



Office of the City Manager

PUBLIC HEARING

December 3, 2013

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Gil Dong, Fire Chief

Subject: Adoption of the 2013 California Fire Code with Local Amendments – Second Reading

RECOMMENDATION

1. Conduct a public hearing and upon conclusion adopt second reading of Ordinance No. 7,314-N.S. repealing and reenacting the Berkeley Fire Code, including amendments to the California Fire Code as outlined in the proposed ordinance, plus Appendix Chapters D, E, F, and K published by the International Code Council not included in the California Building Standards Code, as Berkeley Municipal Code Chapter 19.48.
2. Adopt a Resolution rescinding Resolution No. 65,081-N.S., which set forth findings of local conditions that require more stringent regulations than those provided by the 2010 California Fire Code.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact to the City will be approximately \$8,000 for the purchase of new fire codebooks, inspection guides, inspection forms, and training. The fire department has allocated the expenditure as part of its FY 2013/14 budget. Neither the new State code overall, or our continuing or new local amendments are expected to create significant cost increases for homeowners, builders or developers.

CURRENT SITUATION AND ITS EFFECTS

As part of a regular three-year cycle, the California Building and Standards Commission promulgated the 2013 California Fire Code requiring local adoption. The California Fire Code as referred to in Title 24 Part 9 of the California Code of Regulations will take effect on January 1, 2014. The Fire Code provides minimum standards for fire and life safety. The State of California amends and adopts a model fire code every three years.

The adoption of the 2013 International Fire Code with State amendments is known as the California Fire Code. Local jurisdictions must enforce the California Fire Code, as adopted by the State 180 days after publication. The changes to the model code requires this cycle's adoption of local amendments to maintain the standard of care established with previous Berkeley fire code adoptions

BACKGROUND

The City of Berkeley has unique climatic, geological, and topographical conditions, which require local amendments to mitigate potential hazards, and to reduce loss of life caused by fires or natural disasters. The City of Berkeley has adopted local amendments in the past to address sprinkler system and fire alarm requirements for existing residential occupancies, window bars, smoke detectors, and firefighter safety and operations in high-rise construction. Without the adoption of the local amendments the new and past amendments cannot be enforced. At the November 12, 2013 meeting, Council adopted Resolution No. 66,365-N.S. which sets forth findings of local conditions that require more stringent regulations than those provided by the 2013 California Fire Code. Resolution No. 66,365-N.S. will go into effect on January 1, 2014. As such, Resolution No. 65,081-N.S. which set forth the findings of local conditions in 2010 must be rescinded. A clause was included in Resolution No. 66,365-N.S. to accomplish this action, however the clause incorrectly referenced the previously rescinded Resolution from 2007. Council is being asked to adopt a Resolution to rescind the Resolution from 2010 and resolve the discrepancy.

The City of Berkeley also creates and adopts by resolution a fee schedule which specifies fees associated with operational and construction permits required by the fire code, and for other general and specific fire inspection services as well as establishing billing and collection procedures and setting forth delinquency charges. At the November 12, 2013 meeting, Council adopted Resolution No. 66,366-N.S. setting forth such fees.

RATIONALE FOR RECOMMENDATION

Local amendments to the California Fire Code must be adopted every three years, or the state code goes into effect without local amendments. Adoption of local amendments and findings-of-fact are needed to customize the state code to Berkeley's particular topographic, geologic and climatic conditions.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Steven Riggs, Acting Fire Marshal, Berkeley Fire Prevention and Office of Emergency Services, 981-5585

Attachments:

- 1: Ordinance
- 2: Resolution
- 3: Public Hearing Notice

ORDINANCE NO. 7,314–N.S.

REPEALING AND RE-ENACTING BERKELEY MUNICIPAL CODE CHAPTER 19.48,
FIRE CODE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 19.48 is hereby repealed and reenacted as to read as follows:

Chapter 19.48

BERKELEY FIRE CODE

Sections:

Section 19.48.010	Adoption of California Fire Code
Section 19.48.020	Amendments to the California Fire Code
Section 19.48.030	Validity

Section 19.48.010 Adoption of California Fire Code

- A. That portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, 2012 Edition published by the International Code Council and the California Building Standards Commission with Errata, together with those portions of the International Fire Code, 2012 Edition, including Chapters 1 (excluding Section 103.2), 3 (excluding Section 317), Section 503 of Chapter 5, Sections 1104.16.5.1 and 1103.5.3 of Chapter 11 (as amended by BMC 19.48.020, Amendments to the California Fire Code), Appendix Chapters D, E, F, and K published by the International Code Council not included in the California Building Standards Code, are adopted by this reference into this Chapter, and are hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth this ordinance. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.
- B. This chapter shall be known as the "Berkeley Fire Code" and shall be referred to in this chapter as "this code".

Section 19.48.020 Amendments to the California Fire Code

The following additions, changes and deletions to the 2013 California Fire Code, as detailed below, are adopted as part of the Berkeley Fire Code.

- A. **Section 101.1 Title.** These regulations, including the local amendments to the California Fire Code set forth in this ordinance, shall be known as the Berkeley Fire Code, hereinafter referred to as "this code."
- B. **Section 101.6. Expense of securing emergencies** The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Sections 104.1 or 104.11 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Chief for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.
- C. **Section 102.6 Historic buildings.** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with ~~an approved fire protection plan~~ the 2013 California Historical Building Code.
- D. **Section 104.12. Authority to arrest and issue citations.** The Fire Chief, Chief Officers, Deputy Fire Marshal, and Fire Inspectors shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the International Fire Code or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended. It is the intent of the City Council that the immunities provided in Penal Code Section 836.5 are applicable to aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.
- E. **Section 104.13 Authority to abate fire nuisance.** The Fire Chief, Chief Officers, Deputy Fire Marshal, Fire Inspectors, Fire Officers and Acting Fire Officers shall have the authority to order the abatement of fire nuisances.
- F. **Section 105.1.4 Fees.** Fees for permits and inspections shall be set forth by the City Council by resolution.
- G. **105.6.16 Flammable and combustible liquids.** An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
 - 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.
 - 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class H or Class IRA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oilburning equipment.
4. To store, handle or use Class III-B liquids in excess of 110 gallons in containers, or in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.

