




Office of the City Manager

ACTION CALENDAR
November 27, 2007

To:  Honorable Mayor and Members of the City Council

From:  Phil Kamlarz, City Manager

Submitted by: Debra Pryor, Fire Chief, Berkeley Fire Department

Subject: Adoption of the 2007 California Fire Code with Local Amendments

RECOMMENDATION

Conduct a public hearing and upon conclusion,

1. Adopt second reading of Ordinance 7,003–N.S. repealing and re-enacting the Berkeley Fire Code Chapter 19.48 and related procedural and stricter provisions.
2. Adopt a Resolution reenacting BMC Chapter 19.48 and related procedural and stricter provisions to take effect on January 1, 2008.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact to the City will be approximately \$49,000 for the purchase of new fire codebooks, inspection guides, inspection forms, and training. One-time funding for this expense from the General Fund was included in the Fire Department's FY 2008 budget.

Neither the new state codes overall, or our continuing local amendments, are expected to create significant cost increases for homeowners, builders or developers.

CURRENT SITUATION AND ITS EFFECTS

The California Building and Standards Commission adopted and published the 2007 California Fire Code on July 1, 2007. The California Fire Code as referred to is Title 24 Part 9 of the California Code of Regulations and will take effect on January 1, 2008. A city, county, or city and county may establish more restrictive building standards reasonably necessary because of local climatic, geological or topographical conditions. Findings of the local condition(s) and the adopted local building standard(s) must be filed with the California Building Standards Commission.

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 transition to a new model fire code will impact staff, architects and developers. All staff involved will have to receive training to understand and apply the new code. The fire department anticipated this need and has allocated funding this fiscal year to

purchase new fire codebooks, inspection guides, and attend training seminars. The Berkeley Fire Prevention Division is scheduled to provide department wide training in December 2007 to all firefighters and fire prevention staff.

BACKGROUND

The State of California amends and adopts a model fire code every three years. In previous years, the State used a model code published by the International Fire Code institute. This year, the State adopted a model fire code published by the International Code Council. The adoption of the 2006 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.

To address local fire and life safety impacts, the City of Berkeley has adopted local amendments to address sprinkler system and fire alarm requirements for existing hotels, fraternities, sororities, 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.

RATIONALE FOR RECOMMENDATION

Local Codes must be adopted every three years, or State Codes go into effect without local amendments. Adoption of local amendments and findings are needed to customize the State Codes to Berkeley's particular administrative, topographic, geologic and climatic conditions. The purpose of the non-administrative local amendments is to provide a higher level of safety than is reflected in the State-adopted 2007 Codes.

The fire and seismic danger and other local conditions, as described in detail in the attached resolution of findings, justify the Berkeley Code provisions that are stricter than the California Fire Code or additions not specifically addressed by the state.

ALTERNATIVE ACTIONS CONSIDERED

Adopt the State Codes with fewer, or no, local amendments; or take no action, and let the state mandated codes take effect without local amendments designed for Berkeley.

CONTACT PERSON

Gil Dong, Assistant Fire Chief, Berkeley Fire Prevention and Office of Emergency Services
981-5502

Attachments:

- 1: Resolution
- 2: Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

ADOPTION OF THE 2007 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS

WHEREAS, The California Building and Standards Commission adopted and published the 2007 California Fire Code on July 1, 2007. The California Fire Code as referred to is Title 24 Part 9 of the California Code of Regulations and will take effect on January 1, 2008; and

WHEREAS, Health & Safety Code 17958.5 allows the City, by ordinance, to make modifications or changes to the California Fire Code and other regulations adopted pursuant to Health & Safety Code 17921(b) which result in more stringent local requirements; and

WHEREAS, Health & Safety Code 17985.5 and 17985.7 incorporate the requirement that such changes be supported by a finding made by the governing body that such more stringent local requirements are "reasonably necessary because of local climatic, geological or topographical conditions";and

WHEREAS, a public hearing was held on November 27, 2007 to accept the report of local findings and conditions; and

WHEREAS, the Berkeley Fire Department is proposing to adopt various enumerated changes and modifications to the 2007 California Fire Code, as set forth below.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that said Council finds that each of the various proposed changes or modifications to the California Fire Code which are enumerated below are reasonably necessary because of local climatic, geological or topographical conditions in the area encompassed by the City of Berkeley, as set forth below:

