

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: December 2, 2019
Reviewed by: NA

SUBJECT: Ordinance No. 2019-11, Amendments to Chapter 11 Fire Prevention and Chapter 12, Building and Housing, of the Municipal Code related the Adoption and Local Amendments to the of the 2019 California Building Standards Code

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SUMMARY

The action before the City Council is to adopt an ordinance to update the City's Municipal Code to reference the 2019 California Building Standards Code.

STAFF RECOMMENDATION

That the Council introduce for first reading Ordinance No. 2019-11, Amendments to the Building & Housing, Fire Prevention, Chapters of the Municipal Code related the Adoption and Local Amendments to the of the 2019 California Building Standards Code.

BACKGROUND

Pursuant to State law, the City is required to adopt and enforce a series of building and fire codes prepared by the California Building Standards Commission, which collectively are known as the California Building Standards Code. The Codes are updated by the State every three years. The 2019 codes become effective January 1, 2020. The attached publication prepared by the California Building Standards Commission provides more detailed information on the State's requirements. Local adoption and modification of building standards are contained in the Albany Municipal Code Chapter 11 (Fire Prevention) and Chapter 12 (Building and Housing).

DISCUSSION

For typical building permit applications in Albany, the most notable change in the 2019 version of the California Building Standards Code is a continuation of the trend in recent code update cycles of improvements to more stringent energy efficiency requirements.

Municipalities can make modifications to the Codes if specific findings related to local climatic, geological, or topographical conditions can be made. Reauthorizing the findings for the modification to the State codes is required with every code cycle.

Proposed Changes to Chapter 11 Fire Prevention:

- The proposed ordinance maintains previously adopted amendments related to types of smoke detectors permitted, requirements for installation of fire sprinklers in new construction or substantial remodels, and requirements for self-closing doors in multi-family residential structures.
- The ordinance codifies that fire alarm systems are required to be installed in all non-residential buildings any time a building permit is required.
- Reorganization of Section 11-2 to match standard structure used elsewhere in the Municipal code.
- Technical clarifications, updating of references and definitions, and elimination sections no longer needed, due to changes in the California Fire Code.

Proposed Changes to Chapter 12 Building:

- Minor technical updates related to adoption of optional appendices related to specialized construction types.
- Codification of a state law requirement that the Municipal Code authorize the Building Official to create a streamlined permitting process for EV chargers.

Potential Future Mid-Cycle Amendments

- Wildland-Urban Interface – The California Department of Forestry is in the process of updating state-wide maps that designate Wildland-Urban Interface zones. Within these zones, more stringent codes apply. The new maps are expected to be released in mid-2020.
- California Green Building Code Optional Tiers – The California Green Building Code includes two optional, more stringent, sets of requirements associated with more sustainable building materials and practices. The optional tiers do not address energy efficiency or greenhouse gas generation. The Climate Action Committee is reviewing the optional tiers.
- Balcony Inspection Requirements – Following the 2015 Library Gardens tragedy in Berkeley, State Legislation was approved that requires inspections of exterior stairs, decks and balconies by 2025. The City of Berkeley approved a more stringent inspection process.
- Automatic Natural Gas Shut-Off Values – Some cities are adopting requirements that natural gas lines into structures be retro-fit to include a natural gas shut-off value.
- Construction and Demolition Debris Recycling – Section 12-11 of the Municipal code regulates the management of construction-related debris. This code section was last updated in 2006 and should be modernized. Staff is researching the

effectiveness of programs and standards adopted by nearby cities and plan to prepare amendments to this section in 2020.

SUSTAINABILITY IMPACT

The 2019 Green Building Code and updates to the California Energy Code help ensure new construction are energy efficient, built with recycled or renewable materials, and use materials that are healthy for building occupants.

FINANCIAL IMPACT

None.

Attachments

1. Ordinance No. 2019-11
2. Existing version of Chapters amended
3. It's Your Building Department published by the California Building Standards Commission

1
2 **ORDINANCE NO. 2019-11**

3 **AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING CHAPTER XI**
4 **FIRE PREVENTION AND CHAPTER XII, BUILDING AND HOUSING, OF THE**
5 **MUNICIPAL CODE RELATED THE ADOPTION AND LOCAL AMENDMENTS TO**
6 **THE OF THE 2019 CALIFORNIA BUILDING STANDARDS CODE**

7 **WHEREAS**, the California Health and Safety Code requires the City of Albany to
8 enforce the California Building Standards Code as adopted and published by the California
9 Building Standards Commission; and

10
11 **WHEREAS**, the City of Albany may adopt administrative provisions as appropriate to
12 the City; and

13 **WHEREAS**, the State of California allows local jurisdictions to amend the California
14 Building Standards Code where necessary to reasonably address adverse local conditions related
15 to climate, geology, and/or topography, and thus the City Council makes the following findings
16 regarding local conditions:

17
18 a) the City of Albany is a dense built-out community with older commercial and
19 residential structures on relatively small lots; and

20 b) the City of Albany is located near several active earthquake faults including the San
21 Andreas, Hayward and Calaveras faults; and

22 c) moderate to highly expansive soils are present throughout most of the built-out
23 portions of the City of Albany; and

24 d) the waterfront portion of the City of Albany includes poorly compacted artificial fill;
25 and

26

27

28

1 **WHEREAS**, the proposed ordinance does not involve a commitment to or require a
2 significant physical change in future projects, and thus is not a “project” as defined by California
3 Environmental Quality Act (CEQA) Guidelines Section 15378; and
4

5 **WHEREAS**, on December 2, 2019, the Albany City Council held a duly noticed public
6 hearing on the draft ordinance to amend Chapter 11 and Chapter 12 of the Albany Municipal
7 Code adopting the California Building Standards Code.
8

9 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS**
10 **FOLLOWS:**
11

12 **SECTION 1: CHAPTER 12 OF THE ALBANY MUNICIPAL CODE, SECTION**
13 **12-6.1 TITLED “ADOPTION OF BUILDING CODES” IS HEREBY AMENDED AS**
14 **FOLLOWS:**
15

16 4. The following sections are adopted for the administration of the California
17 Building Standards Code in the City of Albany:
18

- 19 (a) California Building Code Chapter 1, Division II
- 20 (b) California Building Code, Appendix B Board of Appeals
- 21 (c**b**) California Building Code, Appendix H Signs
- 22 **(d) California Building Code, Appendix I Patio Covers**
- 23 (e**e**) California Building Code, Appendix J Grading
- 24 (f**d**) California Residential Code Chapter 1, Division II
- 25 ~~(e) California Residential Code, Appendix E Manufactured Housing~~
- 26 (g**f**) California Residential Code, Appendix H Patio Covers
- 27 (h**g**) California Residential Code, Appendix J Existing Buildings and Structures
- 28 **(i) California Residential Code, Appendix K Sound Transmission**

1 (j) California Residential Code, Appendix R Light Straw-Clay Construction

2 (k) California Residential Code, Appendix K Tiny Houses

3 (l) California Residential Code, Appendix S Light Strawbale Construction

4 (m) California Residential Code, Appendix T Solar-Ready Provisions

5 (n) California Residential Code, Appendix U Solar-Ready Provisions

6 (k) California Mechanical Code Chapter 1, Division II, except Section 104.5 (Fees).

7 Fees shall be established by resolution of the City Council.

8 (l) California Plumbing Code Chapter 1, Division II, except Section 104.5 (Fees).

9 Fees shall be established by resolution of the City Council.

10 (m) California Green Building Code Mandatory measures. To address local
11 environmental conditions, the City Council may establish, by resolution and periodically review
12 and update, more stringent voluntary measures contained in the California Green Building
13 Standards Code appendices.
14

15
16 5. In the event of any differences between the California Building Code (as
17 amended herein), the California Residential (as amended herein), and the California Fire
18 Code (as amended herein), the most restrictive requirements shall prevail.

19
20 **SECTION 2: CHAPTER 12 OF THE ALBANY MUNICIPAL CODE, SECTION 12-6.2**

21 **TITLED “RESERVED” IS HEREBY AMENDED AS FOLLOWS:**

22
23 Section 12-6.2 Electric Vehicle Charging Stations

24
25 a. The Building Official shall create and maintain an expedited, streamlined
26 permitting process for electric vehicle charging stations consistent with the requirements of
27 California Government Code Section 65850.7.
28

1 **SECTION 3: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-1**
2 **TITLED “RESERVED” IS HEREBY AMENDED AS FOLLOWS:**
3

4
5
6 **11-1 FIRE CODE.**
7

8 Except as otherwise provided for in the Chapter by specific provision, the minimum standards,
9 provisions, and requirements for the safe construction and maintenance of property, facilities,
10 conditions, materials, equipment, fire prevention and alarms systems, and the general supervision
11 thereof for the purpose of combating and control of fire and fire hazard and abatement same
12 within the corporate limits of the City shall be in accordance with the provisions and in the
13 manner prescribed by the California Fire Code, 2019 edition (CFC) in its entirety, as published
14 by the International Code Council and including Appendices B, BB, C, CC, D, E, F, G, H, I, K,
15 N, O all as compiled, adopted, and subsequently amended by the International Code Council,
16 California State Fire Marshal's Office, California Building Standards Commission, or City of
17 Albany.

