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

**Section 1: Chapter XII of the Albany Municipal Code, Section 12-2 titled
“Building Permit Required for Sandblasting” is hereby amended as follows:**

Deleted in its entirety.

**Section 2: Chapter XII of the Albany Municipal Code, Section 12-6.1 titled
“Adoption of Uniform Codes” is hereby amended as follows:**

12-6.1 Adoption of Building Codes.

Deleted in its entirety and replaced with the following:

12-6.1 Adoption of Building Codes.

A. California Building Standards Code. The 2013 edition of the California Building Standards Code located in Title 24 of the California Code of Regulations is hereby adopted as published by the California Building Standards Commission, and are hereby adopted as part of the Albany City Code as if set forth here word for word by reference. A copy of these codes shall be available for public review in the Community Development Department of the City of Albany.

The adopted codes shall regulate and govern the condition and maintenance of all property, buildings, and structures by providing the standards for the supply of utilities and facilities and other physical things and conditions essential to ensure the structures are safe, sanitary, and fit for occupation and use; and for the condemnation of buildings and structures unfit for the human occupancy and use, and the demolition of such structures as herein provided; providing for the issuance of permits and collections of fees therefore; and each of the regulations, provisions, penalties, conditions, and terms of said codes are hereby referred to, adopted, and a part hereof as if fully set forth herein with the additions, insertions, deletions, and changes, if any, prescribed by this Chapter.

The codes adopted herein are considered to be complementary and supplementary to any other provisions contained in the Albany Municipal Code and may be imposed, at the discretion of the building official, as the operative code provisions in the event of a conflict with other provisions contained in the Albany Municipal Code.

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B. Additions and Amendments to the California Building Standards Code.

1. The Planning and Zoning Commission shall serve as the Local Appeals Board and Housing Appeals Board where referenced in the California Building Standards Code. The Commission shall adopt by resolution written rules and procedures for the conduct of appeal hearings.

2. The Community Development Department shall function as the Enforcement Agency and the Department of Building Safety where referenced in the California Building Standards Code.

3. The Community Development Director, or designee, shall function as the Building Official where referenced in the California Building Standards Code.

C. Adoption of Dangerous Building Codes.

1. The Uniform Code for the Abatement of Dangerous Buildings (UCABD), 1997 edition is hereby adopted as published by the International Conference of Building Officials, and are hereby adopted as part of the Albany City Code as if set forth here word for word by reference

D. Additions and Amendments to the Uniform Code for the Abatement of Dangerous Buildings.

2. The City Council delegates to the City Manager authority to appoint members of a Board of Appeals pursuant to the qualifications described in Section 205 of the UCABD.

3. Definition of Building Code contained in Section 301 of the UCADB is amended to refer to the California Building Standards Code.

4. Definition of Housing Code contained to Section 301 of the UCADB is amended to refer to California Health and Safety Code Section 17920.3.

Section 3: Chapter XII of the Albany Municipal Code, Section 12-6.3 titled "Additions and Amendments to the Uniform Building Code" is hereby amended as follows:

Deleted in its entirety.

1 **Section 4: Chapter XII of the Albany Municipal Code, Section 12-10.3 titled**
2 **“Demolition of Buildings or Structures, Owners’ Completion Bond ” is**
3 **hereby amended as follows:**

4
5 Deleted in its entirety.

6
7
8 **Section 5: Chapter XII of the Albany Municipal Code, Section 12-10.5 titled**
9 **“Demolition Permit Fees” is hereby amended as follows:**

10
11 Deleted in its entirety.

12
13
14 **Section 6: Chapter XII of the Albany Municipal Code, Section 12-10.6 titled**
15 **“Penalties” is hereby amended as follows:**

16
17 Deleted in its entirety.

18
19
20 **Section 7: Chapter XII of the Albany Municipal Code, Section 12-10.7 titled**
21 **“Restrictions and Exceptions for Obtaining a Permit to Demolish a Structure” is**
22 **hereby amended as follows:**

23
24 Deleted in its entirety.

25
26
27 **Section 8: Chapter XII of the Albany Municipal Code, Section 12-10.8 titled**
28 **“Applicability of the California Environmental Quality Act (CEQA)” is hereby**
29 **amended as follows:**

30
31 Deleted in its entirety.

32
33
34 **Section 9: Chapter XI of the Albany Municipal Code, Section 11-1 titled**
35 **“General” is hereby amended as follows**

36
37 Deleted in its entirety.

38
39
40 **Section 9: Chapter XI of the Albany Municipal Code, Section 11-2.1 titled**
41 **“Adoption of International and National Fire Codes” is hereby amended to**
42 **include the follow**

43
44 Deleted in its entirety and replaced with the following:

45
46 11-2.1 Adoption of the California Fire Code

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The California Fire Code, 2013 edition, including Appendices B, C, D, E, F, G, H, I, K, as published by the International Code Council, and by reference the International Fire Code, 2012 edition. With the additions, insertions, deletions, and changes, prescribed in Section 11-2.2 of this chapter is hereby adopted as the Fire Code of the City of Albany. A copy of the Fire Code shall be maintained for public review in the office of the Albany Fire Department. The Fire Code shall regulate and govern the safeguards of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code.

Section 10: Chapter XI of the Albany Municipal Code, Section 11-2.2 titled “Additions and Amendment of the International, National and Uniform Fire Codes” is hereby amended to include the follow

Deleted in its entirety and replaced with the following:

11-2.2 Local Amendments to California Fire Code

Chapter 1 Scope and Administration.

Chapter 1 Scope and Administration amended as follows

101.1 Title. Section 101.1 amended as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Albany, herein after referred to as “this code.”

102 Applicability. Section 102.1 amended by adding item 5 as follows:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

5. Where not otherwise limited by law, the provisions of this Code shall apply to vehicles, ships, boats, mobile vehicles, and modular homes when fixed in a specific location within the boundaries of this jurisdiction.

105.4.3 Applicant Responsibility. Section 105.4.3 amended by adding section 105.4.3.1 as follows:

105.4.3.1 Responsibility of Permittee. Approved Permits shall be presumed by the city to incorporate all of the work that the applicant, the applicant's agent,

1 employees and/or contractors shall carry out. Said proposed work shall be in
2 accordance with the approved plans and with all requirements of this code and any
3 other laws or regulations applicable thereto. No City approval shall relieve or
4 exonerate any person from the responsibility of complying with the provisions of this
5 code nor shall any vested rights be created for any work performed in violation of this
6 code.

7
8 105.6 Required operational permits.

9
10 Section 105.6 amended as follows:

11
12 Required operational permits. The fire code official is authorized to issue
13 operational permits for the operations set forth in sections 105.6.1 through 105.6.54.

14
15 105.6.48 Christmas tree sales. An operational permit is required to use a
16 property for the purpose of selling cut Christmas trees, see applicable provisions of
17 Chapter 3 General Precautions Against Fire.

18
19 105.6.49 Pumpkin patches/lots. An operational permit is required to use a
20 property for the purpose of selling pumpkins and associated seasonal items, see
21 applicable provisions of Chapter 3 General Provisions Against Fire.

22
23 105.6.50 Firework aerial display. An operational permit is required to conduct
24 a firework display regulated by California Code of Regulations Title 19 and this code,
25 see Chapter 56.

26
27 105.6.51 Model rockets. An operational permit is required to launch model
28 rockets, see California Code of Regulations Title 19, Division1, Article 17.

29
30 105.6.52 Asphalt kettles. An operational permit is required to operate and use
31 asphalt kettles, see applicable provisions of Chapter3 General Provisions Against
32 Fire.

33
34 105.6.53 Battery Systems. A permit is required to operate stationary lead acid
35 battery systems having a liquid capacity of more than 50 gallons (189L) pursuant to
36 Section 608.

