



CITY OF NORTH POLE
Regular Meeting
February 7, 2022
North Pole Council Chambers
125 Snowman Lane, North Pole, Alaska
www.northpolealaska.com

Monday, February 7, 2022

FNSB Comprehensive Economic Development Strategy and the Interior Alaska

Economic Summit Workshop: 5:30-6:30 PM

Committee of the Whole: 6:30 PM

Regular City Council Meeting: 7:00 PM

MAYOR

Michael Welch
907-488-8584

CITY CLERK

Melissa Dionne
907-488-8583

COUNCIL MEMBERS

Santa Claus – Mayor Pro Tem	907-388-3836
DeJohn Cromer – Deputy Mayor Pro Tem	907-347-2808
Aino Welch – Alt. Deputy Mayor Pro Tem	907-488-5834
David Skipps	907-750-5106
Anton Keller	907-987-2548

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Invocation
4. Approval of Agenda
5. Approval of the Minutes from 01/18/2022 (Pgs. 7-12)
6. Communications from the Mayor
7. Council Members Questions of the Mayor
8. Communications from Department Heads, Borough Representative, and the City Clerk
9. Ongoing Projects Report
10. Citizens Comments (Limited to five (5) minutes per Citizen)

11. Old Business:

- a. Resolution 22-05 A Resolution Establishing the City of North Pole's Legislative Priorities for the 32nd Legislature 2022 Regular Session (Pgs. 13-18)
- b. b. MOU - DOL and NPPD Regarding Exculpatory Information in Personnel Files (Pgs. 19-57)

12. New Business:

- a. Ordinance 22-01, An Ordinance of the City of North Pole, Alaska, Amending the Travel Reimbursement and Per Diem for City Employees and Council (Pgs. 58-60)
- b. Ordinance 22-02, An Ordinance of the City of North Pole, Alaska, to Amend Title 15, Building and Construction (Pgs. 61-163)
- c. Ordinance 22-03, An Ordinance of the City of North Pole, Alaska, to Purchase Loaders for the Utility and Public Works Dept. and a Skid Steer for the Public Works Dept. (Pgs. 164-172)
- d. Resolution 22-07, A Resolution of the City of North Pole, Alaska, to Appoint Mary K. Hamby to the FNSB Historic Preservation Commission (Pgs.173-175)
- e. Approval of the Professional Services Agreement with NTL Alaska (Pgs. 176-179)
- f. Request to Purchase Fire Department Vehicle (Pgs. 180-182)
- g. Request for Customer Emergency Payment Fund (Pgs. 183-186)

13. Council Comments

14. Adjournment

How to Offer Public Testimony at Council Meetings

Written testimony is encouraged. You may submit your comments by calling the Clerk's Office at 907-488-8583 or by sending an email to MDionne@northpolealaska.org prior to 1:00 p.m. the day of the meeting. Please indicate which agenda item you are providing written testimony for. Examples: Ordinance or Resolution number, agenda item#, or description of subject.

To sign-up for **telephonic testimony** call the Clerk's Office at 488-8583 or email MDionne@northpolealaska.org prior to 1:00 p.m. the day of the meeting. Please indicate that you wished to be called, for what item you will provide testimony on, and what number you can be reached at.

Council Meetings are aired **live via audio streaming** from the City's website at <https://www.northpolealaska.com/citycouncil/page/council-meeting-audio-stream>.

Inquiries concerning ADA compliance or accommodations should be directed to the City Clerk.



STRONGER. THRIVING. MORE RESILIENT.

2021 Fairbanks North Star Borough Comprehensive Economic Development Strategy (CEDS) Update

September 2021

Our world is changing. We are updating the FNSB's 2016 economic development strategy to respond to change and prepare for the future.

What does FNSB look like today?



LOCATION

- Over 7,000 square miles - Alaska's 2nd largest borough
- Northern location presents Arctic opportunities



ECONOMIC HUB

- The region offers healthcare, jobs, education, and retail services, supporting over 40 Interior Alaska communities



EMPLOYMENT

- Higher concentrations of military, mining, utilities, and civilian government employment than the U.S. overall



EDUCATION

- Nearly 1/3 of residents have a bachelor's degree or higher
- Home to the University of Alaska Fairbanks



PEOPLE

- More transitory than the state overall, with over 15,000 people moving into or out of the Borough annually



COST OF LIVING

- A higher cost of living than the U.S. average
- Slightly higher than Anchorage

What factors are impacting the FNSB economy?

Population <p>97,581 97,159</p>	Military <ul style="list-style-type: none"> • The arrival of F-35 fighter jets at Eielson Air Force Base (EAFB) is bringing over 3,000 new residents. • EAFB will also see 4 additional KC-135 tankers and up to 220 new personnel. • Many military households remain in FNSB after discharge; 12% of businesses are veteran owned.
State Finances <ul style="list-style-type: none"> • The State of Alaska lacks a comprehensive fiscal plan. • Over the past several years there have been deep cuts to UAF and local municipalities. 	Pandemic <ul style="list-style-type: none"> • Unemployment rate reached a high of 12.4% in April 2020. • Leisure & Hospitality saw the greatest pandemic-induced employment declines (loss of 1,600 jobs from 2019 to 2020).
Workforce <ul style="list-style-type: none"> • FNSB has a higher labor force participation rate (72%) than the state average, and a low unemployment rate compared with other Alaska regions. 	Housing <ul style="list-style-type: none"> • Incoming EAFB personnel need housing. • FNSB saw an increase in new housing construction from 2017-2020 but progress has slowed due to multiple factors including high lumber costs. The community is working together to meet the need.

How can we grow and sustain our economy? The CEDS will look at key components of the FNSB economy such as:

Industry Clusters

Key sectors that drive the FNSB economy

- ❖ Education & Research
- ❖ Energy
- ❖ Healthcare
- ❖ Military
- ❖ Natural Resources (Agriculture, Forestry, Mining, etc.)
- ❖ Visitor Industry

Community Influencers

Supportive foundations needed to grow and flourish

- ✓ Communications
- ✓ Government
- ✓ Housing and Land Use
- ✓ Quality of Life
- ✓ Transportation
- ✓ Utilities
- ✓ Workforce Development

Project Purpose

To develop an updated Five-Year FNSB Comprehensive Economic Development Strategy (CEDS).

CEDS Purpose

A CEDS is a locally based, regionally driven planning document that guides local government and community action.

A CEDS:



Serves as a road map to economic resilience and prosperity.



Brings the private and public sector together to develop a regional strategy and action plan.



Must go through a robust update every five years, with less intensive updates annually.



Identifies projects and makes recommendations to support businesses, create more and better paying jobs, improve quality of life, and increase resilience.



View the previous CEDS (updated in 2016) on the project website

Project Schedule

Spring — Fall 2021
Discover and Listen

- Invite input
- Compile and analyze data

Winter 2021
Draft and Review

- Create vision, goals, strategies
- Host Economic Summit
- Prepare draft CEDS

Spring 2022
Finalize and Activate

- Adopt the CEDS
- Take action on CEDS recommendations



What does a CEDS include?

An economic vision

that describes what we want our future economy to look like

Numbers

that tell the FNSB story – people, economy, regional comparisons

Goals, objectives, and strategies

that are specific, measurable, and describe what we hope to accomplish over the next five years

Implementation plan
that describes how we'll work on our priorities and measure progress

Comparative analysis
that examines the strengths, weaknesses, opportunities and competitive advantages/disadvantages for FNSB overall and by sector

Opportunities to Get Involved and Learn More

June 19, 2021
Midnight Sun Festival

July 13, 2021
Greater Fairbanks Chamber of Commerce Virtual Business Luncheon

July 24, 2021
Golden Days

July 30 – August 8, 2021
Tanana Valley State Fair

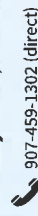
January 2022
Community Discussions
(Fairbanks, North Pole)

February 2022
Economic Summit

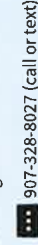
The project planning team will also be conducting interviews and meeting with businesses and organizations in summer and fall 2021. Want to connect? Reach out to our project team.

Contact Us

Brittany Smart, FNSB Project Manager



907-459-1302 (direct)



907-328-8027 (call or text)



brittany.smart@fnsb.gov

Shelly Wade, Public Involvement Lead



907-242-5326 (call or text)



shelly@agnewbeck.com



WWW.FNSBCEDS.com



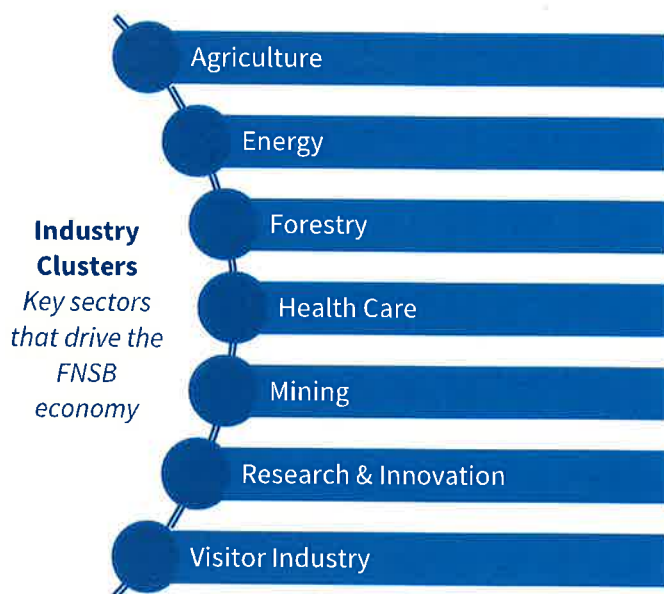
Save the Date: February 22nd -23rd 2022

2022 Interior Alaska Economic Summit

The 2022 Interior Alaska Economic Summit will bring regional community, business, and industry leaders together to collaborate on economic opportunities as we work towards a stronger, more resilient Interior Alaska economy. The Summit is **free** and will be held at the Westmark in Fairbanks.

Topics for Breakout Sessions

(preliminary at-a-glance agenda on reverse)



RSVP Today

More details coming soon. RSVP and stay informed: www.surveymonkey.com/r/IAEconSummit



PURPOSE & OUTCOMES

- The 2022 Interior Alaska Economic Summit will inform development of the updated 5-Year Fairbanks North Star Borough Comprehensive Economic Development Strategy (CEDS).
- Participants will review and confirm CEDS components, including a shared economic development vision, goals, and 5-year priorities.
- The updated CEDS will better position the community for funding & investment opportunities.

www.FNSBCEDS.com

Interior Alaska Economic Summit: Preliminary At-A-Glance Agenda

Updated February 1, 2022

Tuesday, February 22nd – Focus on Industry Clusters

Time	Topic	Virtual Option?
9:00 – 9:45 am	Opening Plenary: Welcome and Inspiration	Yes
	Join for video & audio via Zoom: Click here Call-in for audio only: 1-888-475-4499, Meeting ID: 889 3313 5228	
9:45 – 10:00 am	Break	
10:00 – 11:45 am	Industry Breakouts Round 1 Agriculture	No
	Energy	No
11:45 am – 1:00 pm	Lunch – on your own	
1:00 – 2:45 pm	Industry Breakouts Round 2 Forestry	No
	Health Care	No
2:45 – 3:00 pm	Break	
3:00 – 5:00 pm	Industry Breakouts Round 3 Mining	No
	Research and Innovation	No
	Visitor Industry	No

Wednesday, February 23rd – Focus on Community Influencers

Time	Topic	Virtual Option?
9:00 – 10:45 am	Influencer Breakouts Round 1 Small Business Development & Entrepreneurship	No
	Communications (phone, internet connectivity)	No
10:45 – 11:00 am	Break	
11:00 am – 12:45 pm	Influencer Breakouts Round 2 Land Use, Housing, & Environment (includes utilities)	No
	Indoor & Outdoor Recreation (includes entertainment, retail, parks, trails)	No
12:45 – 1:45 pm	Lunch – on your own	
1:45 – 3:30 pm	Influencer Breakouts Round 3 Education & Workforce Development	No
	Transportation (includes roads, aviation, rail, bike/pedestrian connections)	No
3:30 – 4:00 pm	Break	
4:00 – 5:00 pm	Closing Plenary: Summary of Results and Next Steps	Yes
	Join for video & audio via Zoom: Click here Call-in for audio only: 1-888-475-4499, Meeting ID: 889 3313 5228	

COVID-19 Mitigation Planning: To help keep participants safe and healthy, we are developing a COVID-19 Mitigation Plan. Details will be released closer to the event.

Questions, comments? Contact us:

- Brittany Smart, Fairbanks North Star Borough, 907-459-1302 (direct), 907-328-8027 (call or text), brittany.smart@fnsb.gov
- Shelly Wade, Agnew::Beck Consulting, 907-242-5326 (call or text), shelly@agnewbeck.com

Learn More about the Summit at www.FNSBCEDS.com



**Committee of the Whole – 6:30 P.M.
Regular City Council Meeting – 7:00 P.M.**

A regular meeting of the North Pole City Council was held on Monday, January 18, 2022, via Zoom.

CALL TO ORDER/ROLL CALL

Mayor Welch called the regular City Council meeting of Monday, January 18, 2022, to order at 7:00 p.m.

Present:

Michael Welch – Mayor
Santa Claus - Mayor Pro Tem
DeJohn Cromer - Deputy Mayor Pro Tem
Aino Welch – Alternate Deputy Mayor Pro Tem
Anton Keller
David Skipps

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

Led by Melissa Dionne

INVOCATION

Given by Mr. Keller

APPROVAL OF AGENDA

Mr. Claus *moved to* approve the agenda of January 18, 2022

Seconded *by* Ms. Welch

Mr. Claus *moved to* amend the agenda of January 18, 2022 to consent the following items:

Old Business:

New Business:

- b. Resolution 22-06 A Resolution of the City of North Pole, Alaska, To Approve the Developer Agreement Between the City and Stepping Stones Builders for the Construction of Water, Sewer, and Road Facilities in Lot B-2 Eagle as a Site for Muti-Family Housing

Seconded *by* Ms. Welch

On the amendments

DISCUSSION

None

PASSED

Yes: 7 – A. Welch, Claus, Keller, Cromer, Skipps, Welch

No: 0

On the agenda as amended

DISCUSSION

None

PASSED

Yes: 7 – A. Welch, Claus, Keller, Cromer, Skipps, Welch

No: 0

APPROVAL OF MINUTES

Mr. Claus *moved* to approve the minutes from the 1/3/22 meeting

Seconded *by* Ms. Welch

DISCUSSION

None

PASSED

Yes: 7 – A. Welch, Claus, Keller, Cromer, Skipps, Welch

No: 0

COMMUNICATIONS FROM THE MAYOR

- Dr. Dominique Pride with the Alaska Center for Energy and Power, UAF, was with us to talk about the electric thermal storage heater project that she is working on in the North Pole City area.

The Council asked a few questions of Dr Pride and gave her some advice on outreach in the area.

- The Mayor said that he had some good news tonight from Senator Murkowski to pass along, but that he couldn't until the morning and told the Council to look forward to that.
- The City is challenged right now due to the amount of snow we have gotten so far this year, the Mayor said that he has never seen this in his 22 years. The governor declared an emergency and FEMA is going to be here in February and he has tasked him with trying to figure out how much money the OT and equipment breakdowns has cost the city. As well as the money needed for removing the snow that is building up in the Stillmeyer, Northstar, and Eagle Estates, Ford and Highway Parks subdivisions along with another large area are going to cost over \$1.5 million just for the removal.

Mr. Skipps asked where the removed snow would be going. The Mayor responded that we have a quote from Hubbard on the snow removal and they will be taking to snow to a property that they own, which is here in the city, so that will help keep the cost of this project down.

- The Mayor shared that since the last NPCC meeting he has been out to EAFB to talk to General Willsbach and the advisory board to talk about the military and the housing needs for the area. There will be a resolution to the Council soon allowing AIDEA to do the infrastructure in Brookside Park.
- 3 Bears is moving forward with their plan to buy land in Brookside Park, the store will be a larger store

then what it is Healy.

- The Legislative Session is starting soon, the Mayor plans on going in February, but AK Airlines is canceling flights into Juneau due to COVID, so his plans might change.

COUNCIL MEMBER QUESTIONS OF THE MAYOR

- Mr. Skipps asked about the Utility Manager position that the city is hiring for and asked about the changes with Mr. Butler leaving and if the code is going to be changed to accommodate the change in management.

The Mayor responded with some background on the management change with Mr. Butlers job and the future changes the city has in the works.

COMMUNICATIONS FROM DEPARTMENT HEADS, BOROUGH REPRESENTATIVE AND THE CITY CLERK

Police Dept., Chief Dutra

- Chief Dutra did not have anything formal for the meeting but did thank the Fire Department for having COVID tests for the City employees. They have had quiet a few police officers test positive.

Fire Dept., Chief Heineken

- Chief Heineken talked about the 2 positions that they have posted right now, they hope to start the process for those positions next month.
- COVID is on an upswing in the community. In the last few weeks, they had one person that just came back from being sick and a new one that is out now. They have been trying to keep tests on hand for everyone, but not have too many because they expire quickly. Any city employee can contact the fire dept and get tested and results are available within 30 minutes or so.
- FMH has been unable to offer ambulance services back to the patients houses for patients who are bedridden and have no way of getting back home and they have asked for help from the local fire departments. Chief Heineken said that unfortunately they just do not have the staff availability to help with this. It would take 2 staff away for approximately 2 hours and for a non-emergency call, that is just too much for them.
- Chief Heineken said that he is working on the specs for a new ambulance so that they can order it and hopefully get it by Spring 2023. He will have it together for the Council soon.

The Mayor asked when we were going to hear about the contract that we have with the borough.

- Chief Heineken said that he would check into that because it should be coming up soon, as the borough is on the July FY schedule, and this contract should be in place by May.

Director of City Services, Bill Butler

Building Dept

- No new building permits issued since November 15, 2021.
- Will be proposing updating the Building Department's building codes, possibly as early as the February 7 Council meeting, to parallel the building codes in Fairbanks.

Public Works

- Public Works has been preoccupied with snow removal since the late December 2021 storms.
- Exploring the costs to remove snow from most heavily impacted subdivisions.
- Public works snow removal equipment was overwhelmed by the snow event.
 - Skid steer loader that is over 10 years old has significant hydraulic leaks.
 - Mini loader is undersized to deal with the work we tried to do the keep ahead of the snow and it experienced some damage.
 - Pricing a larger loader in anticipation of future large snowfall events.

Utility Dept

Utility

- The Utility was challenged by the power outages during the later December snow event, but they were able to cope, especially with snow removal help from Public Works.
- The December snow even has resulted in the Utility seeing the need for more robust snow removal equipment. Public Works has its own priorities and will not always be able to assist the Utility, especially over the Utility's wide-spread service area.
 - The Utility is pricing a loader and trailer in anticipation of future large snowfall event.
- Industrial Pretreatment Permits for the three North Pole industries expire on July 31, 2022 and work has begun to re-issue these permit.
 - A professional services agreement has been provided by NTL Alaska to assist the City with this effort. The agreement was submitted too late to be include on this agenda.
- Begun discussions with NTL Alaska and Stantec to develop a plan to make the case to ADEC to reconsider when there is loss of surface flow in the discharge channel to authorize the channel as an intermittent stream that functions as a conveyance channel.
 - The Clean Water Act allows discharge to intermittent stream similar to what the City experiences, but the ADEC previously denied this concept. This time the idea is to make a "full-court press" for this approach. With the possibility of even going as far as a legal challenge to ADEC.

Moose Creek

- Remaining work in 2022
 - Spring 2022 a maximum of 18 additional service line installations and 18 wells to be decommissioned.
 - Road resurfacing work to be completed in spring 2022.
 - Remedial Action Close Out Report: Final report for project addressing project requirements.
 - Project termination to occur no later than August 31, 2022.

Mr. Skipps asked about the city generators and how the city was able to use them and if they were enough that were needed.

- Mr. Butler responded that they were lucky enough that they did not have to do much moving around of the generators and that they worked out okay. He did say that space was limited on having the vehicles and generators being inside the garage.

Ms. Welch asked about the generator storage situation and where the generators are located when they are

being used.

- Mr. Butler said that the generators being outside while being used is not an issue.

Finance, Tricia Fogarty

- Ms. Fogarty left the meeting early because she was not feeling well. She encouraged the Council to email her should they have any questions.

Borough Representative

- Ms. Welch said that the borough meeting was held last Thursday, January 14th.
- The main topic was the winter storms that hit the Interior.
- The borough is working on their annual budget.
- The school board will be meeting in a few days to talk about moving 6th graders into middle schools and closing a few of the elementary schools. Voting will take place at the first meeting in February.
- Ord 21-40 was of interest to the City of North Pole, to rezone Lot 1A, block 2, of the City of North Pole subdivision Phase 2, from 2 family residential to general commercial. It is the property that City Hall is located. The vote was quick and the ordinance was passed.
- The borough also changed their Ethics code regarding assembly members taking borough positions. Previously they were discluded from employment because of their assembly positions. The code was reworted to allow them access to non-permanent positions with limited hours.

City Clerk's Office, Melissa Dionne

- Ms. Dionne told the Council members that she had sent them an invite for a work session that the borough is hosting regarding light pollution. It will be held in person and via Zoom on January 25th at 5:30.
- Ms. Dionne gave an update about the HR and Utility Manager positions and the closing dates. As well as the Council position that is currently open to replace Mr. McGhee.
- She also spoke about some potential trainings the in the works and a few conferences that she is looking into.

ON GOING PROJECTS

- None

CITIZENS COMMENTS – (Limited to Five (5) minutes per Citizen)

- None

NEW BUSINESS

- a. Resolution 22-05 A Resolution Establishing the City of North Pole's Legislative Priorities for the 32nd Legislature 2022 Regular Session
 - Chief Dutra said that he does not have a formal presentation for this. It is a priority for the city since 2018 and was identified in 2010 as a necessity. The Legislature gave us \$250,000 in 2019. A property has been identified, the piece of land has been presented to the Borough Mayor for his support and they are hoping that it moves through the Borough assembly quickly. They do have a few other alternative

lots identified as well. Chief Dutra said that it took APD 3 separate funding cycles to fully fund their range, so he knows that this is a long-term process, and we need to start collecting money now so that we are ready when the okay for the land happens. There is a business plan in place outlining the \$6 million project. Chief Dutra said that he would get the business plan to the Council.

- The Mayor spoke a little about the combined heat and power plant and the sewer extension project that are also on the priorities resolution. Along with the PERS request.

c. MOU - DOL and NPPD Regarding Exculpatory Information in Personnel Files

- Chief Dutra spoke about this MOU and what it covered. It authorizes the Attorney General to provide the background info (personnel file) of police officers to the defense attorney in criminal cases that are prosecuted. It would allow defense attorneys to use negative information in the police officers background to discredit them in trial. The agreement, Chief Dutra said, is really being forced upon all police departments because if they refuse to sign it the Attorney General could refuse to prosecute their cases in a court of law. He did say that none of our police officers have any risks in releasing their files, so there won't be any issue.

COUNCIL COMMENTS

- Mr. Skipps reminded everyone that the annual APOC paperwork for council members is due at the beginning of March
- Ms. Welch spoke of the roads to and from North Pole and thanked them for all their hard work.
- Mr. Claus thanked the healthcare providers and first responders and asked everyone to be careful driving and walking out there.
- The Mayor told everyone that he will be out at EAFB on the 25th to go see the arrival of the 49th F35.

Mr. Keller *moved* to adjourn

Seconded *by* Ms Welch

The regular meeting of Monday, January 18, 2022 adjourned at 8:54 p.m.

These minutes passed and approved by a duly constituted quorum of the North Pole City Council on Monday, January 18, 2022.

ATTEST:

Melissa Dionne, City Clerk

CITY OF NORTH POLE

RESOLUTION 22-05

A RESOLUTION ESTABLISHING THE CITY OF NORTH POLE LEGISLATIVE PRIORITIES FOR THE 32rd
LEGISLATURE 2022 REGULAR SESSION

WHEREAS, the City of North Pole considers resolutions through the year to support legislative and policy actions of the State and other local governments; and

WHEREAS, the City of North Pole is concerned with Statewide and Federal issues that affect the City and its residents; and

WHEREAS, the following list is a list of issues that the City feels are important to residents of the City of North Pole, State of Alaska and Citizens of the United States;

#1 Priority, North Pole Utility Sewer Main Extension.

Cost: \$3,5000,000

The City of North Pole's North Pole Utility serves approximately 550 sewer utility customers within the city limits including the Petro Star Refinery, GVEA Power Plant and Marathon petroleum tank farm and numerous other commercial enterprises. Without the Utility's wastewater treatment plant, the majority of the Utility's customers have no other options for wastewater disposal, including the local industries.

The channel where the North Pole Utility discharges treated wastewater has lost surface water flow on two occasions—in 2012 and 2013. Lower than normal river flows have been observed since 2013. After the loss of surface river flow in 2013, the Alaska Department of Environmental Conservation issued the Utility a Notice of Violation (NOV). The reason for the NOV is without surface water flow, the treated wastewater does not immediately begin to mix with the Tanana River making the Utility in violation of its Alaska Pollutant Discharge Elimination System permit (APDES). The NOV requires the City to resolve the conditions that resulted in the issuance of a NOV.

To resolve the NOV, the Utility is planning to construct a new sewer discharge sewer main that is approximately 7,000 feet to a reliable channel of the Tanana River. The Utility had previously secured a State of Alaska legislative grant to finance most of the engineering and design costs. The engineering and design are completed along with the request to bid package making the project "shovel ready". In January 2020 the Utility started a multi-year channel flow analysis to calculate the mixing zone required for the project.

One reason the cost of the sewer main extension is high is the location where it must be installed—in wetlands and a flood plain. The sewer main construction not only involves installation of a sewer pipe, but also an access road to provide access for maintenance. Having to work in wetlands

increases the difficulty of the work increasing the construction costs. Adding to the cost construction is the climate in Interior Alaska and the length of the sewer main. Local temperatures can drop to as low as 60 degrees below zero. Subzero temperatures are common from November through March. Frozen ground can penetrate to ten feet deep. The ground does not typically completely thaw to depth until June. The Utility uses a passive treatment process—aerated lagoons that use naturally occurring bacteria to treat the sewage. After the water passes through the treatment process, its temperature is only slightly above freezing. Treated wastewater traveling though over a mile of buried pipe, even when the pipe is heavily insulated, can freeze. To prevent freezing, active freeze protection of the sewer main must also be included in the construction cost—a electric heat trace or heat exchangers to add heat to the treated wastewater

Due to the climate in Interior Alaska, the construction season is short, typically May through September. The project can only be bid when the City has 100% of the necessary funding. For construction to begin in one summer construction season, bidding must not occur later than April so all funding must be in place at the time. Also, due to the short construction season, the project is expected to require two construction seasons. The earliest the project could go to construction is late summer 2023. Each year the project is delayed will result in increased costs due to construction cost inflation. Davis-Bacon wage requirements and the mandated use of US produced steel also add to increased cost for the project.

The initial construction cost estimate generated by Stantec Consulting for the Utility in 2015 for the project was \$3.7 million Each year the project is not built, inflation pushes the construction cost higher. The North Pole Utility is requesting a Legislative Award of \$3.5 million dollars for the project. The Utility is committed to contributing \$500,000 of internal cash to the project. Typically, the Utility would apply for a Municipal Matching Grant to fund this type of infrastructure project, but MMGs are not available at this time. The balance of the project costs will be paid with an Alaska Clean Water Fund (ACWF) loan that the Utility has acquired.

Attached is a map of the project location.

#2 Priority, Combined Heat & Power Plant Serving the North Pole Area.:

Cost: \$2,400,000

Combined Heat & Power Plant Serving the North Pole Area

Introduction

This project envisions construction of a coal (and possibly natural gas) gasification plant to manufacture electricity and hot water for district heat. The project will economically address several of the issues faced by the residents of the City of North Pole, while simultaneously addressing some of Alaska's energy problems and development of its precious resources. The

City of North Pole seeks \$2.4 million in State funding to pay for integration of the Combined Heat and Power (CHP) plant into the City's infrastructure.

Benefits:

- Primarily, heat from this CHP plant will be used to heat the City of North Pole's City Water expansion, serving 1400 residential customers connected to 51 miles of pipe.
- Build pipelines to deliver hot water to the public facilities such as local schools, municipal swimming pool, library, fire and police departments, and City Hall. Private sector businesses may also decide to purchase district heat.
- The City of North Pole is within the "serious nonattainment area for PM2.5". Consequently, PM2.5 and its precursors will be regulated under the nonattainment New Source Performance Standard. Thus, the CHP design includes technologies for compliance.
 - Once customers convert to district heat (at a price competitive to firewood and heating oil) then there is real benefit for improving air quality.
- Except for the HMI gasifier, current commercial versions of each applicable technology were incorporated into the design. This allows for a reduction in cost, risk, schedule time to engineer and construct, and provides some degree of repeatability for emissions permitting in other jurisdictions.
- Innovation for rural communities.
 - The syngas generated from the gasifier can fuel most diesel engines with minor modifications. This technology can be integrated into the existing diesel generation infrastructure found in most villages.
 - There are 37 villages near known coal resources. Once local coal is utilized, more jobs will be created for the village. Alternatively, coal can be more safely barged into a community and stored than diesel fuel.

Economic Benefits of this project include:

- District heating: Hot water from this plant has been calculated to cost approximately \$15/MMBtu, a substantial discount from the typical cost of heating fuels, which averages around \$28-32/MMBtu. Natural gas is currently between \$24-25/MMBtu.
- Providing GVEA with another generating asset on their system, with the levelized cost of electricity that is competitive with "economy power" purchased and delivered from Anchorage utilities.

Background

This project is estimated to have a Bare Erected Cost of \$ 91 million and a Total Plant Cost of \$115 million. It is anticipated USDOE will pay 80% of the total project cost (\$91 million), and 20% cost share (\$24 million) will be required. The City of North Pole seeks \$2.4 million in State funding to pay for integration of the CHP plant into the City's infrastructure, including placement of pipelines to deliver hot water to the public facilities benefitting from this plant.

To date, approximately \$3 million has been spent on the design, funded through a Cooperative Agreement (DE-FE0031446) with the U.S. Dept. of Energy. The initial design was completed in March 2019 and is currently being revised to reflect a new site in the City of North Pole. The core of the combined heat and power plant gasifies coal for generating a clean syngas and pyrolysis liquids (oils and tars) for firing in reciprocating engines to produce electricity for sale to GVEA at only \$.10 kilowatt hour, and to produce 180°F hot water for district heating applications, including heating the City's water distribution network.

In addition to demonstrating the technical and economic viability of small-scale gasification technology, another aim is to highly automate the components, so the engines and gasifier can seamlessly operate together. After the technology is successfully demonstrated, then the attention turns toward modularizing the gasifier island along the same lines as the already modularized reciprocating engines. This will enable centralized manufacturing and affordable shipping throughout the world (as opposed to on-site construction). In so doing, manufacturing costs can be lowered so that syngas/engine modular systems can become competitive with similarly sized power generating plants operating with conventional technology, and can be incorporated into the existing reciprocating engine infrastructure, wherever it may exist.

Conclusion

The syngas/engine plant will have several economic benefits:

- A review of heating costs shows the City of North Pole and the FNSB will collectively spend about \$445,000 annually to heat to its facilities after the Moose Creek expansion. A \$2.4 million investment in this project will be paid back in approximately five (5) years; the city's population will more than double during that time.
- Affordable district heat will attract additional businesses and services for a growing community.
- Once the syngas/engine combination is demonstrated for village use, the gasifier component can be manufactured in the City of North Pole for village installation.
- The CHP plant is highly automated and requires only eight full time equivalents to operate it; auxiliary employment may include additional coal mining and coal transportation jobs.

This project has the best possibility of being successful if conducted in the City of North Pole. This area is vital and committed to the community support and mission needs of the U.S. Army Garrison at Fort Wainwright and the U.S. Air Force at Eielson AFB. It has experience to manage and direct utilities to benefit thousands of citizens beyond its borders. As North Pole grows in the upcoming years with the influx of F-35's at the 354th Fighter Wing, this project will demonstrate the scalability to fit the needs of various sized communities across our State, as well as the benefits of having a workforce capable of manufacturing custom made gasifiers to meet their needs. The support of the Alaska State Legislature is critical at this juncture of the project to

143 demonstrate to the U.S. Department of Energy to select this endeavor as one that merits its
144 approval over the competition.

145 For more information, please contact:

146 Brent J Sheets
147 Director, Petroleum Development Lab
148 Institute of Northern Engineering
149 907-750-0650

150 bjsheets2@alaska.edu

151 **#3 Priority, Interior Training Facility (ITF) to assist interior state, federal and local law enforcement,**
152 **fire, and other Public Safety organizations with a training facility for to conduct emergency vehicle**
153 **driver and firearms training.:**

154 **Cost: \$11,000,000**

155 Legislative Priority for Interior Training Facility:

156 The Interior Training Facility will be a multiuse facility for training of federal, state, and local
157 public safety affiliates. The facility will also be used by said organizations to facilitate community
158 outreach programs, education and training. The facility will have space for firearms training as
159 well as a driver's training area, appropriate for modern law enforcement, public safety, fire
160 department, Fish and Game and EMS operations. The training facility will include multi-bay
161 shooting ranges from 25 to 300 yards, with radiused berms, security fencing, secured access,
162 emergency vehicle driver training area, training buildings and lighting. The lighting will be needed
163 for low-light firearms qualifications and emergency vehicle driver training and to permit use
164 during all 12 months of the year. We estimate the cost to complete this facility will be in the
165 range of \$6-\$11 million dollars in a phased construction approach. Price of construction is broad
166 due to land development costs being dependent on land acquired for the facility. Initial funding
167 of \$6 million will be required to build phase 1 construction and land acquisition.

168 **#4 Priority, Adopt an Equitable and Sustainable cost for Public Employee Retirement System (PERS).**

169 **Cost: \$404,000**

170 The City of North Pole strongly urges the Alaska State Legislature to adopt an equitable and
171 sustainable plan that will reduce by half the **current twenty two percent (22%)** contribution paid on
172 behalf of our employee salaries and wages to the Alaska State mandated Public Employee
173 Retirement System (PERS), **to only an eleven percent (11%)** contribution, leaving the remainder to
174 be paid for by the State. Our current City of North Pole 2022 Budget of **\$7,335,500** appropriates
175 more than **\$807,479** for PERS: **this is more than 11% of our overall annual budget.** With tax
176 revenues at an all-time high for our City of North Pole, as well as the FNSB, we can no longer tax our

177 citizens to accept the current plan in the State of Alaska to take this unfunded pension liability and
178 continue to push it off to the year 2039. The per capita share per citizen of this liability now exceeds
179 \$53,000 in 2021, and *any* plans to push that down the road to 2044 or increase the amount even
180 higher are just as undesirable as to maintain the PERS at current status quo.

181

182 NOW THEREFORE BE IT RESOLVED that the North Pole City Council requests the 32nd legislature to
183 consider timely and appropriate action on the issues mentioned.

184 PASSED AND APPROVED by a duly constituted quorum of the North Pole City Council this 7th day of
185 February, 2022.

186

187

Michael W. Welch, Mayor

188 ATTEST:

189

190

191 _____
Melissa Dionne, North Pole City Clerk

PASSED

Yes:

No:

Absent:



North Pole Police Department

125 Snowman Ln.
North Pole, AK 99705
907-488-6902
Northpolepolice.org



December 14, 2021

To: North Pole City Council

Re: Approval of MOU from Attorney General:
Brady disclosure for LEO

Dear Council Members,

I am reluctantly writing this letter to request that the North Pole City Council authorize the mayor to sign the attached MOU from the Alaska Attorney General regarding disclosure of Brady issues for active law enforcement officers employed by the City of North Pole.

The city attorney has reviewed the attached documents and related MOU and agrees we do not have any other options but to comply with the request. Any refusal on our part would result in the denial of prosecution of our cases referred to the District Attorneys office. Not only is it unfortunate that we have been placed in this situation, it is none the less a result of a SOA vs. Stacy opinion.

I will assume the responsibility of making sure this information is disclosed according to the protocol lined out in the MOU. This will add an additional workload to my plate, and I do this with significant hesitation because of the privacy intrusion and likely weaponization of our employee's personnel files.

Thank you for your consideration.

Chief Steve Dutra



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law
Criminal Division Central Office

1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501
Main: 907-269-6389
Fax: 907-276-3697

December 1, 2021

VIA EMAIL

To: All Chiefs and Commanders of Law Enforcement Agencies in Alaska
Re: *Brady/Giglio* Information in Personnel Files

Dear Chiefs and Commanders:

This letter serves to advise you of a recent (November 5, 2021) opinion handed down by the Alaska Court of Appeals, *Stacy v. State*¹, and its impact on the prosecution of cases from each of your agencies. This case requires Alaskan prosecutors to inquire of law enforcement agencies (LEAs) about any *Brady/Giglio* information contained in agency personnel files for each testifying officer for each and every case prosecuted. A prosecutor's failure to provide such information could result in the case being overturned or dismissed.

Legal Background

The Supreme Court of the United States held in *Brady v. Maryland* that the prosecution in a criminal case is required to provide to the defendant any and all exculpatory information in its possession.² That holding was expanded in *Giglio v. U.S.* to require the prosecution to also provide any relevant impeachment material in its possession for any testifying witness.³ *Brady/Giglio* material can include information contained in LEA personnel files such as sustained findings of dishonesty, and pending investigations against any testifying officer.⁴ Such information may be used to impeach a witness's credibility. Failure to provide known information in a case could lead to the

¹ Court of Appeals No. A-12668 issued November 5, 2021. Slip opinion available at <https://appellate-records.courts.alaska.gov/CMSPublic/Home/AppellateOpinions>

² 373 U.S. 83 (1963).

³ 405 U.S. 150 (1972).

⁴ See *Booth v. State*, 251 P.3d 369 (Alaska App. 2011).

Re: *Brady/Giglio* Information in Personnel Files

case being dismissed by either the court or the prosecution, a conviction being overturned, and potential administrative (or in extreme instances of a willful refusal, criminal sanctions for deprivation of constitutional rights) against the involved law enforcement and prosecution personnel. The sanctions are determined on a case-by-case basis depending on the facts/circumstances of the information not provided.

