

ORDINANCE NO. 6353

**AN ORDINANCE AMENDING THE LOCAL AMENDMENTS TO THE
2018 INTERNATIONAL FIRE CODE ADOPTED BY REFERENCE AT
FAIRBANKS GENERAL CODE SECTION 30-32,
CREATING APPEAL PROCEDURES**

WHEREAS, the Fairbanks Fire Department operates under the authority of the State Fire Marshal as a deferred jurisdiction per AS 18.70.090 and 13 AAC 50.075; and

WHEREAS, the State of Alaska partially adopted the International Fire Code (IFC) by reference under the authority of AS 18.70.080 at 13 AAC 50.025; and

WHEREAS, the Fairbanks City Council adopted the 2018 International Fire Code (IFC) and local amendments by reference at FGC Sec. 30-31 and Sec. 30-32, respectively, through Ordinance No. 6158 (effective April 17, 2021); and

WHEREAS, Section 102.11 of the IFC allows for local amendments; and

WHEREAS, the State of Alaska prescribes procedures at 13 AAC 50.070(e) for appealing a decision of the State Fire Marshal's authorized representative; and

WHEREAS, the definition of State Fire Marshal's representative at 13 AAC 55.150(c) includes the fire chief of a deferred jurisdiction.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. The City of Fairbanks Local Amendments to the 2018 International Fire Code, adopted by reference in Fairbanks General Code at Section 30-32, is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~striketrough~~ font]:

**SECTION 109
~~BOARD OF APPEALS~~**

109.1 Board Procedures of for appeals established.

~~In order~~ **The following procedures are established** to hear and decide appeals of orders, decisions or determinations made by the ~~deputy~~ **fire code official** ~~marshal and fire chief~~ relative to the application and interpretation of this code, ~~there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all~~

~~decisions and findings in writing to the appellant with a duplicate copy to the fire code official.~~

If an order is made by the deputy fire marshal, the owner or occupant may, within seven days after receiving the order, file a written appeal to the fire chief who will, within 10 days after receiving the appeal, review the order, and issue a written decision. The appeal must be postmarked within seven days following the date of receipt of the order. The order must be complied with within the time specified in the order unless the deputy fire marshal revokes the order. The fire chief's decision on an appeal under this provision is a final order for purposes of AS 18.70.100(b).

If an order is made by the fire chief, the owner or occupant may, within seven days after receiving the order, file a written appeal to the state fire marshal who will, within 10 days after receiving the appeal, review the order, and issue a written decision. The appeal must be postmarked within seven days following the date of receipt of the order. The order must be complied with within the time specified in the order unless the fire chief revokes the order. The state fire marshal's decision on an appeal under this provision is a final order for purposes of AS 18.70.100(b).

109.2 Limitations on authority appeal.

An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. ~~The board shall not have authority to waive requirements of this code.~~

~~109.3 Qualifications.~~

~~The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and are not employees of the jurisdiction.~~

Section 2. The effective date of this ordinance is six days after adoption.

Section 3. Upon adoption, the City Clerk is directed to provide a copy of this ordinance to the State Fire Marshal's Office with our sincere gratitude for his continued dedication to fire protection and support for the City of Fairbanks.

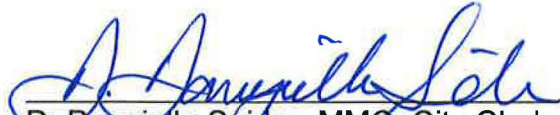


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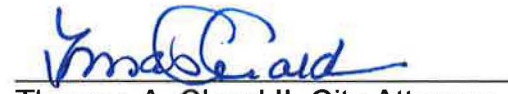
Mindy O'Neill, Mayor

AYES: Marney, Ringstad, Tidwell, Therrien, Sprinkle
NAYS: Cleworth
ABSENT: None
ADOPTED: August 10, 2026

ATTEST:


D. Danyelle Snider, MMC, City Clerk

APPROVED AS TO FORM:


Thomas A. Chard II, City Attorney