Exception: Fuel oil and used motor oil used for space heating or water heating.

5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
8. To change the type of contents stored in a Flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
9. To manufacture, process, blend or refine flammable or combustible liquids.

10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.
- H. **Section 105.6.48 Christmas tree sales lot.** To operate a Christmas tree sales lot.
- I. **Section 105.6.49 Escort convoy service** Police and/or Fire Department convoy service for vehicle transportation of extremely hazardous materials.
- J. **Section 105.6.50 General use permit.** For any activity or operation not specifically described in this Code, which the Fire Chief reasonably determines, may produce conditions hazardous to life or property.
- K. **Section 105.6.51 Parking facility, special events.** To use buildings or structures for vehicle parking, includes parking for special events (i.e. football games, etc.).
- L. **Section 105.7.17 Window bars.** To install window bars on exterior doors or windows of any sleeping rooms below the fourth floor in apartment houses, hotels, and motels.
- M. **SECTION 108 ~~BOARD OF APPEALS~~ PROCESS**
- N. ~~**Section 108.1 Board of appeals established.**~~ In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official. **Appeals Procedure** Whenever the Fire Code Official disapproves an application, refuses to grant a permit applied for, or revokes or suspends any permit or certificate already issued, an appeal therefore may be taken to the City Council by the applicant or permit holder. Notice of the appeal must be filed in triplicate with the City Clerk of the City of Berkeley within ten days from the date of mailing of the Fire Chiefs decision to the applicant or permit holder. The notice of appeal shall contain a statement of the reasons for the appeal. The City Clerk shall forward one copy thereof to the Fire Chief. Within ten days after the filing of the notice of appeal, the Fire Chief shall transmit to the City Council all his/her records pertaining to the decision appealed from.
- O. ~~**Section 108.2 Limitations on authority.**~~ An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have

~~been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.~~ **Stay of Proceedings** The filing of the notice of appeal shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until determination of the appeal as hereinafter provided, unless the Fire Chief determines that such a stay could result in an imminent threat to the public safety.

- P. ~~**108.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and are not employees of the jurisdiction.~~ **108.3 Decisions** The City Council shall review the action of the Fire Chief and shall do any one of the following:
- a. Refer the matter back to the Fire Chief
 - b. If the facts stated in or ascertainable from the application, the Notice of Appeal, the written statement of the Fire Chief setting forth the reason for his/her decision, and the other papers, if any, constituting the record do not, in the opinion of the City Council, warrant further hearing, the City Council may affirm the decision of the Fire Chief. Such decision shall be final.
 - c. If, in the opinion of the City Council, said facts warrant further hearing, the City Council shall set the matter for hearing and shall give notice of the time and place of said hearing by mailing a copy of such notice by certified mail to the address of the applicant as stated in the Notice of Appeal, at least ten (10) days before the time fixed for the hearing. The City Council may continue the hearing from time to time.
 - d. Following such hearing, the City Council shall reverse, affirm wholly or partly modify any decision of the Fire Chief, or make any other decisions or determinations or impose such conditions as the facts warrant. Such decision or determination shall be final.
 - e. If none of the above actions have been taken by the City Council within thirty (30) days from the date the appeal first appears on the City Council agenda, then the decision of the Fire Chief shall be deemed affirmed and the appeal shall be deemed dismissed.
 - f. If the appeal is set for hearing but the disposition of the appeal has not been determined within ninety (90) days from the date the appeal first appears on the City Council agenda, then the decision of the Fire Chief shall be deemed affirmed and the appeal deemed dismissed.
- Q. **Section 109.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code, or to create, maintain or allow to continue any fire hazard.
- R. **Section 109.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect,

install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a ~~[SPECIFY OFFENSE]~~, punishable by a fine of not more than ~~[AMOUNT]~~ dollars or by imprisonment not exceeding ~~[NUMBER OF DAYS]~~, or both such fine and imprisonment misdemeanor, but may be cited or charged, at the election of the enforcing officer or city attorney, as infractions, with the exceptions cited in subsection 109.3.1 and subject to an election by the defendant under Penal Code Subsection 17 (d). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- S. **Section 109.4.2 Misdemeanors** Notwithstanding Section 109.4, violation of any of the following provisions of this code shall be charged only as a misdemeanor:
1. Section 109.3.2 (Compliance with orders and notices)
 2. Section 109.4.4 (Unauthorized tampering)
 3. Section 110.2 (Evacuation of an Unsafe Building)
 4. Section 110.2.1 (Unauthorized re-occupancy of an unsafe building)
 4. Section 901.8 (Removal or tampering with equipment)
 5. Section 405.1 (Making false report)
- T. **Section 109.4.3 Work without a Permit** Contractors performing work without a permit for the addition, change out, installation replacement, upgrade, of any fire alarm, fire suppression, or fire sprinkler system shall be required to pay three times the amount of the required fees to obtain a permit for the addition, change out, installation, replacement, upgrade of the fire alarm, fire suppression, or fire sprinkler system.
- U. **Section 110.2.1 Unauthorized re-occupancy of unsafe buildings.** No person shall reoccupy any building, which has been posted as specified in this subsection except for the purpose of securing same or making the required repairs or demolishing the building or structure, nor shall any person remove or deface any such notice so posted until the hazard/s has been abated.
- V. **Section 110.3 Summary abatement.** Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code. Where the owner does not comply with an abatement order under Section 110.4 within the period specified, the City may perform or cause to be performed the necessary work. The costs incurred shall be recoverable under the procedures in Section 110.4.1
- W. **Section 110.4.1 Abatement process.** The abatement process shall be conducted in accordance with the notice and hearing requirements of the nuisance abatement provisions of Berkeley Municipal code chapter 1.24, including summary abatements of structures or premises determined by the city to constitute an imminent hazard or emergency condition.

