

**Chapter 23.65**  
**Anchorage Existing Buildings Code**

**Chapter 1**  
**TITLE AND SCOPE**

**SECTION 23.65.101**  
**TITLE**

These regulations shall be known as the *Anchorage Existing Buildings Code* (AEBC), may be cited as such, and will be referred to herein as “this code.”

**SECTION 23.65.102**  
**PURPOSE**

The purpose of this code is to encourage the continued use or reuse of legally existing buildings and structures.

**SECTION 23.65.103**  
**SCOPE**

The requirement of Sections 607, 703, 704, 806, 903.6, 905.11, 907.3, 912.3.3, and 1010 of the International Fire Code and the provisions of this code shall constitute the minimum standards for voluntary upgrades for change of occupancy, alteration or repair of existing buildings and structures. The underlying provision of this code is that the building under consideration complies with the codes at the time the building was built. Whenever reference is made to an appendix, the provisions of the appendix shall not apply unless specifically adopted.

**SECTION 23.65.104**  
**NONCONFORMING RIGHTS**

Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued if such use or occupancy was legal at the time of the adoption of this code, provided such continued use is not dangerous to life and that subsequently adopted regulations specifically applicable to existing buildings or structures are satisfied.

Nothing in this code shall be construed to allow the degradation of those systems, devices and equipment required by the code under which the building was constructed.

**SECTION 23.65.105**  
**ADDITIONS, ALTERATIONS AND REPAIRS**

**23.65.105.1 Additions, alterations and repairs.** Buildings and structures to which additions, alterations or repairs are made shall comply with all the requirements of the codes for new construction except as specifically provided in this code. Additions, alterations or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of the codes, provided:

1. Additions shall conform to requirements for a new building or structure.
2. Any building plus new additions shall not exceed the height, number of stories and area specified for new buildings.
3. Any building so altered, which involves a change in use or occupancy, shall not exceed the height, number of stories and area permitted for new buildings except as permitted in this code.

4. Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code.

An unsafe condition shall be deemed to have been created if a past or proposed addition or alteration has or will cause the existing building or structure to become structurally unsafe or overloaded, does or will not provide adequate egress in compliance with the provisions of this code, or will obstruct existing exits, does or will create a fire hazard, does or will reduce required fire resistance, does or will otherwise create conditions dangerous to human life.

5. Alterations or repairs to an existing building or structure that are nonstructural and do not adversely affect any structural member or any part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed, except as required by the individual chapters of this code. See Chapter 4 of this code for requirements for the installation or replacement of glass.

#### **23.65.105.2 Added lateral-force-resisting elements.**

Alterations of existing structural elements or additions of new structural elements, which are not required by other sections of this code and are initiated for the purpose of increasing the lateral-force-resisting strength or stiffness of an existing structure, need not be designed for forces conforming to these regulations provided that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced;
2. The lateral loading to required existing structural elements is not increased beyond their capacity;
3. New structural elements are detailed and connected to the existing structural elements as required by these regulations;
4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by these regulations; and
5. An unsafe condition as defined above is not created.

#### **23.65.105.3 Structures damaged by the occurrence of a natural disaster**

**23.65.105.3.1 Purpose.** The purpose of this division is to provide a defined level of repair for buildings damaged by a natural disaster where a formal state of emergency has been proclaimed.

**23.65.105.3.2 General.** Required repair levels shall be based on the ratio of the estimated value of the repairs required to restore the structural members to their pre-disaster condition to the estimated replacement value of the building or structure.

**23.65.105.3.3 Structural repairs.** When the damage ratio described in Section 105.3.2 does not exceed 10 percent, as determined by design professionals who are professional architects or professional engineers who meet the requirements of Alaska Statue 08.48, buildings and structures, except essential service facilities included as Category III buildings and structures in Table 1604.5 of the International Building Code (IBC), 2000 edition, must, at a minimum, be restored to their pre-disaster condition.

When the ratio as described in Section 105.3.2 is greater than 10 percent but less than 50 percent, buildings and structures, except essential service facilities included as Category III

buildings and structures in Table 1604.5 of the IBC, must have the damaged structural members, including all critical ties and connections associated with the damaged structural members, all structural supported by the damaged member, and all structural members supporting the damaged members repaired and strengthened to bring them into compliance with the force levels and connection requirements of the IBC. These requirements apply to essential service facilities when the damage ratio is less than 30 percent.

**Exception:** For buildings with rigid diaphragms where the above-required repair and strengthening increases the rigidity of the resisting members, the entire lateral force-resisting system of the building must be investigated.

When, in the opinion of the code official, an unsafe or adverse condition has been created as a result of the increase in rigidity, the condition must be corrected.

When the ratio described in Section 105.3.2 is greater than 50 percent, buildings and structures, except essential service facilities included as Category III buildings and structures in Table 1604.5 of the IBC, must, at a minimum, have the entire building or structure strengthened to comply with the force level and connection requirements of the IBC. These requirements apply to essential service facilities when the ratio described in Section 105.3.2 is greater than or equal to 30 percent.

**23.65.105.3.4 Nonstructural repairs to light fixtures and suspended ceilings.** Under all ratios calculated under Section 105.3.2, when light fixtures and the suspension system of a suspended ceiling are damaged, the damaged light fixtures and suspension systems must be repaired to fully comply with the requirements of Subsection 803.8.1.1 of the IBC.

#### **SECTION 23.65.106 CHANGE OF OCCUPANCY**

Any change in the use or occupancy of an existing building or structure shall comply with the provisions of this code. Any building that involves a change in use or occupancy shall not exceed the height, number of stories and area permitted for new buildings, except as permitted in this code.

#### **SECTION 23.65.107 MAINTENANCE**

All buildings and structures and all parts thereof shall be maintained in a safe and sanitary condition. All systems, devices or safeguards that were required by the code under which the building was constructed shall be maintained in conformance with the requirements of that code. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this section, the building official may cause any structure to be re-inspected.

#### **SECTION 23.65.108 ALTERNATE MATERIALS, ALTERNATE DESIGN AND METHOD OF CONSTRUCTION**

The provisions of this code are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this code, provided any alternate has been approved and its use authorized by the code official.

The code official may approve any such alternate, provided the code official finds that the proposed design is satisfactory and complies with the provisions of this code and that the

material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The code official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

#### **SECTION 23.65.109 MODIFICATIONS**

When there are practical difficulties involved in carrying out the provisions of this code, the code official may accept compliance alternatives or grant modifications for individual cases. The code official shall first find that a special individual reason makes the strict letter of this code impractical and that the compliance alternative or modification is in conformance with the intent and purpose of this code and that such compliance alternative or modification does not lessen health, life and the intent of any fire-safety requirements or any degree of structural integrity. The details of any action granting modifications or the acceptance of a compliance alternative shall be recorded and entered in the files of the code enforcement agency.

#### **SECTION 23.65.110 TESTS**

Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not conform to the requirements of this code, the code official may require tests as proof of compliance to be made at no expense to this jurisdiction.

Test methods shall be as specified by this code, the building codes or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the code official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the code official for the period required for the retention of public records.

#### **SECTION 23.65.111 MOVED BUILDINGS**

##### **23.65.111.1 BUILDINGS MOVED WITHIN THE ANCHORAGE BUILDING SAFETY SERVICE AREA.**

Buildings moved within the Anchorage Building Safety Service Area shall have a code compliance inspection by the Municipality of Anchorage for fire and life safety evaluation prior to the move. Structures moved shall comply with the provisions of this code.

Exception: One and two family dwellings not over two stories in height, moved within the Anchorage Building Safety Service Area, and not changed from the existing as-built condition, do not require lateral analysis, or lateral upgrades.

#### **SECTION 23.65.112 CONVERSION OF EXISTING STRUCTURES TO ESSENTIAL FACILITIES**

All existing structures being converted to essential facilities as defined in IBC section 1602, and IBC table 1604.5 Category III, shall be upgraded to meet current seismic code requirements for new buildings

**Chapter 2**  
**ENFORCEMENT AND PERMITS**

**SECTION 23.65.201**  
**ADMINISTRATION**

The code official is hereby authorized to enforce the provisions of this code. The code official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

**SECTION 23.65.202**  
**PERMITS REQUIRED**

Buildings or structures regulated by this code shall not be enlarged, altered, repaired, improved or converted unless a separate permit for each building or structure has first been obtained from the code official in accordance with and in the manner prescribed in the applicable codes of the jurisdiction.

**SECTION 23.65.203**  
**INSPECTION OF WORK**

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the code official in accordance with and in the manner prescribed in this code and the codes adopted by this jurisdiction.

**SECTION 23.65.204**  
**RIGHT OF ENTRY**

When it is necessary to make an inspection to enforce the provisions of this code, or when the code official has reasonable cause to believe that there exists in a building or upon a premises a condition that is contrary to or in violation of this code, which makes the building or premises unsafe, dangerous or hazardous, the code official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

**SECTION 23.65.205**  
**LIABILITY**

The code official charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the code official or employee because of such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by this jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

**SECTION 23.65.206**  
**UNSAFE BUILDINGS OR STRUCTURES**

All buildings or structures regulated by this code that are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe.

Building service equipment regulated by codes adopted by this jurisdiction, which constitutes a fire, electrical or health hazard, or unsanitary condition, or is otherwise dangerous to human life is, for the purpose of this section, unsafe. Any use of buildings, structures or building service equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in this code are hereby designated as unsafe building appendages.

All such unsafe buildings, structures or appendages and building service equipment are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the code official, or other employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

**.Chapter 3**  
**DEFINITIONS**  
**SECTION 23.65.301**

**DEFINITIONS**

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Any term not defined herein, which is defined in any other code applicable to these provisions shall have the meaning as defined in that code. Where a term is defined in these provisions and is also defined in another code, then the term shall have the meaning as defined herein wherever it is used in these provisions. Words used in the present tense include the future.

Where terms are not defined, they shall have their ordinary accepted meanings within the context in which they are used. *Webster's Dictionary of the English Language* shall be considered as providing ordinarily accepted meanings.

**ABANDONED STRUCTURE** is a structure that has been vacant for a period in excess of 12 months or any period less than 12 months when a vacant structure or portion thereof constitutes an attractive nuisance or hazard to the public. A structure shall not be considered abandoned if it is available for lease and ready for occupancy in compliance with the applicable provisions of Title 23. (AO 93-147)

**ADDITION** is an extension or increase in floor area or height of a building or structure.

**AGREEMENT OR CONTRACT TO REPAIR/WORK** is a written agreement in which an owner of a structure agrees to carry out repair/work on any abandoned, unsafe, dangerous structure, or structures between a specified commencement and completion date.

**ALTER or ALTERATION** is any change, addition or modification in construction or occupancy.

**APPROVED AGENCY** is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the code official.

**BUILDING SERVICE EQUIPMENT** refers to the plumbing, mechanical, electrical and elevator equipment, including piping, wiring, fixtures and other accessories that provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire fighting and transportation facilities essential for the habitable occupancy of the building or structure for its designated use and occupancy.

**CODE or CODES** are the currently adopted applicable codes of this jurisdiction.

**CODE OFFICIAL** is the officer or other designated authority charged with the administration and enforcement of this code as applicable to buildings, or duly authorized representative.

**COMPLIANCE ALTERNATIVE** is conformance with the intent of this code, using means, materials or design features that can be demonstrated to the satisfaction of the code official to perform in a manner equivalent to those specifically required by this code.

**DANGEROUS BUILDING** is any building or structure deemed to be dangerous as defined in Chapter 7 of this code or such alternate procedures as may have been adopted by this jurisdiction.

**DERELICT BUILDING** is any building, structure or portion thereof which is unoccupied and meets any of the following criteria:

1. Has been ordered vacated by the Building Official pursuant to Section 704 of this code;
2. Has been issued a correction notice by the Building Official pursuant to Section 704 of this code;
3. Has been posted for violation of Section 704 of this code, more than once in any two year period; or
4. Is unsecured. (AO-93-147)

**ELECTRICAL CODE** is the electrical code of this jurisdiction.

**EQUIPMENT or FIXTURE** is any plumbing, heating, electrical, ventilating, air conditioning, refrigerating and fire protection equipment, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations essential for the habitable occupancy of the building or structure for its designated use and occupancy.

Equipment or fixture shall not include manufacturing, production or process equipment, but shall include connections from building service to process equipment.

**EQUIVALENCY** is meeting the intent of this code by means other than those detailed in specific code provisions.

**EXISTING BUILDING** is a building or structure erected prior to the adoption of the current codes of the jurisdiction and has been issued a certificate of occupancy or has been legally occupied.

**HISTORIC BUILDING** is a building or structure classified as historic by the federal, state or local government authority, or deemed eligible for such classification.

**IMMINENT HAZARD** is a condition that has a reasonable possibility of causing serious or life-threatening injury or death.

**LOAD BEARING ELEMENT** is any column, girder, beam, joist, truss, rafter, wall, floor or roof sheathing which supports any vertical load in addition to its own weight, and/or any lateral load.

**MATERIALS AND METHODS REQUIREMENTS** are those requirements in the building, plumbing, electrical, mechanical and fire codes that specify material standards, details of installation and connection, joints, penetrations and continuity of any element, component or system in the building. The required quantity, fire resistance, flame spread, acoustic or thermal performance, or other performance attribute is specifically excluded from materials and methods requirements.

**OCCUPANCY** is the purpose for which a building, or part thereof, is used or intended to be used.

**REHABILITATE** is to return a building or structure to a state of utility through additions, alterations or repairs. As applied to historic structures, it includes the preservation of those portions or features that are of historical, architectural and cultural value.

**REPAIR** is the patching, restoration or minor replacement of materials, elements, components, equipment and fixtures for the purposes of maintaining such materials, elements, components, equipment and fixtures in good or sound condition.

**SUBSTANDARD BUILDING** is any building defined as substandard by the adopted codes of the jurisdiction.

**TECHNICALLY INFEASIBLE** is a change to a building that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with applicable requirements.