37
38 105.6.54 Temporary Haunted Houses, Ghost Walks and Similar Amusement
39 Uses. An operational permit shall be required for haunted houses, ghost walks, or
40 similar amusements in accordance with Appendix K.

41
42 105.7 Required construction permits. Section 105.7 amended as follows:
43 Required construction permits. The fire code official is authorized to issue
44 construction permits for operations set forth in Sections 105.7.1 through 105.7.22
45

1 105.7.17 Construction, alteration, or renovation of a building for which a
2 building permit is required. A construction permit is required to construct, add to,
3 alter, renovate, rebuild, or move into the jurisdiction a structure for which a building
4 permit is required.

5
6 105.7.18 Subdivision of land. Plans shall be submitted for all land
7 developments and/or improvements proposed within the jurisdiction.

8
9 105.7.19 Water supply for fire protection. Plans shall be submitted to
10 determine adequate water supplies and fire hydrants are provided for all facilities,
11 buildings or portions of buildings either constructed or moved into the jurisdiction
12 pursuant to section 507.

13
14 105.7.20 Security gates. A construction permit is required to install a gate
15 across a fire apparatus access road, see section 503.

16
17 105.7.21 Access for fire apparatus. A construction permit is required to install,
18 improve, modify, or remove public or private roadways, driveways, gates and bridges
19 for required fire apparatus access.

20
21 105.7.22 Medical gas system. A construction permit is required for the
22 installation of or modification to a medical gas system, see Section 5306.

23
24 108.3 Qualifications.

25
26 Section 108.3 amended as follows:

27
28 108.3 Qualifications. The board of appeals shall consist of members from the
29 Planning and zoning Commission of the City of Albany.

30
31 109.4 Violation.

32
33 Section 109.4 amended as follows:

34
35 109.4 Violations. Persons who shall violate a provision of this code or shall
36 fail to comply with any of the requirements thereof or who shall erect, install, alter,
37 repair or do work in violation of the approved construction documents or directive of
38 the fire code official, or of a permit or certificate used under provisions of this code,
39 shall be guilty of a misdemeanor, punishable by the limits set forth in the City of
40 Albany Municipal Code.

41
42 111.4 Failure to comply.

43
44 Section 111.4 amended as follows:

45

1 111.4 Failure to comply. Any person who shall continue any work after
2 having been served with a stop work order, except such work as that person is
3 directed to perform to remove a violation or unsafe condition shall be liable to a fine
4 of not less than 500 dollars or not more than 5,000 dollars.

5
6 Chapter 2 Definitions

7
8 Section 202 is amended to include the following definitions:

9
10 Public nuisance. Is a declaration by the fire code official that the presence of
11 combustible materials on a parcel creates a fire hazard.

12
13 Weeds. Means all weeds, vegetative combustible materials, growing upon streets or
14 private property in the City of Albany and includes any of the following:

- 15 1. Weeds, which bear seeds of a fluffy nature or are subject to flight.
- 16 2. Sagebrush, chaparral, and any other brush or weeds which, attains such large
17 growth as to become, when dry, a fire menace to adjacent improved property.
- 18 3. Weeds which are otherwise noxious or dangerous.
- 19 4. Poison oak and poison sumac when the conditions of growth are such as to
20 constitute a menace to public health.

21
22 Chapter 3 General Precautions Against Fire

23
24 304.1.2 Vegetation.

25
26 Section 304.1.2 amended to include section 304.1.2.1 as follows:

27
28 304.1.2.1 Public nuisance. The Fire Chief or his/her designee shall notify the
29 property owner in writing of said dangerous accumulations which must be abated by
30 the removal of all debris and weeds posing a fire hazard.

31
32 Chapter 4 Emergency Planning and Preparedness

33
34 401.5 Making false report. Section 401.5 amended to add section 401.5.1 as follows:

35
36 Section 401.5.1 False/Nuisance alarm fee. A fee may be charged for
37 false/nuisance alarms according to the master fee schedule of the City.

