

Introduced: 3/29/65
Referred: Health, Welfare and
Education, State Affairs,
Judiciary and Finance

1 IN THE HOUSE

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

2 HOUSE BILL NO. 266

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a state fire prevention
7 code; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 72. ALASKA FIRE PREVENTION CODE.

11 Sec. 18.72.010. ADOPTION. The 1960 edition of the
12 Fire Prevention Code recommended and published by the
13 National Board of Fire Underwriters is adopted as the Alaska
14 Fire Prevention Code with the following amendments. It
15 applies throughout the state and shall be administered by the
16 state fire marshal.

17 ARTICLE 1. GENERAL PROVISIONS.

18 Sec. 1.13 is amended by adding:

19 "chief of fire department", "fire chief" or "chief of bureau
20 of fire prevention" means the state fire marshal or the
21 chief of an organized fire department of a municipality;
22 "municipality" means the state of Alaska; "bureau of fire
23 prevention" means the state division of fire prevention or
24 the fire prevention division of an organized municipal fire
25 department; "local political subdivision" means a first or
26 second class borough or home rule city, city of any class
27 with an organized fire department; "organized fire depart-
28 ment" means a fire department or fire protection group whose
29 organization is approved by the state fire marshal.

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Article 1 is amended by adding:

1.4(c) When a complaint is made to the state fire marshal concerning a condition existing in an area served by an organized fire department, the state fire marshal may investigate the complaint and may ask for the assistance of the organized fire department in investigating the complaint.

1.4(d) An organized fire department with a trained fire inspection officer shall be responsible for making inspections of the buildings or structure covered by this code and any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for aged, children's nursery, children's home or institution, school, or similar occupancy, and in theaters, dance halls, skating rinks, auditoriums, roadhouses, hotels, motor courts, assembly halls, meeting halls, night clubs, fair buildings, and similar places of assemblage of any capacity.

1.4(e) A copy of an inspection report made under sec. 1.4(d) shall be submitted to the state fire marshal on form approved by the state fire marshal. If an inspection shows that the building has not complied with the minimum standards in the state fire code, the state fire marshal may take whatever action is necessary to insure compliance with the state fire code.

1.4(f) If the organized fire department does not have a salaried fire inspection officer, the state fire marshal may pay up to \$5 for each inspection report if a trained fire inspection officer makes the inspection.

Sec. 1.7 is amended to read:

Section 1.7. INVESTIGATION OF FIRES. (a) The bureau

1 of fire prevention shall investigate the cause, origin and
2 circumstances of every fire occurring in the municipality
3 which is of suspicious nature or which involves loss of life
4 or injury to persons or by which property has been destroyed
5 or substantially damaged. The investigations shall be begun
6 immediately upon the occurrence of the fire and, if it appears
7 that the fire is of suspicious origin, the chief of the fire
8 department shall be immediately notified of the facts; he
9 shall take charge immediately of the physical evidence, shall
10 notify the proper authorities designated by law to pursue the
11 investigation of these matters, and shall further cooperate
12 with the authorities in the collection of evidence and in the
13 prosecution of the case.

14 (b) Every fire which is of a suspicious nature or which
15 involves the loss of life, injury to a person, or in which
16 property has been destroyed or damaged in excess of \$100,
17 shall be immediately reported to the state fire marshal. A
18 written report by the organized fire department serving the
19 area where the fire occurs shall be furnished to the state
20 fire marshal within 10 days after the fire. The report shall
21 be in a form prescribed by the state fire marshal and shall
22 contain a statement of facts relating to the cause, origin
23 and circumstances of the fire, injury to persons, extent of
24 property damage, amount of insurance on the property, and any
25 other information that may be required.

26 (c) If the state fire marshal requests a further re-
27 port on a fire, the state fire marshal may pay up to \$5 for
28 further information if the organized fire department does
29 have a person qualified to make the report who is not

1 regularly paid.

2 (d) In areas which do not have an organized fire depart-
3 ment, the state fire marshal may appoint a suitable person to
4 make reports under this code.

5 Article 1 is amended by adding:

6 Section 1.121. MINIMUM STANDARDS. Standards set out in
7 this code are minimum standards which apply throughout the
8 state. However, nothing in this law shall prevent a local
9 political subdivision with an organized fire department from
10 adopting, by ordinance, minimum standards varying from this
11 code. If the local political subdivision adopts a different
12 standard from the standards contained in this code, it shall
13 give written notice of the adoption of the standard by for-
14 warding a copy of the differing standard to the state fire
15 marshal, the director of local affairs, and the legislative
16 council.

17 Section 1.122. REMOVAL OF PROPERTY FROM FIRE. During a
18 fire and in the absence of the owner or claimant, the Depart-
19 ment of Public Safety or an authorized member of an organized
20 fire department of a municipality may protect personal property
21 affected by removing it. If the owner or claimant does not
22 take charge of the property within 24 hours the Department of
23 Public Safety or an authorized member of an organized fire
24 department may store it at the owner's or claimant's expense.

