



Municipality of Skagway

MEMO

TO:	Board of Appeals
FROM:	Brad Ryan, Building Official
DATE:	July 2, 2024
SUBJECT:	Appeal Response re: Mull RV Habitation Permit #24-35 Denial

When RV habitation permit #24-35 was first received, the subject RV did not have current registration. Per Resolution No. 22-10R (attached), bullet #6, a current registration is required. Note that a current registration does not involve inspection by DMV and therefore does not guarantee safety or mobility of the unit.

SMC 15.15.050(C)(1) states that “All recreational units shall meet ANSI A 119.2 standards by January 1, 1997.” ANSI 119.2 doesn’t exist anymore as a standard, instead, the 2005 edition of NFPA 1192 was adopted as a national standard. From the first page of NFPA 1192 2005 edition: “This edition of NFPA 1192 was approved as an American National Standard on February 7, 2005.”

[NFPA 1192](#) are standards that RV manufacturers must follow. Municipal staff are not certified RV technicians. If an RV has been modified from the standard, staff cannot verify the safety of the modifications.

Figure B.1 from the NFPA 1192 2005 edition (attached), shows a typical example of a propane pipe system. The propane tanks are typically installed on the hitch of the RV and from there, the system connects to a propane refrigerator, stove, water heater, and furnace.

While inspecting the RV subject to this appeal, staff noticed a propane connection that was different from the connection that was incorporated by the manufacturer. In fact, **the propane hose was entering the RV from a spot that says, “City Water Connection.”**

When staff asked why an RV-rated water heater was not installed, they were informed that **the electrical system of the RV had been redone, and an RV-rated water heater would not be able to operate**, and that is why the owners decided to go with a water heater that is typically seen in a home, not an RV.

The definition of an RV in code and Resolution No. 22-10R states: “Recreational vehicle” or “RV” means a vehicular-type unit primarily designed as temporary living quarters for recreational,

camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by another vehicle.

An RV is designed as temporary living quarters, and typically RVs do not need utility sheds because everything needed for the temporary living is installed in the RV. The only necessary water connection is with a water hose, no other pipes are needed.

The water pipes that connect from the water heater to the subject RV prevent the RV from being mobile at all times, which is a requirement under bullet #4 of Resolution No. 22-10R.

When inspecting every RV in town, one of the things staff verifies is that the RV is located six feet away from structures. Per SMC 19.02.065(B)(73), "Structure" means anything constructed or erected and located on or under the ground, or attached to a fixed point on the ground.

The utility shed which holds the water heater and water pipes for the subject RV is located right next to the RV.

The Municipality received 37 RV habitation permit applications for 2024, compared with 22 for 2023, 16 for 2022, and 17 for 2019. Most applications were submitted this year after staff reached out to the property owners either by phone, e-mail, or a letter.

Proposed by:	Assemblymember Potter
Planning & Zoning:	04/14/2022
Attorney Review:	04/19/2022
Vote:	6 Aye 0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 22-10R

A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA, AMENDING RESOLUTION NO. 21-29R, UPDATING THE PLAN TO TEMPORARILY PROVIDE ANNUAL PERMITS ALLOWING FOR THE HABITATION OF RECREATIONAL VEHICLES.

WHEREAS, the Municipality of Skagway recognizes a lack of seasonal housing resulting in the proliferation of the habitation of recreational vehicles (RV) in conflict with SMC 15.15 Recreational Vehicles; and

WHEREAS, the Municipality recognizes the need to provide seasonal housing for employees, and recognizes the potential for the displacement of employees if RVs are no longer utilized; and

WHEREAS, a planned RV/mobile home park on municipal land north of the Skagway River Bridge is at minimum three years away from completion;

WHEREAS, the Municipality wishes to mitigate the loss of seasonal housing while also enforcing municipal code that prohibits the habitation of RVs; and

WHEREAS, the Municipality wishes to temporarily provide for an annual permit allowing the habitation of one RV per lot as long as the applicant meets the required conditions; and

WHEREAS, the Municipality wishes to implement this permitting plan over the next four seasons, and to help gradually transition current RV users to a legal use of RVs, without exacerbating the current seasonal housing crisis by abruptly displacing workers from their housing; and

