23.85.R501.3, Fire Protection of Floors, requires certain floors to be fire-resistance rated to allow occupants sufficient time to exit a structure under fire, and allow fire fighters time to safely conduct search and rescue operations;

Whereas, exempting floors located directly above unfinished basements from fire-resistance standards compromises the safety of the public and firefighters;

Whereas, Chapter 55 of Title 23 addresses fire-protection services provided outside the municipal fire-service area, sets forth an implementation plan for prioritizing fire suppression services provided outside service areas, and requires that such services be charged at $500/call out + $75/hr, after the first hour, for each pumper, tanker, brush tank and bulldozer;

Whereas, the recent Title 23 rewrite, AO 2015-127, inadvertently reverted to AMC chapter 23.55 text as it read prior to AO 2010-81(S-1), which had deleted the implementation section, changed the categories of fire response apparatus and increased the rate to $100/hr by AO 2010-81(S-1). The intent of AO 2015-127 was to make no changes to AMC ch. 23.55 as stated on page 6 of Exhibit B to the ordinance, and the Anchorage Fire Department requested correction of this inadvertent error reverting to pre-2010 code text;

Whereas, in its meeting of February 23, 2016, the Assembly adopted an amendment to Title 23 that would permit individuals charged for fire-protection services to request that the charges required by chapter 55 be waived, reduced or paid in installments (or according to some other alternate-payment plan);
WHEREAS, in debate on February 23, 2016, assembly members spent some time discussing where such a request should be heard; and

WHEREAS, to spare individuals from the burden of having to discuss the details of their personal circumstances and financial capabilities in open session before the Assembly, and to relieve the Assembly of the burden of hearing and acting on fact-intensive requests, requests for fee waivers, reductions and alternative-payment plans could be routed to the fire chief of jurisdiction, who could act on them after considering specified criteria; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 23.10.104.2.4 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

23.10.104.2.4 Plumbing permit exemptions.

A plumbing permit shall not be required for the following:

D. The replacement of a [WATER HEATER] water closet, bidet or urinal, including the flushometer valve, provided such replacement does not involve or require the replacement or rearrangement of piping.

E. The replacement of [Installation of on] an electric water heater in a single family or duplex dwelling unit[s], provided such replacement does not involve or require the replacement or rearrangement of piping.

(AO No. 2011-4(S), § 1, 5-24-11, AO No. 2015-127, § 1, 2-23-16)

Section 2. Anchorage Municipal Code section 23.85.R501.3 is hereby amended to read as follows:

23.85.R501.3 Fire protection of floors.

Revise Exception 2 to read as follows:

Floor assemblies located directly over a crawl space [OR UNFINISHED BASEMENT] not intended for storage or fuel-fired appliances. Direct vent, sealed-combustion fuel fired appliances shall be allowed without floor protection.

(AO No. 2015-127, § 1, 2-23-16)

Section 3. Anchorage Municipal Code section 23.55.210 is hereby repealed. The text of the section with legislative drafting marks is set out below:

23.55.210 Repealed [IMPLEMENTATION].
[THE MAYOR IS AUTHORIZED TO PERMIT THE USE OF MUNICIPALLY
FINANCED FIRE PROTECTION SERVICES OUTSIDE OF THE AREAS
PROVIDING TAX OR OTHER ADEQUATE SUPPORT FOR THE SERVICES
ON THE FOLLOWING CONDITIONS:

A. THE FIRST OBLIGATION IS TO AREAS FURNISHING TAX SUPPORT,
AND THE SERVICE TO THE OUTSIDE AREAS SHALL NOT
JEOPARDIZE THE SERVICE TO THE AREAS FURNISHING TAX
SUPPORT,

B. THE SECOND OBLIGATION IS TO AREAS WHICH VOLUNTARILY
CONTRIBUTE TO THE MAINTENANCE OF A 24-HOUR-PER-DAY,
SEVEN-DAY-PER-WEEK FIRE DEPARTMENT.

C. THE THIRD OBLIGATION IS TO OTHER AREAS.]

(AO 2015-127, § 1, 2-23-16)

Section 4. Anchorage Municipal Code section 23.55.300 is hereby amended to
read as follows:

23.55.300 Cost of services.

A. In areas outside of fire service areas, and in areas with no applicable
mutual aid agreement, $500.00 shall be charged for call out of the Fire
Department. After the first hour, hourly rates for each piece of fire
apparatus used in suppressing the fire shall be charged in accordance
with the following:

1. Engine company: $100.00 per hour;
2. Ladder truck: $100.00 per hour;
3. Heavy rescue: $100.00 per hour;
4. Tender: $100.00 per hour;
5. Brush engine: $100.00 per hour;
6. Command Officer vehicle: $50.00 per hour.

[1. PUMPER: $75.00 PER HOUR.
2. TANKER: $75.00 PER HOUR.
3. BRUSH TANK: $75.00 PER HOUR.
4. BULLDOZER: $75.00 PER HOUR.]

(AO No. 2011-4(S), § 1, 5-24-11; AO No. 2015-127, § 1, 2-23-16)

Section 5 [3]. Anchorage Municipal Code section 23.55.400 is hereby
amended to read as follows (the remainder of the section is not affected and
therefore not set out):

23.55.400 Responsibility for Payment

***  ***  ***
C. [APPEAL. CHARGES INCURRED UNDER SECTION 23.55.300 MAY BE APPEALED TO THE ASSEMBLY FOR RECONSIDERATION INCLUDING WAIVED FEES, REDUCED FEES OR ALTERNATE PAYMENT OPTIONS.] A person responsible for payment of a charge under section 23.55.300 may file a request with the fire chief of the fire department that provided the charged-for services for a charge waiver or reduction, or to pay such charges on an installment plan. The fire chief shall act on such requests giving due regard to:

1. whether the charged-for services were provided to preserve the life or property of the person charged, or to preserve the life or property of others;

2. whether the charged-for services were requested by the person charged;

3. whether the charged-for services were provided to protect lives, and if the charged-for services were provided primarily to preserve property, whether the magnitude of the charges are significantly out of proportion to the value of the property preserved; and

4. the financial circumstances of the person charged.