LEA personnel records are confidential by statute,⁵ but certain parts may be subject to discovery in some legal cases.⁶ As a result, the Department of Law (LAW) has not had access to personnel records absent a court order or other legally binding agreement. Since 2014, LAW has sought to establish Memoranda of Agreement (MOAs) with various LEAs about relevant information contained in their personnel files for cases prosecuted by LAW.⁷ This process has allowed LAW to be proactive in gathering this potential *Brady/Giglio* material in the majority of the cases LAW prosecutes.⁸ In the past, when the command staff or human resources department at a LEA knew that *Brady/Giglio* information was contained in an officer's personnel file, the fact that some potential Brady material was in the file was conveyed to LAW's designated representative in the Criminal Division Central Office (CDCO). That representative would have the officer's profile in the Criminal Division's case management system updated so that the representative would receive an alert when the officer was listed or subpoenaed as a witness in any criminal case. The attorney in CDCO would review the specific facts of the charged case and consult with the assigned prosecutor to determine whether the officer was a material witness and if the limited information available to LAW should be provided to the assigned judge to request the personnel file for *in camera* review and potential disclosure to the parties. This procedure complies with the requirement to provide *Brady/Giglio* information. Under this process, the assigned prosecutor in a case relied upon the LEA and assigned attorney in CDCO to engage in this process, and that individual prosecutor did not have actual knowledge as to whether *Brady/Giglio* material existed.

⁵ AS 40.25.120(4) and AS 39.25.080

⁶ *Jones v. Jennings*, 788 P.2d 732 (Alaska 1990)(records of excessive use of force discoverable in complaint about excessive use of force, but home address, family members, and financial information was not discoverable.)

⁷ See *Booth v. State*, 251 P.3d 369, 374 (Alaska App. 2011) ("If the defendant identifies a type of information that would be relevant to the defendant's guilt or innocence (in light of the facts of the case, the State's theory of prosecution, and the defendant's theory of defense), and if this type of information is the kind of information that would be recorded in a police officer's personnel file, then the defendant is entitled to have the trial judge review the personnel file *in camera* to see if the file contains the specified type of information.").

⁸ MOAs have been established with the Department of Public Safety, Anchorage Police Department, Kodiak Police Department, Palmer Police Department, and Soldotna Police Department.

Re: *Brady/Giglio* Information in Personnel Files

However, the Alaska Court of Appeals recently held in *Stacy v. State*, that “a system must be in place through which individual prosecutors can learn of *Brady* material in the personnel files of law enforcement officers and other state agents who will be material witnesses in a given case.”⁹ The prosecutor is required to ensure that “reasonable steps have been taken to discover and disclose any favorable material evidence contained in those files.”¹⁰ In order to comply, LAW will slightly alter our system for reporting exculpatory or impeachment evidence in officer personnel files as described below.

System for Reporting *Brady/Giglio* Information

When a LEA knows of *Brady/Giglio* information contained in an officer’s personnel file, it will notify the assigned attorney in CDCO of potential *Brady/Giglio* information in the file. If the information provided qualifies as material exculpatory evidence the assigned attorney will create an “alert” in the Criminal Division’s case management system (Prosecutor by Karpel—PBK) associated with the officer’s profile in that system. The attorney in CDCO and *now the assigned line prosecutor will also* then receive an alert whenever that officer is listed as a witness in case. The line prosecutor will not know what sort of information is in the officer’s personnel file, but that attorney will be prompted to consult with the CDCO attorney to review the matter. The assigned CDCO attorney will then coordinate providing the potentially exculpatory information to the trial court for *in camera* review and potential disclosure when appropriate. Under this process, the absence of an alert from CDCO will allow the assigned prosecutor to comply with the requirement in *Stacy*.

In order for LAW to ensure that all agencies from which it accepts referred criminal cases comply with this procedure, the LEAs are requested to execute the attached Memorandum of Agreement (MOA) stating that the agency will alert the assigned attorney in CDCO when *Brady/Giglio* information exists in an officer’s personnel file. Following the holding in *Stacy*, LAW will not be able to prosecute cases referred by agencies that have not entered into the attached MOA, absent seeking an *in camera* review for each officer intended to be called by the prosecution as a witness in each case.

Conclusion

The system for reporting information described above is necessary for prosecutors to comply with their obligation to provide material exculpatory evidence to a defendant as set out in *Brady*, *Giglio*, and *Stacy*. This system is not a significant departure from

⁹ *Stacy* Slip Opinion at *31.

¹⁰ *Id.*

December 1, 2021


Page 4 of 4

Re: *Brady/Giglio* Information in Personnel Files

LAW's past practice, however it creates a requirement for a formalized agreement in the form of the attached MOA between your agency and LAW for prosecution of most the cases referred. The only other option, *in camera* review in each case for every officer testifying, is simply not workable. The signed MOA allows LAW to document and provide evidence of your agency's agreement to follow the system described herein. This will ensure that individual prosecutors can certify to the court that reasonable steps have been taken to alert the prosecution to any exculpatory information contained in your agency's personnel files.

Sincerely,

TREG R. TAYLOR
ATTORNEY GENERAL

By: 
John Skidmore
Deputy Attorney General

CC:

Chief Justice Daniel Winfree, Alaska Supreme Court
Chief Judge Marjorie Allard, Alaska Court of Appeals
Judge Amy Mead, Judge Paul Roetman, Judge William Morse, Judge Terence Haas,
Presiding Superior Court Judges
Samantha Cherot, Public Defender Agency
James Stinson, Office of Public Advocacy

Memorandum of Agreement
Regarding Exculpatory Information in Personnel Files

Whereas, both the State of Alaska's Department of Law (DOL or the State) and the undersigned Law Enforcement Agency (LEA) have the shared goal of protecting public safety through the fair and just administration of the criminal laws of the State of Alaska, within the bounds of the constitutions of the State of Alaska and the United States of America; and

Whereas, in any criminal prosecution, the State has an obligation to provide to the defendant exculpatory information as described in *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972) (*Brady/Giglio* Information); and

Whereas, this obligation extends to exculpatory information contained in confidential LEA personnel files; and

Whereas, the Alaska Court of Appeals has held in *Stacy v. State* (A-12668 issued November 5, 2021) that a system must be in place through which individual prosecutors can learn of exculpatory information contained in officer personnel files; and

Whereas, it would be impractical for all prosecutors working for the State to undertake independent examinations of officer personnel files; and

Whereas, a designated attorney within the DOL's Criminal Division Central Office (CDCO) can efficiently coordinate examination and appropriate dissemination of exculpatory information in officer personnel files; and

Whereas, it is imperative that DOL and the undersigned LEA have a formal, signed agreement certifying that the system described below for providing *Brady/Giglio* material will be followed;

It is therefore agreed by the undersigned parties that:

1. If exculpatory information or material is contained in a personnel file held by the undersigned law enforcement agency, that agency will provide that information or material to the attorney designated by CDCO to act as DOL's *Brady/Giglio* attorney.
2. If the information provided qualifies as material exculpatory evidence the assigned *Brady/Giglio* attorney will create an "alert" in the Criminal Division's case management system (Prosecutor by Karpel—PBK) associated with the officer's profile in that system. The *Brady/Giglio* attorney in CDCO and the

assigned line prosecutor will then receive an alert whenever that officer is listed as a witness in case.

3. When an alert is received, the assigned CDCO attorney will coordinate providing the potentially exculpatory information to the relevant trial court for *in camera* review and potential disclosure. Under this process, the absence of an alert from CDCO will allow the assigned prosecutor to comply with the requirement in *Stacy*.

For the Law Enforcement Agency:

Name: _____

Title: _____

Date

For the Department of Law:

John Skidmore
Deputy Attorney General

Date

NOTICE

The text of this opinion can be corrected before the opinion is published in the Pacific Reporter. Readers are encouraged to bring typographical or other formal errors to the attention of the Clerk of the Appellate Courts:

303 K Street, Anchorage, Alaska 99501

Fax: (907) 264-0878

E-mail: corrections@akcourts.gov

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

CHRISTOPHER R. STACY,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-12668
Trial Court No. 1KE-13-00753 CR

OPINION

No. 2714 — November 5, 2021

Appeal from the Superior Court, First Judicial District,
Ketchikan, William B. Carey, Judge.

Appearances: Emily L. Jura, Assistant Public Defender, and
Quinlan Steiner, Public Defender, Anchorage, for the Appellant.
Eric A. Ringsmuth, Assistant Attorney General, Office of
Criminal Appeals, Anchorage, and Jahna Lindemuth, Attorney
General, Juneau, for the Appellee.

Before: Allard, Chief Judge, Harbison, Judge, and Clark,
District Court Judge.*

Judge ALLARD.

* Sitting by assignment made pursuant to Article IV, Section 16 of the Alaska Constitution and Administrative Rule 24(d).

Christopher R. Stacy was convicted, following a jury trial, of second-degree misconduct involving a controlled substance (possession of heroin with the intent to deliver).¹ Stacy raises four claims on appeal.

First, he argues that the trial court erred when it failed to instruct the jury on accomplice liability as it related to the lesser included offense of fourth-degree misconduct involving a controlled substance (possession of heroin). For the reasons explained here, we conclude that any error was harmless because Stacy's constructive possession of the heroin was not in dispute at trial.

Second, he argues that the trial court erred in allowing the investigating officer to testify to his personal opinion that Stacy intended to sell some of the heroin. We agree with Stacy that this opinion testimony was improper, but we conclude that it was harmless in the larger context of the case and the other proper hybrid testimony offered by the officer.

Third, Stacy argues that there was insufficient evidence presented at trial that he intended to deliver any of the two ounces of heroin that he possessed. Viewing the evidence in the light most favorable to upholding the verdict, as we are required to do on appeal, we conclude that there was sufficient evidence to support Stacy's conviction for possession of heroin with the intent to deliver.

Lastly, Stacy raises an important question of constitutional law. He argues that his due process rights under *Brady v. Maryland* and the Alaska Constitution were violated when the trial court denied his motion to compel the prosecutor to disclose any *Brady* impeachment material that was in the personnel files of the law enforcement

¹ Former AS 11.71.020(a)(1) (pre-July 2016 version).

officers who testified at his trial.² The prosecutor took the position that the State had no duty to learn of any *Brady* material in the personnel files of the law enforcement officers because he personally had no access to their otherwise confidential personnel files.

For the reasons explained in this opinion, we conclude that the confidentiality of these files does not, standing alone, absolve a prosecutor of their duty under *Brady v. Maryland*³ and *Kyles v. Whitley*⁴ to take reasonable steps to learn of favorable material evidence in the possession of the prosecution team, including personnel files. Because the prosecutor in this case made no effort to comply with the mandate of *Brady*, we remand this case to the trial court for further proceedings to determine if a *Brady* violation occurred.

Background facts and prior proceedings

On January 6, 2013, Alaska State Troopers made contact with Christopher R. Stacy and Jonathan Oaksmith as they disembarked from the ferry in Ketchikan, Alaska. The two men were returning from Washington, and the troopers had received a tip that they were carrying drugs. The troopers separated the two men, and both men consented to the troopers searching their belongings.

² *Brady v. Maryland*, 373 U.S. 83 (1963).

³ *Id.* at 87 (holding that “the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment”); *see also United States v. Bagley*, 473 U.S. 667, 682 (1985) (holding that evidence is “material” only if there is a “reasonable probability” that it would alter the trial result); *Giglio v. United States*, 405 U.S. 150 (1972) (extending *Brady* to impeachment material).

⁴ *Kyles v. Whitley*, 514 U.S. 419, 437 (1995) (holding that prosecutor has a “duty to learn” of *Brady* material known to members of the prosecution team, including law enforcement).

In Oaksmith's belongings, the troopers discovered two ounces (56.7 grams) of black tar heroin hidden inside a jar of peanut butter. There were two large pieces of heroin and one smaller portion of approximately six grams.

Oaksmith initially denied that any of the heroin belonged to him. However, he would later testify that Stacy had purchased the heroin and offered him six grams to transport the heroin for Stacy.

In exchange for his testimony against Stacy at trial, Oaksmith was allowed to plead to fourth-degree misconduct involving a controlled substance (possession of heroin). The State indicted Stacy on one count of second-degree misconduct involving a controlled substance (possession of heroin with intent to deliver).

At trial, Oaksmith testified that, in October 2012, he had accompanied Stacy and another man to Seattle, where Stacy had purchased about half an ounce of heroin. Oaksmith further testified that, in December 2012, Stacy talked with him about going back to Seattle to obtain more heroin. Oaksmith agreed to accompany Stacy and act as his "mule" in exchange for six or seven grams of heroin. Stacy financed the trip completely, selling a four-wheeler and liquidating several thousand dollars from his military disability funds to pay for the trip and the heroin.

Text messages between Oaksmith and his girlfriend corroborated Oaksmith's testimony. In the messages, Oaksmith told his girlfriend that he was "running heroin from Seattle to Ketchikan" for Stacy. He also informed her of his plans to sell some of the heroin he would receive for being the "mule."

Prior to returning to Ketchikan with the heroin, Stacy contacted a friend and asked her to watch for undercover law enforcement at the Ketchikan ferry terminal when he and Oaksmith arrived. However, the friend failed to show.

Investigator Dur'an, one of the troopers involved in the investigation, testified that the price of heroin in Ketchikan is exponentially higher than the price of

heroin in Seattle, and that significant money can be made by purchasing heroin in Seattle and then selling it in Ketchikan. In Dur'an's experience, most heroin addicts are struggling to get by and cannot afford the cost of traveling to Seattle to purchase heroin at cheaper rates. The price disparities between Seattle and Ketchikan also create a "huge financial incentive" to purchase large quantities in Seattle and then resell portions at a higher rate in Ketchikan.

At the close of trial, the jury found Stacy guilty of second-degree misconduct involving a controlled substance (possession of heroin with the intent to deliver).

This appeal followed.

Stacy's argument that the trial court committed reversible error when it failed to instruct the jury on accomplice liability in relation to the lesser included offense of fourth-degree misconduct involving a controlled substance

Stacy's defense at trial was that he was a serious heroin addict and that he had purchased this large amount of heroin solely for his personal use and not for delivery to anyone else. In accordance with this defense, Stacy's attorney requested that the jury be instructed on the lesser included offense of fourth-degree misconduct involving a controlled substance (possession of heroin).

The trial court granted this request, and the court instructed the jury on the elements of both second-degree misconduct involving a controlled substance and the lesser included offense of fourth-degree misconduct involving a controlled substance. Because Stacy was charged with acting either as a principal or as an accomplice with regard to the second-degree misconduct involving a controlled substance (possession with intent to deliver), the jury was instructed on accomplice liability as to that charge. However, the jury was not instructed on accomplice liability with regard to the lesser

included offense of fourth-degree misconduct involving a controlled substance (simple possession). Neither party noticed this omission or objected to the lesser included offense instruction as incomplete.

On appeal, however, Stacy now argues that the omission of an accomplice liability instruction for the lesser included charge requires reversal of his conviction. Stacy argues that without an accomplice liability instruction on the lesser included offense, the jury might not have understood that it could convict him of the lesser included offense under an accomplice theory. Thus, according to Stacy, the jury may have improperly voted to convict him of the higher offense because it felt it did not have the option of convicting him of the lesser included.

We find no merit to this argument given the manner in which this case was litigated. At trial, the State presented evidence that Stacy had purchased the heroin and that Stacy had hired Oaksmith as a “mule” to transport the heroin in exchange for a small portion. For the most part, Stacy did not contest this evidence. That is, he did not contest that he “possessed” the vast majority of the heroin found in Oaksmith’s bag; instead his defense was that the heroin was for his own personal use. Moreover, the jury would have understood that Stacy “possessed” the heroin even though it was in Oaksmith’s bag because the jury was directly instructed on the concept of constructive possession — *i.e.*, that a person can “possess” an item in the legal sense of the word even if it is not in their immediate physical control.⁵

In other words, contrary to the argument Stacy makes on appeal, the jury could have found Stacy “possessed” — *i.e.*, exercised dominion or control over — the

⁵ AS 11.81.900(a)(50) (“‘possess’ means having physical possession or the exercise of dominion or control over property”); *see also Dirks v. State*, 386 P.3d 1269, 1270 (Alaska App. 2017) (“‘Constructive possession’ refers to a person’s authority to exercise dominion or control over property even though it is not in their immediate physical possession.”).

heroin found in Oaksmith's bag as a principal without resorting to an accomplice theory. Because the facts as presented by both parties supported a guilty verdict on the lesser included offense, there is no reason to believe that the conviction on the greater offense was a "compromise verdict" based on a perceived inability to convict Stacy as an accomplice on the lesser included offense.

In any event, because Stacy did not object at trial to the omission of an accomplice liability instruction with regard to the lesser included offense, he must now show plain error on appeal.⁶ "In the context of jury instructions, plain error will be found only when the erroneous instruction (or the lack of an instruction) 'creates a high likelihood that the jury followed an erroneous theory[,] resulting in a miscarriage of justice.'"⁷

Here, given how this case was litigated and argued, we conclude that the absence of an accomplice liability instruction with regard to the lesser included offense did not confuse or mislead the jury. Accordingly, we find no plain error.

Stacy's argument that Investigator Dur'an's opinion testimony was improper

Before trial, the prosecutor notified Stacy and the trial court that he intended to offer Investigator Dur'an as a hybrid witness who would testify both to his investigative acts in the case as well as to his expert opinion that the amount of heroin

⁶ *Heaps v. State*, 30 P.3d 109, 114 (Alaska App. 2001) ("If a litigant fails to make a specific and timely objection to a jury instruction or the failure to give a jury instruction, an appellate court's consideration of the asserted error is limited to plain error review.").

⁷ *Id.* at 114 (quoting *Holiday Inns of America, Inc. v. Peck*, 520 P.2d 87, 91 (Alaska 1974)).

possessed by Stacy indicated an intent to distribute or deliver the substance. Stacy's attorney made no objection to this proposed testimony.

At trial, Investigator Dur'an testified that he had been an Alaska State Trooper for eight years, four of which were as a drug investigator. He also testified that he had special training for drug-related offenses and that he was familiar with the illicit drug trade in Ketchikan and southeast Alaska generally.

Dur'an corroborated Oaksmith's testimony concerning the various pricing of heroin in Ketchikan and Seattle. Dur'an stated that heroin in Ketchikan was normally purchased on the street in quantities of one gram or one-tenth of a gram, and that the price was generally around \$500 per gram. He also confirmed that heroin could be bought much more cheaply in Seattle.

Dur'an then testified to his involvement in the investigation, which included logging the evidence, reviewing the records of Stacy's payments for the trip, speaking with Oaksmith, reviewing the limited text messages on Stacy's phone, and reviewing the extensive text messages on Oaksmith's phone. The prosecutor then asked Investigator Dur'an if he had reached "some conclusions about whether or not this heroin was being imported for delivery." Stacy's attorney objected to this testimony as "speculation" without any further explanation. The objection was overruled.

Investigator Dur'an then testified that his investigation led him to the conclusion that Stacy had financed the trip and purchased the two ounces of heroin, that Oaksmith was the person who smuggled the heroin, and that the arrangement upon their return to Ketchikan was that Oaksmith would receive around six grams as payment. Dur'an also stated that, based on these facts, he had concluded that the intent behind the Seattle purchase was both "personal use and commercial distribution of the heroin."

Dur'an went on to explain that, in his experience, heroin users typically did not have the financial means to acquire such a large amount of heroin. Instead, "given

the traveling cost, the lodging cost, the cost of just entertaining themselves while they're there, it's more consistent with an individual that's going to take [that] substance and make a profit on it." Investigator Dur'an also testified that the amount of heroin in question suggested that Stacy and Oaksmith had an intent to distribute. Though he clarified: "I want to be clear, it's not that it's impossible for a person to have both the financial means to buy a bulk quantity of heroin for personal use, it's just not consistent [with] what I see." Instead, "[w]hat I see consistently is the people who bring in an ounce or two ounces are the people that are possessing it with the intent to resell that heroin here in town because . . . there's a huge financial incentive to bring it in in those quantities and resell it[.]" Investigator Dur'an testified that an individual selling two ounces of heroin in Ketchikan could potentially make "tens of thousands of dollars." But he testified that "I don't believe, based on . . . the totality of talking with everyone involved, [that] the intent was for them to distribute all of the heroin that was being possessed. I think there's no dispute that they intended to both use, at least use some." There were no objections to any of this testimony.

On appeal, however, Stacy argues that the trial court erred in allowing Investigator Dur'an to testify to his opinion that Stacy intended to distribute at least some of the heroin he purchased. Stacy asserts that this testimony was "more prejudicial than probative," as it "amounted to an opinion that Stacy was guilty" and because it "profil[ed]" Stacy as a "drug dealer." Thus, according to Stacy, this opinion testimony should not have been admitted under Alaska Evidence Rule 403.⁸

⁸ Alaska R. Evid. 403 ("Although relevant, evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.").

Stacy's arguments on appeal arise from the peculiar nature of "hybrid" witnesses in criminal trials. The Alaska Supreme Court first discussed the concept of hybrid witnesses in *Miller v. Phillips*, a medical malpractice case.⁹ There, the supreme court noted that the line between a "fact" witness and an "expert" witness "inevitably becomes blurred" when treating physicians testify in medical malpractice cases.¹⁰ The court subsequently expanded the use of hybrid witnesses to include investigating law enforcement officers in *Getchell v. Lodge*, a personal injury civil negligence case.¹¹ There, the court ruled that it was not an abuse of discretion to allow a state trooper to testify both to his observations as the investigating officer and to his conclusions (based on his knowledge and experience) regarding the cause of the accident and the fault of the parties.¹² The court recognized, however, that there "is a danger that a police investigator's conclusion will be given undue weight by a jury."¹³

The danger that a police investigator's expert conclusion may be given undue weight by a jury is particularly acute in a criminal case. As we have previously recognized, the danger is that jurors "may surmise that the police are privy to more facts than have been presented in court, or they may be improperly swayed by the opinion of a witness who is presented as an experienced criminal investigator."¹⁴

⁹ *Miller v. Phillips*, 959 P.2d 1247 (Alaska 1998).

¹⁰ *Id.* at 1250; *see also Andrews v. State*, 286 P.3d 780, 783 (Alaska App. 2012) (holding that hybrid lay and expert testimony of nurse who performed sexual assault examination of victim was admissible in prosecution for second-degree sexual assault).

¹¹ *Getchell v. Lodge*, 65 P.3d 50, 56-57 (Alaska 2003).

¹² *Id.*

¹³ *Id.* at 57.

¹⁴ *Sakeagak v. State*, 952 P.2d 278, 282 (Alaska App. 1998) (citing *Flynn v. State*, 847 (continued...))

As a general matter, Alaska Evidence Rule 704 permits expert witnesses to testify to the “ultimate issue” to be resolved by the trier of fact.¹⁵ But the commentary to the rule expressly warns that “an opinion of any person that a criminal defendant is guilty or innocent would not be admissible [under this rule].”¹⁶ We have applied this rule in numerous cases and have previously admonished courts against allowing witnesses to give their personal opinion of a defendant’s guilt or innocence.¹⁷

On appeal, the State asserts that Investigator Dur’an’s statements never strayed outside the boundaries of permissible expert testimony. According to the State, Investigator Dur’an “educated the jury based on his training and experience, on the facts and circumstances often attendant in drug trafficking cases, and highlighted the evidence that was consistent with Stacy being engaged in drug trafficking[.]” The State maintains

¹⁴ (...continued)
P.2d 1073, 1075-76 (Alaska App. 1993)).

¹⁵ Alaska R. Evid. 704.

¹⁶ Alaska R. Evid. 704 cmt. para. 6; *see also* Fed. R. Evid. 704(b) (barring an expert from testifying that the defendant had “a mental state or condition that constitutes an element of the crime charged”); Fed. R. Evid. 704 cmt. para. 4 (noting that, notwithstanding the fact that experts may now testify to the “ultimate issue,” Evidence Rules 403, 701, and 702 should still be used to exclude expert opinions “which would merely tell the jury what result to reach”); *United States v. Lockett*, 919 F.2d 585, 590 (9th Cir. 1990) (prohibiting expert from giving a direct opinion on defendant’s guilt or innocence).

¹⁷ *See, e.g., Sakeagak v. State*, 952 P.2d 278, 282 (Alaska App. 1998); *Flynn v. State*, 847 P.2d 1073, 1075-76 (Alaska App. 1993) (reversing conviction where police officer acted akin to a human polygraph with regard to the truthfulness of the defendant’s confession); *Thompson v. State*, 769 P.2d 997, 1003-04 (Alaska App. 1989) (reversing conviction based, in part, on witness vouching for victim’s credibility); *cf. Kodiak v. Samaniego*, 83 P.3d 1077, 1088-89 (Alaska 2004) (noting that an expert should not be allowed to state their own conclusions on points that jurors are equally capable of determining for themselves) (citing *Spenard Action Comm. v. Lot 3*, 902 P.2d 766, 780-81 (Alaska 1995)).

that Investigator Dur'an simply "pointed out that while the amounts of money and heroin at issue were indicative of an intent to distribute, it was also possible Stacy was possessing the heroin for personal use."

We agree that if Investigator Dur'an had limited his testimony in this manner, it would have been unobjectionable.¹⁸ But the record shows that Dur'an's testimony sometimes went beyond these boundaries and ultimately resulted in Dur'an testifying to his personal opinion about Stacy's guilt on the critical issue before the jury — *i.e.*, his opinion that Stacy intended to distribute at least some of the heroin he had purchased. This was objectionable opinion testimony that should generally not be permitted in a criminal trial. However, there was no objection to Dur'an's testimony — or at least no objection on the grounds now raised on appeal. The sole objection to Dur'an's opinion testimony was the defense attorney's objection of "speculation."¹⁹ We agree with the State that this was insufficient to preserve the arguments that Stacy now

¹⁸ See Alaska R. Evid. 702(a) (permitting witness to give opinion testimony if the witness is qualified "by knowledge, skill, experience, training or education" and if "scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue").

¹⁹ The defense attorney did not provide further information about what he considered was "speculation." On appeal, Stacy argues that Dur'an's testimony was impermissibly speculative because it was based, in part, on what Stacy asserts was an erroneous assumption that the costs associated with traveling to Seattle to buy heroin in bulk for personal use would "probably" amount to the same total expense as simply buying the same amount of heroin in Ketchikan. Stacy also includes a footnote allegedly demonstrating that Dur'an's calculations were wrong. But Stacy was given an opportunity to challenge Dur'an's calculations on cross-examination, and his failure to do so does not render Dur'an's testimony speculative or inadmissible.

raises on appeal. Accordingly, to prevail on appeal, Stacy must establish plain error — *i.e.*, obvious error undermining the fundamental fairness of the trial.²⁰

While we disapprove of some aspects of Dur'an's testimony, we do not find plain error. The majority of Dur'an's testimony was, as the State claims, unobjectionable and permissible hybrid testimony. Moreover, as the State points out, Dur'an expressed a number of caveats in his testimony. Thus, the evidentiary basis for Dur'an's opinion and the possible lack of evidence to support that opinion were both before the jury.²¹ The record also shows that the jury was properly instructed that they were the ultimate deciders of fact in this case. Given these circumstances and our review of the record as a whole, we conclude that Stacy received a fundamentally fair trial, and reversal of his conviction is not required under the plain error doctrine.

Stacy's argument that there is insufficient evidence to support his conviction

To convict Stacy of second-degree misconduct involving a controlled substance, the State was required to prove beyond a reasonable doubt that Stacy

²⁰ *Adams v. State*, 261 P.3d 758, 764 (Alaska 2011) (recognizing that plain error “involv[es] such egregious conduct as to ‘undermine the fundamental fairness of the trial and contribute to a miscarriage of justice’” and requires a reviewing court to find that the error “(1) was not the result of intelligent waiver or a tactical decision not to object; (2) was obvious; (3) affected substantial rights; and (4) was prejudicial” (quoting *Raphael v. State*, 994 P.2d 1004, 1015 (Alaska 2000))).

²¹ *Cf. Sakeagak*, 952 P.2d at 282-83 (finding police officer's testimony that he adopted an adversarial tone with the defendant because he believed the defendant killed his wife was not overly prejudicial because the officer's statement “added nothing of substance to an inference the jury could easily draw for themselves” and “the basis for [the officer's] conclusion and the possible lack of evidence to support that conclusion [were] before the jury”).

possessed “any amount of a schedule IA controlled substance with intent to . . . deliver.”²²

At trial, there was no dispute that heroin is a schedule IA controlled substance.²³ And there was no dispute that Stacy “possessed” heroin in the sense that he exercised dominion or control over the majority of the heroin found in the peanut butter jar. Instead, the dispute at trial centered on whether Stacy possessed the heroin with the intent to deliver.

Under AS 11.71.900(7), “deliver” means “the actual, constructive, or attempted transfer from one person to another of a controlled substance whether or not there is an agency relationship.” Notably, the State did not need to prove that Stacy intended to deliver *all* of the heroin that he possessed, or even a significant amount of the heroin; instead the State was only required to prove that Stacy intended to deliver “any” amount of heroin, even if the vast majority of it was intended for personal use.²⁴

After the close of evidence at trial, Stacy’s attorney moved for a judgment of acquittal, arguing that there was insufficient evidence to convict Stacy of possession of heroin with the intent to deliver. The trial court denied the motion, concluding that there was sufficient circumstantial evidence of an intent to deliver based on the large amount of drugs and “the intricacy of the plan and the effort that went into going down to get the stuff and bring it back.”

On appeal, Stacy renews his argument that the evidence at trial was legally insufficient to convict him of possession with intent to deliver.

²² Former AS 11.71.020(a)(1) (pre-July 2016 version).

²³ See AS 11.71.140(d)(11) (listing heroin as a Schedule IA controlled substance).

²⁴ Former AS 11.71.020(a)(1) (pre-July 2016 version).

Whether the evidence presented at trial is legally sufficient to support the defendant's conviction is a question of law that we review *de novo*.²⁵ When we review a claim of insufficiency, we are required to view all evidence — and all reasonable inferences from that evidence — in the light most favorable to upholding the jury's verdict.²⁶ Viewing the evidence in this light, we will uphold the verdict if a fair-minded juror could reasonably find that the State had proven the elements of the offense beyond a reasonable doubt.²⁷

Here, we agree with Stacy that the evidence of intent to deliver was not overwhelming. Unlike Oaksmith, Stacy did not admit to any intent to deliver. Nor did the troopers find any “tools” indicative of drug distribution — such as ledgers, baggies, or scales. Instead, the primary evidence tending to indicate an intent to deliver was the large quantity of drugs that was purchased.

Under both Alaska and federal law, a jury can infer an intent to deliver from possession of a large quantity of drugs, provided that the amount at issue is larger than for personal use.²⁸

²⁵ *Phornsavanh v. State*, 481 P.3d 1145, 1156 (Alaska App. 2021) (citing *Des Jardins v. State*, 551 P.2d 181, 184 (Alaska 1976)).

²⁶ *Id.* at 1156 (citing *Johnson v. State*, 188 P.3d 700, 702 (Alaska App. 2008) and *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)); *Bochkovsky v. State*, 356 P.3d 302, 308-09 (Alaska App. 2015) (citing *Hoekzema v. State*, 193 P.3d 765, 767 (Alaska App. 2008)).

²⁷ *Jackson*, 443 U.S. at 319; *Phornsavanh*, 481 P.3d at 1156; *Johnson*, 188 P.3d at 702.

²⁸ *See Bochkovsky*, 356 P.3d at 310 (“It is well established that possession of a large quantity of drugs is evidence of intent to deliver.”); *see also United States v. Johnson*, 357 F.3d 980, 984 (9th Cir. 2004) (“A jury can infer intent to distribute from possession of a large quantity of drugs.”); *United States v. Jackson*, 55 F.3d 1219, 1226 (6th Cir. 1995) (“Intent to distribute can be inferred from the possession of a large quantity of drugs, too large for personal use alone.”); *United States v. Howard*, 966 F.2d 1362, 1365 (10th Cir. 1992);

(continued...)

On appeal, Stacy argues that this inference should not apply to his case because there was evidence that he was a heavy user of heroin. But the evidence at trial was that a heavy user of heroin consumes approximately half of a gram of heroin a day. The amount at issue here — 56.7 grams — was more than 100 times that amount. It was also twice as much heroin as has been recognized as indicative of an intent to deliver in other cases.²⁹ It is certainly possible that Stacy was buying in bulk for the next four to five months — as his lawyer claimed at trial — but a fair-minded juror could reasonably reject such an explanation.

In any case, Stacy’s conviction does not rest on the amount of heroin alone. As the trial court noted when it denied Stacy’s motion for a judgment of acquittal, a juror could also reasonably infer, based on “the intricacy of the plan and the effort that went into going down to get the stuff and bring it back,” that this large amount of heroin was being purchased for more than just personal use. The evidence at trial showed that Stacy had traveled relatively recently to Seattle to purchase a lesser amount of heroin and that he was now returning to buy an even greater amount. The evidence also showed that Stacy had liquidated most of his assets for this trip and that he had taken steps to enlist Oaksmith as a “mule” (in exchange for a payment of six grams of heroin) and made efforts to have another person checking for undercover officers in Ketchikan. Added to

²⁸ (...continued)
United States v. Samad, 754 F.2d 1091, 1096 n.12 (4th Cir. 1984).

²⁹ *See Nelson v. State*, 2012 WL 399239, at *3 (Alaska App. Feb. 1, 2012) (unpublished) (holding that the jury could reasonably conclude defendant intended to distribute heroin based on police officer’s testimony that heroin users generally use no more than 0.2 grams at a time, and possession of even half of the twenty-five grams found in defendant’s case would be enough to suggest that the owner was involved in distribution); *see also Samad*, 754 F.2d at 1094-96 (twenty-two grams sufficient to support inference of intent to distribute); *United States v. Blake*, 484 F.2d 50, 57-58 (8th Cir. 1973) (fifteen grams of heroin sufficient to support inference of intent to distribute).

this evidence was the testimony by both Oaksmith and Investigator Dur'an of the extreme price differential between Seattle and Ketchikan and the tremendous financial incentive that existed to sell even a small amount of heroin in Ketchikan.

Thus, given the totality of the evidence presented at trial and viewing that evidence in the light most favorable to the verdict as we are required to do, we conclude that the evidence was legally sufficient to convict Stacy of possession with intent to deliver.

Stacy's argument that the State has a duty to learn of Brady material that may be contained in the personnel files of law enforcement officers who are part of the prosecution team

Before trial, Stacy's attorney requested, among other things, confirmation from the prosecutor that he had complied with his duties under *Brady v. Maryland*.³⁰ In particular, Stacy requested that the prosecutor examine the personnel files of the police officers and other state agents who would be testifying and disclose any material impeachment evidence contained in those files. The prosecutor opposed this request, asserting that he had no ability to examine these records because they were confidential under Alaska law. The defense attorney then moderated his request, asking that the prosecutor be required to contact the law enforcement agency that possessed the personnel records and to inquire as to whether they contained *Brady* material. The defense attorney also requested that, at the very least, the prosecutor be required to ask the witnesses themselves if any such material existed.

The prosecutor again opposed this request. According to the prosecutor, the only way for the defense to obtain any information about *Brady* material that might be contained in these files was by filing a motion for *in camera* review under *Booth v.*

³⁰ *Brady v. Maryland*, 373 U.S. 83 (1963).

State.³¹ In other words, the State took the position that the prosecution has no independent duty to learn of *Brady* material that might be contained in a police officer's personnel file. The trial court agreed and denied the defense attorney's request.

On appeal, Stacy argues that the trial court's ruling violated his federal and state due process rights, and that his case should be remanded for an *in camera* review of the relevant personnel files to determine if they contain *Brady* material that should have been disclosed. In support of this argument, Stacy cites to Ninth Circuit case law, which has held that a prosecutor has a duty to learn of *Brady* material contained in law enforcement personnel files.³²

In response, the State argues that this Court has previously rejected the Ninth Circuit case law that Stacy relies on.³³ The State also argues that the prosecutor has no duty to learn of *Brady* or *Giglio* material contained in a law enforcement officer's

³¹ *Booth v. State*, 251 P.3d 369, 375 (Alaska App. 2011) (defendant entitled to *in camera* review if defendant shows "that *if* the requested personnel files contain the sort of information described in the defendant's motion, this information would be relevant to the defendant's guilt or innocence" given facts and case theories); *see also March v. State*, 859 P.2d 714, 718 (Alaska App. 1993) ("As long as the party seeking discovery has a good faith basis for asserting that the materials in question may lead to the disclosure of favorable evidence, the trial court should conduct an *in camera* review before ruling on a request for discovery."); *Dana v. State*, 623 P.2d 348, 355 (Alaska App. 1981) (defendant must make a "sufficient showing to require the trial court to locate the personnel file in the middle of trial, review it *in camera*, and determine if any information had relevance").

³² *United States v. Henthorn*, 931 F.2d 29, 31 (9th Cir. 1991); *see also Milke v. Ryan*, 711 F.3d 998, 1016 (9th Cir. 2013).

³³ *See, e.g., Martin v. State*, 297 P.3d 896, 901 (Alaska App. 2013) (holding that trial court's refusal to grant an *in camera* production of personnel files was not plain error because whether defendant had to make an initial showing of materiality was reasonably debatable given federal circuit split on issue).

confidential personnel file. The State asserts that recognizing such a duty would impose “unacceptable burdens on prosecutors and the police.”

Resolving the question of what duty, if any, a prosecutor has to learn of *Brady* material in a law enforcement officer’s otherwise confidential personnel file is an issue of first impression for this Court. Our prior case law has not directly addressed whether such a duty exists, independent from the mechanisms through which a defense attorney can obtain *in camera* review of personnel files.

We begin our analysis with a brief overview of a prosecutor’s general duty to disclose favorable material evidence under *Brady* and subsequent case law.

In 1963, in the seminal case *Brady v. Maryland*, the United States Supreme Court held that “the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.”³⁴ The Supreme Court subsequently clarified that a prosecutor’s duty to disclose *Brady* material exists even when there has been no request from the defense.³⁵ The Supreme Court also expanded the duty to include impeachment evidence as well as exculpatory evidence.³⁶ Evidence is “material” for purposes of *Brady* “if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.”³⁷

³⁴ *Brady*, 373 U.S. at 87.

³⁵ *United States v. Agurs*, 427 U.S. 97, 107 (1976).