- X. **Section 202 Definitions - B BERKELEY MARINA Area shall mean all those, parts of the City of Berkeley west of the Interstate 80 Freeway.**
- Y. **Section 202 (Definitions — F) FIRE HAZARD means anything or act which increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing or act which could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire. Fire hazards as defined herein are hereby declared to be public nuisances subject to abatement by the City.**
- Z. **Section 202 (Definitions — F) FIRE NUISANCE means any thing or act, which is annoying, unpleasant, offensive or obnoxious because of fire.**
- AA. **Section 202 (Definitions – J). JURISDICTION means the City of BerkeleyThe governmental unit that has adopted this code under due legislative authority.**
- BB. **Section 202 (Definitions — W) WASTE OIL is a Class III-B waste liquid resulting from the use of Class III-B combustible liquids such as waste motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids.**
- CC. **Section 504.1.1 Marking of Exterior Building Openings. Where exterior doorways are not otherwise marked with identification such as building addresses, room/suite numbers or business names which identify the area(s) they provide access to, such opening shall be provided with signs or labels indicating the areas they serve. Doorways to be marked shall include but are not limited to doors serving building circulation (such as stairwells/exit passageways), potential hazards (such as trash rooms), and building service and utility spaces (such as electrical, gas, HVAC and elevator machine rooms). Signs/labels shall be permanent, weather and sunlight resistant with lettering not less than 3/4" high with a 1/16" width stroke on a contrasting background. Such signs or labels shall be affixed to the door frame or wall above the door. Such signs and labels shall be maintained.**
- Exception: Doors associated with private dwellings, the main entrance to normally occupied spaces or when determined to be unnecessary by the Fire Code Official.**
- DD. **Section 703.2.4 Fusible Links. Doors required for fire and smoke separation for interior exit stairways and floor separation in R-1 or R-2 occupancies shall not be maintained in an open position with fusible links.**
- EE. **Section 903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the California Building Code or where located beneath other groups or with U occupancies with installed parking lifts with no exceptionsas follows:**

- ~~1. Where the fire area of the enclosed parking garage exceeds 12,000 square feet (1115 m²); or~~
- ~~2. Where the enclosed parking garage is located beneath other groups.~~

FF. Section 903.2.10.1 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or busses ~~where the fire area exceeds 5000 square ft. (464m²).~~

GG. Section 903.2.11.1 Stories without openings. An automatic sprinkler system shall be installed throughout all buildings having stories, including basements, ~~of all buildings where the floor area exceeds 1,500 square feet (139.4 m²)~~ and where there is not provided at least one of the following types of exterior wall openings:

1. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1009 or an outside ramp complying with Section 1010. Openings shall be located in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm).
2. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m²) in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on at least one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm) The height of the bottom of the clear opening shall not exceed 44 inches (1118 mm) measured from the floor.

HH. Section 903.2.20 Structures in the Berkeley Marina Area. All structures in the Berkeley Marina Area shall be provided with total automatic sprinkler protection.

Exceptions: Gear lockers not designed to permit human entry, municipal restrooms unattached to other structures, the existing City of Berkeley Harbor Master's office, and any temporary construction site structures.

II. Section 903.2.21 Public Self-Storage Buildings. Any building erected or existing building that was converted and/or subdivided for public self-storage use on or after August 19, 1982 shall be provided with total automatic sprinkler protection in accordance with NFPA 13 standards.

JJ. Section 903.2.22 Environmental Safety - Residential District. Any new construction requiring a permit determined to be \$100,000 or more in construction costs or new additions to existing structures shall be required to install automatic fire sprinklers throughout the structure. For the purpose of this subsection "Environmental Safety — Residential District" shall mean those areas designated as such on the Official Zoning Map of the City of Berkeley, as it may be amended from time to time.

KK. Section 903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies up to and including four stories in height shall be permitted to be installed throughout in accordance with NFPA 13R *as amended in Chapter 47* .

Exception: Sprinkler systems in residential / commercial mix-use buildings to be in accordance with NFPA 13.

LL. Section 903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings *and Group 1-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access.* Each floor and basement level of a building of three or more stories shall be provided with at least one control valve installed on each level in rated stairwells or other approved location.

Exception: Control valves in 3 story buildings can be located adjacent to stairwells having exterior ground floor access, when approved

MM. Section 907.2 Where required—new buildings and structures. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

A minimum of one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or water-flow detection devices. Where an automatic and manual, or a manual fire alarm system is required by this code or Berkeley local ordinance, ~~other sections of this code allow elimination of fire alarm boxes is due to sprinklers or automatic fire alarm systems,~~ a single fire alarm box shall be installed ~~at a location approved by the enforcing agency.~~

Exceptions:

- ~~1. The manual fire alarm box is not required for fire alarm control units dedicated to elevator recall control, supervisory service and fire sprinkler monitoring.~~
- ~~2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is accessible to the public.~~
- ~~3. The manual fire alarm box is not required to be installed when approved by the fire code official.~~

NN. Section 907.2.8.1 Manual fire alarm system. A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-1 occupancies.

Exceptions:

~~1. A manual fire alarm system is not required in buildings not more than two stories in height where all individual sleeping units and contiguous attic and crawl spaces to those units are separated from each other and public or common areas by at least 1-hour fire partitions and each individual sleeping unit has an exit directly to a public way, egress court or yard.~~

~~2. Manual fire alarm boxes are not required throughout the building when the following conditions are met:~~

~~2.1. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2;~~

~~2.2. The notification appliances will activate upon sprinkler water flow; and~~

~~2.3. At least one manual fire alarm box is installed at an approved location.~~

~~OO. **Section 907.2.8.2 Manual and Automatic fire alarm systems** ~~smoke detection system.~~ An A manual and automatic smoke detection fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed throughout all interior corridors and common areas of Group R-1 occupancies. The detection device for this purpose shall be a smoke detector (or heat detector as approved), which is system connected and electronically supervised serving sleeping units.~~

~~**Exception:** An automatic smoke detection system is not required in buildings that do not have interior corridors serving sleeping units and where each sleeping unit has a means of egress door opening directly to an exit or to an exterior exit access that leads directly to an exit.~~

~~PP. **Section 907.2.9.1 Automatic and Manual fire alarm system.** An automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where:~~

- ~~1. The building is three or more stories in height and Any any dwelling unit or sleeping unit is located three or more stories above the lowest level of exit discharge;~~
- ~~2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit; or~~
- ~~3. The building contains more than 16 dwelling units or sleeping units.~~
- ~~4. Congregate residences with more than 16 occupants.~~

~~**Exceptions:**~~

- ~~1. A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, egress court or yard.~~

- ~~2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler water flow.~~
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1026.6, Exception 4.