18 **SECTION 4: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-2**
19 **TITLED “FIRE CODE” IS HEREBY AMENDED AS FOLLOWS:**
20

21 **11-2 PURPOSE.**
22

23 The Fire Code shall regulate and govern the safeguards of life and property from fire and
24 explosion hazards arising from the storage, handling and use of hazardous substances, materials
25 and devices, and from conditions hazardous to life or property in the occupancy of buildings and
26 premises as herein provided; providing for the issuance of permits and collection of fees therefor;
27 and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code.
28

1 **SECTION 5: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-3**
2 **TITLED “RESERVED” IS HEREBY AMENDED AS FOLLOWS:**
3

4 **11-3 AUTHORITY.**

5
6
7 The Fire Chief or Agent of the Fire Chief may order, in writing, the correction, elimination or
8 abatement of any fire or life hazard or any violation of this Ordinance including the code and
9 standards incorporated by reference herein when the correction, elimination or abatement is
10 necessary for the prevention or suppression of fires or conflagrations or for the protection or
11 preservation of life or property against the hazards of fire or conflagration.
12

13 **SECTION 6: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-3**
14 **TITLED “RESERVED” IS HEREBY AMENDED AS FOLLOWS:**
15

16 **11-4 DEFINITIONS (A-Z).**

17
18 **Building** shall mean any structure used or intended for supporting or sheltering any use or
19 occupancy. Building is also any structure as to which state agencies have regulatory power, and
20 housing or enclosure of persons, animals, chattels, equipment or property of any kind.

21 **Building, existing** shall mean a building legally erected prior to the adoption of this code, or one
22 (1) for which a legal building permit was issued for the construction or legalization thereof prior
23 to the adoption of this Code.

24
25 **Building, new** shall mean a building for which a legal building permit is issued for the
26 construction or legalization thereof after the adoption of this code.

27 **Building official** shall mean the designated staff person authorized and responsible for
28 implementing the California Building Code.

1
2 **California Fire Code (CFC)** shall mean the regulations in California Code of Regulations, Title
3 **24, Part 9, 2019 California Fire Code, which incorporate by adoption the 2019 Edition of the**
4 **International Fire Code of the International Code Council with necessary California**
5 **amendments.**
6

7
8 **Central alarm station** shall mean a publicly or privately operated alarm receiving center that is
9 **constantly attended by appropriately trained staff.**
10

11 **Dwelling unit** shall mean any building or portion thereof which contains living facilities,
12 **including provisions for sleeping, eating, cooking and sanitation, as required by the California**
13 **Residential Code for not more than one (1) family.**
14

15 **Exterior wall** shall mean any wall or element of a wall, or any member or group of members,
16 **which defines the exterior boundaries or courts of a building and which has a slope of sixty (60)**
17 **degrees or greater from the horizontal plane.**

18 **Fire alarm** shall mean any device, control or circuit designed to produce an alarm signal in the
19 **event of fire or system activation, together with the energy necessary to sound an alarm,**
20 **electrically supervise the system where required, and activate the alarm bells, trouble bells or**
21 **trouble signals.**
22

23 **Fire Chief** shall mean the Albany Fire Chief.
24

25 **Fire Department** shall mean the emergency services department for the City of Albany.
26

27 **Floor area** shall mean the total horizontal area in square feet on each floor within and including
28 **the exterior walls of a structure. Attached garages are included as part of the existing floor area.**

1 **Hydrant** shall mean a valve connection on a water supply/storage system to supply fire
2 apparatus and hoses with water.

3
4
5 **National fire codes** shall mean the most current edition of the National Fire Codes published by
6 the National Fire Protection Association (NFPA).

7
8 **Occupancy group classification** shall mean the formal designation of the primary purpose for
9 which a building or part thereof See 2019 California Building Code Chapter 3 (Occupancy
10 Classification and Use).

11
12 **Occupant** shall mean an individual or entity that holds leasing, tenancy, or contractual rights to
13 lawfully occupy space in a building.

14
15 **Occupant load** shall mean the number of persons for the means of egress of a building or
16 portion thereof is designed. See 2019 California Building Code Section 1004 (Occupant Load)

17
18 **Permanent improvement** shall mean an improvement to property that will remain indefinitely
19 and is now an integral and fixed part of the building or structure. Permanent improvements shall
20 be the responsibility of the property owner.

21 **Property Owner** shall mean the owner of record as shown on the last equalized assessment roll
22 of the county. For purposes of providing notice to an owner of any action or proceeding under
23 this section, "owner" includes the actual owner of record, or part owner, or such owner's agent,
24 employee or other legal representative.

25
26 **Public nuisance** shall mean an activity or condition which, in the opinion of the City, violates a
27 provision of a City Code, or anything which is injurious to health, or safety, or an obstruction to
28 the free use of property, so as to unreasonably interfere with the comfortable enjoyment of life or
property by the occupant(s) of adjacent or neighboring property or by any number of persons in

1 the City irrespective of whether the annoyance or damage inflicted upon individuals is unequal.
2 See definition Albany Municipal Code Section 18-1.3 (Public Nuisance).
3

4
5 **Remodel, minor** shall mean non-structural repairs or modifications to existing building area that
6 does not extend the usable life of a building.
7

8 **Remodel, substantial** shall mean construction activity in an existing building that results in
9 building area that that is substantially equivalent to new. Determination area of substantial
10 remodel will be based on modifications to structural components and modification to plumbing,
11 electrical and mechanical systems that extend the usable life of a building.
12

13 **Repair** shall mean reconstruction or renewal of any part of an existing building for the purposes
14 of maintenance or damage correction.
15

16 **SECTION 7: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-5**
17 **TITLED “RESERVED” IS HEREBY AMENDED AS FOLLOWS:**

18 **11-5 FIRE PREVENTION REQUIREMENTS.**
19

20 **A. Development Requirements.** This section shall be applicable whenever any land is
21 developed or a building is constructed renovated, remodeled, major repair, or tenant
22 improvement which would require:
23

- 24 1. Provision of a water supply for fire protection;
- 25 2. Provision of access for fire apparatus;
- 26 3. An occupancy for the storage, handling, or use of any hazardous substance,
27 material process or device;
28

1 4. Occupancies group classification for which a fire department has responsibility
2 for enforcement of laws or ordinances for fire safety or for the preservation of property or lives;

3 or

4 5. Provisions to control the spread of fire.

6
7 **B. Key Boxes.** Where access to or within a structure or an area is restricted because of
8 secured openings or where immediate access is necessary for life-saving or fire-fighting
9 purposes, the Fire Code Official is authorized to require a Knox Rapid Entry System to be
10 installed in an approved location. The Knox Rapid Entry System shall be of an approved type
11 listed in accordance with UL 1037, and shall contain keys to gain necessary access as required
12 by the Fire Code Official. If any of the following items listed (1) thru (7) is located at an
13 occupancy, then a Knox Rapid Entry System shall be required. This shall apply to residential
14 buildings containing three or more units with accessory areas.

15
16 1. Fire suppression and standpipe systems. When a building within the City limits is
17 protected by an automatic fire suppression and/or standpipe system, it shall be equipped with a
18 Knox Rapid Entry System, installed at a location approved by the Fire Code Official or designee.

19 2. Automatic Alarm Systems. When a building within the City limits is protected by
20 an automatic fire suppression and/or standpipe system, it shall be equipped with a Knox Rapid
21 Entry System, installed at a location approved by the Fire Code Official or designee.

22 3. Multi-family residential structures. Multi-family residential structures comprised
23 of three (3) or more units which access to the building or common areas or mechanical or an
24 electrical room within the building is denied through locked doors.

25 4. Automatic Gates. When a property is accessed through a gate or cross arm that
26 impedes ingress through required fire lanes by means of a key or swipe card, it shall be equipped
27 with a key switch to be installed at a location approved by the Fire Code Official or designee.

28 5. Security Padlock. When a property is protected by a locked fence or gate and
where immediate access to the property is necessary for life saving and firefighting purposes, it

1 shall be equipped with a security padlock to be installed at a location approved by the Fire Code
2 Official or designee. It shall then be the responsibility of the Responsible Party to see that the
3 fence or gate is secured properly so that the security padlock is accessible.

4
5 6. Construction Sites. When a construction site is to be secured by a locked fence or
6 gate during the duration of construction or until said fence or gate is removed. It shall then be the
7 responsibility of the construction company to see that the fence or gate is secured properly so
8 that the security padlock is accessible.

9
10 7. Security of Fire Department Connections (FDC). When a building is protected by
11 an automatic sprinkler and/or standpipe system and the fire department connection is exposed to
12 vandalism, the Fire Code Official or designee shall require that a security cap be installed.

13 **C. Knox Rapid Entry System**

14
15 1. Knox Rapid Entry System storage cabinet contents. Any facility, firm, or
16 corporation that handles, uses, or stores hazardous material and or total aggregate is more than
17 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of gas, shall have a Knox Box
18 HazMat Cabinet for Albany Fire Department use. A weatherproof cabinet shall be installed when
19 appropriate. Exception: not required for Underground Storage Tanks (UST). The cabinet shall
20 contain a binder for the hazmat Knox Box the following items:

21 a. List of responsible parties phone numbers (i.e. plant manager, owner, all
22 principal employees, management types, and major chemical manufacturers).

23 b. An aerial pre-plan of the facility, to include room numbering, extinguishing
24 systems (outside stem and yoke (OSY), post indicator valves (PIV), fire department connections
25 (FDC), drains, secondary containment, ventilation systems, and hydrant locations.

26 c. Alphabetical list of chemicals, room number location, and approximate
27 quantity and strength (i.e. 50%, 60%, 85%, etc.).

28 d. Safety Data Sheet (SDS) of all chemicals in alphabetical order.

1 2. Keys in hazmat Knox Box:

2
3
4 a. Keys to all locked doors with plastic identification tags corresponding to
5 complex aerial pre-plan.

6
7 3. Location of Hazmat Knox Box:

8
9 a. The Knox Box location will be determined by the Fire Code Official or
10 designee.

11
12 4. Knox Rapid Entry System key box contents. The Key boxes shall contain, but not be
13 limited to the following items as designated by the Fire Code Official or designee.

14
15 The Key Box shall contain the following items:

16 a. Labeled keys to locked points of egress, whether in interior or exterior of
17 such buildings.