**UNOCCUPIED** means not being used for lawful occupancy. (AO 93-147)

**UNSECURED** means the lack of a secure means of ingress and egress thus allowing for occupancy or use of a building or structure by unauthorized persons. (AO 93-147)

**WORK AREA** is that portion of a building affected by any repair or alteration work as specified in the approved plans and permit. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed, and portions of the building where work not initially intended by the owner is specifically required for an alteration, repair or reconstruction as per this code.

**WORK AREA COSMETIC IMPROVEMENTS** not included such as floor covering, painting, wall covering, cabinets, and ceiling tile replacement do not have to be included as part of overall percent of the amount of work.

**Chapter 4**  
**ALTERATIONS AND REPAIRS TO EXISTING BUILDINGS**  
**SECTION 23.65.401**  
**GENERAL**

**23.65.401.1 General.** Existing buildings or structures within the scope of this code shall meet the minimum standards set forth in this chapter, as well as any specific occupancy requirements set forth in this code. Buildings and structures undergoing a change of occupancy or a change in the character of their use shall also meet the requirements of Chapter 5. Historic buildings and structures shall meet the requirements of Chapter 6 and the provisions of this chapter where applicable. Buildings or structures shall meet the minimum level of performance specified in this chapter through compliance with the specific provisions of this code.

**23.65.401.1.1 Accessibility.** Alterations to existing buildings shall comply with the accessibility regulations adopted by the jurisdiction and this code and the applicable appendix for alterations.

**23.65.401.2 Repairs.**

**23.65.401.2.1 General.** Except as is otherwise allowed herein, work shall be done using like materials or materials permitted by the applicable code for new construction. The work shall not make the building less conforming with the building, plumbing, mechanical, electrical or fire codes, or with any previously approved alternative arrangements, than it was before the repair was undertaken.

**23.65.401.2.2 Glazing.** Replacement glazing in hazardous locations shall comply with the safety glazing requirements of the codes.

**23.65.401.2.3 Water closet.** When any water closet is replaced, the replacement water closet shall comply with all applicable regulations governing water conservation.

**Exception.** Where the code official determines that the required toilets will not function with the existing waste disposal system of the building, other type toilets are permitted.

**23.65.401.2.4 Structural.** The work shall cause no diminution of structural strength below current allowable code requirements.

**23.65.401.2.5 Hazardous materials.** Hazardous materials no longer permitted, such as asbestos and lead-based paint, shall not be used.

**23.65.401.2.6 Plumbing.** The following plumbing materials and supplies shall not be used:

1. All purpose solvent cement;
2. Flexible traps and tailpieces;
3. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S 17 gauge 0.045 inch (1.143 mm); and
4. Solder having more than 0.2 percent lead in the repair of potable water systems.

**23.65.401.2.7 Electrical.** Except for the following requirements, existing electrical wiring and equipment shall be allowed to be repaired with like material with the following conditions:

1. Replacement of electrical receptacles shall comply with the applicable requirements of the Electrical Code.

2. Plug fuses of the Edison–base type shall be used for replacements only where there is no evidence of over fusing or tampering, per applicable requirements of the Electrical Code.
3. For replacement of non–grounding–type receptacles with grounding–type receptacles, and for branch circuits that do not have an equipment grounding conductor in the branch circuitry, the grounding conductor of a grounding–type receptacle outlet shall be permitted to be grounded to any accessible point on the grounding electrode system, or to any accessible point on the grounding electrode conductor, as allowed and described in applicable sections of the Electrical Code.
4. Non–“hospital grade” receptacles in patient bed locations of Use Group 1–2 shall be replaced with “hospital grade” receptacles, as required by NFPA 99.
5. Frames of electric ranges, wall–mounted ovens, counter–mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances shall be permitted to be grounded to the grounded circuit conductor if all the applicable conditions of the Electrical Code are met.

**SECTION 23.65.402  
HEIGHTS AND AREAS**

**23.65.402.1 General.** The heights and areas of existing buildings or structures shall be acceptable, provided the requirements of this chapter are satisfied. Requirements for buildings and structures undergoing a change of occupancy shall be as provided in Chapter 5.

**SECTION 23.65.403  
LIFE SAFETY**

**23.65.403.1 General.** Safety to life in existing buildings and structures shall meet the intent of the codes. The provisions of this section shall be deemed as meeting the intent of the codes for existing buildings, provided that none of the life–safety features required by the code under which the building was constructed will be reduced below the level established by that code or equivalent provisions of the currently adopted codes.

**23.65.403.2 Means of egress.** Means of egress system capacity and the arrangement of exits shall comply with the requirements of the codes under which they were constructed. Means of egress systems complying with Sections 403.1 through 403.21 shall be deemed as meeting the intent of the codes for existing buildings, provided that an exit system evaluated under the provisions of this code is judged by the code official to be at least equivalent to the exit system that was required by the code under which the building was constructed or equivalent provisions of the currently adopted codes. Every required means of egress shall have access to a public way, directly or through yards, courts or similar spaces, and such access shall be permanently maintained clear of any obstruction that would impede egress.

**Exceptions:**

1. Buildings in which the reconfiguration of space affecting exits and/or shared egress access is exclusively the result of compliance with the accessibility requirements of this code shall not be required to fully comply with this chapter.
2. Existing dead end corridors may be extended in accordance with Section 403.18.

**23.65.403.2.1 Number of means of egress.** Every story utilized for human occupancy on which there is a work area shall be provided with the minimum number of exits required by the IBC. Occupants of every floor above the first story and basements shall have access to at least two separate means of egress.

**Exceptions:**

1. In all B, F, M, R-1, R-2, and S occupancies, except H-1, H-2, and H-3, second stories with an occupant load of less than 10 may have one means of egress.
2. Only one means of egress need be provided from the second story within an individual dwelling unit that has an occupant load of less than 10.
3. Two or more dwelling units on the second story may have access to only one common means of egress when the total occupant load does not exceed 10.
4. Basements or the first level below the first story in all occupancies except R-3, used exclusively for the service of the building may have access to only one exit. Any other use of the basement or first level below the first story must have at least two exits arranged in accordance with the IBC Section 1004.2.2. For the purposes of this exception, storage rooms, laundry rooms, maintenance offices and similar uses may not be considered as providing service to the building.
5. Basements within an individual dwelling unit having an occupant load of less than 10 may have one means of egress.
6. Occupied roofs on Group R, Division 3 Occupancies may have one means of egress if such occupied areas are less than 500 square feet (46.45 m<sup>2</sup>) and located no higher than immediately above the second story.
7. In multi-level dwelling units in buildings of Use Groups R-1 or R-2, an exit shall not be required from each level of the dwelling unit provided that the following conditions are met:
  - 1.1 The building in which such dwelling units are contained is of Type 1 or Type 2 construction and the travel distance within the dwelling unit does not exceed 75 feet (22860 mm): or
  - 1.2 The building in which such dwelling units are contained is not more than three stories in height and all third floor space is part of one or more dwelling units located in part on the second floor and no habitable room within any such dwelling unit shall have a travel distance that exceeds 50 feet (15240 mm) from the outside of the habitable room entrance door to the inside of the entrance door to the dwelling unit.

**23.65.403.3 Stairways.** Existing winding or spiral stairways may serve as one means of egress from a building, provided that a complying handrail is located at the stair's outside perimeter. A winding or spiral stairway may not be the principal means of egress when used in conjunction with a fire escape as a second means of egress. Means of egress width shall comply with the codes.

**23.65.403.3.1 Rise and run of stair dimensions for existing stairs.** Existing stairs in buildings shall be permitted to remain if the rise does not exceed 8.25 inches (210 mm) and the run is not less than 9 inches (229 mm). The largest tread run within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest riser height within

any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Existing stairs meeting the above requirements can be refurbished.

**Exception:** Other stairs approved by the code official.

**23.65.403.3.2 Winders.** Existing winders shall be allowed to remain in use if they have a minimum tread depth of 6 inches (152 mm) and a minimum tread depth of 9 inches (229 mm) at a point 12 inches (305 mm) from the narrowest edge.

**23.65.403.3.3 Circular stairways.** Existing circular stairs shall be allowed to continue in use provided the minimum depth of tread is 10 inches (254 mm) and the smallest radius shall not be less than twice the width of the stairway

**23.65.403.4 Handrails.** The following requirements shall apply from the highest work area floor to the level of exit discharge.

**23.65.403.4.1** Every required exit stairway that is part of the means of egress for any work area that has three or more risers and is not provided with at least one handrail, or in which the existing handrails are judged to be in danger of collapsing, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways with a required egress width of more than 66 inches (1676 mm) shall have handrails on both sides. Spiral and winding stairways shall have a handrail on the outside perimeter.

**23.65.403.4.2** Where there are no handrails or where the existing handrails must be replaced in accordance with Section 403.4, the handrails shall be designed and installed in accordance with the provisions of the codes.

**23.65.403.5 Guardrails.** All unenclosed floor and roof openings, open and glazed sides of stairways, landings and ramps, balconies or porches that are more than 30 inches (762 mm) above grade or the floor below, and roofs used for other than service of the building shall be protected by a guardrail. This section shall apply from the highest work area floor to the level of exit discharge, but shall be confined to the egress path of any work area.

**Exception:** Guardrails need not be provided at the following locations:

1. On the loading side of loading docks.
2. On the auditorium side of a stage or enclosed platform.
3. On private stairways 30 inches (762 mm) or less in height.

**23.65.403.5.1 Height of guards.** Existing guardrails, other than guardrails located on the open side of a stairway, which are at least 36 inches (914 mm) in height, shall be permitted to remain. Guardrails lower than 36 inches (914 mm) in height shall be augmented or corrected to raise their effective height to 36 inches (914 mm). Guardrails for stairways, exclusive of their landings, may have a height that is not less than 30 inches (762 mm) measured above the nosing of treads.

When approved by the code official, the spacing between existing intermediate railings or openings in existing ornamental patterns may be accepted. See Section 603.9 of this code for existing guardrails in historical structures.

**23.65.403.5.2 Openings.** Openings in existing guardrails shall be protected according to IBC, Section 1003.2.12.2. Where there are no guards or where the existing guards must be replaced in accordance with Section 403.5 the guards shall be designed and installed in accordance with the building code.

**23.65.403.6 Fire escape construction requirements.** Fire escapes shall meet the following requirements. Fire escapes shall be subject to reinspection as required by the code official. The code official may require documentation to show compliance with the requirements of this section.

Fire escapes shall comply with the following:

1. Openings within 10 feet (3048 mm) of fire escape stairs shall be protected by fire assemblies having a minimum of 3/4 –hour fire-resistance rating.

**Exception:** In buildings equipped throughout with an approved automatic sprinkler system, opening protection is not required.

Fire escape stairs shall meet the minimum width, capacity, riser height and tread depth as specified in Section 403.3.

2. Fire escape stairways and their balconies shall support their dead load plus a live load of not less than 100 pounds per square foot (4788 Pa) or a concentrated load of 300 pounds (1334 N) placed anywhere on the balcony or stairway to produce the maximum stress conditions. The stairway shall have a slope not to exceed 60 degrees (1 rad) from the horizontal and shall have a minimum width of 18 inches (457 mm). The stairway shall be provided with a top and intermediate railing on each side. Treads shall not be less than 4 inches (102 mm) in width and the rise between treads shall not exceed 10 inches (254 mm). All stairway and balcony railings shall support a horizontally applied force of not less than 50 pounds per lineal foot (218.9 N/m) of railing or a concentrated load of 200 pounds (890 N) placed anywhere on the railing to produce the maximum stress conditions.
3. Fire escape balconies shall not be less than 44 inches (1118 mm) in width with no floor opening greater than  $\frac{5}{8}$  inch (15.9 mm) in width except the stairway opening. Stairway openings in such balconies shall not be less than 22 inches by 44 inches (559 mm by 1118 mm). The guardrail of each balcony shall not be less than 36 inches (914 mm) high with not more than 9 inches (229 mm) between intermediate rails.
4. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof when serving buildings four or more stories in height having roofs with a slope not exceeding 4 units vertical in 12 units horizontal (33.3 percent slope). Such ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (1459 N/m); each rung shall support a concentrated load of 500 pounds (2224 N) placed anywhere on the rung to produce the maximum stress conditions. All ladders shall be at least 15 inches (381 mm) in clear width, be located within 12 inches (305 mm) of the building and shall be placed flatwise relative to the face of the building. Ladder rungs shall be  $\frac{3}{4}$  inch (19.1 mm) in diameter and shall be located 10 inches to 12 inches (254 mm to 305 mm) on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm).
5. The lowest balcony shall not be more than 18 feet (5486 mm) from the ground. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching to the ground.
6. Fire escapes shall be kept clear and unobstructed at all times and maintained in good working order.

7. The fire escape shall have a clearance from electrical service conductors as required by the Electrical Code.

**23.65.403.7 Mezzanines.** Mezzanines in the work area and with an occupant load of more than 50 or in which the travel distance to an exit exceeds 75 feet (22860 mm) shall have access to at least two independent means of egress.

**Exception:** Two independent means of egress are not required where the travel distance to an exit does not exceed 100 feet (30480 mm) and the building is protected throughout with an automatic sprinkler system.

**23.65.403.8 Single exit buildings.** In buildings having only one exit, the single exit condition serving the work area shall be permitted to continue if the building complied with code at time of construction and meets the following:

1. In buildings permitted to have a single exit in accordance with the codes.
2. In buildings of Use Group R-3.
3. In buildings of Use Groups R-1 and R-2, from floors that are not more than 16 feet (4877 mm) above exterior grade, except that in community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12.
4. In buildings of Use Groups R-1 and R-2, not more than two stories in height, from floors that are more than 16 feet (4877 mm) above exterior grade, when there are not more than four dwelling units per floor and the exit access travel distance does not exceed 50 feet (15240 mm), except that in community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12. The minimum fire-resistance rating of the exit enclosure and of the opening protection shall be one hour.
5. Any building of Use Group R-2 of three stories or less shall be permitted to have a single exit provided the following conditions are met:
  - 5.1 The stairway is separated from the rest of the building by construction having a minimum fire-resistance rating of one hour with self-closing one-hour fire doors protecting all openings between the stair enclosure and the building, and
  - 5.2 The stairway does not serve more than one-half story below the level of exit discharge, and
  - 5.3 All corridors serving as access to exits from the work area have a minimum fire-resistance rating of 20 minutes, and
  - 5.4 There is not more than 35 feet (10.7 m) of travel distance from the entrance door of any living unit in the work area to an exit, and
  - 5.5 Twenty-minute fire-resistance rated horizontal and vertical separation between living units in the work area is provided.
6. In buildings of Use Group R-2 of any height with not more than four living units per floor, with a smokeproof enclosure or outside stair as an exit, and with such exit within 20 feet (6096 mm) of travel to the entrance doors to all living units served thereby.
7. In buildings of Use Group B, F-2 or S-2, not more than two stories in height, which are not greater than 3,000 square feet (278.7 m<sup>2</sup>) per floor, when the exit access travel distance does not exceed 75 feet (22860 mm). The minimum fire resistance rating of the exit enclosure and of the opening protection shall be one hour.

