

1 By: Karl Kassel, Mayor  
2 Introduced: 06/23/2016  
3 Advanced: 06/23/2016  
4 Amended: 07/28/2016  
5 Adopted: 07/28/2016  
6

7 FAIRBANKS NORTH STAR BOROUGH

8  
9 ORDINANCE NO. 2016-37

10  
11 AN ORDINANCE AMENDING TITLE 21 REGARDING NO OTHER ADEQUATE  
12 SOURCE OF HEAT DETERMINATIONS  
13

14 WHEREAS, Borough code exempts qualifying buildings with no other  
15 adequate source of heat from compliance with certain air quality regulations; and  
16

17 WHEREAS, Granting these exemptions only to buildings constructed prior  
18 to December 31, 2016 will encourage property owners to include an alternative source  
19 of heat in new construction for use during times of exceedances; and  
20

21 WHEREAS, Because borough codes imposing restrictions on the use of  
22 solid fuel and other appliances during air alerts apply only to the air quality zone, only  
23 owners within the air quality zone need to apply for a “no other adequate source of heat”  
24 determination.  
25

26 NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks  
27 North Star Borough:  
28

29 Section 1. This ordinance is of a general and permanent nature and shall  
30 be codified.  
31

32 Section 2. FNSBC 21.28.060 **No other adequate source of heat**  
33 **determination** is amended to read as follows:  
34

35 A. A building owner or other person with a property or managerial interest in [THE] a  
36 building located within the air quality control zone may obtain a “no other adequate  
37 source of heat” determination from the division if:

38 1. The building owner(s) or other person with a property or managerial  
39 interest in the building applies with the division on a form developed by the division[.];

40 2. The building owner(s) or other person with a property or managerial  
41 interest in the building files an affidavit with the application that the subject structure  
42 must be heated and the structure has no adequate heating source without using a solid  
43 fuel or waste oil burning appliance or that economic hardships require the applicant’s  
44 use of a solid fuel or waste oil burning appliance or complying with a restriction would

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT  
Text to be *added* is underlined  
Text to be *deleted* is [BRACKETED AND CAPITALIZED]

45 result in damage to property including damage to the appliance itself and its heating  
46 system components[.]; and

47 3. The building was constructed on or before December 31, 2016.

48 B. There shall be no fee for applying for or obtaining a determination.

49 C. It shall be a violation to submit a false affidavit for a “no other adequate source of  
50 heat” determination.

51 D. If the “no other adequate source of heat” appliance does not meet the standards  
52 set in this chapter, the division shall provide the applicant with information concerning  
53 the borough’s voluntary removal, replacement and repair program.

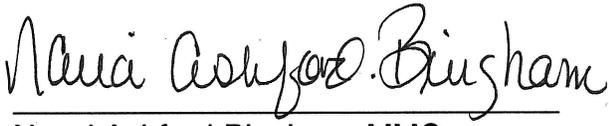
54 E. Applications denied by the division may be appealed to the air pollution control  
55 commission.

56  
57 Section 3. Effective Date. This ordinance shall be effective at 5:00 p.m.  
58 of the first Borough business day following its adoption.

59  
60 PASSED AND APPROVED THIS 28<sup>TH</sup> DAY OF JULY, 2016.

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63  
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66   
67 John Davies  
68 Presiding Officer  
69

70 ATTEST:

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72   
73  
74 Nanci Ashford-Bingham, MMC  
75 Borough Clerk  
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77  
78 Yeses: Cooper, Sattley, Hutchison, Westlind, Lawrence, Dodge, Davies  
79 Noes: Roberts  
80 Other: Quist (Excused)

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Text to be deleted is [BRACKETED AND CAPITALIZED]