Introduced by: City Manager Herron
Date December 11, 2001
Public Hearing: January 8, 2002
Action: Adopted
Vote: 6-0

CITY OF BETHEL, ALASKA

ORDINANCE #01-45

AN ORDINANCE ADOPTING STANDARDS FOR PETROLEUM TANK FARMS AND ASSOCIATED FACILITIES CONTAINING FLAMMABLE OR COMBUSTIBLE LIQUIDS

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is permanent in nature and shall be incorporated into the Bethel Municipal Code ("Code").

SECTION 2. Amendment of section 15.12.040. Section 15.12.040 of the Bethel Municipal Code is amended to read as follows (new language is underlined):

15.12.040 Evaluation of application.

A. The application shall be reviewed by the planning department for conformance with the applicable regulations and standards of BMC Titles 15, 16, 17 and 18, minimum water and sewage holding tank requirements and other applicable regulations.

B. Drainage plans required under Section 15.12.030(F)(6) shall be reviewed by the city engineer who shall recommend appropriate measures to the land use administrator. Drainageways shall meet the requirements of this subsection.

1. Drainages that have been designated as significant wetlands by the Bethel Wetlands Study are subject to the standards listed in subsection (B)(2) of this section and to such additional standards as are required under the National Flood Insurance Program;

2. Drainages that have been designated as significant wetlands by the Bethel Wetlands Study and those drainages that are not designated as significant wetlands in the Bethel Wetlands Study but are determined by the land use administrator to be active drainages must be maintained or accommodated as follows:

a. In order to be considered maintained, a drainage shall have a channel preserved on the natural drainage with a width at every point of at least twenty feet plus the width of the surface water drainage as that point during periods of high water with the twenty feet

allocated to each side of the drainage as approved by the land use administrator;

b. In order to be considered accommodated a drainage channel shall be preserved with a width of at least twenty feet plus the width of the surface water drainage during periods of high water as required in subsection (B)(2)(a) of this section, except that the location of the cannel may be altered. If the location of the channel is altered it must be designed and constructed so as to allow for unobstructed downhill flow of drainage and the location and design must be approved by the city engineer;

3. All road and driveway crossings of a drainage shall be properly culverted with a culvert at least twenty-four inches in diameter to accommodate any drainage, unless the land use administrator determines that a lesser diameter would be adequate or that a greater diameter is required. The culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area;

4. The land use administrator may require the installation or construction of certain improvements as required to prevent adverse runoff, and maintain appropriate drainage to protect property and the life, health, and safety of Bethel residents. The applicant may be required to carry away by pipe or open ditch any spring or surface water that may exist previously to or as a result of the development. Such drainage facilities shall be located in a street right-of-way where feasible, or in a perpetual, unobstructed easement of appropriate width, and shall be constructed in accordance with the construction standards and specifications of the city;

5. The land use administrator shall not approve any development that does not make adequate provision for stormwater or floodwater runoff. The stormwater drainage system shall be separate and independent of any sanitary sewer system.

6. Where it is anticipated that the additional runoff incident to the development may overload an existing downstream drainage facility, the land use administrator may not approve the development until provision has been made for the elimination of the potentially adverse downstream effects.

C. If design or construction standards, including standards for structural, fire, electrical, plumbing, heating, ventilation and similar matters, have been adopted as a part of this chapter, the site plan permit application shall include such design drawings and information as necessary or reasonably required by the city engineer to evaluate the proposed improvement, use or change of use.

SECTION 3. Amendment of section 15.12.060. Section 15.12.060 of the Bethel Municipal Code is amended to read as follows (new language is underlined):

15.12.060 Action on an application.

A. Within ten working days of receipt of a complete application, the planning department shall review the application. If the application is subject to city engineer review, an additional seven working days shall be permitted for review of the application. Plans approved and conditions required by the city engineer become a part of the site plan permit. An application may be approved, approved subject to modifications, tentatively approved subject to receipt of required city engineer, state or federal approval, or disapproved.