18 b. Labeled Keys to the locked mechanical rooms.

19 c. Labeled keys to any fence or secured areas

20 d. Labeled keys to any other areas that may be required by the Fire Code
21 Official or designee.

22 e. A card containing the emergency contact people and phone numbers for
23 each occupancy.

24 f. Hazardous Materials Safety Data Sheet (SDS).

25 g. Aerial pre-plan.

26 5. Alert Decals. Alert decals approved by the Fire Code Official or designee, to alert
27 fire companies of the presence of security features covered by this ordinance, will be displayed
28 on any outside doors or windows as designated by the Fire Code Official or designee.

1 6. Knox Rapid Entry System maintenance. The operator of the building shall
2 immediately notify the Fire Code Official or designee and provide the new key when a lock is
3 changed or rekeyed. The key to such lock shall be secured in the Knox Rapid Entry.

4
5
6 **D. Change in occupancy classification.** No change shall be made in the use or occupancy
7 of any building unless such building is made to comply with the requirements of the California
8 Fire Code for the use or occupancy. Changes in use or occupancy in a building or portion thereof
9 shall be such that the existing building is no less complying with the provisions of this code than
10 the existing building or structure was prior to the change. Subject to the approval of the Fire
11 Chief, the use or occupancy of existing buildings shall be permitted to be changed and the
12 building is allowed to be occupied for purposes in other groups without conforming to all of the
13 requirements of this code for those groups, provided the new or proposed use is less hazardous,
14 based on life and fire risk, than the existing use.

15
16 **SECTION 8: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-6 IS**
17 **HEREBY CREATED AS FOLLOWS:**

18 **11-6 AUTOMATIC FIRE SPRINKLER SYSTEMS.**

19
20 11-6.1 California Fire Code Section 903 (Automatic Sprinkler Systems) is modified as follows:

21
22 **A. Group A-1.** An automatic sprinkler system installed in accordance with CFC Section
23 903.3 (Installation Requirements) shall be provided for Group A-1 occupancies where the fire
24 area exceeds 2,500 square feet

25
26 **B. Group A-2.** An automatic sprinkler system installed in accordance with CFC Section
27 903.3 (Installation Requirements) shall be provided for fire areas containing Group A-s
28 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 2,500 square feet

1 2. The structure exceeds 2,500 square feet, contains more than one fire area
2 containing a Group A-2 occupancy, and is separated into two or more buildings by fire walls of
3 less than 4-hour fire resistance rating without openings.
4

5
6 **C. Group A-3.** An automatic sprinkler system installed in accordance with CFC Section
7 903.3 (Installation Requirements) shall be provided for Group A-3 occupancies where the fire
8 area exceeds 2,500 square feet.
9

10 **D. Group A-4.** An automatic sprinkler system installed in accordance with CFC Section
11 903.3 (Installation Requirements) shall be provided for Group A-4 occupancies where the fire
12 area exceeds 2,500 square feet
13

14 **E. Group E.** Except as provided for in CFC Section 903.2.19 for a new public school
15 campus an automatic sprinkler system shall be provided for Group E occupancies as follows:

16 1. Throughout all Group E fire areas greater than 2,500 square feet in area.

17 2. Throughout every portion of educational buildings below the lowest level of exit
18 discharge serving that portion of the building. Exception: In buildings where every classroom has
19 not fewer than one exterior exit door at ground level, an automatic sprinkler system is not
20 required in any area below the lowest level of exit discharge serving that area.

21 **F. Group F-1.** An automatic sprinkler system installed in accordance with CFC Section
22 903.3 (Installation Requirements) shall be provided throughout all buildings containing a Group
23 F-1 occupancy where one of the following conditions exists:

24 1. A Group F-1 fire area exceeds 2,500 square feet.

25 2. The combined area of all Group F-1 fire areas on all floors, including any
26 mezzanines, exceeds 2,500 square feet.
27
28

1 **G. Group B and M.** An automatic sprinkler system installed in accordance with CFC
2 Section 903.3 (Installation Requirements) shall be provided throughout buildings containing a
3 Group B and M occupancies where one of the following conditions exists:

- 4
- 5 1. A Group B or M fire area exceeds 2,500 square feet.
 - 6 2. A Group B or M fire area is located more than three stories above grade plane.
 - 7 3. The combined area of all Group B and M fire areas on all floors, including any
8 mezzanines, exceeds 2,500 square feet.
 - 9 4. A Group M occupancy is used for the display and sale of upholstered furniture.
10

11 **11-6.2 Residential Sprinklers**

12

13 **A. Damaged Residential Structures.** An automatic sprinkler system installed in
14 accordance with CFC Section 903.3 (Installation Requirements) shall be provided throughout all
15 Group R occupancies, including manufactured and mobile homes, and when fire, earthquake, or
16 other disaster damages or destroys 50% or more of an existing building, the entire building shall
17 be required to be protected by an automatic fire sprinkler system.

18

19 **B. Substantial Addition or Remodel for Group R-3.** An automatic sprinkler system
20 installed in accordance with CFC Section 903.3 (Installation Requirements) shall be provided as
21 a requirement of a construction permit throughout all existing R-3 occupancy group
22 classifications when either:

- 23 1. The cumulative aggregate of the area of new construction in the structure, plus
24 area of substantial remodel of the structure, since November 7, 1996, exceeds 50% of the floor
25 area of the structure that was existing on November 7, 1996 (attached garages are included as
26 part of the existing floor area), or
- 27 2. The aggregate of the area of new construction in the structure, plus area of
28 substantial remodel of the structure exceeds 1,500 square feet.

1 **C. Group S-1.** An automatic sprinkler system shall be provided in accordance with CFC
2 Section 903.3 (Installation Requirements) throughout all buildings containing a Group S-1
3 occupancy where one of the following conditions exists:

4 1. A Group S-1 fire area exceeds 2,500 square feet.

5 2. A Group S-1 fire area is located more than three stories above grade plane.

6 3. The combined area of all Group S-1 fire areas on all floors, including any
7 mezzanines, exceeds 2,500 square feet.

8
9
10 **D. Repair Garages.** An automatic sprinkler system shall be provided in accordance with
11 CFC Section 903.3 (Installation Requirements) throughout all buildings used as repair garages in
12 accordance with California Building Code Section 406.8 (Repair Garages) as shown:

13 1. Buildings having two or more stories above grade plane, including basements,
14 with a fire area containing a repair garage exceeding 2,500 square feet.

15 2. Buildings no more than one story above grade plane, with a fire area containing a
16 repair garage exceeding 2,500 square feet.

17 3. Buildings with repair garages servicing vehicles parked in basements.

18
19 **E. Group S-2.** An automatic sprinkler system in accordance with CFC Section 903.3
20 (Installation Requirements) shall be provided throughout buildings classified as enclosed parking
21 garages in accordance with California Building Code Section 406.6 where the fire area of the
22 enclosed parking garage exceeds 2,500 square feet.

23 **F. Buildings 35 feet or more in height.** An automatic fire extinguishing system shall be
24 installed in accordance with CFC Section 903.3 (Installation Requirements) in all occupancies
25 regardless of type of construction, floor area, or occupancy load if the building is three stories or
26 more than 35 feet in height measured in accordance with the California Building Code, Chapter
27 5.

28

1 **SECTION 9: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-7 IS**
2 **HEREBY CREATED AS FOLLOWS:**
3

4 **11-7 STANDPIPE SYSTEMS**

5
6
7 **A. Required Installations.** CFC Section 905.3.1 (Height) is amended by adding item #5:
8 Buildings three stories but less than 30 feet in height above the lowest level of fire department
9 vehicle access.
10

11 **SECTION 10: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-8 IS**
12 **HEREBY CREATED AS FOLLOWS:**
13

14 **11-8 FIRE ALARMS IN BUILDINGS SUBJECT TO CALIFORNIA FIRE CODE**
15 **CONSTRUCTION PERMIT**

16
17 **A. Single and multiple-station smoke alarms.** In addition to the requirements of CFC
18 Section 907 (Fire Alarm and Detection systems) Listed single and multiple-station smoke alarms
19 shall comply with the following:

20
21 1. Any construction that is required to install an additional smoke alarm or smoke
22 detector under the California Fire Code, the California Building Code, NFPA, or other codes or
23 standards adopted by the City of Albany, shall be required to upgrade all required devices in the
24 building to photoelectric-only type devices in all required locations.

25 2. Any renovation, construction, remodel, major repair, additions, alterations,
26 undergoing reconstruction of any size, occupancy classification, or tenant improvement of
27 existing habitable space shall be required to upgrade all required smoke alarms or smoke
28 detectors in the building to photoelectric-only type devices in all required locations.

3. Property owners are responsible for testing the effectiveness of existing smoke
alarms or smoke detectors per manufacturer's instructions. Required smoke alarms or smoke

1 detectors that are determined to be ineffective shall be replaced with photoelectric-only type
2 smoke devices.

3
4 4. All required smoke alarms and smoke detectors shall be replaced upon the
5 expiration of the warranty period of the installed device. Replacement devices must be
6 photoelectric-only type devices.

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

8 6. Nothing in this section shall prohibit or discourage the additional use of ionization
9 or dual type alarms in additional locations where photoelectric smoke detectors are installed.

10
11 **B. Fire Alarm Monitoring.** Fire alarm system required by this chapter, or by the California
12 Building Code, shall be monitored by a UL-listed Central Station service in accordance with
13 NFPA 72 and this code. Exception: Monitoring by a UL listed central station is not required for:

14
15 1. Single and multiple station smoke alarms required by CFC Section 907.2.10

16 2. Group I-3 occupancies shall be monitored in accordance with CFC Section
17 907.2.6.3

18 3. Residential Day Care Facilities (occupancy load of 14 or less).

19 4. One, two, and three family dwellings.

20 5. Residential Care Facilities licensed by the State with an occupant load of 6 or
21 less.

22 6. Occupancies with a local fire alarm system that will give an audible and visible
23 signal at a constantly attended location, as approved by the Fire Code Official.

24 **C. Certification.** New fire alarm systems shall be UL-Certified. A Certificate of Completion
25 and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system
26 installations. It is the responsibility of the building owner or owner's representative to obtain and
27 maintain a current and valid Certificate.

28

1 **D. Posting of Certificate.** The UL Certificate shall be posted in a durable transparent cover
2 within 3 feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.
3 Testing reports or a copy shall be retained at same location.

4
5
6 **SECTION 11: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-9 IS**
7 **HEREBY CREATED AS FOLLOWS:**

8
9 **11-10 FIRE SAFETY REQUIREMENTS IN EXISTING BUILDINGS.**

10
11 **A. Residential Self-Closing Doors.** All residential units in multi-family residential
12 structures containing four units or more shall have self-closing exterior doors.

13
14 **1. Responsibility.** Property owners are responsible for testing and maintaining the
15 effectiveness of self-closing hardware per manufacturer's instructions. Required self-closing
16 hardware that is determined to be ineffective shall be replaced with functioning hardware.

17
18 **B. Fire Alarm System Requirements.**

19 **1.** Prior to the sale of any real property, a property owner shall upgrade the smoke
20 alarm/smoke detector system to photoelectric-only type devices.

21 **2.** Prior to the issuance of a home occupation permit, a property owner shall upgrade
22 the smoke alarm/smoke detector system to photoelectric-only type devices.

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

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

1 5. All required smoke alarms and smoke detectors shall be replaced upon the
2 expiration of the warranty period of the installed device. Replacement devices must be
3 photoelectric-only type devices.
4

5
6 **SECTION 12: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-11**
7 **IS HEREBY CREATED AS FOLLOWS:**
8

9 **11-11 FAILURE TO COMPLY.**
10

11 **A. Violations.** Persons who shall violate a provision of this code or shall fail to comply with
12 any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of
13 the approved construction documents or directive of the Fire Code Official, or of a permit or
14 certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by
15 the limits set forth in the City of Albany Municipal Code.
16

17 **B. Failure to comply.** Any person who shall continue any work after having been served
18 with a stop work order, except such work as that person is directed to perform to remove a
19 violation or unsafe condition shall be liable to a fine of not less than 500 dollars or not more than
20 5,000 dollars.

21 **C. Nuisance Alarm Fee.** Making false report. Section 401.5 amended to add section
22 401.5.1 as follows:
23

24 **D. False/Nuisance alarm fee.** A fee may be charged for false/nuisance alarms according to
25 the master fee schedule of the City.
26

27 **SECTION 13: CHAPTER 11 OF THE ALBANY MUNICIPAL CODE, SECTION 11-12**
28 **IS HEREBY CREATED AS FOLLOWS:**

1 **11-12 APPEALS.**

2
3
4 **The Albany Planning & Zoning Commission shall serve as the Local Appeals Board**
5 **and where referenced in the California Fire Code.**
6

7 **SECTION 14: PUBLICATION AND EFFECTIVE DATE.**

8 This ordinance shall be posted at three public places within the City of Albany and shall
9 become effective thirty days after the date of its posting.
10

11 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on
12 the __ day of _____ 2019, by the following vote:

13 AYES:

14 NOES:

15 ABSENT:

16 ABSTAIN:

17
18 _____
19 ROCHELLE NASON, MAYOR
20
21
22
23
24
25
26
27
28

ATTACHMENT 2 – EXISTING ALBANY MUNICIPAL CODE FIRE PREVENTION CODES AND BUILDING CODE

CHAPTER XI FIRE PREVENTION

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

11-1 RESERVED.

Former Section 11-1, General, previously codified herein and containing portions of Ordinance No. 91-02, was deleted in its entirety by Ordinance No. 2013-03.

11-2 FIRE CODE.

11-2.1 Adoption of the California Fire Code.

The California Fire Code, 2016 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, 2015 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 therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code. (Ord. #91-02, §§1, 2; Ord. #93-03, §1; Ord. #07-07, §11; Ord. #2013-03, §9; Ord. No. 2016-05 §3)

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.

104 General Authority and Responsibility. Section 104.2. amended by adding Sections 104.2.1 and 104.2.2 as follows:

Section 104.2.1 is amended by adding subsection to read as follows:

Section 104.2.1 Plan Review. Whenever any land is to be developed or a building is to be constructed, before undertaking any construction or development, Applicants shall submit building plans and specifications to the Albany Fire Department which includes an aerial pre-fire plan for said Department's retention and review for compliance with this ordinance and other applicable regulations.

Section 104.2.2 is amended by adding subsection to read as follows:

Section 104.2.2. Development Requirements. This section shall be applicable whenever any land is developed or a building is constructed or improved which would require:

1. Provision of a water supply for fire protection;
2. Provision of access for fire apparatus;
3. An occupancy for the storage, handling, or use of any hazardous substance, material process or device;
4. Occupancies for which a fire department has responsibility for enforcement of laws or ordinances for fire safety or for the preservation of property or lives; or
5. Provisions to control the spread of fire.

Section 104.12 is amended by adding subsection to read as follows:

Section 104.12. Fire Chief Fire Prevention Scope. The Fire Chief may order, in writing, the correction, elimination or abatement of any fire or life hazard or any violation of this Ordinance including the code and standards incorporated by reference herein when the correction, elimination or abatement is necessary for the prevention or suppression of fires or conflagrations or for the protection or preservation of life or property against the hazards of fire or conflagration.

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, employees and/or contractors shall

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

105.6 Required operational permits.

Section 105.6 amended as follows:

Required operational permits. The Fire Code Official is authorized to issue operational permits for the operations set forth in sections 105.6.1 through - 105.6.56.

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

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

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

105.6.53 Model rockets. An operational permit is required to launch model rockets, see California Code of Regulations Title 19, Division 1, Article 17.

105.6.54 Asphalt kettles. An operational permit is required to operate and use asphalt kettles, see applicable provisions of Chapter 3 General Provisions Against Fire.

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

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

Section 105.7 amended as follows:

105.7 Required construction permits. Required construction permits. The Fire Code Official is authorized to issue construction permits for operations set forth in Sections 105.7.1 through 105.7.23.

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

105.7.20 Subdivision of land. Plans shall be submitted for all land developments and/or improvements proposed within the jurisdiction.

105.7.21 Water supply for fire protection.

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

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

108.3 Qualifications.

Section 108.3 amended as follows:

108.3 Qualifications. The board of appeals shall consist of members from the Planning and Zoning Commission of the City of Albany.

109.4 Violation.

Section 109.4 amended as follows:

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

111.4 Failure to comply.

Section 111.4 amended as follows:

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

Chapter 2 Definitions

Section 202 is amended to include the following definitions:

Public nuisance. Is a declaration by the Fire Code Official that the presence of combustible materials on a parcel creates a fire hazard.

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

1. Weeds, which bear seeds of a fluffy nature or are subject to flight.

2. Sagebrush, chaparral, and any other brush or weeds which, attains such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds which are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth are such as to constitute a menace to public health.

Chapter 3 General Precautions Against Fire

301.2 Permits

Section 301.2 amended to read as follows:

301.2 Permits. Permits shall be required as set forth in Section 105.6 for the activities or uses regulated by 303, 306, 307, 308 and 315.

304.1 Waste accumulation prohibited.

Section 304.1 amended to include section 304.1.4 as follows:

304.1.4 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 posing a fire hazard.

Chapter 4 Emergency Planning and Preparedness

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

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

Chapter 5 Fire Service Features

Section 506.1 is amended by adding Subsection 506.1 items number one (1) thru number seven (7) to read as follows:

Section 506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire official is authorized to require a Knox Rapid Entry System to be installed in an approved location. The Knox Rapid Entry System shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the Fire Code Official. If any of the following items listed (a) thru (g) is located at an occupancy then a Knox Rapid Entry System shall be required.

- a) Fire suppression and standpipe systems. When a building within the City limits is protected by an automatic fire suppression and/or standpipe system, it shall be equipped with a Knox Rapid Entry System, installed at a location approved by the Fire Code Official or designee.
- b) Automatic Alarm Systems. When a building within the City limits is protected by an automatic fire suppression and/or standpipe system, it shall be equipped with a Knox Rapid Entry System, installed at a location approved by the Fire Code Official or designee.
- c) Multi-family residential structures. Multi-family residential structures comprised of four (4) or more units which access to the building or common areas or mechanical or an electrical room within the building is denied through locked doors.
- d) Automatic Gates. When a property is accessed through a gate or cross arm that impedes ingress through required fire lanes by means of a key or swipe card, it shall be equipped with a key switch to be installed at a location approved by the Fire Code Official or designee.
- e) Security Padlock. When a property is protected by a locked fence or gate and where immediate access to the property is necessary for life saving and firefighting purposes, it shall be equipped with a security padlock to be installed at a location approved by the Fire Code Official or designee. It shall then be the responsibility of the Responsible Party to see that the fence or gate is secured properly so that the security padlock is accessible.
- f) Construction Sites. When a construction site is to be secured by a locked fence or gate, that site will fall under section 2 subsection E, during the duration of construction or until said fence or gate is removed. It shall then be the responsibility of the construction company to see that the fence or gate is secured properly so that the security padlock is accessible.
- g) Security of Fire Department Connections (FDC). When a building is protected by an automatic sprinkler and/or standpipe system and the fire department connection is exposed to vandalism, the Fire Code Official or designee shall require that a security cap be installed.

