

*Postponed Indefinitely 4/23/09*

Submitted by: ASSEMBLY MEMBER FLYNN  
ASSEMBLY MEMBER BIRCH  
Prepared by: Assembly Counsel  
For reading: April 14, 2009

ANCHORAGE, ALASKA  
AO NO. 2009-49

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 23.10  
2 AND ANCHORAGE CODE OF REGULATIONS CHAPTER 21.20 TO ALLOW  
3 WAIVER OF PERMIT FEES, PLAN REVIEW FEES, AND LAND USE PERMIT FEES  
4 FOR IMPROVEMENTS TO DETERIORATED PROPERTY AND PROPERTY IN A  
5 DETERIORATED AREA.

---

6  
7 THE ANCHORAGE ASSEMBLY ORDAINS:

8  
9 **Section 1.** Anchorage Municipal Code section 23.10.104.13.2, Permit fees, is hereby  
10 amended by adding a new subsection D to read as follows (*language indicating no*  
11 *amendment is included for context only*):

12  
13 **23.10.104.13.2 Permit fees.** Permit fees will be calculated using the following  
14 items:

15  
16 A. The fee for each permit shall be as set forth in Section 23.10 Tables 3-A  
17 through 3-O. Where a technical code is adopted by the jurisdiction for which no  
18 fee schedule is shown in this code, the fee required shall be in accordance with  
19 the schedule established by the legislative body.

20  
21 B. Permit fees for all new construction shall be based valuation determined in  
22 accordance with 23.10.104.10.1(A). No additional permit fees are required for  
23 plumbing, mechanical and electrical permits.

24  
25 C. Permit fees for Additions, Alterations and Change of Use shall not be  
26 based on valuation. They shall be based on an estimated number of inspections  
27 for all disciplines. The number of inspections shall be estimated by the permittee.  
28 Refund will be given for inspections not used. Additional fees will be required for  
29 inspections that are beyond what was initially estimated.

30  
31 **D.** Upon application to the building official, permit fees may be waived in  
32 whole or in part for property designated by ordinance as deteriorated property or  
33 property within a deteriorated area as defined in chapter 12.35. The grant or  
34 denial of an application for fee waiver is a discretionary act which shall not give  
35 rise to any claim against the municipality or its agents. In exercising discretion,  
36 the building official shall consider the efficiency exercised by the applicant in  
37 submission of the permit application and any changes requiring additional review.  
38 Waiver of permit fees is not an exemption from permit requirements and shall not  
39 be deemed to grant authorization for work to proceed without a permit.  
40

(AO No. 2008-134(S), § 1, 12-17-08)

**Section 2.** Anchorage Municipal Code section 23.10.104.13.3, Plan review fees, is hereby amended to add a new subsection and read as follows (*language indicating no amendment is included for context only*):

**23.10.104.13.3 Plan review fees.**

A. When documents are submitted in accordance with subsection 104.8, plan review fees shall be paid at the time of document submittal. Plan review fees shall be calculated as per Table 3-B.

*Exception:* A Fire Department Plan Review fee is not required for detached one and two family dwellings.

B. Plan review fees are in addition to permit fees.

C. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Tables 3-B of this code.

D. Structures that are identical to a previously approved and permitted structure may qualify for "pre-approved" status for purposes of the plan review fee assessment. The plans must be submitted within the same code cycle. Each identical structure shall be issued a separate building permit.

E. Express Plan Review is a level of service allowed for all projects. See Policy AG.33 for Express Plan Review Program. Additional fees apply and shall be as per Table 3-B.

F. Upon application to the building official, plan review fees may be refunded in whole or in part for property designated by ordinance as deteriorated property or property within a deteriorated area as defined in chapter 12.35. The grant or denial of an application for fee waiver and refund is a discretionary act which shall not give rise to any claim against the municipality or its agents. In exercising discretion, the building official shall consider the efficiency exercised by the applicant in submission of the plans and any changes requiring additional review. If the application for fee waiver and refund is granted, the amount of the waiver will be returned to the applicant only if a Certificate of Occupancy is issued. Waiver of plan review fees is not an exemption from plan review.

(AO No. 2008-134(S), § 1, 12-17-08)

**Section 3.** Anchorage Municipal Code of Regulations section 21.20.001 (Planning and Zoning – regulations governing land use fees), Schedule of Fees - Land use

permits, is hereby amended to add a new subsection to read as follows (*the remainder of the section is not affected and therefore not set out*):

**21.20.001 Schedule of fees--Land use permits.**

\*\*\*                      \*\*\*                      \*\*\*

H. Upon application to the building official, land use permit fees may be waived in whole or in part for property designated by ordinance as deteriorated property or property within a deteriorated area as defined in chapter 12.35. The grant or denial of an application for fee waiver is a discretionary act which shall not give rise to any claim against the municipality or its agents. In exercising discretion, the building official shall consider the efficiency exercised by the applicant in submission of the permit application and any changes requiring additional review. Waiver of land use permit fees is not an exemption from land use permit review.

(GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No. 83-96; AR No. 83-289(S); AR No. 86-63; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-152S, § 19, 1-1-04; AO No. 2004-151, § 12, 1-1-05)

**Section 4.** This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk