

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~~h~~) California Residential Code, Appendix R Light Straw-Clay Construction

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

3
4 (i~~h~~) California Residential Code, Appendix S Light Strawbale Construction

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

6 (n~~h~~) California Residential Code, Appendix U Solar-Ready Provisions

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

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

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

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

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

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

22
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 20th day of July 2020, by the following vote:
13

14 AYES: Council Members Barnes, Maass, McQuaid, Nason and Mayor Pilch

15 NOES:

16 ABSENT:

17 ABSTAIN:

18
19 
NICK PILCH, MAYOR

20
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City of Albany

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

ORDINANCE NO. 2019-11

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF

ALBANY, The 20th day of July, 2020, by the following votes:

AYES: Council Members Barnes, Maass, McQuaid, Nason and Mayor Pilch

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

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

21st day of July, 2020.

Anne Hsu
CITY CLERK