B. If approved subject to modification, the applicant shall be notified in writing of the modifications required. The permit will be issued after the applicant has agreed, in writing, to the modifications. If the applicant refuses to agree to a required modification, condition or other requirement, the application shall be denied.

C. If approved subject to receipt of required state or federal approval, the applicant shall be notified in writing that the site permit has been tentatively approved and will be issued upon receipt by the land use administrator of proof that specified state or federal approval has been given. State and federal agencies that may require approval of improvements or uses include, but are not limited to, U.S. Army Corps of Engineers, the Alaska Department of Environmental Conservation, and the State Fire Marshal. If state or federal approval required modifications to plans, structures, improvements or uses that have been tentatively approved by the land use administrator, the land use administrator shall review the modifications to determine whether the improvement, structure or use, as modified, still meets the requirements of this code.

D. If the application is denied, the applicant shall be notified in writing of the denial and the reasons therefore.

E. If the application is approved, the applicant shall be mailed or hand delivered a site plan permit dated and signed by the land use administrator and a site plan drawing revised to show changes required by the land use administrator and city engineer. The land use administrator may require the applicant to provide the revised drawing before issuance of the permit.

F. The site plan permit shall include:

1. The address and legal description of the property;
2. A description of the improvements approved and required by the site plan permit;

3. The approved use of the site and improvements;

4. Any other information, including diagrams, drawings, specifications and standards the land use administrator believes are necessary to inform the public and the applicant of the exact nature of the approved uses and the nature and location of the improvements;

5. Conditions of the permit required by the land use administrator and city engineer; and

6. A signature block with spaces for the date and time the site plan permit was posted and the signature of the person who posted the permit.

G. A summary of the times within which an appeal of the land use administrator's decision on the permit may be filed shall be set out on the permit. If the permit is denied, the summary shall be stated in the written notice to the applicant of the denial.

SECTION 4. Adoption of Chapter 15.24. The Bethel Municipal Code is amended by adding a new chapter 15.24 as follow:

Chapter 15.24
Fire Safety Construction Standards

15.24.010 Purpose and application
15.24.020 Adoption of standards
15.24.030 Administration of standards

15.24.010. **Purpose and application.**

A. The purpose of the standards adopted under this chapter is to help ensure that petroleum tank farms and associated pipelines are designed, constructed and maintained in a safe manner. The standards adopted under this chapter shall apply to occupancies in which flammable or combustible liquids are used, dispensed, mixed or stored in open or closed containers with a combined capacity that exceeds 25,000 gallons. Pipelines associated with a petroleum tank farm are considered to be a part of the tank farm for purposes of regulation under this chapter. The standards issued, adopted or modified under this chapter shall apply to all new construction, to modifications of existing structures and to existing structures for which a change of use requires modifications to meet the standards of this chapter.

B. In this chapter, "flammable" and "combustible liquids" are defined as they are defined in article 2 of the Uniform Fire Code.

15.24.020. **Adoption of standards.**

A. There is adopted as a part of this chapter, Section 307 of the Uniform Building Code and Article 79 of the Uniform Fire Code, both published April 1997 by the International Conference of Building Officials at 5360 Workman Mill Road, Whittier, California. Other sections of the Uniform Building and Fire Codes, appendices, standards, supplements, excerpts, addenda, definitions, tables and other publications to which reference is made in the Building and Fire Code provisions specifically adopted under this section 15.24.020 shall be applicable and relied upon in the administration of the Building and Fire Code provisions specifically adopted under this section. There is also adopted as a modification to Article 79 of the Uniform Fire Code, the amendments set forth in 13 AAC 50.025 (37), (38), and (39) as well as amendments set forth in 13 AAC 50.025 to appendices, standards, excerpts, addenda, tables and other publications to which reference is made in Article 79.

