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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 12-6.1 titled “Adoption of Uniform Codes” is hereby amended as follows:

Section 12-6.1 Adoption of California Building Code, California Electrical Code, California Mechanical Code, and California Plumbing Code

A. The California Building Code, California Electrical Code, California Mechanical Code, and California Plumbing Code, as approved by the California Building Standards Commission, and as may be amended from time to time by the California Building Standards Commission, is hereby adopted as the Building Code, Electrical Code, Mechanical Code, and Plumbing Code of the City of Albany, California. A copy of the California Building Code, Electrical Code, Mechanical Code, and Plumbing Code shall be available for public review in the office of the Building Official of the City of Albany. The Building Code, Electrical Code, Mechanical Code, and Plumbing Code shall regulate and govern the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures 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 Building Code, Electrical Code, Mechanical Code, and Plumbing Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

Section 2: Chapter XII of the Albany Municipal Code, Section 12-6.2 titled “Deletions from the Uniform Building Code” is hereby amended as follows:

Deleted in its entirety.

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:

1 Section 12-6.3: Additions and Amendments to the California Building Code,
2 California Electrical Code, California Mechanical Code, and California Plumbing
3 Code

4
5 A. The Planning and Zoning Commission shall serve as the Local Appeals Board
6 and Housing Appeals Board pursuant to California Building Code Section 108.8.

7
8 B. California Building Code Appendix Chapter 1 "Administration" is hereby
9 adopted by the City of Albany with the following modification:

10
11
12 Section 103.1 "Creation of Enforcement Agency" is replaced with the
13 following:

14 The Community Development Department shall function as the
15 Department of Building Safety.

16
17 Section 103.2 "Appointment" is replaced with the following:

18 The Community Development Director shall function as the building
19 official.

20
21 Section 105.5 "Expiration" is replaced with the following:

22 Every permit issued shall become invalid unless the work on the site
23 authorized by such permit is commenced within 180 days after its
24 issuance, or if the work authorized by such permit is suspended or
25 abandoned for a period of 180 days after the time the work is
26 commenced. The Building Official shall establish written policies
27 regarding the granting of extensions of time.

28
29
30 C. California Code of Regulations Title 24, Part 6 "California Energy Code" as
31 approved by the California Building Standards Commission, and as may be amended
32 from time to time by the California Building Standards Commission, is hereby
33 adopted by the City of Albany.

34
35 D. New California Building Code Section 3303.7 "Permit to Remove, Move, or
36 Demolish a Building or Structure" is hereby amended or added to as follows:

- 37
38 1. No building or other structure shall be moved to or from a site without
39 first obtaining a Permit from the City of Albany Community Development
40 Department.
41 2. No building or other structure shall be demolished without obtaining a
42 Demolition Permit or Exemption from the Bay Area Air Quality
43 Management District and a Demolition Permit from the City in accordance
44 with Section 12-10.

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3. Prior to issuance of the Permit by the City, all necessary fees shall be paid, and a cash bond or instrument of credit payable to the City shall be posted to guarantee the permittee will do the following:

- 1) Remove all remaining debris and abandoned underground tanks and pipelines on the site.
- 2) Repair all damage to curb, gutter, sidewalk, streets, and other public facilities as required by and to the satisfaction of the Building Official.

Removal and repairs shall be made within five days of removal or demolition of the structure. If permittee fails to clean up or repair as required, the City may cause such work to be done, deducting such costs from the cash bond or by extracting payment from the instrument of credit. Permittee shall furthermore comply with all requirements of the permit regarding transport of the building on City streets.

4. Site Restoration Bonds. - The Building Official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if abandoned or not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions, restore the site to a natural vegetative condition, restore drainage, and remove foundations and other manmade structures, in order to preserve the health, safety, and natural aesthetics of the site.

E. California Building Code Appendix Chapter A1 "Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings"

1. California Building Code Appendix Chapter A1 "Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings" is hereby adopted by the City of Albany.

2. New California Building Code Section A115 entitled "Administrative Provisions" is added as follows:

A115.1 Compliance Requirements.

A115.1.1 Design review. All building or structures involving seismic upgrades that are visible from the exterior may be subject to Design Review as per Section 20.100.050 of the Albany City Code.

A115.1.2 Twelve (12) month compliance requirements. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this section shall submit a structural analysis of the

1 building prepared by an engineer or architect licensed by the State of
2 California.

3
4 A115.1.3 Twenty-four (24) month compliance requirements.
5 Within twenty-four (24) months of the date of service of the order, the owner
6 of a building within the scope of this section shall apply for a building permit
7 to construct the necessary seismic retrofit improvements identified in the
8 structural analysis of the building.

9
10 A115.1.4 Thirty-six (36) month compliance requirements. Within
11 thirty-six (36) months of the date of service of the order the owner of a
12 building within the scope of this chapter shall do one of the following:

13
14 1. Complete the required seismic reinforcement to the satisfaction
15 of the Building Official unless based on the structural analysis the Building
16 Official determines that no seismic reinforcement is necessary; or

17
18 2. Obtain a building permit for the demolition of the building.
19 Issuance of a permit for demolition of the building shall be subject to
20 compliance with subsections 12-10.2 through 12-10.8 of the Albany City
21 Code. Building shall be demolished within six (6) months of obtaining permit.

22
23 A115.2 Full strengthening required. The Building Official shall
24 require full compliance with the minimum seismic standards contained within
25 this chapter before the time frames in section A115.1 upon the occurrence of
26 any of the following conditions:

27
28 1. Any change or conversion of an unreinforced masonry building
29 or structure from its existing use to that of a more intensive use, or

30
31 2. The remodel of a building or structure covered by this chapter,
32 in an amount equaling fifty (50) percent of the structure's value as determined
33 using the latest edition of the Building Standards Valuation, published by the
34 International Conference of Building Officials.

35
36 A115.3 Order.

37
38 A115.3.1 Service. The Building Official shall notify by certified
39 mail the owner of each building within the scope of this chapter. The order
40 shall be sent to the property owner as shown on the last equalized County
41 assessment roll. The order shall specify that the building has been determined
42 by the Building Official to be within the scope of this chapter. A copy of
43 section A115.1, which sets forth the time limits for compliance, shall
44 accompany the order. The failure of any such person to receive such order
45 shall not affect the validity of any action taken under this section or relieve

1 any such person from any duty or obligation imposed on him or her by the
2 provisions of this section.
3

4 A115.4 Recordation. At the time the Building Official mails the order
5 to the owner of an unreinforced masonry building the Building Official shall
6 also file and record with the office of the county recorder a certificate stating
7 that the subject building is within the scope of this chapter and is a potentially
8 earthquake hazardous building. The certificate shall also state that the owner
9 thereof will be ordered to structurally analyze the building to determine
10 compliance with this chapter.
11

12 Should the building be either demolished, found not to be within the
13 scope of this chapter, or is structurally capable of resisting minimum seismic
14 forces as required by this chapter as a result of structural analysis or
15 alterations the Building Official shall file and record with the office of the
16 county recorder a form terminating the status of the subject building as being
17 classified within the scope of this chapter.
18

19 A115.5 Appeal. The owner of the building may appeal any
20 action of the Building Official affecting a building within the scope of this
21 chapter to the City Council. Such appeal shall be filed with the City Council
22 within thirty (30) days of rendering the decision. Such appeal shall be made in
23 writing to the City Clerk.
24

25 A115.6 Exemption. If the owner of a URM building believes
26 that his/her building is not a potentially hazardous URM building and should
27 be exempted from the provisions of this Section the owner shall submit
28 satisfactory evidence, such as original drawings or test results, to the Building
29 Official to substantiate the claim. The Building Official will review the
30 evidence submitted by the owner and will remove the building from the City's
31 list of potentially hazardous URM buildings if the Building Official
32 determines the building is in compliance with this section.
33

34 A115.7 Enforcement. If the owner of the subject building fails
35 to comply with any order issued by the Building Official pursuant to this
36 chapter within the time limit set forth in section A115.1, the Building Official
37 shall verify that the record owner of this building has been properly served. If
38 the order has been served on the record owner, then the following provisions
39 apply:
40

41 1. The Building Official may order the entire building be vacated
42 and the building remain vacated until such order has been complied with.
43 Failure to comply with such order within ninety (90) days after the date the
44 building has been ordered vacated or such additional time as may have been
45 granted by the City Council, the Building Official may order its demolition in

1 accordance with the provisions of Section 203 of the Uniform Administrative
2 Code.