25 Section 1.123. STATE BUILDINGS. (a) The state fire
26 marshal shall make inspections of state buildings. State
27 buildings shall comply with the standards in this code. How-
28 ever, the state shall comply with the standards of a local
29 political subdivision if they are different from the state

1 code.

2 Section 1.124. ENFORCEMENT OF CODE. (a) The Depart-
3 ment of Public Safety and the chief of each organized fire
4 department of a local political subdivision and their
5 authorized representatives in their respective areas of juris-
6 diction may enforce this code. All peace officers may assist
7 in the enforcement of this code. The authority conferred
8 in this section extends to the enforcement of AS 11.20.010 -
9 11.20.050, and 11.20.070.

10 Section 1.125. ADOPTION OF MANUAL FIRE AID AGREEMENTS.

11 (a) A city, borough, and other organized fire department may
12 organize a mutual aid program by adopting an ordinance or
13 resolution authorizing and permitting their fire department,
14 fire company, emergency relief squad, fire police squad or
15 fire patrol to go to the aid of another city, incorporated
16 entity, or territory outside it. While extending aid under
17 this section, the fire department, company, squad, or patrol
18 has the same privileges and immunities it possesses when it
19 performs the same functions in its own area. The ordinance
20 or resolution may authorize the head of the fire department
21 to extend aid, subject to conditions and restrictions pre-
22 scribed in the ordinance or resolution.

23 (b) An agreement made under this section shall be
24 carried out in a manner which does not raise insurance rates.
25 An agreement may not reduce the liability of an insurance
26 company in case of loss during the absence of men and equip-
27 ment.

28 ARTICLE 2. AUTOMOBILE TIRE REBUILDING PLANTS.

29 Article 2 is adopted without amendments.

1 ARTICLE 3. AUTOMOBILE WRECKING YARDS, JUNK YARDS AND
2 WASTE MATERIAL HANDLING PLANTS.

3 Article 3 is adopted without amendment.

4 ARTICLE 4. BOWLING ESTABLISHMENTS.

5 Article 4 is adopted without amendment.

6 ARTICLE 5. CELLULOSE NITRATE MOTION PICTURE FILM.

7 Article 5 is adopted without amendment.

8 ARTICLE 6. CELLULOSE NITRATE PLASTICS (PYROXYLIN).

9 Article 6 is adopted without amendment.

10 ARTICLE 7. COMBUSTIBLE FIBRES, STORAGE AND HANDLING OF.

11 Article 7 is adopted without amendment.

12 ARTICLE 8. COMPRESSED GASES.

13 Article 8 is amended by adding:

14 Section 8.8 ANHYDROUS AMMONIA. Anhydrous ammonia shall
15 be stored and handled in accordance with nationally recog-
16 nized good practice.

17 ARTICLE 9. DRY CLEANING PLANTS.

18 Article 9 is adopted without amendment.

19 ARTICLE 10. DUST EXPLOSIONS, PREVENTION OF.

20 Article 10 is adopted without amendment.

21 ARTICLE 11. EXIT WAYS, MAINTENANCE OF.

22 Article 11 is adopted without amendment.

23 ARTICLE 12. EXPLOSIVES, AMMUNITION AND BLASTING AGENTS.

24 Article 12 is adopted without amendment.

25 ARTICLE 13. FIREWORKS.

26 Sections 13.1 - 13.6 are deleted.

27 Article 13 is amended by adding:

28 Section 13.20. STORAGE OF FIREWORKS. (a) No fireworks
29 of any type may be stored or handled commercially in a

1 building occupied or used as an apartment house, hotel,
2 roadhouse, motor court, meeting hall, children's home or
3 institution, theatre, place of public assemblage, or any
4 similar occupancies.

5 (b) Except when on display, fireworks shall be stored
6 as follows:

7 (1) in original shipping containers or in con-
8 tainers of equal strength;

9 (2) different types shall not be stored together
10 in one container;

11 (3) a safe distance away from a heater, steam
12 pipes or other source of heat;

13 (4) sparklers or fuses, with match tips or heads,
14 or similar igniting point or surfaces shall be stored in a
15 manner to prevent accidental contact or friction to the
16 igniting points or surfaces;

17 (5) containers in which fireworks are stored shall
18 be plainly marked in letters no less than 7/16 ths of an
19 inch in height: FIREWORKS - HANDLE CAREFULLY - KEEP FIRE
20 AWAY;

21 (6) toy paper caps shall not be stored with fire-
22 works.

23 Section 13.21. DEFINITIONS. In article 13,

24 (1) "fireworks" means manufactured articles
25 designed primarily for the purpose of producing visible or
26 audible pyrotechnic effects by combustion or explosion;

27 (2) "paper caps" means toy paper caps containing
28 no more than 25/100 ths of a grain of explosive per cap, and
29 paper caps are not considered as fireworks.

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ARTICLE 14. FIRE PROTECTION EQUIPMENT.