38
39 Chapter 9 Fire Protection Systems

40
41 903.2 Where Required. Section 903.2 changed by inserting a 2500 square feet fire
42 area allowance before requiring the installation of automatic sprinklers as follows:

43
44 903.2 Where required. Approved automatic sprinkler systems shall be installed in
45 new buildings and structures, where the fire area exceeds 2500 square feet, along with
46 other locations described in Sections 903.2.1 through 903.2.12.

1
2 903.2.8 Group R. Section 903.2.8 amended by changing section 903.2.8 and adding
3 section 903.2.8.2.

4
5 903.2.8 Group R. An automatic sprinkler system installed in accordance with
6 section 903 shall be provided throughout all buildings with a Group R fire area and
7 when fire, earthquake, or other disaster destroys 50% or more of an existing building
8 the entire building will be required to be protected by an automatic sprinkler system.

9
10 903.2.8.2 Additions, alterations, renovations, or remodels of Group R-3
11 occupancies. An automatic sprinkler system shall be provided throughout all existing
12 Group R-3 occupancies when the aggregate of the additions, alterations, renovations,
13 and remodels exceeds 50% of the floor area (attached garages are included as part of
14 the existing floor area) and the total fire area exceeds 1,500 square feet.

15
16 903.6 Where required in existing buildings and structures. Section 903.6
17 amended by adding Sections 903.6.1, Table 903.6.1, and Section 903.6.2 as follows:
18 903.6.1 Change in occupancy classification. Existing non-residential buildings which
19 undergo a change in occupancy classification to a higher hazard occupancy or have a
20 fire area exceeding 2500 square feet with in their hazard category shall require the
21 entire building be protected by an automatic sprinkler system installed in accordance
22 with Section 903.3. Relative hazard categories of occupancy groups shall be as shown
23 in Table 903.6.1. The requirements of Section 903.6.1 shall not be required when a
24 change of occupancy classification is made to an equal or lesser hazard category and
25 the fire area is 2500 square feet or less.

26
27
28 TABLE 903.6.1

Hazard Category 1 (highest hazard)	H, I, A, L
Hazard Category 2	S-1, F-1
Hazard Category 3	E, F-2, S-2
Hazard Category 4 (lowest hazard)	B, M, U

29
30
31 905.3.1 Height. Section 905.3.1.amended by adding item #5

32
33 905.3.1 Item #5. Buildings three stories but less than 30 feet in height above
34 the lowest level of fire department vehicle access.

35
36 Section 907 Fire Alarm and Detection Systems

37
38 907.2 Where required—new buildings and structures. Section 907.2 amended as
39 follows:

40
41 907.2 Where required—new buildings and structures. An approved fire alarm
42 system installed in accordance with provisions of this code and NFPA 72 shall be

1 provided in new buildings and structures and provide occupant notification in
2 accordance with Section 907.5, unless other requirements are provided by another
3 section of this code. Fire alarm systems are not required in Group R-3 occupancies.
4

5 A minimum of one manual fire alarm box shall be provided in an approved
6 location to initiate a fire alarm signal for fire alarm systems employing automatic fire
7 detectors or water-flow detection devices. Where other sections of this code allow
8 elimination of fire alarm boxes due to sprinklers or automatic fire alarm systems, a
9 single fire alarm box due to sprinklers or automatic fire alarm systems, a single fire
10 alarm box shall be installed at a location approved by the enforcing agency.
11

12 Exceptions:

- 13 1. The manual fire alarm box is not required for fire alarm control units
14 dedicated to elevator recall control, supervisory service and fire sprinkler monitoring.
- 15 2. The manual fire alarm box is not required for Group R-2 occupancies unless
16 required by the fire code official to provide a means for fire watch personnel to
17 initiate an alarm during a sprinkler system impairment event. Where provided, the
18 manual fire alarm box shall not be located in an area that is accessible to the public.
- 19 3. The manual fire alarm box is not required to be installed when approved by
20 the fire code official.
21

22 907.2.11 Single and multiple-station smoke alarms.

