

Submitted by: Assembly Member
Petersen
Prepared by: Assembly Counsel's Office
and Development Services
Department
For reading: _____, 2023

***** DRAFT *****

**ANCHORAGE, ALASKA
AO No. 2023-XXX**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REPEALING**
2 **AND REENACTING ANCHORAGE MUNICIPAL CODE SUBSECTION 23.10.105.1.**
3 **REGARDING GENERAL PROVISIONS FOR CONTRACTOR LICENSES AND**
4 **CERTIFICATES FOR WORK REGULATED BY THE BUILDING CODES, AND**
5 **EXCEPTIONS.**
6

7
8 **WHEREAS**, AO 2021-88(S), approved on February 15, 2022, provided an
9 omnibus revision to Title 23, Building Codes; and

10
11 **WHEREAS**, that ordinance contained the deletion in subsection 23.10.105.1.
12 of certain restrictions requiring those performing all work regulated by Title 23 to be
13 performed by licensed tradespeople and allowing owners or their employees to
14 perform those activities; and

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16 **WHEREAS**, on July 29, 2022 the Municipality's Board of Building Regulations
17 Examiners and Appeals sent a letter to the Assembly recommending that this
18 provision be reversed and replaced with new exceptions that would prevent the
19 potential for unintended hazards; and

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21 **WHEREAS**, the letter also asserts that that the new exceptions do not align
22 with state law; and

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24 **WHEREAS**, the Community and Economic Development Committee (CEDC)
25 considered the recommendations and agreed to address other concerns relayed by
26 members of the Board and to work with the Board Development Services Department
27 to recommend a rewrite of AMC subsection 23.10.105.1. to align with state law; and

28
29 **WHEREAS**, AO 2022-84 introduced September 13, 2022 proposed to
30 immediately restore the language deleted by AO 2021-88(S) to resolve inconsistency
31 with state regulations but is not necessary in light of this ordinance to repeal and
32 reenact the subsection, and the former language to be restored was more restrictive
33 than state law; and

34
35 **WHEREAS**, this ordinance will enact exceptions to the licensing requirement
36 for performing work regulated by Title 23, Building Codes, that are not more restrictive
37 than the corresponding state law exceptions and was drafted with assistance from the
38 Development Services Department subject matter experts; now, therefore

39
40 **THE ANCHORAGE ASSEMBLY ORDAINS:**
41

1 **Section 1.** Anchorage Municipal Code section 23.10.105.1 is hereby repealed
2 reenacted to read as follows (*the full existing text of current AMC 23.10.105.1. being*
3 *repealed is attached, in accordance with AMC section 1.05.050B; legislative drafting*
4 *mark up is not used below*):
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6 **23.10.105.1. General provisions.**
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8 A. General and/or specialty contractor required.

- 9 1. Except as allowed under this section, all work regulated by Title
10 23 shall be administered and/or performed by general
11 contractors and/or specialty contractors in the relevant trade
12 licensed by the state of Alaska and the municipality.
13 2. The requirement to be licensed applies regardless of whether
14 the work is exempt from the requirement for a permit.
15 3. Exceptions to this subsection A.:
16 a. A person working on an existing structure on that
17 person's own property, whether occupied by the person
18 or not, and a person working on that person's own
19 existing residence, whether owned by the person or not.
20 b. An owner or tenant of commercial property who uses the
21 owner's or tenant's own employees to do maintenance,
22 repair, and alteration work on that property.
23 c. An owner who acts as the owner's own contractor and in
24 doing so performs the work independently or hires
25 workers or subcontractors, purchases materials, and, as
26 such, sees to the paying for all labor, subcontractors, and
27 materials. The owner shall be limited to construction of
28 one building every two years. An addition to an existing
29 building shall be considered the construction of a
30 building. The start date of the two-year limitation shall be
31 the date of issuance of the certificate of occupancy. A
32 permit to construct an additional building shall not be
33 issued during the two-year limitation.
34

35 B. Electrical contractor, administrator and certificate of fitness required.

- 36 1. Electrical work shall be performed by an electrical contractor
37 licensed by both the state of Alaska and the municipality.
38 2. An electrical contractor shall be or employ an electrical
39 administrator in accordance with state law.
40 3. A person who performs electrical work regulated by the National
41 Electrical Code shall possess a certificate of fitness issued by
42 the state.
43 4. Exceptions to this subsection B.:
44 a. Electrical maintenance or repair work if the work is
45 performed by a person as an owner or an employee of an
46 owner or tenant of commercial property as part of the
47 employee's work duties with respect to the property but is
48 not offered or performed as a service to the public.
49 b. Electrical installation on a detached single-family dwelling
50 that is owned and occupied by the installer or a member

of the installer's immediate family and not intended for sale at the time of installation.

- C. Mechanical contractor, administrator, certificate of fitness and certificate of qualification required.
 1. Mechanical work, including plumbing, shall be performed by a mechanical contractor licensed by both the state of Alaska and the municipality.
 2. A mechanical contractor shall be or employ a mechanical administrator in accordance with state law.
 3. A person who performs plumbing or gas piping work regulated by the Uniform Plumbing Code shall possess a certificate of fitness issued by the state.
 4. A person who labors in the capacity of a plumber, gas fitter or sheet metal journeyman shall possess a valid journeyman certificate of qualification issued by the municipality. Issuance of a journeyman certificate of qualification requires one demonstrate satisfactory knowledge by passing an exam issued by the Municipality.
 5. A person who labors as a plumber or gas fitter trainee shall possess a valid trainee certificate of fitness issued by the state and a certificate of qualification issued by the municipality.
 6. A person who labors as a sheet metal trainee shall possess a valid trainee certificate of qualification issued by the municipality.
 7. Trainees shall work under the supervision of a journeyman and there shall not be more than two trainees per journeyman on a job site.
 8. Exceptions to this subsection C.:
 - a. Mechanical and plumbing maintenance or repair work if the work is performed by the person as an owner or employee of an owner or tenant of commercial property as part of the employee's work duties with respect to the property but is not offered or performed as a service to the public.
 - b. Mechanical or plumbing installation on a detached one- or two-family residence that is owned and occupied by the installer or a member of the installer's immediate family and not intended for sale at the time of making the installation.
- D. Refer to definitions in section 23.10.102.1. for specific types of licenses issued by the municipality.
- E. It shall be unlawful for any person acting in the capacity of a contractor in a trade covered by this code, or as the responsible agent, manager, supervisor, superintendent or foreman, to knowingly or willfully order, instruct or permit an employee, agent or person under supervision or control to do an act violating the certificate of qualification requirements

set forth in this section.

(AO No. 2020-85, § 1, 10-27-20; AO No. 2021-88(S), § 7, 2-15-22)

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 2023.

Chair

ATTEST:

Municipal Clerk

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