³⁶ *United States v. Bagley*, 473 U.S. 667, 676 (1985); *Giglio v. United States*, 405 U.S. 150, 154 (1972).

³⁷ *Bagley*, 473 U.S. at 682; *see Kyles v. Whitley*, 514 U.S. 419, 433-34 (1995) (explaining that under *Bagley*’s “reasonable probability” standard, “[t]he question is not
(continued...)

The United States Supreme Court has also extended a prosecutor's duty to disclose *Brady* material beyond what is personally known to the prosecutor. Thus, in *Giglio v. United States*, the Supreme Court held that knowledge of a promise made to a witness by one prosecutor in the office was imputed to the trial prosecutor, even though the first prosecutor had never disclosed this impeachment information to the trial prosecutor nor to his superiors.³⁸ As the Court held, “[t]he prosecutor’s office is an entity” and “[a] promise made by one attorney must be attributed, for these purposes, to the Government.”³⁹ The Supreme Court recognized that this would likely place a burden on large prosecution offices, but it concluded that “procedures and regulations can be established to carry that burden and to [e]nsure communication of all relevant information on each case to every lawyer who deals with it.”⁴⁰

In *Kyles v. Whitley*, the Supreme Court held that the prosecutor’s duty under *Brady* also extended to information outside the prosecutor’s office, and included a “duty to learn of any favorable evidence known to the others acting on the government’s behalf in the case, including the police.”⁴¹ As in *Giglio*, the Court expressed confidence that

³⁷ (...continued)
whether the defendant would more likely than not have received a different verdict with the evidence, but whether in its absence he received a fair trial, understood as a trial resulting in a verdict worthy of confidence”).

³⁸ *Giglio*, 405 U.S. at 154.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Kyles*, 514 U.S. at 437.

“procedures and regulations” could be established to ensure that prosecutors learn of favorable material evidence that should be disclosed to the defense.⁴²

In response to *Brady* and its progeny, prosecutorial offices across the country have instituted procedures and regulations to ensure compliance with their constitutional duty to learn and disclose favorable material evidence to the defense.⁴³ In some instances, these procedures have included reviews of police personnel files for *Brady* impeachment material, which can include disciplinary actions related to a police officer’s credibility and bias.⁴⁴

For example, Maricopa County in Arizona requires law enforcement departments to provide prosecutors with police disciplinary files concerning “a law

⁴² *Id.* at 438 (quoting *Giglio*, 405 U.S. at 154).

⁴³ See Jonathan Abel, *Brady’s Blind Spot: Impeachment Evidence in Police Personnel Files and the Battle Splitting the Prosecution Team*, 67 Stan. L. Rev. 743, 762-79 (2015) (reviewing a variety of state practices and approaches to implementing *Brady*); see also, e.g., 2021 Wash. Sess. Laws, ch. 322 (requiring “[e]ach county prosecutor” to “develop and adopt a written protocol addressing potential impeachment disclosures pursuant to *Brady*”).

⁴⁴ See, e.g., Franklin County District Attorney, *Press Release: Deeds Not Words* (Dec. 2, 2020), https://franklincountypa.gov/ckeditor/files/files/District%20Attorney/Press%20Release,%20Deeds%20Not%20Words,%2012_2_20.pdf (discussing policy requiring prosecutors “to promptly report any police misconduct they observe” and “*Giglio* Protocol” which “implements a local process for disclosure of police prior misconduct to defense counsel” and requires “ongoing maintenance of a list of such officers”); The Institute for Innovation in Prosecution at John Jay College of Criminal Justice, *The Prosecutor’s Role in Addressing Officer-Involved Fatalities and Critical Incidents* 24-27 (2019), <http://johnjay.jjay.cuny.edu/documents/Officer-Involved-Fatalities-Toolkit.PDF> (providing example “*Brady* Policy” from Ramsey County, Minnesota that creates a *Brady* committee consisting of prosecutors, police officers, and others to disclose and track potential *Brady* material from the St. Paul Police Department on a monthly basis).

enforcement employee’s truthfulness, bias, or moral turpitude.”⁴⁵ Two counties in North Carolina similarly require “all police agencies to search officers’ personnel records for credibility issues going back ten years.”⁴⁶

At the federal level, in 1991, the Department of Justice adopted an internal procedure to ensure that the personnel files of federal agents are reviewed for potential *Brady* material.⁴⁷ Under this system, each investigative agency within the Department’s control is required to search agents’ files for *Brady* material and to notify the prosecutor of anything that might require disclosure.⁴⁸

These procedures were adopted by the federal government in response to a Ninth Circuit case, *United States v. Henthorn*.⁴⁹ In *Henthorn*, the Ninth Circuit held that “the government has a duty to examine personnel files upon a defendant’s request for their production,” and the “government must ‘disclose information favorable to the defense that meets the appropriate standard of materiality.’”⁵⁰ The Ninth Circuit further held that “[i]f the prosecution is uncertain about the materiality of information within its possession, it may submit the information to the trial court for an *in camera* inspection

⁴⁵ Abel, *supra* note 43, at 772-73 (internal citations omitted).

⁴⁶ *Id.* at 774 (internal citations omitted).

⁴⁷ *See id.* at 759.

⁴⁸ *Id.*; *see also* United States Department of Justice, *Justice Manual* § 9-5.001(B) (2018) (requiring “federal prosecutors, in preparing for trial, to seek all exculpatory and impeachment information from all the members of the prosecution team,” which includes “federal, state, and local law enforcement officers and other government officials participating in the investigation and prosecution”).

⁴⁹ *United States v. Henthorn*, 931 F.2d 29 (9th Cir. 1991); *see* Abel, *supra* note 43, at 759.

⁵⁰ *Henthorn*, 931 F.2d at 30-31 (quoting *United States v. Cadet*, 727 F.2d 1453, 1467-68 (9th Cir. 1984)).

and evaluation.”⁵¹ Because the government had failed to examine the personnel files in *Henthorn*, the Ninth Circuit ordered the government to submit the files to the federal district court for *in camera* review.⁵²

On appeal, Stacy argues that this Court should adopt *Henthorn*’s holding and require the State, upon defense request, to examine the personnel files of state agents, including the police, and disclose any *Brady* material found. The State responds that the majority of federal circuits have rejected the *Henthorn* examination requirement and that this Court has likewise rejected this approach.

But the legal landscape is more complicated than the State acknowledges. A year after *Henthorn* was decided, the Ninth Circuit grappled with the question of what “the duty to examine” actually meant. In *United States v. Jennings*, the trial court interpreted *Henthorn* as requiring the prosecutor assigned to the case to *personally* review law enforcement officer personnel files.⁵³ The trial court therefore issued an order requiring this personal review. The government informed the court that it would decline to follow this order and would appeal. In response, the court granted the defense request to suppress the testimony of the law enforcement officers.

On appeal, the Ninth Circuit reaffirmed the *Henthorn* holding that the government has a duty to examine law enforcement personnel files and to disclose any *Brady* material.⁵⁴ The court held, however, that this duty could be met without requiring

⁵¹ *Id.*

⁵² *Id.* at 31.

⁵³ *United States v. Jennings*, 960 F.2d 1488, 1489-90 (9th Cir. 1992).

⁵⁴ *Id.*

the assigned prosecutor to personally review the relevant files.⁵⁵ The court noted that the Department of Justice had recently implemented a policy in response to *Henthorn* to ensure that *Brady* material contained in law enforcement personnel files was properly disclosed to the defense. The *Jennings* Court explained that, under this system,

the files of law enforcement officers are to be examined by the appropriate agency's attorney or his staff. The agency legal staff will notify the federal prosecutor assigned to the case if any potential *Brady* material is found, and the AUSA will then determine whether the information should be disclosed or whether an in camera review by the district court is appropriate.^[56]

The Ninth Circuit concluded that “[a]dherence to this procedure would indicate that the AUSA is fulfilling his responsibility for ensuring government compliance with *Brady*.”⁵⁷ The court further concluded that the trial court had overstepped its authority in ordering the prosecutor to personally conduct a review because “the presumption is that official duty will be done” in accordance with the Department of Justice’s internal policy.⁵⁸ The court therefore reversed the trial court’s orders and remanded the case for further proceedings.

In our view, the Ninth Circuit’s holding in *Jennings* strikes the appropriate balance between ensuring that the State complies with its duties under *Brady* while also granting the State the discretion to determine how best to comply. This approach has

⁵⁵ *Id.* at 1491-92.

⁵⁶ *Id.* at 1492 n.3.

⁵⁷ *Id.* at 1492.

⁵⁸ *Id.*

also been approved by other federal circuit courts — even courts that assert that they are rejecting *Henthorn*.⁵⁹

In *United States v. Quinn*, for example, the Eleventh Circuit “decline[d] to follow *Henthorn*,” but its actual holding reaffirmed one of the underlying principles of *Henthorn* — which is that the government has a duty to learn of *Brady* material that may be in a law enforcement officer’s personnel file.⁶⁰ In *Quinn*, the defendant filed a pretrial motion requesting that the trial court order the government to disclose the personnel files of the testifying officers for impeachment purposes.⁶¹ The trial court denied the motion, but nevertheless emphasized that the government had a duty to comply with its obligations under *Brady* and *Giglio*. As the trial court stated:

As far as [personnel] records go, the government has to see if they’re . . . *Brady* or *Giglio* Everybody knows that. . . . And I’m not going to tell the government what it has to do. One thing to clarify my position is that the government should be reviewing those records to determine whether this is *Brady* material at sight, not just to necessarily hand them over.^[62]

⁵⁹ See, e.g., *United States v. Dent*, 149 F.3d 180, 191 (3d Cir. 1998) (holding that, to satisfy *Brady*, prosecution “need only direct the custodian of the [personnel] files to inspect them for exculpatory evidence and inform the prosecution of the results of that inspection, or, alternatively, submit the files to the trial court for *in camera* review” (citing *Jennings*, 960 F.2d at 1492)); *United States v. Quinn*, 123 F.3d 1415, 1421-22 (11th Cir. 1997) (claiming to reject *Henthorn*, but concluding that the district court did not err by refusing to order *in camera* review of personnel records where district court had required the government “to review the personnel files to determine whether they contained *Brady* or *Giglio* material”).

⁶⁰ *Quinn*, 123 F.3d at 1422.

⁶¹ *Id.* at 1423.

⁶² *Id.* at 1421.

The defendant later appealed the denial of his motion to compel, arguing that the trial court should have either ordered the government to directly disclose the contents of the personnel files to the defense or, at the very least, ordered the government to produce the files to the court for *in camera* review.⁶³ The Eleventh Circuit rejected this claim of error, concluding that the trial court had acted properly. As the Eleventh Circuit noted, “Here, the district judge required the government to comply with *Brady* and *Giglio*, and stated that the government was required to review the personnel files to determine whether they contained *Brady* or *Giglio* material.”⁶⁴ Given this, the Eleventh Circuit concluded that the trial court had not erred in denying the defense request for production of those files absent an adequate showing of materiality.⁶⁵

As the Eleventh Circuit’s decision in *Quinn* demonstrates, there is a distinction between recognizing the prosecutor’s duty to learn of *Brady* material in law enforcement personnel files and requiring the prosecutor to *produce* those files to the defense or to the court. However, this distinction is often lost in discussions of *Henthorn*, as is true in our prior discussion in *Martin v. State*.⁶⁶

In *Martin*, the defendant filed a pretrial motion requesting that the trial court conduct an *in camera* review of the personnel files of all testifying officers.⁶⁷ In support of this motion, the defendant accused some of the officers of committing serious police misconduct in other cases. But he provided no support for these accusations. The trial court denied the motion, concluding that the defendant had failed to meet his burden of

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.* at 1421-22.

⁶⁶ *Martin v. State*, 297 P.3d 896, 901 (Alaska App. 2013).

⁶⁷ *Id.* at 900.

establishing “a good faith basis for asserting that the materials in question may lead to the disclosure of favorable evidence.”⁶⁸

On appeal, the defendant argued that the trial court’s refusal to order *in camera* review of the personnel files violated his due process rights under *Brady*. Specifically, the defendant argued that “it is unreasonable to require a defendant to provide a good-faith basis for seeking disclosure of personnel files when the defendant does not have access to those files and does not know their contents.”⁶⁹ The defendant had not made this argument in the trial court, and he was therefore obligated to establish plain error on appeal. In addressing the plain error argument, this Court cited to *Henthorn* and its progeny. But this Court also noted that “other federal circuits have rejected *Henthorn*,”⁷⁰ and we concluded that “the fact that the federal circuits are split on this question means that Martin has failed to show plain error.”⁷¹

In the current appeal, the State relies on this language in *Martin* to argue that we have previously rejected *Henthorn* and that Alaska law therefore does not recognize any prosecutorial duty to learn about *Brady* material contained in law enforcement personnel files. But, as already established, there is a difference between a defendant’s burden to justify production of otherwise confidential personnel files for an *in camera* review and the State’s independent duty to disclose *Brady* material that may be in those personnel files. The State’s duty to disclose *Brady* material was not at

⁶⁸ *Id.* (quoting *March v. State*, 859 P.2d 714, 718 (Alaska App. 1993)).

⁶⁹ *Id.* at 901.

⁷⁰ *Id.*

⁷¹ *Id.*

issue in *Martin*, nor was it at issue in many of the cases cited in our opinion as rejecting *Henthorn*.⁷²

Here, however, the State's independent duty is at issue. In the current case, the prosecutor took the position that because state personnel files are confidential under Alaska law, he had no ability to review them and no duty to learn about *Brady* material they may contain. But, as the Ninth Circuit explained, there are multiple ways that the State can comply with its obligations under *Brady* without having individual prosecutors personally review personnel files.⁷³ One approach is to adopt the federal system through which the affected agency conducts the internal review and then reports to the prosecutor's office.

⁷² See *id.*; see also *United States v. Quinn*, 123 F.3d 1415, 1422 (11th Cir. 1997) (affirming denial of request to order production of personnel records but noting that district court properly required the government to examine those records for *Brady* or *Giglio* material); *United States v. Driscoll*, 970 F.2d 1472, 1482 (6th Cir. 1992) (acknowledging *Brady*'s general obligation upon the government to disclose favorable evidence but noting that "the government typically is the sole judge of what evidence in its possession is subject to disclosure" and affirming denial of request for production of personnel records without a showing of materiality (internal citations omitted)); *United States v. Andrus*, 775 F.2d 825, 843 (7th Cir. 1985) (concluding that *Brady* does not require the government disclose or produce the contents of personnel files for review based only upon "speculative assertion[s] that impeaching material may be in a government file"); cf. *United States v. Kiszewski*, 877 F.2d 210, 216 (2d Cir. 1989) (remanding case for *in camera* examination of personnel files after prosecution reviewed the files of testifying officers and found potential impeachment material but did not disclose the files); *United States v. Muse*, 708 F.2d 513, 517 (10th Cir. 1983) (acknowledging that the "government must supply evidence useful to the defendant simply for impeachment purposes . . . whether such evidence was contained in personnel files or elsewhere" but denying disclosure of witnesses' personnel records where defendant had been granted disclosure of other impeachment material).

⁷³ *United States v. Jennings*, 960 F.2d 1488, 1490 (9th Cir. 1992) (noting that the government's duty to disclose *Brady* material "cannot be evaded by claiming lack of control over the files or procedures of other executive branch agencies").

Indeed, it appears that the Department of Law has adopted such a procedure with regard to the Anchorage Police Department. The Department of Law described this process in a trial court filing from an unrelated case, dated November 2016:

The Anchorage Police Department (APD) and the Department of Law (DOL) have agreed to an on-going process by which the APD will advise one representative of the Department of Law of its substantiation of an officer's or employee's misconduct involving untruthfulness or bias. The APD gives the DOL representative limited detail about the misconduct, but does not give the DOL representative any written or recorded report of the investigation of the misconduct, such a report being part of a confidential personnel record. The APD furnishes the DOL representative with sufficient detail to show a judge assigned a criminal case in which the officer or employee may be a material witness that there is good cause to order production of the written or recorded report for *in camera* review. The process is intended to facilitate compliance with the duty of police and prosecutors under *Giglio* while respecting the officer's or employee's privacy interest in the confidential personnel records.^[74]

Stacy referred to this policy in his briefing to this Court. The State, however, did not acknowledge or address it in its brief. But the apparent existence of such a policy undermines the State's claim that recognizing a duty to learn of *Brady* material in personnel files would impose "unacceptable burdens on prosecutors and the police."

Accordingly, we now hold that, under Alaska law, prosecutors have a duty to learn of *Brady* material that may be in the personnel files of law enforcement officers or other members of the prosecution team. We note that this duty extends not only to

⁷⁴ Motion for *In Camera* Review at 1-2, *State v. Beier*, No. 3AN-15-09578 CR (Alaska Super. Ct. Nov. 29, 2016).

police agencies of the same government bringing the prosecution, but it may also extend to officers from cross-jurisdictional agencies who have a “close working relationship” with the prosecution.⁷⁵ And the duty may include other governmental offices and actors who are “closely aligned with the prosecution” or acting on the government’s behalf.⁷⁶

⁷⁵ See *United States v. Brooks*, 966 F.2d 1500, 1503-04 (D.C. Cir. 1992) (holding federal prosecutor had duty to review personnel file of police officer who had been a key witness “[g]iven the close working relationship between the Washington metropolitan police and the U.S. Attorney”); *United States v. Antone*, 603 F.2d 566, 568-70 (5th Cir. 1979) (finding state investigators part of federal prosecution team because of “extensive cooperation” and formation of a “joint investigative task force” with federal agents).

⁷⁶ See United States Department of Justice, *Justice Manual* § 9-5.001(B)(2) (2018) (“prosecution team” includes “federal, state, and local law enforcement officers and other government officials participating in the investigation and prosecution of the criminal case against the defendant”); *McCormick v. Parker*, 821 F.3d 1240, 1247 (10th Cir. 2016) (sexual assault nurse who examined alleged victim “at the behest of” law enforcement was part of the prosecution team); *United States v. Santiago*, 46 F.3d 885, 894 (9th Cir. 1995) (finding Bureau of Prisons files to be within the prosecution’s *Brady* obligation); *United States ex rel. Smith v. Fairman*, 769 F.2d 386, 391 (7th Cir. 1985) (noting that prosecutor’s ignorance of existence of favorable material does not justify the State’s failure to produce it, particularly when the “withheld evidence is under the control of a state instrumentality closely aligned with the prosecution”); *United States v. Deutsch*, 475 F.2d 55, 57-58 (5th Cir. 1973) *overruled on other grounds by United States v. Henry*, 749 F.2d 203 (5th Cir. 1984) (holding that the government must produce personnel files of government agents if they contained impeachment material even if employee was employed by a different branch of the government — here, the personnel file of a post office employee who was the government’s principal witness); *In re C.J.*, 652 N.E.2d 315, 318 (Ill. 1995) (observing that case worker from social service agency could be considered part of the prosecution team when the worker “acts at the behest of and in tandem with the [prosecutor], with the intent and purpose of assisting in the prosecutorial effort”).

But see United States v. Rivera-Rodríguez, 617 F.3d 581, 595 (1st Cir. 2010) (finding probation officer was not part of prosecution team when officer was preparing a presentence report for co-defendant and there was no evidence that prosecution had the information in the report prior to or during trial); *United States v. Pelullo*, 399 F.3d 197, 218 (3d Cir. 2005)

(continued...)

How the State chooses to comply with this duty is left to its discretion. But a system must be in place through which individual prosecutors can learn of *Brady* material in the personnel files of law enforcement officers and other state agents who will be material witnesses in a given case. Thus, when a defense attorney requests confirmation that the prosecutor has complied with their duty to learn of *Brady* material in a law enforcement officer's personnel file, the prosecutor must confirm that reasonable steps have been taken to discover and disclose any favorable material evidence contained in those files. This includes (but is not limited to) prior instances of police misconduct involving untruthfulness or bias.

The question we now face is how to remedy what has occurred in this case. Stacy argues that we should remand the case for an *in camera* review of all relevant personnel files and the trial court should then “disclose any relevant impeachment material it finds and determine if a new trial is warranted in light of any newly disclosed material.” But this remedy ignores the distinction that Stacy has otherwise emphasized in his briefing before this Court — *i.e.*, the distinction between recognizing the prosecutor's duty to learn of, and disclose, *Brady* material in the personnel records of its agents, and actually requiring the personnel records to be subjected to an *in camera* review. We note that Stacy had the opportunity to request such a review in the proceedings below, and he failed to make a sufficient showing of materiality to warrant an *in camera* review. It is therefore not clear why he should be entitled to this relief on

⁷⁶ (...continued)

(finding Pension and Welfare Benefits Administration records outside prosecutor's constructive knowledge because agency had no working relationship with prosecution team); *United States v. Velte*, 331 F.3d 673, 680 (9th Cir. 2003) (no *Brady* violation despite failure to disclose report held by government weather station when no connection between prosecutor and weather station such that it was not “acting on the government's behalf”).

remand. We also believe that it was *Henthorn*'s adoption of this type of remedy that led to the later misreading of that decision by other courts.

We conclude that the appropriate remedy is to remand this case to the superior court so that the prosecutor can properly fulfill their duty under *Brady*. On remand, the prosecutor shall ensure that the relevant personnel files have been reviewed for any impeachment evidence that is significant enough that it could be material in Stacy's case.⁷⁷ The prosecutor may also request the court to conduct some form of *in camera* review.

If impeachment evidence that could reasonably be viewed as material is discovered during the review, the evidence must be disclosed to the defense. The parties should then be given the opportunity to litigate whether a new trial is warranted in light of the newly disclosed evidence.

Conclusion

We REMAND this case for further proceedings as outlined above. We retain jurisdiction.

⁷⁷ Evidence is material "if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different." *United States v. Bagley*, 473 U.S. 667, 682 (1985). A "reasonable probability" of a different result is one in which the withheld evidence "could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict." *Kyles v. Whitley*, 514 U.S. 419, 435 (1995); accord *Cone v. Bell*, 556 U.S. 449, 469-70 (2009); *Banks v. Dretke*, 540 U.S. 668, 698-99 (2004); *Strickler v. Greene*, 527 U.S. 263, 290 (1999). A "showing of materiality does not require demonstration by a preponderance that disclosure of the suppressed evidence would have resulted ultimately in the defendant's acquittal," and it is "not a sufficiency of the evidence test." *Kyles*, 514 U.S. at 434. Courts consider the evidence "collectively, not item by item," and materiality "turns on the cumulative effect of all such evidence suppressed by the government." *Id.* at 421, 436.

**CITY OF NORTH POLE
ORDINANCE NO. 22-01**

**AN ORDINANCE OF THE CITY OF NORTH POLE AMENDING THE
TRAVEL REIMBURSEMENT AND PER DIEM FOR EMPLOYEES
AND CITY COUNCIL**

WHEREAS, changes to the North Pole Municipal Code are a continually
changing requirement; and

WHEREAS, the City of North Pole wishes to remain competitive with its
compensation for it's employees; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be
codified.

Section 2. Title 2 Chapter 36 section 220 Travel and Host Reimbursement are
hereby amended in the North Pole Code of Ordinances as follows: [new text in
red, deleted text in ~~strikethrough red~~]

B. Travel Reimbursement and Per Diem.

1. When employees or members of the City Council are required to travel
for the City on official business, reimbursement or advance payment shall
be in accordance with the following guidelines:

2. Reimbursement or advance payment for expenditures on official trips
shall be ~~\$51 (fifty one dollars)~~ \$72 (seventy two dollars) per day. ~~Partial
days shall be reimbursed based on the daily increments listed in this
section.~~ The first and last day of travel shall be reimbursed at 75% of the
\$72 per day or \$54 per day.

Per Diem for Partial Days	-	Rates
Midnight to 9:59 a.m.	Breakfast (20%)	\$10.00
10:00 a.m. to 2:59 p.m.	Lunch (30%)	\$15.00
3:00 p.m. to Midnight	Dinner (50%)	\$26.00
-	Total Daily Amount	\$51.00

~~Meals that are included in a conference, seminar or meeting are not eligible for per diem reimbursement.~~

3. Per diem is only issued for travel that takes an employee or Council member outside of the regional area, defined as the Fairbanks North Star Borough (FNSB).

4. Claims for reimbursable lodging expenses and destination ground transportation shall be supported by actual receipts. All reimbursement requests must be submitted on a travel expense claim form within thirty days of travel. If the travel expense claims form is not turned in within thirty days the City will not reimburse any expenses, no exceptions.

5. An employee or member of the City Council may request an advance payment equal to one hundred percent of anticipated expenses covered under this section with the following constraints:

a. A completed travel authorization form, with proper approval, is submitted to the Accounts Payable Clerk five business days prior to travel.

b. Travel and lodging allowances paid in advance must be substantiated by receipts, invoices, ticket stubs, etc., within thirty days of the employee's return date and a travel expense claim form. Overpayments shall be returned to the City. If an employee or member of the City Council fails to submit documentation of expenses within thirty days of completion of travel for which advance payment was made, the Chief Executive shall deduct from the employee's/Council

member's pay the amount of the advanced funds for which no receipts are made available. All funds so deducted shall be paid to the employee or member of the City Council upon submission of all required documentation.

Section 3. Effective Date. This ordinance shall become effective at signing.

ADOPTED THE ____ DAY OF February 2022.

Mayor: Michael W. Welch

ATTEST:

Melissa Dionne
City Clerk

PASSED
Yes:
No:
Absent:

**CITY OF NORTH POLE
ORDINANCE 22-02**

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA, TO AMEND TITLE 15,
BUILDING AND CONSTRUCTION**

WHEREAS, changes to the North Pole Municipal Code is a continually changing requirement;
and

WHEREAS, the City of North Pole Municipal Code should be amended to conform to the
requirements of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole:

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. Amend Title 15, Building and Construction by adopting by reference the following
national building codes as follows and with the attached amendments;

Chapter 15.12: Building Code; International Building Code, 2018 edition

Chapter 15.16 Existing Building Code 2018 edition.

Chapter 15.20: Residential Code; International Residential Code, 2018 edition

Chapter 15.28: Mechanical Code; International Mechanical Code, 2018 edition

Chapter 15.36: Electrical Code; National Electrical Code, 2020 edition

Chapter 15.42: Plumbing Code; Uniform Plumbing Code, 2018 edition

Chapter 15.50: Fire Code; International Fire Code, 2018 edition

Chapter 15.82: Fuel Gas Code; International Fuel Gas Code, 2018 edition

Chapter 15.90 Energy Code

Section 3. These changes shall become codified the next business day following adoption by the
North Pole City Council.

*PASSED AND FORWARDED by a duly constituted quorum of the North Pole City Council for
possible adoption 22nd day of February 2022.*

ATTEST:

MICHAEL WELCH, Mayor

Melissa Dionne, City Clerk

Chapter 15.12 Building Code

15.12.010 Adoption.

The International Building Code (IBC), ~~2015~~ **2018** Edition, as published by the International Conference of Building Officials, together with the local amendments as set forth in this chapter, shall constitute the laws of the City relating to building regulations. Where the IBC conflicts with this code this code shall prevail. An electronic copy of the IBC and referenced standards is retained at the City offices. (Ord. 17-12 § 2(A), 2017; Ord. 16-12 § 2, 2016; Ord. 12-07 § 2, 2012)

15.12.020 Modifications.

The Building Official shall have the power to modify any of the provisions of the International Building Code adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Building Official thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant. (Ord. 17-12 § 2(A), 2017; Ord. 12-07 § 2, 2012)

15.12.030 Appeals.

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Building Official to an appeals board of five members to be appointed by the Mayor/City Manager within thirty days from the date of the decision. The appointment of the appeals board will be on a case-by-case basis with the members of said board comprised of local design professionals, contractors, inspectors or other members of the public deemed knowledgeable of the subject matter by the Mayor/City Manager. (Ord. 17-12 § 2(A), 2017; Ord. 12-07 § 2, 2012)

15.12.040 Building permits – Compliance with ordinances.

It is established that no permit will be issued for the construction of new buildings or building within the corporate limits of the City which is inconsistent with the current comprehensive plan of the City or any City ordinances and regulations. (Ord. 17-12 § 2(A), 2017; Ord. 12-07 § 2, 2012)

15.12.050 Moving buildings.

A. No building of any kind or nature shall be moved to a location in the City from outside the limits of the City without approval of the Building Official, and, in the event any persons move into the City a building from a location outside the City, he or they shall not be permitted

to use the building either for residential or business purposes until the Building Official has approved the building for the purpose intended.

B. No building which is more than eight feet six inches wide, more than thirteen feet six inches above the ground, more than seventy feet zero inches total length including trailer, more than four feet zero inches in rear overhang, more than three feet zero inches in front overhang or more than the allowable road weight limitations shall be moved upon the City streets without first obtaining a moving permit. Before a moving permit may be issued, the following items must be provided: a copy of the State transport permit, proof of insurance, the proposed route and time and a bond of \$1,000 (one thousand dollars) in the form of a certified check payable to the City. The moving permit must have the written approval of both the Building Official and Chief of Police or their designee. The bond will be returned less any expenses incurred by the City repairing public facilities, utilities or roadways damaged during the move. (Ord. 17-12 § 2(A), 2017; Ord. 12-07 § 2, 2012)

15.12.060 Local amendments to the International Building Code, 2015 Edition.

The amendments to the International Building Code, ~~2015~~ **2018** Edition, as published by the International Conference of Building Officials ~~and the State of Alaska 13 AAC 50.020 Building Codes~~ are hereby adopted by the City of North Pole as follows:

15.12.060 Local amendments to the International Building Code, 2018 Edition.

The amendments to the International Building Code, 2018 Edition, as published by the International Conference of Building Officials hereby adopted by the City of North Pole as follows:

Chapter 1 Scope and Administration. Delete this chapter, except for Sections 101.2 and 101.2.1, and replace with the 1997 Uniform Administrative Code.

Section 101.2.1 Appendices. Amend this section to read as follows: Appendices E and H are hereby adopted.

Section 202 Definitions. Create the following new definitions:

Adaptable. The ability of certain building spaces and elements, such as kitchen counters, sinks, and grab bars, to be added or altered so as to accommodate the needs of either disabled or non-disabled persons, or to accommodate the needs of persons with different types or degrees of disability.

Conventional Industry Tolerances. Plus or minus ½ (one half) inch up to 36 (thirty-six) inches and plus or minus 1 (one) percent over 36 (thirty-six) inches. Slopes may be plus or minus 1 (one) percent.

Family Child Care Home. A licensed facility that is located within a single-dwelling unit dwelling in which personal care services are provided by the owner or tenant that normally occupies the residence on a twenty-four-hour basis.

Water Dispenser. A plumbing fixture that is connected to the potable water distribution system of the premises and manually controlled by the user for the purpose of dispensing potable drinking water into a receptacle such as a cup, glass, or bottle. Or, a freestanding apparatus that is manually controlled by the user for the purpose of dispensing potable water into a receptacle which is not connected to the potable water distribution system and supplied with potable water from a container, bottle, or reservoir.

Section 202 Definitions. Delete the following definitions and replace as follows:

Foster Care Facilities. Facilities that provide care on a 24 (twenty-four)-hour basis to more than five children 2 ½ (two and one-half) years of age or less, including children related to the staff, shall be classified as Group I-2.

Nursing homes. Facilities that provide care, including both intermediate care facilities and skilled nursing facilities, serving more than two persons and any of the persons are incapable of self-preservation.

Townhouse. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. Each townhouse shall be considered a separate building as recognized by a recorded lot line between such units. Each townhouse unit shall be provided with separate water, sewer, heating, and electrical services.

Section 305.2 Group E, day care facilities. Revise this section as follows:

This group includes buildings and structures or portions thereof occupied by more than five children older than 2½ (two and one-half) years of age, including children related to the staff, who receive educational, supervision, or personal care services for fewer than 24 (twenty-four) hours per day.

Section 305.2.3 Delete this section and replace as follows:

Section 305.2.3 Family childcare homes.

Family childcare homes operating between the hours of 6:00 am and 10:00 p.m. may accommodate a total of twelve children, provided that no more than 5 children are under the age of 2 ½ (two and one-half) years. Family childcare homes as defined are classified as an (R3) occupancy and shall comply with section 907.2.10 (smoke alarms), section 915 (carbon monoxide detection) and section 1030 (emergency escape and rescue openings) for napping and sleeping rooms. Fire extinguishers shall be provided in accordance with the International Fire Code.

Section 305.3 Day Care Hours of Operation. Create a new section title to read as follows:

Day care hours of operation. A Day Care that operates between the hours of 10:00 p.m. and 6:00 a.m. shall be equipped with an approved automatic sprinkler system throughout, designed and installed in accordance with NFPA Standard 13 or equivalent system as approved by the Fire Chief. An approved emergency escape or rescue window meeting the requirements of IBC Section 1030 shall be provided in each sleeping or napping room. Smoke alarms and carbon monoxide detection shall be installed in accordance with sections 907.2.10 and 915. Fire extinguishers shall be provided in accordance with the International Fire Code. A Family Child Care Home that operates between the hours of 10:00 p.m. and 6:00 a.m. shall be equipped with an approved automatic sprinkler system throughout, designed and installed in accordance with NFPA Standard 13D or equivalent system as approved by the Fire Chief.

Section 308.2 Institutional Group I-1. Delete sections 308.2.3 and 308.2.4 and replace with the following:

Section 308.2.3 Three to 16 persons receiving custodial care. A facility housing more than 2 (two) persons and no more than 16 persons receiving custodial care shall be classified as a Group R-4.

Section 308.2.4 Fewer than 3 (three) persons receiving custodial care. A facility with fewer than 3 (three) persons receiving custodial care shall be classified as a Group R-3 or shall comply with the International Residential Code, as amended by the City of North Pole.

Section 308.3 Institutional Group I-2. Revise the first sentence of this section to read as follows:

Institutional Group I-2 occupancy shall include buildings and structures used for medical care on a 24 (twenty-four)-hour basis for more than two persons who are incapable of self-preservation.

Section 308.3 Institutional Group I-2. Delete section 308.3.2 and replace with the following:

Section 308.3.2 Fewer than 3 persons receiving medical care. A facility with fewer than 3 (three) persons receiving medical care shall be classified as a Group R-3 or shall comply with the International Residential Code, as amended by the City of North Pole.

308.5 Institutional Group I-4, day care facilities. Revise the first sentence of this paragraph to read as follows:

Institutional Group I-4 shall include buildings and structures, or portions thereof occupied by more than five persons of any age, including persons related to the staff, receiving custodial care for fewer than 24 (twenty-four) hours per day.

Section 310.4 Residential Group R-3. Delete the following in this section.

Care facilities that provide accommodations for five or fewer persons receiving care.

Section 310.4.1 Care facilities within a dwelling. Delete this section in its entirety.

Section 310.5 Residential Group R-4. Delete this paragraph in its entirety and replace as follows:

Residential group R-4 occupancy shall include buildings, structures, or portions thereof for more than two but not more than 16 (sixteen) persons, excluding staff, who reside on a 24 (twenty-four) hour basis in a supervised residential environment and receive custodial care. Occupancies which include Individuals who are not capable of responding to an emergency situation or incapable of self-preservation shall be classified as an I occupancy. Group R-4 shall be classified as either, Condition 1, as specified in 310.5.1, and sprinklered throughout as required by 903.3.1.3, or Condition 2, as specified in 310.5.2, and sprinklered throughout as required by section 903.3.1.2. This group shall include, but not be limited to, the following:

Section 406.3.2 Separation. Delete sections 406.3.2.1-406.3.2.2 and replace as follows.

406.3.2.1 Dwelling Unit Separation. The private garage shall be separated from all dwelling units by a one-hour fire-resistive wall assembly. The fire-resistive wall may terminate at the ceiling provided: a) the ceiling framing construction is protected by a layer of 5/8 (five eighths) inch thick type X gypsum board and the area above the ceiling is a non-habitable attic space. Garages located beneath habitable rooms or dwelling units shall be separated by an approved one-hour fire-resistive horizontal floor ceiling assembly and one-hour fire-resistive vertical wall assemblies. Penetrations of the fire-resistive assemblies shall be fire stopped with materials approved for the hourly rating. Door openings between a private garage and a dwelling shall be provided with a minimum rating of 45 (forty-five) minutes and be equipped with self-closing and self-latching doors. In addition these doors shall be provided with gasket seals on the top and sides including installation of a tight fitting threshold. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

406.3.2.2 Ducts. Ducts in a private garage and ducts penetrating the walls or ceilings separating the dwelling unit from the garage shall be constructed of a minimum 0.019-inch (0.48mm) sheet steel (28-gauge galvanized steel) and shall have no openings into the garage. The duct shall be firestopped with materials approved for a one-hour fire-resistive assembly.

Section 506.3 Frontage increase. Add the following sentence to the paragraph.

For the purposes of allowable area limitations, required yards shall be permanently maintained.

Table 509 Incidental Uses. Amend table by adding footnote (a) to the first two rows to read as follows:

footnote (a). Regardless of the Btu rating, psi rating or horsepower rating a one-hour separation or automatic fire-extinguishing system is required for furnace or boiler rooms providing heat for group E, R-1, R-2, I, and R-4 Occupancies

Table 601 Fire-resistance rating requirements for building elements. Add footnote (g) to Columns IIA, IIIA, and VA.

g. In group E Occupancies, an automatic sprinkler system may be substituted for 1-hour fire-resistance-rated-construction provided the system is designed in accordance with section 903.3.1.1. The 1-hour substitution for the fire resistance of exterior walls shall not be permitted.

Section 603.1 Allowable Materials. Add the following item to allowable materials.

1.5 Furring for exterior bearing and nonbearing wall construction provided the building is sprinklered throughout and the required fire rating of the wall is 2 (two) hours or less.

Section 708.4.2 Fireblocks and draftstops in combustible construction.

Delete exception 2 in its entirety.

Revise exception 4 to read as follows:

In R-2 occupancies that do not exceed four stories in height, the attic space shall be subdivided into areas not exceeding 3,000 (three thousand) square feet.

Section 718.4 Draftstopping in attics. Revise the second sentence as follows:

Draftstopping in attic spaces shall be installed to subdivide combustible attic spaces and combustible concealed roof spaces such that any horizontal area does not exceed 3,000 (three thousand) square feet, and the greatest horizontal dimension does not exceed 60 (sixty) feet.