23
24 Section 907.2.11 Single and multiple-station smoke alarms amended as follows:

25
26 907.2.11 Single and multiple-station smoke alarms. Listed single and
27 multiple-station smoke alarms complying with UL 217 shall be installed in
28 accordance with Sections 907.2.11.1 through 907.2.11.13 and NFPA 72.
29

30 907.2.11.5. Any construction that is required to install an additional smoke
31 alarm or smoke detector under the California Fire Code, the California Building
32 Code, or other codes or standards adopted by the City of Albany, shall be required to
33 upgrade all required devices in the building to photoelectric-only type devices in all
34 required locations.
35

36 907.2.11.6. Any renovation of existing habitable space that exceeds a
37 threshold established by the City Council shall be required to upgrade all required
38 smoke alarms or smoke detectors in the building to photoelectric-only type devices in
39 all required locations.
40

41 907.2.11.7. Prior to the sale of any real property, a property owner shall
42 upgrade the smoke alarm/smoke detector system to photoelectric-only type devices.
43

44 907.2.11.8. Prior to the issuance of a home occupation permit, a property
45 owner shall upgrade the smoke alarm/smoke detector system to photoelectric-only
46 type devices.

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907.2.11.9. Multi-family residential structures containing three (3) housing units or more are required to maintain photoelectric-only smoke alarm/smoke detector system.

907.2.11.10. Property owners are responsible for testing the effectiveness of existing smoke alarms or smoke detectors per manufacturer's instructions. Required smoke alarms or smoke detectors that are determined to be ineffective shall be replaced with photoelectric-only type smoke devices.

907.2.11.11. All required smoke alarms and smoke detectors shall be replaced upon the expiration of the warranty period of the installed device. Replacement devices must be photoelectric-only type devices.

907.2.11.12. Dual type smoke alarms or smoke detectors are prohibited in required locations.

907.2.11.13. Nothing in this section shall prohibit or discourage the additional use of ionization or dual type alarms in additional locations.

Chapter 10 Means of Egress

Section 1008.1.9. Door operations.

Section 1080.1.9 Door operations amended by adding Sections 1008.1.9.13 and 1008.1.9.13.1 as follows:

1008.1.9.13 Residential self-closing doors. All residential units in multi-family residential structures shall have self-closing exterior doors.

1008.1.9.13.1 Responsibility. Property owners are responsible for testing and maintaining the effectiveness of self-closing hardware per manufacturer's instructions. Required self-closing hardware that is determined to be ineffective shall be replaced with functioning hardware.

Chapter 11 Existing Buildings

Section 1103.7 Fire alarm systems. Section 1103.7 Fire alarm systems amended as follows:

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 1103.7.7 and in buildings being renovated, rehabilitated, or undergoing reconstruction of any size. Or having a change of ownership or occupancy classification, providing occupant notification in accordance with section 907.5 unless other requirements are

1 provided by other sections of this code. Existing high-rise buildings shall comply
2 with Section 4603.6.8

3
4 Exception: Occupancies with an existing previously approved system.
5

6 Chapter 57 Flammable and Combustible Liquids
7

8 5704.2.9.6.1 Locations where above-ground tanks are prohibited.
9

10 Section 5604.2.9.6.1 Locations where above-ground tanks are prohibited amended by
11 adding an exception as follows:
12

13 5604.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of
14 Class I and II liquids in above-ground tanks outside of buildings is prohibited within
15 the limits established by law as the limits of districts in which such storage is
16 prohibited.
17

18 Exception: Protected aboveground tanks constructed in accordance with UL
19 2085 standards, for the purpose of emergency power generator installations in areas
20 zoned commercial, industrial, agricultural, central business district, rural or rural
21 residential, and for facilities on an individual basis consistent with the intent of this
22 provision. Tank size not to exceed 500 gallons (1892 L) of either Class I or II liquids
23 or 1,000 gallons (3785 L) for Class III liquids unless otherwise approved by the Fire
24 Chief.
25