Exception: This shall not apply to any owner occupied one and two family dwellings. Owners of single and two family occupancies are encouraged to participate voluntarily utilizing a residential key box.

Section 506.1.1 is amended to read as follows:

Section 506.1.1 Locks. An approved lock(s) shall be installed on gate(s), or similar barrier(s) and security caps for all fire department connections to an automatic sprinkler and/or standpipe system.

Section 506.1.3 is added to read as follows:

Section 506.1.3 Knox Rapid Entry System storage cabinet contents. Any facility, firm, or corporation that handles, uses, or stores hazardous material and or total aggregate is more than 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of gas, shall have a Knox Box HazMat Cabinet

for Albany Fire Department use. A weatherproof cabinet shall be installed when appropriate. Exception: not required for Underground Storage Tanks (UST).

The cabinet shall contain the following items:

1. Binder for hazmat Knox Box with:
 - a. List of responsible parties phone numbers (i.e. plant manager, owner, all principal employees, management types, and major chemical manufacturers).
 - b. An aerial pre-plan of the facility, to include room numbering, extinguishing systems (outside stem and yoke (OSY), post indicator valves (PIV), fire department connections (FDC), drains, secondary containment, ventilation systems, and hydrant locations.
 - c. Alphabetical list of chemicals, room number location, and approximate quantity and strength (i.e. 50%, 60%, 85%, etc.).
 - d. Safety Data Sheet (SDS) of all chemicals in alphabetical order.
2. Keys for hazmat Knox Box:
 - a. Keys to all locked doors with plastic identification tags corresponding to complex aerial pre-plan.
3. Location of Hazmat Knox Box:
 - a. The Knox Box location will be determined by the Fire Code Official or designee.

Section 506.1.4 is added to read as follows:

Section 506.1.4 Knox Rapid Entry System key box contents. The Key boxes shall contain, but not be limited to the following items as designated by the Fire Code Official or designee.

The Key Box shall contain the following items:

1. Labeled keys to locked points of egress, whether in interior or exterior of such buildings.
2. Labeled Keys to the locked mechanical rooms.
3. Labeled keys to any fence or secured areas not covered in Section 506.1 subsection (4), (5), or (6).
4. Labeled keys to any other areas that may be required by the Fire Code Official or designee.
5. A card containing the emergency contact people and phone numbers for each occupancy.

6. Hazardous Materials Safety Data Sheet (SDS).
7. Aerial pre-plan.

Section 506.1.5 is added to read as follows:

Section 506.1.5 Alert Decals. Alert decals approved by the Fire Code Official or designee, to alert fire companies of the presence of security features covered by this ordinance, will be displayed on any outside doors or windows as designated by the Fire Code Official or designee.

Section 506.2 is amended to read as follows:

Section 506.2 Knox Rapid Entry System maintenance. The operator of the building shall immediately notify the Fire Code Official or designee and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the Knox Rapid Entry.

Chapter 9 Fire Protection Systems

Section 901.6.2.2 is amended by adding to read as follows:

Section 901.6.2.2 Inspection Records. Records of all Inspections, testing and maintenance for all water based fire suppression systems shall be completed on the forms found in annex B of NFPA 25, California Edition.

Section 902.1 is amended by adding 902.1-U to read as follows:

Section 902.1 Definitions. Undetermined Occupancy. In buildings of undeclared use with floor to structure height greater than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 902.1 is amended by adding 902.1-S to read as follows:

Section 902.1 Definitions. Substantial Remodel. In existing buildings, any alteration that causes additional floor area that is more than fifty (50%) percent of the existing floor area or where the total floor area exceeds 2,500 square feet.

Section 903.2 is adopted in its entirety except as amended below:

Section 903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 2,500 square feet.

2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Section 903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for fire areas containing Group A-s occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 2,500 square feet.
2. The fire area has an occupant load of 100 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 2,500 square feet, contains more than one fire area containing a Group A-2 occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire resistance rating without openings.

Section 903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 2,500 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The fire area exceeds 2,500 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.3 Group E. Except as provided for in Section 903.2.19 for a new public school campus an automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 2,500 square feet in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.

1. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.

Section 903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 2,500 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 2,500 square feet.

Section 903.2.7 Group B and M. An automatic sprinkler system shall be provided throughout buildings containing a Group B and M occupancies where one of the following conditions exists:

1. A Group B or M fire area exceeds 2,500 square feet.
2. A Group B or M fire area is located more than three stories above grade plane.
3. The combined area of all Group B and M fire areas on all floors, including any mezzanines, exceeds 2,500 square feet.
4. A Group M occupancy is used for the display and sale of upholstered furniture.

Section 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies, including manufactured and mobile homes, including those located in mobile home, and when fire, earthquake, or other disaster destroys 50% or more of an existing building, the entire building shall be required to be protected by an automatic fire sprinkler system.

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

Section 903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 2,500 square feet.
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 2,500 square feet.

Section 903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 2,500 square feet.
2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 2,500 square feet.
3. Buildings with repair garages servicing vehicles parked in basements.

Section 903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the California Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds 2,500 square feet; or
2. Where the enclosed parking garage is located beneath other occupancy groups.

Section 903.2.11.3 Buildings 35 feet or more in height. An automatic fire extinguishing system shall be installed in all occupancies regardless of type of construction, floor area, or occupancy load if the building is three stories or more than 35 feet in height measured in accordance with the California Building Code, Chapter 5.

Section 903.2.23 Area Separation. For the purpose of this section, buildings separated by fire walls without openings, constructed in accordance with the California Building Code, shall not be considered to create separate buildings.

Section 903.3. Installation requirements.

Section 903.3.1. Standards is amended as follows:

Section 903.3.1 Standards. Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, unless otherwise permitted by Section 903.3.1.3 and other chapters of this code, as applicable.

Section 903.3.1.2 is deleted.

Section 903.4.2 is amended to read as follows:

Section 903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.6 Where required in existing buildings and structures.

Section 903.6 amended by adding Sections 903.6.1, Table 903.6.1, and Section 903.6.2 as follows:

903.6.1 Change in occupancy classification. Existing non-residential buildings which undergo a change in occupancy classification to a higher hazard occupancy or have a fire area exceeding 2500 square feet within their hazard category shall require the entire building be protected by an automatic sprinkler system installed in accordance with Section 903.3. Relative hazard categories of occupancy groups shall be as shown in Table 903.6.1. The requirements of Section 903.6.1 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category and the fire area is 2500 square feet or less.

| | |
|------------------------------------|-------------|
| 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 |

905.3.1 Height. Section 905.3.1. amended by adding item #5

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

Section 907 Fire Alarm and Detection Systems

907.2 Where required—new buildings and structures.

Section 907.2 changed as follows:

907.2 Where required—new buildings and structures. An approved fire alarm system installed in accordance with provisions of this code and NFPA 72 shall be provided in new buildings and structures and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code. Fire alarm systems are not required in Group R-3 occupancies.

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

Exceptions:

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

907.2.11 Single and multiple-station smoke alarms.

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

907.2.11 Single and multiple-station smoke alarms. Listed single and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.18 and NFPA 72.

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

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

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

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

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

907.2.11.15. 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.

907.2.11.16. 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.

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

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

Section 907.6.5 is amended to read as follows:

907.6.5 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL listed central station is not required for:

1. Single and multiple station smoke alarms required by section 907.2.11.
2. Group I-3 occupancies shall be monitored in accordance with section 907.2.6.3.4.
3. Residential Day Care Facilities (occupancy load of 14 or less).
4. One and two family dwellings.
5. Residential Care Facilities licensed by the State with an occupant load of 6 or less.
6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.8.4 is added to read as follows:

Section 907.8.4 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.8.5 is added to read as follows:

Section 907.8.5 Posting of Certificate. The UL Certificate shall be posted in a durable transparent cover within 3 feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

Chapter 10 Means of Egress

Section 1010.1.9. Door operations.

Section 1010.1.9 Door operations amended by adding Sections 1010.1.9.13 and 1010.1.9.13.1 as follows:

1010.1.9.13 Residential self-closing doors. All residential units in multi-family residential structures shall have self-closing exterior doors.

1010.1.9.13.1 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 provided by other sections of this code. Existing high-rise buildings shall comply with Section 1103.7.9

Exception: Occupancies with an existing previously approved system.

Chapter 57 Flammable and Combustible Liquids

5704.2.9.6.1 Locations where above-ground tanks are prohibited.

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

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

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

Geographical Limitations

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

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

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

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

3.4 The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: Any central business district area, any area which is zoned for other than commercial, industrial, rural, or agricultural use.

(Ord. #91-02, §§1, 2; Ord. #07-07, §11; Ord. #2013-03, §10; Ord. No. 2016-05 §4)

11-2.3 Reserved.

Editor's Note: Subsection 11-2.3, Fire Extinguishing Systems, containing portions of Ordinance Nos. 94-010, 96-08, 96-011, 97-09, and 07-07 was deleted in its entirety by Ordinance No. 2016-05.

11-3 RESERVED.

Former Section 11-3, False Fire Alarms, previously codified herein and containing portions of Ordinance Nos. 93-02 and 97-08, was deleted in its entirety by Ordinance No. 2013-03.

11-4 RESERVED.

Former Section 11-4, Smoke Alarms and Smoke Detectors, previously codified herein and containing portions of Ordinance No. 2010-06, was deleted in its entirety by Ordinance No. 2013-03.

11-5 RESERVED.

Former Section 11-5, Residential Self-Closing Doors, previously codified herein and containing portions of Ordinance No. 2011-05, was deleted in its entirety by Ordinance No. 2013-03.

CHAPTER XI FIRE PREVENTION

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CHAPTER XII BUILDING AND HOUSING

12-6 BUILDING CODE.

12-6.1 Adoption of Building Codes.

a. *California Building Standards Code.*

The 2016 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 therefor; 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.