(AO No. 2011-4(S), § 1, 5-24-11; AO No. 2015-127, § 1, 2-23-16)

Section 6 [4]. This ordinance shall be effective on April 1, 2016.

PASSED AND APPROVED by the Anchorage Assembly this 22nd day of March, 2016.

Chair of the Assembly

ATTEST:

Municipal Clerk
From: MAYOR BERKOWITZ, ASSEMBLY CHAIR TRAINI, ASSEMBLY MEMBER HONEMAN, and ASSEMBLY MEMBER STARR

Subject: AO 2016-36(S): AN ORDINANCE AMENDING TITLE 23 TO ADDRESS PLUMBING PERMITS FOR THE REPLACEMENT OR INSTALLATION OF A WATER HEATER, FIRE PROTECTION OF FLOORS, AND RESPONSIBILITY FOR PAYMENT OF CHARGES FOR FIRE-PROTECTION SERVICE OUTSIDE OF SERVICE AREAS.

General
This ordinance clarifies provisions of Title 23: conditions under which water heaters can be replaced without a plumbing permit; fire protection of floors over unfinished basements; and fee appeals for firefighting operations outside of the Fire Service Area.

Limit Plumbing Permit Exemption to Certain Types of Water Heaters
Anchorage Municipal Code (AMC) section 23.10.104.2.4.D., as adopted on February 23, 2016, exempts all types of residential and commercial water heaters from the requirement to obtain a plumbing permit. The stated intent of the addition was to allow the replacement of simple, “plug and play” configured water heaters in residences without requiring application for a permit or a subsequent inspection by the municipal building safety inspection division. Upon further review, it has been determined that the exemption language is too broad because it fails to differentiate between the many different types of both residential and commercial water heaters. Additionally, there is significant concern about public health and safety risks of gas-fired water heaters and larger, more complex commercial water heaters; such as fires, explosions, or carbon monoxide poisoning. This ordinance modifies AMC 23.10.104.2.4.D. to exempt electric “plug and play” water heaters in single family and duplex dwellings from obtaining a plumbing permit and reinstates the permit requirement for complex commercial and/or any gas-fired water heaters.

Remove Exemption for Fire Protection of Floors Over Unfinished Basements
The 2012 International Residential Code (IRC) requires fire protection of engineered lumber floor assemblies when they are located over an unfinished basement or...
crawl space intended for storage. This requirement results in a floor that is more resistant to failure during a fire, allowing occupants more time to exit a structure and firefighters more time for search and rescue operations. AMC 23.85.R501.3, as adopted on February 23, 2016, removed this requirement for assemblies spanning unfinished basements, compromising the safety of homeowners and first responders. The 2012 IRC intended for this requirement to apply to all finished and unfinished basements, and this ordinance removes the local exemption for unfinished basements while still allowing direct-vent, sealed-combustion fuel-fired appliances.

Fee Adjustment Process for Fire Fighting Operations Outside the Fire Service Area

AMC 23.55.400C., as adopted on February 23, 2016, allows property owners of lands located outside of the Fire Service Area to appeal charges for firefighting operations on those lands to the Anchorage Assembly. Upon further review and discussion, the Assembly recognized such appeals could be more practically and quickly resolved if reviewed and acted upon by the Fire Chief. This ordinance establishes such a process for these types of appeals.

Description of changes in the S-version

The S-version of the ordinance narrows the exception to plumbing permits for replacement of electric water heaters, and includes two additional revisions to the recent Title 23 Building Code rewrite. New Sections 3 and 4 to the ordinance will reinstate Chapter 55 of Title 23 to read as it did prior to adoption of AO 2015-127 on February 23, 2016, consistent with the intent of the Administration to make no changes to that chapter. The changes in the S-version from the original AO 2016-36 are as follows:

- Page 1, lines 23-24: includes a description of the implementation plan section that was enacted by AO 2015-127.
- Page 1, lines 28-34: adds a “whereas” paragraph explaining the background for the addition of new Sections 3 and 4 to the ordinance.
- Page 2, lines 25-28: edits language to narrow the exception for replacement only, not installation, of electric water heaters.
- Page 2, line 46 to page 3 line 15: new Section 3 that deletes the erroneously enacted implementation plan section that was deleted in 2010.
- Page 3, lines 17-40: new Section 4 to restore language, the fire apparatus categories and charges for each which were inadvertently revised by AO 2015-127. There is no economic effect because the Anchorage Fire Department has charged these amounts for the equipment described since 2011.
The remaining sections of the ordinance are renumbered accordingly. All cosponsors of the original AO 2016-36 were consulted and agreed to these changes included in the S-version.


Prepared by: Sharen Walsh, Acting Building Official and Director, Development Services Department, and Department of Law

Approved by: Christopher M. Schutte, Director Office of Community and Economic Development

Concur: Robert E. Harris, CFO
Concur: Lance Wilber, Director Office of Management & Budget
Concur: William D. Falsey, Municipal Attorney
Concur: Michael K. Abbott, Municipal Manager

Respectfully submitted: Ethan A. Berkowitz, Mayor Assembly Chair Traini, District 4 – Midtown
Concur: Assembly Member Honeman, District 3 – East Anchorage
Concur: Assembly Member Starr, District 2 – Eagle
Respectfully submitted: River/Chugiak