



CITY OF WASILLA

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COUNCIL MEMORANDUM NO. 91-25

FROM: Deputy Administrator

DATE: April 4, 1991

RE: Building Code and Inspections

Councilperson Smith asked that an ordinance be prepared that would adopt the Uniform Building Code for the City of Wasilla. Prior to preparation and introduction of an ordinance, it is appropriate for Council to thoroughly review the process and become as informed as possible on aspects of building inspections.

Persons familiar with building code inspections have been invited as resource persons to respond to Council questions. A synopsis of general information is provided below.

Council should attempt to evaluate the advantages and disadvantages of trying to "contract" or designate non-City employees to perform building inspections. Several serious issues arise including municipal immunity, liability protection, competency and real or perceived fairness of the inspections. The alternative of employing a full or part-time City inspector has the obvious cost factor but appears to be the only realistic way to implement a program. Files and paperwork is involved and clerical assistance may be required.

The Building Code

The generally accepted national standards for building codes, modified for local conditions, are actually several documents that address various aspects of building construction. The Uniform Building Code (UBC) deals with structural integrity, door sizes, widths, etc. and extensive technical data. Other documents used in conjunction with the U.B.C. include but are not limited to the National Electrical Code, the Uniform Mechanical Code, and the Uniform Plumbing Code. The codes, and amendments, are usually adopted by reference in an ordinance by a municipality.

The Building Inspector

The International Conference of Building Officials (I.C.B.O.), sponsors of the building codes, conducts programs to provide certification to inspectors. Any person designated to perform building code compliance inspections should have I.C.B.O. certification. Preferably all buildings would be inspected by a person certificated for plumbing, electrical and mechanical. Additional desirable certificated qualifications may include plan review, welding, concrete and other trades. The tests for certification are generally conducted once a year in Alaska.

The building inspector is generally given authority to interpret and/or waive provisions of the codes. This flexibility is especially important for renovation of buildings and to avoid overly strict interpretations that may lead to litigation.

The new law, effective June 1, 1991, that requires building inspections as a requisite for obtaining financing from Alaska Housing Finance, may mitigate the need for the City to implement a program. On the other hand, obtaining the inspections may be a problem and the Council may wish to provide the service.

Council guidance on implementation of a building inspection and adoption of building codes is requested.



Robert E. Harris
Deputy Administrator

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AN ACT

Relating to residential housing assistance provided by
the Alaska Housing Finance Corporation.

* Section 1. AS 18.56.088(c) is amended to read:

(c) The board may adopt regulations to carry out the purposes of
this chapter, and shall adopt regulations necessary for the following
purposes:

(1) determination of borrower eligibility including, but
not limited to, income limitations and the determination of remote,
underdeveloped or blighted areas of the state;

(2) loan guidelines and terms including but not limited to
maximum loan amounts and required loan-to-value ratios, but excluding
mortgage loan interest rates;

(3) characteristics of housing eligible for loans or pur-
chase of loans, including compliance with the requirements of AS 18.-
56.300; [AND]

(4) the qualifications of loan originators and servicers
and the method of allocating amounts available for the purchase of
loans; and [.]

(5) establishment of a procedure, including a fee schedule,
for the commitment for one year or less of money for the purchase of
an individual mortgage loan at a specific interest rate.

* Sec. 2. AS 18.56 is amended by adding a new section to read:

Sec. 18.56.300. CONSTRUCTION STANDARDS FOR HOUSING ELIGIBLE FOR

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1 PURCHASE OF LOANS. (a) The corporation may not make or purchase a
2 housing loan for residential housing the construction of which begins
3 after June 30, 1991, unless the seller of the mortgage loan complies
4 with the provisions of this section and unless

5 (1) the unit is in compliance with the construction codes
6 of the municipality, if the unit is located within a municipality that
7 has adopted and enforces construction codes and each of those codes
8 meets or exceeds the comparable standards for similar housing estab-
9 lished by the state building code; or

10 (2) the unit is in compliance with the comparable standards
11 for similar housing established by the state building code

12 (A) if the unit is located

13 (i) within a municipality whose construction
14 codes do not meet the standards for similar housing estab-
15 lished by the state building code;

16 (ii) within a municipality that does not enforce
17 construction codes; or

18 (iii) outside a municipality; or

19 (B) as to each specific code within the construction
20 codes of the municipality that has adopted and enforces con-
21 struction codes if the specific code does not meet or exceed the
22 comparable standard for similar housing established by the state
23 building code.

24 (b) As a condition of a commitment to purchase or approve a loan
25 under this section for residential housing the construction of which
26 begins after June 30, 1991, the corporation shall require inspection
27 of the unit of residential housing that is the subject of the loan.
28 The inspection must be performed by a municipal building inspector or
29 by a person who is approved or certified to perform residential

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1 inspections by the International Conference of Building Officials or
2 the International Association of Electrical Inspectors. The person
3 who makes the inspection shall determine whether the construction
4 conforms to relevant provisions of the construction codes of the
5 municipality or of the state building code, as applicable, at each of
6 the following stages of construction:

- 7 (1) plan approval;
- 8 (2) completion of footings and foundations;
- 9 (3) completion of electrical installation, plumbing, and
10 framing;
- 11 (4) completion of installation of insulation;
- 12 (5) final approval.

13 (c) A person may not bring an action for damages based on a duty
14 imposed by (b) of this section to inspect a residential unit unless
15 the action is for damages caused by gross negligence or intentional
16 misconduct.

17 (d) This section does not apply to a housing loan made by the
18 corporation under AS 18.56.106.

19 (e) In this section,
20 (1) "construction codes" means, with reference to a munic-
21 ipality, the building, mechanical, plumbing, and electrical codes, or
22 any of them that have been adopted and are enforced by the municipal-
23 ity;

24 (2) "state building code" means
25 (A) for building standards, the standards set out in
26 the version of the Uniform Building Code adopted by the Depart-
27 ment of Public Safety under AS 18.70.060, including the pro-
28 visions of that code applicable to buildings used for residential
29 purposes containing fewer than four dwelling units.

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1 notwithstanding the exclusion of those buildings from the Depart-
2 ment of Public Safety's jurisdiction made by AS 18.70.080(a)(2);

3 (B) for mechanical standards, the standards set out in
4 the version of the Uniform Mechanical Code adopted by the Depart-
5 ment of Public Safety under AS 18.70.080, including the pro-
6 visions of that code applicable to buildings used for residential
7 purposes containing fewer than four dwelling units, notwithstand-
8 ing the exclusion of those buildings from the Department of
9 Public Safety's jurisdiction made by AS 18.70.080(a)(2);

10 (C) for plumbing standards, the minimum plumbing code
11 adopted by the Department of Labor under AS 18.60.705; and

12 (D) for electrical standards, the minimum electrical
13 standards prescribed by AS 18.60.580.

14 * Sec. 3. AS 18.56.300(e)(2)(A) and (B), enacted by sec. 2 of this Act,
15 are intended to assure that, for purposes of determining whether housing
16 the construction of which begins after June 30, 1991, meets the building
17 and mechanical standards under AS 18.56.300(a) and (b), enacted by sec. 2
18 of this Act, the standards set out in each of the following fully apply to
19 residences containing fewer than four dwelling units, even though those
20 residences are excepted from regulation by AS 18.70.080(a)(2):

21 (1) the Uniform Building Code, adopted for the state by 13 AAC
22 50.020(a);

23 (2) the Uniform Mechanical Code, adopted for the state by 13 AAC
24 50.020(b).