3
4 2. Any person who violates any provision of this chapter is guilty
5 of an infraction as provided for in Section 1-9 of the Albany City Code.

6
7 A115.8 Certificate of compliance.

8
9 1. In accordance with Chapter 3, Section 70(d)(3) of the Revenue
10 and Taxation Code, the Building Division shall, upon completion of a seismic
11 retrofit, file a certificate of compliance with the County Assessor's Office on
12 or before the following April 15th.

13
14 2. The certificate of compliance shall establish that the work
15 associated with the seismic retrofit was the result of a local ordinance related
16 to seismic safety, and therefore shall not add value to the assessment roll.

17
18 A115.9 Buildings with brick veneers. The owner of each
19 building with a brick veneer, upon service of an order and within the time
20 limits set forth in this chapter, cause an analysis to be made of the veneer by
21 an engineer or architect licensed by the state of California to practice as such
22 and have such veneer examined to determine if it is anchored to the building
23 or structure in a manner consistent with the anchorage requirements contained
24 in this chapter.

25
26 1. The owners of buildings within the scope of this subsection
27 shall be served written orders in the manner set forth in section A115.3
28 informing them of requirements of this subsection.

29
30 2. Within twenty-four (24) months of the date of service of the
31 order, the owner of a building within the scope of this subsection shall apply
32 for a building permit to construct the seismic retrofit improvements identified
33 in a structural analysis and plans for structural alteration of the brick veneer to
34 comply with this subsection.

35
36 3. Within thirty-six (36) months of the date of service of the
37 order, the owner of a building within the scope of this subsection shall
38 complete anchoring of the brick veneer to meet the anchoring requirement of
39 this chapter.

40
41 A115.10 Program Monitoring and Annual Report. During
42 January of each year, the Building Official shall submit a report to the City
43 Council outlining the progress on reduction of the hazards presented by the
44 inventory of unreinforced masonry buildings in the City.

1 **Section 4: Chapter XII of the Albany Municipal Code, Section 12-6.4 titled**
2 **“Administrative Procedures” is hereby amended as follows:**

3
4 Deleted in its entirety. (see Section 3)

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

9
10 Deleted in its entirety. (See Section 1)

11
12
13 **Section 6: Chapter XII of the Albany Municipal Code, Section 12-8 titled**
14 **“Mechanical Code” is hereby amended as follows:**

15
16 Deleted in its entirety. (See Section 1)

17
18
19 **Section 7: Chapter XII of the Albany Municipal Code, Section 12-9 titled**
20 **“Uniform Plumbing Code” is hereby amended as follows:**

21
22 Deleted in its entirety. (See Section 1)

23
24
25 **Section 8: Chapter XII of the Albany Municipal Code, titled “Building and**
26 **Housing” is hereby amended to include the follow**

27
28
29 **Section 12-11 Repair and Reconstruction of Damaged Structures.**

30
31 **12-11.1 – Intent**

32
33 This chapter establishes regulations as amendments to the building code for the
34 expeditious repair of damaged structures. In the event an amendment to the California
35 Building Standards Code results in differences between these building standards and
36 the California Building Standards Code, the text of these building standards shall
37 govern. In accordance with California Health and Safety Code Section 17958.7,
38 express findings that modifications to the California Building Standards Code are
39 reasonably necessary because of local climatic, geological or topographical
40 conditions are either already on file with the California Building Standards
41 Commission, or will be filed prior to the effective date of the ordinance codified in
42 this Article. In accordance with California Government Code Section 50022.6, at
43 least one true copy of the California Building Code has been on file with the Building
44 Official since fifteen (15) days prior to enactment of the ordinance codified in this
45 Article. While this Article is in force, a true copy of this Chapter shall be kept for

1 public inspection in the office of the Building Official. A reasonable supply of this
2 Chapter shall be available in the office of the Building Official for public purchase.

3
4 **12-11.2 Definitions.**

5
6 For the purposes of this chapter, the following definition applies and is hereby added
7 to Section 3402.1 Definitions of the 2007 California Building Code (CBC):

8
9 **Substantial Structural Damage.** A condition where:

- 10 1. In any story, the vertical elements of the lateral-force-resisting system, have
11 suffered damage such that the lateral load-carrying capacity of the structure in
12 any direction has been reduced by more than 20 percent from its pre-damaged
13 condition, or
14 2. The capacity of any vertical gravity load-carrying component, or any group of
15 such components, that supports more than 30 percent of the total area of the
16 structure's floor(s) and roof(s) has been reduced more than 20 percent from its
17 pre-damaged condition, and the remaining capacity of such affected elements
18 with respect to all dead and live loads is less than 75 percent of that required
19 by the building code for new buildings of similar structure, purpose, and
20 location.

21
22
23 **12-11.3 Repair.**

24
25 For the purposes of this chapter, the following repair requirements are hereby added
26 as a new Subsection 3403.5 to Section 3403 Additions, Alterations or Repair in the
27 2007 California Building Code (CBC):

28
29 **3403.5.1 Repairs.** Repairs of structural elements shall comply with this section.

30
31 **3403.5.1.1 Seismic evaluation and design.** Seismic evaluation and design of an
32 existing building and its components shall be based on the following criteria.

33
34 **3403.5.1.1.1 Evaluation and design procedures.** The seismic evaluation and design
35 shall be based on the procedures specified in the building code, ASCE 31 Seismic
36 Evaluation of Existing Buildings (for evaluation only) or ASCE 41 Seismic
37 Rehabilitation of Existing Buildings. The procedures contained in Appendix A of the
38 International Existing Building Code shall be permitted to be used as specified in
39 Section 3403.5.1.1.3.

40
41 **3403.5.1.1.2 CBC level seismic forces.** When seismic forces are required to meet the
42 building code level, they shall be one of the following:

- 43 1. 100 percent of the values in the building code. The R factor used for analysis in
44 accordance with Chapter 16 of the building code shall be the R factor specified for
45 structural systems classified as "Ordinary" unless it can be demonstrated that the

1 structural system satisfies the proportioning and detailing requirements for systems
 2 classified as “Intermediate” or “Special”.

3 2. Forces corresponding to BSE-1 and BSE-2 Earthquake Hazard Levels defined in
 4 ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be
 5 those shown in Table 3403.5.1.1.2.

6
 7 TABLE 3403.5.1.1.2
 8 ASCE 41 and ASCE 31 PERFORMANCE LEVELS ^a
 9

OCCUPANCY CATEGORY (BASED ON IBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note ^a	Note ^a
IV	Immediate Occupancy (IO)	Life Safety (LS)

10
 11
 12 ^a. Performance Levels for Occupancy Category III shall be taken as halfway between
 13 the performance levels specified for Occupancy Category II and Occupancy Category
 14 IV.
 15

16 **3403.5.1.1.3 Reduced CBC level seismic forces.** When seismic forces are permitted
 17 to meet reduced building code levels, they shall be one of the following:

- 18 a. 75 percent of the forces prescribed in the building code. The R factor used for
 19 analysis in accordance with Chapter 16 of the building code shall be the R
 20 factor as specified in Section 3403.5.1.1.2.
- 21 b. In accordance with the applicable chapters in Appendix A of the International
 22 Existing Building Code as specified in Items 2.1 through 2.5 below. Structures
 23 or portions of structures that comply with the requirements of the applicable
 24 chapter in Appendix A shall be deemed to comply with the requirements for
 25 reduced building code force levels.

26
 27 2.1. The seismic evaluation and design of unreinforced masonry
 28 bearing wall buildings in Occupancy Category I or II are
 29 permitted to be based on the procedures specified in Appendix
 30 Chapter A1.

31 2.2. Seismic evaluation and design of the wall anchorage system in
 32 reinforced concrete and reinforced masonry wall buildings with

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flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

- 2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.
- 2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.
- 2.5. Seismic evaluation and design of concrete buildings and concrete with masonry infill buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5.

- 3. In accordance with ASCE 31 based on the applicable performance level as shown in Table 3403.5.1.1.2.
- 4. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 3403.5.1.1.2. Where ASCE 41 is used, the design spectral response acceleration parameters S_{xs} and S_{x1} shall not be taken less than 75 percent of the respective design spectral response acceleration parameters S_{Ds} and S_{D1} defined by the *International Building Code* and its reference standards.

3403.5.1.2 Wind Design. Wind design of existing buildings shall be based on the procedures specified in the building code.

3403.5.2 Repairs to damaged buildings. Repairs to damaged buildings shall comply with this section.

3403.5.2.1 Unsafe conditions. Regardless of the extent of structural damage, unsafe conditions shall be eliminated.

3403.5.2.2 Substantial structural damage to vertical elements of the lateral-force-resisting system. A building that has sustained substantial structural damage to the vertical elements of its lateral-force-resisting system shall be evaluated and repaired in accordance with the applicable provisions of Section 3403.5.2.2.1 through 3403.5.2.2.3.

3403.5.2.2.1 Evaluation. The building shall be evaluated by a registered design professional, and the evaluation findings shall be submitted to the code official. The evaluation shall establish whether the damaged building, if repaired to its pre-damage state, would comply with the provisions of the building code. Wind forces for this evaluation shall be those prescribed in the

1 building code. Seismic forces for this evaluation are permitted to be the
2 reduced level seismic forces specified in Code Section 3403.5.1.1.3.

3
4 **3403.5.2.2.2 Extent of repair for compliant buildings.** If the evaluation
5 establishes compliance of the pre-damage building in accordance with Section
6 3403.5.2.2.1, then repairs shall be permitted that restore the building to its pre-
7 damage state, using materials and strengths that existed prior to the damage.
8

9 **3403.5.2.2.3 Extent of repair for non-compliant buildings.** If the evaluation
10 does not establish compliance of the pre-damage building in accordance with
11 Section 3403.5.2.2.1, then the building shall be rehabilitated to comply with
12 applicable provisions of the building code for load combinations including
13 wind or seismic forces. The wind design level for the repair shall be as
14 required by the building code in effect at the time of original construction
15 unless the damage was caused by wind, in which case the design level shall be
16 as required by the code in effect at the time of original construction or as
17 required by the building code, whichever is greater. Seismic forces for this
18 rehabilitation design shall be those required for the design of the predamaged
19 building, but not less than the reduced level seismic forces specified in
20 Section 3403.5.1.1.3. New structural members and connections required by
21 this rehabilitation design shall comply with the detailing provisions of the
22 building code for new buildings of similar structure, purpose, and location.
23

24 **3403.5.2.3 Substantial structural damage to vertical load-carrying components.**
25 Vertical load-carrying components that have sustained substantial structural damage
26 shall be rehabilitated to comply with the applicable provisions for dead and live loads
27 in the building code. Undamaged vertical load-carrying components that receive dead
28 or live loads from rehabilitated components shall also be rehabilitated to carry the
29 design loads of the rehabilitation design. New structural members and connections
30 required by this rehabilitation design shall comply with the detailing provisions of the
31 building code for new buildings of similar structure, purpose, and location.

32 **3403.5.2.3.1 Lateral force-resisting elements.** Regardless of the level of damage to
33 vertical elements of the lateral force-resisting system, if substantial structural damage
34 to vertical load-carrying components was caused primarily by wind or seismic effects,
35 then the building shall be evaluated in accordance with Section 3403.5.2.2.1 and, if
36 non-compliant, rehabilitated in accordance with Section 3403.5.2.2.3.

37 **3403.5.2.4 Less than substantial structural damage.** For damage less than substantial
38 structural damage, repairs shall be allowed that restore the building to its pre-damage
39 state, using materials and strengths that existed prior to the damage. New structural
40 members and connections used for this repair shall comply with the detailing
41 provisions of the building code for new buildings of similar structure, purpose, and
42 location.
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3403.5.3 Referenced Standards

Standard Reference Number	Title	Referenced In Code Section Number
ASCE 31-03	Seismic Evaluation of Existing Buildings	3403.5.1.1.1, TABLE 3403.5.1.1.2, 3403.5.1.1.3
ASCE 41-06	Seismic Rehabilitation of Existing Buildings	3403.5.1.1.1, 3403.5.1.1.2, TABLE 3403.5.1.1.2, 3403.5.1.1.3

Section 9: Chapter XII of the Albany Municipal Code, titled “Building and Housing” is hereby amended to include the follow

Section 12-12 Safety Inspections And Posting Official Placards During An Emergency.

12-12.1 – Intent.

This section establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

Section 12-12.3 Application of Provisions.

(a) The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Albany. The City Council may extend the provisions as necessary.

Section 12-12.4 Definitions.

Safety assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

Section 12-12.5 Placards.

- (a) The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures.
 - (1) INSPECTED - Lawful Occupancy Permitted is to be posted on any building or structure wherein no apparent structural hazard has been

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found. This placard is not intended to mean that there is no damage to the building or structure.

(2) RESTRICTED USE is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

(3) UNSAFE - Do Not Enter or Occupy is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

(b) This ordinance number, the name of the jurisdiction, its address, and phone number shall be permanently affixed to each placard.

(c) Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

Section 12-12.6 Deputization of Mutual Aid Resources.

(a) Pursuant to the guidelines of the Governor’s Office of Emergency Services Post-Disaster Safety Assessment Program, the Building Official or designee is authorized to deputize qualified individuals as authorized representatives of the City of Albany for purposes conducting safety inspections and posting official placards during an emergency. Activation procedures, roles, and responsibilities of deputized individuals shall follow guidelines of the Governor’s Office of Emergency Services Post-Disaster Safety Assessment Program.

Section 10: Chapter XXIII (Grading Ordinance) of the Albany Municipal Code, Section 23-1 titled “General” is hereby amended as follows:

A. This Chapter regulates work on private property and it intended to be consistent with an in support of the requirements of the California Building Code, as amended by Chamber XII of the Albany Municipal Code. Proposals or projects affecting public property are directed to Chapter XIV of the Albany Municipal Code.