QQ. **Section 914.3.8 Air Replenishment Systems.** New high-rise buildings shall install an approved rescue air replenishment system or equivalent equipment or systems as determined by the Fire Code Official to provide a breathing air supply for firefighting self-contained breathing air tanks. Such system or equipment shall provide adequate pressurized breathing air supply through a permanent piping system or other means acceptable to the Fire Code Official for the replenishment of portable life sustaining air equipment carried by fire department, rescue and other personnel in the performance of their duties. Design, installation, testing and maintenance of such air replenishment systems shall be made in accordance with a recognized standard such as Appendix F of the 2012 Uniform Plumbing Code or equivalent and must be approved by the Fire Chief. Each property owner shall be responsible for maintaining such equipment or systems including annual air sampling and testing.

Exceptions:

1. Buildings equipped with Firefighter Access Elevators as required by Berkeley Building Code section 403.6.1
2. Where an alternate method of supplying breathing air replenishment is approved by the Fire Chief.

RR. **Section 1103.5.3 Automatic Sprinkler Requirements for Existing Hotels.**

SS. **Section 1103.5.3.1 Definitions.** For the purposes of this Section, the following terms shall be defined as follows:

1. "Hotel" shall mean any building, including motels, dormitories, rooming houses, fraternity houses and sorority houses, which contain six or more rooms which were intended or designed to be used, or which are used, for the purposes of renting, hiring or letting to residential occupants for sleeping purposes but shall not include apartment buildings as defined in this code.
2. "Story" is as defined in the Berkeley Building Code.
3. "First Story" is as defined in the Berkeley Building Code.
4. "Basement" is as defined in the Berkeley Building Code.
5. "Balcony, Exterior Exit" shall mean a landing or porch projecting from the wall of a building which serves as a required exit. The long side shall be at least 50 percent

directly open to the exterior, and the open area above the guardrail shall be so configured as to prevent the accumulation of smoke or toxic gases.

Application: This section shall apply to every hotel in which the rooms used for sleeping are rented or let above the ground floor, if the hotel was built prior to 1992, and also meets one of the following two conditions:

The height of the hotel is three or more stories or two stories plus an inhabited basement, which is used for purposes other than exclusively servicing the maintenance and other needs of the building; or the hotel contains 20 or more rooms, or regularly accommodates 20 or more residential occupants.

Exception: No hotel in which the exits from sleeping rooms lead either to the outside of the building either directly or via approved exit balconies with approved exterior stairways(s) in accordance with the requirements of the Berkeley Building Code is required to comply with this section.

TT. **Section 1103.5.3.2 Types of Fire Sprinklers.** In the sleeping units of the building, only residential or quick response sprinkler heads shall be used.

UU. **Section 1103.5.3.3 Supervision of fire sprinkler systems.** All automatic sprinkler systems installed under this subsection in which the number of sprinkler heads is 50 or more shall be supervised by an approved central, proprietary or remote-station alarm service or a local alarm which will give an audible signal at a constantly attended location.

VV. **Section 1103.7 Fire Alarm Systems.** An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.10 and provide occupant notification in accordance with Section 907.5 unless other requirements are provided by other sections of this code. Existing high-rise buildings shall comply with Section 1103.7.9.

Where an automatic and manual or a manual fire alarm system is required by this code or Berkeley local ordinance, elimination of fire alarm boxes in buildings equipped with an approved sprinkler system is ~~not allowed~~ prohibited.

Exception: Occupancies with an existing, previously approved fire alarm system ~~When deemed not required by the Fire Code Official.~~

WW. **Section 1103.7.5.1 Group R-1 hotels, and motels and congregate residences manual and automatic fire alarm system.** A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in existing Group R-1 hotels and motels ~~more than~~ with three stories or with ~~more than~~ 20 or more sleeping units.

Exceptions:

- ~~1. Buildings less than two stories in height where all sleeping units, attics and crawl spaces are separated by 1-hour fire-resistance-rated construction and each sleeping unit has direct access to a public way, egress court or yard.~~
- ~~2. Manual fire alarm boxes are not required throughout the building when the following conditions are met:
 - ~~2.1. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2;~~
 - ~~2.2. The notification appliances will activate upon sprinkler water flow; and~~
 - ~~2.3. At least one manual fire alarm box is installed at an approved location.~~~~

XX. Section 1103.7.6 Group R-2. A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in existing Group R-2 occupancies ~~more than three~~ or more stories in height or with 16 or more ~~than 16~~ dwelling or sleeping units. Congregate residences shall retrofit existing manual-only fire alarm systems with automatic fire detection. Other types of R-2 occupancies (such as apartment buildings) shall retrofit existing manual-only fire alarm systems with automatic fire detection when the existing fire alarm control unit is replaced for any reason. Automatic detection shall be accomplished by use of a smoke detector (or heat detector as approved), which is system connected and electronically supervised. Detectors shall be installed in all interior corridors and common areas.

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 0.75 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 installed in accordance with Section 903.3.1.1 or 903.3.1.2 and having a local alarm to notify all occupants.~~
3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open ended corridors designed in accordance with Section 1026.6, Exception 4.

YY. Section 1103.7.10 Monitoring of Group R Occupancies. All existing R occupancies that are required to provide both a fire alarm and fire suppression system shall have the system monitored by a central station, remote supervising station, or proprietary supervising station.

ZZ. 1104.16.5.1. Examination. Fire escape stairs and balconies shall be examined for structural adequacy and safety in accordance with Section 1104.16.5 by a registered design professional or others acceptable to the fire code official every five years, or

as required by the fire code official. An inspection report shall be submitted to the fire code official after such examination.

AAA. **Section 4902.1 General.** For the purpose of this chapter, certain terms are defined as follows:

CDF DIRECTOR. Director of the California Department of Forestry and Fire Protection.