BE IT FURTHER RESOLVED, that Chapter 19.48 (Ordinance no. 6715–N.S.) of the Berkeley Municipal Code, California Fire Code 2001 is repealed; and

BE IT FURTHER RESOLVED, that CHAPTER 19.48 OF THE BERKELEY MUNICIPAL CODE, CALIFORNIA FIRE CODE 2007 with local amendments is hereby enacted effective January 1, 2008; and

BE IT FURTHER RESOLVED, that the provisions of Ordinance No. 6715–N.S., and all ordinances amendatory thereof, shall continue to govern with respect to violations of these ordinances committed prior to the date said ordinances are repealed.

NOTICE OF PUBLIC HEARING - BERKELEY CITY COUNCIL

ADOPTION OF THE 2007 CALIFORNIA FIRE CODE WITH LOCAL AMENDMENTS

Notice is given that the City Council of the City of Berkeley will conduct a public hearing on Tuesday, November 27, 2007 at 7:00 p.m. regarding the Berkeley Fire Department's proposal to adopt the 2007 California Fire Code with Local Amendments. The adoption will include the non-structural provisions as provided in the 2006 International Fire Code.

The fiscal impact to the City will be approximately \$49,000 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 2007/08 budget.

Neither the new state codes overall, or our continuing local amendments, are expected to create significant cost increases for homeowners, builders or developers. For further information, please contact Assistant Chief Gil Dong at 510-981-5585.

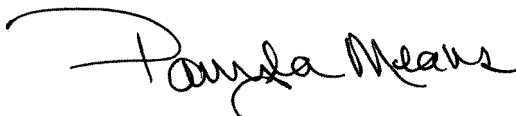
The hearing will be held on November 27, 2007 at 7:00 p.m. in the City Council Chambers, 2134 Martin Luther King, Jr. Way.

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. Comments received no later than Monday, November 13, 2007 will be included in Council agenda packets. Comments received thereafter will be submitted to Council as supplemental communications at the meeting. For further information, call Pamyla Means, City Clerk, 981-6900. FAX: (510) 981-6901. TDD: (510) 981-6903.

Published: 1st Publication: November 9, 2007
2nd Publication: November 16, 2007

Government code Section 6062(a) sets forth noticing requirements

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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 9, 2007.



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Pamyla Means, City Clerk

ORDINANCE NO. 7,003–N.S.

REPEALING AND RE-ENACTING CHAPTER 19.48 OF THE BERKELEY MUNICIPAL  
CODE CALIFORNIA 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 re-enacted as to read as follows:

**Chapter 19.48  
BERKELEY FIRE CODE**

**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, 2006 Edition published by the International Code Council and the California Building Standards Commission with Errata, together with those portions of the International Fire Code, 2006 Edition, including Appendix Chapters 1, B, C, D, E, F, and G 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".

**19.48.020 Amendments to the California Fire Code**

The following sections on the California Fire Code as adopted herein are hereby added and amended as follows:

Appendix Chapter 1 of the 2007 California Fire Code, as revised below, is adopted for the administration of the Berkeley Fire Code.

- A. **Section 101.1 Title [Amended subsection]** 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 [Additional subsection]** 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 104.12. Authority to arrest and issue citations [Additional subsection]** 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 is applicable to aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.
- D. Section 104.13 Authority to abate fire nuisance [Additional subsection].** 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.
- E. Section 105.1.4 Fees. [Additional subsection]** Fees for permits and inspections shall be set forth by the City Council by resolution.
- F. Section 105.6.16. [Additional subsection]** Add number 11 to read as follows: To store, handle or use class III-B liquids with a flashpoint of less than 500 degrees F. in excess of 110 gallons.
- G. 105.6.48 Christmas tree sales lot. [Additional subsection]** To operate a Christmas tree sales lot.
- H. 105.6.49 Escort convoy service [Additional subsection]** Police and/or Fire Department convoy service for vehicle transportation of extremely hazardous materials.