8. In open parking structures where vehicles are mechanically parked.

**23.65.403.9** All buildings of Use Assembly Group A shall comply with IBC Section 1008.

**23.65.403.10 Capacity of means of egress.** The capacity of the means of egress in each work area and throughout the egress path of each work area shall be sufficient for the occupant load thereof. Capacity shall be determined in accordance with the codes. The occupant load of a space shall be determined by whichever of the following methods provides the higher number:

1. Divide the floor area by the occupant load factor for this use group as provided in the codes.
2. The actual number of occupants for whom the work area is designed.

**Exception:** The code official shall be permitted to establish the occupant load as the number of persons for which existing means of egress is adequate, provided that measures are established to prevent occupancy by a greater number of persons.

**23.65.403.11 Means of egress lighting.**

**23.65.403.11.1** Means of egress in all areas shall be provided with artificial lighting in accordance with the following requirements:

**23.65.403.11.1.1 Exit sign illumination.** Exit signs shall be internally or externally illuminated. The face of an exit sign illuminated from an external source shall have an intensity of not less than 5 foot-candles (54 lux). Internally illuminated signs shall provide equivalent luminance and be listed for the purpose.

**Exception:** Approved self-luminous signs that provide evenly illuminated letters shall have a minimum luminance of 0.06 foot-lamberts (0.21 cd/m<sup>2</sup>).

**23.65.403.11.1.2 Power source.** Where emergency illumination is required, exit signs shall be visible under emergency illumination conditions.

**Exception:** Approved signs that provide continuous illumination independent of external power sources are not required to be connected to an emergency electrical system.

**23.65.403.11.1.3 Illumination emergency power.** The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, illumination shall be automatically provided from an emergency system for the following occupancies where such occupancies require two or more means of egress:

1. Group A having more than 50 occupants.

**Exception:** Assembly occupancies used exclusively as a place of worship and having an occupant load of less than 300.

2. Group B buildings three or more stories in height, buildings with 100 or more occupants above or below the level of exit discharge, or buildings with 1,000 or more total occupants.
3. Group E in interior stairs, corridors, windowless areas with student occupancy, shops and laboratories.
4. Group F having more than 100 occupants.

**Exception:** Buildings used only during daylight hours, which are provided with windows for natural light in accordance with the International Building Code.

5. Group I.

6. Group M.

**Exception:** Buildings less than 3,000 square feet (279 m<sup>2</sup>) in gross sales area on one story only, excluding mezzanines.

7. Group R-1.

**Exception:** Where each guestroom has direct access to the outside of the building at grade.

8. Group R-2 as applicable in Section 1003.2.11 of the IBC.

9. Group R-4.

**Exception:** Where each sleeping room has direct access to the outside of the building at ground level.

The emergency power system shall provide power for not less than 60 minutes and consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with the International Fire Code Section 1212.5.

**23.65.403.11.2** Where the work area on any floor exceeds 50 percent of that floor area, means of egress throughout the floor shall be provided with artificial lighting in accordance with the requirements of the Section 403.11.1.

**Exception:** Means of egress within a tenant space that is entirely outside the work area need not comply.

**23.65.403.11.3** In a building with work areas involving over 50 percent of the aggregate floor area within the building, means of egress from the floor of the highest work area to the floor of exit discharge, and all intermediate floors, shall be provided with artificial lighting within the exit enclosure in accordance with the requirements of Section 403.11.1.

#### **23.65.403.12 Exit signs.**

**23.65.403.12.1** Means of egress in all work areas shall be provided with exit signs in accordance with the requirements of the codes.

**23.65.403.12.2** Where the work area on any floor exceeds 50 percent of that floor area, means of egress throughout the floor shall be provided with exit signs in accordance with the requirements of the codes.

**Exception:** Means of egress within a tenant space that is entirely outside the work area need not comply.

**23.65.403.12.3** In a building with work areas involving over 50 percent of the aggregate floor area within the building, means of egress from the floor of the highest work area to the floor of exit discharge shall be provided with exit signs in accordance with the requirements of the codes.

#### **23.65.403.13 Egress doorways.**

**23.65.403.13.1** In any work area, all rooms and spaces having an occupant load greater than 50 or in which the travel distance exceeds 75 feet (22860 mm) shall have a minimum of two egress doorways.

**Exceptions:**

1. Storage rooms having a maximum occupant load of 10.
2. Where the work area is served by a single exit in accordance with Section 403.8

**23.65.403.13.2** In buildings of Use Group I-2, any patient sleeping room or suite of rooms greater than 1,000 square feet (92.9 m<sup>2</sup>) in the work area shall have a minimum of two egress doorways.

**23.65.403.14 Corridors.** Corridors serving as a part of the means of egress system that have an occupant load of 30 or more in a Group A, B, E, F, I, H, M or S Occupancy or an occupant load of 10 or more in a Group R, Division 1 Occupancy shall have walls and ceilings of not less than one-hour fire-resistive construction. Existing walls and ceilings surfaced with wood lath and plaster or 1/2-inch-thick (12.7 mm) gypsum wallboard may be permitted in lieu of one-hour fire-resistive construction, provided the surfaces are in good condition. Corridors shall be in compliance with the International Building Code, Section 1004.3.2.

**23.65.403.14.1 Corridor doors.**

**23.65.403.14.1.1** Door openings into corridors shall be protected by a tight-fitting smoke- and draft-control assembly having a fire-protection rating of not less than 20 minutes when such opening protection was required by the code under which the building was constructed. Door-closing devices, door gaskets and other requirements imposed by the code under which the building was constructed shall be maintained. Corridor doors in the work area shall not be constructed of hollow core wood and shall not contain louvers.

When the building was constructed under a code that did not require 20-minute smoke- and draft-control assemblies, doorway openings shall be protected by doors having a fire-protection rating of not less than 20 minutes or by a minimum 1 3/4 -inch-thick solid-bonded woodcore door or an equivalent insulated steel door. In such case, the frames need not have a fire-resistive time period. Doors shall be maintained self-closing or shall be automatic closing by activation of a smoke detector.

**23.65.403.14.1.2** All dwelling units, guest room or rooming unit corridor doors in work areas in buildings of Use Groups R-1, R-2, and I-1 shall be at least 1 3/4 inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wired glass or other approved glazing material in metal frames. All replacement doors shall be 1 3/4 inch solid bonded wood core or approved equal, unless the existing frame will accommodate only a 1 3/8 inch door.

**Exceptions:**

1. Corridor doors within a dwelling unit or guest room.
2. Existing doors in buildings protected throughout with an approved automatic sprinkler system shall be required only to resist smoke; shall not contain louvers; and shall be reasonably tight fitting.
3. In group homes with a maximum of 15 occupants, and which are protected with an approved automatic detection system, closing devices may be omitted.

**23.65.403.14.1.3 Transoms.** Transoms and openings other than doors from corridors to rooms shall be protected as required by the codes. When the code under which the building was constructed permitted unprotected transoms or other unprotected openings, other than doors, such transoms or openings shall be covered with a minimum of  $\frac{3}{4}$ -inch-thick (19.1 mm) wood structural panel or  $\frac{1}{2}$ -inch-thick (12.7 mm) gypsum wallboard or equivalent material on the room side. Openings with fixed wired glass or other approved material set in steel frames are permitted in corridor walls and ceilings. In all buildings of Use Group I-1, R-1 and R-2 all transoms in corridor walls of work areas shall be either glazed with  $\frac{1}{4}$ -inch wired glass set in metal frames or other glazing assemblies having a fire-protection rating as required for the door and permanently secured in the closed position or sealed with materials consistent with the corridor construction.

**Exception:** Existing corridor walls, ceilings and opening protection not in compliance with the above may be continued when the building is protected with an approved automatic sprinkler system throughout.

**23.65.403.14.1.4 Other corridor openings.** In any work area, any other sash, grill or opening in a corridor, and any window in a corridor not opening to the outside air, shall be protected with materials consistent with the corridor construction.

**23.65.403.14.1.4.1** The requirements of Sections 403.14.1.1 through 403.14.1.4 shall apply on the entire floor when the work area exceeds 50 percent of the floor area.

**23.65.403.15 Door swing.** In the work area and in the egress path from any work area to the exit discharge, all egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

**23.65.403.16** In any work area all doors opening onto an exit passageway at grade or exit stair shall be self-closing or automatic closing by listed closing devices.

**Exception:** Where exit enclosure is not required by the codes.

**23.65.403.16.1 Panic Hardware.** In any work area, and in the egress path from any work area to the exit discharge, in a building or portions thereof of Use Group A and Group H-1, H-2, H-3, or H-5 with an occupant load greater than 100 all required exit doors shall be equipped with approved panic hardware.

**23.65.403.16.2** The requirements of Sections 403.15 through 403.16.1 shall apply on the entire floor when the work area exceeds 50 percent of the floor area.

**Exception:** Means of egress within a tenant space that is entirely outside the work area need not comply.

**23.65.403.17** Work areas in buildings of Use Group I-3 having remote power unlocking capability for locks shall be provided with an emergency power source for such locks. Power shall be arranged to automatically operate upon failure of normal power within 10 seconds and for a duration of not less than one hour.

**23.65.403.18 Dead-end corridors.** Where more than one exit or exit access doorway is required, the exit access shall be arranged such that dead ends do not exceed the limits specified in IBC, Section 1004.3.2.3.

**Exception:** A dead-end passageway or corridor shall not be limited in length where the length of the dead-end passageway or corridor is less than 2.5 times the least width of the dead-end passageway or corridor.

**23.65.403.19 Exit access travel distance.** Exits shall be located so that the maximum length of exit access travel, measured from the most remote point to an approved exit along the natural and unobstructed path of egress travel, does not exceed the distances given in the International Fire Code Table 1004.2.4.

**23.65.403.20 Common path of egress travel.** The common path of egress travel shall not exceed the distances given in International Fire Code Table 1004.2.5.

**23.65.403.21 Special requirements.** The International Fire Code shall be complied with regarding requirements for egress features in existing buildings as follows:

1. Elevators, Section 1003.2.13.3
2. Revolving Doors, Section 1003.3.1.3.1
3. Ramps, Section 1003.3.4
4. Stairway Identification, Section 1003.2.10.3
5. Exterior Stairways, Section 1003.3.3.5.2
6. Aisles, Section 1008.7

#### **SECTION 23.65.404 INTERIOR FINISH**

**23.65.404.1** The interior finish of walls and ceilings in any work area shall comply with the requirements of the codes. All existing interior finish materials which do not comply with the requirements of this section shall be removed, protected, or shall be treated with an approved fire-retardant coating in accordance with the manufacturer's instructions to secure compliance with the requirements of this section.

The code requirements for interior finish materials may involve testing other than the traditional tunnel test which provides flame spread ratings. For example, some materials are now required to be subjected to a room corner test.

**23.65.404.1.1** Where the work area on any floor exceeds 50 percent of that floor area, the requirements of Section 404.1 shall apply to the interior finish in exits and corridors serving the work area on the entire floor.

**Exception:** Interior finish within a tenant space that is entirely outside the work area need not comply.

**23.65.404.1.2** In a building with work areas involving over 50 percent of the aggregate floor area within the building, the requirements for interior finishes in exits shall apply from the floor of the highest work area to the floor of exit discharge, and to all intermediate floors

#### **SECTION 23.65.405 FLOOR OPENINGS AND SHAFT ENCLOSURES**

**23.65.405.1 General.** In any work area, newly constructed vertical openings connecting two or more floors shall comply with the requirements of the following sections and Table 405.1.

**23.65.405.2 Interior vertical openings.** In any work area, all existing interior vertical openings connecting two or more floors shall be enclosed with approved assemblies having a fire-resistance rating of not less than one hour with approved opening protection.

**23.65.405.3 Enclosure.** Interior vertical shafts, including but not limited to stairways, elevator hoistways, service and utility shafts, that connect two or more stories of a building shall be enclosed or protected as specified in Table 405.1. When openings are required to be protected, openings into such shafts shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices are permitted if the fusible link rating does not exceed 135° F (57° C).

**TABLE 23.65.405.1  
VERTICAL OPENING PROTECTION REQUIRED**

<b>Occupancy Classification</b>	<b>Conditions</b>	<b>Protection Required</b>
Group I	Vertical openings connecting two or more stories	1-hour protection
All, other than Group I	Vertical openings connecting two stories	No protection required <sup>a, b</sup>
All, other than Group I	Vertical openings connecting three to five stories	1-hour protection or automatic sprinklers throughout <sup>a, b</sup>
All, other than Group I	Vertical openings connecting more than five stories	1-hour protection <sup>a, b</sup>
All	Mezzanines open to the floor below	No protection required <sup>a, b</sup>
All, other than Group I	Atriums and covered mall buildings	1-hour protection or automatic sprinklers throughout
All, other than Groups B and M	Escalator openings connecting four or less stories in a sprinklered building. Openings must be protected by a draft curtain and closely spaced sprinklers in accordance with NFPA 13	No protection required
Group B and M	Escalator openings in a sprinklered building	No protection required

	protected by a draft curtain and closely spaced sprinklers in accordance with NFPA 13	
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- a. Vertical opening protection is not required for Group R-3 occupancies.
- b. Vertical opening protection is not required for open parking garages and ramps.

