

See Ao 2009-35(S-1)

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ASSEMBLY MEMBER SELKREGG  
Prepared by: Assembly Counsel  
For reading: April 14, 2009

ANCHORAGE, ALASKA  
AO NO. 2009-35(S)

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 23.10,  
2 GOVERNING BUILDING PERMITS, AND AMENDING ANCHORAGE MUNICIPAL  
3 CODE SECTION 23.15.H.101.3 GOVERNING SIGN PERMITS, TO CLARIFY CODE  
4 COMPLIANCE ENFORCEMENT AFTER WORK IS COMPLETED IN ACCORDANCE  
5 WITH APPROVED PLANS AND SPECIFICATIONS.

6  
7 WHEREAS, Anchorage Municipal Code chapter 23.10 was repealed and re-  
8 enacted effective January 1, 2009, with updated subsections on permits reorganized  
9 under section 23.10.104, replacing former provisions under section 23.10.300; and

10  
11 WHEREAS, AO 2009-35(S) hereby sets out the amendments proposed in AO  
12 2009-35 relative to the updated code (not yet in print); now, therefore,

13  
14 THE ANCHORAGE ASSEMBLY ORDAINS:

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16 **Section 1.** Anchorage Municipal Code section 23.10.104 is hereby amended  
17 as follows (where current language, updated to include changes in effect January 1,  
18 2009, indicates no change, it is included for context only):

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20 **Section 104 Permit Requirements.**

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22 **23.10.104.1 Permits required.**

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24 Any owner or authorized agent intending to construct, enlarge, alter, repair,  
25 move, demolish, or change the occupancy of a building, structure or portion  
26 thereof, or to erect, install, enlarge, alter, repair, remove, convert or replace any  
27 electrical, gas, mechanical or plumbing system, the installation of which is  
28 regulated by this code, or to cause any such work to be done, shall first make  
29 application to the building official and obtain the required permit.

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33 **23.10.104.12 Document approval and permit issuance.**

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35 **23.10.104.12.1 Document examination and approval.** The application, plans,  
36 specifications, computations and other data filed for permit shall be reviewed by  
37 the building official. Such plans may be reviewed by other departments of this  
38 jurisdiction to verify compliance with any applicable laws under their jurisdiction.

1 Once all documents have been reviewed and approved by all departments of the  
2 jurisdiction the building official shall stamp the approved plans and specifications  
3 APPROVED. Such approved plans and specifications shall not be changed,  
4 modified or altered without authorization from the building official, and all work  
5 regulated by this code shall be done in accordance with the approved plans.  
6 Once documents are approved all changes made shall require a Change Order  
7 or Field Change. One set of construction documents so reviewed shall be  
8 retained by the building official. The other sets shall be returned to the applicant,  
9 and shall be kept at the site of work and shall be open to inspection by the  
10 building official or a duly authorized representative.

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14 **23.10.104.12.5 Permit issuance.** If the building official finds the work  
15 described in an application for a permit and the plans, specifications and other  
16 data filed conform to the requirements of this code, the technical codes, and  
17 other pertinent laws and ordinances, and all permit fees have been paid, the  
18 building official shall issue a permit to the applicant.

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20 Exceptions:

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- 22 1. The building official may require a permittee to obtain a Certificate  
23 of Occupancy for a previous permit with an expired Conditional Certificate  
24 of Occupancy prior to issuing another permit.
  - 25
  - 26 2. The building official may require a permittee to reopen an expired  
27 permit and obtain a Certificate of Occupancy or Certificate of Completion  
28 for the expired permit prior to issuing another permit.
  - 29
  - 30 3. The building official may require a permittee to remedy a Stop Work  
31 Order, Notice of Violation, or Notice of Permit requirement on a permittee's  
32 other project or permit prior to issuing another permit.
  - 33
  - 34 4. The building official may require a permittee to remedy a drainage  
35 problem on permittee's previous expired or unexpired permit prior to  
36 issuing another permit.
  - 37
  - 38 5. The building official may require a permittee to remedy water  
39 accumulation in a crawlspace of a previous permit prior to issuing another  
40 permit.

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43 **23.10.104.12.5.2 Permit reliance.** If all work is completed in accordance with  
44 the approved plans and specifications, the building official shall issue any  
45 required Certificate of Occupancy and no enforcement action against the

1 permittee, or the permittee's successor-in-interest, shall be authorized based on  
2 a subsequent determination that the work approved under the permit is not in  
3 compliance with the code, unless one or more of the following conditions exist:  
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5 1. Approval of the plans and specifications was a result of fraud,  
6 misconduct in office, or negligence warranting municipal personnel  
7 disciplinary action; or  
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9 2. Life and safety are jeopardized; or  
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11 3. The plans and specifications submitted with the application  
12 materially misrepresent the work; or  
13

14 4. The building or structure is not constructed substantially in  
15 compliance with approved plans and specifications.  
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17 **23.10.104.12.6 Validity of permit.**  
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19 [THE ISSUANCE OR GRANTING OF A PERMIT SHALL NOT BE CONSTRUED  
20 TO BE A PERMIT FOR, OR AN APPROVAL OF, ANY VIOLATION OF ANY OF  
21 THE PROVISIONS OF THIS CODE OR OF ANY OTHER ORDINANCE OF THE  
22 JURISDICTION. PERMITS PRESUMING TO GIVE AUTHORITY TO VIOLATE  
23 OR CANCEL THE PROVISIONS OF THIS CODE OR OTHER ORDINANCES  
24 OF THE JURISDICTION SHALL NOT BE VALID.] The issuance of a permit  
25 based on construction documents and other data shall not prevent the building  
26 official from requiring the correction of errors in the construction documents and  
27 other data. The building official is also authorized to prevent occupancy or use of  
28 a structure in violation of this code or of any other ordinances of this jurisdiction.  
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31 (AO 2008-134(S), § 1, 12-17-08)  
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33 **Section 2.** Anchorage Municipal Code section 23.15.H.101.3 is hereby  
34 amended to read as follows (*language indicating no amendment is included for context*  
35 *only*):  
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37 **23.15.H.101.3 Permits required.**  
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39 A. A sign permit shall be required before any sign is erected. No permit shall  
40 be issued unless the proposed sign fully conforms to all requirements of this  
41 chapter and of Anchorage Municipal Code Title 21.  
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43 B. If a sign is erected as approved under a valid sign permit, the building  
44 official is estopped from determining that the sign approved under the permit is  
45 not in compliance with this code unless:

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1. The permit was issued as a result of misconduct in office by a building official; or
2. Life and safety are jeopardized; or
3. The information submitted with the sign permit application misrepresents the work or demonstrates bad faith on the part of the applicant.

(AO No. 2007-174, § 1, 1-1-08)

*(Note to Municipal Code Revisor: AMC 23.15.H.101.3 is a local amendment to the International Building Code, 2006 Edition, and instructional language concerning its addition is not set out and not intended for amendment.)*

**Section 5.** This ordinance shall become effective upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chair

ATTEST:  
\_\_\_\_\_  
Municipal Clerk