- I. **105.6.50 General use permit. [Additional subsection]** 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.
- J. **105.6.51 Parking facility, special events [Additional subsection]** To use buildings or structures for vehicle parking, includes parking for special events (i.e. football games, etc.).
- K. **105.6.52 Window bars [Additional subsection]** To install window bars on exterior doors or windows of any sleeping rooms below the fourth floor in apartment houses, hotels, and motels.
- L. **Section 108 Appeals Process**
- M. **108.1 Appeals Procedure [Amended subsection]** *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 Chief's 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.*
- N. **108.2 Stay of Proceedings [Amended subsection]** *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 would result in an imminent threat to the public safety.*
- O. **108.3 Decisions [Amended subsection]** *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.*

**P. Section 109.1 Unlawful Acts. [Amended section]** 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 to cause same to be done in conflict with or in violation with of any of the provisions of this code, *or to create, maintain or allow to continue any fire hazard.*

**Q. Section 109.3 Violations [Amended section]** *Any violation of this code is a misdemeanor, but may be cited or charged, at the election of the enforcing officer or city attorney, as infractions, with the exceptions cited below in subsection K or L, and subject to an election by the defendant under Penal Code Subsection 17 (d). Nothing in this section shall prevent any other remedy by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense.*

**R. Section 109.3.1 Misdemeanors [Additional subsections]** **Notwithstanding** Section 109.3, violation of any of the following provisions of this code shall be charged only as a misdemeanor:

1. Section 109.2.2 (Compliance With Notice and Orders)
2. Section 109.2.4 (Compliance with Tags)
3. Section 109.2.4 (Removal And Destruction Of Signs And Tags)
4. Section 110.2 (Evacuation of an Unsafe Building)
5. Section 901.8 (Tampering With Fire Protection Equipment)
6. Section 401.3.1 (Transmitting False Alarms)

**S. Section 109.3.2 Work without a Permit [Additional subsection]** 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.

- T. Section 110.2.1 [Additional subsection]** 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.
- U. Section 110.4.1 [Additional subsection]** 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.
- V. Section 110.4.2 [Additional subsection]** Where the owner does not comply with an abatement order under Section 110.4.1 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 202 Definitions - B [Additional subsection]** Berkeley Marina Area shall mean all those parts of the City of Berkeley west of the Interstate 80 Freeway
- X. Section 202 (Definitions – F) [Additional subsection]** 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.
- Y. Section 202 (Definitions – F) [Additional subsection]** FIRE NUISANCE means any thing or act, which is annoying, unpleasant, offensive or obnoxious because of fire.
- Z. Section 202 (Definitions – J) [Additional subsection]** JURISDICTION means the City of Berkeley.
- AA. Section 202 (Definitions – W) [Additional subsection]** 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.
- BB. Section 504.4 Roof accessibility [Additional subsection]** No objects, devices, equipment, or systems shall be installed or mounted within eighteen inches of either side of a hip or ridge line or within three feet of a roof edge to allow access and egress for firefighting operations. Exception: Any equipment or devices associated with fire suppression systems, pipes for plumbing or ventilation systems, or skylights.

**CC. Section 703.2.4 Fusible Links [Additional subsection]** 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

**DD. Section 903.3.1.2 NFPA 13R sprinkler systems. [Amended subsection]**

Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R. **Exception:** *Sprinkler systems in residential/commercial mix-use buildings to be in accordance with NFPA 13.*

**EE. Section 903.4.3 Floor control Valves. (Additional section)** Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings. *Each floor and basement level of a 3 or more stories building shall be provided with at least one control valve installed on each level in rated stairwells. Exception: Control valves in 3 stories building can be located adjacent to stairwells having exterior ground floor access, when approved*

**FF. Section 903.2.8 Group S-1. [Amended subsection]** *An automatic sprinkler system shall be provided throughout buildings containing Group S-1 occupancy.*

**GG. Section 903.2.9 Group S-2. [Amended subsection]** *An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the California Building Code or where located beneath other groups or with U occupancies with installed parking lifts with no exceptions.*

**HH. Section 903.2.9.1 Commercial Parking Garages. [Amended subsection]** *An automatic sprinkler system shall be provided throughout buildings used for the storage of commercial trucks and buses.*

**II. Section 903.2.10 Windowless stories in all occupancies. [Amended subsection]** An automatic sprinkler system shall be installed in windowless stories in all occupancies. **Exceptions:** *deleted*

**JJ. Section 903.2.10.1 Stories and basements without openings. [Amended subsection]** *An automatic sprinkler system shall be installed in every story or basement without openings.*

**KK. Section 903.2.18 Automatic Sprinkler Requirements for Existing Hotels [Additional subsection]**

**903.2.18.1 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.

**903.2.18.2** In the sleeping units of the building, only residential or quick response standard sprinkler heads shall be used.