**SECTION 23.65.406  
FIRE SEPARATION AND SMOKE BARRIERS**

**23.65.406.1 Use group I-2.**

**23.65.406.1.1** Where the work area is on a story used for sleeping purposes for more than 30 patients, the story shall be divided into not less than two compartments by smoke barrier walls complying with the technical requirements of Section 406.1.2, such that each compartment does not exceed 22,500 square feet (2090.2m<sup>2</sup>) and the travel distance from any point to reach a door in the required smoke barrier shall not exceed 200 feet (60960 mm).

**Exception:** Where neither the length nor width of the smoke compartment exceeds 150 feet, (45790 mm) the travel distance to reach the smoke barrier door shall not be limited.

**23.65.406.1.2** The smoke barriers specified in Section 406.1.1 shall be constructed in accordance with the following provisions:

1. Smoke barriers shall have a fire-resistance rating of not less than <sup>5</sup>/<sub>8</sub> inch thick Type X gypsum wallboard or other one-half hour assembly and shall form an effective membrane continuous from outside wall to outside wall and from floor slab to floor or roof deck above, including continuity through all concealed spaces, such as those found above suspended ceilings, and including interstitial structural and mechanical spaces. Transfer grilles, whether equipped with fusible link-operated dampers or not, shall not be used in these partitions.
2. Smoke barriers are not required in interstitial spaces when such spaces are designed and constructed with ceilings that provide resistance to the passage of fire and smoke equivalent to that provided by smoke barriers.
3. Doors in smoke barriers shall have a fire-protection rating of not less than 20 minutes when tested in accordance with ASTM E152 without the hose stream and labeled by an approved agency, or shall be 1<sup>3</sup>/<sub>4</sub>-inch solid bonded wood core doors. Newly installed double egress corridor doors shall have approved vision panels. The doors shall close the openings with only the clearance necessary for proper operation under self-closing or automatic closing and shall be without undercuts, louvers or grilles. Rabbits or astragals are required at the meeting edges of newly installed double egress doors, and stops are required on the head and jambs of all doors in smoke barriers. Positive latching devices are not required on double egress corridor doors, and center mullions are prohibited.
4. Protection at the meeting edges of doors and stops at the head and sides of door frames shall not be required in buildings equipped with an approved engineered smoke control system. The engineered smoke control system shall respond automatically, preventing the transfer of smoke across the barrier.

5. Doors in smoke barriers shall be self-closing or shall be provided with approved door hold-open devices of the fail-safe type, which shall release the doors causing them to close upon the actuation of smoke detectors as well as upon the application of a maximum manual pull of 50 pounds (22.7 kg) against the hold-open device.
6. An approved damper designed to resist the passage of smoke shall be provided at each point a duct penetrates a smoke barrier. The damper shall close upon detection of smoke by an approved smoke detector located within the duct.
7. In lieu of an approved smoke detector located within the duct, ducts which penetrate smoke barriers above doors are permitted to have the approved damper arranged to close upon detection of smoke on either side of the smoke barrier door opening.
8. Dampers are not required:
  - 8.1 Where not required by the codes.
  - 8.2 In buildings equipped with an approved engineered smoke control system.
  - 8.3 Where the openings in ducts are limited to a single smoke compartment and the ducts are of steel construction.
  - 8.4 In fully ducted systems where both sides of the smoke barrier are protected with an automatic sprinkler system.

**SECTION 23.65.407**  
**FIRE SUPPRESSION SYSTEMS**

**23.65.407.1** All work areas in any building or portion thereof that is required to have a fire-extinguishing system in accordance with the codes shall be provided with an automatic fire-suppression system.

**23.65. 407.1.1 Alterations and additions to E occupancies.** An approved automatic fire extinguishing system must be installed whenever alterations or additions are made to an existing structure containing an E Occupancy.

**Exceptions:**

1. In other than high-rise structures or E occupancies, where an automatic water supply for sprinkler protection is not available at that floor level, the code official shall be permitted to accept alternative protection.
2. Partial automatic sprinkler systems shall be permitted if appropriate fire barriers are provided to separate the sprinklered area of the building from the area without sprinkler protection.

**23.65.407.2** Where the work area on any floor exceeds 50 percent of that floor area, Section 407.1 shall apply to the entire floor.

**Exceptions:**

1. In other than high-rise structures or E occupancies, where an automatic water supply for sprinkler protection is not available at that floor level, the code official shall be permitted to accept alternative protection.
2. Partial automatic sprinkler systems shall be permitted if appropriate fire barriers are provided to separate the sprinklered area of the building from the area without sprinkler protection.

**23.65.407.3** In a building with work areas involving over 50 percent of the aggregate building area, Section 407.1 shall apply to the highest floor containing a work area and all floors below.

**23.65.407.4 Mixed use.** In buildings containing mixed uses, one or more of which requires automatic suppression in accordance with Sections 407.1 or 407.2, suppression will not be required throughout the building, provided that the uses requiring suppression are separated from those not requiring suppression by fire-resistive construction having a minimum two-hour rating for Use Group H, and a minimum one-hour rating for all use groups other than Use Group H.

**23.65.407.5 Supervision.** Fire suppression systems required by this Section shall be supervised as determined by the fire official:

1. Approved central station system in accordance with NFPA 72;
2. Approved proprietary system in accordance with NFPA 72;
3. Approved remote station system of the jurisdiction in accordance with NFPA 72; or
4. Approved local alarm service which will cause the sounding of an alarm in accordance with NFPA 72.

**Exceptions:**

1. Underground gate valve with roadway boxes;
2. Halogenated extinguishing systems;
3. Carbon dioxide extinguishing systems;
4. Dry and wet chemical extinguishing systems;
5. Limited area sprinkler systems; and
6. Occupancies in Use Group R complying with NFPA 13R or NFPA 13D, as appropriate.

**23.65.407.6 Standpipes.** Any building that is required to be provided with a standpipe system by the codes shall be provided with standpipes located and installed in accordance with the codes.

**Exceptions:**

1. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gallons per minute at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gallons per minute at 65 psi (448.2 kPa) to the topmost floor in all other buildings. Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gallons per minute/psi) for possible future extension of the standpipe.
2. The interconnection of multiple standpipe risers shall not be required.

**SECTION 23.65.408**

**FIRE ALARMS AND CARBON MONOXIDE DETECTORS**

**23.65.408.1 Smoke Detectors and Carbon Monoxide Detectors.**

**23.65.408.1.1 Alterations, repairs and additions.** When alterations, repairs or additions in the interior habitable space requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the entire building shall be provided with smoke detectors and carbon monoxide detectors located as required for new dwellings; the smoke detectors and carbon monoxide detectors are not required to be interconnected unless other

remodeling considerations require removal of the appropriate wall and ceiling coverings to facilitate concealed interconnected wiring.

**23.65.408.1.2 Power Source.** Required smoke detectors and carbon monoxide detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors and carbon monoxide detectors may be battery operated when installed in buildings without commercial power.

**Exception:** In the case of alterations, repairs and additions, minimum 10-year battery-powered single station smoke detectors and carbon monoxide detectors which are listed and approved shall be permitted outside the work area.

### **23.65.408.2 Manual fire alarm systems.**

**23.65.408.3 Where required-retroactive in existing buildings and structures.** An approved manual, automatic or manual and automatic fire alarm system shall be installed in existing buildings and structures. Where an approved automatic sprinkler protection is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required.

An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall be approved. The automatic fire detectors shall be smoke detectors, except an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

**23.65.408.3.1 Occupancy requirements.** An approved fire alarm system shall be installed.

**Exception:** Occupancies with an existing, previously approved fire alarm system.

**23.65.408.3.1.1 Group E.** A fire alarm system shall be installed in existing Group E occupancies.

**Exceptions:**

1. A building with a maximum area of 1,000 square feet (93m<sup>2</sup>) that contains a single classroom and is located no closer than 50 feet (15240 mm) from another building.
2. Group E with an occupant load less than 50.

**23.65.408.3.1.2 Group I-1.** A fire alarm system shall be installed in existing Group I-1 residential care/assisted living facilities.

**Exception:** Where each sleeping room has a means of egress door opening directly to an exterior egress balcony that leads directly to the exits, and the building is not more than three stories in height.

**23.65.408.3.1.3 Group I-2.** A fire alarm system shall be installed in existing Group I-2 occupancies.

**23.65.408.3.1.4 Group I-3.** A fire alarm system shall be installed in existing Group I-3 occupancies.

**23.65.408.3.1.5 Group R.** A fire alarm system shall be installed in existing Group R occupancies.

**23.65.408.3.1.6 Group R-1.** A fire alarm system shall be installed in existing Group R-1 hotels and motels more than three stories or with more than 20 guestrooms.

**Exception:** Buildings less than two stories in height where all guestrooms, attics and crawl spaces are separated by 1-hour fire-resistance-rated construction and each guestroom has direct access to a public way, exit court or yard.

**23.65.408.3.1.7 Group R-1.** A fire alarm system shall be installed in existing Group R-1 boarding and rooming houses.

**Exception:** Buildings that have single-station smoke alarms meeting or exceeding the requirements of International Fire Code Section 907.2.10.1 and where the fire alarm system includes at least one manual fire alarm box per floor arranged to initiate the alarm.

**23.65.408.3.1.8 Group R-2.** A fire alarm system shall be installed in existing Group R-2 apartment buildings with more than three stories or with more than 16 dwelling units.

**Exceptions:**

1. Where each living unit is separated from other contiguous living units by fire barriers having a fire-resistance rating of not less than  $\frac{3}{4}$  hour, and where each living unit has either its own independent exit or its own independent stairway or ramp discharging at grade.
2. A separate fire alarm system is not required in buildings that are equipped throughout with an approved supervised automatic sprinkler system and having a local alarm to notify all occupants.

**23.65.408.3.1.9 Group R-4.** A fire alarm system shall be installed in existing Group R-4 residential care/assisted living facilities.

**Exceptions:**

1. Where there are interconnected smoke alarms and there is at least one manual fire alarm box per floor arranged to sound continuously the smoke alarms.
2. Other manually activated continuously sounding alarms approved by the code official.

## **SECTION 23.65.409 HIGHRISE BUILDINGS**

**23.65.409.1** Any building or structure having one or more floors more than 75 feet (22860 mm) above the lowest level accessible to a fire department vehicle shall comply with the requirements of this section.

**23.65.409.2 Recirculating air or exhaust systems.** When the work area is on a floor that is served by a recirculating air or exhaust system serving more than one floor, the recirculating air or exhaust system that serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the Mechanical Code. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system.

**23.65.409.3 Smoke barriers.** Where the work area on any floor exceeds 50 percent of that floor area and is on a floor that is above the main floor level in Use Groups R-1 and R-2, smoke

barriers conforming to the requirements of Section 406.1.2 shall be provided around all elevator landings on the work area floor.

**Exceptions:**

1. The smoke barriers shall be permitted to terminate at the ceiling provided the ceiling membrane provides resistance to the passage of smoke equivalent to that provided by the smoke barriers.
3. The smoke barriers shall not be required in buildings protected throughout by an automatic sprinkler system.

**SECTION 23.65.410  
BOILER/FURNACE EQUIPMENT ROOMS**

**23.65.410.1** Boiler/furnace equipment rooms shall be enclosed by one-hour fire rated construction when the work area is in any of the following facilities: day nurseries, children's shelter facilities, residential child care facilities and similar facilities with children below the age of 2-1/2 years, and which may be classified as Use Group I-2, shelter facilities, residences for the developmentally disabled, group homes, teaching family homes, transitional living homes, rooming and boarding houses, hotels, and multiple dwellings.

**Exceptions:**

1. Furnace and boiler equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment), when installed in accordance with manufacturer recommendations or furnace and boiler equipment of residential (R-3) type [200,000 BTU (211 011 J) per hour input rating or less] is not required to be enclosed.
2. Furnace rooms protected with automatic sprinkler protection.

**23.65.410.2** Emergency controls shall be provided in all structures classified as day nurseries, children's shelter facilities, residential child care facilities and similar facilities with children below the age of 2<sup>1</sup>/<sub>2</sub> years, and which may be classified as Use Group 1-2, and in group homes, teaching family homes, and supervised transitional living homes in accordance with the following:

1. Emergency shutoff switches for furnaces and boilers in basements must be at the top of the stairs leading to the basement; and
2. Emergency shutoff switches for furnaces and boilers in other enclosed rooms must be located outside of the room.

**SECTION 23.65.411  
STRUCTURAL REQUIREMENTS**

**23.65.411.1 Structural safety.** A building, structure or its individual structural members that exceed the limits established by Chapter 7 of this code shall be replaced or strengthened in order that the building, structure or individual structural members will comply with the requirements of the codes for new construction or the applicable appendices of this code.

Additions or alterations to an existing structure shall not increase the force in any structural element by more than 5 percent, unless the increased forces on the element are still in compliance with the code for new structures, nor shall the strength of any structural element be decreased to less than that required by this code for new structures. Where repairs are made to

structural elements of an existing building, and uncovered structural elements are found to be unsound or otherwise structurally deficient, such elements shall be made to conform to the requirements for new structures. Any new members shall be designed according to the Building Code.

Wood framing is permitted to use the design stresses specified in the code under which the building was constructed or other stress criteria approved by the code official.

**23.65.411.1.1 Seismic Load Resisting Systems.** If the base shear is increased by no more than 5 percent, no remedial work will be required. Additions or alterations shall not reduce the strength or stability of the building, structure, or any member thereof, except when the reduction shall provide structural strength and stability that is not less than required by the IBC. Except for work completed under the provisions of Section 105.2, new members and existing members whose load is increased by more than 5 percent shall be designed to meet the requirements of the IBC.

**23.65.411.2 Unreinforced masonry buildings.** Unreinforced masonry buildings located in Anchorage shall have parapet bracing and wall anchors installed at the roof line whenever a reroofing permit is issued. Such parapet bracing and wall anchors shall be designed in accordance with the building code.

**23.65.411.3 Unreinforced masonry buildings undergoing structural alterations** where the work area exceeds 50 percent of the building area located in Anchorage shall be strengthened in accordance with the requirements of the building code.

**Exception:** Buildings of Use Group R with no more than five dwelling units or guest rooms, and used solely for residential purposes.