WHEREAS, the Municipality recognizes the potential to abuse an issued permit; therefore, any violation of the permit will result in the immediate termination of the permit and require that the property owner reapply for a permit; and

WHEREAS, the issuance of a permit to a lot owner is an exception to the current code requirements, the issuance of a permit does not create any new or additional rights in the permit holder, and specifically does not create grandfather rights nor any right of appeal in the event the permit is terminated due to a violation determined by the Permitting Official; and

WHEREAS, the Municipality intends to enforce code as it is currently written in SMC 15.15 for all RVs used for habitation that have not received a permit; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Assembly of the Municipality of Skagway that the following enforcement plan established via Resolution No. 21-29R for the habitation of recreational vehicles is hereby amended as follows:

1. An annual permit will be available to allow the habitation of RVs from April through October each year;
2. The permit will be approved by the Permitting Official, and is subject to a life-safety inspection and compliance with utility requirements;
3. There is a limit of one RV permit per 5,000-square-foot lot, or two RV permits on vacant 5,000-

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- square-foot lots ~~north of 15th Avenue;~~
4. RVs are required to be operational, drivable, and/or mobile at all times;
 5. RVs are required to be equipped and licensed for use on public roads at all times as required by the State of Alaska Department of Motor Vehicles;
 6. A copy of current vehicle registration shall be required with submittal of an application;
 7. RVs will be required to be properly connected to water and sewer utility services and present proof of payment of utilities **with the application** to ensure the account is in the owner's name;
 8. Permits will cost \$300.00 for the summer season each year;
 9. Regulations regarding habitation of an RV without a permit, including those RVs for which a permit has been revoked under item 13, will be governed by SMC 15.15 **and any applicable SMC 19 provision related to the zoning district where the RV is located;**
 10. Fines for habitation of a vehicle not designed for human habitation shall be governed by SMC 15.15.100;
 11. Certificates will be issued for the completion of an application review and site inspection, and will be required to be posted on the RV and visible from the road or alley;
 12. Any violation of the conditions of the permit, as identified by the Permitting Official, will result in immediate revocation **of the permit and the immediate cessation of habitation of the RV by any person** and such revocation shall not be appealable;
 13. If a permit is revoked, in order to receive a new permit, the applicant is required to re-apply for a permit and is again subject to all application fees and inspections and all other requirements before a new permit may issue;
 14. The Municipality does not waive its right to act on a violation and terminate a permit based on how long the violation is unremedied or on any previous knowledge of the Municipality as to the existence of a violation;
 15. Permits will be granted upon compliance with these conditions in all use zones, except that permits will not be issued for use in the Historic District, the Waterfront District, **or on any municipally owned property,** or on property used for congregate housing;
 16. For the purposes of this resolution, the following definitions shall apply:
 - a) "Recreational vehicle" or "RV" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic types of RV entities are: camping trailer, fifth wheel trailer, motor home, park trailer, and travel trailer, which are individually defined below.
 - b) "Camping trailer" is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
 - c) "Fifth wheel trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four-hundred (400) square feet (37.2 m²) in the set-up mode, designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
 - d) "Motor home" is a vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
 - e) "Park trailer" is a recreational vehicle that meets the following criteria: a) built on a single chassis mounted on wheels; b) having a gross trailer area not exceeding four-hundred (400) square feet in the set-up mode; c) certified by the manufacturer as complying with ANSI

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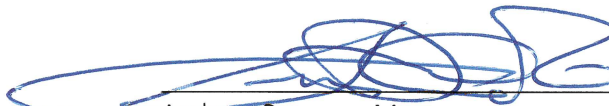
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A119.5.

- f) "Travel trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require special highway movement permit(s) when towed by a motorized vehicle, and of gross trailer area less than three-hundred twenty (320) square feet (29.7 m²).