**903.2.18.3** 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.

**LL. Section 903.2.19 Structures in the Berkeley Marina Area [Additional subsection]** 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.

**MM. Section 903.2.20 Public Self-Storage Buildings [Additional subsection]** 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.

**NN. Section 903.2.21 Panoramic Hill District [Additional subsection]** 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 existing structure.

**OO. Section 907.2.8.1 Group R Occupancies [Amended subsection]** *Group R-1*

*shall be provided with a manual and automatic fire alarm system in apartment houses three or more stories in height or sixteen or more dwelling units, in hotels three or more stories in height or containing 20 or more guest rooms, and in congregate residences three or more stories in height or having an occupancy load of 20 or more.*

**PP. Section 907.2 (Additional paragraph to this section)** *Where an automatic & 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. **Exception:** When deemed not required by Fire Code Official*

**QQ. Section 907.3 (Additional paragraph to this section)** *Where an automatic & 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. **Exception:** When deemed not required by Fire Code Official*

**RR. Section 907.3.1 Occupancy [Amended subsection]** *A fire alarm system shall be installed in accordance with Sections 907.3.1.1 through 907.3.1.8. 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.*

**SS. Section 907.3.1.5 Existing R-1 hotels and motels [Amended subsection]** *An automatic and manual fire alarm system shall be installed and maintained in existing Group R-1 hotels and motels with three or more stories or with 20 or more sleeping units.*

**TT. 907.3.1.7 Group R-2 Occupancies [Amended subsection]** *An automatic and manual fire alarm system shall be installed and maintained in existing Group R-2 occupancies with three or more stories or sixteen (16) or more sleeping units.*

**UU. 914.3 High-Rise Buildings [Amended subsection]** *New high-rise buildings constructed after January 1, 2008 shall comply with Sections 914.3.1 through 914.3.7*

**VV. 914.3.7 Air Replenishment Systems [Additional subsection]** *All 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 fresh air supply for firefighting self-contained breathing air tanks. Such system or equipment shall provide adequate pressurized fresh air supply through a permanent piping system or other acceptable means 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. Location of access stations to, installation and maintenance of such air replenishment systems shall be made in accordance with the requirements of the Fire Code Official. Each property owner shall be responsible for*

maintaining such equipment or systems including annual air sampling and testing.

**WW.2701.7 Hazardous materials transportation restrictions [Additional subsection]** 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

**XX. Section 3301.2 Storage and use of explosives. [Additional section]** The storage of explosives within the city limits is prohibited.

- YY. Section 3401.4.1 Transfer of flammable and combustible liquids [Additional subsection]** Transfer to or from above ground or underground tanks of flammable and combustible liquids shall not be made from or on to the street or public way except by written approval by the Fire Code Official.
- ZZ. Section 3404.1.1 [Additional subsection]** 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.
- AAA. Section 3404.1.2 [Additional subsection]** 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.
- BBB. Section 3404.2.13.1.3.1 [Additional subsection]** 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.
- CCC. Section 3404.2.13.1.4.1 [Additional subsection]** 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.
- DDD. Section 3804.1.2 [Additional subsection]** 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.
- EEE. Section B105.2 Exception [Amended subsection]** A reduction in required fire-flow of up to *50 percent*, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.1.2. 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.

### **19.48.030 Adoption of International Fire Code Standards**

The 2006 Edition of the International Fire Code Standards are hereby adopted and made a part of this Chapter as though fully set forth herein. One copy of the Standards is on file in the office of the City Clerk of the City of Berkeley and one copy filed with Department of Housing.

### **19.48.040 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 3.** The provisions of Ordinance No. 6715-N.S., and all ordinances amendatory thereof, shall continue to govern with respect to violations of these ordinances committed prior to the date said ordinances are repealed.

**Section 4.** Findings are hereby adopted by Resolution No. XX-XXX N.S.

**Section 5.** Copies of this bill shall be posted for two (2) days prior to adoption in the glass case located on the north side of the Civic Center Building at the corner of Milvia and Center Streets. Within fifteen (15) days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be

At a regular meeting of the Council of the City of Berkeley held on November 6, 2007, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.

