

**Article 01. PREVENTION AND INVESTIGATION****Chapter 18.70 FIRE PROTECTION****Sec. 18.70.010. General function of Department of Public Safety with respect to fire protection.**

The Department of Public Safety shall foster, promote, regulate, and develop ways and means of protecting life and property against fire, explosion, and panic.

**Sec. 18.70.020. Duties of Department of Public Safety.**

The Department of Public Safety shall

(1) aid in the enforcement of all laws and ordinances and the regulations adopted under [AS 18.70.010](#) - 18.70.100 and all other laws relating to fires or to fire prevention and protection;

(2) encourage the adoption of fire prevention measures by means of education;

(3) prepare or have prepared for dissemination information relating to the subject of fire prevention and extinguishment; and

(4) administer the state fire-service training program, including the administration of grants for fire-service training.

**Sec. 18.70.030. Investigation of fires resulting from crime.**

If there is reason to believe that a fire has resulted from crime or that crime has been committed in connection with a fire, the Department of Public Safety shall report that fact in writing to the district attorney of the judicial district in which the fire occurred. If the fire occurred in an incorporated city with a regularly organized fire department, the investigation and report shall be made in conjunction with the fire official of that area.

**Sec. 18.70.040. Cooperation with fire insurance companies.**

The Department of Public Safety may assist, receive assistance from, and otherwise cooperate with an investigator or agent employed by a fire insurance company licensed to do business in the state, or with an investigator or agent employed by an association of insurance companies licensed to do business in the state.

**Sec. 18.70.050. Power of department to inspect buildings.**

The Department of Public Safety may enter any building subject to regulation under [AS 18.70.080](#) during reasonable hours for the sole purpose of inspecting the property or abating a fire hazard.

**Sec. 18.70.060. Removal of property from fire.**

During a fire and in the absence of the owner or claimant, the Department of Public Safety may protect personal property affected by removing it. If the owner or claimant does not take charge of the property within 24 hours the Department of Public Safety may store it at the owner's or claimant's expense.

**Sec. 18.70.070. Abatement of fire hazards.**

The Department of Public Safety may require the owner of a commercial business or public property to abate a fire hazard that exists in violation of law or regulations, and the Department of Public Safety may take appropriate action to assure abatement.

**Sec. 18.70.075. Authority of fire department officers; penalty.**

(a) A fire officer of a municipal fire department or a fire department registered with the state fire marshal, while providing fire protection or other emergency services, has the authority to

(1) control and direct activities at the scene of a fire or

emergency;

(2) order a person to leave a building or place in the vicinity of a fire or emergency, for the purpose of protecting the person from injury;

(3) blockade a public highway, street, or private right-of-way temporarily while at the scene of a fire or emergency;

(4) trespass upon property at or near the scene of a fire or emergency at any time of the day or night;

(5) enter a building, including a private dwelling, or premises where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, to extinguish the fire;

(6) enter a building, including a private dwelling, or premises near the scene of a fire for the purpose of protecting the building or premises or for the purpose of extinguishing the fire that is in progress in another building or premises;

(7) upon 24-hour notice to the owner or occupant, conduct a prefire planning survey in all buildings, structures, or other places within the municipality or the registered fire department's district, except the interior of a private dwelling, where combustible material is or may become dangerous as a fire menace to the building;

(8) direct the removal or destruction of a fence, house, motor vehicle, or other thing judged necessary to prevent the further spread of a fire.

(b) An owner or occupant of a building or place specified in this section or any other person on the site of a fire or other fire department emergency who refuses to obey the order of a fire officer of a municipal or registered fire department in the exercise of official duties is guilty of a misdemeanor, and upon conviction, is punishable by imprisonment for one year, or by a fine of not more than \$1,000, or by both.

(c) In this section,

(1) "emergency" means a situation in which the services of fire department personnel are necessary or appropriate to protect life, property, or public health;

(2) "prefire planning survey" means a limited inspection for the purpose of preparing a fire attack plan in the event of a future emergency.