Article 14 is adopted without amendment.

ARTICLE 15. FLAMMABLE FINISHES, APPLICATION OF.

Article 15 is adopted without amendment.

ARTICLE 16. FLAMMABLE LIQUIDS.

Section 16.22 g(6) is amended by changing the third word in the third line to read "consideration" and the third word in the fifth line to read "on".

Section 16.64 a is amended by changing the word "automatic" in the first line to read "automotive".

Section 16.64 d is amended to read:

d. Automatic Dispensing Units. The installation and use of unattended coin operated dispensing devices for Class I flammable liquids is prohibited.

Section 16.64 e(1) is amended by changing the first sentence to read: The dispensing of Class I flammable liquid into a fuel tank or into a container shall be under the control of a competent attendant at all times.

ARTICLE 17. FRUIT RIPENING PROCESSES.

Article 17 is adopted without amendment.

ARTICLE 18. FUMIGATION AND THERMAL INSECTICIDAL FOGGING.

Article 18 is adopted without amendment.

ARTICLE 19. GARAGES.

Article 19 is adopted without amendment.

ARTICLE 20. HAZARDOUS CHEMICALS.

Article 20 is adopted without amendment.

ARTICLE 21. LIQUEFIED PETROLEUM GASES.

Article 21 is adopted without amendment.

ARTICLE 22. LUMBER YARDS AND WOODWORKING PLANTS.

1 Article 22 is adopted without amendment.

2 ARTICLE 23. MAGNESIUM.

3 Article 23 is adopted without amendment.

4 ARTICLE 24. MATCHES AND SMOKING.

5 Article 24 is adopted without amendment.

6 ARTICLE 25. OIL BURNING EQUIPMENT.

7 Article 25 is adopted without amendment.

8 ARTICLE 26. OVENS, INDUSTRIAL BAKING AND DRYING.

9 Article 26 is adopted without amendment.

10 ARTICLE 27. PLACES OF ASSEMBLY.

11 Article 27 is adopted without amendment.

12 ARTICLE 28. PRECAUTIONS AGAINST FIRE, GENERAL.

13 Article 28 is adopted without amendment.

14 ARTICLE 29. TENTS.

15 Article 29 is adopted without amendment.

16 ARTICLE 30. WELDING OR CUTTING, CALCIUM CARBIDE AND

17 ACETYLENE GENERATORS.

18 Section 30.1 is amended to read:

19 Section 30.1. SCOPE. Welding or cutting shall include
20 gas, gaseous fuels generated from flammable liquids under
21 pressure, or electric-arc welding or cutting, or any combina-
22 tion thereof.

23 ARTICLE 31. TANKS CONTAINING FLAMMABLE LIQUIDS IN

24 LOCATIONS THAT MAY BE FLOODED.

25 Appendix A is adopted without amendment as Article 31.

26 Sec. 18.72.020. MODIFICATIONS The state fire marshal
27 and the chief of a fire department of a local political sub-
28 division may modify a provision of this fire prevention code
29 upon application in writing by an owner or lessee or his

1 authorized agent, if there are practical difficulties in
2 adhering to the strict letter of the code, provided that the
3 spirit of the code is observed, public safety secured, and
4 substantial justice done. The particulars of a modification
5 when granted or allowed and the decision of the state fire
6 marshal shall be recorded and a signed copy furnished the
7 applicant.

8 Sec. 18.72.030. APPEALS. If the state fire marshal
9 disapproves an application or refuses to grant a permit
10 applied for, or if it is claimed that the code does not apply
11 or that the true intent and meaning of the code have been
12 misconstrued or wrongly interpreted, the applicant may appeal
13 from the decision of the state fire marshal to the commis-
14 sioner of public safety within 30 days from the date of the
15 decision appealed.

16 Sec. 18.72.040. PENALTIES. (a) A person who violates
17 a provision of this fire prevention code or fails to comply
18 with it, or who violates or fails to comply with an order
19 made under it, or who builds in violation of a detailed state-
20 ment of specifications or plans submitted and approved under
21 it or a certificate or permit issued under it, and from which
22 no appeal was taken, or who fails to comply with an order
23 as affirmed or modified by the commissioner of public safety
24 or by a court of competent jurisdiction, within the time
25 fixed by this chapter, is severally for each and every vio-
26 lation and noncompliance respectively guilty of a misdemeanor.
27 The imposition of one penalty for a violation does not
28 excuse the violation or permit it to continue and a person
29 is required to correct or remedy violations or defects within

1 a reasonable time and, if not otherwise specified, each 10
2 days a person permits prohibited conditions to remain un-
3 corrected constitutes a separate offense.

4 (b) The application of the penalty in (a) of this
5 section does not prevent the enforced correction or remedy of
6 prohibited conditions.

7 Sec. 18.72.050. SHORT TITLE. This chapter may be cited
8 as the Alaska Fire Prevention Code.

9 * Sec. 2. This Act takes effect January 1, 1966.

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