1
2 B. California Building Code Appendix Chapter J “Grading” is hereby adopted by
3 the City of Albany with the modification that the 2001 California Building Code
4 Appendix Chapter 33, Section 3317 “Grading Inspection” and Section 3318
5 “Completion of Work” shall remain in full force and effect. A copy of 2001
6 California Building Code Appendix Chapter 33, Section 3317 and Section 3318 shall
7 be available for public review in the office of the Building Official of the City of
8 Albany.
9

10
11 **Section 11: Chapter XXI (Fire Prevention) of the Albany Municipal Code,**
12 **Section 11-2 “Fire Code” is hereby amended as follows:**
13

14 11-2 FIRE CODE.
15

16 **Section 11-2.1 Adoption of International and National Fire Codes.**
17

18 The International Fire and Building Code (“California Fire Code”) in its most
19 current edition, including Appendix Articles, and the International Fire and Building
20 Code Referenced Standards, as compiled, recommended and published by the
21 International Code Council and the National Fire Codes compiled, recommended and
22 published by the National Fire Protection Association and the Uniformed Fire Code
23 which includes the Uniformed Fire Code (NFPA1) by the Western Fire Chiefs
24 Association and the National Fire Protection Association in its most current edition,
25 including Annex’s and Standards Referenced, are hereby adopted by reference. The
26 requirements and terms of the heretofore mentioned codes and their accessory
27 sections are hereby adopted as the Albany Fire Code and made part of this section as
28 if they were set forth fully herein.
29

30 **Section 11-2.2 Additions and Amendment of the International National and**
31 **Uniform Fire Codes.**
32

33 a. added to read as follows:

34 Fee for Inspections and Permits. The City Council may, by resolution,
35 establish a schedule of non-discriminatory fees to be charged and collected, solely to
36 defray the Fire Department’s reasonable costs for requested or required inspection
37 services, and the issuance of permits.
38

39 b. Extinguishers. Each commercial or industrial building and all
40 occupancies thereof, and R-1 occupancies, shall be provided with portable fire
41 extinguishers as directed by the Fire Chief. Such extinguishers shall have a minimum
42 U.L. rating of 2A:10BC.
43

44 **Section 11-2.3 Fire Extinguishing Systems.**
45

46 a. *Automatic Fire Extinguishing Systems – Location.*

1
2 Definition: "floor area " is defined by Chapter XII "Planning and Zoning
3 Code."

4 i. Residential - Where required. Residential Sprinklers shall be
5 installed throughout the entire structure when any one (1) of the following
6 applies:

7
8 (1) New structures with a floor area of 1,500 square feet or
9 more;

10 (2) New structures exceeding 35 feet in height above finish
11 grade;

12 (3) New structures which are three (3) or more stories,
13 regardless of height;

14 (4) Existing structures: Additions equal to or greater than
15 fifty percent (50%) or more of the existing floor area if the sum of the
16 existing and new floor area is 1,500 square feet or more.

17 (5) Renovations or rehabilitations and/or additions of
18 structures with a floor area of 1,500 square feet or more the value of
19 which is equal to or greater than fifty percent (50%) of the replacement
20 cost of the building.

21
22 ii. Commercial - Where required. Approved automatic sprinkler
23 systems shall be installed in all new commercial construction with a minimum
24 total floor area of 2,500 square feet if:

25 (1) Subdivided Space or Subdivisions. The building or
26 separate interest in a common interest development is being
27 subdivided into multi-tenant spaces or being subdivided pursuant to
28 the California Subdivision Map Act; or

29 (2) Change of Use or Occupancy. The character of the
30 occupancy or use of the building or separate interest in a common
31 interest development is being changed to a different division of the
32 same group of occupancy or to a different group of occupancy; or

33 (3) Renovation. The building or separate interest space is
34 being substantially renovated as defined below:

35 (a) Buildings. (Entire building in single fee title
36 ownership)

37 The building or portion thereof is being renovated,
38 rehabilitated or reconstructed and the value of the
39 improvements is equal to or greater than fifty percent (50%) of
40 the replacement cost of the building.

41 (b) Separate Interests in Common Interest
42 Developments. (Building is subdivided into multiple fee title
43 ownership interests)

44 A separate interest in a common interest development is
45 being renovated, rehabilitated, or reconstructed and the value

1 of the improvements is equal to or greater than fifty percent
2 (50%) of the replacement cost of said interest.

3 (c) Definition of Replacement Cost.

4 In absence of proof to the contrary, replacement cost as
5 used above shall mean the market value of the building or
6 separate interest in a common interest development determined
7 at the time of submission of a building permit application.

8 Automatic Fire Extinguishing Systems shall be installed
9 in the occupancies and locations as set forth in this section.

10 Fire Department connections shall augmented by a five
11 inch (5") connection when required by the Fire Chief.

12
13 b. *Sprinkler System Monitoring and Alarms:*

14
15 Where required. All valves controlling the water supply for automatic
16 sprinkler systems and water-flow switches on all sprinkler systems shall be
17 electrically monitored where the number of sprinklers are:

18 (1) Twenty (20) or more in Group I, Division 1.1 and 1.2
19 Occupancies; or

20 (2) One hundred (100) or more in all other occupancies; or

21 (3) As deemed necessary by the Fire Chief.

22
23 c. *Automatic Fire Extinguishing Systems; Occupancy Levels.*

24
25 (a) Group A Occupancies - Exhibition and Display Rooms. An
26 automatic sprinkler system shall be installed in Group A occupancies which
27 have 2,500 square feet or more of floor area which can be used for exhibition
28 or display purposes.

29 (b) Group B, Occupancies. An automatic sprinkler system shall be
30 installed in retail sales rooms classified as Group B, Occupancies where the
31 floor area is 2,500 square feet or more on any floor; or in Group B, Division 2
32 retail sales occupancies three (3) stories or more in height. The floor area of
33 mezzanines shall be included in determining when sprinklers are required.

34
35 d. *Standpipe Installation Requirements.*

36
37 (a) Occupancies three (3) stories or more, but less than 30 feet in
38 height, above finish grade except Group R, Division 3.

39 (b) Where Required. Every Building three stories or more in height
40 shall be provided with not less than one standpipe for use during construction.
41 Such standpipes shall be installed when the progress of construction is not
42 more than 30 feet in height above finish grade. Such standpipes shall be
43 provided with Fire Department hose connections at accessible locations
44 adjacent to useable stairs, and the standpipe outlets shall be adjacent to such
45 useable stairs. Such standpipe systems shall be extended as construction

1 progresses to within one floor of the highest point of construction having
2 secured decking or flooring.

3 On each floor there shall be provided a 2 1/2 inch valve outlet for fire
4 department use. Where construction height requires installation of a Class III
5 standpipe, fire pumps and water main connections shall be provided to serve
6 the standpipe.

7
8 e. *Automatic fire-extinguishing systems.*

9
10 (a) Where required. An automatic fire-extinguishing system shall
11 be installed in the occupancies and locations as set forth in this section, or as
12 required by Section 11.2.1a of this Code. For special provision on hazardous
13 chemicals, magnesium, and calcium carbide see the Fire Code.

14 (b) Exhibition and display rooms. An automatic sprinkler system
15 shall be installed in Group A Occupancies which have 2,500 square feet or
16 more of floor area which can be used for exhibition or display purposes.

17 (c) Other areas. An automatic sprinkler system shall be installed
18 under the roof and gridiron, in the tie and fly galleries and in all places behind
19 the proscenium wall of stages; over enclosed platforms in excess of 500
20 square feet in area; and in dressing rooms, workshops, storerooms and
21 enclosed platforms accessory to such stages or platforms.