Section 808.1.1.1 Suspended acoustical ceilings. Delete this section in its entirety and replace as follows:

Suspended acoustical ceiling systems shall be installed in accordance with the provisions of ASTM C635 and ASTM C636 and the following installation standards.

1. A heavy duty-rated grid system shall be used in all occupancies. The perimeter wall angle shall be deemed to provide structural support for the perimeter cross-tee and main runner intersections and the edge support for the ceiling tiles provided it is secured.
2. Exception: Intermediate duty rated systems may be used in R-3 Occupancies.
3. Changes in the ceiling plane elevation shall be provided with structural support or additional wires capable of maintaining a positive bracing system.
4. Cable trays and electrical conduits shall be independently supported and braced independently of the ceiling.
5. Compression posts are not required if the distance from the plane of the suspended ceiling and the lowest structural framing elements are 24 (twenty-four) inches or less.
6. Cross-tees, which are 8 (eight) inches or less in length and located at the perimeter of any room, do not require additional vertical 12 (twelve)-gauge support wires.
7. A 90 (ninety)-degree cross tee return system may be used to support the cross-tee to the perimeter wall angle. Rivets, zip-it wall anchors and/or screws may be used to positively attach the cross tee to the perimeter wall angle or wall substrate in lieu of

additional perimeter wires. The installation shall be in accordance with this suspended ceiling policy.

8. Lighting fixtures seismically supported in accordance with CISC 3-4 are not required to be positively attached to the suspended grid members.
9. Recessed can or bullet type lighting fixtures weighing less than 20 (twenty) pounds shall be supported to the grid system and shall be positively attached to the structure above with a minimum of one 12 (twelve)-gauge wire or safety chain. Fixtures weighing more than twenty pounds shall be supported with a minimum of two 12 (twelve)-gauge wires or two safety chains attached to the fixture and secured to the structure above. These wires may be slack.
10. Suspended acoustical ceiling systems may not be used to provide lateral support for non-bearing partitions unless: a) designed by an engineer or b) installed in accordance with an approved evaluation report recognized by the International Building Code.
11. Ceiling mounted air terminals weighing less than 20 (twenty) pounds shall be positively attached to the ceiling suspension main runners or cross tees having the same carrying capacity as the main runners. Air terminals weighing more than twenty pounds shall be provided with a minimum of two 12 (twelve)-gauge wires, connected from the terminal to the structure above and shall be positively attached to the grid system.
12. Corridors which are 6 (six) feet in width or less may have the seismic splay wires installed in the direction of the long axis of the corridor. These splay wires shall be spaced 12 feet on center and splayed at a 45 (forty-five)-degree angle. Splay wires are not required in the short axis of the corridor.
13. When all ceiling tiles are replaced in an existing non-complying suspended ceiling, the lights and mechanical air terminals shall be upgraded and seismically braced prior to the new tile installation.
14. When lighting fixtures are replaced or relocated in an existing suspended ceiling, the new lights or relocated lights shall be seismically-braced in accordance with CISC 3-4 and this section.
15. When mechanical ductwork or air terminals are altered or relocated in an existing suspended ceiling, those mechanical devices shall comply with the seismic requirements with CISC and this section.
16. When 50% (fifty) or more of the grid system is replaced or altered, the entire grid system shall be upgraded to meet the current seismic standards in accordance with CISC 3-4.
17. Two-inch-wide perimeter angles are not required.

Section 903.2.3 Group E. Delete this section in its entirety and replace as follows:

An automatic sprinkler system shall be provided throughout all Group E occupancies. An automatic sprinkler system shall also be provided for every portion of educational buildings below the level of exit discharge. Day care uses that are licensed to care for more than 5 persons between the hours of 10 p.m. and 6 a.m. shall be equipped with an automatic sprinkler system designed and installed in accordance with Section 903.3.1.3, or an approved equivalent system. The use of a firewall or fire barrier does not establish a separate building or fire area for the purpose of this section.

Exceptions

1. Buildings with E occupancies having an occupant load of 49 (forty-nine) or less.
2. Day care uses not otherwise required to have automatic sprinkler system by other provisions of the code.

Section 903.2.8 Group R. Add the following Exception.

Exception: Group R Buildings and Dwellings with fewer than four dwelling units.

Section 903.2.8.4 Care facilities. Delete this section in its entirety.

Section 903.2.11.7. Pit Sprinklers. Add a new subsection and title to read as follows:

Pit Sprinklers. Sprinklers shall be installed in the bottom of all new and existing elevator pits below the lowest projection of the elevator car but no higher than 24 (twenty-four) inches from the bottom of the pit.

Section 903.3.1.1 NFPA 13 sprinkler systems is revised by adding a new Subsection 903.3.1.1.3 to read as follows:

Elevator Hoist ways and Machine Rooms. Where the provisions of this code require the installation of automatic sprinkler systems, such installation in Elevator hoist ways and machine rooms shall be in accordance with NFPA [13, Section 8.15.5] 13-2016 and ASME A17.1 Safety Code for Elevators and Escalators, 2016 edition.

Exceptions

Sprinklers may be deleted in an elevator machine room when such room is:

1. Separated from the remainder of the building in accordance with Section 3005.4.
2. Smoke detection is provided in accordance with NFPA 72
3. Notification of alarm activation is received at a constantly monitored location.

Section 903.4.2 Alarms. Amend this section by adding the following sentence to the paragraph:

Buildings equipped with a sprinkler system without an alarm system shall have at least one notification device (horn/strobe) located inside the building in a commonly occupied area to alert occupants of a sprinkler activation.

Section 907.2.3 Group E. Revise this section by adding a second paragraph to read as follows:

Rooms used for sleeping or napping purposes within a day care use for a Group E occupancy shall be provided with smoke alarms that comply with section 907.2.10 and carbon monoxide detection as specified in section 915.

Section 915.1 General. Revise the last sentence of this paragraph to read as follows.

Carbon monoxide detection shall be installed in existing buildings in accordance with Chapter 11 of the International Fire Code and this section.

Section 915.1.7 Vehicle parking. Add this subsection and the following.

Carbon monoxide detection shall be provided where there is located any vehicle parking within 25 (twenty-five) feet of any direct air intake openings.

Section 915.3 Carbon Monoxide Detection. Add a sentence to this section to read as follows.

In new construction, all carbon monoxide detectors and alarms located within a single dwelling unit shall be interconnected in such a manner that actuation of one alarm shall activate all of the alarms within the individual dwelling unit.

Table 1006.3.3(1) Stories with One Exit or Access to One Exit for R-2 Occupancies.

Remove the word Basement from the first row.

Table 1006.3.3(2) Stories with One Exit or Access to Other Occupancies. Revise the first row to read as follows:

First story above grade plane.

Section 1006.3.3.2 Exits from basements. Create a new subsection and title to read as follows:

Exits from basements.

Basements in all occupancies except Group R-3, shall be provided with a minimum of at least two independent exits.

Exceptions

Basements used exclusively for the service of the building.

1. Basements used exclusively for storage purposes and limited to 750 (seven hundred fifty) square feet.
2. Basements used for private offices, maintenance rooms or laundry rooms and similar uses limited to an aggregate floor area of 500 (five hundred) square feet, provided a hard-wired smoke detector is installed in the basement and interconnected to a smoke detector located on the level of discharge as approved by the City Fire Chief or designee.
3. Basements used for private offices, maintenance rooms or laundry rooms and similar uses which are provided with a direct exterior exit to grade shall be limited to an aggregate floor area of 750 (seven hundred fifty) square feet, provided a hard-wired smoke detector is installed in the basement and interconnected to a smoke detector on the level of exit discharge as approved by the City Fire Chief or designee.
4. Buildings which are sprinklered throughout and contain a basement may have one exit provided:
 - 5.1 Basements are used exclusively for storage purposes and limited to 1500 (one thousand five hundred) square feet.
 - 5.2 Basements are used for private offices, maintenance rooms, or laundry rooms and similar uses limited to an aggregate floor area of 1000(one thousand) square feet.
 - 5.3 Basements are used for private offices, maintenance rooms or laundry rooms and similar uses and are provided with a direct exterior exit to grade shall be limited to an aggregate floor area of 1500 (one thousand five hundred) square feet.

Section 1010.1.9.4 Locks or Latches. Add condition 7 as follows:

7. In Groups B, F, M and S occupancies, a single thumb turn may be used in exit doors, where the occupant load is 100 (one hundred) or less, in conjunction with an approved lock set when the thumb turn requires no more than one-half turn to unlock.

Hardware height shall comply with Section 1010.1.9.2. This exception does not apply when panic hardware is required or installed.

Section 1010.1.9.4.1 Manual security bar for limited use. Create a new subsection and title to read as follows:

Manual security bar for limited use. Assembly occupancies such as restaurants, taverns and lounges and B, F, M, S occupancies with an occupant load of less than 100 (one hundred) may utilize a manual security bar for the second required exit when the building is not occupied by the public. The security bar shall be pre-approved by the fire marshal before installation. The bar must be easily removed and shall not be provided with padlocks, chains or other locking devices requiring special tools or knowledge. The bar shall be identified by a contrasting color. The exit door shall be provided with a sign stating, "This door to remain unlocked during business hours." The use of this provision may be revoked by the fire marshal for non-compliance.

Assembly occupancies with an occupant load of 300 (three hundred) or less which are provided with an approved sprinkler system throughout may install a security bar on the second required exit as specified above. The conditions and approval of the security bar installation shall be kept on file with the fire marshal. The use of this provision may be revoked by the fire marshal for noncompliance.

Section 1011.5.2 Riser height and tread depth. Amend section by adding an exception #6 to read as follows:

Stairs or ladders used only to attend equipment are exempt from the requirements of Section 1011.

Section 1030.1 General. Revise the first sentence of the paragraph to read as follows:

In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue in Group R, I-1, and day care occupancies where napping or sleeping rooms are provided and in the following occupancies.

Section 1030.1 Delete exception 1 & 4

Section 1030.2 Minimum size. Delete the exception.

1102.1 Design. Add the following sentence:

The design and construction of buildings or portions of buildings to meet the requirements of the Americans with Disabilities Act and Fair Housing Act is the exclusive responsibility of the owner of the structure.

1103.1 Where required. Add the following sentence to this section:

Subject to the approval of the Building Official, areas where work cannot reasonably be performed by persons having a severe impairment (mobility, sight or hearing) need not have specific features which provide accessibility to such persons.

1103.2.3 Detached dwellings. Delete this paragraph as replace as follows:

Detached one- and two-family dwellings and three-unit dwellings, including accessory structures and their associated sites and facilities, are not required to be Accessible.

1108.2.7 Assistive listening systems. Add the following sentence to this section:

Assistive listening systems shall be required in groups B, E, and M occupancies which contain rooms of assembly.

1111.1 Signs. Delete the Exception to Item 1.

1111.3 Other signs. Add the following item to this section:

8. Building directories are required for the following occupancies as defined by the building code: Groups A, B, E, I, & M greater than 6000 (six thousand) sq. ft. or more than one story. Regardless of building size, directories shall be provided for governmental office buildings, medical care facilities, shopping malls, public transportation facilities, senior citizen housing and hotels. Directories shall be provided within or immediately adjacent to the main entrances as approved by the Building Official. Directory signage shall comply with ICC A117.1.

Section 1202.2 Roof Ventilation. Delete this section in its entirety and replace with the following:

Enclosed attics and enclosed rafter spaces formed where ceilings are applied direct to the underside of the roof rafters or trusses shall have cross ventilation for each separate space by ventilating openings protected against the entrance of snow and rain. The net free ventilation area for each space shall be not less than 1/150 (one, one hundred fifth) of that area of the space ventilated. One-half of this required ventilating area shall be provided in

the upper one-third portion of the space to be ventilated and the remaining required ventilating area shall be evenly distributed at eave vents. A minimum continuous opening of 1 ½ (one and one-half) inches in width shall be provided at the eave vents. The openings shall be covered with corrosion-resistant metal mesh covering.

Section 1202.4.1 Ventilation openings. Delete sections 1202.4.1 through 1202.4.4 in their entirety and replace with the following:

Each under-floor space shall be ventilated by an approved mechanical means or by openings in exterior foundation walls. Such openings shall have a net area of not less than 0.1 (one tenth) square foot for each 150 (one fifty) square feet of under-floor area. There shall be two openings located as close to corners as practical on opposite sides to provide cross ventilation. The openings shall be covered with corrosion resistant wire mesh approximately ¼ (one quarter) inch in size. All structures with a crawl space shall have a minimum 6 (six) mil ground vapor retarder to prevent the flow of water vapor from soils into the heated building interior.

Section 1204.2 Natural light. Delete the paragraph in its entirety and replace as follows:

Guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural light by means of exterior glazed openings with any area not less than one twentieth of the floor area of such rooms with a minimum of 5 (five) square feet, except that minimum egress requirements shall govern.

1208.2 Attic Spaces. Add a sentence as follows:

Attic access shall not be located in a room containing bathing facilities.

1209.2.1 Floors and wall bases. Delete this paragraph and replace with the following:

In other than dwelling units, toilet and bathing room floors shall have a smooth, nonporous, non-absorbent surface such as non-cushioned sheet vinyl, sealed concrete or ceramic tile with sealed joints or other approved materials. Base shall be of similar materials, shall extend up the wall 4 (four) inches (127 mm) minimum, and shall be sealed to the flooring and wall surface and allowing differential movement without water penetration.

1209.2.2 Walls and partitions. Revise this section by renaming the section and delete the first paragraph to read as follows:

Walls and partitions wainscot.

Walls and partitions within 2 (two) feet (610 mm) of the front and sides of urinals, water closets, and lavatories shall have a smooth, non-porous, hard, non-absorbent surface such as non-cushioned sheet vinyl, sealed concrete, ceramic tile with sealed joints, approved plastic panels, or other approved materials, installed to a minimum height of 4 (four) feet above the finished floor and except for structural elements, the materials in such walls shall be of a type that is not adversely affected by moisture.

Delete exception 1 and 2 and replace as follows:

Exception

1. Dwelling Units

1209.2.2.1 Walls and partitions moisture resistive gypsum board application. Create a new subsection and title to read as follows:

In addition to the wainscot provisions as required by section 1210.2.2, moisture resistive gypsum board, cement board, or other approved material shall be applied to walls within two feet from the front and sides of urinals, water closets, tub, shower, lavatories, and service sinks. Moisture resistive gypsum board shall be applied on walls in the spaces as stated above in all occupancies up to a height of 4 (four) feet. Walls immediately adjacent to tub and shower areas shall be provided with moisture resistive gypsum board to a height of 7 (seven) feet above the drain inlet.

1209.3.3 Single-user Toilet Rooms, Urinal Rooms, and Bathing Rooms. Add this subsection and the following.

Single-user water closets, urinals, and bathing fixtures provided according to sections 2902.1.1 exception 2, 2902.1.2, and 2902.2 exception 6, shall occupy a separate room and include the following:

1. floor-to-ceiling walls,
2. door equipped with stops, privacy lock from inside, and occupancy indicator outside.
3. separate exhaust and lighting.

Chapter 13 ENERGY EFFICIENCY. Delete this chapter in its entirety and refer to the International Energy Conservation Code as amended.

Section 1503.6 Protection from falling snow and ice. Add a new section.

Where the accumulation of snow and/or ice on a structure creates a hazardous condition, the areas below the accumulation shall be protected from falling snow and/or ice. These areas shall include (but not be limited to) building entrances and exits, pedestrian, driveways, public right-of-way, and utility locations for gas meters, fire department connections, and electrical meters, services, and disconnects.

Section 1507.1.2 Ice barrier. Delete this section in its entirety and replace as follows:

Where a non-energy heel truss design is utilized, an approved self-adhering polymer modified bitumen sheet shall be installed on the roof deck extending from the eave up the roof to 36 (thirty-six) inches inside the exterior wall line of the building.

Exception

Detached accessory structures that contain no conditioned floor area.

Table 1507.1.1(2) Underlayment application. For Section 1507.2 In the first sentence, change “two units vertical” to “three units vertical”.

Section 1507.2.2 Slope. Delete this paragraph and replace as follows:

Asphalt shingles shall be used only on roof slopes of two units vertical in 12 (twelve) units horizontal or greater. Required underlayment shall be provided as follows: A roof slope of 2:12 shall be provided with an approved self-adhering polymer modified bitumen on the entire roof surface. A roof slope of 3:12 shall be provided with double underlayment in accordance with section 1507.2.8. Roof slopes of 4:12 or greater shall be provided with a single layer of underlayment in accordance with section 1507.2.8.

Section 1507.2.5 Fasteners. Add an exception to read:

Staples may be substituted for nails on new work only. They must be galvanized or stainless steel with a 1 (one) inch crown and of sufficient length to completely penetrate the shingle and roof sheathing. Staples must be straight and flush with the shingle surface.

Section 1608.4 Roof snow loads. Add a new section to read as follows:

In no case shall the roof design snow load be less than 50 (fifty) psf. There is no snow load duration increase allowed for wood framed or wood trussed roofs. A minimum ground snow load (P_g) of 60 (sixty) pounds per square foot shall be used in the determination of drift loads.

Section 1608.5 Sliding snow. Create a new subsection and title to read as follows:

Metal roofs with a slope greater than 1:12 shall have barriers installed to resist the sliding action and subsequent dumping of ice and snow on persons and property. These barriers shall be constructed to specifically protect required public parking areas, public walkways, entrances, and required exit discharge.

Section 1803.1 General. Add the following sentence to the paragraph.

The effects of soil densification and differential settlement shall also be considered in the investigation, reporting, and determination of potential soil strength loss when conditions warrant, also reference Sections 1803.5.11 and 1803.5.12.

Section 1803.5.2 Questionable soil. Add the following sentence to the paragraph.

In the event permafrost conditions are suspected, a soils investigation may be required.

Section 1804.4 Site grading. Add the following sentence to the last paragraph.

It shall be the responsibility of the building owner to assure that discharge of roof and surface runoffs disposed of without affecting adjacent property.

Section 1804.6 Compacted fill material. Delete the first sentence and replace with the following:

Where footings will bear on compacted fill material, the compacted fill shall, when required by the Building Official, comply with the provisions of an approved report, which shall contain the following:

Fill material used to support building foundations and/or floor slabs shall consist of not more than five percent by weight of particles passing the No. 200 (two hundred) sieve and shall be compacted to a minimum of 95 (ninety-five) percent of maximum density. The Building Official may require that verification of compaction be submitted in the event a site inspection reveals questionable soil conditions.

Section 1805.4.2 Foundation drain. Delete this section in its entirety.

Section 1806.2 Presumptive load-bearing values. Add a third paragraph to the section to read as follows:

Footings shall bear upon in-situ, coarse-grained soils as defined in ASTM 2487 with the exception of groups SM and SC. Soils grouped in the SM and SC classifications shall be acceptable provided the footings are at a depth as required above and placed upon a minimum of 1'-6" (one foot six) of compacted, clean gravel fill.

Section 1807.1.3 Rubble Stone Foundation Walls. Delete this section and referenced tables in its entirety.

Section 1807.1.6.2.1 Seismic requirements. Replace with:

Plain concrete foundation walls are prohibited in Seismic Design Category D.

Section 1807.1.6.3.1 Masonry foundation walls. Replace 1. with:

Table 1807.1.6.3(2), 1807.1.6.3(3), or 1807.1.6.3(4) for masonry walls with reinforcement. Plain masonry foundation walls are prohibited in seismic design category D.

Table 1807.1.6.3(1) Plain masonry foundation walls. Delete this section in its entirety.

Section 1807.1.6.3.1 Alternative foundation wall reinforcement. Delete this section in its entirety and replace as follows:

In lieu of the reinforcement provisions for masonry foundation walls in table 1807.1.6.3(2), 1807.1.6.3(3), or 1807.1.6.3(4), alternative reinforcing bar sizes and spacing having an equivalent cross-sectional area of reinforcement per linear foot of wall shall be permitted to be used, provided the spacing of reinforcement does not exceed 48 (forty-eight) inches and reinforcing bar sizes do not exceed No.11.

Section 1809.1 General. Delete this section and replace as follows:

Shallow foundations shall be designed by a registered engineer licensed by the State of Alaska. Such design shall comply with sections 1809.2 through 1809.13.

Section 1809.2. Supporting soils. Add the following sentence to the paragraph.

Shallow footings and foundations shall be built on unfrozen, undisturbed, non-frost susceptible soil, compacted unfrozen NSF fill, or controlled low-strength material (CLSM). Compacted fill material shall be placed in accordance with Section 1804.5. CLSM shall be placed in accordance with Section 1804.6.

Section 1809.4 Depth and width of footings. Delete this section in its entirety and replace as follows:

The minimum depth of footings below the undisturbed ground surface shall be 3' - 6" (three feet six inches) unless substantiated by a design prepared by a registered engineer licensed in the State of Alaska. The minimum width of footings shall be in accordance with a design prepared by a registered engineer licensed in the State of Alaska.

Section 1809.5 Frost protection. Delete item 1 and replace with the following:

1. The minimum depth of footings shall be 3' - 6" (three feet six inches) below the ground surface.

Delete item 2 under the exceptions and replace with the following:

2. Area of 400 (four hundred) square feet (56 m²) or less for light-framed construction.

Delete the last sentence of the paragraph and replace with the following:

Footings shall not bear on frozen soil.

Section 1809.7 Prescriptive footings for light frame construction. Delete this section in its entirety including table 1809.7 and replace as follows:

Where a specific design is not provided, concrete footings supporting walls of light-frame single family–duplex residential construction are permitted to be constructed in accordance with the City of North Pole Standard Foundation Details SFD1-SFD8. Commercial foundation designs shall be prepared by a registered engineer licensed by the State of Alaska.

Section 1809.8 Plain concrete footings. Delete this section in its entirety.

Section 1809.9 Masonry-unit footings. Delete this section and the exception in its entirety and replace as follows:

Masonry-unit footings shall be reinforced and shall be designed by a registered engineer licensed by the State of Alaska.

Section 1809.12 Timber footings. Add the following sentence to the end of the paragraph.

Timber footings shall be designed by a registered engineer licensed by the State of Alaska.

Section 1905.1.7 ACI 318, Section 14.1.4. Amend this section by revising paragraph 14.1.4 to read as follows:

14.1.4.1 - Structures assigned to seismic design category D, E or F shall not have elements of structural plain concrete.

Section 1905.1.7 ACI 318, Section 14.1.4. Amend this section by further deleting sub paragraphs (a), (b) and (c).

Section 2304.8.2 Structural Roof Sheathing. Add a new paragraph to read as follows:

Roof sheathing installed on structural supports spaced 2 (two) feet on center shall have a minimum 32/16 span rating with panel edge clips placed midway between such supports. Roof sheathing with a minimum 40/20 span rating may be applied to framing supports spaced at 2 (two) feet on center without panel edge clips.

Section 2304.8.2.1 Spaced lumber sheathing. Add a new subsection and exception to read as follows:

Spaced lumber sheathing installed on roofs located in seismic design category D shall be designed by a licensed engineer registered in the State of Alaska. Drawings and supporting calculations shall be submitted for review and approval. Truss design shall consider effects of spaced sheathing.

Exception

Detached residential garages, storage sheds green houses, and other non-habitable accessory structures. A shop building or warehouse does not qualify for the exception unless designed by an Engineer licensed by the State of Alaska. Truss design shall consider effects of spaced sheathing.

Section 2305.4. Framing connections. Create a new section and title to read as follows:

Framing connections. Framing connections shall be installed at each exterior bearing end of each truss or rafter and shall have a minimum lateral load capacity of not less than 400 pounds unless otherwise substantiated by design calculations provided by an engineer licensed in the State of Alaska.

Table 2306.2.(1) Allowable Shear. Add the following sentence to footnote (c.)

Where necessitated by sheathing fastener spacing, two 2 (two)-inch nominal members fastened together in accordance with section 2306.1 to transfer design shear value between the framing members is permitted.

Table 2306.2.(2) Allowable Shear. Add the following sentence to footnote (e).

Where necessitated by sheathing fastener spacing, two 2 (two)-inch nominal members fastened together in accordance with section 2306.1 to transfer design shear value between the framing members is permitted.

Section 2306.3 Wood-frame shear walls Amend this section by adding a last sentence of the paragraph to read as follows:

Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing, or gypsum board shall not be used to resist seismic forces in structures assigned to seismic design category D, E or F.

Table 2306.3(1) Allowable Shear. Add the following sentence to footnoted.

Where necessitated by sheathing fastener spacing, two 2 (two)-inch nominal members fastened together in accordance with section 2306.1 to transfer design shear value between the framing members is permitted.

Section 2308.2.3 Allowable loads. Amend this section by revising item 3 to read as follows:

Ground snow loads shall not exceed 60 (sixty) psf.

Section 2308.3.1. Foundation plates or sills. Amend this section by adding the following sentence to the end of the paragraph to read as follows:

A minimum washer of 2 (two) inch by 2 inch by 3/16 (three-sixteenth) inch is required for each sill plate bolted connection unless an alternate design is provided by a registered engineer licensed by the State of Alaska.

Section 2509.3 Limitations. Delete item 1 in its entirety.

Chapter 27 ELECTRICAL. Delete this chapter in its entirety and replace with the National Electric Code as adopted and amended by the City of North Pole.

Section 2901.1 Scope. Revise this section by deleting the reference to the International Plumbing Code and International Private Sewage Disposal Code.

Add the following note to the beginning of this paragraph:

Where reference to any Plumbing Code is made in this Code it shall be taken to mean the *Uniform Plumbing Code* as adopted and amended by the City of North Pole.

Table 2902.1 Minimum Number of Required Plumbing Fixtures. Revise the fourth column heading as follows: Water Closets

Table 2902.1 Minimum Number of Required Plumbing Fixtures. Revise the seventh column heading as follows: Drinking Fountains

Table 2902.1 Minimum Number of Required Plumbing Fixtures. Delete the footnotes to the table and replace as follows:

Add footnotes (f) and (h) in the “*water closet*” column heading; add footnote (h) in the “*other*” column heading. Add footnote (g) at row 4 under the Factory and Industrial heading and under the Bathtubs and Showers column.

- a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the *International Building Code*.
- b. Toilet facilities for employees shall be separate from facilities for inmates or care recipients.
- c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient rooms shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.
- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
- e. For business and mercantile occupancies with an occupant load of 15 (fifteen) or fewer, service sinks shall not be required.
- f. In each bathroom or toilet room, urinals shall not be substituted for more than 67 (sixty-seven) percent of the required water closets in assembly and educational occupancies. Urinals shall not be substituted for more than 50 (fifty) percent of the required water closets in all other occupancies.
- g. Emergency showers and eyewash stations shall conform to ISEA Z358.1.
- h. Floor drains shall be installed in Toilet rooms containing two or more water closets or a combination of at least one water closet and one urinal, except in a dwelling unit. Floor

drains shall also be installed in commercial kitchens, laundry rooms in commercial buildings, and common laundry facilities in multi-family dwelling buildings.

2902.1.1 Fixture calculations. Number the Exception and add two exceptions as follows.

Exceptions

1. The total occupant load shall not be required to be divided in half where approved statistical data indicates a distribution of the sexes of other than 50 (fifty) percent of each sex.
2. Where multiple-user facilities are designed to serve all genders, the minimum fixture count shall be calculated 100 percent, based on total occupant load. In such multiple-user facilities, each fixture type shall be in accordance with ICC A117.1 and each toilet, urinal, bath, and shower that is provided shall be located in a separate room in accordance with 1209.3.3.
3. Distribution of the sexes is not required where single-user water closets and bathing room fixtures are provided in accordance with Section 2902.1.2.

2902.1.2 Single-user toilet and bathing room fixtures. Delete this section and replace with the following.

2902.1.2 Single-user toilet and bathing room fixtures.

The plumbing fixtures in single-user toilet and bathing rooms, including family or assisted-use toilet and bathing rooms that are required by Section 1110.2.1, shall contribute toward the total number of required plumbing fixtures for a building or tenant space. Single-user toilet and bathing rooms, and family or assisted-use toilet rooms and bathing rooms shall be identified as being available for use by all persons regardless of their sex.

The total number of fixtures shall be permitted to be based on the required number of separate facilities or based on the aggregate of any combination of single-user or separate facilities.

2902.2 Separate facilities. Add the following exceptions.

5. Separate facilities shall not be required to be designated by sex where single-user toilet rooms are provided in accordance with Section 2902.1.2.
6. Separate facilities shall not be required where rooms having both water closets, urinals, and lavatory fixtures are designed for use by both sexes and privacy for water closets and urinals are installed in accordance with Section 1209.3.3 as amended.

Section 2902.5 Drinking fountains. Delete sections 2902.5 and 2902.6 and replace with the following.

2902.5 Drinking fountains. Drinking fountains shall be provided according to Table 2902.1 and this section.

2902.5.1 Location. Drinking fountains shall not be required to be located in individual tenant spaces provided that public drinking fountains are located within a travel distance of 500 feet from the most remote location in the tenant space and not more than one story above or below the tenant space. Where the tenant space is in a covered or open mall, such distance shall not exceed 300 (three hundred) feet. Drinking fountains shall be located on an accessible route.

2902.5.2 Prohibited location. Drinking fountains, water coolers, and water dispensers shall not be installed in public restrooms.

2902.5.3 Small occupancies. Drinking fountains shall not be required for an occupant load of 15 or fewer.

2902.5.4 Provide high and low drinking fountains. Where drinking fountains are required, not fewer than two drinking fountains shall be provided. One drinking fountain shall comply with the requirements for people who use a wheelchair and one drinking fountain shall comply with the requirements for standing persons.

Exception

A single drinking fountain with two separate spouts that complies with the requirements for people who use a wheelchair and standing persons shall be permitted to be substituted for two separate drinking fountains.

2902.5.5 Substitution. Where restaurants provide drinking water and container free of charge, drinking fountains shall not be required in those restaurants. In other occupancies, excluding A and E occupancies, water dispensers shall be permitted to be substituted for not more than 50 (fifty) percent of the required drinking fountains. In B occupancies with fewer than 75 (seventy-five) occupants, water dispensers or sinks shall be permitted to be substituted for the required drinking fountains.

Section 3002.1 Hoistway Enclosure Protection. Add the following:

Elevator hoistway shaft enclosure walls not required to have a fire resistive rating may be constructed with glass. Such glass shall be laminated glass that passes the requirements of ANSI A17.1.

995 **Chapter 35 Referenced Standards.** Revise the following Standard reference, and add the code
996 section to those listed under ICC section.
997
998 ICC A117.117: Accessible and Usable Buildings and Facilities
999
1000 2902.1.1
1001

Chapter 15.16 Existing Building Code

15.16.010 Adoption.

The Existing Building Code (IBC), 2018 Edition, as published by the International Conference of Building Officials, together with the local amendments as set forth in this chapter, shall constitute the laws of the City relating to building regulations. Where the IBC conflicts with this code this code shall prevail. An electronic copy of the IBC and referenced standards is retained at the City offices. (Ord. 17-12 § 2(A), 2017; Ord. 16-12 § 2, 2016; Ord. 12-07 § 2, 2012)

15.16.020 Modifications.

The Building Official shall have the power to modify any of the provisions of the International Building Code adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Building Official thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant. (Ord. 17-12 § 2(A), 2017; Ord. 12-07 § 2, 2012)

15.62.030 Appeals.

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Building Official to an appeals board of five members to be appointed by the Mayor/City Manager within thirty days from the date of the decision. The appointment of the appeals board will be on a case-by-case basis with the members of said board comprised of local design professionals, contractors, inspectors or other members of the public deemed knowledgeable of the subject matter by the Mayor/City Manager. (Ord. 17-12 § 2(A), 2017; Ord. 12-07 § 2, 2012)

15.16.040 Building permits – Compliance with ordinances.

It is established that no permit will be issued for the construction within existing buildings or building within the corporate limits of the City which is inconsistent with the current comprehensive plan of the City or any City ordinances and regulations. (Ord. 17-12 § 2(A), 2017; Ord. 12-07 § 2, 2012)

15.16.060 Local amendments to the Existing Building Code, 2018 Edition.

The amendments to the Existing Building Code, 2018 Edition, as published by the International Conference of Building Officials are hereby adopted by the City of North Pole as follows:

Chapter 1, Scope and Administration. Delete Chapter 1 in its entirety and refer to the City of Fairbanks Administrative Code, as amended.

Section 302.1 Applicability. Add the following at the end of this paragraph.

The design and construction of buildings or portions of buildings to meet the requirements of the Americans with Disabilities Act and Fair Housing Act is the exclusive responsibility of the owner of the structure.

Section 302.3 Additional codes. Delete this paragraph and substitute the following:

Alterations, repairs, additions, and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in this and the International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Plumbing Code, International Residential Code, NFPA 70, and the City of Fairbanks Administrative Code. Where provisions of the other codes conflict with provisions of this code, the more restrictive shall govern.

Section 505.3 Replacement window emergency escape and rescue openings. Delete the first paragraph and conditions 1 and 2.

Section 702.5 Replacement window emergency escape and rescue openings. Delete the first paragraph and conditions 1 and 2.

Chapter 15.20 Residential Code

15.20.010 Adoption.

The International Residential Code, ~~2015~~ **2018** Edition, as published by the International Conference of Building Officials, and every part thereof, together with the local amendments as set forth in NPMC 15.20.040, shall constitute the laws of the City relating to the construction of one- and two-family housing. An electronic copy of the International Residential Code is retained at the City offices. (Ord. 17-12 § 2(B), 2017; Ord. 12-08 § 2, 2012)

15.20.020 Modifications.

The Building Official shall have the power to modify any of the provisions of the International Residential Code adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Building Official thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant. (Ord. 17-12 § 2(B), 2017; Ord. 12-08 § 2, 2012)

15.20.030 Appeals.

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Building Official to the Mayor/City Manager within thirty days from the date of the decision. The appointment of the appeals board will be on a case-by-case basis with the members of said board comprised of local design professionals, contractors, inspectors or other members of the public deemed knowledgeable of the subject matter by the Mayor/City Manager. (Ord. 17-12 § 2(B), 2017; Ord. 12-08 § 2, 2012)

15.20.040 Local amendments to the International Residential Code, ~~2015~~ **2018** Edition.

The amendments to the International Residential Code, ~~2015~~ **2018** Edition, as published by the International Conference of Building Officials, are hereby adopted by the City of North Pole as follows:

Chapter 1 Scope and Administration

Section R101.2 Scope. Delete Exception 5 and Revise Exceptions 3 and 4 as follows:

3. A facility with fewer than 3 persons receiving custodial care within a dwelling unit.
4. A facility with fewer than 3 persons receiving medical care within a dwelling unit.

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Delete the following sections: R103 and R104.10.1, and refer to the City of North Pole Administrative Code.

Section R105.2 Work exempt from permit. Amend this section by deleting items 1, 2, and 10 and replace as follows: Further amend this section by adding the following item #11.

1. One story detached structures used as garages, tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet. Separate permits are required for any electrical, plumbing, or mechanical work.
2. Fences.
10. Uncovered Decks which are constructed not more than 30 inches above grade at any point.
11. Replacement of exterior siding, doors, and windows; excluding required egress windows and enlarged openings.

Section R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. Delete this section in its entirety and refer to Title 15 Fairbanks North Star Borough Flood Plain Management Regulations.

Section R106.1.4 Information for construction in flood hazard areas. Delete this section in its entirety and refer to Title 15 Fairbanks North Star Borough Flood Plain Management Regulations.

Section R107.1 General. Revise this section by amending the second sentence to read as follows:

Such permits shall be limited as to time of service but shall not be permitted for more than 360 (three hundred and sixty) days.

Section R108 Fees. Delete this section in its entirety and replace with the 1997 Uniform Administrative Code.

Section R109 Inspections. Delete this section in its entirety and replace with the 1997 Uniform Administrative Code.

Chapter 2 Definitions

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Amend section R202 Definitions by adding the following definition:

Duplex Dwelling: Buildings which contain not more than 2 (two) dwelling units which are not otherwise distinguished or separated by a recorded lot line.

Amend Section R202 Definitions Townhouse by the deleting the definition and replace as follows:

Townhouse: A single-family dwelling unit constructed in a group of 2 (two) or more attached units in which each unit extends from foundation to roof and with a yard or public way on at least two sides. Each townhouse shall be considered a separate building as recognized by a recorded lot line between such units. Each townhouse unit shall be provided with separate water, sewer, heating, fuel gas, and electrical services.

Table R301.2(1) Climatic and Geographic Design Criteria. Amend this table to read as follows:

Table R301.2(1) Climatic and Geographic Design Criteria:

Roof Snow load:	50 psf
Wind speed:	90 mph
Seismic Design Category:	D1
Weathering:	Severe
Frost line depth:	42” below finished grade
Termite:	None to slight
Decay:	None to slight
Winter Design Temp.	- 47°
Flood Hazards:	Refer to Fairbanks North Star Borough Title 15

Section R301.2.2.1.1 Alternate determination of seismic design category.

Add the following sentence to the end of the paragraph to read as follows:

The seismic design category for the City of North Pole shall be D1.

Section R301.2.4 Floodplain Construction. Delete this section in its entirety.

Table R301.5 Minimum Uniformly Distributed Live Loads. Amend this table by deleting the live load value of 30 (thirty) psf live load for sleeping rooms and replace with 40 (forty) psf.

Section R302.2.2 Common walls. Revise Items 1 and 2 to read as follows:

1. Where an approved fire sprinkler system is provided, the common wall shall be not less than a 1 (one) hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263, or Section 703.3 of the International Building Code.
2. Where an approved fire sprinkler system is not provided, the common wall shall be not less than a 2 (two) hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263, or Section 703.3 of the International Building Code.

Section R302.3 Two – family dwellings. Revise the last of exception #2 to read as follows:

The structural framing supporting the ceiling shall be protected by not less than 5/8 (five eighths) inch thick type X gypsum board or equivalent.

Section R302.5.1 Opening protection. Add the following sentences to this section:

Doors between the garage and residence shall be self-closing and latching. Doors shall be equipped with tight fitting smoke gasket seals installed along the top and sides of doors. A tight-fitting threshold seal shall also be installed.

Table R302.6 Dwelling/Garage Separation. Amend this table as follows:

Revise all references in the table to ½ (one half) inch gypsum board and replace with 5/8 (five eighths) inch thick type X gypsum board.

