

1 IN THE HOUSE BY MESSRS. LEONARD AND MILLER
2 HOUSE BILL NO. 392
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRD LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act providing for the adoption and en-
7 forcement of a state building code; and
8 providing for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 23 is amended by adding a new chapter to read:
11 CHAPTER 37. STATE BUILDING CODE.
12 Sec. 23.37.010. INSPECTORS. The department shall
13 employ building inspectors. The duty of a building inspector
14 is to inspect building subject to the state building code,
15 to determine whether or not the buildings comply with the
16 requirements of the code.
17 Sec. 23.37.020. INSPECTIONS. An inspector employed un-
18 der sec. 10 of this chapter may enter any building subject
19 to the code at any reasonable time for the purpose of inspect-
20 ing the building to determine whether or not it complies with
21 the provisions of the code.
22 Sec. 23.37.030. ADVISORY INSPECTION. A person may
23 submit building plans for a building subject to the code to
24 the department for approval even though he is not required
25 to do so. The department shall inspect all such building
26 plans and approve or disapprove them.
27 Sec. 23.37.040. CODE. (a) The department shall adopt
28 substantive regulations prescribing minimum building standards
29 for all buildings built in the state that are intended to be

1 open to public use, or that are intended as places of assem-
2 bly. The department may vary the standards for different
3 parts of the state, to reflect differing terrain and weather
4 conditions, and differing availability of materials and
5 skilled workmen.

6 (b) The department shall adopt procedural regulations

7 (1) describing how a person applies for a building
8 permit and the conditions under which a building permit is
9 required;

10 (2) describing how a person files building plans
11 with the department before building begins, and the conditions
12 under which building plans have to be filed before building
13 begins;

14 (3) the procedure the department uses to inspect
15 buildings and building plans, including the recourse a person
16 has from a disapproval of a building or of building plans.

17 Sec. 23.37.050. PERMITS AND PLANS. (a) The department
18 shall issue a building permit to every person who is required
19 to have one who applies for one. The fee for a building per-
20 mit is \$1.

21 (b) The department shall promptly examine every building
22 plan submitted to it and shall promptly approve or disapprove
23 the plan. The department shall promptly notify a person of
24 its approval or disapproval of his building plan. If the
25 department disapproves a set of building plans, it shall fully
26 set out the reasons for doing so in the notification.

27 Sec. 23.37.060. POWERS OF LOCAL GOVERNMENTS. The code
28 applies throughout the state, but a local government may
29 adopt additional building requirements within its area.

1 Sec. 23.37.070. INJUNCTION. The department, through
2 the department of law, shall request the superior court to
3 require a person who violates sec. 80 of this chapter to
4 conform his building to the requirements of the code. If
5 the court finds that the building does not conform to the
6 requirements of the code in any material respect, it shall
7 order that the building be made to conform.

8 Sec. 23.37.080. PROHIBITIONS. (a) No person may build
9 a building subject to the provisions of the code except in
10 compliance with the provisions of the code.

11 (b) No person may begin to build a building for which
12 building plans are required to be submitted or a building
13 permit is required to be obtained until after the building
14 plans have been submitted to the department and approved by
15 the department or the building permit has been obtained.

16 (c) The provisions of (a) of this section do not apply
17 to a person who builds a building according to building plans
18 approved by the department.

19 Sec. 23.37.090. PENALTY. A person who violates sec.
20 80(b) of this chapter or who builds a building according to
21 plans that have been disapproved by the department is guilty
22 of a misdemeanor and upon conviction is punishable by im-
23 prisonment for not more than 30 days.

24 Sec. 23.37.100. DEFINITIONS. In this chapter,
25 (1) "department" means the Department of Labor;
26 (2) "code" means the state building code adopted
27 by regulations of the department.

28 * Sec. 2. AS 23.37 does not apply to a building built or begun
29 on the effective date of this Act.

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* Sec. 3. This Act takes effect on July 1, 1964.