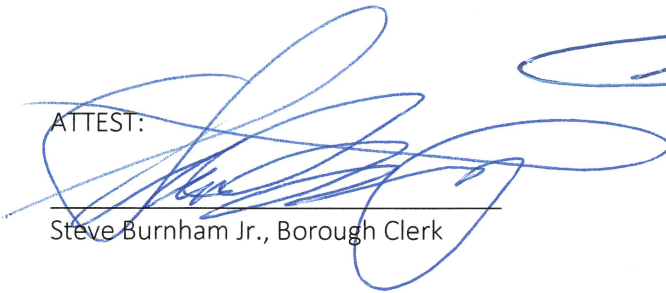
BE IT FURTHER RESOLVED, that the plan outlined in this resolution shall take effect immediately and shall sunset on May 1, 2026.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 21 day of April, 2022.



Andrew Cremata, Mayor

ATTEST:



Steve Burnham Jr., Borough Clerk

(SEAL)



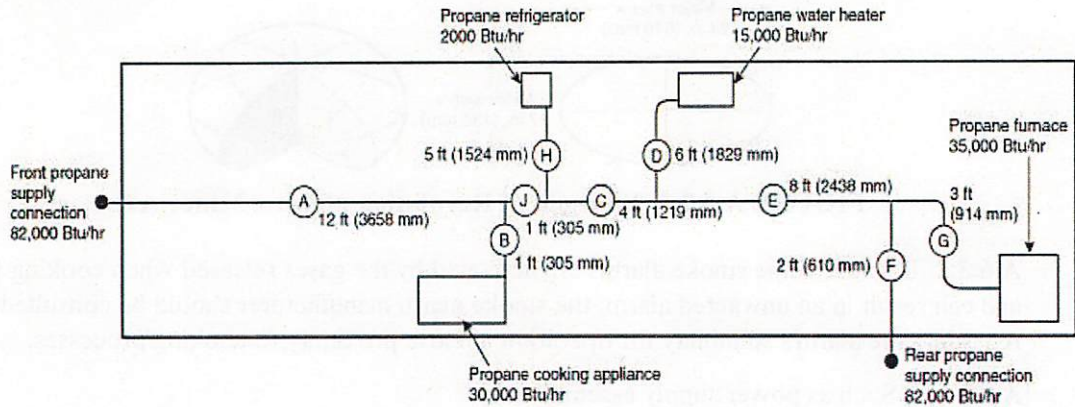


FIGURE B.1 Typical Example of Propane Pipe System Sizing for a Recreational Vehicle.

Table B.1 Example of Determining Propane Supply

Figure Sizing by		Front Propane Supply Connection						
<i>Step 1.</i> Measure the length of the piping from the propane supply connection to the inlet of the most remote appliance.		28 ft (8.5 m) (A + J + C + E + G) [Total: 82,000 Btu/hr (24,026 W)]						
<i>Step 2.</i> In the appropriate Table 5.3.4.2(a) through (d), select the column showing that distance or the next longer distance if the table does not give the exact length.		30 ft (9.2 m) column [which for 82,000 Btu/hr (24,026 W) means 20 1/2 in. (13 mm) iron pipe or 3/4 in. (19 mm) tubing]						
<i>Step 3.</i> Use the vertical column in Table 5.3.4.2(a) selected in Step 2 for all propane pipe sizing. For each section of piping, determine the total demand for that section. In the vertical column selected in Step 2, locate the Btu/hr demand equal to or just greater than the demand for that section of pipe.		30 ft (9.2 m) column front connection						
<i>Step 4.</i> Choose the larger size piping required from either the front or rear propane supply connection. If a single propane supply connection is provided, this step is not required.				Nominal I.D. Pipe.		Tubing O.D.		
Piping Section	Btu/hr Demand (1000s)	W Demand	in.	mm	in.	mm	Pipe	Pipe Sec
A	82	24,026	1/2	13	3/4	19		
B	30	8,790	3/8	10	1/2	13		
C	50	14,650	3/8	10	5/8	16		
D	15	4,395	1/4	6	3/8	10		
E	35	10,255	3/8	10	5/8	16		
F	—	—	—	—	—	—		
G	35	10,255	3/8	10	5/8	16		
H	2	586	1/4	6	3/8	10		
J	52	15,236	3/8	10	5/8	16		