22 (d) Group B, Occupancies. An automatic sprinkler system shall be
23 installed in retail sales rooms classed as Group B, Occupancies where the
24 floor area is 2,500 square feet or more on any floor; or in Group B, Division 2
25 retail sales occupancies three (3) stories or more in height. The floor area of
26 mezzanines shall be included in determining when sprinklers are required. In
27 buildings used for high-piled combustible storage, fire protection shall be in
28 accordance with the Fire Code.

29
30 e. *Automatic fire-extinguishing systems.*

31
32 (a) Where required. An automatic fire-extinguishing system shall be
33 installed in the occupancies and locations as set forth in this section. For special
34 provision on hazardous chemicals, magnesium, and calcium carbide see the Fire
35 Code.

36 (b) Exhibition and display rooms. An automatic sprinkler system shall be
37 installed in Group A Occupancies which have 2,500 square feet or more of floor area
38 which can be used for exhibition or display purposes.

39 (c) Other areas. An automatic sprinkler system shall be installed under the
40 roof and gridiron, in the tie and fly galleries and in all places behind the proscenium
41 wall of stages; over enclosed platforms in excess of 500 square feet in area; and in
42 dressing rooms, workshops, storerooms and enclosed platforms accessory to such
43 stages or platforms.

44 (d) Group B, Occupancies. An automatic sprinkler system shall be
45 installed in retail sales rooms classed as Group B, Occupancies where the floor area is
46 2,500 square feet or more on any floor; or in Group B, retail sales occupancies three

1 (3) stories or more in height. The floor area of mezzanines shall be included in
2 determining when sprinklers are required. In buildings used for high-piled
3 combustible storage, fire protection shall be in accordance with the Fire Code.
4

5 *f. Automatic Fire Alarm Detection Systems.*
6

7 Fire Alarm Systems:

8 MONITORING. The fire alarm system shall be monitored by an
9 approved central station, remote station or proprietary supervising station
10 system as defined by the National Fire Alarm Code (NFPA-72), or, with the
11 specific approval of the chief, by a local alarm system which will transmit
12 audible and visible signals to an approved constantly attended location.

13 MONITORING. When required by the chief, fire alarm systems shall
14 be monitored by an approved central station, remote station of proprietary
15 supervising station system as defined by the National Fire Alarm Code
16 (NFPA-72), or, with the specific approval of the chief, by a local alarm system
17 which will transmit audible and visible signals to an approved constantly
18 attended location.

19 FIRE ALARM SYSTEMS IN GROUP R, DIVISION 3

20 OCCUPANCIES. The building or portion thereof being renovated,
21 rehabilitated or reconstructed and the value of the improvements is equal to or
22 greater than twenty-five percent (25%) of the replacement cost of the building
23 or adding four hundred (400) square feet or more of floor space, a fire alarm
24 system designed, installed, and maintained in accordance with the National
25 Fire Alarm Code (NFPA-72) shall be provided throughout the new and
26 existing structure. The designed fire alarm shall be a 12 or 24 volt system or
27 equivalent system that is acceptable by the Fire Chief with a separate battery
28 back-up powered by the main electrical supply.

29 FIRE ALARM SYSTEMS IN ALL OCCUPANCIES EXCEPT
30 GROUP R, DIVISION 3. For all new construction, renovation, rehabilitation
31 or reconstruction of any size, change of owner, or change of occupancy
32 classification, a fire alarm system designed, installed, and maintained in
33 accordance with the Central Station Service requirements of the National Fire
34 Alarm Code (NFPA-72) shall be provided, when determined by the Fire
35 Chief.
36

37 *g. Vegetation Management.*
38

39 All weeds growing upon the streets, sidewalks or upon private property within
40 the City of Albany, which attain such a large growth as to become a fire menace
41 when dry, or which are otherwise noxious or dangerous, and all accumulated debris
42 on property, are declared to be a public nuisance. The Fire Marshal or his/her
43 designee shall notify the property owner in writing of said dangerous accumulations
44 which must be abated by the removal of all debris and weeds or grass in a thirty (30)
45 foot strip or more adjacent to all improvements and other requirements per NFPA
46 1144 to maintain a defensible space.

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Section 11: Severability.

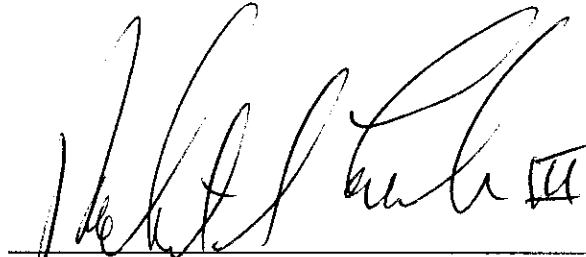
If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one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

Section 12: Publication and Effective Date.

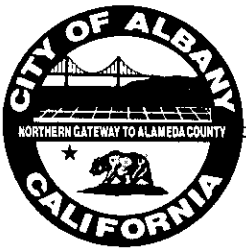
This ordinance shall be posted at three public places within the City of Albany and shall become effective thirty days after the date of its posting.

PASSED AND ADOPTED by the City Council of the City of Albany at its meeting on the 3rd day of December, 2007, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:



Mayor Robert S. Lieber



City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

CITY ADMINISTRATOR
PH. (510) 528-5710
FAX (510) 528-5797

CITY ATTORNEY
PH. (510) 524-9205
FAX (510) 526-9190

CITY CLERK
PH. (510) 528-5720
FAX (510) 528-5797

CITY COUNCIL
PH. (510) 528-5720
FAX (510) 528-5797

COMMUNITY DEVELOPMENT & ENVIRONMENTAL RESOURCES
• Building
• Engineering
• Environmental Resources
• Maintenance
• Planning

PH. (510) 528-5760
FAX (510) 524-9359

FINANCE & ADMINISTRATIVE SERVICES

CITY TREASURER
PH. (510) 528-5730
FAX (510) 528-2743

FIRE & EMERGENCY MEDICAL SERVICES

PH. (510) 528-5771
FAX (510) 528-5774

PERSONNEL

PH. (510) 528-5714
FAX (510) 528-5797

POLICE

PH. (510) 525-7300
FAX (510) 525-1360

RECREATION & COMMUNITY SERVICES

1249 Marin Avenue
PH. (510) 524-9283
FAX (510) 528-8914

- Friendship Club/
Childcare Program
PH. (510) 524-0135
- Senior Center
PH. (510) 524-9122
FAX (510) 524-8940
- Teen Center
PH. (510) 525-0576

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA) ss
CITY OF ALBANY)

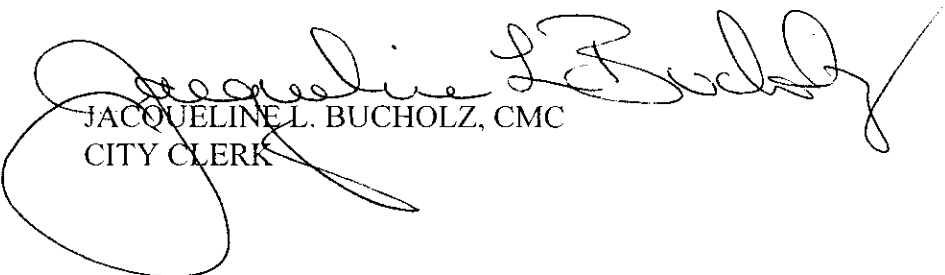
I, **JACQUELINE L. BUCHOLZ**, City Clerk of the City of Albany, California, do hereby certify that the whole number of members of the City Council of said City of Albany is five and that the foregoing is a true and correct copy of Ordinance No. 07-07 which was passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council on the 3rd day of December 20 07 A.D., and that the same was so passed and adopted by the following votes and duly published or posted according to State law.