26 Geographical Limitations
27

28 That the geographic limits referred to in certain sections of the 2013
29 California Fire Code are hereby established as follows:
30

31 3.1 The limits referred to in Section 5704.2.9.6.1 of the California Fire Code in
32 which storage of Class I and II liquids in above-ground tanks outside of buildings is
33 prohibited, are hereby established as follows: Any area which is zoned for other than
34 commercial, industrial, or agricultural use.
35

36 3.2 The limits referred to in Section 5706.2.4.4 of the California Fire Code in
37 which storage of Class I and II liquids in above-ground tanks is prohibited, are hereby
38 established as follows: Any area which is zoned for other than commercial, industrial,
39 or agricultural use.
40

41 3.3 The limits referred to in Section 5806.2 of the California Fire Code in which
42 the storage of flammable cryogenic fluids in stationary containers is prohibited is
43 hereby established as follows: Any area which is zoned for other than industrial use.
44

45 3.4 The limits referred to in Section 6104.2 of the California Fire Code, in which
46 storage of liquefied petroleum gas is restricted, are hereby established as follows:

1 Any central business district area, any area which is zoned for other than commercial,
2 industrial, rural, or agricultural use.

3
4 **Section 11: Chapter XI of the Albany Municipal Code, Section 11-3 titled "False**
5 **Fire Alarms" is hereby amended to include the follow**

6
7 Deleted in its entirety.

8
9
10 **Section 12: Chapter XI of the Albany Municipal Code, Section 11-4 titled**
11 **"Smoke Alarms and Smoke Detectors" is hereby amended to include the follow**

12
13 Deleted in its entirety.

14
15
16 **Section 13: Chapter XI of the Albany Municipal Code, Section 11-5 titled**
17 **"Residential Self-Closing Doors" is hereby amended to include the follow**

18
19 Deleted in its entirety.

20
21
22 **Section 11: Severability.**

23
24 If any section, subsection, sentence, clause or phrase of this ordinance is for
25 any reason held to be invalid, such decision shall not affect the validity of the
26 remaining portions of the ordinance, and each section, subsection, sentence, clause or
27 phrase thereof, irrespective of the fact that any one or more sections, subsections,
28 sentences, clauses or phrases be declared invalid.

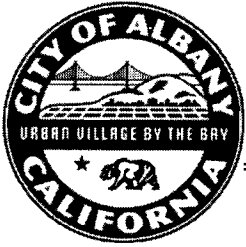
29
30 **Section 12: Publication and Effective Date.**

31
32 This ordinance shall be posted at three public places within the City of Albany
33 and shall become effective thirty days after the date of its posting.

34
35 **PASSED AND ADOPTED** by the City Council of the City of Albany at its
36 meeting on the 16th day of December 2013, by the following vote:

37
38 AYES:
39 NOES:
40 ABSENT:
41 ABSTAIN:

42
43
44 
Mayor



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

ORDINANCE NO. 2013-03

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 16th day of December, 2013, by the following votes:

AYES: Council Members Barnes, Maass, Vice Mayor Wile, and Mayor Thomsen

NOES: none

ABSENT: Council Member Atkinson

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

17th Day December, 2013.

Eileen Harrington
DEPUTY CITY CLERK

NOTICE OF POSTING

**STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

I, Eileen A. Harrington, Deputy City Clerk of the City of Albany, County of Alameda, State Of California, say:

That on the 19th day of December, 2013, I posted notices in the following areas designated as the official posting areas for the City of Albany:

CITY HALL

SENIOR CENTER

LIBRARY

The notice was for: ORDINANCE 2013-03 – Amending Chptr XII Bldg & Housing Code Chptr XI Fire Prevention Code and Chptr XXIII Grading Ordinance of the Muni Code

I declare under penalty of perjury that the foregoing is true and correct. Executed on the
19th Day of December, 2013, at Albany, California.



EILEEN A. HARRINGTON
DEPUTY CITY CLERK

Post until January 18, 2014