#### **Sec. 18.70.080. Regulations.**

(a) The Department of Public Safety shall adopt regulations for the purpose of protecting life and property from fire and explosion by establishing minimum standards for

(1) fire detection and suppression equipment;

(2) fire and life safety criteria in commercial, industrial, business, institutional, or other public buildings, and buildings used for residential purposes containing four or more dwelling units;

(3) any activity in which combustible or explosive materials are stored or handled in commercial quantities;

(4) conditions or activities carried on outside a building described in (2) or (3) of this subsection likely to cause injury to persons or property.

(b) The commissioner of public safety may establish by regulation and the department may charge reasonable fees for fire and life safety plan checks made to determine compliance with regulations adopted under (a)(2) of this section.

#### **Sec. 18.70.081. Approval of fire protection systems.**

Before October 30 of each year, the Department of Public Safety shall prepare and make available a list of approved fire protection systems to the Department of Commerce, Community, and Economic Development and the public.

#### **Sec. 18.70.082. Remote housing facilities.**

Any construction camp, logging camp, cannery, or oil or mining camp that has buildings not in a fire department service area in which persons are housed in dormitories or similar facilities shall be equipped with an automatic fire detection system in that portion of the building used for living or sleeping purposes. In this section, "automatic fire detection system" means a type of automatic fire detection system approved by the state fire marshal.

**Sec. 18.70.084. Standard fire hose and hydrant threads required.**

All fire protection equipment to be purchased by state and municipal authorities, or any other authority having charge of public property, shall be equipped with national standard fire hose threads for fire hose couplings and hydrant fittings as adopted by the state fire marshal under [AS 18.70.080](#).

**Sec. 18.70.085. Sale of nonstandard equipment.**

A person may not sell or offer for sale in this state any fire engine, fire hose, hydrant, or other equipment for fire protection purposes unless the equipment is fitted and equipped according to minimum standards adopted by the state fire marshal under [AS 18.70.080](#). Fire equipment for special purposes or research programs, or special features of fire protection equipment found appropriate for uniformity within a particular protection area, may be exempted from this requirement by the state fire marshal.

**Sec. 18.70.090. Enforcement authority.**

The Department of Public Safety and the chief of each fire department recognized under regulations adopted by the Department of Public Safety, and their authorized representatives in their respective areas, may enforce the regulations adopted by the Department of Public Safety for the prevention of fire or for the protection of life and property against fire or panic. All state peace officers may assist the Department of Public Safety in the enforcement of [AS 18.70.010](#) - 18.70.100 and the regulations adopted under those sections. The authority conferred in [AS 18.70.010](#) - 18.70.100 extends to the enforcement of the provisions of [AS 11.46.400](#) - 11.46.430.

**Sec. 18.70.095. Smoke and carbon monoxide detection devices.**

(a) Smoke detection devices shall be installed and maintained in all dwelling units in the state, and carbon monoxide detection devices shall be installed and maintained in all qualifying dwelling units in the state. The smoke detection devices must be of a type and shall be installed in a manner approved by the state fire marshal. The carbon monoxide detection devices must have an alarm and shall be installed and maintained according to manufacturers' recommendations.

(b) In a dwelling unit occupied under the terms of a rental agreement or under a month-to-month tenancy,

(1) at the time of each occupancy, the landlord shall provide smoke detection devices and, if the dwelling unit is a qualifying dwelling unit, carbon monoxide detection devices; the devices must be in working condition, and, after notification of any deficiencies by the tenant, the landlord shall be responsible for repair or replacement; and

(2) the tenant shall keep the devices in working condition by keeping charged batteries in battery-operated devices, if possible, by testing the devices periodically, if possible, and by refraining from permanently disabling the devices.

(c) If a landlord did not know and had not been notified of the need to repair or replace a smoke detection device or a carbon monoxide detection device, the landlord's failure to repair or replace the device may not be considered as evidence of negligence in a subsequent civil action arising from death, property loss, or personal injury.