#### **SECTION 23.65.412 WEATHER PROTECTION**

**23.65.412.1 General.** Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness.

**23.65.412.2 Roofs.** The roof of every building or structure shall provide weather protection for the building. All devices that were provided or are required to prevent ponding or flooding or to convey the roof water shall be capable of fulfilling that purpose. Overflow drains are not required provided existing drains have functioned properly in the past.

**23.65.412.3 Other enclosing elements.** All weather-exposed surfaces of every existing building or structure shall provide weather protection.

#### **SECTION 23.65.413 ELECTRICAL, PLUMBING AND MECHANICAL SAFETY REQUIREMENTS**

**23.65.413.1 Electrical.** The electrical service, lines, switches, outlets, fixtures and fixture coverings, and supports in every building or structure shall be in good repair. Broken, loose, frayed, inoperative, defective or missing portions shall be repaired or replaced. All unsafe conditions shall be corrected in work area.

**23.65.413.2 Electrical equipment and wiring.**

**23.65.413.2.1 New equipment or wiring.** All newly-installed electrical equipment and wiring relating to work done in any work area shall comply with the materials and methods requirements as defined in 1999 NEC.

**Exception:** Electrical equipment and wiring in newly installed partitions and ceilings shall comply with all applicable requirements of the Electrical Code.

**23.65.413.2.2 Existing wiring.**

**23.65.413.2.2.1** Existing wiring in all work areas in Use Groups A-1, A-2, A-5, H and I shall be upgraded to meet the materials and methods requirements as defined in 1999 NEC.

**23.65.413.2.2.2** In a building with automatic air handling shut down, existing non-rated wiring may remain in plenum spaces. This exception shall not apply to Occupancy R-4 or egress corridors.

**23.65.413.2.3** Service and/or feeder in Use Groups R-2, R-3 and R-4. Service to existing dwelling units in any work area shall be a minimum of 100 ampere, three-wire capacity, and service equipment shall be dead front, having no live parts exposed whereby accidental contact could be made. Type "S" fuses shall be installed when fused equipment is used.

**Exception:** Existing service of 60 ampere three-wire capacity, and feeders of 30 ampere or larger, two- or three-wire capacity, shall be accepted if adequate for the electrical load being served.

**23.65.413.2.4** In Use Groups R-2, R-3 and R-4, when the work area includes any of the following areas within a dwelling unit, the following requirements shall apply:

**23.65.413.2.4.1** All enclosed areas, other than closets, kitchens, basements, garages, hallways, laundry areas and bathrooms, shall have a minimum of two duplex receptacle outlets or one duplex receptacle outlet and one ceiling or wall type lighting outlet.

**23.65.413.2.4.2** Kitchen areas shall have a minimum of two duplex receptacle outlets.

**23.65.413.2.4.3** Laundry areas shall have a minimum of one duplex receptacle outlet located near the laundry equipment and installed on an independent circuit.

**23.65.413.2.4.4** Ground fault circuit interruption shall be provided on newly installed receptacle outlets if required by the Electrical Code.

**23.65.413.2.4.5** At least one lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage and detached garage with electric power, and to illuminate outdoor entrances and exits.

**23.65.413.2.4.6** At least one lighting outlet shall be provided in utility rooms and basements where these spaces are used for storage or contain equipment requiring service.

**23.65.413.2.4.7** Clearance for electrical service equipment shall be provided in accordance with the Electrical Code.

**23.65.413.3 Plumbing.** Leaking drain or supply lines shall be repaired or replaced. All unsafe conditions shall be corrected. Any cross-connections or siphonage between fixtures shall be corrected in work area.

**23.65.413.3.1 Plumbing fixtures.** Where the work area is more than 20 percent of the floor area and the code official determines that the occupant load will be increased by a 20 percent increase as a result of the alteration, plumbing fixtures in all work areas shall be provided in quantities specified in the codes, based on the increased occupant load.

**23.65.413.4 Mechanical.** Mechanical systems shall have any unsafe conditions corrected in work area.

**23.65.413.4.1** All altered spaces intended for occupancy and all spaces converted to habitable or occupiable space in any work area shall be provided with either natural or mechanical ventilation.

**23.65.413.4.1.1** Natural ventilation shall comply with the requirements of the codes.

**23.65.413.4.1.2** Newly–installed mechanical ventilation systems shall comply with the requirements of the Mechanical Code.

**Exception:** Existing mechanical ventilation systems shall comply with the requirements of Section 510.1.

**23.65.413.4.1.3** In mechanically ventilated spaces, existing mechanical ventilation systems that are altered, reconfigured or extended shall provide not less than 5 cubic feet per minute (cfm) per person of outdoor air and not less than 15 cfm of ventilation air per person; or not less than the amount of ventilation air determined by the Indoor Air Quality Procedure of ASHRAE Standard 62.

**23.65.413.4.1.4** All newly introduced devices, equipment or operations that produce airborne particulate matter, odors, fumes, vapor, combustion products, gaseous contaminants, pathogenic and allergenic organisms, and microbial contaminants in such quantities as to adversely affect or impair health, or cause discomfort to occupants, shall be provided with local exhaust.

## **SECTION 23.65.414 ACCESSIBILITY FOR EXISTING BUILDINGS**

**23.65.414.1 Scope.** The provisions of Sections 414.2 through 414.8.5 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

**Exception:** Type B dwelling units required by IBC Section 1107.5.4 are not required to be provided in existing buildings and facilities.

**414.2 Maintenance of facilities.** A building, facility or element that is constructed or altered to be accessible shall be maintained accessible during occupancy.

**23.65.414.3 Change of occupancy.** Unless technically infeasible, provisions for new construction shall apply to those portions of existing buildings which are altered concurrently with a change of occupancy. In addition, existing buildings that undergo a change of group or occupancy shall have all of the following accessible features:

1. At least one accessible entrance.
2. At least one accessible route from an accessible entrance to primary function areas.
3. Signage complying with IBC Section 1109.
4. Accessible parking, where parking is being provided.
5. At least one accessible passenger loading zone, where loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any alteration or additional requirements for a change of group or occupancy, the provisions of Sections 414.5 and 414.7 shall apply. Where an area of primary function is altered concurrently with a change of group or occupancy, Section 414.6 shall apply.

**23.65.414.4 Additions.** Provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of primary function, shall comply with the requirements in Section 414.6 for accessible routes.

**23.65.414.5 Alterations.** A building, facility or element that is altered shall comply with the applicable provisions in IBC Chapter 11 and ICC/ANSI A117.1, unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

**Exceptions:**

1. The altered element or space is not required to be on an accessible route, unless required by Section 414.6.
2. Accessible means of egress required by IBC Chapter 10 are not required to be provided in existing buildings and facilities.

**23.65.414.5.1 Extent of application.** An alteration of an existing element, space, or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building, or facility.

**23.65.414.6 Alterations affecting an area containing a primary function.** Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

**Exceptions:**

1. The costs of providing the accessible route is not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire-protection systems, and abatement of hazardous materials.
4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

**23.65.414.7 Scoping for alterations.** The provisions of Section 414.7.1 through 414.7.14 shall apply to alterations to existing buildings and facilities.

**23.65.414.7.1 Elevators.** Altered elements of existing elevators shall comply with ASME A17.1 and ICC/ANSI A117.1. Such elements shall also be altered in elevators programmed to respond to the same call control as the altered elevator.

**23.65.414.7.2 Platform lifts.** Platform (wheelchair) lifts complying with ICC/ANSI A17.1 and installed in accordance with ASME A17.1 shall be permitted as a component of an accessible route.

**23.65.414.7.3 Stairs and escalators in existing buildings.** In alterations where an escalator or stair is added where none existed previously an accessible route shall be provided in accordance with IBC Sections 1104.4 and 1104.5.

**23.65.414.7.4 Ramps.** Where steeper slopes than allowed by IBC Section 1003.3.4.1 are necessitated by space limitations, the slope of ramps in or providing access to existing buildings or facilities shall comply with Table 414.7.4.

**TABLE 23.65.414.7.4 RAMPS**

SLOPE	MAXIMUM RISE
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches

**23.65.414.7.5 Dining areas.** An accessible route to raised or sunken dining areas, or to outdoor seating areas is not required provided that the same services and decor are provided in an accessible space usable by any occupant and not restricted to use by people with a disability.

**23.65.414.7.6 Performance areas.** Where it is technically infeasible to alter performance areas to be on an accessible route, at least one of each type of performance area shall be made accessible.

**23.65.414.7.7 Assembly areas.** Seating shall adjoin an accessible route that also serves as a means of egress. Where it is technically infeasible to disperse accessible seating throughout an altered assembly area, the minimum required number of wheelchair space clusters shall be one-half of that required by IBC Section 1107.2.2.1. In existing assembly seating areas with a mezzanine, where the main level provides three-fourths or more of the total seating capacity, wheelchair space clusters are permitted to be dispersed on the main level. Each accessible seating area shall have provisions for companion seating.

**23.65.414.7.8 Sleeping rooms and accommodations.** Where 1-1 sleeping rooms, 1-2 sleeping rooms or patient rooms, 1-3 residential units, or R-1 and R-2 sleeping accommodations are being altered or added, the requirements of IBC Section 1107 for accessible rooms and Chapter 9 for accessible alarms apply only to the quantity of spaces being altered or added.

**23.65.414.7.9 Toilet rooms.** Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an accessible unisex toilet or bathing facility is permitted. The unisex facility shall be located on the same floor and in the same area as the existing facilities.

**23.65.414.7.10 Dressing, fitting and locker rooms.** Where it is technically infeasible to provide accessible dressing, fitting or locker rooms at the same location as similar types of rooms, one accessible room on the same level shall be provided. Where separate sex facilities

are provided, accessible rooms for each sex shall be provided. Separate sex facilities are not required where only unisex rooms are provided.

**23.65.414.7.11 Check-out aisles.** Where check-out aisles are altered in facilities having a selling space of 5,000 square feet (465<sup>2</sup>) or more, at least one check-out aisle serving each function shall be made accessible.

**23.65.414.7.12 Dispersion of seating at fixed or built-in tables, counters, or work surfaces.** Accessible seating at fixed or built-in tables, counters or work surfaces shall be distributed throughout the space or facility as much as technically feasible.

**23.65.414.7.13 Sales and service counters.** Where it is technically infeasible for existing counters for sales or distribution of goods or services to be made accessible, an accessible auxiliary counter shall be provided.

**23.65.414.7.14 Thresholds.** The maximum height of thresholds at doorways shall be 3/4 inch (19.1 mm). Such threshold shall have beveled edges on each side.

**23.65.414.8 Historic buildings.** These provisions shall apply to buildings and facilities designated as historic structures that undergo alterations or a change of occupancy, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the authority having jurisdiction, the alternative requirements of Section 414.8.1 through 414.8.5 for that element shall be permitted.

**23.65.414.8.1 Site arrival points.** At least one accessible route from a site arrival point to an accessible entrance shall be provided.

**23.65.414.8.2 Multilevel buildings and facilities.** An accessible route from an accessible entrance to public spaces on the level of the accessible entrance shall be provided.

**23.65.414.8.3 Entrances.** At least one main entrance shall be accessible.

**Exception:** If a main entrance cannot be made accessible, an employee or service entrance that is unlocked while the building is occupied shall be made accessible.

The accessible entrance shall have a notification system or be provided with remote monitoring.

**23.65.414.8.4 Toilet and bathing facilities.** Where toilet rooms are provided at least one accessible toilet room complying with IBC Section 1108.2.1 shall be provided.

**23.65.414.8.5 Ramps.** The slope of a ramp run of 24 inches (610 mm) maximum shall not be steeper than one unit vertical and eight units horizontal (12-percent slope).

## Chapter 5

### MINIMUM PROVISIONS FOR CHANGE OF OCCUPANCY

#### SECTION 23.65.501

##### GENERAL

**23.65.501.1 Change of occupancy.** The character of the occupancy of existing buildings and structures may be changed, provided the building or structure meets the requirements of this chapter and the requirements of Chapter 4 are applied throughout the building for the new use. Where no specific requirements are included herein, the building or structure shall comply with the codes.

Every change of occupancy to one classified in a different group or a different division of the same group shall require a new certificate of occupancy regardless of whether any alterations to the building are required by this code.

**Exceptions:**

1. Any repairs and alterations work undertaken in connection with a change of occupancy that does not involve a change of Use Group shall conform to the requirements of Chapters 4 and 5, respectively, for the applicable Use Group.
2. Compliance with all the provisions of Chapter 4 is not required where the change of use complies with the requirements of Section 501.6.
3. As modified in Section 604 for historic buildings.
4. Existing stairways shall not be required to comply with the requirements for a new stairway where the existing space and construction will not allow a reduction in pitch or slope.

**23.65.501.2 Special use and occupancy.**

**23.65.501.2.1** Where the character of use of an existing building or part of an existing building is changed to one of the following special use or occupancy categories as defined in Chapter 4 of this code, the building shall comply with all of the applicable requirements of that chapter, regardless of whether a change of Use Group is involved:

1. Covered mall buildings,
2. Atriums,
3. Private garages,
4. Public garages,
5. Motion picture projection rooms, screening rooms and sound stages,
6. Stages and platforms,
7. Special amusement buildings, and
8. HPM facilities.

**23.65.501.2.2** An underground building in which there is a change of use shall comply with the requirements of the code applicable to underground structures.

**23.65.501.3 Part change of use group.**

**23.65.501.3.1** Where a portion of an existing building is changed to a new Use Group and that portion is not separated from the remainder of the building with fire separation assemblies having a fire-resistance rating as required in the code for the separate Use Groups, or with approved compliance alternatives, the entire building shall comply with all the requirements of Chapter 4 applied throughout the building for the new Use Group, and with the requirements of this chapter.

**Exception:** Compliance with all the provisions of Chapter 4 is not required when the change of use complies with the requirements of Section 501.6.

**23.65.501.3.2** Where a portion of an existing building is changed to a new Use Group and that portion is separated from the remainder of the building with fire separation assemblies having a fire-resistance rating as required in the code for the separate Use Groups, or with

approved compliance alternatives, the portion changed shall comply with all the requirements of Chapter 4 for the new Use Group, and with the requirements of this Chapter.