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

In witness whereof, I have hereunto set my hand and affixed the official seal of the City of Albany, this 4th day of December, 2007.


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.



PRINTED ON RECYCLED PAPER

CHAPTER XI
FIRE PREVENTION¹

11-1 GENERAL.

11-1.1 Conflicts. Where conflicts exist between two (2) or more codes or requirements adopted in this Chapter, the more restrictive condition shall govern. (Ord. #91-02, §§1, 2)

11-1.2 Weed Abatement. The annual weed abatement program will be administered by the Fire Marshal or other designated member of the Fire Department. (Ord. #91-02, §§1, 2)

11-2 FIRE CODE.

11-2.1 Adoption of Uniform and National Fire Codes. The Uniform Fire Code in its most current edition, including Appendix Articles, and the Uniform Fire Code Standards, as compiled, recommended and published by the Western Fire Chiefs Association and the International Conference of Building Officials, National Fire Protection Association and the Fire Prevention Code in its most current edition, including Appendix Articles, are hereby adopted by reference. The requirements and terms of the heretofore mentioned codes and their accessory sections are hereby adopted as the Albany Fire Code and made part of this section as if they were set forth fully herein. (Ord. #91-02, §§1, 2; Ord. #93-03, §1)

11-2.2 Additions and Amendment of the Uniform Fire Code.

a. Section 2.206 is added to read as follows:

Sec. 2.206. Fee for Inspections and Permits. The City Council may, by resolution, establish a schedule of non-discriminatory fees to be charged and collected, solely to defray the Fire Department's reasonable costs for requested or required inspection services, and the issuance of permits.

¹Editor's Note: Prior sources include 1958 Code Sections 12.10, 12.11, 12.21 and 12.22 and portions of Ordinance No. 85-05.

- b. Section 10.301(a) is amended to read as follows:

Sec. 10.301(a). **Extinguishers.** Each commercial or industrial building and all occupancies thereof, and R-1 occupancies, shall be provided with portable fire extinguishers as directed by the Fire Chief. Such extinguishers shall have a minimum U.L. rating of 2A:10BC. (Ord. #91-02, §§1, 2)

11-2.3 Fire Extinguishing Systems.

- a. *Automatic Fire Extinguishing Systems - Location.* Section 1003.2 of the Uniform Fire Code is amended to read as follows:

Definition: "floor area " is defined by the zoning code.

- i. **Residential - Where required.** Residential Sprinklers shall be installed throughout the entire structure when any one (1) of the following applies:

- (1) New structures with a floor area of 1,500 square feet or more;
- (2) New structures exceeding 35 feet in height above finish grade;
- (3) New structures which are three (3) or more stories, regardless of height;

(4) Existing structures: Additions equal to or greater than fifty percent (50%) or more of the existing floor area if the sum of the existing and new floor area is 1,500 square feet or more.

(5) Renovations or rehabilitations and/or additions of structures with a floor area of 1,500 square feet or more the value of which is equal to or greater than fifty percent (50%) of the replacement cost of the building.

- ii. **Commercial - Where required.** Approved automatic sprinkler systems shall be installed in all new commercial construction with a minimum total floor area of 2,500 square feet if:

- (1) Subdivided Space or Subdivisions.

The building or separate interest in a common interest development is being subdivided into multi-tenant spaces or being subdivided pursuant to the California Subdivision Map Act; or

(2) **Change of Use or Occupancy.**

The character of the occupancy or use of the building or separate interest in a common interest development is being changed to a different division of the same group of occupancy or to a different group of occupancy as defined in Sec. 109.2 of the Uniform Building Code; or

(3) **Renovation.** The building or separate interest space is being substantially renovated as defined below:

(a) **Buildings.** (Entire building in single fee title ownership)

The building or portion thereof is being renovated, rehabilitated or reconstructed and the value of the improvements is equal to or greater than fifty percent (50%) of the replacement cost of the building.

(b) **Separate Interests in Common Interest Developments.** (Building is subdivided into multiple fee title ownership interests)

A separate interest in a common interest development is being renovated, rehabilitated, or reconstructed and the value of the improvements is equal to or greater than fifty percent (50%) of the replacement cost of said interest.

(c) **Definition of Replacement Cost.**

In absence of proof to the contrary, replacement cost as used above shall mean the market value of the building or separate interest in a common interest development determined at the time of submission of a building permit application.

Automatic Fire Extinguishing Systems shall be installed in the occupancies and locations as set forth in this section.

Fire Department connections shall augmented by a five inch (5") connection when required by the Fire Chief.

b. *Sprinkler System Monitoring and Alarms.*

Section 1003.3.1 of the Uniform Fire Code is amended to read as follows:

Section 1003.3.1 Where required. All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:

- (1) Twenty (20) or more in Group I, Division 1.1 and 1.2 Occupancies; or
- (2) One hundred (100) or more in all other occupancies; or
- (3) As deemed necessary by the Fire Chief.

c. *Automatic Fire Extinguishing Systems; Occupancy Levels.*

Section 1003.2.3.3 and 10.507(d) (1991 UFC) of the Uniform Fire Code is amended to read as follows:

(a) Section 1003.2.3.3. Group A Occupancies - Exhibition and Display Rooms. An automatic sprinkler system shall be installed in Group A occupancies which have 2,500 square feet or more of floor area which can be used for exhibition or display purposes.

(b) Section 10.507(d) (1991 UFC). Group B, Division 2 Occupancies. An automatic sprinkler system shall be installed in retail sales rooms classified as Group B, Division 2 Occupancies where the floor area is 2,500 square feet or more on any floor; or in Group B, Division 2 retail sales occupancies three (3) stories or more in height. The floor area of mezzanines shall be included in determining when sprinklers are required.

d. *Standpipe Installation Requirements.*

(a) Occupancy Category No. 2 of Table No. 1004-A of the Uniform Fire Code is hereby amended to read as follows:

Occupancies three (3) stories or more, but less than 30 feet in height, above finish grade except Group R, Division 3.

(b) Section 8704.4.3.1 of the Uniform Fire Code is hereby amended to read as follows:

Where Required. Every Building three stories or more in height shall be provided with not less than one standpipe for use during construction. Such standpipes shall be installed when the progress of construction is not more than 30 feet in height above finish grade. Such standpipes shall be provided with Fire Department hose

connections at accessible locations adjacent to useable stairs, and the standpipe outlets shall be adjacent to such useable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

On each floor there shall be provided a 2 1/2 inch valve outlet for fire department use. Where construction height requires installation of a Class III standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

e. *Automatic fire-extinguishing systems.*

Section 904 of the Uniform Building Code is amended as follows:

(a) Section 904.2.1 is amended as follows: Where required. An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in this section, or as required by Section 11.2.1a of this Code. For special provision on hazardous chemicals, magnesium, and calcium carbide see the Fire Code.

(b) Section 904.2.3.3 is amended as follows: Exhibition and display rooms. An automatic sprinkler system shall be installed in Group A Occupancies which have 2,500 square feet or more of floor area which can be used for exhibition or display purposes.

(c) Section 3802(c)7 (1991 UBC) is amended as follows: Other areas. An automatic sprinkler system shall be installed under the roof and gridiron, in the tie and fly galleries and in all places behind the proscenium wall of stages; over enclosed platforms in excess of 500 square feet in area; and in dressing rooms, workshops, storerooms and enclosed platforms accessory to such stages or platforms.