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.

4. The following sections are adopted for the administration of the California Building Standards Code in the City of Albany:

- (a) California Building Code Chapter 1, Division II
- (b) California Building Code, Appendix B Board of Appeals
- (b) California Building Code, Appendix H Signs
- (c) California Building Code, Appendix J Grading
- (d) California Residential Code Chapter 1, Division II
- (e) California Residential Code, Appendix E Manufactured Housing
- (f) California Residential Code, Appendix H Patio Covers
- (g) California Residential Code, Appendix J Existing Buildings and Structures
- (h) California Residential Code, Appendix R Light Straw-Clay Construction
- (i) California Residential Code, Appendix S Light Strawbale Construction
- (j) California Residential Code, Appendix U Solar-Ready Provisions
- (k) California Mechanical Code Chapter 1, Division II, except Section 104.5 (Fees). Fees shall be established by resolution of the City Council.
- (l) California Plumbing Code Chapter 1, Division II, except Section 104.5 (Fees). Fees shall be established by resolution of the City Council.
- (m) California Green Building Code Mandatory measures. To address local environmental conditions, the City Council may establish, by resolution and periodically review and update, more stringent voluntary measures contained in the California Green Building Standards Code appendices.

(Ord. #85-05; Ord. #87-011; §1; 1958 Code §7.20; Ord. #91-01, §1; Ord. #95-02, §1; Ord. #04-08, §I; Ord. #07-07, §1; Ord. #08-05, §1; Ord. #2013-03, §§1,2; Ord. #2014-07; Ord. No. 2016-05 §§1, 2)

12-6.2 Reserved.

Editor's Note: Former subsection 12-6.2, Deletions from the Uniform Building Code, previously codified herein and containing portions of 1958 Code §7.21 and Ordinance No. 85-05, was repealed in its entirety by Ordinance No. 07-07, Section 2.

12-6.3 Reserved.

Editor's Note: Former subsection 12-6.3, Additions and Amendments to the California Electrical Code, California Mechanical Code, and California Plumbing Code, previously codified herein and containing portions of Ordinance No. 07-07, was deleted in its entirety by Ordinance No. 2013-03.

12-6.4 Reserved.

Editor's Note: Former subsection 12-6.4, Administrative Provisions, previously codified herein and containing portions of Ordinance No. 04-08, was repealed in its entirety by Ordinance No. 07-07. See subsection 12-6.3 for Administrative provisions.

IT'S YOUR BUILDING DEPARTMENT

A resource for city and county elected officials
and managers

**4th Edition
July 2019**



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Introduction

This publication is developed and distributed by the California Building Standards Commission (CBSC) for the purpose of assisting elected officials and executive managers of California's city and county governments to understand the responsibilities of their building department that are established in state law. This publication will identify many mandates of state laws regarding the responsibilities of the local building department, required personnel training and certifications, use of building permit revenues, and introduce the California Building Standards Code, Title 24, California Code of Regulations (Title 24).

This publication is designed to help prepare you to manage your building department with the purpose of assuring healthy, safe, sustainable and accessible buildings and grounds in your community. Most of the information herein applies to both general law and charter cities.

Find other educational materials at [CBSC's website](http://www.dgs.ca.gov/bsc) www.dgs.ca.gov/bsc:

- Introducing the California Building Standards Commission
- Guide to Title 24
- Guide to CALGreen – Nonresidential (California Green Building Standards Code, Part 11, Title 24)
- Guide for Local Amendments of Building Standards
- Guide to Filing the Building Permit Fee
- Code Book Fundamentals
- Maintaining Your Title 24
- Frequently Asked Questions
- Glossary of Terms
- A Public Guide to the Building Standards Adoption Process

Chapter 1: Why Building Departments Are Necessary

The simple answer is that state law requires every city, county, or city and county, to enforce state law mandating specific requirements for buildings, and to enforce the California Building Standards Code, Title 24, California Code of Regulations (Title 24). The traditional means for local government to carry out this enforcement mandate is to have a building department. There are several other mandates of state law that will be presented in this publication. Notwithstanding the requirements of state law, your community deserves to have safe, accessible, efficient and sustainable buildings.

The California legislative process has resulted in state laws with the intent of ensuring that new and existing buildings provide cost-efficient operation, safeguard the environment, and provide safe, healthy, and accessible environments for human occupancy and habitation. Examples include:

1. Laws regarding historical buildings requiring present-day safety and accessibility while preserving historical significance.
2. Laws addressing the thousands of unreinforced masonry buildings that were constructed at a time when resistance to seismic motion was not a major consideration.
3. Cities and counties in the coastal regions of California are required by state law to identify all potentially hazardous buildings and to establish a program for the mitigation of those buildings.

Over the past several decades, a number of changes have occurred that present challenges for designers and owners of buildings, and for local building departments. For one, the Americans with Disabilities Act of 1990 (ADA), a federal law, is now nearly 30 years old. While the ADA's federal standards (such as its Access Guidelines) impact new construction, the standards also affect existing buildings when repaired, altered or added to. There are thousands of retail, office and assembly buildings that were constructed prior to the passage of the ADA. California has enacted laws and building standards for accessibility in new and existing buildings that are intended to be equal to, or more restrictive than, the federal ADA

standards. Your building department personnel must be trained and ready to work with designers and property owners wishing to renovate or change the use of an existing building, and incorporate accessibility improvements as provided for in federal and California law, as well as the building standards in Title 24. These accessibility laws and codes provide specific requirements and exceptions for existing and historical buildings. When the standards are applied incorrectly, significant unnecessary costs may result or accessibility may not be provided where it should be.

There are separate federal and California laws and building standards concerning accessibility that apply to multifamily dwellings and publicly funded housing. These requirements apply to new construction, and to some projects at existing multifamily dwellings constructed after March 13, 1991. Multifamily dwellings constructed after that date may be subject to current accessibility standards when common areas are improved or alterations are made to existing facilities. Personnel trained and certified in the accessibility laws and building standards will be able to apply the standards correctly.

The laws establishing accessibility requirements in public buildings and multifamily dwellings are structured to provide that accessibility as a civil right, and the failure to provide accessibility is an act of discrimination that will likely result in costly litigation.

Energy efficiency standards (California Energy Code, Part 6, Title 24) did not exist for thousands of buildings built in the 1970s and before. The need for energy conservation has increased, so energy standards have become more and more restrictive with each edition of Title 24 (issued every three years).

The adoption of emergency building standards imposes new construction requirements, such as building standards affecting exterior elevated elements that were implemented in response to the collapse of an exterior balcony in Berkeley, California. Emergency building standards are not common, however when implemented, immediate enforcement by building departments is often necessary.

Mandatory green building standards (California Green Building Standards Code (CALGreen), Part 11, Title 24) became effective on January 1, 2011. CALGreen

imposed new requirements at construction sites for material selection, water conservation, and more, necessitating training in a whole new code and way of thinking for design professionals, builders, and building department personnel responsible for enforcement.

Governor-issued executive orders or declarations of a state of emergency can affect building departments. These impacts often necessitate redirection of and/or the need to obtain additional resources such as staff and/or equipment. Disasters, including seismic events, fires or flooding, can necessitate that a building department's staff immediately respond to evaluate buildings and structures, and to determine whether they remain suitable for human occupancy due to the damage sustained. Building departments provide a crucial service protecting the public during and after these types of events.

These are only a few of the important laws and building standards to be enforced by your building department. Only a properly staffed and trained building department is able to effectively carry out activities to accomplish the intent of federal and state law, and the building standards adopted to implement requirements of law.



Chapter 2: The State Laws and Regulations

This chapter will cover state laws and state regulations in general, and how to access them using the state's websites. It will also provide identification of various state laws and regulations relating to the operation of a local building department, and the design, construction and use of buildings. Referenced state laws are available at the [California Legislative information website](https://leginfo.ca.gov/faces/codes) at <https://leginfo.ca.gov/faces/codes>. Referenced state regulations are available at the [Office of Administrative Law \(OAL\) website](http://www.oal.ca.gov) at www.oal.ca.gov. The OAL website provides access to all titles of the California Code of Regulations. Since Title 24 is reserved for building standards published by CBSC, the OAL website provides a link to the codes shared on [CBSC's website](http://www.dgs.ca.gov/bsc/codes) at www.dgs.ca.gov/bsc/codes. This is explained in more detail later.

Introduction of State Laws

California state laws are enacted through California's legislative process involving the senate and assembly of the legislative branch of state government, and the governor and secretary of state in the executive branch of state government. The laws are divided into 29 separate codes, each with an identifying name such as the Health and Safety Code, Government Code, Penal Code, Civil Code and Public Resources Code. A listing of the 29 codes of state law is available at the [California Legislative Information website](https://leginfo.ca.gov/faces/codes).

Introduction of State Regulations

State regulations are promulgated by agencies of the executive branch of state government for the purpose of interpreting, implementing, clarifying and carrying out the intent of state law. The regulations are contained in the California Code of Regulations available at the [Office of Administrative Law \(OAL\) website](http://www.oal.ca.gov). As previously mentioned, Title 24 can be found on [CBSC's website](http://www.dgs.ca.gov/bsc/codes) on the Codes tab.



The California Code of Regulations is subdivided into 28 separate title numbers and each title number is also given a name. For example, Title 13 is named Motor Vehicles and Title 19 is called Public Safety. Most titles reveal the general subject of the regulations. Some titles are reserved for the regulations of just one state agency, like Title 25 for the Department of Housing and Community Development (HCD).

Health and Safety Code: The Health and Safety Code (HSC) is one of the 29 codes that make up California state law enacted through California's legislative process. The HSC contains more than 130,000 sections organized into divisions. Divisions 12 and 13 include provisions regarding the design, construction, use and maintenance of buildings. Various provisions of the HSC will be referred to throughout this publication. The mandates for several state agencies to develop building standards and for local governments to enforce building standards are found in the HSC.