- (d) In this section,
- (1) "dwelling unit" has the meaning given in [AS 34.03.360](#);
  - (2) "landlord" has the meaning given in [AS 34.03.360](#);
  - (3) "qualifying dwelling unit" means a dwelling unit that
    - (A) contains or is serviced by a carbon-based-fueled appliance or device that produces by-products of combustion;
    - (B) has an attached garage or carport; or
    - (C) is adjacent to a parking space;
  - (4) "rental agreement" has the meaning given in [AS 34.03.360](#);
  - (5) "tenant" has the meaning given in [AS 34.03.360](#).

**Sec. 18.70.100. Criminal penalty; appeal of administrative orders.**

(a) Except as provided in (c) of this section, a person who violates a provision of [AS 18.70.010](#) - 18.70.100 or a regulation adopted under those sections, or who fails to comply with an order issued under [AS 18.70.010](#) - 18.70.100, is guilty of a class B misdemeanor. When not otherwise specified, each 10 days that the violation or noncompliance continues is a separate offense.

(b) A person aggrieved by a final order may appeal to the superior court within 30 days after the issuance of the final order. Filing of the appeal does not excuse noncompliance with the order. The court may stay the operation of the order on those terms relating to bonding or other matters that the court finds proper. A stay may not be granted or continued if the court finds that it is against the public interest.

(c) A person who violates [AS 18.70.095](#), as that section relates to carbon monoxide detection devices, is guilty of a violation. In this subsection, "violation" has the meaning given in [AS 11.81.900](#).

**Sec. 18.70.110. - 18.70.140. Fire Escapes. [Repealed, Sec. 2 ch 23 SLA 1971].**

Repealed or Renumbered

**Article 02. MUTUAL FIRE AID AGREEMENTS**

**Sec. 18.70.150. Adoption of mutual fire aid agreements.**

A city, other incorporated entity, and other fire protection groups may organize a mutual-aid program by adopting an ordinance or resolution authorizing and permitting their fire department, fire company, emergency relief squad, fire police squad, or fire patrol to go to the aid of another city, incorporated entity, or fire protection group, or territory outside of it. While extending aid under this section and [AS 18.70.160](#) the fire department, company, squad, or patrol has the same privileges and immunities it possesses when it performs the same functions in its own area. The ordinance or resolution may authorize the heads of the fire department to extend aid, subject to conditions and restrictions prescribed in the ordinance or resolution.

**Sec. 18.70.160. Agreement not to affect insurance rates or liability.**

An agreement made under [AS 18.70.150](#) and this section shall be carried out in a manner that does not raise insurance rates. An agreement may not reduce the liability of an insurance company in case of loss during the absence of fire services personnel and equipment.

**Sec. 18.70.300. [Renumbered as [AS 18.70.900](#)].**

Repealed or Renumbered

**Article 03. ALASKA FIRE STANDARDS COUNCIL**

**Sec. 18.70.310. Hazardous chemicals, materials, and wastes placards. [Repealed, Sec. 15 ch 71 SLA 1997].**

Repealed or Renumbered

**Sec. 18.70.320. Policy.**

It is the policy of the state to protect its residents and their property from the ravages of fire. The state recognizes the need for the state to participate in providing an educational and training system that meets the needs of all communities and all fire services personnel. The legislature finds that fire is a constant threat and that homes, places of employment, modes of transportation, and our natural resources need a system of fire protection that is based on the most current, practical standards and educational principles.

**Sec. 18.70.330. Creation.**

(a) There is created in the Department of Public Safety the Alaska Fire Standards Council.