Revise line two of the Material column to read as follows:

Not less than 1 (one) layer 5/8 (five eighths) inch Type X gypsum board for nominal dimensional lumber or two layers of gypsum board as required by ICC report ESR 1336 or as required by other proprietary research reports for specific engineered I Joists which achieve a one hour rated assembly.

Section R303.1 Habitable Rooms (Light and Ventilation). Replace this section and the exceptions with the following:

All habitable rooms shall be provided with natural light by means of exterior glazed openings with an area of not less than 5 (five) percent of the floor area of such rooms with a minimum area of 5 square feet, except that minimum egress requirements shall govern. Natural ventilation shall be provided by openings to the exterior of not less than 4 percent of the floor area of habitable

rooms. Such openings shall be openable and readily controllable by the building occupants. In lieu of required exterior openings for natural ventilation, a mechanical ventilating system may be provided. Such system shall be capable of providing air changes in accordance with the 2018 IECC as adopted and amended.

Section R303.3 Bathrooms. Delete this section in its entirety, rename and replace with the following:

Section R303.3 Bathrooms and Kitchens. Bathrooms, water closet compartments, and similar rooms shall have a mechanical ventilating system connected directly to the outside capable of providing five air changes per hour. Moisture exhaust ducts shall be smooth and rigid. All moisture exhaust ducts located in an unconditioned space shall be insulated with a minimum R-11 and installed so as not to create low points where condensation may collect. All exhaust ducts shall be equipped with a back-draft damper.

Kitchens shall have mechanical exhaust ventilation provided directly above or immediately adjacent to the primary cooking appliance. All vents shall be connected directly to the exterior. A total exhaust ventilation rate for the structure shall be a minimum of 80 (eighty) cfm per 1000 (one thousand) square feet of habitable floor space. All exhaust ducts shall be equipped with a back draft damper.

Structures of unusually tight construction containing fuel-burning appliances, including fireplaces and mechanically exhausted range-top cooking appliances shall be provided with supplemental supply air in accordance with the Mechanical Code. A draft activated damper allowing air to flow into the structure when depressurization exceeds 10 pascals may be installed within a supply air duct.

Section R309.3 Flood hazard areas. Delete this section and refer to Title 15 Fairbanks North Star Borough Flood Management Regulations

Section R310.1 Emergency escape and rescue opening required. Delete Exception 2 in its entirety.

Section R310.2.1 Minimum opening area. Delete the exception.

Section R313 Automatic Fire Sprinkler Systems. Delete this section in its entirety.

Section R318 Protection against subterranean termites. Delete this section in its entirety.

Section R322. Flood – Resistant Construction. Delete this section in its entirety and refer to Title 15 Fairbanks North Star Borough Flood Plain Management Regulations

Section R323 Storm Shelters. Delete this section in its entirety.

Section R328 Moisture Vapor Retarders. Create a new section and title to read as follows:

Section R328.1 Moisture control.

The building design shall not create conditions of accelerated deterioration from moisture condensation. All exterior wall, ceiling, roof, and floor assemblies which enclose heated spaces and which are exposed to outdoor ambient temperatures shall be protected against water vapor transmission. Assemblies not otherwise of impermeable construction shall have installed, on the heated side of the insulation or air spaces, vapor retarders having a perm rating of 0.06 (six one hundredths) minimum (equivalent to 6 mils polyethylene sheeting) or other material approved by the Building Official. All seams shall be lapped a minimum of one stud or joist bay or sealed with an approved tape or sealant. All voids between joists and studs shall be insulated and sealed in an approved manner.

Exceptions

1. In construction where moisture or its freezing will not damage materials.
2. A maximum of 1/3 (one-third) of the total installed insulation may be installed on the warm side of approved vapor retarders.

Section R3278.2 Crawl space moisture protection. Create a new sub section and title to read as follows:

Crawl space moisture protection.

Exposed earth in crawl space foundations shall be covered with a continuous vapor retarder. All joints of the vapor retarder shall be overlapped by 6 (six) inches or shall be sealed or taped in approved manner. The edges of the vapor retarder shall extend to the concrete footing and be secured in an approved manner.

Section R401.3 Drainage. Delete the section and the exception and replace with the following:

Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall be sloped a minimum of 2 (two) percent within the first 10

(ten) feet. It shall be the responsibility of the owner or contractor to assure that discharge of roof and surface runoff is disposed of without affecting the adjacent property. Surface drainage across lot lines is prohibited.

Section R403.1 General. Delete the reference to “wood foundations” in the first sentence and add the following sentence to the end of the section to read as follows:

Wood footings shall be designed and stamped by a registered engineer licensed in the State of Alaska.

Section R 403.1.1 Minimum size. Delete this section in its entirety and replace as follows:

The footing width shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. All footing and foundation systems shall comply with standard foundations details (SFD1-SFD9). In no case shall the minimum size for concrete and masonry footings be less than 1 (one) foot, 4 (four) inches. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with table R401.4.1.

Table R403.1 Minimum width of concrete or masonry footings. Delete the table in its entirety and reference standard foundation details (SFD1-SFD9).

Section R403.1.2 Continuous footing in Seismic Design Categories D₀, D₁, and D₂ Delete this section in its entirety and replace as follows:

Seismic reinforcing shall be provided in accordance with standard foundation details SFD1 through SFD9 unless reinforcing is specifically designed by a registered engineer licensed by the State of Alaska. Bottom reinforcement shall be located a minimum of 3 inches clear from the bottom of the footing.

Section R403.1.3 Footing and Stem wall reinforcing in Seismic Design Categories D₀, D₁, and D₂ Delete this section in its entirety and replace as follows:

Foundations with stem walls shall have installed a minimum of two #4 bars within 6 inches of the top of the wall and one #4 bar located 3 (inches) inches to 4 (four) inches above the top of the footing unless otherwise noted on SFD. All reinforcing steel shall comply with standard foundation details SFD1, 2, 4, 5, 7, 8 unless specifically designed and stamped by a registered engineer licensed by the State of Alaska.

Section R403.1.3.3 Slabs-on-ground with turned-down footings. Delete this section and the exception in its entirety and replace as follows:

Slabs-on-ground with turned-down footings shall be designed in accordance with standard foundation detail SFD #9 or stamped by a registered engineer licensed by the State of Alaska. Insulation for such slabs and footings shall be in accordance with section 403.3, figure 403.3(1), and table R403.3(1).

Section R403.1.4 Minimum depth. Delete this section in its entirety and replace as follows:

All exterior footings shall be placed at least 42 (forty-two) inches below finished grade unless the foundation system is designed by a registered engineer licensed by the State of Alaska. Where applicable the depth of footings shall also conform to sections R403.1.4.1 through R403.1.4.2.

Exception

1. Non habitable detached single story accessory structures less than 480 (four hundred eighty) square feet.

Section R403.1.4.1 Frost protection. Amend this section by deleting the exceptions and replace as follows:

Exceptions

1. Protection of non-habitable freestanding accessory single story structures with an area of 480 (four hundred eighty) square feet or less shall not be required.
2. Decks not covered with a roof and decks which are not more than 30 (thirty) inches above grade at any point need not be provided with footings that extend below the frost line.

Section R403.2 Footings for wood foundations. Delete this section in its entirety including references to figures R403.1(2) and R403.1(3) and replace as follows:

Wood foundations shall comply with standard foundation details SFD3 and SFD6 or the wood foundation system shall be specifically designed and stamped by a registered engineer licensed by the State of Alaska.

Section R403.3 Frost protected shallow foundations. Delete the first sentence and replace with the following:

Frost protected shallow foundations shall be designed in accordance with standard foundation detail SFD9 or stamped by a registered engineer licensed in the State of Alaska. The design must

be in constructed in accordance with Sections R403.3.1 thru R403.3.3, including Figures R403.3(1), R403.3(3), or R403.3(4) and Table R403.3 (1).

Section R403.3.3 Drainage. Delete this section in its entirety and replace with the following:

Final site drainage shall be in accordance with Section R401.3

Section R403.3.4 Termite damage. Delete this section in its entirety.

Section R403.4.1 Crushed stone footings. Delete this section in its entirety.

Table R403.4 Minimum Depth of Crushed Stone footings. Delete this table in its entirety.

Section R404.1.2 Design of Masonry foundation walls. Delete this section in its entirety and all references to tables R404.1.1(1), R404.1.1(2), R404.1.1(3), R404.1.1(4) and replace as follows:

The minimum design for masonry foundation walls shall comply with The City of North Pole Standard Foundation Details (SFD) #1, #4 or #7 unless an alternate foundation design has been prepared and stamped by a registered engineer licensed by the State of Alaska.

Section R404.1.3 Concrete foundation walls. Add the following sentence to the end of the paragraph.

The minimum design for concrete foundation walls shall comply with The City of North Pole Standard Foundation Details (SFD) #2, #5 or #8 unless an alternate foundation design has been prepared and stamped by a registered engineer licensed by the State of Alaska.

Table R404.1.2(1). Delete the table in its entirety and replace as follows:

Two horizontal #4 bars are required to be installed within the top 6 (six) inches of the wall and one #4 bar shall be provided near mid-height of the wall story where the maximum unsupported height of the basement wall is greater than 4 feet and less than or equal to 8 (eight) feet. When the maximum unsupported height of the basement wall is greater than 8 (eight) feet the required reinforcing shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(2). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1, 2, 4, 5, 7, 8 or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(3). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1, 2, 4, 5, 7, 8 or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(4). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1, 2, 4, 5, 7, 8 or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(5). Delete this table in its entirety and replace as follows:

Vertical wall reinforcement shall be installed in accordance with the manufacturer's installation instructions or a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(6). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with the manufacturer's installation instructions or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Table R404.1.2(7). Delete this table in its entirety

Table R404.1.2(8). Delete this table in its entirety and replace as follows:

Minimum vertical reinforcement shall be installed in accordance with Standard foundation Details SFD1, 2, 4, 5, 7, 8 or shall be installed in accordance with a design provided by a registered engineer licensed by the State of Alaska.

Section R404.1.3.2 Reinforcement for foundation walls. Delete this section in its entirety and replace as follows:

Concrete foundation walls shall be laterally supported at the top and bottom. Horizontal reinforcement shall be provided in accordance with table R404.1.2(1) as amended. Vertical

reinforcement shall be provided in accordance with Standard foundation Details SFD1, 2, 4, 5, 7, 8. In buildings assigned to Seismic Design Category D1, concrete foundation walls shall also comply with Section R404.1.4.2.

Section R404.1.4.1 Masonry foundation walls. Delete this section in its entirety and replace as follows:

Foundation walls in buildings assigned to seismic Design Category D1 as established in Table R301.2(1), supporting more than 4 feet of unbalanced backfill or exceeding 8 (eight) feet in height shall be constructed in accordance with SFD 1, 2, 4, 5, 7, 8 or a design shall be provided by a registered engineer licensed by the State of Alaska. Masonry foundation walls shall have 2 (two) horizontal #4 bars located in the upper 6 (six) inches of the wall.

Section R404.1.4.2 Concrete foundation walls. Delete this section in its entirety and replace as follows:

In buildings assigned to Seismic Design Category D1 as established in table R301.2(1), concrete foundation walls that support light-frame walls shall comply with this section and concrete foundation walls that support above-grade concrete walls shall comply with ACI 318, ACI 332 or PCA 100 (see section R404.1.2). In addition to the horizontal reinforcement by table R404.1.2(1) as amended concrete foundation walls shall comply with standard foundation details SFD1, 2, 4, 5, 7, 8.

Section R404.2 Wood foundations. Delete this section in its entirety and replace as follows:

Wood foundation walls shall be constructed in accordance with the provisions of sections R404.2.1 through R404.2.6 and standard foundation details SFD 3 & 6 as adopted by the City of North Pole. An alternate design may be submitted for review and approval if the design is prepared and stamped by a registered engineer licensed by the State of Alaska.

Section R404.2.5 Drainage and Dampproofing. Delete this section in its entirety and replace as follows:

Wood foundation basements shall be drained and dampproofed in accordance with Standard Foundation Details SFD3 and SFD6.

Section R405.1 Concrete or masonry foundations. Delete this section in its entirety and replace as follows:

Concrete and masonry foundations shall be installed in compliance with Standard foundation details SFD1, 2, 4, 5, 7, 8. A drainage system is not required when the foundation is installed on well-drained ground or sand gravel mixture soils according to the Unified Soil Classification System, Group I soil, as detailed in Table R405.1.

Section R405.2 Wood foundations. Delete this section in its entirety and replace as follows:

Wood foundations shall comply with Standard foundation details SFD 3 & 6.

Section R405.2.1 Base. Delete this section in its entirety.

Section R405.2.3 Drainage system. Delete this section in its entirety.

Section R406.1 Concrete and Masonry Foundation Dampproofing. Amend this section by revising the first sentence to read as follows:

Except where required by section R406.2 to be water proofed, foundation walls that retain earth and enclose interior spaces and floors below grade shall be dampproofed from the top of the footing to 6 inches above finished grade.

Section R406.1. Amend this section by adding exception #2 to read as follows:

2. Crawl space foundation walls or walls backfilled on both sides, such as those used in conjunction with a “slab on grade”, do not require damp-proofing.

Section R406.3 Dampproofing for wood foundations. Amend this section by adding the following sentence to the end of the paragraph.

Foundation foundations shall comply with Standard foundation details SFD 3 & 6.

Section R406.3.2 Below-grade moisture barrier. Delete the first sentence and replace with the following:

A double layer of 6 (six) mil polyethylene film shall be applied over the below-grade portion of the exterior foundation walls prior to backfilling. A single layer of self-adhering polymer modified bitumen sheet material may be used in lieu of the polyethylene film.

Section R406.3.2 Below- grade moisture barrier. Delete the last sentence of the paragraph and replace with the following:

1545 The moisture barrier shall overlap onto the footing.

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1547 **Section R408.1 Ventilation.** Delete this section in its entirety and replace with the following:

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1549 Each under-floor space shall be ventilated by an approved mechanical means or by
1550 openings in exterior foundation walls. Such openings shall have a net area of not less than
1551 0.1 (one tenth) square foot for each 150 (one hundred fifty) square feet of under-floor
1552 area. There shall be two openings located as close to corners as practical on opposite
1553 sides to provide cross ventilation. The openings shall be covered with corrosion resistant
1554 wire mesh approximately ¼ (one quarter) inch in size. All structures with a crawl space
1555 shall have a minimum 6 mil ground vapor retarder to prevent the flow of water vapor
1556 from soils into the heated building interior.

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1558 **Section R502.1.1 Sawn Lumber.** Add the following exception:

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1560 **Exception**

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1562 Rough sawn, ungraded, dimensional lumber may be used for framing materials in floors, walls
1563 and roofs of detached garages, utility buildings and other unheated accessory building and other
1564 applications where approved by the Building Official.

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1566 **Section R601.3 Vapor retarders.** Add new section

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1568 Continuous vapor retarders are required to be installed on the exterior envelope. The vapor
1569 retarder shall be installed such that not less than 2/3 of the total wall R-value is placed on the
1570 cold side of the vapor retarder.

1571

1572 Exception: Construction where moisture or its freezing will not damage the materials.

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1574 **Section R602.11.1 Wall anchorage.** In the second sentence, replace “3 inch by 3 inch” with the
1575 following:

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1577 “2 (two) inch by 2 (two) inch”

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1579 **Section R703.2 Water-resistive barrier.** Delete this section in its entirety.

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1581 **Section R802.10.2 Design.** Add the following sentence to end of paragraph:

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1583 A 15 (fifteen) percent load duration increase shall not be utilized for wood trusses where the live
1584 load considered is snow.

Section 806.2 Minimum area. Amend this section by deleting the exception and replace as follows:

As an alternative, the net free cross-ventilation area may be reduced to 1/300 (one three hundredths) when a class I vapor barrier is installed on the warm-in-winter side of the ceiling.

Section 806.5 Unvented attic and unvented enclosed rafter assemblies. Delete this section in its entirety.

Section R807.1 Attic access. Add the following sentence to the end of the 2nd paragraph:

Attic access shall not be located in a room containing bathing facilities. Access may be located in closets with minimum depth of 23 (twenty three) inches and minimum width of 48 (forty eight) inches.

Exception

Attic access may be provided from the exterior gable vent in accordance with size and opening requirements of this section. The gable vent must be readily accessible.

Section R903.1 General. Add the following sentence to the end of section:

1. All valleys shall have a modified bitumen ice barrier lapped eighteen inches minimum each side of valley centerline. No penetrations shall be located in required valley ice barrier.

Section R903.4 Roof drainage. Add the following to the end of the paragraph:

Roof drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall be sloped a minimum of 2 (two) percent within the first 10 (ten) feet. It shall be the responsibility of the owner or contractor to assure that discharge of roof and surface runoff is disposed of without affecting the adjacent property. Water drainage which migrates across property lines is strictly prohibited.

Table 905.1.1(2) Underlayment Application. Amend the Asphalt shingles section by deleting the first sentence up to the “:” and replace as follows:

A roof slope of 2:12 shall be provided with an approved self-adhering polymer modified bitumen on the entire roof surface. A roof slope of 3:12 shall be provided with double underlayment in the following manner.

Section R905.1.2 Ice Barriers. Delete this section in its entirety and replace with the following:

Where a non-energy heel truss design is utilized, an approved self-adhering polymer modified bitumen sheet shall be installed on the roof deck extending from the eave up the roof to 36 (thirty-six) inches inside the exterior wall line of the building.

Exception:

Detached accessory structures that contain no conditioned floor area.

Section R905.2.2 Slope. Delete the section and replace with the following:

Asphalt shingles shall be used only on roof slopes of two units vertical in 12 (twelve) units horizontal or greater. Required underlayment shall be provided as follows: A roof slope of 2:12 shall be provided with an approved self-adhering polymer modified bitumen on the entire roof surface. A roof slope of 3:12 shall be provided with double underlayment in accordance with section R905.2.7. Roof slopes of 4:12 or greater shall be provided with a single layer of underlayment in accordance with section R905.2.7.

Section R905.2.5 Fasteners. Add an exception to read as follows:

Staples may be substituted for nails on new work only. They must be galvanized or stainless steel with a 1 (one) inch crown and of sufficient length to completely penetrate the shingle and the roof sheathing. Staples must be straight and flush with the shingle surface.

Section R905.14 Sprayed polyurethane foam roofing. Delete this section in its entirety.

Chapter 11 Energy Efficiency. Delete this chapter in its entirety and reference the International Energy Conservation Code as currently adopted and amended.

MECHANICAL

Chapters 12-23. Delete these chapters and reference the Mechanical Code as currently adopted and amended by the City of North Pole.

FUEL GAS

Chapter 24. Delete this chapter and reference the Fuel Gas Code as currently adopted and amended by the City of North Pole.

PLUMBING

Chapters 25-~~31~~33. Delete these chapters and reference the Plumbing Code as currently adopted and amended by the City of North Pole.

APPENDICES

Appendix K Sound Transmission. Adopt Appendix K Sound Transmission and revise section AK 102 AIR-BORNE Sound and section AK 103 Structural-Borne Sound to read as follows:

Section AK 102 AIRBORNE SOUND

Airborne sound insulation for a wall and floor-ceiling assemblies shall meet a Sound Transmission Class (STC) rating of 50 (fifty) when tested in accordance with ASTM E90. Penetrations or openings in construction assemblies for piping, electrical devices, recessed cabinets, bathtubs soffits or heating ventilating or exhaust ducts shall be sealed, lined, insulated, or otherwise treated to maintain the required ratings. Dwelling unit entrance doors, which share a common space shall be tight fitting to the frame and sill and shall be provided with gasket seals at the top and sides of such doors.

Section AK 103 Structural–Borne Sound

Floor/ceiling assemblies between a dwelling unit and public space or service area within the structure shall have an impact insulation class (IIC) rating of not less than 50 (fifty) when tested in accordance with ASTM E 492.

Chapter 15.28 Mechanical Code

15.28.010 Adoption.

The code known as the International Mechanical Code, ~~2015~~ **2018** Edition, as published by the International Conference of Building Officials, together with the local amendments as set forth in NPMC 15.28.040, shall constitute the laws of the City relating to building regulations. Where the International Mechanical Code conflicts with this code, this code shall prevail. An electronic copy of the International Mechanical Code is retained at the City offices. (Ord. 17-12 § 2(C), 2017; Ord. 12-09 § 2, 2012)

15.28.020 Modifications.

The Building Official shall have the power to modify any of the provisions of the International Mechanical Code adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Building Official thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant. (Ord. 17-12 § 2(C), 2017; Ord. 12-09 § 2, 2012)

15.28.030 Appeals.

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Building Official to the Mayor/City Manager within thirty days from the date of the decision. The appointment of the appeals board will be on a case-by-case basis with the members of said board comprised of local design professionals, contractors, inspectors or other members of the public deemed knowledgeable of the subject matter by the Mayor/City Manager. (Ord. 17-12 § 2(C), 2017; Ord. 12-09 § 2, 2012)

15.28.040 Local amendments to the International Mechanical Code, ~~2015~~ 2018 Edition.

The amendments to the International Mechanical Code, ~~2015~~ **2018** Edition, as published by the International Conference of Building Officials, are hereby adopted by the City of North Pole as follows:

The International Mechanical Code, 2018 Edition, is hereby amended as follows:

Section 101.2.1 Appendices. Add the following to this section.

Appendix A as amended by the combustion air provisions of chapter 7 is hereby adopted.

Except for sections 101, 102, and the following amendments, delete Chapter 1 in its entirety and refer to the City of North Pole Administrative Code.

Section 102.8 Referenced codes and standards. Revise and add four subsections at the end of this section as follows:

102.8.3 Plumbing. Where reference to any Plumbing Code is made in this Code it means the *Uniform Plumbing Code* as adopted and amended by the City of North Pole.

102.8.4 Electrical. Where reference to any Electrical Code is made in this Code it means the *National Electrical Code* as adopted and amended by the City of North Pole.

102.8.5 Administrative. The provisions of the 1997 Uniform Administrative Code apply to the administration and enforcement of this code. Where provisions of the Administrative Code and this code conflict, the more restrictive text shall apply.

102.8.6 Energy. Where reference is made in this Code to the *International Energy Conservation Code* it means the *IECC* as currently adopted by the City of North Pole.

Section 201.3 Terms defined in other codes. Revise this section as follows.

Where terms are not defined in this code and are defined in the *International Building Code*, *National Electrical Code*, *International Fire Code*, *International Fuel Gas Code*, or *Uniform Plumbing Code*, such terms shall have meanings ascribed to them in those codes.

Section 201.4 Terms not not defined. Amend this section by adding the following sentence.

Webster's Third New International Dictionary of the English Language, Unabridged shall be considered as providing ordinarily accepted meanings.

Section 301.2 Energy utilization. Delete this section in its entirety.

Section 301.10 Electrical. Add the following sentence to the end of this subsection.

When an existing fuel-fired appliance is not equipped with the required manual disconnect and the appliance is replaced, an approved manual disconnect within clear view of the appliance shall be installed.

Section 301.19 Carbon Monoxide Alarm. Add this section numbering, title, and the following after section 301.18.

Where a fuel-fired appliance is installed or replaced in an existing dwelling an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. A single station, battery-operated carbon monoxide alarm shall be listed as complying with UL 2034 and shall be installed according to the manufacturer's installation instructions.

Section 302.1.1 Pipe and Tubing embedded in concrete. Add this subsection with the following text.

Pipe and tubing embedded in concrete slabs or footings, including sleeves, shall not be placed at a depth below the top surface of the concrete of less than 1½ (one and one half) inch for concrete exposed to earth or weather or ¾ (three quarter) inch for concrete not exposed to earth or weather. They shall not be spaced closer than 3 (three) diameters or widths from structural steel elements.

Section 302.6 Penetration Weatherproofing. Add this section and the following after section 302.5.3.

Joints at roofs and exterior walls around pipes, ducts, appurtenances, or equipment shall be made watertight by the use of approved materials.

Section 303.4 Protection from damage. Add the following at the end of Section 303.4.

Fuel-fired equipment and appliances located within the direct perpendicular path of a garage door opening of eight foot or less in height shall comply with Section 303.4.1

303.4.1 Fuel-fired appliance protection. Fuel fired appliances and equipment located in the direct path of vehicles as described in 303.4 shall be protected from impact with one of the following methods.

1. A minimum schedule 40 (forty) nominal 3 (three) inch diameter steel pipe 30 (thirty) inches high, with a vertical face of the pipe at least 6 (six) inches in the direction of vehicle approach and:

- 1.1 Buried a minimum 2 (two) feet deep in compacted soil and imbedded in at least 4 (four) inches nominal concrete slab, or

1.2 Set in a minimum one foot by one foot by one foot block of concrete (slab included).

2. A platform on which the equipment sits, at least 24 (twenty four) inches high, extended at least 6 (six) inches greater than the equipment footprint (including attachments such as burners and controls) in the direction of vehicle approach and in contact with the structure opposite the direction of vehicle approach.
3. An approved system of equivalent resistance to vehicle impact extending at least 6 (six) inches ahead of the equipment's footprint in the direction of vehicle approach, including attachments such as burners and controls.

Section 303.8 Elevator Shafts. Delete this section in its entirety and replace as follows.

Mechanical systems shall not be located in an elevator shaft except mechanical equipment and devices exclusively serving the elevator. Discharge piping from any sump pump shall exit the hoist way as low as practicable. Sump pumps shall be sized per the Uniform Plumbing Code as amended.

Section 304.1.1 Fuel-fired equipment startup report. Add this subsection as follows.

A startup report is required for all fan-assisted or power-burner fuel-fired equipment indicating the following conditions and others which the manufacturer recommends in their installation instructions. A non-returnable copy must be provided to the inspector for insertion in the Building Department project files.

1. Company, Name, address, & Phone Number of Startup Technician Manufacturer and Model No. of Equipment
2. Date and Time of Startup and Noted Readings Net Stack Temperature
3. Over fire Draft
4. Breech Draft Stack Draft CO or Smoke CO₂ or O₂
5. Actual Rate of fuel input

Section 312.1 Load calculations. Delete the last sentence of this section and substitute the following.

Alternatively, design loads shall be determined by an approved equivalent computation procedure.

Section 401.4 Intake Openings. Add the following exception.

Exception

Passive Outdoor Air intake openings, including opening doors and windows, shall not be located closer than 3 (three) feet horizontally to any gas pressure regulator vent opening, unless such vent opening is located at least 3 (three) feet above the air intake opening.

Section 401.5 Intake opening protection. Add an exception at the end of this section as follows:

Exception: HRV weather hoods as provided by the respective unit's manufacturer may be used for its Intake and Exhaust Air openings.

TABLE 401.5 OPENING SIZES IN LOUVERS, GRILLES AND SCREENS PROTECTING OUTDOOR EXHAUST AND AIR INTAKE OPENINGS

Delete Table 401.5 and replace with the following.

OUTDOOR OPENING TYPE	MINIMUM AND MAXIMUM OPENING SIZES IN LOUVERS, GRILLES AND SCREENS MEASURED IN ANY DIRECTION
Exhaust & Intake openings in residential occupancies	½ (one half) inch
Intake openings in other than residential occupancies	Not < ½ (one half) inch and not > 1 (one) inch

Section 403.3.1.1 Outdoor airflow rate. Amend this section by revising the first sentence to read as follows.

Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with Table 403.3.1.1 based on the occupancy of the spaces and the occupant load or in accordance with the latest edition of ASHRAE Standard 62

Section 501.3 Exhaust discharge. Delete the exceptions to this section.

Section 502.21. Manicure and Pedicure Stations Add this section.

The permit holder shall verify capture and containment performance of the exhaust system. This field test shall be conducted with all sources of outdoor air providing makeup air operating and with all sources of recirculated air operating which provide conditioning for the

space in which the capture & containment is required. Capture and containment shall be verified visually by observing smoke simulating contaminant emission.

Section 505.2 Domestic cooking exhaust. Delete the first paragraph of this section and substitute the following.

Built-in Cook-top or Range-top domestic cooking appliances located within dwelling units and within areas where domestic cooking appliance operations occur shall be listed and labeled as household-type appliances for domestic use. A ventilating hood above, or an approved downdraft exhaust, shall be provided for a cook-top or range-top domestic cooking appliance, and shall discharge to the outdoors through a single-wall duct. The duct shall be sheet metal, of galvanized steel, stainless steel, aluminum or copper, airtight, and equipped with a backdraft damper. A microwave or cooking appliance that exhausts to the outdoors according to this section, is listed and labeled for installation over a cooking appliance and conforms to the terms of the upper appliance's listing and label, shall be approved.

Section 505.3 Exhaust ducts. Delete exception #1.

Section 506.3.11 Grease duct enclosure. Add the following sentence at the end of this section's paragraph.

Duct enclosures penetrating wall assemblies shall have a fire-resistance rating of not less than that required for the wall assembly, but not less than 1-hour nor more than 2-hour.

506.3.11.1 Shaft enclosure. Delete and replace the second sentence of this subsection with the following.

Such grease duct systems and exhaust equipment shall have a clearance to combustile construction of not less than 18 inches and shall have a clearance to noncombustible construction and gypsum wallboard attached to noncombustible structures of not less than 3 inches.

Section 507.1 General. Amend this section by adding the following sentence.

Design documents for commercial hoods, commercial ventilation, and makeup air systems shall be designed by and bear the stamp of a professional mechanical engineer currently registered in the State of Alaska.

Section 508.1 Makeup air. Amend this section by adding the following sentence.

Design documents for commercial hoods, commercial ventilation, and makeup air systems shall be designed by and bear the stamp of a professional mechanical engineer currently registered in the State of Alaska.

Section 601.4 Contamination prevention. Amend this section numbering the published Exception as noted and adding Exception 3 as follows.

Exception 1. Exhaust systems Exception 3.

Environmental air exhaust ducts under positive pressure may extend into or through ducts or plenums if one of the following design approaches is used.

1. Route environmental air exhaust ducts inside a shaft when passing through a duct or plenum. Install a second duct around the environmental air exhaust duct where passing through ducts and plenums to minimize leakage to the duct plenums. Seal both ends of the outer duct to the outside.
2. Install a second duct around the environmental air exhaust duct where passing through ducts and plenums to minimize leakage to the duct or plenum. Seal both ends of the outer duct to outside.
3. Seal the environmental air exhaust ducts along all seams and joints using a listed low to medium pressure duct sealant which is typically applied by brush, trowel, or caulking gun.
4. Provide flexible duct with no seams in the duct or plenum. The maximum length of the flexible duct is limited to 8 feet due to high static loss. A metal duct may be sleeved by the flexible seamless duct.

Section 602.1 General. Revise this section as follows.

Supply, return, exhaust, relief, and ventilation air plenums shall be limited to areas above a ceiling or below the floor, attic spaces, and mechanical equipment rooms. Plenums shall be limited to one fire area. Fuel-fired appliances shall not be installed within a plenum.

Exception

Underfloor crawlspaces shall not be used as plenums.

Section 604.1 General. Revise this section as follows.

Duct insulation shall conform to the requirements of sections 604.2 through 604.13 and the *International Energy Conservation Code*. All supply, return, and exhaust ducts and plenums shall be insulated with a minimum of R-11 insulation when located outside the building envelope. When located within a building envelope assembly, the duct or plenum shall be

separated from the building exterior or unconditioned space or exempt spaces by a minimum of R-11 insulation.

Exceptions

1. When located within equipment.
2. When the design temperature difference between the interior and exterior of the duct or plenum does not exceed 15 (fifteen) degrees F 8 (eight) degrees C.
3. When located within the under-floor crawlspace of a one- or two-family dwelling unit.

Section 607.4 Access and identification. Add the following between the 1st and 2nd sentences of this Section.

Access doors for fire dampers & smoke dampers shall be located as close as practicable to the dampers and also sized so fire damper spring catch and fusible links are accessible with two hands when the damper is closed. Duct access doors shall be a minimum size of 18 (eighteen) inches by 16 (sixteen) inches where the size of the duct permits, and a minimum size of 24 (twenty-four) inches and 16 (sixteen) inches where entry of an individual is needed for the required minimum access.

CHAPTER 7 COMBUSTION AIR

Section 701.1 Scope. Delete this section in its entirety and substitute the following.

The provisions of this chapter shall govern the requirements for combustion and dilution air for fuel-burning appliances other than gas-fired appliances. Solid fuel- burning appliances shall be provided with combustion air in accordance with the appliance manufacturers' instructions. Oil-fired appliances shall be provided with combustion air in accordance with this chapter and, where not modified by this chapter, with Chapter 5 of NFPA 31. The methods of providing combustion air in this chapter do not apply to fireplaces and fireplace stoves.

Add the following after Section 701.1

701.1.1 Combustion and dilution air required. Every room or space containing fuel-burning appliances shall be provided with combustion air, including both air for complete fuel combustion and draft dilution, as required by this code. An approved engineered system may be used to provide combustion air as an alternative to the requirements of this chapter. An approved method shall be utilized to control the temperature of the room or space containing fuel-burning appliances. The room or space shall be maintained between 40 (forty) degrees F and 120 (one hundred) degrees F. The requirements for Combustion

Air in this chapter do not include what might be needed for maintaining the ambient temperature of the room or space containing the fuel-burning equipment. Exhaust fans that create a negative draft in the room or space, or other fans that might create conditions of unsatisfactory combustion or venting, are not permitted unless electrically interlocked with the fuel-burning appliances to prevent simultaneous operation.

701.1.2 Prohibited sources. Combustion air shall not be obtained from a hazardous location, except where the fuel-fired appliances are located within the hazardous location and are installed in accordance with this code. Combustion air shall not be taken from a refrigeration machinery room, except where a refrigerant vapor detector system is installed to automatically shut off the combustion process in the event of refrigerant leakage. Combustion air shall not be obtained from any location below the design flood elevation, a crawlspace, or an attic.

701.3 Outdoor openings. Combustion air outdoor openings shall be located and protected according to Sections 401.4 and 401.5, as amended and located at least 18 inches above grade.

702.0 Outdoor Air

702.1 Outdoor Air is required provided for combustion air. Combustion air as required by this chapter shall not be supplied by infiltration.

702.2 Indirect-Connection, Passive-flow Combustion Air. A minimum of one combustion air opening is required. The opening shall be sized with an effective opening to the outdoors of 1 (one) square inch per 6000 (six thousand) BTU/hour of the combined input rating of the fuel-burning appliances or according to Table 7-1. The opening into the enclosure containing the appliances shall be located no lower in elevation than 2/3 (two thirds) the distance from the top of the finished floor to the bottom of the finished ceiling in the enclosure.

TABLE 7-1 OIL-FIRED APPLIANCE COMBUSTION AIR DUCT SIZING

Appliance Size (Btu/hr. Input)	GPH Input at 140,000 Btu/gallon	Combustion Air Duct Minimum Free Area (sq. in.)	Minimum Round Duct Size (sq. in.)
<120,000	<.85	12	4
120,000 -155,000	.85 – 1.10	19	5
155,000 – 175,000	1.10 – 1.25	28	6

703.3 Indirect-Connection, Forced-flow Combustion Air. Where combustion air is provided by a mechanical forced-air system, it shall be supplied at the minimum rate of 1 (one) cfm per 3500 (three thousand five hundred) BTU/hour of the combined input rating of all the fuel-burning appliances served. Each of the appliances served shall be electrically interlocked to the mechanical forced-air system to prevent operation of the appliances when the mechanical system is not in operation. Where combustion air is provided by the building's mechanical ventilation system, the system shall provide the specified combustion air rate in addition to the required ventilation air.

704.4 Direct-Connection. Fuel-burning appliances that are listed and labeled for direct combustion air connection to the outdoors shall be installed in accordance with the manufacturer's installation instructions.

7-3.0 Combustion Air Ducts.

703.1 General. Indirect-Connection Combustion air ducts shall:

1. Be of galvanized steel complying with Chapter 6 or of equivalent rigid, corrosion-resistant material approved for this application.
2. Have a minimum cross-sectional dimension of 3 (three) inches.
3. Terminate in an unobstructed space allowing free movement of combustion air to the appliances.
4. Have the same cross-sectional areas as the free area of the openings to which they connect. Each combustion air inlet shall only open into the appliance space with one, separate ducted opening of the required free area opening.
5. Serve a single appliance enclosure.
6. Any dampers installed within any part of a combustion air duct or opening shall be electrically interlocked with the firing cycle of the appliance served, to prevent operation of any appliance when the dampers are closed.

Section 801.21 Location and support of venting systems other than masonry chimneys.
Add this new section with the following text.

Vent terminations that penetrate a metal roof with a slope greater than 1:12 shall be protected by a snow guard or deflector of a type and design approved by the Code Official.

Section 923.2 Small ceramic kilns-ventilation. Add this new section with the following text.

A canopy-hood shall be installed directly above each kiln. The face opening area of the hood shall be equal to or greater than the top horizontal surface area of the kiln. The hood shall be constructed of not less than No. 24 (twenty four) U.S. gauge galvanized steel or equivalent and be supported at a height of between 12 (twelve) inches and 30 (thirty) inches above the kiln by noncombustible supports.

Exception: Each hood shall be connected to a gravity ventilation duct extending in a vertical direction to outside the building. This duct shall be of the same construction as the hood and shall have a minimum cross-sectional area of not less than one fifteenth of the face opening area of the hood. The duct shall terminate a minimum of 12 (twelve) inches above any portion of a building within 4 (four) feet and terminate no less than 4 (four) feet from the adjacent property line or any open able window or other openings into the building. The duct opening to the outside shall be shielded, without reduction of duct area, to prevent entrance of rain into the duct. The duct shall be supported at each section by noncombustible supports. Provisions shall be made for air to enter the room in which a kiln is installed at a rate at least equal to the air being removed through the kiln hood.

Section 1001.1 Scope. Amend exception #7 as follows.

1. Any boiler or pressure vessel subject to inspection by federal inspectors.

Section 1005.2 Potable water supply. Delete this section and its title in their entirety and substitute the following.

Section 1005.2 Water Supply. An automatic means of water or heat transfer liquid makeup supply is required connected to all boilers. Connections to the potable water piping system shall be in accordance with the *Uniform Plumbing Code* as amended.