(d) Section 3802(d) (1991 UBC) is amended as follows: Group B, Division 2 Occupancies. An automatic sprinkler system shall be installed in retail sales rooms classed as Group B, Division 2 Occupancies where the floor area is 2,500 square feet or more on any floor; or in Group B, Division 2 retail sales occupancies three (3) stories or more in height. The floor area of mezzanines shall be included in determining when sprinklers are required. In buildings used for high-piled combustible storage, fire protection shall be in accordance with the Fire Code.

f. *Automatic Fire Alarm Detection Systems.*

Section 1007 - Fire Alarm Systems, of the Uniformed Fire Code is amended as follows:

Section 1007.2.7.2.6 is amended to read as follows:

1007.2.7.2.6 MONITORING. The fire alarm system shall be monitored by an approved central station, remote station or proprietary supervising station system as defined by the National Fire Alarm Code (NFPA-72 [1993]), or, with the specific approval of the chief, by a local alarm system which will transmit audible and visible signals to an approved constantly attended location.

Section 1007.3.3.6.1 is amended to read as follows:

1007.3.3.6.1 MONITORING. When required by the chief, fire alarm systems shall be monitored by an approved central station, remote station of proprietary supervising station system as defined by the National Fire Alarm Code (NFPA-72 [1993]), or, with the specific approval of the chief, by a local alarm system which will transmit audible and visible signals to an approved constantly attended location.

Section 1007.3.3.6.1.1 is added to read as follows:

1007.3.3.6.1.1 FIRE ALARM SYSTEMS IN GROUP R, DIVISION 3 OCCUPANCIES. The building or portion thereof being renovated, rehabilitated or reconstructed and the value of the improvements is equal to or greater than twenty-five percent (25%) of the replacement cost of the building or adding four hundred (400) square feet or more of floor space, a fire alarm system designed, installed, and maintained in accordance with the National Fire Alarm Code (NFPA-72 [1993]) shall be provided throughout the new and existing structure. The designed fire alarm shall be a 12 or 24 volt system or equivalent system that is acceptable by the Fire Chief with a separate battery back-up powered by the main electrical supply.

Section 1007.3.3.6.1.2 is added to read as follows:

1007.3.3.6.1.2 FIRE ALARM SYSTEMS IN ALL OCCUPANCIES EXCEPT GROUP R, DIVISION 3. For all new construction, renovation, rehabilitation or reconstruction of any size, change of owner, or change of occupancy classification, a fire alarm system designed, installed, and maintained in accordance with the Central Station Service requirements of the National Fire Alarm Code (NFPA-72 [1993]) shall be provided, when determined by the Fire Chief.

g. *Vegetation Management.*

All weeds growing upon the streets, sidewalks or upon private property within the City of Albany, which attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and all accumulated debris on property, are declared to be

a public nuisance. The Fire Marshal or his/her designee shall notify the property owner in writing of said dangerous accumulations which must be abated by the removal of all debris and weeds or grass in a thirty (30) foot strip adjacent to all improvements and other requirements per NFPA 299 to maintain a defensible space.

(Ord. #94-010, §§1-7; Ord. #96-08, §§2-8; Ord. #96-011; Ord. #97-09, §§2, 3)

11-3 FALSE FIRE ALARMS.

11-3.1 Purpose. False fire alarms pose a hazard to fire fighters and the general public. False fire alarms divert Fire Department resources from useful duties and therefore cause a waste of public services. The purpose of this section is to reduce or eliminate the incidence of false alarms and to assess fees against persons who are either owners and/or occupants of premises on which false alarms occur. (Ord. #93-02, §1)

11-3.2 Definitions. As used in this section:

Alarm shall mean an alarm installed on premises which is primarily used by one or more of the following:

- a. Business providing sales, service or both;
- b. Public agency or nonprofit entity or organization providing service to the general public; and
- c. Private property primarily used for residential purposes.

Alarm systems shall mean any mechanical or electronic device which is designed and used for the detection of fire, heat, or smoke or for alerting others from an event within the facility. Alarm systems include, but are not limited to, fire, smoke, and heat detectors that transmit an alarm either to the Fire Department directly or to a subscriber company which in turn notifies the Fire Department. Devices which are not designed to evoke a Fire Department response, or used to register alarms, that are not intended to be audible, visible or perceptible outside of the protected building, structure or facility are not included in this definition, nor are auxiliary devices installed by the phone company to protect its system which might be damaged or disturbed by the use of an alarm system.

City shall mean City of Albany.

Day shall mean a calendar day.

False Alarm shall mean the activation of an alarm system through mechanical failure, malfunction, improper installation, failure to notify Fire Department during routine maintenance or testing, whether or not caused by the negligence of owner or lessee of the alarm system or of his employees or agent. False alarm does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes or other violent conditions. A conclusive presumption of false alarm will be made upon failure of the Fire Department to find any evidence of fire, or a responsible person able to explain an appropriate need or cause for activation of an alarm system.

Fire Department shall mean the Fire Department of the City of Albany.

Person shall mean a person, firm, corporation, association, partnership, individual, organization or company.
(Ord. #93-02, §2)

11-3.3 Fire Alarm Exemptions. The provisions of this false alarm section shall not be applicable to audible alarms affixed to motor vehicles, motor homes, travel trailers, or boats. (Ord. #93-02, §3)

11-3.4 False Alarm Service Assessments. Any subscriber or person who maintains or has an alarm system connected to the Fire Department or has an alarm system which requires Fire Department response created by any signal, message, or telephone call and which proves to be a false alarm, shall pay a false alarm service assessment fee to the City.

The maximum number of allowable false alarms reported shall be no more than two (2) in any ninety (90) day period with a maximum of no more than four (4) in a twelve (12) month period.

The Fire Chief or his agents shall notify in writing any person that has exceeded the number of allowable false alarms in the above described time period before assessing fees. False alarms exceeding the allowable limit shall result in the following service assessment charges as set forth in the Master Fee Schedule.

Service assessment fees shall be due within fifteen (15) days of the billing date. A one (1%) percent per month interest fee shall be assessed for each month that the fee is late, and a service fee of five (5%) percent per month plus any additional administrative fees that the City may incur shall be assessed for each month that the fee is late. (Ord. #93-02, §4; Ord. #97-08)

11-3.5 Grace Periods. A new alarm system or owner may be given a thirty (30) day grace period after issuance of occupancy permits for the purpose of training parties responsible for the alarm and testing of the equipment. (Ord. #93-02, §5)

11-3.6 Failure to Pay Service Assessment Fees. The City shall be entitled to be reimbursed for all costs, administrative or otherwise, and all legal expenses plus any reimbursements related to the collection of any unpaid fee that is charged pursuant to the provisions of this section. (Ord. #93-02, §6)

11-3.7 Liability Limitation. The City shall be under no duty or obligations to alarm owners, operators, or lessees by reason of any provision of this section, including but not limited to any defects in the Fire Department Alarm Communications System or any delays in transmission or response to any alarm, or for any other cause. (Ord. #93-02, §7)

CHAPTER XII
BUILDING AND HOUSING

12-1 CONFLICTS.

Where conflicts exist between two (2) or more codes or requirements adopted in this Chapter, the more restrictive condition shall govern. (Ord. #86-04; 1958 Code §7.10)

12-2 BUILDING PERMIT REQUIRED FOR SANDBLASTING.

It shall be unlawful for any person to commence sandblasting or similar type of exterior building cleaning within the City without first having obtained a building permit therefor from the Building Official. Sand used for cleaning shall be mixed with water in an amount sufficient to prevent air pollution or transmittal of particles to adjacent properties. Such work shall be limited to the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding holidays. The Building Official is authorized to alter these hours for good cause. (Ord. #86-04; 1958 Code §7.11)

12-3 HOUSE NUMBERS.