**Exception:** Compliance with all the provisions of Chapter 4 is not required when the change of use complies with the requirements of Section 501.6.

**23.65.501.4 Accessibility.** Every building undergoing a change of occupancy shall comply with the accessibility requirements adopted by the jurisdiction and this code and the applicable appendix to a change of occupancy.

**23.65.501.5 Hazard category classifications.** The relative degree of hazard between different occupancy groups or between divisions of the same group shall be as set forth in the hazard category classifications, Tables 5–A through 5–E.

**23.65.501.5.1** An existing building or portion thereof may have its use changed to a Use Group within the same hazard classification category or to a Use Group in a lower hazard classification category (higher number) in all five hazard category classifications, provided it complies with the provisions of Chapter 4 for the new Use Group, applied throughout the building or portion thereof. The special provisions of this chapter shall apply, where applicable, in accordance with this chapter., to Section 501.3.2, Section 505.1 (Live Loads) and 505.2 (Vertical Loads on Roofs), and with Sections 506 (Handrails and Guards) and 507 (Health and Hygiene).

**Exception:** Compliance with all the provisions of Chapter 4 is not required where the change of use complies with the requirements of Section 501.6.

**23.65.501.5.2** An existing building shall comply with the requirements of the codes, except as specified in this chapter, when a change in occupancy will place it in a higher hazard group or when the occupancy is changed to Group A, Division 1 or 2; or Group E, H or I.

**23.65.501.5.3** An existing building shall comply with all the applicable requirements of this chapter when a change in use will place it in a higher hazard category or when its use is changed within Use Group H.

**23.65.501.5.4** An existing building may have its use changed to a higher hazard rating (lower number) in all four hazard category classifications designated in Tables 5A through 5D, provided it complies with this chapter.

**23.65.501.6 Change of Use to an Equal or Lower Hazard.** A change of use to a Use Group within the same hazard classification category or to a Use Group in a lower hazard classification category (higher number) in the three hazard category classifications addressed by Tables 5A, 5B, and 5C shall be permitted in an existing building or portion thereof, provided the provisions of this section are met.

**23.65.501.6.1** Regardless of the Use Group, the following requirements shall be met:

1. The capacity of the means of egress shall comply with the requirements of Section 403.10.
2. The interior finish of walls and ceilings shall comply with the requirements of Section 404.
3. The high rise building requirements of Section 409 shall apply.
4. The boiler/furnace room requirements of Section 410 shall apply.

**23.65.501.6.2** When the new use is classified as Use Group I-1, R-1 or R-2, the following requirements shall be met:

1. Corridor doors and transoms shall comply with the requirements of Sections 403.14.1.2 and 403.14.1.3.
2. Fire suppression systems shall comply with the requirements of Section 407.
3. Fire alarm systems shall comply with the requirements of Section 408.

**23.65.501.6.3** When the new use is classified as Use Group I-2, the following requirements shall be met:

1. Egress doorways from patient sleeping rooms and suites of rooms shall comply with the requirements of Section 403.2.1.
2. Floor openings and shaft enclosures shall comply with the requirements of Section 405.
3. Smoke barriers shall comply with the requirements of Section 406.1.
4. Fire suppression systems shall comply with the requirements of Section 407.
5. Fire alarm requirements of Section 408.

**23.65.501.6.4** When the new use is classified as Use Group 1-3, the following requirements shall be met:

1. Locking of egress doors shall comply with the requirements of Section 403.13.
2. Shaft enclosures shall comply with the requirements of Section 405.
3. Fire-suppression systems shall comply with the requirements of Section 407.
4. Fire alarm systems shall comply with the requirements of Section 408.

**23.65.501.6.5** When the new use is classified as Use Group R-3, the following requirements shall be met:

1. Dwelling unit separations shall comply with the requirements of Section 406.1.2 Item 1.
2. The smoke detector requirements of Section 408.1 shall be met.

## **SECTION 23.65.502 FIRE AND LIFE SAFETY**

### **23.65.502.1 Heights and areas.**

**23.65.502.1.1** Where a change of use is made to a higher hazard category as shown in Table A, heights and areas of buildings and structures shall meet the limitations of Chapter 5 of the code for the new Use Group.

**Exception:** A one-story building changed into Use Group E shall not be required to meet the area limitations of the codes.

**23.65.502.1.2** When a change of use is made to an equal or lesser hazard category as shown in Table 5-A, the height and area of the existing building shall be deemed to be acceptable.

### **23.65.502.2 Means of Egress**

**23.65.502.2.1** When a change of use is made to a higher hazard category (lower number) as shown in Table 5-B, all elements of the means of egress, including but not limited to the exit access, exit discharge, occupant load, corridors, doors, enclosures, stairs and ramps, guards

and handrails, means of egress doorways, fire escapes and exit lighting and signs, shall comply with the requirements of Chapter 10 of the IBC.

**Exceptions:**

1. Stairways shall be enclosed in compliance with applicable portions of Section 503.2.
2. Existing stairways including handrails and guards complying with the requirements of Chapter 4 shall be permitted for continued use subject to approval of the code official.
3. Any stairway replacing an existing stairway within a space where, because of existing construction, the pitch or slope cannot be reduced, shall not be required to comply with the maximum riser height and minimum tread depth requirements.
4. Existing corridor walls constructed of wood lath and plaster in good condition or 1/2-inch-thick (12.7 mm) gypsum wallboard shall be permitted.
5. Existing corridor doorways, transoms and other corridor openings shall comply with the requirements in Sections 403.14.1.2, 403.14.1.3 and 403.14.1.4.
6. Existing dead end corridors shall comply with the requirements in Section 403.18.
7. An existing operable window with clear opening area no less than 4 square feet, and with minimum opening height and width of 22 inches and 20 inches respectively shall be accepted as an egress window.

**23.65.502.2.2** When a change of use is made to an equal or lesser hazard category as shown in Table 5-B, existing elements of the means of egress shall comply with the requirements of Section 403 for the new Use Group. Newly constructed or configured means of egress shall comply with the requirements of Chapter 10 of the IBC.

**Exceptions:**

1. Any stairway replacing an existing stairway within a space where, because of existing construction, the pitch or slope cannot be reduced, shall not be required to comply with the maximum riser height and minimum tread depth requirements.
2. Compliance with Section 403 is not required where the change of use complies with the requirements of Section 501.6.

**23.65.502.2.3** Egress capacity shall meet or exceed the occupant load as specified in Section 403 if the change of use is to an equal or lesser hazard category when evaluated in accordance with Table 5-B.

**SECTION 23.65.503  
ENCLOSURE OF VERTICAL SHAFTS**

**23.65.503.1 General.** Vertical shafts are permitted to be designed to meet the requirements of atria as required by the building code or the requirements of this section.

**23.65.503.2 Stairways.** Interior stairways shall be enclosed as required by the code when a change of occupancy is made.

**Exceptions:**

1. In other than Group I Occupancies, an enclosure will not be required for openings serving only one adjacent floor and not connected with corridors or stairways serving other floors.

2. Unenclosed existing stairways that are not enclosed, need not be enclosed in a continuous vertical shaft if each story is separated from other stories by one-hour fire-resistive construction or approved wired glass set in steel frames and all exit corridors are sprinklered. The openings between the corridor and occupant space shall have at least one sprinkler head above the openings on the tenant side. The sprinkler system shall be permitted to be supplied from the domestic water-supply system, provided the system is of adequate pressure, capacity and sizing for the combined domestic and sprinkler requirements.
3. Existing penetrations of stairway enclosures are permitted if they are properly protected in accordance with the code.
4. If building has an approved, fully automatic sprinkler system and occupancy is not more hazardous.

**23.65.503.3 Other vertical shafts.** Interior vertical shafts other than stairways, including but not limited to elevator hoistways and service and utility shafts, shall be enclosed as required by the code when there is a change of use to a higher hazard category in Table 5-B.

**Exceptions:**

1. Existing one-hour interior shaft enclosures shall be accepted where a higher rating is required.
2. Vertical openings, other than stairways, need not be enclosed if the entire building is provided with an approved automatic sprinkler system.
3. Where one-hour fire-resistive floor construction is required, vertical shafts need not be enclosed where floor penetrations are fire stopped at every floor level.

**23.65.503.3.1 Openings.** All openings into existing vertical shaft enclosures shall be protected by fire assemblies having a fire-protection rating of not less than one hour and shall be maintained self-closing or shall be automatic-closing by actuation of a smoke detector. All other openings shall be fire protected in an approved manner. Existing fusible link-type automatic door-closing devices shall be permitted in all shafts except stairways if the fusible link rating does not exceed 135<sup>0</sup>F (75C).

**23.65.503.4 Separation of occupancies.** When a change of occupancy is made to a higher hazard group, as shown in Table 5-C, occupancy separations shall be provided as specified in the code. When approved by the code official, existing wood lath and plaster in good condition or 1/2-inch-thick (12.7 mm) gypsum wallboard may be accepted where a one-hour occupancy separation is required.

**23.65.503.4.1 Fire separation assemblies.** When a change of use is made to a higher hazard category, as shown in Table 5-C, fire separation assemblies in mixed-use buildings shall comply with the requirements for Mixed Use Groups in the code.

**Exception:** Where the fire-separation assemblies are required to have a one-hour fire resistance rating, existing wood lath and plaster in good condition or existing 1/2-inch-thick (12.7 mm) gypsum wallboard shall be permitted.

**SECTION 23.65.504**  
**EXTERIOR WALL FIRE-RESISTANCE RATINGS**

**23.65.504.1** When a change of use is made to a higher hazard category as shown in Table 5–D, exterior walls shall have fire resistance and exterior opening protection as required in Chapter 7 of the code. This provision shall not apply to walls at right angles to the property line.

**Exception:** Where a fire–resistance rating greater than two hours is required for a building of any type of construction, existing noncombustible exterior walls having a fire–resistance rating equivalent to two hours shall be accepted, provided the building does not exceed three stories in height and is classified as one of the following Use Groups: A–3 with an occupant load of less than 300, B, F, M or S.

**23.65.504.2** When a change of use is made to an equal or lesser hazard category, as shown in Table 5–D, existing exterior walls, including openings, shall be accepted.

**23.65.504.3 Opening protection.** Openings in exterior walls shall be protected as required by the code. When openings in exterior walls are required to be protected due to distance from the property line, the sum of the area of such openings shall not exceed 50 percent of the total area of the wall in each story.

**Exceptions:**

1. Where the code permits openings in excess of 50 percent.
2. Protected openings shall not be required in buildings in Use Group R that do not exceed three stories in height and which are located not less than 3 feet (914 mm) from the property line.
3. Where exterior opening protection is required, an automatic sprinkler system throughout may be substituted for opening protection.
4. Exterior opening protection is not required when the change of occupancy is to an equal or lower hazard classification in accordance with Table 5–D.

**SECTION 23.65.505**  
**STRUCTURAL SAFETY**

**23.65.505.1 Live loads.** Any existing structure in which the proposed new occupancy requires floor live loads equal to or less than required for the existing occupancy is permitted to be continued in use for the originally approved live loads, provided that the structure is not dangerous and is adequate for the proposed occupancy. If the approved live load is less than required by Chapter 16 of the IBC, the areas designed for the reduced live load shall be posted with the approved load or shall be structurally strengthened to support the new load. Placards shall be of an approved design.

**Exception:** Analysis and test methods for evaluation of existing materials may use the methods specified in the code under which the building was constructed, or other standards as approved by the code official.

**23.65.505.2 Vertical loads on roofs.** Buildings and structures shall comply with the roof load requirements of Chapter 16 of the IBC for roof live load.

**Exception:** Existing roofs shall be permitted to be retained provided any dangerous or overloaded conditions are corrected and the roof dead load is not increased by use, reroofing or added equipment.

**23.65.505.3 Earthquake loads.** When a change of occupancy results in an existing building being reclassified to a higher hazard category, as shown in Table 5–E, the building shall be strengthened to meet the code seismic requirements for new buildings.

**23.65.505.4 Wind and snow loads.** When a change of occupancy results in an existing building being assigned a higher wind load or snow load importance factor, in accordance with Chapter 16 of the IBC, the building shall be strengthened to meet the code wind load or snow load requirements, respectively, for new buildings.

#### **SECTION 23.65.506 HANDRAILS AND GUARDS**

**23.65.506.1 Handrails.** Existing stairways shall comply with the handrail requirements in Section 403.4.

**23.65.506.2 Guardrails.** Existing guardrails shall comply with the guardrail requirements in Section 403.5.

#### **SECTION 23.65.507 HEALTH AND HYGIENE**

**23.65.507.1 Light and ventilation.** Light and ventilation shall comply with the requirements of the code.

#### **SECTION 23.65.508 ENERGY CONSERVATION**

**23.65.508.1** A change of use that would require an increase in space conditioning energy use in an existing building or structure that was constructed under an Energy Code shall not be permitted unless such building or structure is made to comply with the thermal envelope requirements of the current Energy Code or the Energy Code under which it was constructed for the new Use Group. Special conditions may be considered by the code official.

#### **SECTION 23.65.509 PLUMBING REQUIREMENTS**

**23.65.509.1** When the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the Plumbing Code, the intent of the respective Plumbing Code provisions shall be complied with.

**23.65.509.2** If the new occupancy is a food handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas, and shall be protected in accordance with the Plumbing Code.

**23.65.509.3** If the new occupancy will produce grease or oil laden wastes, it shall be provided with interceptors as required in the Plumbing Code.

**23.65.509.4** If the new occupancy will produce chemical wastes, the following shall apply:

1. If the existing piping is not compatible with the chemical waste, the waste shall be neutralized prior to entering the drainage system or the piping shall be changed to a compatible material.

2. No chemical waste shall discharge to a public sewer system without the approval of the sewage authority.

**23.65.509.5** If the Use Group is changed to Use Group I-2, the plumbing system shall comply with the applicable requirements of the Plumbing Code.

#### **SECTION 23.65.510 MECHANICAL REQUIREMENTS**

**23.65.510.1** Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to different kitchen exhaust requirements or to increased mechanical ventilation requirements in accordance with the Mechanical Code, the intent of the respective Mechanical Code provisions shall be complied with.