FIRE PROTECTION PLAN. A document prepared for a specific project or development proposed for a Wildland-Urban Interface Fire Area. It describes ways to minimize and mitigate potential for loss from wildfire exposure. The Fire Protection Plan shall be in accordance with this Article. When required by the enforcing agency for the purpose of granting modifications, a fire protection plan shall be submitted. Only locally adopted ordinances that have been filed with the California Building Standards Commission in accordance with Section 101.14 or the Department of Housing and Community Development in accordance with Section 101.15 shall apply. A Fire Protection Plan shall also be known as a Vegetation Management Plan (VMP), although it may also contain elements not directly associated with vegetation management including but not limited to building construction features or equipment, engineering controls, administrative controls, process controls or site access requirements.

FIRE HAZARD SEVERITY ZONES. Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189. The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California."

FIRE ZONE ONE shall encompass the entire City of Berkeley except for Fire Zones Two and Three.

FIRE ZONE TWO encompasses those areas designated as Combined Hillside District in the Official Zoning map of the City of Berkeley and those areas designated as Very High in the official Fire Hazard Severity Zones (FHSZ) map of The Department of Forestry and Fire Protection (CAL FIRE), as they may be amended from time to time. The following properties, not part of the Combined Hillside District, are included in Fire Zone Two under the Very High designation of the FHSZ map: The eastern section of the University of California, Berkeley main campus, block number 2042(Alameda County Accessory's parcel numbering (APN) system), to the east City line and all of the Clark-Kerr campus, block number 7690, to the east City line. All of block number 7680 in the City of Berkeley and portions of block number 1702 in the City of Berkeley. These additional parcels and their assigned street address are established in Section 19.28.030 of the Berkeley Municipal Code, Berkeley Building Code and are specified in Table 4902.1

Table 4902.1

Parcels Added to the Berkeley Combined Hillside District	
Parcel Number (APN)	Address

<u>048-7680-001-02</u>	<u>3 Tanglewood Road</u>
<u>048-7680-002-01</u>	<u>5 Tanglewood Road</u>
<u>048-7680-031-00</u>	<u>7 Tanglewood Road</u>
<u>048-7680-019-00</u>	<u>11 Tanglewood Road</u>
<u>048-7680-014-00</u>	<u>19 Tanglewood Road</u>
<u>048-7680-032-01</u>	<u>25 Tanglewood Road</u>
<u>048-7680-027-00</u>	<u>29 Tanglewood Road</u>
<u>054-1702-067-00</u>	<u>10 Tanglewood Road</u>
<u>054-1702-068-00</u>	<u>18 Tanglewood Road</u>
<u>054-1702-069-00</u>	<u>22 Tanglewood Road</u>
<u>054-1702-070-00</u>	<u>28 Tanglewood Road</u>
<u>054-1702-063-00</u>	<u>2701 Belrose Avenue</u>
<u>054-1702-076-00</u>	<u>2715 Belrose Avenue</u>
<u>054-1702-075-00</u>	<u>2721 Belrose Avenue</u>
<u>054-1702-074-00</u>	<u>2729 Belrose Avenue</u>
<u>054-1702-073-00</u>	<u>2737 Belrose Avenue</u>
<u>054-1702-112-00</u>	<u>2801 Claremont Boulevard</u>
<u>054-1702-123-01</u>	<u>2811 Claremont Boulevard</u>
<u>054-1702-122-00</u>	<u>2815 Claremont Boulevard</u>
<u>054-1702-120-01</u>	<u>2821 Claremont Boulevard</u>
<u>054-1702-114-01</u>	<u>2816 Claremont Avenue</u>
<u>054-1702-115-00</u>	<u>2820 Claremont Avenue</u>
<u>054-1702-072-00</u>	<u>3005 Garber Street</u>
<u>054-1702-071-00</u>	<u>3015 Garber Street</u>
<u>054-1702-113-00</u>	<u>3020 Garber Street</u>
<u>054-1702-116-00</u>	<u>3017 Avalon Avenue</u>

FIRE ZONE 3 encompasses those areas designated as Environmental Safety - Residential Districts on the Official Zoning Map of the City of Berkeley, as it may be amended from time to time.

LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE. An area designated by a local agency upon the recommendation of the CDF Director pursuant to Government Code, Sections 51177(c), 51178 and 5118, that is not a state responsibility area and where a local agency, city, county, city and county, or district is responsible for fire protection.

STATE RESPONSIBILITY AREA. Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the state.

WILDFIRE. Any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property, or resources as defined in Public Resources Code, Sections 4103 and 4104.

WILDFIRE EXPOSURE. One or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.

WILDLAND-URBAN INTERFACE FIRE AREA. A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Berkeley Fire Zones 2 and 3 are designated as Wildland-Urban Interface Fire Areas. See Article 86B for the applicable referenced Sections of the Government Code and the Public Resources Code.

BBB. Section 4903.1 General. When required to submit a Fire Protection Plan or Vegetation Management Plan for any reason the responsible party shall prepare or cause to be prepared a Fire Protection Plan in accordance with the latest standards of the Berkeley Fire Department. The Fire Protection Plan shall be submitted to, reviewed and approved by the Berkeley Fire Department and shall be enforced and maintained by the responsible party or their designated agent. The Berkeley Fire Department may charge an appropriate fee for the review, approval and processing of the Fire Protection Plan in accordance with the hourly rate established by City Council resolution.

CCC. Section 4904.3 Berkeley Fire Hazard Severity Zones.

FIRE ZONE TWO. Fire Zone Two is designated a Very-High Fire Hazard Severity Zone and Wildland-Urban Interface Fire Area. All requirements of Berkeley Fire Code Chapter 49 and Berkeley Municipal Code Section 19.28.030, Berkeley Building Code, Chapter 7A shall apply.

FIRE ZONE THREE. Fire Zone Three is designated a Very-High Fire Hazard Severity Zone and Wildland-Urban Interface Fire Area. All requirements of Berkeley Fire Code Chapter 49 and Berkeley Municipal Code Section 19.28.030, Berkeley Building Code, Chapter 7A shall apply.

DDD. Section 4905.2 Construction methods and requirements within established limits. Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:

1. Chapter 7A of 19.28.030 Berkeley Municipal Code . See the Berkeley Building Code for requirements.,
2. Berkeley Residential Code (B.R.C.) California Residential Code, Section R327,
3. California Referenced Standards Code, Chapter 12-7A and this chapter.