Section 1006.6 Safety and relief valve discharge. Delete this section and substitute the following:

Safety and relief valve discharge piping shall be of rigid pipe or tube that is approved for the temperature of the system. High-pressure-steam safety valve shall be vented to the outside of the structure. The discharge piping serving pressure relief valves, temperature

2116 relief valves, and combinations of such valves shall be separately piped to its outlet
2117 according to manufacturer's instructions, in a manner that does not cause personal injury
2118 or structural damage, and without obstruction or connection to piping serving any other
2119 relief device or equipment. The discharge piping shall be at least the size of the valve outlet
2120 served, sloped downward full size toward its outlet, and terminate through an air gap not
2121 more than 18 (eighteen) inches above the floor, or above the flood rim of an approved pan
2122 or waste receptor. The termination shall be readily observable and located in the same
2123 room as the appliance. The discharge piping shall have no tees or outlet threads and as few
2124 elbows as possible.

2125

2126 **Section 1006.7 Boiler safety devices.** Amend this section by adding the following and
2127 Table 1003.2.1 of the *2018 Uniform Mechanical Code*.

2128

2129 Automatic boilers shall be equipped with controls and limit devices as set forth in Table
2130 1003.2.1

TABLE 1003.2.1 Controls and Limit Devices for Automatic Boilers																
Boiler Group	Fuel	Fuel Input Range (Inclusive), Btu/h	Type of Pilot ²	Safety Control Timing (Nominal Maximum Time in Seconds)					Assured Fuel Supply Control ⁴	Assured Air Supply Control ⁵	Low Fire Start Up Control ⁶	Pre-purging Control	Hot Water Temperature and Low Water Limit Controls ⁸	Steam Pressure and Low Water Limit Controls ⁹	Approved Fuel Shutoff ¹⁰	Control and Limit Device System Design ¹¹
				Trial for Pilot	Trial for Main Burner Flame		Main Burner Flame Failure ³									
					Direct Electric Ignition	Flame Pilot										
A	Gas	0-400,000	Any type	90	Not Required	90	90	Not required	Required	Not required	Not required	Required	Required	Not required	Required	Control and Limit Device System Design
B	Gas	400,001-2,500,000	Interrupted or intermittent	15	15	15	2-4	Not required	Required	Not required	Not required	Required	Required	Not required	Required	Required
C	Gas	2,500,001-5,000,000	Interrupted or intermittent	15	15	15	2-4	Required	Required	Required	Required	Required	Required	Required	Required	Required
D	Gas	Over 5,000,000	Interrupted	15	15	15	2-4	Required	Required	Required	Required	Required	Required	Required	Required	Required
E	Oil	0-400,000	Any type	Not Required	90	90	90	Not required	Required	Not required	Not required	Required	Required	Not required	Required	Required
F	Oil	400,001-1,000,000	Interrupted	Not Required	30	30	2-4	Required	Required	Not required	Not required	Required	Required	Not required	Required	Required
G	Oil	1,000,001-3,000,000	Interrupted	Not Required	15	15	2-4	Required	Required	Not required	Not required	Required	Required	Not required	Required	Required
H	Oil	Over 3,000,000	Interrupted	15	15	60	2-4	Required	Required	Required	Required	Required	Required	Required	Required	Required
K	Electric	All	Not required	Not required	Not required	Not required	Not required	Not required	Not required	Not required	Not required	Required	Required	Not required	Required	Required
L	Gas, Oil and/or Coal	12,500,000 or more	Any	10 sec per NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85	Per ASME Power Boiler Code, Section I and NFPA 85	Per ASME Power Boiler Code and NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85
M	Heat Recovery Steam Generator	Any	None	Per NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85	Per ASME Boiler & Pressure Code & NFPA 85	Per ASME Boiler & Pressure Code & NFPA 85	Per NFPA 85	Per NFPA 85	Per NFPA 85

FOOTNOTES FOR TABLE 1003.2.1

1. Fuel input shall be determined by one of the following:
 - The burner input shall not exceed the input as shown on the burner nameplate or as otherwise identified by the manufacturer.
 - The nominal boiler rating, as determined by the building official, plus 25 (twenty-five) percent.
2. Automatic boilers shall have one flame failure device on each burner, which shall prove the presence of an ignition source at the point where it will reliably ignite the main burner, except that boiler groups A, B, E, F, and G, which are equipped with direct electric ignition, shall monitor the main burner, and boiler groups using interrupted pilots shall monitor the main burner after the prescribed limited trial and ignition periods. Boiler group A, equipped with continuous pilot, shall accomplish 100 (one hundred) percent shutoff within 90 (ninety) seconds upon pilot flame failure. The use of intermittent pilots in boiler group C is limited to approved burner units.
3. In boiler groups B, C, and O a 90 (ninety) second main burner flame failure limit shall be permitted to be applied where continuous pilots are provided on manufacturer assembled boiler-burner units that have been approved by an approved testing agency as complying with nationally recognized standards approved by the building official. Boiler groups F and G equipped to re-energize their ignition systems within 0.8 (eight tenths) second after main burner flame failure will be permitted 30 (thirty) seconds for group F or 15 (fifteen) seconds for group G to reestablish their main burner flames.
4. Boiler groups C and D shall have controls interlocked to accomplish a nonrecycling fuel shutoff upon high or low gas pressure, and boiler groups F, G, and H using steam or air for fuel atomization shall have controls interlocked to accomplish a nonrecycling fuel shutoff upon low atomizing steam or air pressure. Boiler groups F, G, and H equipped with a preheated oil system shall have controls interlocked to provide fuel shutoff upon low oil temperature.
5. Automatic boilers shall have controls interlocked to shut off the fuel supply in the event of draft failure where forced or induced draft fans are used or, in the event of low combustion airflow, where a gas power burner is used. Where a single motor directly driving both the fan and the oil pump is used, a separate control is not required.
6. Boiler groups C, D, and H, when firing in excess of 400,000 (four hundred thousand) BTU per combustion chamber, shall be provided with low fire start of its main burner

2172 system to permit smooth light-off. This will normally be a rate of one-third of its
2173 maximum firing rate.

- 2174
- 2175 7. Boiler groups C, D, and H shall not permit pilot or main burner trial for ignition
2176 operation before a purging operation of sufficient duration to permit not less than 4
2177 (four) complete air changes through the furnace, including combustion chamber and
2178 the boiler passes. Where this is not readily determinable, 5 (five) complete air changes
2179 of the furnace, including combustion chamber up to the first pass, will be considered
2180 equivalent. An atmospheric gas burner with no mechanical means of creating air
2181 movement or an oil burner that obtains two-thirds or more of the air required for
2182 combustion without mechanical means of creating air movement shall not require
2183 purge by means of four air changes, so long as its secondary air openings are not
2184 provided with means of closing. Where such burners have means of closing secondary
2185 air openings, a time delay shall be provided that puts these closures in a normally
2186 open position for four minutes before an attempt for ignition. An installation with a
2187 trapped combustion chamber shall, in every case, be provided with a mechanical
2188 means of creating air movement for purging.
- 2189
- 2190 8. In automatic hot-water-heating boiler, low-pressure hot-water-heating boiler, and
2191 power hot water boiler shall be equipped with two high-temperature limit controls
2192 with a manual reset on the control, with the higher setting interlocked to shut off the
2193 main fuel supply, except that manual reset on the high-temperature limit control shall
2194 not be required on any automatic package boiler not exceeding 400,000 (four hundred
2195 thousand) BTU/hour (117kW) input and that has been approved by an approved
2196 testing agency. Every automatic hot-water heating, power boiler, and package hot-
2197 water supply boiler shall be equipped with one low-water level limit control with a
2198 manual reset interlocked to shut off the fuel supply, so installed as to prevent damage
2199 to the boiler and to permit testing of the control without draining the heating system,
2200 except on boilers used in Group R Occupancies of less than six units and in Group U
2201 Occupancies and further, except that the low-water level limit control is not required
2202 on package hot-water supply boilers approved by a nationally recognized testing
2203 agency. However, a low-water flow limit control installed in the circulating water line
2204 shall be permitted to be used instead of the low-water level limit control for the same
2205 purpose on coil-type boilers.
- 2206
- 2207 9. An automatic low-pressure steam-heating boiler, small power boiler, and power steam
2208 boiler shall be equipped with two high-steam pressure limit controls interlocked to
2209 shut off the fuel supply to the main burner with manual reset on the control, with the
2210 higher setting and two low- water-level limit controls, one of which shall be provided
2211 with a manual reset device and independent of the feed water controller. Coil-type

flash steam boilers shall be permitted to use two high-temperature limit controls, one of which shall be manually reset in the hot water coil section of the boiler instead of the low-water level limit control.

10. Boiler groups C, D, and H shall use an approved automatic reset safety shutoff valve for the main burner fuel shutoff, which shall be interlocked to the programming control devices required. On oil burners where the safety shutoff valve will be subjected to pressures in excess of 10 (ten) (69kPa) psi when the burner is not firing, a second safety shutoff valve shall be provided in series with the first. Boiler groups C and D using gas in excess of 1 (One) psi (7 kPa) pressure or having a trapped combustion chamber or employing horizontal fire tubes shall be equipped with two approved safety shutoff valves, one of which shall be an automatic reset type, one of which shall be permitted to be used as an operating control, and both of which shall be interlocked to the limit-control devices required. Boiler groups C and D using gas in excess of 1 psi (7 kPa) pressure shall be provided with a permanent and ready means for making periodic tightness checks of the main fuel safety shutoff valves.
11. Control and limit device systems shall be grounded with operating voltage not to exceed 150 (one hundred fifty) volts, except that, upon approval by the building official, existing control equipment to be reused in an altered boiler control system shall be permitted to use 220 (two hundred twenty) volt single phase with one side grounded, provided such voltage is used for all controls. Control and limit devices shall interrupt the ungrounded side of the circuit. A readily accessible means of manually disconnecting the control circuit shall be provided with controls so arranged that when they are de-energized, the burner shall be inoperative.

1006.8 Electrical requirements. Add the following sentence and exception to this subsection.

The required means of disconnect shall be within clear view of the boiler burner.

Exception

Where it is not possible for personnel to position themselves out of clear view of the means of disconnect while maintaining the boiler, the capability of being locked in the off position shall not be required of the means of disconnect.

Section 1007 Boiler low-water cutoff. Delete this section in its entirety and refer to Section 1006.7 as amended.

Section 1101. 11 Installation Identification. Add this subsection with the following text.

Each refrigerating system erected on the premises shall be provided with legible permanent signage, securely attached and easily accessible, as required in sections 1101.11.1 – 1101.11.3. If the type or amount of refrigerant or other indication is changed, the signs must be changed or replaced to indicate the new conditions.

1101.11.1 Each system shall be provided a sign indicating:

- a. the name and address of the installer,
- b. the refrigerant number and amount of refrigerant,
- c. the lubricant identity and amount, and
- d. the field test pressure applied

1101.11.2 Systems containing more than 110 (one hundred ten) pounds of refrigerant and consisting of controls and piping shall be provided signs having letters at least ½ (one half) inches in height indicating:

- a. Each valve or switch that controls the refrigerant flow, the machinery room ventilation, and the compressors
- b. The specific fluid, whether a refrigerant or secondary coolant, that is contained in exposed piping outside of the refrigerating machinery room. Valves or the piping adjacent to the valves shall be labeled in accordance with ANSI A13.1.

1101.11.3 Each Refrigeration Machinery Room entrance must have in clear view a sign reading: “Machinery Room – Authorized Personnel Only. – Only those trained in emergency procedures if the Refrigerant alarm is activated.”

Section 1105.3 Refrigerant detector. Amend this section by adding a second sentence to read as follows.

Refrigerant detectors shall alarm both inside and outside the machinery room and refrigerated space.

Section 1105.6.2 Makeup air. Amend this section as follows.

Provisions shall be made for makeup air to replace that being exhausted. Openings for makeup air shall be located to avoid intake of exhaust air. Supply and exhaust ducts to the machinery room shall serve no other area, shall be constructed in accordance with Chapter 5, and shall be covered with corrosion- resistant screen of not less than ½ (one half) inch mesh.

Section 1205.1.3 Pressure vessels. Add the following exception to this subsection.

Exception: Shutoff valves for diaphragm-type expansion tanks in systems installed with a single expansion tank of 12 (twelve) gallon water volume or smaller shall not be required.

Section 1205.1.6 Expansion Tanks. Delete this subsection in its entirety.

Section 1301.1 Scope. Amend this section as follows.

The design, installation, construction, and repair of fuel oil and waste oil storage and piping shall be in accordance with this chapter and NFPA 31. The storage of fuel oil and flammable and combustible liquids shall be in accordance with the *International Fire Code*.

Section 1301.4 Fuel tanks, piping, and valves. Amend and add to this section as follows.

The tank, piping, and valves for appliances burning oil shall be installed in accordance with the requirements of this chapter. The oil supply line is required to be taken from the top of the tank only, and where the level of fuel within the tank may be above the inlet port of the appliance served an approved method to prevent siphoning from the tank must be provided. If the tank is located inside a building, emergency pressure relief venting is required to the exterior.

1301.4.1 Day tanks or supply tanks. Day tanks shall be installed in accordance with this code and NFPA 31.

1301.4.1.1 A day tank or supply tank of 60 (sixty) gallons or less may be installed for generators, boilers and water heaters within a boiler or mechanical room provided a 1-hour fire-resistive occupancy separation is constructed around the room containing the equipment being served and the day tank or supply tank.

1301.4.1.2 Day tanks or supply tanks which exceed 60 (sixty) gallons shall be installed in accordance with the following requirements:

- a. A sprinkler system as approved by the Fire Department is required for the mechanical room.
- b. The room containing the day tank or supply tank shall be located on an exterior wall.
- c. Two exits shall be provided from the boiler room or mechanical room. One exit shall open directly to the exterior and be accessible to fire-fighting personnel.

d. A 2 (two) hour fire resistive occupancy separation shall be provided around the boiler room or mechanical room.

1301.4.2 Waste oil tanks. Tanks installed inside buildings for the collection of class IIIB motor vehicle waste oil and connected to listed oil-burning appliances shall be restricted to Group S-1 and motor vehicle related occupancies as referenced by the *International Building Code*. Waste oil tanks located outside of central heating enclosures shall be limited to 500 (five hundred) gallon cumulative capacity, be provided with approved emergency pressure relief venting, and shall be equipped with a hinged cap. All oil lines shall be equipped with a spring-loaded fusible valve located immediately adjacent to the tank shell.

Waste oil tanks exceeding 500 (five hundred) gallon capacity and connected to waste oil-burning appliances shall be enclosed in a separate one-hour fire-resistive occupancy separation, be provided with approved emergency pressure relief venting, and shall be surrounded by a 4 (four) inch high non-combustible curb.

Waste oil tanks located inside of central heating plant enclosures or generator mechanical rooms shall conform to section 1301.4.1 as amended. Upon approval of the Fire Chief, listed waste oil heaters may be located in other occupancy groups provided the tanks are installed outside of the building in accordance with Chapter 15 of the International Mechanical Code and NFPA 31 Chapter 12, or installed in compliance with IMC section 1301.4.1.

Chapter 15.36 Electric Code

15.36.010 Adoption.

The code known as the National Electrical Code, ~~2014~~ **2020** Edition, of the National Fire Protection Association, and every part thereof, together with the local amendments as set forth in NPMC 15.36.040, shall constitute the laws of the City relating to electrical installations. An electronic copy of the National Electrical Code is retained at the City offices. (Ord. 17-12 § 2(D), 2017; Ord. 12-10 § 2, 2012)

15.36.020 Modifications.

The Building Official shall have the power to modify any of the provisions of the National Electrical Code adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Building Official thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant. (Ord. 17-12 § 2(D), 2017; Ord. 12-10 § 2, 2012)

15.36.030 Appeals.

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Building Official to the Mayor/City Manager within thirty days from the date of the decision. The appointment of the appeals board will be on a case-by-case basis with the members of said board comprised of local design professionals, contractors, inspectors or other members of the public deemed knowledgeable of the subject matter by the Mayor/City Manager. (Ord. 17-12 § 2(D), 2017; Ord. 12-10 § 2, 2012)

15.36.040 Local amendments to the National Electrical Code, 2014 Edition.

The amendments to the National Electrical Code, ~~2014~~ **2020** Edition, as published by the National Electrical Code Committee, are hereby adopted by the City of North Pole as follows:

Article 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel. Add subsection (G) to read as follows:

(G) Day Care Facilities.

In all day care facilities as defined by the current building codes adopted by the City of North Pole, all 125 (one hundred twenty-five)-volt, single phase, 15 (fifteen) and 20 (twenty) ampere

2393 receptacles installed where accessible to children shall have ground-fault circuit-interrupter
2394 (GFCI) protection.

2395 *Article 210.52 Dwelling Unit Receptacle Outlets.* Add subsection (J) to read as follows:

2396

2397 (J) Parking spaces.

2398 For each dwelling unit and mobile home, there shall be at least one exterior weatherproof duplex
2399 receptacle on a separate 20 (twenty)ampere circuit adjacent to on-site parking locations.

2400 Article 220.52 Change title to read as the following:

2401

2402 *Article 220.52 Small-Appliance, Laundry, and Car Head bolt Heater Loads - Dwelling Unit.*

2403 Add subsections (C) and (D) to read as follows:

2404 (C) Car Head bolt Heater Loads.

2405 A feeder load of not less than 1500 (one thousand five hundred) volt-amperes shall be included
2406 for each individual 20 (twenty) ampere branch circuit required by Article 210.52(e). This
2407 requirement also applies to Article 220.30, 220.31, 220.32, 220.33.

2408

2409 (D) Commercial Parking Areas.

2410 The minimum calculated load for each car head bolt heater receptacle is 1200 (one thousand two
2411 hundred) volt-amperes. If the service, feeder, and branch circuit overcurrent protective devices
2412 are located outside then 1200 (one thousand two hundred) volt-amperes for the first 30 (thirty)
2413 spaces, 1000 (one thousand) volt-amperes for the next 30 (thirty) spaces, and 800 (eight hundred)
2414 volt-amperes for each space over 60 (sixty) will be allowed.

2415

2416 *Article 230.9(A) Clearances.* Amend as follows:

2417 Service conductors installed as open conductors or multi-conductor cable without an overall
2418 outer jacket shall have a clearance of not less than 900 (nine hundred) mm (three feet) from
2419 windows that are designed to be opened, doors, porches, balconies, ladders, stairs, fire escapes,
2420 building attic gable vents, or similar locations.

2421

2422 *Article 230.11 Service Detail Requirements.* Add a new section as follows:

2423 Service installations shall comply with the details of [Exhibit #1](#) Residential Service.

2424

2425 *Article 230.12 Temporary Power Service.* Add a new section as follows:

2426 Temporary Services shall comply with the details of [Exhibit #2](#) Temporary Service.

2427

2428 *Article 230.24(B) Vertical Clearance for Overhead Service Conductors.* Amend as follows:

2429 (1) 3.81 m (twelve and one half-foot) at the electrical service entrance to buildings, also at the
2430 lowest point of the drip loop of the building electrical entrance, and above areas or sidewalks
2431 accessible only to pedestrians, measured from final grade or other accessible surface only for

overhead service conductors supported on and cabled together with a grounded bare messenger where the voltage does not exceed 150 (one hundred fifty) volts to ground (2) 3.81 m (twelve and one half-foot) over residential property and driveways, and those commercial areas not subject to truck traffic where the voltage does not exceed 300 (three hundred) volts to ground.

Article 230.26 Point of Attachment. Amend as follows:

In no case shall this point of attachment be less than 4.27 m (fourteen feet) above finished grade.

Article 230.28 Service Masts as Supports. Add subsections (C), (D), (E), (F) to read as follows:
(C) General.

When the overhead service is installed on the eave side of a structure with a pitched roof, the service mast conduit shall extend through the roof.

(D) Conduit Size.

The conduit size shall be a minimum of two inches rigid metal or intermediate metal conduit and must extend at least three feet above the roof surface. If couplings are used in the installation, they must be located below the roof overhang.

(E) Guyed Support.

The service mast conduit when installed through the roof shall be guyed to the roof with a minimum 5/8 inches galvanized closed eyebolt using a minimum of 1/8 (one eighth) inches stranded stainless steel wire aircraft cable with four approved clamps. If the service mast conduit extends above the roof over four feet in length, then a double V-guy installation is required.

(F) Protection of Meter.

When the eave overhang is less than eighteen inches, additional protection shall be required to protect the meter from snow and ice damage by a minimum of an 18 gauge galvanized metal hood or equivalent extending over the meter.

Article 230.41 Insulation of Service-Entrance Conductors. Add the following:

Individual ungrounded service entrance conductors shall be XHHW, RHW, or R-Type insulation approved for exterior use. No other insulation is acceptable.

Article 230.54(F) Drip Loops. Add the following:

For 100 (one hundred) ampere service, leave 18 (eighteen) inches of conductors, for 200 (two hundred) ampere and larger, leave 24 (twenty four) inches of conductors extending out of the weather head.

2472 *Article 230.70(A)(1) Location.* Add the following:
2473 If installed inside, a means to disconnect all conductors in the building from the service entrance
2474 conductors shall be provided on the building exterior
2475

2476 *Article 230.70(A)(3) Remote Control.* Add the following subsections:

- 2477 (a) The remote-control device shall be a key switch approved by the Fire Department.
2478 (b) The key switch shall shut down the electrical power for the entire building.
2479 (c) If a facility is equipped with a generator, a key switch shall be installed to shut down the
2480 generator in the event of an emergency. This switch shall be located adjacent to the electrical
2481 service remote control key switch or the electrical service disconnect.
2482 (d) Key switch locations shall be marked with a visible sign indicating “Fire Department Use
2483 Only” and “Generator Disconnect”.

2484 *Article 230.70(A)(4)* Add subsection (4):

- 2485 (4) Natural and Liquid Petroleum Gas. Electrical equipment (i.e.: service disconnect, electrical
2486 meters, receptacles, etc.) shall be installed not less than 5 (five) feet from any LPG tank
2487 installation and related regulators, etc. or NG meter and regulators. If the gas equipment is
2488 installed less than 5 (five) feet to the electrical equipment, then the electrical equipment shall
2489 meet the requirements of Article 500 and 501 of the National Electrical Code.
2490

2491 *Article 230.70(B) Marking.* Add the following:

2492 When there is more than one meter on any single service, they shall be permanently identified
2493 with numbers painted on the meter base at least one inch in height or identified by other
2494 approved means that corresponds to the number on the unit served.
2495

2496 *Article 250.66(B) Connections to Concrete Encased Electrodes.* Amend the following:

2497 Where the grounding electrode conductor is connected to a concrete encased electrode as
2498 permitted in 250.52(A)(3) a #4 AWG bare copper conductor consisting of at least 6.0 m (twenty
2499 feet) in length shall be installed in the footing for a 100-200 (one hundred to two hundred)
2500 ampere service. A #2 AWG bare copper conductor shall be installed in the footing for 225-300
2501 ampere service. A 1/0 AWG bare copper conductor is required for a 350-400 (three hundred fifty
2502 to four hundred) ampere service. A 2/0 AWG bare conductor is required for a 450-500 (four
2503 hundred fifty to five hundred) ampere service and 3/0 AWG bare conductor is required for
2504 services greater than 500 (five hundred) amperes.
2505

2506 *Article 410.36(B) Suspended Ceilings.* Add the following exception:

2507 Exception: When the light fixtures are supported seismically in accordance with the current
2508 building codes adopted by the City of North Pole the above supports are not required.
2509

2510 *Article 700.12(D) Generator Set.* Add subsection (6):

2511 (6) The generator shall have an exterior disconnect complying with Article 230.70(A)(3) located
2512 adjacent to service disconnect to prevent the generator from starting when the normal power is
2513 turned off in case of an emergency or fire. A weatherproof sign shall be installed adjacent to the
2514 service disconnect that reads: Emergency Generator Disconnect Switch.
2515

Chapter 15.42 Plumbing Code

15.42.010 Adoption.

The code known as the Uniform Plumbing Code, ~~2015~~ **2018** Edition, of the International Association of Plumbing and Mechanical Officials, and every part thereof, together with the local amendments as set forth in NPMC 15.42.040, shall constitute the laws of the City relating to plumbing. An electronic copy of the Uniform Plumbing Code is retained at the City offices. (Ord. 17-12 § 2(E), 2017; Ord. 12-11 § 2, 2012)

15.42.020 Modifications.

The Building Official shall have the power to modify any of the provisions of the Uniform Plumbing Code adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Building Official thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant. (Ord. 17-12 § 2(E), 2017; Ord. 12-11 § 2, 2012)

15.42.030 Appeals.

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Building Official to the Mayor/City Manager within thirty days from the date of the decision. The appointment of the appeals board will be on a case-by-case basis with the members of said board comprised of local design professionals, contractors, inspectors or other members of the public deemed knowledgeable of the subject matter by the Mayor/City Manager. (Ord. 17-12 § 2(E), 2017; Ord. 12-11 § 2, 2012)

15.42.040 Local amendments to the Uniform Plumbing Code, ~~2015~~ 2018 Edition.

The amendments to the Uniform Plumbing Code, ~~2015~~ **2018** Edition, as published by the International Association of Plumbing and Mechanical Officials, are hereby adopted by the City of North Pole as follows:

CHAPTER 1 ADMINISTRATION

Section 101.3 Purpose. Add subsections to read as follows:

101.3.1 Referenced Codes. The technical codes as referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each reference.

References to *NFPA 54* and the *Uniform Mechanical Code* shall be replaced with adopted codes specified in sections 101.3.1.1 and 101.3.1.2

101.3.1.1 Gas. The provisions of the *International Fuel Gas Code* shall apply to the installation of fuel gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and installation and operation of residential and commercial gas appliances and related accessories.

101.3.1.2 Mechanical. The provisions of the *International Mechanical Code* shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings, and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators, and other energy-related systems.

101.3.1.3 Administrative. The provisions of the 1997 Uniform Administrative Code shall apply to the administration and enforcement of this code. Where provisions of the City of North Pole Administrative Code and this code conflict, the more restrictive test shall apply.

101.3.1.4 Building. The provisions of the *International Building Code* shall apply where reference is made to the Building Code in this document.

Section 102.1 Conflicts Between Codes. Delete this section in its entirety and replace with the following:

When conflicts occur between this code and other technical codes, those provisions providing the greater safety to life shall govern. In other conflicts, between this code and other codes or laws, where sanitation, life safety, or fire safety are not involved, the most restrictive provisions shall govern.

Where in a specific case different sections of these codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Section 104.1 Permits required. Add the following subsection.

Section 104.1 Emergency Repairs. Where equipment or piping system replacement must be performed in an emergency situation, the permit application shall be submitted to the building official within 72 (seventy two) hours of such emergency. All required inspections shall be conducted.

104.3.2 Plan Review Fee. Delete Section 104.3.2 in its entirety and reference the 1997 Uniform Administrative Code as amended by the City of North Pole.

204.0 Building Thermal Envelope. Add the following definition to this section.

Building Thermal Envelope – For purposes of the plumbing code: the basement walls, exterior walls, floors, roofs, and any other building elements that enclose conditioned spaces, and frost-protected foundations. For frost-protected foundations with required horizontal insulation, the thermal envelope shall be considered to extend from the warm-in-winter side, to the projection of the vertical insulation, cold-in-winter exterior surface. For thermal envelope assemblies enclosing conditioned spaces, the thermal envelope assembly includes any vapor retarders.

205.0 Conditioned Space – Add the following Definition to this section.

Conditioned Space -- For purposes of the plumbing code, space within a building that is provided with heating equipment or systems capable of maintaining, through design or heat loss, 50 (fifty) degrees F during the heating season, or communicates directly with a conditioned space.

210.0 Hot Water - Delete this definition and substitute the following.

Hot Water – Water at a temperature exceeding or equal to 110 (one hundred ten) degrees F.

303.0 Disposal of Liquid Waste. Add the following sentence to this section.

Pit privies (outhouses), as defined by Alaska D.E.C. 18 AAC 72.030 & 7 AAC 10.9990(46)(B), are prohibited.

Section 312.6 Freezing Protection – Delete 312.6 in its entirety and substitute the following.

All water, soil, waste, vent, or roof drainage piping shall be installed on the warm-in-winter side of the Building Thermal Envelope assembly, including any vapor retarders.

Exception 1.

Vent piping above the roof.

Exception 2.

Vent piping, other than wet vents, may be installed within exterior walls or above the roof/ceiling assembly where enclosed within at least R-8.8 insulation. This insulation must be continuous from the piping penetration of the warm-in-winter surface of the thermal envelope to

the underside of the piping's roof sheathing penetration. The insulation of the Building Thermal Envelope assembly may be used to meet this requirement.

Exception 3. Underground Building Drain or Water Distribution piping outside the Building Thermal Envelope installed according to the circulation and insulation provisions of the latest revised standards of North Pole Utility for water and sewer services.

Exception 4. A system of frost protection that, is designed & sealed by a currently registered engineer or architect, including but not limited to heat trace installed according to Sections 301.2 & 309.4; and provided it is accessible for repair or replacement without excavation or removal of elements of construction.

Section 312.9 Steel Nail Plates. Delete 312.9 and its exception in their entirety and substitute the following.

In concealed locations where piping, other than cast-iron or steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1½ (one and one half) inches from the nearest edge of the member, the pipe shall be protected by shield plates having a minimum thickness of 0.0575 inch (No. 16 gage) shall cover the area of the pipe where the member is notched or bored, and shall extend a minimum of 2 inches above sole plates and below top plates.

Section 312.12. Rodent proofing. Delete 312.12 in its entirety.

Section 402.5 Setting. Delete the Exception and substitute the following.

Exception: The installation of paper dispensers, sanitary napkin receptacles, or accessibility grab bars shall not be considered obstructions if located such that a minimum of 7 (seven) inches clearance is maintained in any direction from the outside surface of the usable portion of the fixture.

Section 403.2 Fixtures and Fixture Fittings for Persons with Disabilities. Delete this section in its entirety and refer to Chapter 11 of the 2018 IBC and ICC A117.1- 2017.

Section 411.3 Water Closet Seats. Delete the second sentence and substitute the following: Water closet seats for public use shall be of the elongated and open-front type.

Section 422.0 Minimum Number of Required Fixtures. Delete this section in its entirety and refer to Chapter 29 and Table 2902.1 as amended of the 2018 IBC.

Table 422.1 Minimum Plumbing Facilities. Delete this Table in its entirety and refer to table 2902.1 as amended of the 2018 IBC.

Section 501.0 General. Delete this section and substitute the following.

The regulations of this chapter shall govern the construction, location, and installation of fuel-burning and other water heaters heating potable water. All fuel and combustion air systems, chimneys, vents, and their connectors shall be regulated by the respective sections of the locally amended 2018 International Mechanical Code and the 2018 International Fuel Gas Code. The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 501.1(1). All design, construction, and workmanship shall be in conformity with accepted engineering practices, manufacturer's installation instructions, and applicable standards and shall be of such character as to secure the results sought to be obtained by the respective Codes.

Section 502.1 Permits General. Add the following exception.

Exception: Replacement of an existing, approved, non-fuel-fired electric water heater with one of like size, type, and rating in a manner that maintains its approval shall not require a permit.

Section 503.2 Final Water Heater Inspection. Delete this section and substitute the following.

A final water heater inspection shall be made after all work requiring a permit has been installed in addition to inspections required for other work regulated by the mechanical code and fuel gas code.

Section 505.4.1 Single Wall Heat Exchangers. Delete part 2 (b) of this subsection and substitute the following.

(b) The pressure of the heat-transfer medium must be limited to a maximum of (labeled by installer and equal to the system safety or relief valve rating) psig by an approved safety or relief valve and the potable water system must be maintained at a normal minimum operating pressure of at least (labeled by installer and 5 psig greater than the heat-transfer medium safety or relief valve rating).

Section 603.5.10 Steam or Hot Water Boilers. Add the following exception.

Exception: Potable water makeup connections to boilers containing only heat-transfer mediums of water or other nontoxic fluid having a toxic rating or Class of 1 as listed in Clinical Toxicology of Commercial Products, 5th edition shall be permitted to be provided with a listed Backflow Preventer with Intermediate Atmospheric Vent.

603.5.16 Special Equipment. Add the following to this subsection.

Chemical Dispensers otherwise approved for connection to the potable water piping system shall not be connected to an Atmospheric Vacuum breaker hose thread in such a way that the Atmospheric Vacuum breaker is able to be pressurized, e.g. with a valve in the discharge piping.

Section 609.4 Testing. Delete the third sentence and substitute the following.

A 100 (one hundred) pound per square inch air pressure test may be substituted for the water test.

Section 612 Residential Fire Sprinkler Systems. Delete this section in its entirety.

Section 712.1 Media. Delete the first sentence and replace with the following.

The piping of the plumbing, drainage, and venting systems shall be tested with water or air.

Section 719.1 Cleanout Location. Delete the first paragraph in its entirety and replace with the following:

Cleanouts shall be placed at the connection of the building sewer and building drain outside the building and extend to grade.

Section 719.2. Delete this section in its entirety.

Section 807.3 Domestic Dishwashing Machines. Add the following subsection.

Section 807.3.1 When a compartment or space for a domestic dishwasher is provided, an approved dishwasher airgap fitting shall be installed.

812.2 Elevator Pits. Add this new Subsection.

812.2 Elevator Pits. Where drains are not provided to prevent the accumulation of water in elevator pits, sumps are required. Drains connected directly to the sanitary system shall not be installed in elevator pits. Sumps in elevator pits, where provided, shall be covered and the cover shall be level with the pit floor. The pump shall be of sufficient capacity to prevent the accumulation of water in the pit. If the building is fire-sprinklered, the pump shall be sized of at least the capacity of one energized sprinkler head.

Section 906.7 Frost or Snow Closure. Replace the first sentence with the following.

Vent terminals shall be a minimum of 3 (three) inches in diameter, but in no event smaller than the required vent pipe.

1002.2 Fixture Traps. Add the following exception to this section.

Exception: The developed length of a trap arm from a 2 (two) inch outlet private floor drain in a garage bay serving a single dwelling unit shall be permitted to exceed the distances given in Table 1002.2 if the floor drain trap and trap arm are increased to 3 (three) inch nominal size.

When installed according to this exception the trap arm is required without any offsets or changes in direction and the vent shall be connected below and extend vertically into or adjacent to the first garage wall under which the trap arm passes.

Section 1101.4.6 Subsoil Drains. Delete 1101.4.6

Section 1101.6 Subsoil Drains. Delete 1101.6

Section 1101.12.1 Primary Roof Drainage. Delete the last sentence of this section and replace with the following.

Unless otherwise required by the Authority Having Jurisdiction, roof drains, gutters, vertical conductors or leaders, and horizontal storm drains for primary drainage shall be sized based on a maximum rainfall of 1 (one) inch per hour per square foot of roof area.

Section 1101.12.2.2.2 Combined System. Delete the second sentence in this subsection and replace with the following:

When the combined secondary and primary roof drain system connects to a building storm drain that connects to an underground storm sewer, a relief drain shall be installed to ensure positive common roof drain flow. The connection of this relief drain to the common drain shall not divert or obstruct the primary drain.

Section 1107.2 Methods of Testing Storm Drainage Systems. Delete the first sentence of this section and substitute the following.

The piping of storm drain systems shall be tested upon completion of the rough piping installation by water or air and proved tight.

Chapter 12 Fuel Piping. Delete this chapter in its entirety and refer to the 2018 *International Fuel Gas Code* as amended.

Chapter 14 Firestop Protection. Delete this Chapter in its entirety and refer to the *International Building Code* as amended.

Appendix C

Section C 101.3 Authority Having Jurisdiction. Add the following to this section.

For the plumbing systems in Appendix C, other than those of C301.0, C302.0, & C501.0, the design by a registered professional engineer is required where the work is not exempted by AS 08.48.331. A riser diagram or isometric indicating the provisions of Appendix C intended to be installed shall be submitted for review and approval by the Building Department prior to the work being commenced. The riser diagram or isometric is in addition to the other details or data that may be required by the Building Official.

Section C 302.2 Single-wall heat exchangers. Delete part (3) of this subsection and substitute the following.

2794

2795 (3) The equipment is permanently labeled according to Section 505.4.1 (3) as amended.

2796 **Section C 601.0 Single-Stack Vent System.** Delete the 1st sentence of this subsection.

2797 **Appendix H Private Sewage Disposal Systems.** Delete this section in its entirety and replace
2798 with the following:

2799

2800 Private Sewage Disposal Systems shall be designed and installed in accordance with the current
2801 standards as published by the State of Alaska Department of Environmental Conservation

2802 (D.E.C.). Written verification from D.E.C. or a State of Alaska-certified Septic System Installer

2803 of the D.E.C.'s approved installation shall be submitted to the Building Department. A

2804 Certificate of Occupancy shall not be issued until this written verification is submitted to the

2805 Building Department.

2806

Chapter 15.50 Fire Code

15.50.010 Adoption.

The code known as the International Fire Code, ~~2009~~ **2018** Edition, as published by the International Conference of Building Officials, together with the local amendments as set forth in NPMC 15.50.040, shall constitute the laws of the City relating to conditions hazardous to life and property from fire or explosion. An electronic copy of the International Fire Code is retained at the City offices. (Ord. 12-12 § 2, 2012)

15.50.020 Modifications.

The Chief of the Fire Department shall have the power to modify any of the provisions of the International Fire Code adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant. (Ord. 12-12 § 2, 2012)

15.50.030 Appeals.

Whenever the Building Official after consultation with the Chief of the Fire Department disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Building Official to the Mayor/City Manager within thirty days from the date of the decision. The appointment of the appeals board will be on a case-by-case basis with the members of said board comprised of local design professionals, contractors, inspectors or other members of the public deemed knowledgeable of the subject matter by the Mayor/City Manager. (Ord. 12-12 § 2, 2012)

15.50.040 Local amendments to the International Fire Code, ~~2009~~ **2018 Edition.**

The amendments to the International Fire Code, ~~2009~~ **2018** Edition, as published by the International Conference of Building Officials, are hereby adopted by the City of North Pole as follows:

SECTION 105 PERMITS

105.6 Required operational permits. is amended by deleting all required operational permits except:

105.6.14 Explosives.

105.6.47 Temporary membrane structures and tents.

105.7 Required construction permits. is amended by deleting all the required construction permits except:

105.7.1 Automatic fire-extinguishing systems is amended by adding the following new section:

105.7.1.1 A person and/or company designing, installing, testing, or maintaining automatic fire extinguishing systems is required to be NICET certified and provide a current permit issued by the Alaska State Fire Marshal's Office.

105.7.7 Fire alarm and detection systems and related equipment is amended by adding the following new section:

105.7.7.1 A person and/or company designing, installing, testing, or maintaining fire alarm and detection systems and related equipment is required to be NICET certified and provide a current permit issued by the Alaska State Fire Marshal's Office.

105.7.8 Fire pumps and related equipment.

105.7.24 Standpipe systems.

105.7.25 Temporary membrane structures and tents. A construction permit is required to operate an air-supported temporary membrane structure, a temporary stage canopy, or tent having an area in excess of 400 (four hundred) square feet (37 m²).

Exceptions

1. Tents used exclusively for recreational camping purposes.
2. Fabric canopies and awnings open on all sides which comply with all the following:
 - 2.1. Individual canopies shall have a maximum size of 700 (seven hundred) square feet (65 m²).
 - 2.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 (twelve) feet (3658 mm) shall not exceed 700 (seven hundred) square feet (65 m²) total.
 - 2.3. A minimum clearance of 12 (twelve) feet (3658 mm) to structures and other tents shall be provided.

SECTION 106

FEES

Add subsection 106.6 as follows:

106.6 Inspections. All buildings and structures subject to the authority of this code are subject to inspection pursuant to a duly adopted inspection program. In cases where the Alaska Department of Public Safety, Division of Fire and Life Safety has jurisdiction within the city limits of the City of North Pole, all inspections provided will subject the owner and/or operator to payment of fees as set forth by the Division of Fire and Life Safety. In cases where the Division of Fire and Life Safety has jurisdiction within the City of North Pole, the City cannot issue any City building permits prior to the issuance of a State Fire Marshal Permit.

Add subsection 106.7 as follows:

106.7 False and nuisance alarms. The owner of an alarm is subject to a false and nuisance alarm charge in accordance with the City of North Pole Schedule of Fees and Charges for Services.

SECTION 201

GENERAL

201.3 Terms defined in other codes. Is amended to read: Where terms are not defined in this code and are defined in the International Building Code, International Fuel Gas Code, International Mechanical Code, or Uniform Plumbing Code, as adopted by, and amended by the City of North Pole, such terms shall have the meanings ascribed to them in those codes. Where reference to any electrical code is made in this code, it means the National Electrical Code as adopted and amended by the City of North Pole.

SECTION 202

GENERAL DEFINITIONS

Educational Group E.

Group E, daycare facilities. is revised to read: This group includes buildings and structures, or portions thereof, occupied by more than five children older than 2 ½ (two and one half) years of age, including children related to staff, who receive educational, supervision, or personal care services for less than 24 (twenty-four) hours per day.

Family Child Care Home. is added and defined as follows: A family childcare home is a licensed facility that is located within a single-family home in which personal care services are

provided by the owner or tenant that normally occupies the residence on a 24 twenty-four)-hour basis.

Exceptions

Family childcare homes operated in a primary residence (R-3) and operating between the hours of 6:00 a.m. and 10:00 p.m. may accommodate a total of twelve children, including children related to staff, provided that no more than 5 children are under the age of 2 ½ (two and one half) years, without conforming to the requirements of a Group E occupancy except for:

1. Smoke alarms as described in Subsection 907.2.11
2. General means of egress requirements of Section 1003, including emergency escape and rescue openings, as required by Section 1030, in napping or sleeping rooms,
3. Accessibility requirements as outlined in Chapter 11
4. Portable fire extinguisher requirements as described in Section 906
5. CO detection as required in IFC Section 915 and AS 18.70.095

Family childcare homes operated in a primary residence (R-3) and operating between the hours of 10:00 p.m. and 6:00 a.m. with more than 5 (five) children, including children related to staff shall be equipped with an approved automatic sprinkler system throughout, designed and installed in accordance with IFC Section 903.3.1.3 and NFPA Standard 130 (one hundred thirty) or an approved equivalent system as approved by the Fire Chief; emergency escape and rescue openings, as required by Section 1030, in napping or sleeping rooms; portable fire extinguisher requirements as described in Section 906, smoke detection as required in Subsection 907.2.11, and CO detection as required in IFC Section 915.

Foster Care Facilities. is added and defined as follows: Facilities that provide care on a 24-hour basis to more than five children 2 ½ (two and one half) years of age or less, including children related to the staff, shall be classified as Group 1-2.

Institutional Group I.

Institutional Group I-1. Amend the second paragraph of Condition 2 to read:

Three to 16 persons receiving custodial care. A facility housing more than two and not more than 16 persons receiving custodial care shall be classified as Group R-4.

Amend the third paragraph of Condition 2 to read:

Two or fewer persons receiving custodial care. A facility with two or fewer persons receiving custodial care shall be classified as Group R-3.

Institutional Group I-2. is revised to read: Institutional Group I-2 occupancy shall include buildings and structures used for medical care on a 24 (twenty-four)-hour basis for more than two persons who are not capable of self-preservation.

A childcare facility that provides care on a 24 (twenty-four)-hour basis to more than 5 (five) children who are 2 ½ (two and one half) years of age or less, including children related to staff, shall be classified as Group I-2.

Institutional Group I-4, daycare facilities. is revised to read: Institutional Group I-4 shall include buildings and structures occupied by more than five children of any age, including persons related to the staff, receiving custodial care for less than 24 (twenty-four) hours.

Nursing Home. is added and defined as follows: Facilities that provide care, including both intermediate care facilities and skilled nursing facilities, serving more than two persons, where any of the persons are incapable of self-preservation.

Residential Group R.

Residential Group R-4. Delete this paragraph in its entirety and replaced as follows: Residential Group R-4 shall include buildings, structures, or portions thereof for more than two but not more than 16 (sixteen) persons, excluding staff, who reside on a 24 (twenty-four) hour basis in a supervised residential environment and receive custodial care. This group shall include, but not be limited to, the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Group homes
- Halfway houses
- Residential board and care facilities
- Social rehabilitation facilities

Occupants of residential care/assisted living facilities are capable of responding to an emergency situation without physical assistance from the staff. Occupancies which include individuals who are not capable of responding to an emergency situation or are incapable of self-preservation shall be classified as a Group I occupancy. R-4 occupancies shall be sprinklered throughout as required by section 903.2.8.2-903.2.8.4.

Evacuation Capability. is added and defined as follows: The ability of occupants, residents, and staff as a group either to evacuate a building or to relocated from the point of occupancy to a point of safety.

Impractical evacuation capability. is added and defined as follows: A group does not have the ability to reliably move to a point of safety in a timely manner. Evacuation capability of 14 (fourteen minutes) or more indicates impractical evacuation capability. Impractical evacuation capability is not allowed and must be corrected immediately with additional staff, or relocation of residents to an appropriate facility that can meet the level of care required.

Townhouse. is deleted and replaced as follows: A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to roof and with open space on not less than 2 (two) sides. Each townhouse shall be considered a separate building as recognized by a recorded lot line between such units. Each townhouse unit shall be provided with separate water, sewer, heating, and electrical services.

SECTION 307

OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.2 Permit required. is deleted and replaced with the following: A permit is required to be obtained for any open burning of brush or other organic plant material that does not create black smoke, toxic gases, or odors which may affect nearby persons as prescribed by the ADNR/ Forestry Division. Burning of other material must be approved/permitted by ADEC and FNSB Air Quality.

SECTION 405

EMERGENCY EVACUATION DRILLS

Section 405 is amended with the addition of a subsection:

405.10 False Alarms. False alarms may not be counted as a fire drill for the purposes of Section 405.

SECTION 507

FIRE PROTECTION WATER SUPPLIES

507.5.4 Obstruction. is deleted in its entirety and replaced as follows: Unobstructed access to fire hydrants, fire department inlet connections (FDC), or fire protection system control valves shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. Posts, fences, vehicles, growth, trash, storage, and other materials or objects shall not be placed or kept near fire hydrants, FDC, or fire protection system control valves in a manner that would prevent such equipment from being immediately discernible. No vehicle shall be parked within 15 (fifteen)

feet in front of, and 10 (ten) feet to the side of a fire hydrant, FDC, or fire protection control valve on private or public property.

SECTION 705

DOOR AND WINDOW OPENINGS

Add subsection 705.2.4.1 as follows:

705.2.4.1 Operation. Fire rated assemblies may not be obstructed or otherwise impaired from their proper operation at any time. When 2 (two) or more self-closing fire assemblies within a building have been documented as having been obstructed or impaired during 3 (three) or more consecutive inspections, the fire code official may order the installation of automatic closing devices meeting the requirements of section 716.2.6.4 of the International Building Code.

SECTION 901

GENERAL

901.3 Permits. is revised to read: Permits shall be required as set forth in section 105.7. Any company installing and/or performing maintenance on sprinkler systems shall have at least 1 (one) individual on site that holds a permit issued by the State Fire Marshal's Office.

901.6 Inspection, testing maintenance.

901.6.3 Records. is amended to read: Records of all system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of 3 (three) years. Copies of all inspection and service reports shall be sent to the fire code official within 30 (thirty) days of inspection, testing, and maintenance.

901.6.3.1 Records information. Initial records shall include the name of the installation contractor, type of components installed, manufacturer of the components, location and number of components installed per floor. Records shall include the manufacturers' operation and maintenance instruction manuals. Such records shall be maintained on the premises for the life of the installation. A copy of all inspection and service reports shall be sent to the fire code official within 30 (thirty) days of the install.

Add subsection 901.11 as follows:

901.11 Damage protection. Where exposed to probable vehicular damage due to proximity to alleys, driveways, or parking areas, standpipes, post indicator valves, sprinkler or standpipe

connections, and private and public fire hydrants shall be protected in an approved manner as outlined by the North Pole Utility.

SECTION 903

AUTOMATIC SPRINKLER SYSTEMS

903.2 Where required.

903.2.3 Group E. Delete this section in its entirety and replace as follows: An automatic sprinkler system shall be provided throughout all Group E occupancies. An automatic sprinkler system shall also be provided for every portion of educational buildings below the level of exit discharge. Daycare uses that are licensed to care for more than 5(five) persons between the hours of 10:00 pm and 6:00 am shall be equipped with an automatic sprinkler system designed and installed in accordance with Section 903.3.1.3 or an approved equivalent system. The use of a fire wall or barrier does not establish a separate building or fire area for purposes of this section.

Exceptions

1. Buildings with E occupancies having an occupant load of 49 (forty-nine) or less.
2. Daycare uses not otherwise required to have automatic sprinkler systems by other provisions of the code.

903.2.11 Specific buildings areas and hazards. Is revised by adding the subsection:

903.2.11.7 Pit sprinklers. Sprinklers shall be installed in the bottom of all new and existing elevator pits below the lowest projection of the elevator car but no higher than 24 (twenty-four) inches from the bottom of the pit.

903.3 Installation requirements.

A new subsection is added to read as follows:

903.3.1.1.3 Elevator hoist ways and machine rooms. When the provisions of this code require the installation of automatic sprinkler systems, the installation in elevator hoist ways and machine rooms must occur as described in IBC Chapter 30 (Elevators & Conveyor Systems) and NFPA 13, (Elevator Hoist ways and Machine Rooms) and adopted by reference, and the American Society for Mechanical Engineers (A.S.M.E.) A17.1 Safety Code for Elevators and Escalators (as adopted by the State of Alaska Dept. of Labor Standards and Safety) and adopted by reference. The sprinkler head at the top of the elevator shaft must have an isolation valve so the single head can be shut off in the event of an emergency. The valve must be marked and sealed or locked in the open position.

Exceptions

- Sprinklers are not required in elevator machine rooms where the machine room is:
1. Separated from the remainder of the building as described in IBC Section 3006.4
 2. Smoke detection is provided in accordance with NFPA 72 and adopted by reference
 3. Notification of alarm activation is received at an approved central station alarm.

903.4 Sprinkler system supervision and alarms.

903.4.2 Alarms. is amended to by adding the following sentence to the end of the paragraph:
Buildings equipped with a sprinkler system but without an alarm system shall have at least one notification device (horn/strobe) located inside the building in a commonly occupied area(s) to alert occupants of a sprinkler activation.

SECTION 907

FIRE ALARM AND DETECTION SYSTEMS

907.2 Where required – new buildings and structures

907.2.3 Group E. is revised by adding a second paragraph to read: rooms used for sleeping or napping purposes within a daycare use of Group E occupancy must be provided with smoke alarms that comply with Section 907.2.10 and Carbon Monoxide detection as required by Section 915.

907.7 Acceptance tests and completion. is amended by adding a new sentence to read: A copy of the acceptance test certificate shall be forwarded to the fire code official by the firm conducting the test within 30 (thirty) days of the completion of the installation.

907.8 Inspection, testing and maintenance.

907.8.5 Inspection, testing and maintenance. is amended by changing the last sentence to read:
Records of inspection, testing, and maintenance shall be maintained, and a copy shall be delivered within 30 (thirty) days to the fire code official.

SECTION 915

CARBON MONOXIDE DETECTION

915.1 General. Revise the last sentence of this paragraph to read: Carbon monoxide detection shall be installed in existing buildings in accordance with Chapter 11 of the International Fire Code and this section.

915.1.7 Vehicle Parking. Is added as follows: Carbon monoxide detection shall be provided where there is located any vehicle parking within 25 (twenty-five) feet of any direct air intake openings.

915.4.1 Power source. Is revised by adding the following sentence to the end of the paragraph: Carbon monoxide detectors shall be permitted to be cord-and-plug type with battery backup, or battery powered in existing construction.

SECTION 1006

NUMBERS OF EXITS AND EXIT ACCESS DOORWAYS

1006.3.3.2 Exits from basements. Create a new subsection and title to read as follows: Basements in all occupancies except Group R-3 shall be provided with a minimum of at least two independent exits.

Exceptions

1. Basements used exclusively for the service of the building.
2. Basements used exclusively for storage purposes and limited to 750 (seven hundred) square feet.
3. Basements used for private offices, maintenance rooms, or laundry rooms and similar uses limited to an aggregate floor area of 500 (square feet), provided a hard-wired smoke detector is installed in the basement and interconnected to a smoke detector located on the level of discharge as approved by the City of North Pole.
4. Basements used for private offices, maintenance rooms, or laundry rooms and similar uses which are provided with a direct exterior exit to grade shall be limited to an aggregate floor area of 750 (seven hundred fifty) square feet, provided a hard-wired smoke detector is installed in the basement and interconnected to a smoke detector on the level of exit discharge as approved by the City of North Pole.
5. Buildings which are sprinklered throughout and contain a basement may have one exit, provided:
 - 5.1 Basements are used exclusively for storage purposes and limited to 1,500 (one thousand five hundred) square feet.
 - 5.2 Basements are used for private offices, maintenance rooms, or laundry rooms and similar uses limited to an aggregate floor area of 1,000 (one thousand) square feet.

5.3 Basements are used for private offices, maintenance rooms, or laundry rooms and similar uses and are provided with a direct exterior exit to grade shall be limited to an aggregate floor area of 1,500 (one thousand five hundred) square feet.

SECTION 1010

DOORS, GATES, AND TURNSTILES

1010.1.9 Door operation.

1010.1.9.4 Locks and Latches. is amended by adding Conditions 7 and 8 as follows:

7. In Groups B, F, M, and S occupancies, a single thumb turn may be used in exit doors, where the occupant load is 100 (one hundred) or less, in conjunction with an approved lock set when the thumb turn requires no more than one-half turn to unlock. Hardware height shall comply with Section 1010.1.9.2. This exception does not apply when panic hardware is required or installed.
8. Manual security bars for limited use may be used under the provisions and in the areas specified by section 1010.1.9.13 of this code.

Create a new subsection and title as follows:

1010.1.9.13 Manual security bar for limited use. Assembly occupancies such as restaurants, taverns, and lounges, and Group B, F, M, and S occupancies with an occupant load of less than 100 (one hundred) may utilize a manual security bar for limited use at the second required exit when the building is not occupied by the public. Assembly occupancies with an occupant load of 300 (three hundred) or less and are provided with an approved sprinkler system throughout may install a security bar on the second required exit. The manual security bar for limited use shall meet the following requirements:

1. The security bar shall be pre-approved by the City of North Pole before installation.
2. The bar shall be easily removed and shall not be provided with padlocks, chains, or other locking devices requiring special tools or knowledge.
3. The bar shall be identified by a contrasting color.
4. The door shall be provided with a sign stating, "This door is required to remain unlocked during business hours."

The conditions and approval of the security bar installation shall be kept on file with the fire marshal. The use of this provision may be removed by the City of North Pole for non-compliance.

SECTION 1011

STAIRWAYS

1011.5 Stair treads and risers.

1011.5.2 Riser height and tread depth. is amended by adding Exception 6 to read as follows:
Stairs or ladders used only to attend equipment are exempt from the requirements of Section 1011.

SECTION 1030

EMERGENCY ESCAPE AND RESCUE

1030.1 General. Revise the first sentence of the paragraph to read as follows: In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in Group R, I-1, and Daycare occupancies where napping or sleeping rooms are provided.

1030.1 General. is amended by deleting Exception 1.

1030.2 Minimum size. is amended by deleting Exception.

SECTION 1031

MAINTENANCE OF THE MEANS OF EGRESS

Add subsection as follows:

1031.11 Protection from falling snow and ice. Where the accumulation of snow and/or ice on a structure creates a hazardous condition, the areas below the accumulation shall be protected from falling snow and/or ice. These areas shall include (but not be limited to) building entrances and exits, pedestrian, driveways, public right-of-way, and utility locations for gas meters, fire department connections, and electrical meters, services, and disconnects, etc.

APPENDIX B

FIRE-FLOW REQUIREMENTS FOR BUILDINGS

SECTION B103

MODIFICATIONS

Add new subsections as follows:

B103.4 For buildings requiring a fire flow of 1,500 (one thousand five hundred) gallons per minute or less, located in areas not served by water mains, the Fire Chief may waive or reduce the fire flow requirements and/or may require a fire alarm system, if the cost of installing water

mains or reservoirs exceeds 5 (five percent) of the total cost of the structure(s) and improvement(s) as determined by the architect's or engineer's estimate.

B103.5. Table B105.1 is modified as follows for buildings located in areas not served by water mains:

- a. Floor areas for buildings may be increased by 100 (one hundred) percent of the basic floor area without an increase in fire flow, provided that an automatic, central station, or remote station supervised smoke or heat detection system is installed throughout the structure in accordance with NFPA 72. For the purposes of this subsection, such an installation may allow type V-8 construction to be increased to 10,000 (ten thousand) square feet in area.
- b. Separate fire areas within a building may be created by the construction of concrete or concrete block walls having minimum fire duration of 2 (two) hours, with no openings permitted, and extending to the outer edges of horizontal projecting elements. Full height parapets are required above the roof line.
- c. Sprinkler systems installed to reduce fire flow requirements (by 75 (seventy-five) percent in accordance with the exception to section B105.2) and not otherwise required by the International Building or Fire Codes, 2018 editions, may be supplied from either pressure tanks or tanks with a listed fire pump, sized in accordance with the following criteria:

Classification	Design Area (x1,500 sq. ft.)	Tank with fire pump	Pressure tank
Light Hazard	0.10 gal/sq. ft.	2,000 gal.	3,000 gal.
Ordinary Hazard 1	0.15 gal/sq. ft.	2,500 gal.	3,750 gal.
Ordinary Hazard 2	0.20 gal/sq. ft.	3,000 gal.	4,500 gal.
Extra Hazard 1 & 2	Not Permitted	Not Permitted	Not Permitted

- d. Sprinkler systems specifically required by the 2018 editions of the International Building Code or Fire Code shall be installed in accordance with Chapter 9 of the International Fire Code, 2018 edition. An approved water supply capable of providing ten minutes of the sprinkler system design discharge, not including hose stream allowances, shall be provided. The system must be monitored by an approved central or remote station alarm system. At such time that a water utility main is laid in front of, alongside of, or adjacent to the improved property, the owner of the property must connect the sprinkler system to the water utility main in an approved manner within one year and thirty days from the date such water service is declared available.
- e. A tract of land or subdivision which has been surveyed and divided into residential lots for purpose of sale shall meet fire flow requirements as determined by Section B105.1 of this Appendix.

- 3312 f. A tract of land, which, by means of incremental development, becomes similar to a tract of
- 3313 land or subdivision, which has been surveyed and divided into residential lots for purpose of
- 3314 sale, shall meet fire flow requirements as determined by Section B105.1 of this Appendix.
- 3315 g. Once an approved water main system is installed, subsequent additions to existing buildings,
- 3316 and all new construction, shall meet the required fire flow.
- 3317 h. Multiple structures on a single lot shall be individually evaluated for fire flow requirements.
- 3318

Chapter 15.82 Fuel Gas Code

15.82.010 Adoption.

The code known as the International Fuel Gas Code, ~~2015~~ **2018** Edition, as published by the International Conference of Building Officials, together with the local amendments as set forth in NPMC 15.82.040, shall constitute the laws of the City relating to building regulations. Where the International Fuel Gas Code conflicts with this code, this code shall prevail. An electronic copy of the International Fuel Gas Code is retained at the City offices. (Ord. 17-12 § 2(F), 2017; Ord. 12-13 § 2, 2012)

15.82.020 Modifications.

The Building Official shall have the power to modify any of the provisions of the International Fuel Gas Code adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Building Official thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant. (Ord. 17-12 § 2(F), 2017; Ord. 12-13 § 2, 2012)

15.82.030 Appeals.

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Building Official to the Mayor/City Manager within thirty days from the date of the decision. The appointment of the appeals board will be on a case-by-case basis with the members of said board comprised of local design professionals, contractors, inspectors or other members of the public deemed knowledgeable of the subject matter by the Mayor/City Manager. (Ord. 17-12 § 2(F), 2017; Ord. 12-13 § 2, 2012)

15.82.040 Local amendments to the International Fuel Gas Code, ~~2015~~ 2018 Edition.

The amendments to the International Fuel Gas Code, ~~2015~~ **2018** Edition, as published by the International Conference of Building Officials are hereby adopted by the City of North Pole as follows:

Section 101.3 Appendices. Add the following to this section.

Appendices A, B, C, & D are hereby adopted.

Except for Sections 101, 102, and the following amendments, delete Chapter 1 in its entirety and refer to the 1997 Uniform Administrative Code.

Section 101.2 Scope. Add the following sentence after the first sentence.

The storage system for liquefied petroleum gas including tanks, containers, container valves, regulating equipment, meters, and/or appurtenances for the storage and supply of liquefied petroleum gas for any building, structure, or premises shall be designed and installed in accordance with the International Fire Code and NFPA 58.

Section 101.2 Scope. Exception Delete this exception in its entirety.

Section 101.2.4 Systems, appliances and equipment outside the scope. Delete Number 13, Temporary LP-gas piping.

Section 101.5 Severability. Add a sentence as follows:

The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

Section 102.8 Referenced codes and standards. Add four subsections at the end of this section as follows:

102.8.3 Plumbing. Where reference to any Plumbing Code is made in this Code it means the *Uniform Plumbing Code* as adopted and amended by the City of North Pole.

102.8.4 Electrical. Where reference to any Electrical Code is made in this Code it means the *National Electrical Code* as adopted and amended by the City of North Pole.

102.8.5 Administrative. The provisions of the 1997 Uniform Administrative Code shall apply to the administration and enforcement of this code. Where provisions of the City of North Pole Administrative Code and this code conflict, the most restrictive shall apply.

102.8.6 Energy. Where reference is made in this Code to the International Energy Conservation Code it means the *IECC* as currently adopted by the City of North Pole.

Section 201.3 Terms defined in other codes. Delete this section and replace as follows.

Where terms are not defined in this code and are defined in the *International Building Code*, *National Electrical Code*, *International Fire Code*, *International Fuel Gas Code*, and the *Uniform Plumbing Code*, such terms shall have meanings ascribed to them as in those codes.

Section 201.4 Terms not defined. Amend this section by adding the following sentence.

Webster's Third New International Dictionary of the English Language, Unabridged shall be considered as providing ordinarily accepted meanings.

Section 301.2 Energy utilization. Delete this section in its entirety.

Section 301.16 Penetration Weatherproofing. Add this section and the following after section 301.15.

Joints at roofs and exterior walls around pipes, ducts, appurtenances, or equipment shall be made watertight by the use of approved materials.

Section 301.17 Meter Protection. Add this section and the following.

It shall be the responsibility of the Gas piping system permit-holder to provide physical damage protection and adverse weather protection as approved by the Building Department for the meter-set and piping connection to it.

Section 301.18 Carbon Monoxide Alarms. Add this section numbering, title, and the following after section 301.17.

Where a fuel-fired appliance is installed or replaced in an existing dwelling an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. A single station, battery-operated carbon monoxide alarm shall be listed as complying with UL 2034 and shall be installed according to the manufacturer's installation instructions.

Section 303.4 Protection from vehicle impact damage. Add the following at the end of Section 303.4.

Fuel-fired equipment and appliances located within the direct perpendicular path of a garage door opening of 8 (eight) feet or less in height shall comply with Section 303.4.1

Section 303.4.1. Fuel-fired appliance protection. Fuel-fired appliances and equipment located in the direct path for vehicles as described in 303.4 shall be protected from impact with one of the following methods.

1. A minimum schedule 40 (forty) nominal 3 (three) inch diameter steel pipe 30 (thirty) inches high, with a vertical face at least 6 (six) inches in the direction of vehicle approach and:

2. Buried a minimum 2 (two) feet deep in compacted soil and imbedded in at least 4 (four) inch nominal concrete slab.
3. Set in a minimum one foot by one foot by one foot block of concrete (slab included).
4. A platform on which the equipment sits, at least 24 (twenty-four) inches high, extended at least 6" greater than the equipment footprint (including attachments such as burners and controls) in the direction of vehicle approach and in contact with the structure opposite the direction of vehicle approach.
5. An approved system of equivalent resistance to vehicle impact extending at least 6 (six) inches ahead of the equipment's footprint in the direction of vehicle approach, including attachments such as burners and controls.

303.7 Pit locations. Add the following sentence at the end of this Section.

Liquefied petroleum gas piping shall not serve appliances located in a pit or basement where heavier-than-air gas might collect to form a flammable mixture.

Section 304.6 Outdoor combustion air. Delete this section in its entirety and replace as follows.

Combustion air for gas-fired appliances shall be provided on a basis of 1 square inch per 4000 (four thousand) BTU per hour of the total input rating of all equipment. In lieu of this requirement, combustion air may be provided in accordance with Table 304.6, but shall not be less than the sum of the areas of all vent connectors in the space. Combustion air may be provided from one opening directly communicating with the outdoors or through a vertical or horizontal duct from the outdoors or spaces that freely communicate with the outdoors. The opening into the enclosure containing the appliances shall be located no lower in elevation than 2/3 (two thirds) the distance from the top of the finished floor to the bottom of the finished ceiling in the enclosure.

TABLE 304.6

COMBUSTION AIR - CATEGORY I GAS APPLIANCES ONLY*

Appliance Size BTU Input Rating	C/A Duct Minimum Free Area (square inches)	Minimum Round Duct Size (inches)
Up to 120,000	28	6
120,000 to 155,000	38	7
155,000 to 175,000	50	8

*Note: Category II, III and IV gas appliances may use Table 7-1 as amended for oil-fired appliances per Chapter 7 of the 2018 International Mechanical Code.

Section 304.10 Louvers and grilles. Amend the fourth sentence as follows.

Screens shall have a mesh size not smaller than ½ (one half) inch.

Section 304.11 Combustion Air Ducts. Delete #4, #5, and #6 and refer to section 304.6 as amended.

Section 304.11 Combustion air ducts. Delete # 8 and replace with the following.

8. Combustion air intake openings located on the exterior of a building shall have the lowest side of such openings located not less than 18 (eighteen) inches vertically from the adjoining finished ground level or an approved alternative means provided to prevent snow blockage.

Section 305.1.1 Fuel-fired equipment startup report. Add this subsection and the following.

A startup report is required for all fan-assisted or power-burner fuel-fired equipment indicating the following conditions and others which the manufacturer recommends in their installation instructions. A non-returnable copy must be provided to the inspector for insertion in the Building Department project files.

1. Company, Name, address, & Phone Number of Startup Technician
2. Manufacturer and Model No. of Equipment
3. Date and Time of Startup and Noted Readings
4. Net Stack Temperature
5. Overfire Draft
6. Breech Draft
7. Stack Draft
8. CO
9. CO₂ or O₂
10. Actual Rate of fuel input

Section 305.13 Area served. Add this section and the following.

Appliances serving different areas of a building other than where they are installed shall be permanently marked in an approved manner that uniquely identifies the appliance and the area it serves.

Section 310 Electrical Bonding. Add subsection 310.2.6 and the following at the end of this section.

310.2.6 Prohibited connection. The required gas piping system bonding connection to the electrical service grounding system shall not be made to any part of the gas service meter set equipment owned and operated by the Gas Utility Company. Bonding shall be on the customer side of the meter and regulator set. A direct bonding connection to Corrugated Stainless Steel Tubing is prohibited and bonding connections to Corrugated Stainless Steel Tubing systems shall be completed according to the specific tubing manufacturer's instructions.

Section 401.11 Prohibited future piping. Add this section and the following.

Installation of piping for future use beyond a capped or plugged tee outlet is prohibited without the extension of the installation through the gas piping outlet(s) for specified equipment and appliances.

Section 403.10.5 Metallic fittings. Revise this section by deleting the words “cast iron” in #2 (two) and deleting #5 (five).

Section 406.4.1 Test pressure. Amend the first sentence of this section as follows.

Test pressure to be used shall be no less than 1½ (one and one half) times the proposed maximum working pressure but not less than 10 (ten) psig.

Section 406.8. Add a new section as follows.

Section 406.8 Temporary Gas Installations. The installation of temporary gas shall comply with this section.

406.8.1 Temporary gas approval may be given to provide heating prior to the completion of the building’s primary heating system.

406.8.2 The heating appliance must be listed and labeled for its use to provide space heating and installed according to the manufacturer’s installation instructions, including all the manufacturer’s required clearances to combustibles.

406.8.3 The return air for furnaces used for temporary heat shall ducted from a minimum of 10 feet from the appliance.

406.8.4 Portable space heaters shall be provided with one hundred percent (100%) outside air to the back end of the heater and the regulator vented to outside the space being heated.

406.8.5 Gas hose used for temporary heaters shall be an approved type and all manufacturers’ listed clearances shall be maintained. The hose shall have an internal wire mesh or braid to render it “kink proof”. This wire mesh or braid shall run the full length of the hose. Each time a section of hose is used it shall be tested at a minimum of sixty (60) psi air pressure and labeled with temporary approval by the Building Department. The absence of the temporary approval label any time after gas service is supplied shall be cause to discontinue temporary gas service.

406.8.6 Corrugated Stainless Steel Tubing used for temporary gas service must be installed and approved as a permanent installation. Unsupported, unprotected CSST is specifically prohibited.

406.8.7 Temporary gas valve outlets not connected to an appliance or equipment shall be plugged or capped leak tight.

Section 410.3.2 Regulator Vent Openings. Add the following subsection.

Regulator vent openings shall not be located closer than 10 (ten) feet horizontally to any mechanical outdoor air intake opening or 3 (three) feet horizontally from any gravity outdoor air

intake opening, including opening doors and windows, unless such vent opening is at least 2 (two) feet above the air intake opening. Regulator vent openings must be at least 12 (twelve) inches above the anticipated snow level of 18 (eighteen) inches. Regulator vent openings shall not be located closer than 5 (five) feet to any electrical equipment including service disconnects, electrical meters, receptacles, etc., unless such electrical equipment meets the requirements of Article 500 and 501 of the National Electrical Code.

Section 501.3 Masonry chimneys. Add the following sentence at the end of this section.
Exterior masonry chimneys shall not be used to vent gas appliances.

Section 501.6 Positive pressure. Amend this section by adding the following paragraph and subsection at its end.

Vents taller than 15 (fifteen) feet in height serving positive pressure equipment must be provided with provisions for an atmospheric balanced draft per 501.6.1.

501.6.1.1.1 Positive pressure greater than 15 (fifteen) feet in height. For positive pressure equipment with venting system greater than 15 (fifteen) feet in height, provide an atmospheric balanced draft vent, i.e. provide a barometric draft regulator. The height of the vent shall be measured from the base of the appliance to the outlet of the chimney. Vent must be sized to prevent positive pressure. Multiple heating appliances connected to a vent greater than 15 (fifteen) feet in height shall be provided with separate draft or atmospheric controls for each appliance.

Section 502.5 Installation. Add the following sentence at the end of this section.
Vertical Vent terminations above a roof must extend at least 18 (eighteen) inches above the roof. Vent terminations through a wall must be at least above an anticipated snow depth of 18 (eighteen) inches.

Section 502.8 Location and support of venting systems other than masonry chimneys. Add this section with the following.

Vent terminations that penetrate a metal roof with a slope greater than 1:12 (one to twelve) shall be protected by snow guard or deflector of a type and design approved by the Code Official.

Section 502.9 Vent height limitations. Add this section with the following.

Vents which do not exceed 15 (fifteen) feet in height need not be provided with an atmospheric draft or control device unless required by Section 501.6. The height of the vent shall be measured from the base of the appliance to the outlet of the chimney. The entire length of the vent shall be factory sealable. The vent must be sized to avoid negative pressure.

Section 502.10 Vent Enclosure. Add this section with the following.

Venting systems installed with greater than 5 (feet) feet of developed length outside the building's thermal envelope shall be enclosed with at least an R-11 enclosure from the penetration of the thermal envelope to a point no greater than 5 (five) feet from the vent's outlet.

Section 503.3.6 Above-ceiling air-handling spaces. Add the following sentence to Item No. 1:
The vent material shall have a flame spread index of not more than 25 (twenty-five) and a smoke-developed index of not more than 50 (fifty) when tested in accordance with ASTM E84.

Section 614.2 Duct penetrations. Delete this section in its entirety and replace with the following.
Ducts that exhaust clothes dryers shall not penetrate required fire-resistive assemblies unless enclosed in a fire-resistive shaft complying with the building code

Chapter 15.90 Energy Code

15.90.010 Adoption.

The code known as the International Energy Conservation Code, ~~2009~~ **2018** Edition, as published by the International Conference of Building Officials, together with the local amendments as set forth in NPMC 15.90.040, shall constitute the laws of the City relating to building regulations. Where the International Energy Conservation Code conflicts with this code, this code shall prevail. An electronic copy of the International Energy Conservation Code is retained at the City offices. (Ord. 12-14 § 2, 2012)

15.90.020 Modifications.

The Building Official shall have the power to modify any of the provisions of the International Energy Conservation Code adopted by this chapter upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of the modification, when granted or allowed, and the decision of the Building Official thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant. (Ord. 12-14 § 2, 2012)

15.90.030 Appeals.

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decisions of the Building Official to the Mayor/City Manager within thirty days from the date of the decision. The appointment of the appeals board will be on a case-by-case basis with the members of said board comprised of local design professionals, contractors, inspectors or other members of the public deemed knowledgeable of the subject matter by the Mayor/City Manager. (Ord. 12-14 § 2, 2012)

15.90.040 Local amendments to the International Energy Conservation Code, ~~2009~~ **2018 Edition.**

The amendments to International Energy Conservation Code, ~~2009~~ **2018** Edition, as published by the International Conference of Building Officials are hereby adopted by the City of North Pole as follows:

Commercial Provisions Chapter 1 – Chapter 6. Delete this section in its entirety.

Residential Provisions Chapter 1. Delete sections R101.5-101.5.1 and R102-R109 in their entirety and refer to the City of North Pole Administrative Code.

Section R202 General Definitions.

Vapor Retarder. Create a new definition to read as follows:

Vapor retarder: A vapor resistant material, membrane, or covering having a permeance rating of .06 perm and recognized as a class 1 (one) vapor retarder in accordance with the International Residential Code.

Section R401.3 Certificate. Delete this section in its entirety.

Table R402.1.2 Insulation and Fenestration Minimum R-Values by Component.

Delete the table in its entirety and replace with the following:

Table R402.1.1 Insulation and Fenestration Minimum R-Values by Component

Climate Zone	Windows	Doors	Ceiling ¹	Exterior frame wall ⁴	Floor ⁵	Below grade wall ²	Slab ³ & Depth	Crawl-space wall ²
8	3.22	7	60 or 49	21	38	15/19	15, 4ft	15/19

1. The smaller value may be used with a properly sized, energy-heel truss.
2. The first R-value applies to continuous insulation, the second to framing cavity insulation; either meets the requirement.
3. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation shall not be placed below the footing portion unless bearing on entirely non-frost susceptible soils.
4. Includes rim joists
5. For exposed floors, floors above crawl spaces do not require insulation.

Section R402.1.3 R-value Computation.

Delete the last sentence in its entirety.

Table R402.2.1 Insulation and Fenestration Requirements by Component & Table R402.1.4 Equivalent U-Factors. Delete the tables in their entirety and replace with the following:

Table R402.1.2 Insulation and Glazing Maximum U-Factors by Component³

Climate Zone	Windows	Doors	Ceiling ¹	Exterior frame wall ⁴	Floor ⁵	Below grade wall ²	Slab ³	Crawl-space wall ²
8	0.31	0.14	0.017 or 0.020	0.047	0.0026	0.067/ 0.053	0.067	0.066/ 0.052

1. The smaller value may be used with a properly sized, energy-heel truss.
2. The first R-value applies to continuous insulation, the second to framing cavity insulation; either meets the requirement.
3. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation shall not be placed below the footing portion unless bearing on entirely non-frost susceptible soils.
4. Includes rim joists
5. For exposed floors, floors above crawlspaces do not require insulation.

Section R402.2.1 Ceilings with attic spaces. Amend this section by adding the following exception:

Exception

R-49 fiberglass blanket insulation may be compressed at the eave to provide a 1.5-inch air space when installed between wood trusses having a minimum heel height of 11.25 inches.

Section R402.2.5 Mass walls. Delete this section in its entirety.

Section R402.2.11 Crawl space walls. Delete this section in its entirety and rename and replace as follows:

Section R402.2.11 Crawl space walls and adjacent floor.