#### **SECTION 23.65.511 ELECTRICAL REQUIREMENTS**

**23.65.511.1** Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies, as described in Chapter 5 of the Electrical Code, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of the Electrical Code, regardless of whether a change of Use Group or occupancy is involved:

1. Hazardous (classified) locations
2. Commercial garages, repair and storage
3. Aircraft hangars
4. Gasoline dispensing and service stations
5. Bulk storage plants
6. Spray application, dipping and coating processes
7. Health care facilities
8. Places of assembly
9. Theaters, audience areas of motion picture and television studios, and similar locations
10. Motion picture and television studios, and similar locations
11. Motion picture projection booths

**23.65.511.2** When the occupancy of an existing building or part of an existing building is changed, all dangerous conditions shall be corrected, without requiring that all parts of the electrical system comply with the current edition of the Electrical Code.

**23.65.511.3** When the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded, if required, to meet the requirements of the Electrical Code for the new occupancy

**23.65.511.4** When the occupancy of an existing building or part of an existing building is changed, the number of electrical outlets shall comply with the Electrical Code for the new occupancy.

**TABLE 5-A—HAZARD CATEGORIES AND CLASSIFICATIONS: HEIGHTS AND AREAS**

<b>RELATIVE HAZARD</b>	<b>USE CLASSIFICATION</b>
1 (Highest Hazard)	A-1, A-2, A-3, A-4, H-1, H-2, I-3
2	A-5, H-3, H-4, H-5, I-1, I-2
3	B, E, F-1, M, R-3, R-4, S-1
4 (Lowest Hazard)	F-2, S-2, U

**TABLE 5-B—HAZARD CATEGORIES AND CLASSIFICATIONS: LIFE SAFETY AND EXITS**

<b>RELATIVE HAZARD</b>	<b>USE CLASSIFICATION</b>
1	H
2	E
3	A, I, M, R-1, R-2
4	B, F-1, R-3, R-4, S-1
5	F-2, S-2, U

**TABLE 5-C—HAZARD CATEGORIES AND CLASSIFICATIONS: OCCUPANCY SEPARATIONS**

<b>RELATIVE HAZARD</b>	<b>USE CLASSIFICATION</b>
1	H, I
2	A, B, F, M, S
3	E
4	R-1, R-2, U
5	R-3, R-4

**TABLE 5–D—HAZARD CATEGORIES AND CLASSIFICATIONS: EXPOSURE OF EXTERIOR WALLS**

<b>RELATIVE HAZARD</b>	<b>USE CLASSIFICATION</b>
1	H
2	A, B, E, F–1, I, M, R, S–1
3	F–2, S–2, U

**TABLE 5–E—HAZARD CATEGORIES AND CLASSIFICATIONS: EARTHQUAKE SAFETY**

<b>RELATIVE HAZARD</b>	<b>USE CLASSIFICATION</b>
1	B (fire, rescue and police stations) B (emergency preparedness centers) B (primary communication facilities) F (power–generating stations and other utility facilities required for emergency backup) H–1, H–4 I–2 (hospitals) S (post–earthquake recovery vehicle garages)
2	A, E, H–2, H–3, I (all others), B (used for adult education with an occupant load > 500) Any building with an occupant load > 5000 F (power–generating stations and other public utilities not listed in Relative Hazard 1)
3	R–1, R–2
4	F–1, H–5, S–1
5	B (all others), F–2, M, S–2
6	R–3, R–4, U

**Chapter 6**  
**HISTORIC STRUCTURES**  
**SECTION 23.65.601**  
**PURPOSE**

It is the intent of this chapter to provide means for the preservation of historic buildings. A historic building must be qualified or registered by authority having jurisdiction.

**23.65.601.1 General.** Historic buildings shall comply with the provisions of this chapter, or with the provisions of Chapters 4 and 5, relating to their repair, renovation, alteration, reconstruction, movement and change of occupancy.

**23.65.601.2 Alternatives.** A historic building undergoing repair, alteration or change of occupancy shall be investigated and evaluated. If it is intended that the building meet the requirements of this chapter, a written report shall be prepared and filed with the code official by a registered design professional when in the opinion of the official, such a report is necessary. Such report shall be in accordance with Chapter 1 of these provisions and shall identify each required safety feature in compliance with this chapter and where compliance with other chapters of these provisions would be damaging to the contributing historic features. In high seismic zones, a structural evaluation describing, as a minimum, a complete load path and other earthquake-resistant features shall be prepared. In addition, the report shall describe each feature not in compliance with these provisions and demonstrate how the intent of these provisions is complied with in providing an equivalent level of safety.

**Exception:**

1. Compliance alternatives approved by the code official are allowed when the following criteria are met:
  - 1.1 Conformance with the general intent of this code.
  - 1.2 Compliance with the minimum standards required by Chapter 4 and the specific occupancy requirements of this code.
  - 1.3 Conformance with the requirements of Chapter 5 when a change of occupancy occurs, except as modified in this chapter.
  - 1.4 All unsafe and substandard conditions described in this code are corrected.
  - 1.5 The restored building or structure shall be no more hazardous, based on life-safety, fire-safety and sanitation, than the building was before renovation.

**23.65.601.3 Special occupancy exceptions—house museums.** When a building that is in Use Group R-3 is also used for A, B or M purposes such as museum tours, exhibits and other public assembly activities, the code official may make a determination that the Use Group is B when life-safety conditions can be demonstrated in accordance with Section 601.2. Adequate means of egress in such buildings, which may include a means of maintaining doors in an open position to permit egress, a limit on building occupancy to an occupant load permitted by the means of egress capacity, a limit on occupancy of certain areas or floors, and/or supervision by a person knowledgeable in the emergency exiting procedures, shall be provided.

**SECTION 23.65.602  
REPAIRS**

Repairs to any portion of a historic building or structure are permitted to be made with original materials and original methods of construction, subject to the provisions of this chapter.

**23.65.602.1 Dangerous buildings.** When a historic building is determined to be dangerous, as defined in the codes, no work shall be required except as necessary to correct identified unsafe conditions.

**23.65.602.2 Relocated buildings.** Foundations of relocated historic buildings and structures shall comply with the code. Relocated historic buildings shall otherwise be considered a historic building for the purposes of this code. Relocated historic buildings and structures shall be so

sited that exterior wall and opening requirements comply with the code or the compliance alternatives of this code.

**23.65.602.3 Repairs and alteration—general.** Historic buildings undergoing repairs or alterations shall comply with all of the applicable requirements of Chapter 4 of these provisions except as specifically permitted in this chapter.

**23.65.602.4 Replacement.** Replacement of existing or missing features using original materials shall be permitted. Partial replacement for repairs that match the original in configuration, height and size shall be permitted. Such replacements shall not be required to meet the materials and methods requirements in Section 401.2 of these provisions.

**Exception:** Replacement glazing in hazardous locations shall comply with the safety glazing requirements of Chapter 24 of the building code.

**23.65.602.5 Roof covering.** The existing type of roof covering shall be permitted to be continued and replaced with the same materials if the historic materials are documented to the satisfaction of the code official.

### **SECTION 23.65.603 FIRESAFETY**

**23.65.603.1 General.** Every historic building that does not conform to the construction requirements specified in this code for the occupancy or use and that constitutes a distinct fire hazard as defined herein shall be provided with an approved automatic fire-extinguishing system as determined appropriate by the code official. However, an automatic fire-extinguishing system shall not be used to substitute for, or act as an alternate to, the required number of exits from any facility.

**23.65.603.2 Means of egress.** Existing door openings and corridor and stairway widths of less than that specified elsewhere in this code may be approved, provided that in the opinion of the code official there is sufficient width and height for a person to pass through the opening or traverse the means of egress.

When approved by the code official, the front or main exit doors need not swing in the direction of the path of exit travel, provided other approved means of egress having sufficient capacity to serve the total occupant load are provided.

**23.65.603.3 Transoms.** In fully sprinklered buildings of Use Groups I-1, R-1 and R-2 existing transoms in corridors and other fire-rated walls may be maintained if fixed in the closed position. A sprinkler shall be installed on each side of the transom.

**23.65.603.4 Interior finishes.** The existing finishes of walls and ceilings shall be accepted when it is demonstrated that they are the historic finishes.

**23.65.603.5 Stairway enclosure.** In buildings of three stories or less, exit enclosure construction shall limit the spread of smoke by the use of tight-fitting doors and solid elements. Such elements are not required to have a fire rating.

**23.65.603.6 One-hour fire-resistive assemblies.** Where one-hour fire-resistive construction is required by these provisions, it need not be provided regardless of construction or occupancy when the existing wall and ceiling finish is wood lath and plaster.

**23.65.603.7 Glazing in fire-rated systems.** Historic glazing materials in interior walls required to have one-hour fire rating may be permitted when provided with approved smoke seals and when the area affected is provided with an automatic sprinkler system.

**23.65.603.8 Stairway railings.** Grand stairways shall be accepted without complying with the handrail and guardrail requirements. Existing handrails and guards shall be permitted to remain, provided they are not structurally dangerous.

**23.65.603.9 Guardrails.**

**23.65.603.9.1 Height.** Existing guardrails shall comply with the requirements of Section 403.5.

**23.65.603.9.2 Guardrail openings.** The spacing between existing intermediate railings or openings in existing ornamental patterns shall be accepted. Missing elements or members of a guardrail may be replaced in a manner that will preserve the historic appearance of the building or structure.

**23.65.603.10 Exit signs.** Where exit signs or egress path marking locations would damage the historic character of the building, alternate exit signs are permitted with approval of the code official. Alternative signs shall identify the exits and egress path.

**23.65.603.11 Automatic fire-extinguishing systems.**

**23.65.603.11.1** Every historical building which cannot be made to conform to the construction requirements specified in the code for the occupancy or use, and which constitutes a distinct fire hazard, shall be acceptable if provided with an approved automatic fire extinguishing system.

**Exception:** When an alternative life-safety system is approved by the enforcing agency.

**23.65.603.11.2** An automatic fire extinguishing system shall not be used to substitute for or act as an alternative to the required number of exits from any facility.

**SECTION 23.65.604  
CHANGE OF OCCUPANCY**

**23.65.604.1 General.** Historic buildings undergoing a change of occupancy shall comply with the applicable provisions of Chapter 5, except as specifically permitted in this chapter. When Chapter 5 requires compliance with specific requirements of Chapter 4, and when those requirements are subject to the exceptions in Section 601.2, the same exceptions shall apply in this section.

**23.65.604.2 Building area.** The allowable floor area for historic buildings undergoing a change of occupancy shall be permitted to exceed the allowable areas specified in Chapter 5 by 20 percent.

**23.65.604.3 Location on property.** Historic structures undergoing a change of use to a higher hazard category, in accordance with Section 501.5 of these provisions, may use alternative methods to comply with the fire-resistance and exterior opening protective requirements. Such alternatives shall comply with Section 601.2.

**23.65.604.4** Required occupancy separations of one-hour may be omitted when the building is provided with an approved automatic sprinkler system throughout.

**23.65.604.5 Roof covering.** Regardless of occupancy or Use Group, roof-covering materials not less than Class C shall be permitted where a fire-retardant roof covering is required.

**23.65.604.6 Means of egress.** Existing door openings and corridor and stairway widths less than those that would be acceptable for non-historic buildings under these provisions shall be approved, provided that in the opinion of the code official, there is sufficient width and height for a person to pass through the opening or traverse the exit and that the capacity of the exit system is adequate for the occupant load, or where other operational controls to limit occupancy are approved by the code official.

**23.65.604.7 Door swing.** When approved by the code official, existing front doors need not swing in the direction of exit travel, provided other approved exits having sufficient capacity to serve the total occupant load are provided.

**I-3.65.604.8 Transoms.** In corridor walls required to be fire rated by these provisions, existing transoms may be maintained if fixed in the closed position and fixed, wired glass set in a steel frame or other approved glazing shall be installed on one side of the transom.

**Exception:** Transoms conforming to Section 603 of these provisions shall be accepted.

**23.65.604.9 Finishes.** Where finish materials are required to have a flame-spread classification of Class III or better, existing nonconforming materials shall be surfaced with an approved fire-retardant paint or finish.

**Exception:** Existing nonconforming materials need not be surfaced with an approved fire-retardant paint or finish when the building is equipped throughout with an automatic fire-suppression system installed in accordance with the code and the nonconforming materials can be substantiated as being historic in character.

**I-3.65.604.10 One-hour fire-resistive assemblies.** Where one-hour fire-resistive construction is required by these provisions, it need not be provided regardless of construction or occupancy where the existing wall and ceiling finish is wood lath and plaster.

**23.65.604.11 Stairs and railing.** Existing stairways shall comply with the requirements of these provisions. The code official shall grant alternatives for grand stairways and railings if alternative stairways are found to be acceptable or if judged as meeting the intent of these provisions. Existing stairways shall comply with Section 603.

**23.65.604.12 Exit signs.** The code official may accept alternate exit sign locations where such signs would damage the historic character of the building or structure. Such signs shall identify the exits and exit path.

**23.65.604.13 Exit stair live load.** Existing historic stairways in buildings changed to Use Groups R-1 and R-2 shall be accepted where it can be shown that the stairway can support a 75 pound per square foot (366 kg/m<sup>2</sup>) live load.

**23.65.604.14 Natural light.** When it is determined by the code official that compliance with the natural light requirements of Section 507 will lead to loss of historic character and/or historic materials in the building, the existing level of natural lighting shall be considered acceptable.

**23.65.604.15 Energy conservation.** Historic buildings are exempt from the requirements of Section 508.

**23.65.604.16 Accessibility requirements.** The accessibility requirements contained in these provisions shall apply to historic buildings undergoing alterations, renovations, reconstruction or a change of occupancy. If the historic character of the building is adversely affected, then alternative provisions for accessibility shall be permitted.

**SECTION 23.65.605  
STRUCTURAL SAFETY**

**23.65.605.1 Vertical and seismic loads.** Historic buildings shall comply with the requirements of Chapters 4 and 5 for floor live loads.