EEE. Section 4906.3 Requirements. Hazardous vegetation and fuels around all applicable buildings and structures shall be maintained in accordance with the

following laws and regulations and subject to the requirements of Section 4907 of this code:

1. Public Resources Code, Section 4291.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation "General Guideline to Create Defensible Space").
3. California Government Code, Section 51182.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07

FFF. Section 4906.4 Electrical Equipment Support Clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the Chief.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classified as communication circuits by a public utility.

GGG. Section 4906.5 Electrical Distribution and Transmission Line Clearances.

HHH. Section 4906.5.1 General. Clearances between vegetation and electrical lines shall be in accordance with this Section.

III. Section 4906.5.2 Trimming clearance. At the time of trimming, clearances not less than those established by Table 4906.5.2 should be provided. The radial clearances shown below are minimum clearances that should be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

Exception: The Fire Chief is authorized to establish minimum clearances different than those specified in Table 4906.5.2 when evidence substantiating such other clearances is submitted to the Fire Chief and approved.

TABLE 4906.5.2 – MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES AT TIME OF TRIMMING

<u>Line Voltage</u>	<u>MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)</u> <u>[x 304.8 mm]</u>
<u>400 – 72,000</u>	<u>4</u>
<u>72,001 – 110,000</u>	<u>6</u>
<u>110,001 – 300,000</u>	<u>10</u>
<u>300,001 or more</u>	<u>15</u>

JJJ. **Section 4906.5.3 Minimum clearance to be maintained.** Clearances not less than those established by Table 4906.5.3 shall be maintained during such periods of time as designated by the Fire Chief. The site specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company specific trim cycle, the potential line sway due to wind, line sway due to electrical loading and ambient temperature, and the tree's location in proximity to the high voltage lines.

Exception: The Fire Chief is authorized to establish minimum clearances different than those specified by Table 4906.5.3 when evidence substantiating such other clearances is submitted to the Fire Chief and approved

TABLE 4906.5.3 – MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE MAINTAINED

<u>Line Voltage</u>	<u>MINIMUM CLEARANCE (inches) [x 25.4 mm]</u>
<u>750 – 35,000</u>	<u>6</u>
<u>35,001 – 60,000</u>	<u>12</u>
<u>60,001 – 115,000</u>	<u>19</u>
<u>115,001 – 230,000</u>	<u>30-1/2</u>

KKK. **Section 4906.5.4 Electrical power line emergencies.** During emergencies, the utility company shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 4906.5.3.

LLL. **Section 4906.5.5 Correction of Condition.** The Fire Chief is authorized to give notice to the owner of the property on which conditions regulated by Section 4906.5 exist to correct such conditions. If the owner fails to correct such conditions, the City is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

MMM. **Section 4906.6 Clearance of Brush or Vegetative Growth from Roadways.** The Fire Chief is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways, streets and private roads which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Chief is authorized to enter upon private property to do so.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of.

NNN. **Section 4906.7 Unusual Circumstances.** If the Fire Chief determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Section 4906 undesirable or impractical, enforcement thereof may be suspended and reasonable alternative measures shall be provided.

OOO. **Section 4907.1 General.** Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-high Fire Hazard Severity Zones of a Local Responsibility Areas (LRA) shall maintain defensible space as outlined in Government Code 51175 — 51189 and ~~any local ordinance of the authority having jurisdiction.~~Section 4908 of this code.

PPP. **Section 4907.2 Clearance of Brush or Vegetative Growth from Structures.**

QQQ. **Section 4907.2.1 General.** Persons owning, leasing, controlling, operating or maintaining buildings or structures in, or upon Wildland-Urban Interface Fire Areas and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures; and

Exception: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation and combustible growth located 30 feet (9144 mm) from such buildings or conditions causing a firebreak of only 30 feet (9144 mm) to be sufficient to provide reasonable fire safety; and.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within 10 feet (3048 mm) of the outlet of chimney; and

4. Maintain trees adjacent to or overhanging a building free of deadwood; and

5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth; and

6. Brush and debris does not need to be completely removed, but may be chipped into pieces less than three (3) inches in length, provided that the resulting mulch is less than five (5) inches deep; and

7. The trunks of eucalyptus trees are to be maintained so that they are free of hanging bark and debris to a height of at least eight (8) feet.

RRR. **Section 4907.2.2 Corrective Actions.** The City Council is authorized to instruct the Fire Chief to give notice to the owner of the property upon which conditions regulated by Section 4906.6 exist to correct such conditions. If the owner fails to correct such conditions, the City Council is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

SSS. **Section 4908 SUPPRESSION AND CONTROL OF WILDLAND-URBAN INTERFACE FIRE AREAS.**

TTT. **Section 4908.1 Permit.** The Fire Chief is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the Fire Chief.

UUU. **Section 4908.2 Restricted Entry.** The Fire Chief shall determine and publicly announce when Wildland-Urban Interface Fire Areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of Wildland-Urban Interface Fire Areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the Wildland-Urban Interface Fire Areas are closed to entry, is prohibited.

Exceptions:

- 1) Residents and owners of private property within Wildland-Urban Interface Fire Areas and their invitees and guests going to or being upon their lands;
- 2) Entry, in the course of duty, by peace officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service

VVV. **Section 4908.3 Trespassing on Posted Property.**

WWW. **Section 4908.3.1 General.** When the Fire Chief determines that a specific area within a Wildland-Urban Interface Fire Areas presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

XXX. **Section 4908.3.2 Signs.** Approved signs prohibiting entry by unauthorized persons and referring to this section shall be placed on every closed area.

YYY. **Section 4908.3.3 Trespassing.** Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

ZZZ. Section 4908.4 Smoking. Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in Wildland-Urban Interface Fire Areas are prohibited.

Exception: Places of habitation or within the boundaries of established smoking areas or campsites as designated by the Fire Chief.

AAAA. Section 4908.5 Spark Arresters. Chimneys used in conjunction with fireplaces, barbecues, incinerators or heating appliances in which solid or liquid fuel is used, upon buildings, structures or premises located within Wildland-Urban Interface Fire Areas shall be provided with a spark arrester. See Berkeley Building Code Section 704A1.6 for specifications.