B. The city engineer shall perform the duties of the building official, fire marshal, fire official, and other officials to whom the adopted codes assign application, processing and permit issuance and administration duties; provided, the city engineer shall consult with the city fire chief on all applications under this chapter.

C. The city engineer shall determine and issue wind and snow loading factors, earthquake, soil and other factors and standards necessary for the application of the standards adopted under this section 15.24.020. The city engineer may also modify any standard adopted under subsection 15.24.020(A) where necessary to meet arctic, soil and other relevant conditions that exist in Bethel or to meet conditions that are peculiar to a particular site.

D. In the event of a difference between a standard or requirement applicable under this chapter and any other city, state or federal law or regulation, the more stringent standard or requirement shall apply. If there is an irreconcilable conflict between standards or requirements, the land use administrator shall resolve a conflict between city requirements, and any conflicting state or federal requirement shall supersede a city requirement. An irreconcilable conflict exists when there is no action that could comply with the different but applicable standards or requirements.

15.24.030. **Administration of standards.**

A. The relevant standards adopted under this chapter shall be applied by the city engineer in the review and approval of site plan permit applications required under BMC Chapter 15.12.

B. The city engineer may require the submission of:

1. conceptual site plans and other relevant documentation;

2. two submittals of the complete set of drawings and specifications at timely intervals, such as at 65% complete and 100% complete;

3. additional or more detailed drawings, information and tests;

4. core samples and soils analyses;

5. a summary of proposed standard and emergency operating procedures for the facility;

6. copies of applications for permits submitted to state and federal agencies and all approvals, comments, rejections and modifications of such applications and permits;

7. final construction drawings that reflect all changes required by the city engineer;

8. a traffic control and site access plan for the construction period for approval by the city engineer; and

9. such other information as may be relevant to the site plan permit application.

C. The city engineer may establish a schedule of inspections to be conducted during construction under the permit. Work to be inspected at a particular stage of construction shall be available for inspection and may not be covered by subsequent work until inspected and approved by the city engineer. The permittee shall request an inspection at least 5 business days, or such other time as the city engineer may require, in advance of the desired inspection date. Requests made by telephone shall be confirmed in writing, delivered to the city engineer within 24 hours of the telephone request. The city may require payment by the permittee of all expenses of the city in conducting inspections, and may require such payment in advance of the inspection. The city engineer shall have access to the permit site at all times until the final approval of the facility is given.

D. Prior to and during construction, the city engineer may require the submission of:

1. the construction schedule and all modifications to it;

2. shop drawings;

3. construction test documentation, quality assurance and control documentation, test results, including third party testing laboratory test results, and similar documentation.

Upon completion and final approval of the work under the permit, the city engineer may require the submission of a complete and accurate set of as-built drawings marked "FINAL" on each page. The as-built drawings shall be filed with the Director of Public Works.

E. All types of uses that require a permit application approval under this chapter shall file with the city a summary of current standard and emergency operating procedures. All types of uses that would require a permit application approval under this chapter if the use were new or to be changed, shall establish standard and emergency operating procedures and shall file with the city by June 30,2002, a summary of such procedures. The facility operator or permittee shall promptly provide to the city a copy of all changes to the summary. The facility operator or permittee shall deliver to the city a copy of any notification of a spill, release, or other event required by law or regulation to be given to a federal or state agency. The copy shall be delivered to the city at the same time as such notification is required to be given to the state or federal agency.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon adoption and shall apply to all development and uses for which a site plan permit has not been issued prior to adoption; except, new section 15.24.030(E) of the Bethel Municipal Code, enacted in section 4 of this Ordinance, shall be effective immediately for all existing uses without regard to whether a site plan permit has been issued.

ENACTED THIS 8th DAY OF JANUARY 2002, by a vote of 6 in favor and 0 opposed.

Stanley "Tundy" Rodgers, Mayor

ATTEST:

Colleen Soberay, City Clerk