California Building Standards Law: This name refers to the portion of state law within HSC, Division 13, Part 2.5, commencing with Section 18901. The provisions of Part 2.5 govern the work of CBSC and how building standards are to be adopted and published. It also mandates that the California Building Standards Code, Title 24, California Code of Regulations, applies to all building occupancies throughout the state.

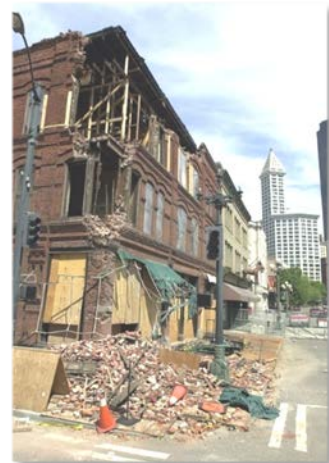
State Housing Law: This name refers to the portion of state law within HSC, Division 13, Part 1.5, commencing with Section 17910. It establishes responsibilities for the Department of Housing and Community Development (HCD) and the Office of the State Fire Marshal (SFM) to develop building standards for housing structures, including hotels, motels, lodging houses, apartments, condominiums and dwellings. It also mandates enforcement of the State Housing Law provisions, and the building

standards adopted pursuant to the State Housing Law, by every city, county, or city and county within this state.

Government Code: The Government Code is another of the 29 codes of California state laws. Sections 4450 through 4460 in a portion of the Government Code titled *Access to Public Buildings by Physically Handicapped Persons* establish requirements for building accessibility. The provisions establish the authority for the California Division of the State Architect (DSA) to develop building standards and regulations for publicly funded buildings, publicly funded sidewalks and curbs, public accommodations and commercial facilities. The building standards for accessibility developed by DSA are located in Title 24.

Note: HSC Sections 19952 through 19959 establish the requirement for accessibility in privately owned buildings open to the public, and for DSA to develop the building standards for accessibility in such buildings.

Earthquake Protection Law: There are two state laws that address buildings and their resistance to earthquakes. The first is known as the Earthquake Protection Law (Health and Safety Code in Division 13, Part 3, commencing with Section 19100). The law establishes the requirement that all buildings be designed to resist lateral forces from seismic motion, and allows local government to enact local requirements to mitigate the risk from existing buildings, such as unreinforced masonry buildings and others not designed in consideration of seismic motion.



The other state law regarding earthquake safety is in Government Code, Title 2, Chapter 12.2, commencing with Section 8875. This law requires cities and counties to identify potentially hazardous buildings, as defined, and establish a local mitigation program. Further, the owner of a building identified as a potentially hazardous building must post a written notice in a conspicuous location to warn the public as to the potential hazard during an earthquake.

California Building Standards Code: This name refers to the building standards located in the 13 parts of Title 24 as published by the California Building Standards Commission (CBSC). Building standards are state regulations developed by various state agencies in the executive branch of state government, and they govern the design and construction of buildings, including equipment and accessories associated with those buildings. Although developed by state agencies, building standards are usually enforced by local government entities. Additionally, the Division of the State Architect and the Office of the State Fire Marshal enforce standards under their jurisdiction. Some of the state agencies that develop building standards for Title 24 are the Division of the State Architect, the Office of the State Fire Marshal, the Department of Housing and Community Development, the Office of Statewide Health Planning and Development, the California Energy Commission and CBSC.



Note: CBSC provides a *Guide to Title 24* explaining the application and use of Title 24 on [its website](#). CBSC recommends that building department personnel download and/or print it and other relevant CBSC publications for reference.

State Housing Law Regulations: This is the name given to Chapter 1 in Title 25 of the California Code of Regulations. The provisions are adopted by HCD in order to implement, interpret, clarify and carry out the provisions of the State Housing Law in HSC Division 13, Part 1.5. The provisions relate to the construction, use, maintenance and change of occupancy of all hotels, motels, lodging houses, condominiums, apartment houses and dwellings.

State Historical Building Code. This is the name given the state law in HSC Division 13, Part 2.7, commencing with Section 18950. The intent of this law is to provide means for the preservation of historical buildings while providing reasonable safety from fire and seismic forces, and availability and usability by persons with disabilities. This law establishes the State Historical Building Safety Board as a unit within the Division of the State Architect to develop building standards for historical buildings. The standards are found in Part 8 of Title 24, which is named the California Historical Building Code.



Chapter 3: Mandates for Local Government

Following are summaries of some of the most important mandates of state laws regarding the operation and responsibilities of a local building department (refer to the referenced law or regulation for complete language).

1. **Must enforce state laws and Title 24.**

The building department of every city, county, or city and county shall enforce the following:

- Specified provisions of the California Building Standards Law in Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901, and the implementing of building standards in Title 24. Reference: HSC Sections 17960, 17961 & 18948.
- State Housing Law (HSC Division 13, Part 1.5), and implementing regulations of Title 25, Chapter 1, pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of hotels, motels, lodging houses, condominiums, apartment houses and dwellings. Reference: HSC 17960.
- The earthquake protection laws applicable to hazardous buildings, seismic retrofitting, seismic gas shutoff devices, water heater bracing, posting of buildings that are potentially dangerous during seismic motion, and more. Reference: HSC Division 13, Part 3, commencing with Section 19100, and Government Code, Title 2, Chapter 12.2, commencing with Section 8875.

Local adoption of currently published provisions (and repeal of outdated editions) of Title 24 as ordinance, allows a local jurisdiction to codify a complete regulation for its unique community.

The usual means of carrying out enforcement of building standards is to perform plan review and inspections. Plan review, or plan examination, is a process of reading plans prior to permit issuance to observe that the plans will result in a building that complies with requirements applying to structural safety, energy conservation, green technology, fire and life safety, accessibility, and with

appropriate plumbing, electrical and mechanical systems and equipment. The plan submitter, often a design professional, is provided a written report of the compliance issues and required corrections, if any, to the plans and specifications. Plan reviews must be performed by personnel trained and certified or licensed for the work. Registered structural engineers, civil engineers, and architects that have been trained in the building code should perform reviews of structural plans and supporting calculations. Other subjects may be reviewed by certified plan examiners, or registered structural engineers, civil engineers and/or architects.

Inspections during various construction phases are to be performed by personnel holding a building inspection certification issued by the International Association of Electrical Inspectors, International Association of Plumbing and Mechanical Officials, International Code Council, National Fire Protection Association, or similar organizations. Personnel qualifications are discussed in more detail in Chapter 6 of this publication.



2. Must file local building code requirements (ordinances) with the state.

State law requires local government to enforce Title 24 (where no state agency has authority to do so). The law also allows local government to enact local requirements, often called local amendments (also known as ordinances) to Title 24. These local amendments must be reasonably necessary based on local climatic, geological, topographic or environmental conditions. When a city, county, or city and county enacts local amendments, a copy of the local amendment along with an express finding that such amendment is reasonably necessary because of local climatic, geological, topographic or environmental conditions, must be filed with CBSC. No local amendment is enforceable unless filed with CBSC. However, if the

amendment is by a local fire protection district, it must be ratified by the local legislative body and filed with HCD rather than CBSC. Reference: HSC Sections 13869.7, 17958, 17958.5, 17958.7, 18941.5 and 18944.31.

Note: Assistance with enacting and filing of local amendments is available at [CBSC's website](#). Our *Guide for Local Amendments of Building Standards* provides information that is essential for enacting local amendments to Title 24. A webinar produced by ICC regarding the local amendment process is also available to view via our website.

3. Permit fees are for code enforcement and designated purposes.

- Every city, county, or city and county may establish fees to offset the cost of enforcement of the building codes. Such fees for permits and enforcement activities shall not be levied for general revenues. Reference: HSC Sections 17951 and 19132.3.
- Every city, county, or city and county shall return fees paid for inspection if the inspection is not performed within 60 days of the request for inspection. Reference: HSC Section 17951 (d).
- Each city, county, and city and county shall collect a fee from the applicant for a building permit to be remitted to CBSC. The fee shall be at the rate of \$4 per one hundred thousand dollars of permit valuation, but not less than \$1 per permit. Reference: HSC Section 18931.6 and California Administrative Code (Part 1, Title 24) Chapter 1, Article 5.
 - The local jurisdiction may retain not more than 10 percent of this collected fee for related administrative costs, and for code enforcement education.

Note: [CBSC's Guide to Filing the Building Permit Fee](#) is available on [our website](#).

4. Must employ certified personnel.

State law requires the personnel of a local building department to be certified for the code enforcement work to be performed. This requirement is discussed further in Chapter 4 of this publication. Reference: HSC Sections 18949.25 through 18949.31.

5. Personnel must have continuing education.

State law requires each building official, plan examiner and building inspector to obtain 45 hours of qualified continuing education in each three-year period with at least 8 hours regarding disabled access requirements. This matter is discussed in Chapter 4 of this publication. Reference: HSC Sections 18949.25 through 18949.31.

6. Must not have excessive plan review backlogs.

When plan checking of residential plans requires more than 30 days, or 50 days for all other buildings, the building department shall make plan checking available by private plan checking entities. Reference: HSC Sections 17960.1 and 19837.

7. Must have an appeals board.

- Every city, county, or city and county shall have a **local appeals board** to hear appeals regarding building requirements. Reference: HSC Section 17920.5. Alternatives are provided.
- Every city, county, or city and county shall have a **housing appeals board** to hear matters relating to the use, maintenance, and change of occupancy of hotels, motels, lodging houses, apartment houses, condominiums and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair and demolition. Reference: HSC Section 17920.6. Alternatives are provided.