BBBB. Section 4908.6 Tracer Bullets, Tracer Charges, Rockets and Model Aircraft. Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across Wildland-Urban Interface Fire Areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across Wildland-Urban Interface Fire Areas.

CCCC. Section 4908.7 Explosives and Blasting. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within Wildland-Urban Interface Fire Areas except by permit from the chief.

DDDD. Section 4908.8 Fireworks. Fireworks shall not be used or possessed in Wildland-Urban Interface Fire Areas. The Fire Chief is authorized to seize, take, remove or cause to be removed fireworks in violation of this section.

Exception: Fireworks allowed by the Fire Chief under permit when not prohibited by applicable local or state laws, ordinances and regulations.

EEEE. Section 4908.9 Apiaries. Lighted and smoldering material shall not be used in connection with smoking bees in or upon Wildland-Urban Interface Fire Areas except by permit from the Fire Chief.

FFFF. Section 4908.10 Open-Flame Devices. Welding machines, tar pots, decorative torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon Wildland-Urban Interface Fire Areas, except by permit from the Fire Chief.

Exception: Use within habited premises or designated campsites that are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas. Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon Wildland-Urban Interface Fire Areas.

Exception: The proper use of fusees at the scenes of emergencies or as required by standard railroad operating procedures.

GGGG. **Section 4908.11 Outdoor Fires.** Outdoor fires shall not be built, ignited or maintained in or upon Wildland-Urban Interface Fire Areas, except by permit from the Fire Chief.

Exception: Outdoor fires within habited premises or designated campsites, where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are minimum of 30 feet (9144 mm) from a grass-, grain-, brush or forest-covered area. Permits shall incorporate such terms and conditions, which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon Wildland-Urban Interface Fire Areas under the following conditions:

1. When high winds are blowing,
2. When a person age 17 or over is not present at all times to watch and tend such fire, or
3. When public announcement is made that open burning is prohibited. Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

HHHH. **Section 4908.12 Incinerators and Fireplaces.** Incinerators, outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in Wildland-Urban Interface Fire Areas without prior approval of the chief. Incinerators, outdoor fireplaces, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen or door.

Exception: When approved, unprotected openings in barbecues and grills necessary for proper functioning.

IIII. **Section 4908.13 Dumping.** Garbage, cans, bottles, papers, ashes, refuse, trash, rubbish or combustible waste material shall **not** be placed, deposited or dumped in or upon Wildland-Urban Interface Fire Areas or in, upon or along trails, roadways or highways in Wildland-Urban Interface Fire Areas.

Exception: Approved public and private dumping areas.

JJJJ. **Section 4908.14 Disposal of Ashes.** Ashes and coals shall not be placed, deposited or dumped in or upon Wildland-Urban Interface Fire Areas.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace;
2. In a noncombustible container with a tight-fitting lid, which is kept or maintained in a safe location not less than 10 feet (3048mm) from combustible vegetation or structures;
3. Where such ashes or coals are buried and covered with 1 foot (304.8mm) of mineral earth not less than 25 feet (7620 mm) from combustible vegetation or structures.

KKKK. Section 4908.15 Use of Fire Roads and Firebreaks. Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner, which obstructs the entrance to a fire road or firebreak.

Exception: Public officers acting within their scope of duty. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or fire breaks unless located 16 feet (4877 mm) or more above such fire road or firebreak.

LLLL. Section 4908.16 Use of Motorcycles, Motor Scooters and Motor Vehicles. Motorcycles, motor scooters and motor vehicles shall not be operated within Wildland-Urban Interface Fire Areas, without a permit by the Fire Chief, except upon clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

MMMM. Section 4908.17 Tampering with Fire Department Locks, Barricades and Signs. Locks, barricades, seals, cables, signs and markers installed within Wildland-Urban Interface Fire Areas, by or under the control of the Fire Chief, shall not be tampered with, mutilated, destroyed or removed. Gates, doors, barriers and locks installed by or under the control of the Fire Chief shall not be unlocked.

NNNN. Section 4908.18 Liability for Damage. The expenses of fighting fires, which result from a violation of 4714, shall be charged against the person whose violation of 4714 caused the fire. Damages caused by such fires shall constitute a debt of such person and are collectable by the Fire Chief in the same manner as in the case of an obligation under a contract, expressed or implied.

OOOO. Section 5001.7 Hazardous materials transportation restrictions. No vehicle containing hazardous materials, including a hazardous materials transportation tank truck, trailer, semi-trailer or tank wagon containing flammable or combustible liquids, hazardous chemicals, liquefied petroleum gases, poisonous gases, or cryogenic fluids, shall be operated on any city street without a permit from the Fire Chief. A map showing the proposed route of the vehicle shall accompany applications for such permits. If a permit is granted, the map shall be carried at all

times in the vehicle and the vehicle shall not deviate from the approved route as shown on the map. Such a permit may contain conditions, including restrictions on the hours within which certain routes may be used and limitations on the size of the vehicle allowed to travel the approved route. No route shall be approved that includes passage over or adjacent to subway entry or vent structures, through the Northbrae Tunnel, in any area designated an environmental safety residential district by the City of Berkeley's Zoning Ordinance, or in an area which may be designated as a hazardous fire area. Departure from the approved route, travel outside the permitted hours, and violation of any vehicle size limitation imposed, or failure to carry a map showing route approval shall constitute a violation of this Code. The transportation of extremely hazardous materials may, in the discretion of the Fire Chief, require both a permit and accompaniment by a Fire Department or Police Department convoy. The following streets contain purge chamber openings which lead directly into the subway section of the Bay Area Rapid Transit (BART) System in Berkeley and their use by tank vehicles or trailers for transportation or delivery of flammable or combustible liquids, hazardous chemicals, liquefied petroleum gases, poisonous gases, or cryogenic fluids is prohibited and a violation of this Code:

- a. On Addison Street between Martin Luther King Jr. Way and Oxford Street;
- b. On Shattuck Avenue between University Avenue and Dwight Way;
- c. On Virginia Street between Franklin and Sacramento Streets;
- d. On Sacramento Street between Virginia Street and Hearst Avenue;
- e. On Hearst Avenue between McGee Avenue and Milvia Street;
- f. On Adeline Street between Ward and Stuart Streets; and
- g. On Adeline Street between Ashby Avenue and Woolsey Street

PPPP. Section 5601.2 Storage and use of explosives. The storage of explosives within the city limits is prohibited.