(b) The council consists of the following persons:

(1) Two chief administrative officers or fire chiefs; only one person appointed under this paragraph may be from a fire department that consists entirely of paid employees;

(2) the state fire marshal or a designee of the state fire marshal;

(3) four representatives of firefighters, including at least one member of the Alaska State Firefighters Association nominated under (c) of this section and at least one member of the Alaska Professional Fire Fighters Association nominated under (c) of this section; a person appointed under this paragraph may not, while serving on the council, be a fire chief;

(4) two volunteer firefighters, one from a community with a population of 2,500 or less and one from a community with a population greater than 2,500;

(5) two members of the public at large with at least one member from a community with a population of 2,500 or less;

(6) one member of the Alaska Fire Chiefs Association nominated under (c) of this section.

(c) The governor shall appoint members of each association named in (b) of this section from a list of at least three nominees submitted by each association. The governor may reject a list submitted under this subsection and request that another list be submitted.

**Sec. 18.70.340. Appointment; meetings; expenses.**

(a) The state fire marshal or a designee shall serve on the council during each state fire marshal's continuance in office. Other members of the council shall be appointed by the governor for staggered terms of four years, except that a member may not serve beyond the time the member holds the office that established eligibility for appointment. Membership on the council does not disqualify a member from holding another public office or employment. The council shall select its chair and vice-chair annually.

(b) The council shall meet at least twice a year. The chair shall set the time and place of the meeting, either on the chair's own motion or on written request by three members of the council. The council is encouraged to meet electronically.

(c) The members of the council do not receive a salary for service on the council, but are entitled to per diem and travel expenses authorized by law for other boards and commissions under [AS 39.20.180](#).

**Sec. 18.70.350. Powers.**

The council may

(1) adopt regulations for the administration of [AS 18.70.320](#) - 18.70.369, including regulations

(A) establishing minimum training and performance standards for certification of fire services personnel that are consistent with the standards of the National Fire Protection Association or other applicable standards;

(B) establishing minimum fire training curriculum requirements for certification of training programs that are designed

to enable trainees to meet the standards established under (A) of this paragraph;

(C) governing the procedure for certification of fire services training programs that meet the minimum curriculum requirements adopted under this section;

(D) governing the procedure for certification of individuals who satisfy the minimum training and performance standards established under this section; and

(E) governing the procedure for revocation of the certificate of a person or program that, having been issued a certificate under this section, fails at a later date to meet the standards adopted by the council under this section; the procedures must be consistent with [AS 44.62](#) (Administrative Procedure Act);

(2) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of fire services training schools and programs offered in the state;

(3) employ an administrator and other persons necessary to carry out its duties; and

(4) charge and collect fees determined by the council to be necessary.

**Sec. 18.70.355. Certification optional.**

Nothing in [AS 18.70.320](#) - 18.70.369 may be construed to prohibit a person from performing fire services without a certificate issued by the council. However, an entity for whom a person performs fire services as an employee or volunteer may require that the person be certified by the council or attend training programs that are certified by the council.

**Sec. 18.70.360. Alaska fire services personnel fund.**

The Alaska fire services personnel fund is created in the general fund. The fund consists of appropriations made by the legislature to the fund. The council may use the money in the fund to carry out its powers and duties.

**Sec. 18.70.369. Definitions.**

In [AS 18.70.320](#) - 18.70.369,

(1) "council" means the Alaska Fire Standards Council established under [AS 18.70.330](#);

(2) "fire services" means fire prevention services, fire suppression services, fire suppression support services, or training or educational services related to fire prevention or fire suppression that are performed by an employee of or volunteer with an organized fire service;

(3) "organized fire service" means a group of persons organized and trained for prevention and control of loss of life and property from fire, except that the term does not include groups of persons regulated under [AS 18.65](#) or persons regulated under [AS 18.08](#) who are performing within the scope of their certificates acquired under those chapters.

**Article 04. GENERAL PROVISIONS**

**Sec. 18.70.900. Definition of building.**

In this chapter, "building" means a structure, installation, facility, or edifice erected or in the process of being erected and that is used or intended for use as a commercial, industrial, business, institutional, other public building, or residential building containing four or more dwelling units.