8. Must have a local soil report ordinance.

Each city, county, and city and county shall enact an ordinance which requires a preliminary soil report by a registered civil engineer of every subdivision, where a tentative and final map is required pursuant to Section 66426 of the Government Code. Reference: HSC Section 17953 through 17957. Exceptions are provided.

9. Must have codes on hand.

Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings, published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. Reference: HSC Section 18942(e). An exception is provided.

10. Must maintain building plans.

The building department of every city, county, or city and county shall maintain an official copy, which may be on microfilm or other type of photographic copy, of the plans of every building, during the life of the building, for which the building department issued a building permit. Reference: HSC Section 19850 and 19851. Exceptions are provided.



Chapter Conclusion

In this chapter we have listed just ten examples of mandates in state law applying to the operation of a local building department. There are many other requirements in law specific to buildings that must also be enforced by the local building department. There are requirements regarding use of materials, carbon monoxide devices, water saving toilets and urinals, methods of construction, relocated buildings and more. Many requirements have been incorporated into building standards in Title 24.

Building departments must be aware of the requirements of state law relating to the design, construction, use and maintenance of buildings and accessories to buildings. Generally, reference HSC Division 13, Parts 1.5, 2, 2.1, 2.3, 2.5 and 3 which are all available at the California [Legislative Information website](#).

Chapter 4: Required Personnel Certification and Training

Certification: Health and Safety Code (HSC) Section 18949.28 reads in part, "*All construction inspectors, plans examiners and building officials who are not exempt from the requirements of this chapter pursuant to subdivision (b), or previously certified, shall complete one year of verifiable experience in the appropriate field, and shall, within one year thereafter, obtain certification from a recognized state, national, or international association, as determined by the local agency.*"

Subdivision (b) exempts employees who were employed two years before the enactment of Section 18949.28 (added by Chapter 623 of the 1995 Statutes, effective January 1, 1996).

The discipline(s) covered by certification(s) shall be closely related to an employee's primary job function, as determined by the employing local agency. There are numerous certifications that attest to a person's skills and knowledge necessary to perform building plan examination and/or building inspection.

California licensed architects and engineers performing plan examination, construction inspections or building official duties are exempted from the certification requirements of HSC Section 18949.28. However, it is a good practice to require engineers and architects to have training in building codes.

California Civil Code Section 55.53 requires local government to employ or retain the services of at least one building inspector who is a Certified Access Specialist (CASp) on and after July 1, 2010. Further, this state law requires that a sufficient number of building plan examiners and inspectors are employed or retained to carry out plan reviews and inspections for enforcement of accessibility codes by July 1, 2014. The Division of the State Architect (DSA) administers the CASp program, including conducting examinations, pursuant to Government Code (GC) Section 4459.5.

Reference: HSC Section 18949.28, Civil Code Section 55.53 and GC Sections 4459.5 through 4459.8 for the details on the CASp program. Considerable information about the CASp program is available at [DSA's website](#) at

www.dgs.ca.gov/DSA/Services/Page-Content/Division-of-the-State-Architect-Services-List/CASp.

Training: Training is essential to the professional and efficient operation of a building department in order to serve the public appropriately. And, state law in HSC Section 18949.29 requires 45 hours of continuing education every three years for all inspectors, plan examiners and building officials. Eight of those hours must be in subjects relating to accessibility requirements.

There are a number of organizations and associations that provide training and certification by examination on building codes and related subjects such as how to conduct inspections, material tests and plan reviews. Training is available in the form of seminars, online classes, and workbooks with lessons and exercises. Some colleges also offer courses on building codes, plan examination and building inspection.

Some organizations that offer training are:

- [California Building Officials \(CALBO\)](http://www.calbo.org) at www.calbo.org
- [International Association of Electrical Inspectors \(IAEI\)](http://www.iaei.org) at www.iaei.org
- [International Association of Plumbing and Mechanical Officials \(IAPMO\)](http://www.iapmo.org) at www.iapmo.org
- [International Code Council \(ICC\)](http://www.iccsafe.org) at www.iccsafe.org
- Individual Chapters of the ICC. A listing of chapters in California is available at the [ICC website](#). Each chapter is independent and may have different educational programs. Many chapters have their own website.
- [National Fire Protection Association \(NFPA\)](http://www.nfpa.org) at www.nfpa.org

IAEI, IAPMO, ICC and NFPA offer certification by examination programs.



State agencies such as CBSC, HCD and DSA may offer training on building standards within their respective jurisdictions. Training opportunities are announced in newsletters, on the agencies' websites, and by the organizations discussed above.

HSC Section 18949.31 requires the local government employer to bear the cost of required certifications and continuing education. Further, this state law allows a local government to adjust building permit fees to cover the cost of the certification and education of personnel.

CBSC recommendation: For each building department employee, maintain a record of training needed to perform assigned duties, provide courteous and efficient public service, and satisfy the continuing education requirements of HSC Section 18949.29 and Civil Code Section 55.53, and then use this to track completed training.



Chapter 5: Suggested Personnel Qualifications

The search for and selection of qualified personnel is a critically important task for any employer, including governmental agencies. Personnel hired to perform building permit issuance, plan review, building inspection, and management of building department operations must have appropriate training and experience. The hiring decision is critically important and has impact on public service and safety. For these reasons, CBSC provides the following suggested guidelines.

1. Building Official and Assistant Building Official

Desirable Experience:

- Administration of a building department
- Acted as a building inspector and/or plans examiner
- A licensed architect or engineer within a building department
- Worked as a building contractor

Desirable Education:

- High School
- College
- Or the equivalent by training and experience

Desirable Credentials:

- Certified as a Building Official or Code Administrator by IAPMO, ICC or other appropriate organization
- Certification(s) as an inspector and/or plans examiner
- Engineers and architects should be licensed in California and hold additional IA EI, IAPMO, ICC, NFPA or CASp certifications

2. Plans Examiner

Desirable Experience:

- Building inspector, architect, or engineer
- Builder
- Preparation of building plans

Desirable Education:

- High School
- Community college degree in Building Inspection Technology
- College

Desirable Credentials:

- Certifications in the building, plumbing, electrical, mechanical, accessibility, CALGreen and energy codes issued by the IAEI, IAPMO, ICC, NFPA, or other appropriate organization
- Certified CASp by DSA

3. Senior Building Inspector

Desirable Experience:

- Administration of a building department
- Five years as a building inspector with some plans examiner experience
- Preparation of building plans

Desirable Education:

- High School or more
- Community college degree in Building Inspection Technology

Desirable Credentials:

- Certifications in the building, plumbing, electrical, mechanical, accessibility, CALGreen and energy codes issued by the IAEI, IAPMO, ICC, NFPA, or other appropriate organization
- Certified CASp by DSA

4. Building Inspector (Entry Level)

Desirable Experience:

- Worked as a building contractor or in the building trades
- Understanding of construction plans

Desirable Education:

- High School
- A community college degree in Building Inspection Technology

Desirable Credentials:

- Certifications in the building, plumbing, electrical, mechanical, accessibility, CALGreen and energy codes issued by the IAEE, IAPMO, ICC, NFPA, or other appropriate organization

Note: HSC Section 18949.28 allows certification(s) deemed appropriate by the employing building department to be obtained by the employee within one year of employment.

5. Building or Permit Technician

Desirable Experience:

- Administrative duties within a building department

Desirable Minimum Education:

- High School
- Training on building permit issuance

Desirable Credentials:

- Permit or Building Technician certification by ICC or other appropriate organization

These qualifications are just suggestions. They are not a minimum standard, nor is it necessary that a candidate must have all of the experience and certifications cited. Each local government agency must assess its own needs, conditions and availability of candidates.

Many local jurisdictions advertise their available building department positions on the websites of the International Code Council (ICC), ICC Chapters and CALBO.

Conclusion

We hope you have found this publication helpful and that you better understand the mandates placed on your building department. We urge you and your staff to become acquainted with [CBSC's website](http://www.dgs.ca.gov/bsc) at www.dgs.ca.gov/bsc and the educational resources available. You are welcome to download or print out the materials for yourself, your staff and especially newly hired personnel.

The following websites may also be useful to you and your building department staff:

- [California Legislative Information website](https://leginfo.legislature.ca.gov/faces/codes) (state laws and activities of the legislature): <https://leginfo.legislature.ca.gov/faces/codes>
- [California Code of Regulations](http://www.oal.ca.gov): www.oal.ca.gov
- [Department of Housing and Community Development](http://www.hcd.ca.gov): www.hcd.ca.gov
- [Division of the State Architect](http://www.dgs.ca.gov/DSA): www.dgs.ca.gov/DSA
- [Office of the State Fire Marshal](https://osfm.fire.ca.gov): <https://osfm.fire.ca.gov>
- [Office of Statewide Health Planning and Development](http://www.oshpd.ca.gov): www.oshpd.ca.gov
- [California Energy Commission](http://www.energy.ca.gov): www.energy.ca.gov
- [California Commission on Disability Access](http://www.dgs.ca.gov/CCDA): www.dgs.ca.gov/CCDA
- [State Historical Building Safety Board](http://www.dgs.ca.gov/DSA/About/collaborative_task_forces/Page-Content/shbsb):
www.dgs.ca.gov/DSA/About/collaborative_task_forces/Page-Content/shbsb
- [California Architects Board](http://www.cab.ca.gov): www.cab.ca.gov
- [Board for Professional Engineers, Land Surveyors and Geologists](http://www.bpelsg.ca.gov):
www.bpelsg.ca.gov

Contact our office any time you have questions relating to your building department's responsibilities or the application of Title 24. Written comments and suggestions regarding this publication are welcomed so that future editions will be even more informative. Suggestions can be sent via email to cbsc@dgs.ca.gov or mailed to:

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