Floors located above crawl spaces and not directly exposed to exterior ambient temperatures are not required to be insulated if such spaces contain, plumbing piping, hydronic piping or water and sewer services. Crawl spaces may be vented by natural or mechanical means as prescribed by the International Residential Code or International Building Code. Crawl spaces which are vented to the exterior and contain piping as described above shall be protected during freezing temperatures by an approved method or material. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor level to the top of the footing. Exposed earth in crawl space foundations shall be covered with a continuous vapor

retarder. All joints of the vapor retarder shall overlap by 6 inches and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches up the stem wall and shall be attached or secured to the stem wall in an approved manner.

Section R402.4.6 Moisture control (Mandatory) Create a new section and title to read as follows.

Moisture control (Mandatory). The building design shall not create conditions of accelerated deterioration from moisture condensation. Walls, floors, ceilings, crawl space walls, crawl space floors, and concrete slabs shall incorporate an approved, continuous, vapor retarder. The vapor retarder shall be installed on the warm side of the insulation. All seams shall be lapped a minimum of one stud or joist bay or sealed with an approved tape or sealant. All voids between joists and studs shall be insulated and sealed in an approved manner.

Exceptions:

1. In construction where moisture or its freezing will not damage materials.
2. One-third of total installed insulation may be installed on the warm side of vapor retarders.

Section R403.1.1 Programmable Thermostat. Delete this section

Section R403.2 Hot water boiler outdoor temperature setback. Delete this section.

Section R403.3.2 Sealing (Mandatory). Delete this section in its entirety and replace with the following:

All ducts, air handlers, filter boxes, and building cavities used as ducts shall be sealed. Joints and seams shall comply with the 2018 International Mechanical Code as adopted by the City of North Pole.

Section R403.3.48 Duct material. Create a new subsection to read as follows:

A duct transporting ventilation air shall be constructed of a smooth-walled material, such as galvanized steel or lined fiberglass (rigid or semi-rigid). The use of flexible ducting is approved as a transition from rigid ducting to mechanical and air handling equipment. In all circumstances flexible ducting shall be installed per the manufacturer's instructions. Flexible ducting shall be supported to prevent sags. The radius at the centerline shall not be less than one duct diameter.

Section R403.4 Mechanical system piping insulation (Mandatory). Insert an exception to read as follows:

Exception: piping installed within the building thermal envelope.

Section R403.6 Mechanical ventilation (Mandatory) Add the following to this paragraph:

Ventilation shall comply with the 2018 International Mechanical Code or the latest edition of the ASHRAE Standard 62.2 as referenced. Exterior exhaust vents shall be located to prevent exhaust air from entering attic or soffit vents.

Section R403.7 Equipment sizing and Efficiency Rating (Mandatory). Add the following to the end of the paragraph:

Heating and cooling equipment shall be sized in accordance with the 2018 International Mechanical Code as adopted by the City of North Pole or based on design loads determined in accordance with the procedures described in ASHRAE Fundamentals Handbook, or other approved equivalent computational procedures.

Section R404 Electrical Power and Lighting Systems. Delete this section in its entirety.

Section R405.3 Performance based compliance Add an exception to read as follows:

Exceptions

Compliance may be demonstrated through a home energy rating under a program approved by the Alaska Housing Finance Corporation (AHFC) that meets the following:

1. A minimum four star plus rating is required.
2. The maximum air infiltration rate shall not exceed seven air changes per hour at 50 (fifty) Pascal's pressure difference.
3. The compliance rating shall be performed by a person authorized by AHFC.
4. Compliance with sections 404.4 through 404.6 is not required.

Chapter 6 Referenced Standards. Add the following to the ASHRAE section:

62.2 2013 Ventilation and acceptable indoor air quality in low rise buildings.

CITY OF NORTH POLE

ORDINANCE 22-03

**AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO PURCHASE
LOADERS FOR THE UTILITY AND PUBLIC WORKS DEPARTMENT AND A
SKID STEER LOADER FOR THE PUBLIC WORKS DEPARTMENT**

WHEREAS, changes to the public services practices and policies is a continually changing requirement; and

WHEREAS, the City of North Pole Municipal Code should be amended to conform to the requirements of the City.

WHEREAS, the public Works and Utility Departments provide critical services for the residents of the City, City departments and utility customers outside of the City that include, but are not limited to, water and sewer service; water for firefighting; clearing pedestrian paths and City facilities of snow; and managing stormwater runoff, and

WHEREAS, interruption or inability to provide these services can result in dangerous and costly conditions for residents and City departments.

WHEREAS, according to Chapter 4.16 Purchasing; Section 4.16.040 Competitive sealed bidding of the Municipal Code states:

(E) The City Council may award contracts based upon requests for bids or requests for proposals issued by another entity provided the requests for bids or requests for proposals meet the minimum requirements detailed in subsection (A) of this section for bids or subsection (B) of this section for proposals and provided:

1. The Mayor or his designee certifies in writing to the City Council that the request for bids or request for proposal process of the entity issuing the request satisfies the minimum requirements detailed in subsection (A) of this section for bids or subsection (B) of this section for proposals.
2. The submitting party to whom a contract is to be awarded agrees to honor the prices and conditions contained in their original submission in response to the request for bids or request for proposals.

WHEREAS, Sourcewell Cooperative Purchasing's competitive bidding process exceeds the minimum standards of the City's mandatory competitive bidding requirements, and

WHEREAS, local vendors that belong to the Sourcewell network are the businesses from

whom the City would purchase the requested equipment,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of North Pole that the Utility Department is authorized to purchase a loader and trailer for transporting the loader for a total of \$104,196 as detailed in the attached quote and the Public Works Department be authorized to purchase a loader and skid steer loader for \$201,597 as in the attached the funds for the purchases are detailed in the attached Fiscal Note.

Section 1. This ordinance is of a general and permanent nature and shall be not codified.
Section 2. This ordinance shall take effect upon passage.

PASSED AND FORWARDED by a duly constituted quorum of the North Pole City Council for possible adoption the 22nd day of February 2022.

ATTEST:

MICHAEL WELCH, Mayor

Melissa Dionne, City Clerk



City of North Pole, Alaska

Fiscal Note

Year: 2022

Ordinance: 22-03

Originator/Sponsor: Bill Butler

Date: February 3, 2022

Does the Ordinance or Resolution have a fiscal impact? **Yes**

	Account Description	Account #	Debit	Credit
General	Transfer Out to Fleet Fund	01-58-9-9990	186,197.00	
PW Fleet	Transfer In from General Fund	24-39-9990		186,197.00
PW Fleet	Vehicle Purchase	24-10-9-9220	186,197.00	
PW Fleet	Transfer Out	24-39-9980		186,197.00

Prepared By: Tricia Fogarty **Date:** Feb 3, 2022

Finance Approval: Tricia Fogarty **Date** Feb 3, 2022



City of North Pole, Alaska
Fiscal Note
Year: 2022
Ordinance: 22-03

Originator/Sponsor: Bill Butler

Date: February 3, 2022

Does the Ordinance or Resolution have a fiscal impact? **Yes**

Fund- Dept. Title	Account Description	Account #	Debit	Credit
Water Reserve	Revenue Received in Advance	51-2-200	52,098.00	
Water Reserve	Transfer Out to Water Fund	51-10-9-999	26,049.00	
Sewer Reserve	Transfer Out to Sewer Fund	51-12-9-999	26049.00	
Water Fund	Transfer In From Water Reserve	41-39-9990		78,147.00
Sewer Fund	Transfer In From Sewer Reserve	42-39-9990		26,049.00
Water Fund	Transfer In	41-39-9990	78,147.00	
Water Fund	Equipment Outlay	41-10-7-7050		78,147.00
Sewer Fund	Transfer In	42-39-9990	26,049.00	
Sewer Fund	Equipment Outlay	42-12-7-7050		26,049.00

Prepared By: Tricia Fogarty **Date:** Feb 3, 2022

Finance Approval: Tricia Fogarty **Date:** Feb 3, 2022



Quote Valid for 90 days

Contract:
032119-
VCE

Utility

Date: 1/10/2022

Buying Agency:	City of North Pole Alaska	Dealership:	Construction Machinery Industrial, LLC
Contact Person:	Paul Trissel	Prepared By:	Rich Dunham
Phone:	907-488-6111	Phone:	907-455-9600
Email:	northpoleutilities@alaska.net	Email:	r.dunham@cmiak.com

Sourcewell Product Code E - Volvo Pricing Catalog: Wheel Loaders (Compact)
A. Catalog / Price Sheet Items being purchased

Quan		Unit Pr	Total
1	Volvo L30GS Compact Loader High Speed	\$81,969	\$81,969
	TOTAL Purchase Price at Bottom of this Page		
Sourcewell Machine Price:			\$81,969
Additional Discount:			\$0
Subtotal A:			\$81,969

B. Sourced and/or Non-Contracted Items

Quan	Description	Unit Pr	Total
1	Valor 16TUS UtilityTrailer Stock # TR222999	\$21,727	\$21,727
1			\$0
1			\$0
1			\$0
1			\$0
1			\$0
1			\$0
1			\$0
1			\$0
Subtotal B:			\$21,727

C. Freight / Installation / Ext Warranty / Trade-Ins / Other Allowances/ Miscellaneous Charges

Freight	
PDI	\$500
Subtotal C:	\$500

Delivery Date:
D. TOTAL PURCHASE PRICE (A+B+C):

\$104,196



2615 20th Avenue
Fairbanks, AK 99709
Ph: (907) 455-9600 Fax: (907) 460-9700

PROPOSAL

Proposal #: _____
Page 1 of 1
Date: 1/10/2022
Issued by: Rich Dunham
Cell #: 907-378-5600
Email: r.dunham@cmlak.com

To: City of North Pole

Attention: Paul Trissel
907-488-6111
northpoleutilities@alaska.net

We at Construction Machinery are pleased to quote the following equipment for your review:

TR222999 Valor 16TUS Tilt-Deck Trailer
GVWR 19,200 lbs
Capacity (Distributed) 15,280 lbs
Base Trailer Weight 3,920 lbs
Axles Qty 2 - 8,000 lb Capacity
Suspension Rubber Torsion
Wheels 17.5" x 6.75" 8 on 6.5" Bolt Pattern
Tires ST215/75R17.5 Radial Load Range H
Hitch 2.5" ID Lunette Eye, Adjustable Height
Deck Latch Over-Center Slider Shaft Latch with Tension Adjuster and Safety Pin
Cushion Cylinder 3" x 8" with Internal Metered Flow to Cushion Loading and Unloading
Load Securement 12 each (6 per side) 1" Diameter D-rings and Stake Pockets
Tool Compartment Combination Open Tool Tray and Lockable Toolbox
Decking Width 82.5" Between Fenders



Sales Price FOB CMI Fairbanks Branch..... \$ 21,727.00

Prices are valid for 30 days.

Machine availability subject to prior sale or lease.

Any applicable taxes not included.

WARRANTY: Buyer acknowledges that it has examined the merchandise as fully as it desires and that the merchandise is of the size, design, type, and manufacture selected by Buyer. IF THE MERCHANDISE SOLD IS NEW, THE PARTIES AGREE THAT THIS IS A SALE OF SUCH MERCHANDISE, AND FITNESS FOR A PARTICULAR PURPOSE AS WELL AS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, ARE EXCLUDED FROM THIS TRANSACTION. THIS SALE DOES NOT APPLY TO THE MERCHANDISE SOLD. However, for new merchandise, Seller shall make available to Buyer, to the extent provided by the manufacturer of the merchandise, solely on behalf of the manufacturer, any warranty provided by the manufacturer, which shall be Buyer's sole and exclusive remedy. For used merchandise, Buyer is purchasing the merchandise "AS AND WITH ALL FAULTS" unless Seller has explicitly written on this document that there is an express warranty for a stated period of time for the replacement of parts that Seller, at its sole judgment, determines to be defective. If Seller has explicitly written such an express warranty in this document, the replacement of parts found to be defective during the warranty period shall be Buyer's sole and exclusive remedy. EXCEPT FOR SUCH AN EXPRESS WARRANTY THAT SELLER HAS GIVEN WITHIN THE BODY OF THIS DOCUMENT, THERE IS NO WARRANTY OF ANY KIND FOR USED MERCHANDISE, EXPRESS OR IMPLIED AND IN PARTICULAR, THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ARE EXCLUDED FROM THIS TRANSACTION AND SHALL NOT APPLY TO THE MERCHANDISE SOLD. AS TO EITHER NEW OR USED MERCHANDISE, SELLER SHALL BE NOT BE RESPONSIBLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER FOR PERSONAL INJURY, DEATH, DAMAGE OR DESTRUCTION OF PROPERTY, LOSS OF PROFITS, ECONOMIC LOSS, OR OTHER OCCIDENTAL OR CONSEQUENTIAL DAMAGES.

Construction Machinery Industrial, LLC

By: Rich Dunham
Title: Equipment Sales/Rentals

Accepted by: _____
Title: _____
Date: _____

City of North Pole



2615 20th Avenue
Fairbanks, AK 99709
Ph: (907) 455-9600 Fax: (907) 460-9700

PROPOSAL

Proposal #: _____
Page 1 of 1
Date: 1/6/2022
Issued by: Rich Dunham
Cell #: 907-378-5600
Email: r.dunham@cmiak.com

To: City of North Pole

Attention: Paul Trissel
northpoleutilities@alaska.net
907-488-6111

We at Construction Machinery are pleased to quote the following equipment for your review:

Volvo L30GS Compact Wheel Loader
Dunlop 40S/70 R18 SPT9 Tires (74" width over tire)
Front Mudflaps
Cab w/ HVAC, Radio, 2" Seat Belt, Suspension Seat
LED Worklight package, Beacon, Reverse Lamp pkg, Audible Back Up Alarm
Engine Block Heater, Water Weparator w/ Heater, Winterized
Reversing Cooling Fan
Single lever work group controls with 3rd function auxiliary hydraulics
Bucket levelling w/ cut out switch
Skid Steer Coupler, Two Hyd quick-couplers for 3rd function
75" 1.2cyd GP Bucket with BOCE
53" Fork Frame with 48" Fork Tines
Life Time Frame Warranty

Sourcwell Awarded Contract # 032119-VCE

Sales Price Sourcwell Contract Pricing \$ 82,469.00

Prices are valid for 30 days.

Machine availability subject to prior sale or lease.

Any applicable taxes not included.

WARRANTY: Buyer acknowledges that it has examined the merchandise as fully as it desires and that the merchandise is of the size, design, type, and manufacture selected by Buyer. IF THE MERCHANDISE SOLD IS NEW, THE PARTIES HEREBY WAIVE ALL IMPLIED WARRANTIES OF SUCH MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AS WELL AS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, ARE EXCLUDED FROM THIS TRANSACTION AND SHALL NOT APPLY TO THE MERCHANDISE SOLD. However, for new merchandise, Seller shall make available to Buyer, to the extent provided by the manufacturer of the merchandise, solely on behalf of the manufacturer, any warranty furnished by the manufacturer, which shall be the sole and exclusive remedy. For used merchandise, Buyer is purchasing the merchandise "AS IS" WITH ALL FAULTS, unless a Seller has explicitly written in this document that there is no express warranty for a limited period of time for the replacement of parts that Seller, in its sole judgment, determines to be defective. If Seller has explicitly written such an express warranty in this document, the replacement of parts found to be defective during the warranty period shall be Buyer's sole and exclusive remedy. EXCEPT FOR SUCH AN EXPRESS WARRANTY THAT SELLER HAS EXPLICITLY WRITTEN IN THIS DOCUMENT, THERE IS NO WARRANTY OF ANY KIND FOR USED MERCHANDISE, EXPRESS OR IMPLIED, AND IN PARTICULAR, THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE EXCLUDED FROM THIS TRANSACTION AND SHALL NOT APPLY TO THE MERCHANDISE SOLD. AS TO EITHER NEW OR USED MERCHANDISE SOLD, PRS SHALL IN NO EVENT BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES, WITH THE EXCEPTION OF INJURY, DEATH, DAMAGE OR DESTRUCTION OF PROPERTY, LOST EARNINGS, LOST PROFITS, ECONOMIC LOSSES, OR OTHER INCIDENTAL OR CONSEQUENTIAL DAMAGES.

Construction Machinery Industrial, LLC

By: Rich Dunham
Title: Equipment Sales/Rentals

Accepted by: _____
Title: _____
Date: _____

City of North Pole



Quote Valid for 90 days

Contract:
032119-
VCE
Public Works
Date:

Buying Agency:	City of North Pole	Dealership:	Construction Machinery Industrial, LLC
Contact Person:	Cody Lougee	Prepared By:	Rich Dunham
Phone:	907-388-7002	Phone:	907-455-9600
Email:	CLougee@northpolealaska.org	Email:	r.dunham@cmiak.com

Sourcewell Product Code

A. Catalog / Price Sheet Items being purchased

Quan		Unit Pr	Total
1	Volvo L45H Compact Wheel Loader w/ Bucket and Forks	\$127,523	\$127,523
Sourcewell Machine Price:			\$127,523
Additional Discount:			\$0
Subtotal A:			\$127,523

B. Sourced and/or Non-Contracted Items

Quan	Description	Unit Pr	Total
1	ASV VS-75 Skid Steer (see attached descriptive literature)	\$72,824	\$72,824
1			\$0
1			\$0
1			\$0
1			\$0
1			\$0
1			\$0
1			\$0
Subtotal B:			\$72,824

C. Freight / Installation / Ext Warranty / Trade-Ins / Other Allowances/ Miscellaneous Charges

Freight	\$750
PDI	\$500
Subtotal C:	\$1,250

Delivery Date:

D. TOTAL PURCHASE PRICE (A+B+C):

\$201,597



2615 20th Avenue
Fairbanks, AK 99709
Ph: (907) 455-9600 Fax: (907) 460-9700

PROPOSAL

Proposal #: _____
Page 1 of 1
Date: 1/18/2022
Issued by: Rich Dunham
Cell #: 907-378-5600
Email: r.dunham@cmlak.com

To: City of North Pole

Attention: Cody Lougee
CLougee@northpolealaska.org
907-388-7002

We at Construction Machinery are pleased to quote the following equipment for your review:

Volvo L45H Compact Wheel Loader
Bridgestone 17.5R25 VSW 2150mm (86") over tires 85" - snow tires
Wide fenders with mudguards
Cab w/ HVAC, Radio, 2" Seat Belt, Heated Suspension Seat
LED Worklight package, Beacon, Heated Mirrors, Audible Back Up Alarm
Engine Block Heater, Water Separator w/ Heater, Winterized
Reversing Cooling Fan
Single lever work group controls with 3rd function auxiliary hydraulics
High Flow Hydraulics, 38GPM
Ride Control, Bucket leveling w/ cut out switch
Volvo Quick Coupler, Two Hyd quick-couplers for 3rd function
88" 2.6cyd GP Bucket with BOCE
58" Fork Frame with 59" Fork Tines
Life Time Frame Warranty

Sourcewell Awarded Contract # 032119-VCE

Sales Price Sourcewell Contract Pricing \$ 128,023.00

Prices are valid for 30 days.

Machine availability subject to prior sale or lease.

Any applicable taxes not included.

WARRANTIES: Buyer acknowledges that it has examined the merchandise as fully as it desires and that the merchandise is of the size, design, type, and manufacture selected by Buyer. IF THE MERCHANDISE SOLD IS NEW, THE PARTIES HEREBY THAT IMPLIED WARRANTIES OF SUCH MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, AS WELL AS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, ARE EXCLUDED FROM THIS TRANSACTION. THESE WARRANTIES DO NOT APPLY TO THE MERCHANDISE SOLD. However, for new merchandise, Seller shall make available to Buyer, to the extent permitted by the manufacturer, a copy of the full manufacturer's warranty provided by the manufacturer, which shall be the sole and exclusive remedy. For used merchandise, Buyer is purchasing the merchandise "AS IS" WITH ALL FAULTS, unless Seller has explicitly written in this document that there is an express warranty for a limited period of time for the replacement of parts that Seller, in its sole judgment, determines to be defective. If Seller has explicitly written such an express warranty in this document, the replacement goods must be delivered during the warranty period that be Buyer's sole and exclusive remedy. EXCEPT FOR SUCH AN EXPRESS WARRANTY THAT SELLER HAS EXPLICITLY WRITTEN IN THIS DOCUMENT, THERE IS NO WARRANTY OF ANY KIND FOR USED MERCHANDISE, EXPRESS OR IMPLIED AND IN PARTICULAR, THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE ARE EXCLUDED FROM THIS TRANSACTION AND SHALL NOT APPLY TO THE MERCHANDISE SOLD. AS TO EITHER USED OR NEW MERCHANDISE, SELLER SHALL BE NO EVENT BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER FOR PERSONAL INJURY, DEATH, DAMAGE OR LOSS OF PROPERTY, LOSS OF PROFITS, ECONOMIC LOSS, OR OTHER INCIDENTAL OR CONSEQUENTIAL LOSSES.

Construction Machinery Industrial, LLC

By: Rich Dunham
Title: Equipment Sales/Rentals

Accepted by: _____
Title: _____
Date: _____

City of North Pole

**CITY OF NORTH POLE
RESOLUTION NO. 22-07**

**A RESOLUTION OF THE CITY OF NORTH POLE, ALASKA TO
APPOINT MARY K HAMBY TO THE FAIRBANKS NORTHSTAR
BOROUGH HISTORIC PRESERVATION COMMISSION**

WHEREAS, the Fairbanks Northstar Borough maintains commission's that act to advise and direct various activities of our local government; and

WHEREAS, the Historic Preservation Commission maintains an inventory of buildings and sites in the borough, develops and maintains a local historic preservation plan, makes recommendations on local projects affecting historic preservation, and reviews area nominations to the Historic Register of Historic Places; and

WHEREAS, the City of North Pole benefits from a community member representing the city's interests to the Fairbanks Northstar Borough's Historic Preservation Commission, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of North Pole that it approves Mary K Hamby, as its representative on the Fairbanks Northstar Borough Historic Preservation Commission.

Section 1. Effective date.

This resolution shall become effective immediately upon City Council approval.

PASSED by a duly constituted quorum of the North Pole City Council this 7th day of February 2022.

Michael W. Welch, Mayor

ATTEST:

Melissa A. Dionne, North Pole City
Clerk

PASSED/FAILED Yes: No: Absent:



FAIRBANKS NORTH STAR BOROUGH
907 Terminal Street PO Box 71267 Fairbanks, AK 99707

(907) 459-1300
FAX (907) 459-1102

BOARDS/COMMISSIONS APPLICATION FORM

Name of Board/Commission Historic Preservation Commission

Applicant's Name Mary K Hamby

Residence Address 1729 Christine Dr

City/State/Zip North Pole, AK 99705

Mailing Address Same as above

City/State/Zip _____

Work Phone 907-482-7254 Home Phone 907-488-2194

FAX _____ E-mail dragon1@gci.net

Are you registered to vote within the Fairbanks North Star Borough [required by FNSB 4.04.040]

Yes ☒ No ☐

Do you currently serve on any other Borough Boards & Commission? Yes ☐ No ☒

If yes please list which one:

Statement of Interest (use reverse side of form if necessary):

I have an interest in preserving the historical site in the FNSB. I majored in Anthropology in college and have always found the history of the area fascinating. There is so much history in this area and so little of it is known by the average person.

Brief Personal Biography (or attach resume)

I am a retired member of the Alaska Air National Guard, 168 ARW. I am a volunteer with the American Red Cross working with the Services to Armed Forces. My family and I have lived in this area for 35 years. I am a UAF graduate as are my husband, son and daughter-in-law.

Professional Licenses/Training

Mary K Hamby
APPLICANT'S SIGNATURE

4 Dec 2020
DATE

The Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.

.....
FOR OFFICE USE ONLY

Date Received _____

By _____

Note Any Attachments

RETURN TO THE OFFICE OF THE MAYOR
DISCLOSURE OF PRESENT ECONOMIC INTEREST
APPOINTED PUBLIC MEMBERS OF A BOARD, COMMISSION, OR OTHER MUNICIPAL BODY

1. Hamby, Mary Kathleen
(YOUR NAME: LAST, FIRST, MIDDLE)
2. Historical Preservation Commission
(BOARD, COMMISSION, OR OTHER PUBLIC BODY TO WHICH YOU ARE APPLYING.)

3. FOR TERM ENDING: _____

4. PLEASE GIVE THE BUSINESS NAME OF YOUR EMPLOYER, TYPE OF BUSINESS, YOUR POSITION:

Retired

(BUSINESS NAME)

(TYPE OF BUSINESS)

(YOUR POSITION)

5. ARE YOU SELF-EMPLOYED?

YES



NO



DECLARATION

I understand that I am required to disclose any interest which would cause me or an immediate family member (including all household members) to have a personal or financial interest, different than those of the public generally, in matters coming before the board, commission, or other public body of the municipality to which I have been appointed. When such matters arise, I will also inform the other members on the record, so that the potential for a conflict of interest can be addressed prior to action by the public body.

I have the following interest(s) which would cause me, an immediate family member, or household member to have a personal or financial interest, different than those of the public generally, in matters coming before the public body during my term:

(ATTACH SEPARATE SHEETS AS NECESSARY)

If the situation changes or I acquire new interests, I will file a supplemental disclosure with the Clerk's Office. I affirm that this DISCLOSURE is true and correct to the best of my knowledge.

Signature

Mary K Hamby

Date

12-11-2020

125 Snowman Lane
North Pole, Alaska 99705
(907) 488-8593
(907) 488-3002 (fax)
bill.butler@northpolealaska.org

City of North Pole
Director of City Services

Memo

To: North Pole City Council
From: Bill Butler
Date: January 31, 2022
Subject: Approval of NTL Alaska professional service agreement for consultation services

Recommendation

Approve NTL Alaska's professional services agreement for \$12,000 to provide consultation services related to the reissuance of Industrial Pretreatment Permits. (See attached professional services agreement.)

Background

Because the North Pole Utility had industrial wastewater discharges, the EPA required the Utility to expand its National Pollutant Discharge Elimination System Permit (NPDES) to include regulation of industrial dischargers. The Utility had been accepting industrial discharges since 1988 with approval from the EPA but without the requirement it manage these discharges through Industrial Pretreatment Permits (IPP). The EPA corrected this oversight when issuing the Utility's 2008-13 NPDES permit where they indicated the Utility would need to broaden the next permit's scope to include issuing IPP.

Because of the complexity of the NPDES application process, particularly the addition of a significant increase in responsibility associated with issuing IPP, the Utility contracted with NTL Alaska to provide technical assistance. Mike Pollen, the President of NTL, had been providing the Utility with wastewater technical support since 1978. Pollen had also been a technical consultant to the Utility when it first began to accept industrial wastewater in 1988. With Pollen's technical assistance, the Utility submitted its NPDES permit application for the 2013-17 permit cycle that included responsibility to issue IPP to industrial dischargers. During the permit application process, responsibility for permit oversight shifted from the EPA to the ADEC. When the Utility's new discharge permit was issued, it became the Alaska Pollutant Discharge Elimination System Permit (APDES). Due to a Notice of Violation issued to the Utility related to routine monitoring and lack of a mixing zone, the Utility's APDES has been administratively extended since 2014 while this issue is resolved.

During the Utility's APDES permit extension, the Utility still must issue IPP permits to the industrial discharges. IPP permits for the three industrial discharges in the City—GVEA, Marathon and Petro Star—will expire on July 31, 2022. In December 2021, the Utility initiated the permit application process by notifying the industrial discharges of the deadline for permit renewal and provided them with the application form. The Utility does not internally have all the technical expertise to process and issue the IPP permits and requested NTL Alaska provide the Utility with this assistance. NTL's long experience with the Utility's wastewater system; involvement in the initial process that enabled the utility to accept industrial discharges in 1988; experience with assisting the Utility to write and submit its last NPDES/APDES permit application that included responsibility for issuing IPP; and experience assisting the Utility writing the first round of IPP permits are all critical for the Utility to issue the 2022-2027 IPP permits.

If the Utility did not have industrial discharges, its treatment process would be simpler and less expensive and its APDES permitting process would be simpler and cheaper. Recognizing these increased costs, APDES permits allows utilities to charge back to the industrial discharges 100 percent of the associated costs to the industrial discharges. Sampling and laboratory cost directly associated with oversight of the industrial discharges annually cost the Utility approximately \$60,000. These costs are fully funded by the industrial discharges. As with sampling and laboratory costs associated with the industrial discharges, the expenses related to issuing the IPP permits are charged back to these discharges. NTL's charges to assist the Utility to develop and write this round of IPP permits total \$12,000 and will be charged back to the industrial discharges.



NTL ALASKA, INC.

1606 Heather Drive
Fairbanks, AK 99709
(907) 452-6852 fax (855) 751-1984
www.ntlalaska.net

January 15, 2022

City of North Pole

Attention: Bill Butler, Director of City Services
125 Snowman Lane
North Pole, Alaska 99705

Re: Proposal for 2022 Reissuance of City of North Pole (CONP) Industrial Pretreatment Program Permits

Dear Bill:

NTL Alaska, Inc. (NTL) proposes to provide consultation services to the CONP during 2022 to assist with the reissuance of the following industrial pretreatment program (IPP) permits that will expire on July 1, 2022:

- CONP IPP – 2017.1, MPC Alaska Terminal Company LLC
- CONP IPP – 2017.2, Golden Valley Electric Association
- CONP IPP – 2017.3, Petro Star Refinery

The scope of work for this project is as follows:

1. Work with the CONP on obtaining current IPP permit applications from the three dischargers.
2. Participate in project meetings with the CONP and the dischargers as required.
3. Prepare draft fact sheets and draft IPP permits for each discharger. The draft will be reviewed by the CONP and the dischargers, then updated and finalized for issuance in June 2022.

This scope of work presumes that the current CONP Local Limits will be used to assign pollutant concentrations in the draft fact sheets and IPP permits. If it is determined that reassessment of the local limits is required, that will necessarily require a separate project proposal and budget.

I will serve as NTL's consultant for this project. Our proposed budget for this project is not to exceed \$12,000 with completed services being invoiced at the end of each month. NTL's current unit rate schedule is enclosed.

"Understanding Water"

Bill Butler, City of North Pole
January 15, 2022
Page 2 of 2

Please contact me at my Fairbanks office at 907-452-6855, by mobile phone at 907-378-2090, or by email at Mike@ntlalaska.com if you have any questions regarding this proposal.

Sincerely,

NTL Alaska, Inc.



Michael R. Pollen, President

Enclosure: NTL 2021 Unit Rate Schedule

CC: Paul Trissel, CONP Utilities Supervisor

“Understanding Water”

Memo

To: North Pole City Council, Mayor Welch

From: Chad Heineken, Fire Chief

Date: 2/7/2022

Re: Request to Purchase, 2022 Ford Explorer Command Vehicle



North Pole Fire Department is requesting permission to purchase a 2022 Ford Explorer AWD fire department command vehicle. We have received the attached price proposal from Seekins Ford with a price of \$38,127.40

The balance of Fire Department Fleet Fund is \$571,227.32 as of January 26th, 2022. The proposed price does not include License and Registration Fees and we also estimate an additional \$10,000 to upfit the vehicle with radios and department insignia.

North Pole Fire Department formally requests from City Council, the spending approval of \$48,127.32 from the Fire Department Fleet Fund for the purchase and upfit of this new command vehicle.



PRICE PROPOSAL FOR
City of North Pole Fire Department

2022 FORD EXPLORER AWD
(POLICE INTERCEPTOR 119" WB)

Exterior: Vermillion Red
Interior: Charcoal Black Cloth Bucket Seats
Engine: 3.3L V6
Transmission: 10-Speed Automatic
Tires: P275/65R18 All-Terrain

Options: Ready for the Road Package (see attached details)
Electric Window and Door Locks
Cruise Control
AM/FM Stereo MP3
Siren Speaker Pre-wire
100watt Speaker and Bracket
Daytime Running Lights
Heated Side Mirrors
Reverse Sensing System
Noise Suppression Bonds
Rear View Camera STD

Additional Equipment: Winterization
FOB: Fairbanks, AK

Total Price \$38,127.40
License and Registration Fees Not Included

***Price includes GPC incentives.**
***Purchase requires valid FIN Code.**

Submitted By:

Dave Atchison
Fleet Sales Manager
January 13th, 2022



Ready for the Road Package

All-in complete package - includes Front Headlamp Lighting Solution (66A). Taillamp Lighting Solution (66B). Rear Lighting Solution (66C), plus:

- Whelen CenCom light controller head with dimmable backlight
- Whelen CenCom relay center/siren/amp with traffic advisor control (mounted behind second-row seat)
- Light controller/relay CenCom wiring (wiring harness) with additional input/output pigtails
- High-current pigtail
- Whelen-specific WECAN cable (console to cargo area) connects CenCom to control head
- Pre-wiring for grille LED lights, siren and speaker (60A)
- Rear console plate (85R) – contours through second row; channel for wiring
- Grille linear LED Lights (red/blue) and harness
- 100-watt siren/speaker
- Hidden door-lock plunger with rear-door controls inoperable (locks, handles and windows) (52P)

RECEIVED

JAN 26 2022

CITY OF NORTH POLE

To: City Council

01/28/2022

On Approximately December 30th, 2021 there was a water main break at my residence 4841 Da Niece St North Pole AK 99705. I am currently remodeling and at that time my furnace also had just stopped working and was only blowing cold air. Because of this and also the extreme winter storm, my two young children and I were not staying there at the time. North Pole city was also closed due to the weather conditions, and I was not aware of this issue until they returned to the office. The results of the leak was roughly 980 gallons of water per hour flooding my basement, and a water bill of \$1,192.00. I would greatly appreciate the opportunity to be considered as I have been tight on funds at the moment. Thank you for your time and consideration.

Very Respectfully,

Tracy Bingham



Subscribed and sworn on this 28th day of Jan, 2022, by Tracy Bingham



Notary Public, State of Alaska

My commission expires 11-13-2022



Melanie Swanson

From: Melanie Swanson
Sent: Monday, January 3, 2022 4:15 PM
To: Tracy Bingham
Cc: Melanie Swanson
Subject: RE: 4841 DA NIECE ST - UTILITY ACCOUNT 8156.02 - BINGHAM, TRACY
Attachments: Emergency fund.pdf

Importance: High

Tracy:

I wanted to respond to you in writing regarding the leak and broken pipe you had recently.

I reviewed the project file that included pictures taken of the plumbing fixtures installed by the construction contractor and compared them to the photo you provided. The project only removed the connection between the existing water system and installed new plumbing to provide a connection to the municipal water system. The construction contractor throughout the Moose Creek Project only installed copper piping that complies with the City of North Pole customer service connection standards.

In the picture taken as part of the installation inspection of the service connection, it shows where the new copper service line was connected to the existing plumbing that was constructed with white PVC pipe. The PVC pipe that broke was not installed as part of the installation work that was done by the contractor—it was the existing PVC pipe in the home that broke.

The Utility will not waive any of the water charges incurred because of the leak. You can, however, request the city council, take up your request to utilize the Emergency Payment Fund program for assistance in paying your bill. I have attached the procedures if you would like to go this route.

Regards,

Melanie Swanson
Utility Billing Clerk
City of North Pole
125 Snowman Lane
North Pole, Alaska 99705
P: 907-488-8538
F: 907-488-3002

season's greetings

From: Tracy Bingham <tracybingham08@gmail.com>
Sent: Thursday, December 30, 2021 1:59 PM
To: Melanie Swanson <MSwanson@northpolealaska.org>
Subject: Re: DIAGRAM OF PLUMBING TREE INSTALL

1 **AN ORDINANCE OF THE CITY OF NORTH POLE, ALASKA TO AMEND TITLE**
2 **13, PUBLIC SERVICES, TO REESTABLISH 13.24.040 UTILITY CUSTOMER**
3 **EMERGENCY PAYMENT FUND.**
4

5 **WHEREAS**, changes to the public services practices and policies is a continually changing
6 requirement; and

7 **WHEREAS**, the City of North Pole Municipal Code should be amended to conform to the
8 requirements of the City.

9 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of North Pole:

10 Section 1. This ordinance is of a general and permanent nature and shall be codified.

11 Section 2. Title 13 is amended in the North Pole Code of Ordinances as follows:

12
13 **13.24.040 Utility Customer Emergency Payment Fund.**
14

15 A. Purpose of the Utility Customer Emergency Payment Fund. The City of North Pole
16 recognizes that residential utility customers can encounter emergency situations that
17 make paying their monthly utility bills a hardship. To help prevent residential utility
18 customers' utility accounts becoming delinquent, the City has created the Utility
19 Customer Emergency Payment Fund. A residential utility customer facing an emergency
20 that is causing them a financial hardship may apply for temporary assistance to pay all
21 or a portion of their North Pole Utility bill.
22

23 B. Funding of Utility Customer Emergency Payment Fund.

24 1. Round-Up utility rate

25 a. Automatic enrollment. All utility customers will automatically be enrolled in the
26 Round-Up utility rate. The Round-Up utility rate shall be calculated by rounding up
27 the total monthly utility charge on a utility bill to the nearest whole dollar amount; for
28 example, a utility bill calculated at \$47.23 would be rounded up to \$48.00.

29 b. Opt-out participation. Utility customers not wishing to participate in the Round-Up
30 rate must opt out of the rate by providing a written request to be removed from the
31 rate. A utility customer who opts out of the Round Up rate will not be eligible for the
32 benefits of the Utility Customer Emergency Payment Fund commencing from the
33 date they withdraw. Utility account holders who previously opted out of the Round
34 Up rate may request to re-enroll in the rate. A utility customer who withdrew from the
35 rate will not be eligible for the benefits of the rate for a period of 60 days from the
36 time they re-enrolled. In addition, an individual re-enrolling in the Round-Up rate
37 shall not be eligible for any benefits of the rate for an event that occurred from the
38 time they withdrew from the Round-Up rate through the end of the 60-day waiting
39 period after they re-enrolled in the Round-Up rate.

81 Payment Fund to help pay all or part of their North Pole Utility bill shall provide a
82 written and notarized explanation of the reason they need an award and the
83 supporting income information as needed to demonstrate financial need. The
84 explanation shall include the dollar amount of their utility bill and the dollar amount
85 of their award request. Applicants shall submit their request for an award no later
86 than seven (7) calendar days before the next regularly scheduled City Council
87 Meeting. The customer making the request shall submit their written request for
88 assistance from the Utility Emergency Assistance Fund through the City Clerk to the
89 City Council. The contents of the request shall be confidential.
90

91 Section 3. Effective date. This ordinance shall become effective the second Utility billing
92 period after passage of the ordinance.