QQQQ. Section 5701.4.1 Transfer of flammable and combustible liquids. Transfer to or from above ground or underground tanks of flammable and combustible liquids shall not be made from or on the street or public way except by written approval by the Fire Code Official.

RRRR. Section 5701.4.2 Storage of Class I and Class II liquids in aboveground tanks. The storage of Class I and Class II liquids in aboveground tanks (including enclosed tanks) inside or outside of buildings is permitted only by authorization of the Fire Code Official. Such installations shall be in accordance with this Section and all applicable laws and recognized national standards.

SSSS. Section 5704.1.1 Restrictions on underground storage tanks. The storage of flammable and combustible liquids in underground tanks is prohibited in all areas zoned solely for residential occupancies, closely built commercial properties, and any other area deemed unsafe by the Fire Chief.

TTTT. Section 5704.2.13.1.4 Tanks abandoned in place. Tanks may be abandoned only under permit and following City of Berkeley Fire Department procedures. The

owner shall demonstrate to the satisfaction of the City of Berkeley Toxics Division that no unauthorized release has occurred. If the soil is contaminated, mitigation must be completed to the satisfaction of the Toxics Division. A notice shall be placed in the deed to the property. This notice shall describe the precise location of the closed underground storage tank, the hazardous substances that it contained, and the closure method. Tanks abandoned in place shall be as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping.
2. The suction, inlet, gauge, vapor return and vapor lines shall be disconnected.
3. The tank shall be filled completely with an approved inert solid material.
4. Remaining underground piping shall be capped or plugged.
5. A record of tank size, location and date of abandonment shall be retained.
6. All exterior above-grade fill piping shall be permanently removed when tanks are abandoned or removed.

UUUU. **Section 5704.2.14.2 Removal and disposal of tanks.** Removal and disposal of tanks shall comply with Sections 5704.2.14.1 and 5704.2.14.2. Removal of all tanks shall be done under permit, following City of Berkeley Fire Department procedures. The applicant shall submit 2 copies of a site plan showing the location of the tank(s). The owner shall demonstrate to the satisfaction of the City of Berkeley Toxics Division that no unauthorized release has occurred. If the soil is contaminated, mitigation must be completed to the satisfaction of the Toxics Division.

VVVV. **Section 6104.1.2 Restrictions on storage of LP-gas containers.** It shall be unlawful to store any liquefied petroleum gas cylinder with a capacity greater than 2-1/2 lbs. water capacity or a portable tank within any structure or building with an occupancy classification of A, R-1, R-2. or R-4, unless specifically authorized by this Code.

WWWW. **Section B105.2 (Appendix B) Buildings other than one- and two-family dwellings.** The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table **B105.1**.

Exceptions:

1. A reduction in required fire-flow of up to ~~75~~50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.
2. [SFM] Group B, S-2 and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:
 - 2.1. California State Parks buildings of an accessory nature (restrooms).
 - 2.2. Safety roadside rest areas, (SRRA), public restrooms.
 - 2.3. Truck inspection facilities, (TIF), CHP office space and vehicle inspection bays.

2.4. Sand/salt storage buildings, storage of sand and salt.

Section 19.48.030 Validity Should any section, paragraph, sentence or word of this Chapter or of the Code or Standards be declared invalid, all other portions of this Chapter shall remain in effect.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on November 12, 2013 this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington and Wozniak.

Noes: None.

Absent: Bates.

RESOLUTION NO. XX,XXX–N.S.

RESCINDING RESOLUTION NO. 65,081-N.S. WHICH SET FORTH FINDINGS AS TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS RENDERING REASONABLY NECESSARY VARIOUS ENUMERATED LOCAL FIRE STANDARDS THAT ARE MORE STRINGENT THAN THOSE MANDATED BY THE 2010 CALIFORNIA FIRE CODE

WHEREAS, Health & Safety Code §17958 allows the City to make modifications or changes to the California Fire Code and other regulations adopted pursuant to Health & Safety Code §17921(a) which result in more stringent local requirements; and

WHEREAS, Health & Safety Code §17925, §17958.5 and §17958.7 require that such changes be supported by findings made by the governing body that such more stringent local requirements are necessary because of “local climatic, geological or topographical conditions or factors;” and

WHEREAS, the City Council adopted such findings of local conditions at the November 12, 2013 meeting with Resolution No. 66,365-N.S.; and

WHEREAS, Resolution No. 66,365-N.S. will go into effect on January 1, 2014, and therefore Resolution No. 65,081-N.S. which set forth findings of local conditions that require more stringent regulations than those provided by the 2010 California Fire Code must be rescinded to coincide with the effective date of the new Resolution; and

WHEREAS, Resolution No. 66,365-N.S. included a clause that incorrectly referenced the previously rescinded Resolution No. 63,930-N.S. which set forth findings of local conditions that require more stringent regulations than those provided by the 2007 California Fire Code; and

WHEREAS, the purpose of this Resolution is to resolve the discrepancy that was created by the incorrect reference and rescind Resolution No. 65,081-N.S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 65,081–N.S. is hereby rescinded effective January 1, 2014.

**NOTICE OF PUBLIC HEARING - BERKELEY CITY COUNCIL
CITY COUNCIL CHAMBERS, 2134 MARTIN LUTHER KING JR. WAY**

ADOPTION OF THE 2013 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS

Notice is hereby given that on **DECEMBER 3, 2013 at 7:00 P.M.** the City Council will conduct a public hearing to consider the adoption of the 2013 California Fire Code with Local Amendments as proposed by the Berkeley Fire Department. The adoption will include the non-structural provisions as provided in the 2012 International Fire Code.

A copy of the agenda material for this hearing will be available at the City Clerk's Office and on the City's website at www.CityofBerkeley.info as of **November 21, 2013**.

For further information, please contact Acting Fire Marshal Steven Riggs at 510-981-5585.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published: The Berkeley Voice – 11/22/13

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 21, 2013.



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Mark Numainville, CMC, City Clerk