**Exception:** The code official may accept existing floors and approve operational controls that limit the live load on any floor.

**Chapter 7  
ABATEMENT OF DANGEROUS BUILDINGS**

**SECTION 23.65.701  
PURPOSE AND SCOPE**

**23.65.701.1 Purpose and Scope**

**23.65.701.1.1 Purpose.** It is the purpose of this chapter to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the codes, or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

**23.65.701.1.2 Scope.** The provisions of this chapter shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

**23.65.701.2 Alterations, additions, and repairs.** All buildings or structures which are required to be repaired under the provisions of this chapter shall be subject to the provisions of Chapters 1 through 6 of this code.

**SECTION 702  
ENFORCEMENT**

**23.65.702.1 General**

**23.65.702.1.1 Administration.** The code official is hereby authorized to enforce the provisions of this chapter.

The code official shall have the power to render interpretations of this chapter and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter.

**23.65.702.1.2 Inspections.** The health officer, the fire marshal and the code official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

**23.65.702.1.3 Right of Entry.** When it is necessary to make an inspection to enforce the provisions of this chapter, or when the code official or the code official's authorized representative has reasonable cause to believe that there exists in a building or upon a

premises a condition which is contrary to or in violation of this chapter which makes the building or premises unsafe, dangerous or hazardous, the code official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the code official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

“Authorized representative” shall include the officers named in Section 201 and their authorized inspection personnel.

**23.65.702.2 Abatement of dangerous buildings.** All buildings or portions thereof which are determined after inspection by the code official to be dangerous as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this chapter.

**23.65.702.3 Violations.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this chapter.

**23.65.702.4 Inspection of work.** All buildings or structures within the scope of this chapter and all construction or work for which a permit is required shall be subject to inspection by the code official.

#### **23.65.702.5 Board of appeals**

702.5.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The code official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conduction of business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the code official. Appeals to the board shall be processed in accordance with the provisions contained in Section 705 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the code official, who shall make them freely accessible to the public.

**23.65.702.5.2 Limitations of Authority.** The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

### **SECTION 23.65.703 DEFINITIONS**

**23.65.703.1 General.** For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster’s Dictionary shall be construed as providing ordinary

accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

**Code or Codes** are the International Building Code, as adopted by this jurisdiction.

**Dangerous Building** is any building or structure deemed to be dangerous under the provisions of Section 703.2 of this code.

**23.65.703.2 Dangerous building.** For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation of the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose of which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion, less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.  
This sub section does not apply to strength required to resist seismic loads.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**SECTION 23.65.704**  
**NOTICES AND ORDERS OF CODE OFFICIAL**

**23.65.704.1 General**

**23.65.704.1.1 Commencement of proceedings.** When the code official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the code official shall commence proceedings to cause the repair, vacation or demolition of the building.

**23.65.704.1.2 Notice and order.** The code official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the code official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 703.2 of this code.
3. A statement of the action required to be taken as determined
  - 3.1 If the code official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the code official shall determine is reasonable under all the circumstances.
  - 3.2 If the code official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the code official to be reasonable.
  - 3.3 If the code official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the code official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefore within 60 days from the date of the order; and that the demolition be completed within such time as the code official shall determine is reasonable.
  - 3.4 At the time of abatement by demolition from appropriate authoritative action, any property, personal or real, found upon the noticed premises shall become the property of the demolition contractor.
4. Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the code official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the code official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the code official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
6. If the building official has determined that the building or structure must be repaired or demolished, the notice to the owner shall indicate that all required permits must be secured.
7. The building official may enter into an agreement or contract, as defined in Section 301, with the owner or his appointed agent for repair by the owner or his agent and to set priority of items to be repaired. Any such agreement shall include commencement and

completion dates for such repair. Agreements or contracts to repair shall be in writing and may be enforced pursuant to this Chapter. Such agreements may be used as evidence of the owner's obligation to repair the property. (AO 83-065, AO 86-75(S-1), AO 93-147)

**23.65.704.1.3 Service and notice and order.** The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the code official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or land on which it is located. The failure of the code official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

**23.65.704.1.4 Method of Service.** Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the code official. If no address of any such person so appears or is known to the code official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of the mailing.

**23.65.704.1.5 Proof of Service.** Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail shall be affixed to the copy of the notice and order retained by the code official.

**23.65.704.2 Recordation of notice and order.** If the order has not been complied with in the time specified therein, and no appeal has been properly and timely filed, the Building Official shall file in the Anchorage District Recorder's Office a certificate describing the property and certifying (i) that the building is a dangerous, abandoned or derelict building and (ii) that the owner has been so notified. When the corrections ordered have been completed or the building demolished so that it no longer exists as a dangerous, abandoned or derelict building on the property described in the certificate, the Building Official shall file a new certificate with the Anchorage District Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, abandoned or derelict whichever is appropriate. (AO 83-65, AO 86-57(S-1) AO 93-147)

**23.65.704.3 Repair, vacation and demolition.** The following standards shall be followed by the Building Official (and the Board of Appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous, abandoned or derelict building or structure:

1. Any building declared a dangerous, abandoned or derelict building under this code shall be made to comply by the owner with one of the following:

1.1. The building shall be repaired in accordance with the current building code or other codes applicable to the type of substandard conditions requiring repair; or

- 1.2. The building shall be demolished at the option of the owner
2. If the building or structure is in such condition as to make it immediately dangerous to life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated and demolished if repairs are not begun within 60 days.
3. If one or more of the following conditions exists the building or structure may be ordered to be demolished:
  - 3.1 The building is in imminent danger of collapse due to structural failure; or
  - 3.2 The building has not been properly secured or maintained so that it is habitually used as a harbor for vagrants, or is an attractive nuisance to children; or
  - 3.3 The building is beyond economic feasibility to repair; or
  - 3.4. The building remains abandoned or derelict 180 days after notice under Section 301.
4. For the purposes of this section, the following definitions shall apply:
  - 4.1. Beyond Economic Feasibility to Repair - When the estimated cost of repair exceeds the replacement cost of the entire structure.
  - 4.2. Habitual - Customarily, or by frequent practice or use. It does not mean entirely or exclusively.
  - 4.3. Imminent or Immediate - Near at hand, or if left unattended to on the point of happening. An observable structural, electrical, mechanical or plumbing failure to the extent that a reasonable person may believe that it poses a serious threat to life and safety. (AO 93-147)

**23.65.704.4 Notice to vacate.**

**23.65.704.4.1 Posting.** Every notice to vacate shall, in addition to being served as provided in Section 704.1, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER  
UNSAFE TO OCCUPY  
It is a misdemeanor to occupy this building, or to remove or deface this notice.  
CODE OFFICIAL

**23.65.704.4.2 Compliance.** Whenever such notice is posted, the code official shall include a notification thereof in the notice and order issued under Section 704.1, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the code.

**23.65.704.4.3 Summary Abatement.** The Building Official may abate any public nuisance without notice in an emergency where the lives or safety of the public is endangered and where immediate action is necessary and timely notice cannot be given. All other abatement proceedings, except the necessity and the manner and method of giving notice shall apply to the nuisance summarily abated, including the recovery of the costs of the summary abatement. (AO 86-57(S-1).)

**SECTION 23.65.705**  
**APPEAL**

**23.65.705.1 General**

**23.65.705.1.1 Form of Appeal.** Any person entitled to service under Section 704.1 may appeal from any notice and order or any action of the code official under this code by filing at the office of the code official a written appeal containing:

1. A heading in the words: “Before the “Board of Building Regulation Examiners and Appeals”
2. A caption reading: “Appeal of .....,” giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the code official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the code official.

**23.65.705.1.2 Processing of Appeal.** Upon receipt of any appeal filed pursuant to this section, the code official shall present it at the next regular or special meeting of the board of appeals.

**23.65.705.1.3 Scheduling and Noticing Appeal for Hearings.** As soon as practicable after receiving the written appeal, the board of appeals shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the code official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

**23.65.705.2 Effect of failure to appeal.** Failure of any person to file an appeal in accordance with the provisions of Section 705 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

**23.65.705.3 Scope of hearing of appeal.** Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

**23.65.705.4 Staying of order under appeal.** Except for vacation orders made pursuant to Section 704.4, enforcement of any notice and order of the code official issued under this code shall be stayed during the pendency of an appeal there from which is properly and timely filed.

#### **SECTION 23.65.706**

### **ENFORCEMENT OF THE ORDER OF THE CODE OFFICIAL OR THE BOARD OF APPEALS**

#### **23.65.706.1 Compliance**

**23.65.706.1.1 General.** After any order of the code official or the board of appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

**23.65.706.1.2 Failure to obey order.** If, after any order of the code official or board of appeals made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the code official may (i) cause such person to be prosecuted under this code or (ii) institute any appropriate action to abate such building as a public nuisance.

**23.65.706.1.3 Failure to commence work.** Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

1. The code official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

**DANGEROUS BUILDING**

**DO NOT OCCUPY**

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Code Official

2. No person shall occupy any building, which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the code official have been completed and a certificate of occupancy issued pursuant to the provisions of the code.
3. The Building Official may, in addition to any other remedy provided herein, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous, abandoned or derelict as set forth in the notice and order; or, if the notice and order require demolition, to cause the building or abandoned personal property to be sold and there from removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in this code. (AO 83-65, AO 86-57(S-1) AO 93-147)

**23.65.706.1.4 Failure to commence work.** Prior to the time of demolition, the Building Official has the authority to enter the dangerous, abandoned or derelict building to make an inspection for any personal property of value that may be abandoned on the premises. If such property is discovered, an inventory shall be taken and the final notice of demolition to the record owner of the dangerous, abandoned or derelict building shall include the inventory and a

request that the owner remove such property before demolition. This notice shall also state that if the owner fails to remove the discovered property prior to the demolition, the owner may redeem said property only under the conditions set forth below. At the time of demolition, the demolition contractor has the authority to remove the inventoried abandoned property from the premises and store the same safely. The record owner of the demolished property may, within 30 days after the date of demolition, redeem the stored property upon the payment of a reasonable storage fee to the demolition contractor. If the record owner of the demolished building fails to redeem the stored property, it shall become the property of the demolition contractor who shall have no recourse against the record owner of the demolished building or the Municipality for any storage charges. (AO 83-65, AO 86-57(S-1) AO 93-147)

**23.65.706.2 Extension of time to perform work.** Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the code official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the code official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The code official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

**23.65.706.3 Interference with repair or demolition work prohibited.** No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

## **SECTION 23.65.707**

### **PERFORMANCE OF WORK OR REPAIR OR DEMOLITION**

**23.65.707.1 General.** When any work, repair or demolition is to be done pursuant to Section 704.3 of this code, the Building Official shall issue his order, and the work shall be accomplished by personnel of this jurisdiction or by private contract. Plans and specifications therefore may be prepared by the Building Official, or he may employ such architectural and engineering assistance on a contract basis as he may deem reasonably necessary. If any part of the work is to be accomplished by private contract, standard Public Works contractual procedures shall be followed. (CAC 14.60.210-801(b), AO 78-105, AO 80-1, AO 83-65, AO 86-57(S-1).)

**23.65.707.2 Responsibility for Payment.** The responsibility for payment of the charges for abatement as set forth in this chapter shall rest solely upon the owners of the property upon which the abatement occurred. Owners as used in this section includes the record owner upon the date of service of an order or notice under Section 704.1.2 jointly and severally with any subsequent owner until all costs assessed under this chapter are paid in full. (AO 80-1, AO 83-65, AO 86-57(S-1) AO 93-147)

**23.65.707.3 Enforcement.** The Municipality shall have the right to bring suit for the collection of charges for abatement as set forth in this chapter plus costs and attorney's fees against any or all of the parties responsible for payment. (new, am AO 78-105, AO 80-1, AO 83-65, AO 86-57(S-1).)

**SECTION 23.65.708**  
**RECOVERY OF COST OF REPAIR OR DEMOLITION**

**23.65.708.1 Account of Expense.**

1. The Building Official shall cause to be kept an account of the cost, including incidental expenses, incurred by the Municipality in the repair or demolition of any building done pursuant to the provisions of Section 702 of this code. Upon the completion of the work or repair or demolition, the Building Official shall forward a bill for collection to the record owner, as that term is used Section 707.2, specifying the nature and costs of the work performed. Such costs shall be considered charges against the property and may be collected pursuant to this section or through any other legal means. (CAC 14-60.203.901, AO 78-105, AO 80-1, AO 83-65, AO 86-57(8-10), AO 93-147)
2. The term "incidental expenses" shall include, but not be limited to, the actual expenses and costs of the Municipality in the preparation of notices, specifications and contracts, overhead for account work, work inspection, and the cost of printing and mailing notices required hereunder. (CAC 14-60.203-901, am AO 78-105, AO 80-1, AO 83-65, AO 86-57(S-1) AO 93-147)

If the bill for collection remains unpaid 30 days after mailing of notice to the record owner(s), the Municipality shall be entitled to interest on the amount billed from the date of mailing until paid at the rate prescribed by law for delinquent real property taxes. Any payments made or received shall be first applied to accumulated interest. (AO 93-147)

**23.65.708.2 Lien Procedure.** Charges of the repair or demolition of any building done pursuant to the provisions of Section 701.3.3 of this code become a lien upon the real property upon which the building or structure is or was located. When charges for the repair or demolition of any building remain unpaid after 30 days from the date the Building Official forwards a bill for collection to the record owner, as identified in Section 707.2, the Building Official shall record a claim of lien at the Anchorage District Recorder's Office. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state or municipal property taxes with which it shall be upon a parity. The lien shall continue until the charges and all interest due and payable thereon are paid. The amount liened shall continue to accrue interest as set forth in AMC 23.65.901(c) until all such interest and charges due and payable thereon are paid. (AO 80-73, am AO 83-65, AO 86-57(S-1) AO 83-147)

**23.65.708.3 Collection of Abatement Charges.** The lien created herein may be enforced as provided in AS 34.35.005-34.35.045. The enforcement of the lien is a cumulative remedy and does not bar the collection of the charges for abatement as provided in Section 707.3 of this code. (AO 80-73, AO 83-65, AO 86-57(S-1) AO 93-147).