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**NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY
ORDAIN AS FOLLOWS:**

Section 1: Purpose

Chapter XI of the Albany Municipal Code is hereby amended to include a new Subsection 11-5 titled “Residential Self-Closing Doors” to consist of the following text:

“Slowing the spread of smoke and fire is critical in preventing property damage, injury, or death caused by structure fires. The purpose of these regulations is to adopt regulations that require all residential units in multi-family residential structures to have self-closing exterior doors. In the event of a fire, closed doors reduce the flow of oxygen to the fire and slow the spread of flame and smoke to neighboring residential units.”

Section 2: Definitions

Chapter XI of the Albany Municipal Code, Section 11-5.1 titled “Definitions” is hereby amended to include the following text:

- a. Self-Closing Door – a door equipped with an approved device that will ensure closing after having been opened.

Section 3: Residential Self Closing Door Requirement

Chapter XI of the Albany Municipal Code is hereby amended to include a new Subsection 11-5.2 titled “Residential Self-Closing Doors Requirement” to consist of the following text:

- 1 a. Within 30 days of receipt of notice of the requirements of this ordinance, all
2 residential structures, except single-family or duplex residences, are required
3 to upgrade all exterior doors that open to an exit access be self-closing. An
4 alternative timeline may be approved by the Fire Chief on a case-by-case
5 basis.
- 6
- 7 b. Self-closing hardware must comply with manufacturer specifications and
8 instructions.
- 9
- 10 c. Property owners are responsible for testing and maintaining the effectiveness
11 of self-closing hardware per manufacturer’s instructions. Required self-
12 closing hardware that are determined to be ineffective shall be replaced with
13 functioning hardware.
- 14

15 **Section 5. Implementation Procedures**

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17 Chapter XI of the Albany Municipal Code is hereby amended to include a new
18 Subsection 11-5.3 titled “Implementation Procedures” to consist of the following text:

19

20 The Fire Chief may establish policies and procedures for public education, review of
21 permit applications, modification of timeline for implementation, and performance of
22 inspections associated with implementation of this section, including issuance of a
23 certificate of compliance.

24

25 Penalties for failure to install or maintain self-closing hardware according to the
26 scheduled timeline and penalties of failure to install any self-closing equipment shall
27 be established in the master fee schedule adopted by the City Council. Penalties shall
28 also include the hourly rate of the inspector to verify that the conditions of installation
29 have been met and/or that the conditions of installation have not been met. Penalties
30 shall be applicable when installed self-closing hardware has been removed without
31 approval of the Fire Chief.

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Section 6. Hardship or Infeasibility Exemption.

Chapter XI of the Albany Municipal Code is hereby amended to include a new Subsection 11-5.4 titled “Hardship or Infeasibility Exemption” to consist of the following text:

- a. Exemption. If a property owner believes that circumstances exist that make it a hardship, infeasible, or unsafe to meet or maintain the requirements of this Section, they may apply for an exemption or reduction in requirements as set forth below. In applying for an exemption, the burden is on the Applicant to show the factual basis for the exemption. Financial hardship on the property owner shall not be accepted as a basis for exemption.

- b. Application. If a property owner believes such circumstances exist, the property owner may apply to the Fire Chief for an exemption at the time of application submittal.

- c. Granting of Exemption: The granting of an Exemption shall be made by the Fire Chief. In granting the exemption, the Fire Chief is authorized to establish conditions of approval on the exemption to ensure the life safety and fire protection of the structure. If an exemption is granted, the Applicant shall be required to comply with this Chapter in all other respects.

- d. Denial of Exemption. If the Fire Chief determines that it is possible for the property owner to fully meet the requirements of this Chapter, they shall so notify the Applicant in writing.

- e. Appeal of Denial. If a property owner wishes to appeal the decision of the Fire Chief, the appeal procedures established in the California Fire Code shall be utilized.

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Section 7. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 8: Publication and Effective Date.

This ordinance shall be posted at three public places within the City of Albany and shall become effective thirty days after the date of its posting.

PASSED AND ADOPTED by the City Council of the City of Albany at its meeting on the ___ day of ___, 2011, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor Farid Javandel