The Building Official shall have and hereby is given the authority to assign street numbers to buildings or houses within the City limits in such manner and according to such plans as he shall deem appropriate.

In the event any building, house or structure within the limits of the City shall be incorrectly numbered or unnumbered, or the number thereof shall have become defaced or illegible, it shall be the duty of the owner or occupant thereof to cause the same to be numbered correctly within ten (10) days after notification so to do, given by or under the direction of the Building Inspector. Such notice shall be served by leaving a copy thereof at the building or house in charge of any person therein, addressed to the owner or occupant of the building or house, or it may be given by posting such notice on the door or at the entranceway of the building or house.

The expense of numbering buildings, houses or structures in the City shall be borne by the owner, occupant or other person in control thereof. (Ord. #86-04; 1958 Code §7.12)

12-4 PENALTY.

Violations of the requirements of this Chapter may be considered a misdemeanor and punishable as indicated in Section 1-9 of Chapter I of this Code. (Ord. #86-04; 1958 Code §7.13)

12-5 UNSAFE OR DANGEROUS BUILDINGS.**12-5.1 Alternate Procedure Authorized.**

a. The following abatement procedure, described in this Chapter, shall be an alternate to abatement procedure set forth in the Uniform Code for the Abatement of Dangerous Buildings, the Uniform Building Code and the Uniform Housing Code.

b. All buildings or structures which are deemed to be unsafe or dangerous buildings by the Building Official pursuant to the above stated codes shall be declared to be public nuisances, and shall be abated in accordance with either the abatement procedure of the above stated codes or the abatement procedure as set forth below.
(Ord. #86-04; 1958 Code §7.15.010)

12-5.2 Inspection and Notice to Repair, Notice to Vacate.

a. The Building Official shall examine or cause to be examined every building or structure or portion thereof reported dangerous or damaged. If such is found to be an unsafe building, the Building Official shall obtain a preliminary title report as to the building or structure or land on which it is located which shall identify all owners of record, lessees of record, holders of mortgages, deeds of trust, or other liens and encumbrances of record. The Building Official shall serve upon each such person, by personal service or by certified mail, postage prepaid, return receipt requested, a written notice stating the defects of the building or structure and requiring the owner to commence either the required repairs or improvements, or demolition and removal of the building or structure or portions thereof within ten (10) days and to complete such work within sixty (60) days from the date of the notice. The notice shall be sent to each such person at their address as it appears on the last equalized assessment roll of the County, or as known to the Building Official. If no address of any such person so appears or is known to the Building Official then a copy of the notice shall be so mailed, addressed to such person, at the address of the building or structure found by the Building Official to be unsafe. Service by certified mail shall be effective on the date of mailing. The Building Official shall cause at least one (1) copy of the notice bearing title letters at least one (1") inch high reading "NOTICE TO ABATE NUISANCE", to be posted conspicuously on the building, structure or portion thereof alleged to be unsafe.

b. If the building or structure is occupied, and the Building Official finds that protection of human safety necessitates that it be vacated, the notice shall also require that it be vacated. The notice shall also require that the building, structure or portion thereof be vacated not later than thirty (30) days from the date of the notice. The Building Official shall serve by first class mail, postage prepaid, a notice to the occupant of each dwelling unit or unit under separate use in the building or structure found to be unsafe, stating that the Building Official has, as a result of an inspection, found the building or structure to be unsafe and unfit for human occupancy, and advising the occupant that he must vacate the building or structure by the date stated on the notice. Further occupancy is unlawful and constitutes an infraction. The Building Official shall cause to be posted at or upon each exit of the building or structure a notice in substantially the following form:

NOTICE TO VACATE

The Building Official of the City of Albany has found this building to be unsafe and unfit for continued human occupancy. This building or structure must be vacated not later than _____, It is an infraction to occupy this building or structure beyond such date, or to remove or deface this notice.

DATE: _____

 BUILDING OFFICIAL
 CITY OF ALBANY

c. No person shall enter or remain in any building which has been posted with a notice to vacate, as specified in this subsection, after the date upon which such notice requires the building to be vacated, except that entry can be made:

1. To repair, demolish, or remove such building under permit;
2. By the Building Official or his duly authorized representative for purposes of inspection; and
3. After any required repairs have been completed and a Certificate of Occupancy has been issued.

d. No person shall remove or deface any notice posted pursuant to this subsection until the required repairs, demolition or removal have been completed and a Certificate of Occupancy is issued.

e. Proof of service of notices shall be certified to, at the time of service by written declaration under penalty of perjury executed by the person effecting the service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the Building Official.
(Ord. #86-04; 1958 Code §7.15.020)

12-5.3 Notice of Hearing Before the City Council. If the owner of the building or structure does not comply with the notice prescribed by subsection 12-5.2, by commencing the required work within the time allowed, or make such other arrangement as may be satisfactory to the Building Official, the Building Official shall thereupon direct the City Clerk to send the following notice, or one substantially similar thereto, by certified mail, postage prepaid, return receipt requested to the owner, mortgage holder, deed of trust holder, or holder of any other lien, encumbrance, estate or legal interest of record as to the building or structure, as disclosed by the preliminary title report obtained pursuant to subsection 12-5.2. The cost of the title report shall be charged to the owner in the same manner and using the same procedure as all other costs incurred by the City which are to be charged to the owner as set forth in this subsection.

**NOTICE OF HEARING BEFORE THE CITY COUNCIL
OF THE CITY OF ALBANY**

The owner of the building situated at _____ is hereby notified to appear before the City Council of the City of Albany at its meeting to be held on _____ at the Council Chambers, 1000 San Pablo Avenue, Albany, CA at the hour of _____ or as soon thereafter as she/he may be heard and show cause, why (the building) (the following portion of the building: _____) should not be declared to be a public nuisance, and the nuisance be abated by repairing, demolishing or removing (said building) (said portion of the building) and charging the costs thereof to the owner.

(Ord. #86-04; 1958 Code §7.15.030)

12-5.4 Hearing by the City Council, Finding of Nuisance.

a. At the time fixed on the notice, the City Council shall proceed to hear the testimony of the Building Official and his assistants and the testimony of the owner or his representatives, and other competent persons who may be present and desire to testify thereof, the estimated cost of its reconstruction, repair or removal, and any other matter which the City Council may deem pertinent thereto.

NOTICE OF POSTING

**STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

I, Jacqueline L. Bucholz, City Clerk of the City of Albany, County of Alameda, State of California, say:

That on the 4th day of December, 2007, I posted notices in the following areas designated as the official posting areas for the City of Albany:

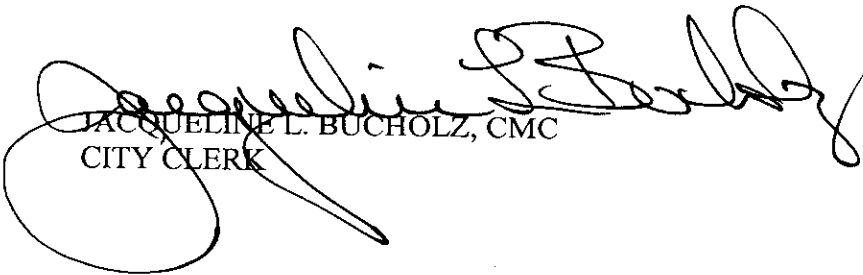
CITY HALL

FIRE DEPARTMENT

LIBRARY

The notice was for: Ord. #07-07 - Amendment to City Code

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 4th day of December, 2007, at Albany, California.


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK