



Office of the City Manager

PUBLIC HEARING
November 12, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David Brannigan, Fire Chief, Berkeley Fire Department

Subject: Adoption of the 2019 California Fire Code with Local Amendments

RECOMMENDATION

1. Adopt the first reading of an Ordinance (Attachment 1) repealing the Berkeley Fire Code (Berkeley Municipal Chapter 19.48) and reenacting BMC Chapter 19.48;
2. Adopt a Resolution (Attachment 2) setting forth findings of local conditions that require more stringent building standards than those provided by the 2019 California Fire Code ("CFC") and rescinding Resolution number 67,743–N.S.;
3. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for December 3, 2019.
4. Conduct a public hearing, and upon conclusion, adopt a Resolution (Attachment 3) establishing annual permit fees, inspection and billing rates for inspection of property sites by the Berkeley Fire Department, and rescinding Resolution number 67,990–N.S. and all Resolutions amendatory thereof.

FISCAL IMPACTS

The fiscal impact to the City will be approximately \$15,000 for the purchase of new fire code books, inspection guides, inspection forms, and training. The fire department has allocated the expenditure as part of its FY 2020 budget.

Neither the new state codes overall, or our continuing local amendments, are expected to create significant cost increases for homeowners, builders or developers.

CURRENT STATUS AND EFFECTS

As part of a regular three-year cycle, the California Building and Standards Commission promulgated the 2019 California Fire Code. The California Fire Code (Title 24, Part 9 of the California Code of Regulations) will take effect on January 1, 2020. The California Fire Code provides minimum standards for fire and life safety.

To create the 2019 California Fire Code, the State of California amended and adopted a model fire code published by the International Code Council. The 2019 California Fire Code reflects the 2018 International Fire Code (“IFC”) with State amendments. Local jurisdictions must enforce the California Fire Code, as adopted by the state, 180 days after publication.

A city, county, or city and county may establish more restrictive building standards as reasonably necessary because of local climatic, geological or topographical conditions. Findings of the local condition(s) and the adopted local building standard(s) must be filed with the California Building Standards Commission.

Accordingly, in light of the changes to the California code, the City may now adopt local amendments to maintain the local standards previously established, as well as additional recommended local standards.

Staff’s recommendations, in addition to the previously approved local amendments to adopt in this cycle’s fire code, include:

- 1) Adopt Appendix O Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses of the 2018 International Fire Code.

This Appendix chapter was formerly IFC Appendix K and was adopted as such in the 2014 Berkeley Fire Code adoption and was formerly IFC Appendix N and was adopted as such in the 2017 Berkeley Fire Code adoption.

- 2) Adopt Additional Subsection 105.6.57 Tank Vehicles.

The previously adopted resolution to establish annual permit fees (Resolution number 67,990) included an operational permit for tank vehicles under Section 5001.7. This was not codified in the adoption of the California Fire Code with Local Amendments. Adoption of this additional subsection shall align the Berkeley Fire Code with the adopted fee schedule.

- 3) Adopt Additional Subsection 4907.2.1 General.

California Code of Regulations 1299.03 Requirements details clearance requirements for defensible space. The subsection has been adopted in previously approved local amendments. Changes in this section were made to align with the requirements in CCR 1299.03. The exception for grass and other vegetation, located more than 30 feet from buildings and structures, and less than 4 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion. Previous amendments stated a height of less than 18 inches. A second change was related to mulch depth from 5 inches to 4 inches for brush and debris not needing to be completely removed, but may be chipped into pieces less than three (3) inches in length, provided that the resulting mulch is less than three (3) inches deep.

4) Adopt Amended Section 903.3.9 Floor Control Valves

The previously approved local amendment for floor control valves on a building of three or more stories was located in Section 903.4.3, which in the California Fire Code is specifically for high-rise buildings and Group I-2 occupancies. The amendment is more appropriate in Section 903.3.9, which in the California Fire Code is applicable to all buildings.

5) Adopt Amended Subsection 907.2.1 Group A.

Previously adopted local amendment Section 907.2 Where required-new buildings and structures, prohibited the elimination of fire alarm boxes and was reflected in amended Subsections 907.2.8.1 and 907.2.8.2 and 907.2.9.1 for Group R-1 and R-2 occupancies. The prohibition applied to Group B occupancies but the subsection was not specifically amended and adopted. Adoption of this amended subsection will provide more clarity for developers and builders.

6) Adopt Amended Subsection 907.2.2 Group B.

Previously adopted local amendment Section 907.2 Where required-new buildings and structures, prohibited the elimination of fire alarm boxes and was reflected in amended Subsections 907.2.8.1 and 907.2.8.2 and 907.2.9.1 for Group R-1 and R-2 occupancies. The prohibition applied to Group B occupancies but the subsection was not specifically amended and adopted. Adoption of this amended subsection will provide more clarity for developers and builders.

7) Adopt Amended Subsection 907.2.4 Group F.

Previously adopted local amendment Section 907.2 Where required-new buildings and structures, prohibited the elimination of fire alarm boxes and was reflected in amended Subsections 907.2.8.1 and 907.2.8.2 and 907.2.9.1 for Group R-1 and R-2 occupancies. The prohibition applied to Group F occupancies but the subsection was not specifically amended and adopted. Adoption of this amended subsection will provide more clarity for developers and builders.

8) Adopt Amended Subsection 907.2.7 Group M.

Previously adopted local amendment Section 907.2 Where required-new buildings and structures, prohibited the elimination of fire alarm boxes and was reflected in amended Subsections 907.2.8.1 and 907.2.8.2 and 907.2.9.1 for Group R-1 and R-2 occupancies. The prohibition applied to Group M occupancies but the subsection was not specifically amended and adopted. Adoption of this amended subsection will provide more clarity for developers and builders.

9) Adopt Amended Subsection 5704.2.14 Removal and Disposal of Tanks.

This was a previously approved local amendment. A list of items required for a plan submittal was added to be consistent with current practices. Previously, the applicant was required to submit 2 copies of a site plan showing the location of the tanks. Now, they shall be required to submit five items:

1. A site plan showing the location of the tanks.
2. A detailed description of the scope of work.
3. A site safety plan.
4. A vicinity map to the closest hospital, in an event of an emergency.
5. Proof of workers compensation insurance.

Adoption of the amended subsection will provide better guidance to tank removal and disposal contractors.

BACKGROUND

The City of Berkeley has unique climatic, geological, and topographical conditions, which require local amendments to mitigate potential hazards, and to reduce loss of life caused by fires or natural disasters.

To address local fire and life safety impacts, the City of Berkeley has adopted local amendments to address sprinkler system and fire alarm requirements for existing hotels, fraternities, sororities, window bars, smoke detectors, and firefighter safety and operations in high-rise construction. Without the adoption of the local amendments, the new and past amendments cannot be enforced.

In addition to the fire code adoptive ordinance itself and the findings-of-fact resolution required by state law for the adoption of local amendments which qualify as building standards, the City of Berkeley creates and adopts by resolution a fee schedule which specifies fees associated with operational and construction permits required by the fire code, and for other general and specific fire inspection services as well as establishing billing and collection procedures and setting forth delinquency charges.

RATIONALE FOR RECOMMENDATION

Local amendments to the California Fire Code must be adopted every three years, or the State code goes into effect without local amendments. Adoption of local amendments and findings are needed to customize the State code to Berkeley's particular topographic, geologic and climatic conditions. The fire and seismic danger and other local conditions, as described in detail in the attached resolution justify the proposed local amendments that are stricter than the California Fire Code.

The previously-adopted fee ordinance was based on the 2016 Fire Code. The 2019 California Fire Code (and 2018 International Fire Code) have renumbered certain code sections mandating permits and made editorial changes to follow changes in the main body of the new code. Without amending the fee schedule to track these changes, it may prove impossible to recover costs associated with permits or inspections for such critical work as the installation of fire alarm and sprinkler systems, standpipe systems, fire pumps, and private fire hydrants.

The 2019 California Fire Code also adds new construction-related permits and operational permits. Currently, there are no permits set forth which would allow the fire department to recover costs associated with permitting, inspection and regulation of these activities. Staff proposes the following additions to the fire permitting and inspection fee schedule, with no fee amounts at this time as fee adjustments shall be made during the fee adjustment process in Spring 2020:

- a. *A new operational permit be established for the permitting, inspection and regulation of mobile fueling of hydrogen-fueled vehicles as required in Section 105.6.16.1.*

This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.

- b. *A new operational permit be established for the permitting, inspection and regulation of an outdoor assembly event as required in Section 105.6.36.*

This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.

- c. *A new operational permit be established for the permitting, inspection and regulation of plant extraction systems as required in Section 105.6.38.*

This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.

- d. *A new construction permit be established for the installation of capacitor energy storage systems as required in Section 105.7.3.*

This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.

- e. *A new construction permit be established for the installation of fuel cell power systems as required in Section 105.7.10.*

This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.

- f. *A new construction permit be established for the installation of or modification to gas detection systems as required in Section 105.7.11.*

This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.

- g. *A new construction permit be established for the installation of or modification to a structure exceeding 500 square feet, high-piled combustible storage, as*

required in Section 105.7.14.

This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.

- h. *A new construction permit be established for the installation of or modification to a motor vehicle repair room or booth as required in Section 105.7.17.*

This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.

- i. *A new construction permit be established for the installation of or modification to plant extraction systems in accordance with Section 105.7.18.*

This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.

- j. *A new construction permit be established to erect and take down a temporary special event structure in accordance with Section 105.7.22.*

This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.

- k. *A new operational permit be established for the permitting, inspection and regulation of mobile food preparation vehicles in accordance with Section 105.6.30.*

This is a new permit which has been added to Chapter 1 of the International fire code but not adopted by the State fire code. The City of Berkeley fire code adopts the entirety of Chapter 1 and therefore mandates regulation by the local Berkeley fire agency.

Upon review of the California Fire Code, staff proposed that the Berkeley Fire Code inspection fee schedule shall include changes and clarifications based on the California code language, including the renumbering of permit sections as needed.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Anthony Yuen, Fire Marshal, Berkeley Fire Department, 981-5585.

Attachments

- 1 Ordinance Repealing BMC 19.48 and Re-Enacting Chapter 19.48 of the Berkeley Municipal Code, Berkeley Fire Code based on the 2019 California Fire Code.

- 2 Resolution of Finding of Fact for Local Climatic, Geological, and Topographical Conditions
- 3 Resolution establishing annual permit fees, inspection and billing rates for inspection of property sites by the Berkeley Fire Department, and rescinding Resolution number 67,743 – N.S. and all Resolutions amendatory thereof.
- 4 A summary of proposed fee amendment document (Resolution 67,990 – N.S.) which provides a specific summary of proposed fee changes to create the new fee resolution.
- 5 Public Hearing Notice

ORDINANCE NO. ~~##,###~~-N.S.
 REPEALING AND RE-ENACTING BERKELEY MUNICIPAL CODE CHAPTER 19.48
 (FIRE CODE)

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 19.48 is hereby repealed and reenacted as to read as follows:

Section 19.48.010 Adoption of California Fire Code

- A. That portion of the California Building Standards Code that imposes substantially the same requirements as are contained in the International Fire Code, 2018 Edition published by the International Code Council and the California Building Standards Commission with Errata, together with those portions of the International Fire Code, 2018 Edition, including Chapters 1, 3 (excluding Section 317), Section 503 of Chapter 5, Sections 1103.5.5 (as amended by BMC 19.48.020, Amendments to the California Fire Code) and 1104.16.5.1 of Chapter 11, Appendix Chapters B (as amended by BMC 19.48.020, Amendments to the California Fire Code), D, E, F, L (as amended by BMC 19.48.020, Amendments to the California Fire Code) and O published by the International Code Council not included in the California Building Standards Code, are adopted by this reference into this Chapter, and are hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth this ordinance. One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.
- B. This chapter shall be known as the "Berkeley Fire Code" and shall be referred to in this chapter as "this code". (Ord. ~~##,###~~-NS § 1 (part), 2019)

Section 19.48.020 Amendments to the California Fire Code

The following additions, changes and deletions to the 2019 California Fire Code, as detailed below, are adopted as part of the Berkeley Fire Code.

- A. **Section 101.1 Title [Amended subsection].** These regulations, including the local amendments to the California Fire Code set forth in this ordinance, shall be known as the Berkeley Fire Code~~Fire Code of [NAME OF JURISDICTION]~~, hereinafter referred to as "this code."
- B. **Section 101.6. Expense of securing emergencies [Additional subsection]** The expense of securing any emergency that is within the responsibility for enforcement of the fire code official as given in Sections 104.1 or 104.11 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the fire code official for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and

any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

- C. **Section 102.6 Historic buildings. [Amended subsection]** The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an approved fire protection plan as required in [Section 1103.1.1. the 2019 California Historical Building Code.](#)
- D. **Section 104.12. Authority to arrest and issue citations [Additional subsection]** The Fire Chief, Chief Officers, Fire Marshal, Deputy Fire Marshal, and Fire Inspectors shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the International Fire Code or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended. It is the intent of the City Council that the immunities provided in Penal Code Section 836.5 are applicable to aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.
- E. **Section 104.13 Authority to abate fire nuisance [Additional subsection].** The Fire Chief, Chief Officers, Fire Marshal, Deputy Fire Marshal, Fire Inspectors, Fire Officers and Acting Fire Officers shall have the authority to order the abatement of fire nuisances.
- F. **105.6.16 Flammable and combustible liquids. [Amended subsection]** An operational permit is required:
1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems.
 2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
 - 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.
 - 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
 4. To store, handle or use Class IIIB liquids in excess of 110 gallons in containers, or in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.
Exception: Fuel oil and used motor oil used for space heating or water heating.
 5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
 6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
 7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
 8. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
 9. To manufacture, process, blend or refine flammable or combustible liquids.
 10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
 11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.
- G. **Section 105.6.31 Motor fuel dispensing facilities. [Amended subsection]** An operational permit is required for the operation of automotive, marine and fleet motor fuel-dispensing facilities, or for mobile fueling operations using flammable liquids and which are conducted at facilities or locations which are not permanent, permitted motor fuel dispensing facilities.
Exception: Transfer of not more than 5 gallons flammable or combustible liquids using a listed or approved portable fuel container of 5 gallons or less capacity.
- H. **Section 105.6.52 Christmas tree sales lot. [Additional subsection]** An operational permit is required to operate a Christmas tree sales lot.
- I. **Section 105.6.53 Escort convoy service [Additional subsection]** Police and/or Fire Department convoy service for vehicle transportation of extremely hazardous materials.
- J. **Section 105.6.54 Fire Fighter Air Replenishment System (FARS). [Additional subsection]** An annual operational permit is required to maintain a FARS system in accordance with Appendix L.
- K. **Section 105.6.55 General use permit. [Additional subsection]** For any activity or operation not specifically described in this code, which the fire code official reasonably determines, may produce conditions hazardous to life or property

- L. **Section 105.6.56 Parking facility, special events [Additional subsection]** An operational permit is required to use buildings or structures for vehicle parking, including parking for special events (i.e. football games, etc.).
- M. **Section 105.6.57 Tank Vehicles. [Additional subsection]** An operational permit is required to operate a tank vehicle (other than flammable and combustible liquids tank vehicles as listed and regulated in 105.6.16, item 6) including those hazardous materials transportation vehicles defined in Section 5001.7 of the Berkeley Fire Code for the transportation of hazardous liquids or materials.
- N. **Section 105.7.26 Fire fighter air replenishment system (FARS). [Additional subsection]** A construction permit is required for installation of or modification to a FARS system in accordance with Appendix L.
- O. **Section 105.7.27 Window bars [Additional subsection]** A construction permit is required to install window bars on exterior doors or windows of any sleeping rooms below the fourth floor in apartment houses, hotels, and motels.
- P. **Section 106.2 Schedule of permit fees. [Amended subsection]** ~~A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. Fees for permits and inspections shall be set forth by the City Council by resolution.~~
- Q. **SECTION 109 ~~BOARD OF APPEALS~~ PROCESS [Amended Section]**
- R. **Section 109.1 [Amended subsection] ~~Board of appeals established.~~** ~~In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex-officio member of said board but shall not have a vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.~~ **Appeals Procedure [Amended subsection]** ~~Whenever the fire code official disapproves an application, refuses to grant a permit applied for, or revokes or suspends any permit or certificate already issued, an appeal therefore may be taken to the City Council by the applicant or permit holder. Notice of the appeal must be filed in triplicate with the City Clerk of the City of Berkeley within ten days from the date of mailing of the fire code official's decision to the applicant or permit holder. The notice of appeal shall contain a statement of the reasons for the appeal. The City Clerk shall forward one copy thereof to the fire code official. Within ten days after the filing of the notice of appeal, the fire code official shall transmit to the City Council all his/her records pertaining to the decision appealed from.~~
- S. **Section 109.1.1 Stay of Proceedings [Amended subsection]** ~~The filing of the notice of appeal shall stay all proceedings by all parties in connection with the~~

matter upon which the appeal is taken until determination of the appeal as hereinafter provided, unless the fire code official determines that such a stay could result in an imminent threat to public safety.

- T. Section 109.3 [Amended subsection] ~~Qualifications.~~** ~~The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and are not employees of the jurisdiction.~~ **109.3 Decisions [Amended subsection]** The City Council shall review the action of the fire code official and shall do any one of the following:
- a. Refer the matter back to the fire code official.
 - b. If the facts stated in or ascertainable from the application, the Notice of Appeal, the written statement of the fire code official setting forth the reason for his/her decision, and the other papers, if any, constituting the record do not, in the opinion of the City Council, warrant further hearing, the City Council may affirm the decision of the fire code official. Such decision shall be final.
 - c. If, in the opinion of the City Council, said facts warrant further hearing, the City Council shall set the matter for hearing and shall give notice of the time and place of said hearing by mailing a copy of such notice by certified mail to the address of the applicant as stated in the Notice of Appeal, at least ten (10) days before the time fixed for the hearing. The City Council may continue the hearing from time to time.
 - d. Following such hearing, the City Council shall reverse, affirm wholly or partly modify any decision of the fire code official, or make any other decisions or determinations or impose such conditions as the facts warrant. Such decision or determination shall be final.
 - e. If none of the above actions have been taken by the City Council within thirty (30) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal shall be deemed dismissed.
 - f. If the appeal is set for hearing but the disposition of the appeal has not been determined within ninety (90) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal deemed dismissed.
- U. Section 110.1 Unlawful acts [Amended subsection].** It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code, or to create, maintain or allow to continue any fire hazard.
- V. Section 110.4 Violation penalties [Amended subsection].** 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 ~~[SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and~~

imprisonment misdemeanor, but may be cited or charged, at the election of the enforcing officer or City Attorney, as infractions, with the exceptions cited in subsection 110.4.2 and subject to an election by the defendant under Penal Code Subsection 17 (d). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- W. **Section 110.4.2 Misdemeanors [Additional subsection]** Notwithstanding Section 110.4, violation of any of the following provisions of this code shall be charged only as a misdemeanor:
1. Section 110.3.2 (Compliance with orders and notices)
 2. Section 110.4.4 (Unauthorized tampering)
 3. Section 111.2 (Evacuation of an Unsafe Building)
 4. Section 111.2.1 (Unauthorized re-occupancy of an unsafe building)
 5. Section 901.8 (Removal of or tampering with equipment)
 6. Section 401.5 (Making false report)
- X. **Section 110.4.3 Work without a permit [Additional subsection]** Contractors performing work without a permit for the addition, change out, installation replacement, upgrade, of any fire alarm, fire suppression, or fire sprinkler system shall be required to pay three times the amount of the required fees to obtain a permit for the addition, change out, installation, replacement, upgrade of the fire alarm, fire suppression, or fire sprinkler system.
- Y. **Section 111.2.1 Unauthorized re-occupancy of unsafe buildings [Additional subsection].** No person shall reoccupy any building, which has been posted as specified in this subsection except for the purpose of securing same or making the required repairs or demolishing the building or structure, nor shall any person remove or deface any such notice so posted until the hazard/s has been abated.
- Z. **Section 111.3 Summary abatement [Amended subsection]** Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code. Where the owner does not comply with an abatement order under Section 111.4 within the period specified, the City of Berkeley may perform or cause to be performed the necessary work. The costs incurred shall be recoverable under the procedures in Section 111.4.1
- AA. **Section 111.4.1 Abatement process [Additional subsection]** The abatement process shall be conducted in accordance with the notice and hearing requirements of the nuisance abatement provisions of Berkeley Municipal code chapter 1.24, including summary abatements of structures or premises determined by the City of Berkeley to constitute an imminent hazard or emergency condition.
- BB. **Section 202 Definitions – B [Additional definition] BERKELEY MARINA.** The area shall mean all those, parts of the City of Berkeley west of the Interstate 80 Freeway

- CC. **Section 202 (Definitions — F) [Additional definition]** FIRE HAZARD. Anything or act which increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire. Fire hazards as defined herein are hereby declared to be public nuisances subject to abatement by the City of Berkeley.
- DD. **Section 202 (Definitions — F) [Additional definition]** FIRE NUISANCE. Anything or act, which is annoying, unpleasant, offensive or obnoxious because of fire.
- EE. **Section 202 (Definitions — J [Amended definition]. JURISDICTION.** The City of Berkeley.~~The governmental unit that has adopted this code under due legislative authority.~~
- FF. **Section 202 (Definitions — W) [Additional definition]** WASTE OIL is a Class III-B waste liquid resulting from the use of Class III-B combustible liquids such as waste motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids.
- GG. **Section 504.1.1 Marking of Exterior Building Openings [Additional subsection].** Where exterior doorways are not otherwise marked with identification such as building addresses, room/suite numbers or business names which identify the area(s) they provide access to, such opening shall be provided with signs or labels indicating the areas they serve. Doorways to be marked shall include but are not limited to doors serving building circulation (such as stairwells/exit passageways), potential hazards (such as trash rooms), and building service and utility spaces (such as electrical, gas, HVAC and elevator machine rooms). Signs/labels shall be permanent, weather and sunlight resistant with lettering not less than $\frac{3}{4}$ " high with a $\frac{1}{16}$ " width stroke on a contrasting background. Such signs or labels shall be affixed to the door frame or wall above the door. Such signs and labels shall be maintained.
Exception: Doors associated with private dwellings, the main entrance to normally occupied spaces or when determined to be unnecessary by the fire code official.
- HH. **Section 703.2.4 Fusible Links [Additional subsection]** Doors required for fire and smoke separation for interior exit stairways and floor separation in R-1 or R-2 occupancies shall not be maintained in an open position with fusible links.
- II. **Section 903.2.10 Group S-2 enclosed parking garages [Amended subsection].** An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the *California Building Code* ~~where either of the following conditions exists: or where located beneath other groups or with U occupancies with installed parking lifts with no exceptions as follows:~~

- ~~1. Where the fire area of the enclosed parking garage exceeds 12,000 square feet (1115 m²)~~
- ~~2. Where the enclosed parking garage is located beneath other groups.~~

JJ. **Section 903.2.10.1 Commercial parking garages [Amended subsection].** An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles ~~where the fire arear exceeds 5,000 square feet (464 m²).~~

KK. **Section 903.2.11.1 Stories without openings [Amended subsection].** An automatic sprinkler system shall be installed throughout all buildings having stories, including basements, ~~of all buildings where the floor area exceeds 1,500 square feet (139.4 m²) and~~ where there is not provided at least one of the following types of exterior wall openings:

1. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1011 or an outside ramp complying with Section 1012. Openings shall be located in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on not fewer than one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm).
2. Openings entirely above the adjoining ground level totaling not less than 20 square feet (1.86 m²) in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on not fewer than one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm) The height of the bottom of the clear opening shall not exceed 44 inches (1118 mm) measured from the floor.

LL. **Section 903.2.21 Structures in the Berkeley Marina Area [Additional subsection]** An automatic sprinkler system shall be installed in all structures located in the Berkeley Marina Area in accordance with NFPA 13 standards.
Exceptions: Gear lockers not designed to permit human entry, municipal restrooms unattached to other structures, the existing City of Berkeley Harbor Master's office, and any temporary construction site structures.

MM. **Section 903.2.22 Public Self-Storage Buildings [Additional subsection]** An automatic sprinkler system shall be installed in any building erected or existing building that was converted and/or subdivided for public self-storage use on or after August 19, 1982, in accordance with NFPA 13 standards.

NN. **Section 903.2.23 Environmental Safety - Residential District [Additional subsection]** Any new construction requiring a permit determined to be \$100,000 or more in construction costs or new additions to existing structures shall be required to install automatic fire sprinklers throughout the structure. For the purpose of this subsection "Environmental Safety — Residential District" shall mean those areas designated as such on the Official Zoning Map of the City of Berkeley, as it may be amended from time to time.

- OO. **Section 903.3.1.2 NFPA 13R sprinkler systems. [Amended subsection]** Automatic sprinkler systems in Group R occupancies up to and including four stories in height in buildings not exceeding 60 feet (18,288 mm) in height above grade plane shall be permitted to be installed throughout in accordance with NFPA 13R *as amended in Chapter 80*.

Exception: Sprinkler systems in residential / commercial mix-use buildings are to be in accordance with NFPA 13.

- PP. **Section 903.3.9 Floor control valves. [Amended subsection]** Floor control valves and waterflow detection assemblies shall be installed at each floor where any of the following occur:
1. Buildings where the floor level of the highest story is located ~~more than~~ 30 feet or more above the lowest level of fire department vehicle access.
 2. Buildings that are ~~four~~ three or more stories in height.
 3. Buildings that are two or more stories below the highest level of fire department vehicle access.

Exception: Group R-3 and R-3.1 occupancies floor control valves and waterflow detection assemblies shall not be required.

- QQ. **Section 907.2 Where required—new buildings and structures [Amended subsection].** An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

Not fewer than 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 an automatic and manual, or a manual fire alarm system is required by this code or Berkeley local ordinance, ~~other sections of this code allow~~ elimination of fire alarm boxes is not allowed ~~prohibited.~~ 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 open to the public.~~
- ~~3. The manual fire alarm box is not required to be installed when approved by the fire code official.~~

- RR. **Section 907.2.1 Group A. [Amended subsection]** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies where the occupant load due to the assembly occupancy is 300 or more, or where the Group A occupant load is more than 100 persons above or below the lowest level of exit discharge. Group A

occupancies not separated from one another in accordance with Section 707.3.10 of the *California Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes *with an occupant load of less than 1000* shall be provided with a fire alarm system as required for the Group E occupancy.

~~Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.~~

SS. **Section 907.2.2 Group B. [Amended subsection]** A manual fire alarm system shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B occupant load of all floors is 500 or more.
2. The Group B occupant load is more than 100 persons above or below the lowest level of exit discharge.
3. The fire area contains an ambulatory care facility.
4. *For Group B occupancies containing educational facilities, see Section 907.2.2.2.*

~~Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.~~

TT. **Section 907.2.4 Group F. [Amended subsection]** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group F occupancies where both of the following conditions exist:

1. The Group F occupancy is two or more stories in height.
2. The Group F occupancy has a combined occupant load of 500 or more above or below the lowest level of exit discharge.

~~Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.~~

UU. **Section 907.2.7 Group M. [Amended subsection]** A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group M occupancies where one of the following conditions exists:

1. The combined Group M occupant load of all floors is 500 or more persons.
2. The Group M occupant load is more than 100 persons above or below the lowest level of exit discharge.

Exceptions:

1. A manual fire alarm system is not required in covered or open mall buildings complying with Section 402 of the *California Building Code*.
2. ~~Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with~~

~~Section 903.3.1.1 and the occupant notification appliances will automatically activate throughout the notification zones upon sprinkler water flow.~~

VV. **Section 907.2.8.1 Manual fire alarm system [Amended subsection].** A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-1 occupancies.

Exceptions:

~~1. A manual fire alarm system is not required in buildings not more than two stories in height where all individual sleeping units and contiguous attic and crawl spaces to those units are separated from each other and public or common areas by not less than 1-hour fire partitions and each individual sleeping unit has an exit directly to a public way, egress court or yard.~~

~~2. Manual fire alarm boxes are not required throughout the building where all the following conditions are met:~~

~~2.1. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~

~~2.2. The notification appliances will activate upon sprinkler water flow.~~

~~2.3. Not fewer than one manual fire alarm box is installed at an approved location.~~

WW. **Section 907.2.8.2 Manual and Automatic fire alarm systems ~~smoke detection system~~ [Amended subsection].** An A manual and automatic smoke detection fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed throughout all interior corridors and common areas of Group R-1 occupancies. The detection device for this purpose shall be a smoke detector (or heat detector as approved), which is system connected and electronically supervised ~~serving sleeping units.~~

~~**Exception:** An automatic smoke detection system is not required in buildings that do not have interior corridors serving sleeping units and where each sleeping unit has a means of egress door opening directly to an exit or to an exterior exit access that leads directly to an exit.~~

XX. **Section 907.2.9.1 Automatic and manual fire alarm system [Amended subsection].** An automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where any of the following conditions apply:

1. The building is three or more stories in height and Any any dwelling unit or sleeping unit is located ~~three or more stories~~ above the lowest level of exit discharge.
2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit.
3. The building contains more than 16 dwelling units or sleeping units.
4. *Congregate residences with more than 16 occupants.*

Exceptions:

1. A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by not less than 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, egress court or yard.

~~2. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler water flow.~~

32. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3.

YY. **Section 914.3.9 Fire Fighter Air Replenishment Systems [Additional subsection]** New high-rise buildings shall install an approved Fire Fighter Air Replenishment System (FARS) or equivalent equipment or systems as determined by the fire code official to provide a breathing air supply for firefighting self-contained breathing air tanks. Such system or equipment shall provide adequate pressurized breathing air supply through a permanent piping system or other means acceptable to the fire code official for the replenishment of portable life sustaining air equipment carried by fire department, rescue and other personnel in the performance of their duties. Design, installation, testing and maintenance of such air replenishment systems shall be made in accordance with Appendix Chapter ~~LF~~ LF of the California Plumbing Code. Each property owner shall be responsible for maintaining such equipment or systems including annual air sampling and testing.

Exceptions:

1. Buildings equipped with Firefighter Access Elevators as required by Berkeley Building Code section 403.6.1
2. Where an alternate method of supplying breathing air replenishment is approved by the fire code official.

ZZ. **Section 1103.5.5 Automatic Sprinkler Requirements for Existing Hotels [Additional subsection]**

AAA. **Section 1103.5.5.1 Definitions [Additional subsection].** For the purposes of this Section, the following terms shall be defined as follows:

1. "Hotel" shall mean any building, including motels, dormitories, rooming houses, fraternity houses and sorority houses, which contain six or more rooms which were intended or designed to be used, or which are used, for the purposes of renting, hiring or letting to residential occupants for sleeping purposes but shall not include apartment buildings as defined in this code.
2. "Story" is as defined in the Berkeley Building Code.

3. "First Story" is as defined in the Berkeley Building Code.
4. "Basement" is as defined in the Berkeley Building Code.
5. "Balcony, Exterior Exit" shall mean a landing or porch projecting from the wall of a building which serves as a required exit. The long side shall be at least 50 percent directly open to the exterior, and the open area above the guardrail shall be so configured as to prevent the accumulation of smoke or toxic gases.

Application: This section shall apply to every hotel in which the rooms used for sleeping are rented or let above the ground floor, if the hotel was built prior to 1992, and also meets one of the following two conditions:

The height of the hotel is three or more stories or two stories plus an inhabited basement, which is used for purposes other than exclusively servicing the maintenance and other needs of the building; or the hotel contains 20 or more rooms, or regularly accommodates 20 or more residential occupants.

Exception: No hotel in which the exits from sleeping rooms lead either to the outside of the building either directly or via approved exit balconies with approved exterior stairways(s) in accordance with the requirements of the Berkeley Building Code is required to comply with this section.

BBB. **Section 1103.5.5.2 Types of Fire Sprinklers [Additional subsection].** In the sleeping units of the building, only residential or quick response sprinkler heads shall be used.

CCC. **Section 1103.5.5.3 Supervision of fire sprinkler systems [Additional subsection].** All automatic sprinkler systems installed under this subsection in which the number of sprinkler heads is 50 or more shall be supervised by an approved central station, remote supervising station, or proprietary supervising station which will give an audible signal at a constantly attended location.

DDD. **Section 1103.7 Fire Alarm Systems [Amended subsection].** An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.6 and provide 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.

Where an automatic and manual or a manual fire alarm system is required by this code or Berkeley local ordinance, elimination of fire alarm boxes in buildings equipped with an approved sprinkler system is prohibited.

Exception: Occupancies with an existing, previously approved fire alarm system When deemed not required by the fire code official.

EEE. **Section 1103.7.5.1 Group R-1 hotels, and motels and congregate residences manual and automatic fire alarm system [Amended subsection].** A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in existing Group R-1 hotels and motels ~~more than~~with three or more stories or ~~with more than 20~~ or more sleeping units.

Exceptions:

- ~~1. Buildings less than two stories in height where all sleeping units, attics and crawl spaces are separated by 1-hour fire-resistance-rated construction and each sleeping unit has direct access to a public way, egress court or yard.~~
- ~~2. Manual fire alarm boxes are not required throughout the building where the following conditions are met:

 - ~~2.1. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~
 - ~~2.2. The notification appliances will activate upon sprinkler water flow.~~
 - ~~2.3. Not less than one manual fire alarm box is installed at an approved location.~~~~

FFF. **Section 1103.7.6 Group R-2 [Amended subsection].** A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in existing Group R-2 occupancies ~~more than~~ three or more stories in height or with 16 or more ~~than 16~~ dwelling or sleeping units. Congregate residences shall retrofit existing manual-only fire alarm systems with manual and automatic fire detection. Other types of R-2 occupancies (such as apartment buildings) shall retrofit existing manual-only fire alarm systems with manual and automatic fire detection when the existing fire alarm control unit is replaced for any reason. Automatic detection shall be accomplished by use of a smoke detector (or heat detector as approved), which is system connected and electronically supervised. Detectors shall be installed in all interior corridors and common areas.

Exceptions:

1. Where each living unit is separated from other contiguous living units by fire barriers having a fire-resistance rating of not less than 3/4 hour, and where each living unit has either its own independent exit or its own independent stairway or ramp discharging at grade.
- ~~2. A separate fire alarm system is not required in buildings that are equipped throughout with an approved supervised automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and having a local alarm to notify all occupants.~~
23. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open ended corridors designed in accordance with Section 1027.6, Exception 3.
34. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, do not exceed three stories in height and comply with both of the following:
 - 34.1. Each dwelling unit is separated from other contiguous dwelling units by fire barriers having a fire-resistance rating of not less than 3/4 hour.
 - 34.2. Each dwelling unit is provided with hard-wired, interconnected smoke alarms as required for new construction in Section 907.2.10.

- GGG. Section 1103.7.10 Monitoring of Group R Occupancies [Additional subsection]** All existing R occupancies that are required to provide both a fire alarm and fire suppression system shall have the system monitored by a central station, remote supervising station, or proprietary supervising station.
- HHH. Section 1104.16.5.1. Examination [Additional subsection].** Fire escape stairs and balconies shall be examined for structural adequacy and safety in accordance with Section 1104.16.5 by a registered design professional or others acceptable to the fire code official every five years, or as required by the fire code official. An inspection report shall be submitted to the fire code official after such examination.
- III. Section 4902.1 General [Amended subsection].** For the purpose of this chapter, certain terms are defined as follows:
- CDF DIRECTOR.** Director of the California Department of Forestry and Fire Protection.
- FIRE PROTECTION PLAN.** A document prepared for a specific project or development proposed for a Wildland-Urban Interface Fire Area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.
- The Fire Protection Plan shall be in accordance with this Article. When required by the enforcing agency for the purpose of granting modifications, a fire protection plan shall be submitted. Only locally adopted ordinances that have been filed with the California Building Standards Commission in accordance with Section 101.14 or the Department of Housing and Community Development in accordance with Section 101.15 shall apply. The Fire Protection Plan shall also be known as a Vegetation Management Plan (VMP), which may contain elements not directly associated with vegetation management including but not limited to building construction features or equipment, engineering controls, administrative controls, process controls or site access requirements.
- FIRE HAZARD SEVERITY ZONES.** Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189.
- The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California."
- FIRE ZONE ONE** shall encompass the entire City of Berkeley except for Fire Zones Two and Three.
- FIRE ZONE TWO** encompasses those areas designated as Combined Hillside District in the Official Zoning map of the City of Berkeley and those areas designated as Very High in the official Fire Hazard Severity Zones (FHSZ) map of the California Department of Forestry and Fire Protection (CAL FIRE), as they may be amended from time to time. The following properties, not part of the Combined Hillside District, are included in Fire Zone Two under the Very High designation of the FHSZ map: the eastern section of the University of California, Berkeley main campus, block number 2042 (Alameda County Assessor's parcel numbering (APN) system), to the east city line; all of the Clark-Kerr campus, block number 7690, to the east city line; all of block number 7680 in the City of

Berkeley; portions of block number 1702 in the City of Berkeley. These additional parcels and their assigned street address are established in Section 19.28.030 of the Berkeley Municipal Code, Berkeley Building Code and are specified in Table 4902.1.

Table 4902.1

Parcels Added to the Berkeley Combined Hillside District	
Parcel Number (APN)	Address
<u>048-7680-001-02</u>	<u>3 Tanglewood Road</u>
<u>048-7680-002-01</u>	<u>5 Tanglewood Road</u>
<u>048-7680-031-00</u>	<u>7 Tanglewood Road</u>
<u>048-7680-019-00</u>	<u>11 Tanglewood Road</u>
<u>048-7680-014-00</u>	<u>19 Tanglewood Road</u>
<u>048-7680-032-01</u>	<u>25 Tanglewood Road</u>
<u>048-7680-027-00</u>	<u>29 Tanglewood Road</u>
<u>054-1702-067-00</u>	<u>10 Tanglewood Road</u>
<u>054-1702-068-00</u>	<u>18 Tanglewood Road</u>
<u>054-1702-069-00</u>	<u>22 Tanglewood Road</u>
<u>054-1702-070-00</u>	<u>28 Tanglewood Road</u>
<u>054-1702-063-00</u>	<u>2701 Belrose Avenue</u>
<u>054-1702-076-00</u>	<u>2715 Belrose Avenue</u>
<u>054-1702-075-00</u>	<u>2721 Belrose Avenue</u>
<u>054-1702-074-00</u>	<u>2729 Belrose Avenue</u>
<u>054-1702-073-00</u>	<u>2737 Belrose Avenue</u>
<u>054-1702-112-00</u>	<u>2801 Claremont Boulevard</u>
<u>054-1702-123-01</u>	<u>2811 Claremont Boulevard</u>
<u>054-1702-122-00</u>	<u>2815 Claremont Boulevard</u>
<u>054-1702-120-01</u>	<u>2821 Claremont Boulevard</u>
<u>054-1702-114-01</u>	<u>2816 Claremont Avenue</u>
<u>054-1702-115-00</u>	<u>2820 Claremont Avenue</u>
<u>054-1702-072-00</u>	<u>3005 Garber Street</u>
<u>054-1702-071-00</u>	<u>3015 Garber Street</u>
<u>054-1702-113-00</u>	<u>3020 Garber Street</u>
<u>054-1702-116-00</u>	<u>3017 Avalon Avenue</u>

FIRE ZONE 3 encompasses those areas designated as Environmental Safety - Residential Districts on the Official Zoning Map of the City of Berkeley, as it may be amended from time to time.

LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE. An area designated by a local agency upon the recommendation of the CDF Director pursuant to Government Code, Sections 51177(c), 51178 and 5118, that is not a state responsibility area and where a local agency, city, county, city and county, or district is responsible for fire protection.

STATE RESPONSIBILITY AREA. Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the state.

WILDFIRE. Any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property, or resources as defined in Public Resources Code, Sections 4103 and 4104.

WILDFIRE EXPOSURE. One or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.

WILDLAND-URBAN INTERFACE FIRE AREA. A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Berkeley Fire Zones 2 and 3 are designated as Wildland-Urban Interface Fire Areas. See Government Code Chapter 6.8 Very High Fire Hazard Severity Zones and Public Resources Code Article 9 Fire Hazard Severity Area for the applicable referenced sections.

- JJJ. **Section 4903.1 General (Additional subsection).** When required to submit a Fire Protection Plan or Vegetation Management Plan for any reason the responsible party shall prepare or cause to be prepared a Fire Protection Plan in accordance with the latest standards of the Berkeley Fire Department. The Fire Protection Plan shall be submitted to, reviewed and approved by the Berkeley Fire Department and shall be enforced and maintained by the responsible party or their designated agent. The Berkeley Fire Department may charge an appropriate fee for the review, approval and processing of the Fire Protection Plan in accordance with the hourly rate established by City Council resolution.
- KKK. **Section 4904.3 Berkeley Fire Hazard Severity Zones [Additional subsection].**
FIRE ZONE TWO. Fire Zone Two is designated a Very-High Fire Hazard Severity Zone and Wildland-Urban Interface Fire Area. All requirements of Berkeley Fire Code Chapter 49 and Berkeley Municipal Code Section 19.28.030, Berkeley Building Code, Chapter 7A shall apply.
FIRE ZONE THREE. Fire Zone Three is designated a Very-High Fire Hazard Severity Zone and Wildland-Urban Interface Fire Area. All requirements of Berkeley Fire Code Chapter 49 and Berkeley Municipal Code Section 19.28.030, Berkeley Building Code, Chapter 7A shall apply.
- LLL. **Section 4905.2 Construction methods and requirements within established limits [Amended subsection].** *Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:*
1. California Building Code, Chapter 7AChapter 7A of Berkeley Municipal Code Section 19.28.030. See the Berkeley Building Code for requirements.
 2. California Residential Code, Section R327.Berkeley Residential Code (B.R.C.).
 3. California Referenced Standards Code, Chapter 12-7A.

MMM. **Section 4906.3 Requirements [Amended subsection].** Hazardous vegetation and fuels around all applicable buildings and structures shall be maintained in accordance with the following laws and regulations and subject to the requirements of Section 4907 of this code:

1. Public Resources Code, Section 4291.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299 (see guidance for implementation "General Guideline to Create Defensible Space").
3. California Government Code, Section 51182.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07

NNN. **Section 4906.4 Electrical Equipment Support Clearance [Additional subsection].** Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the fire code official.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classified as communication circuits by a public utility.

OOO. **Section 4906.5 Electrical Distribution and Transmission Line Clearances [Additional subsection].**

PPP. **Section 4906.5.1 General [Additional subsection].** Clearances between vegetation and electrical lines shall be in accordance with this section.

QQQ. **Section 4906.5.2 Trimming clearance [Additional subsection].** At the time of trimming, clearances not less than those established by Table 4906.5.2 should be provided. The radial clearances shown below are minimum clearances that should be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

Exception: The fire code official is authorized to establish minimum clearances different than those specified in Table 4906.5.2 when evidence substantiating such other clearances is submitted to the fire code official and approved.

TABLE 4906.5.2 – MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES AT TIME OF TRIMMING

Line Voltage	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet) [x 304.8 mm]
400 – 71,999	4
72,000 – 109,999	6

110,000 – 299,999	10
300,000 or more	15

R.R.R. **Section 4906.5.3 Minimum clearance to be maintained [Additional subsection].** Clearances not less than those established by Table 4906.5.3 shall be maintained during such periods of time as designated by the fire code official. The site specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company specific trim cycle, the potential line sway due to wind, line sway due to electrical loading and ambient temperature, and the tree’s location in proximity to the high voltage lines.

Exception: The fire code official is authorized to establish minimum clearances different than those specified by Table 4906.5.3 when evidence substantiating such other clearances is submitted to the fire code official and approved

TABLE 4906.5.3 – MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE MAINTAINED

Line Voltage	MINIMUM CLEARANCE (inches) [x 25.4 mm]
750 – 34,999	6
35,000 – 59,999	12
60,000 – 114,999	19
115,000 –230,000	30-1/2

S.S.S. **Section 4906.5.4 Electrical power line emergencies [Additional subsection].** During emergencies, the utility company shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 4906.5.3.

T.T.T. **Section 4906.5.5 Correction of Condition [Additional subsection].** The fire code official is authorized to give notice to the owner of the property on which conditions regulated by Section 4906.5 exist to correct such conditions. If the owner fails to correct such conditions, the City of Berkeley is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

U.U.U. **Section 4906.6 Clearance of Brush or Vegetative Growth from Roadways [Additional subsection].** The fire code official is authorized to cause areas within 10 feet (3048 mm) **from the edge of the pavement** on each side of portions of highways, streets and private roads which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The fire code official is authorized to enter upon private property to do so.

Exception: Specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

VVV. **Section 4906.7 Unusual Circumstances [Additional subsection].** If the fire code official determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Section 4906 undesirable or impractical, enforcement thereof may be suspended and reasonable alternative measures shall be provided.

WWW. **Section 4907.1 General [Amended subsection].** Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-high Fire Hazard Severity Zones of a Local Responsibility Areas (LRA) shall maintain defensible space as outlined in Government Code 51175 — 51189 and ~~any local ordinance of the authority having jurisdiction.~~ Section 4908 of this code.

XXX. **Section 4907.2 Clearance of Brush or Vegetative Growth from Structures [Additional subsection].**

YYY. **Section 4907.2.1 General [Additional subsection].** Persons owning, leasing, controlling, operating or maintaining buildings or structures in, or upon Wildland-Urban Interface Fire Areas and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures, but not beyond the property line; and

Exception: Specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation and combustible growth located 30 feet (9144 mm) from such buildings or conditions causing a firebreak of only 30 feet (9144 mm) to be sufficient to provide reasonable fire safety; and.

Exception: Grass and other vegetation, located more than 30 feet (9144 mm) from buildings or structures, and less than ~~18-four (4)~~ 457 102 inches (mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within 10 feet (3048 mm) of the outlet of a chimney; and
4. Maintain trees adjacent to or overhanging a building free of deadwood; and

5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth; and
6. Brush and debris does not need to be completely removed, but may be chipped into pieces less than three (3) inches in length, provided that the resulting mulch is less than ~~three (3)~~~~five (5)~~ inches deep; and
7. The trunks of ~~eucalyptus~~ trees are to be maintained so that they are free of hanging bark and debris to a height of at least eight (8) feet.

ZZZ. Section 4907.2.2 Corrective Actions [Additional subsection]. The City Council is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 4906.6 exist to correct such conditions. If the owner fails to correct such conditions, the City Council is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

AAAA. Section 4908 SUPPRESSION AND CONTROL OF WILDLAND-URBAN INTERFACE FIRE AREAS [Additional section]

BBBB. Section 4908.1 Permit [Additional subsection]. The fire code official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the fire code official.

CCCC. Section 4908.2 Restricted Entry [Additional subsection]. The fire code official shall determine and publicly announce when Wildland-Urban Interface Fire Areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of Wildland-Urban Interface Fire Areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the Wildland-Urban Interface Fire Areas are closed to entry, is prohibited.

Exceptions:

- 1) Residents and owners of private property within Wildland-Urban Interface Fire Areas and their invitees and guests going to or being upon their lands;
- 2) Entry, in the course of duty, by peace officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service

DDDD. Section 4908.3 Trespassing on Posted Property [Additional subsection]

EEEE. Section 4908.3.1 General [Additional subsection]. When the fire code official determines that a specific area within a Wildland-Urban Interface Fire Areas presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

FFFF. **Section 4908.3.2 Signs [Additional subsection].** Approved signs prohibiting entry by unauthorized persons and referring to this section shall be placed on every closed area.

GGGG. **Section 4908.3.3 Trespassing [Additional subsection].** Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

HHHH. **Section 4908.4 Smoking [Additional subsection].** Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in Wildland-Urban Interface Fire Areas are prohibited.

Exception: Places of habitation or within the boundaries of established smoking areas or campsites as designated by the fire code official.

IIII. **Section 4908.5 Spark Arresters [Additional subsection].** Chimneys used in conjunction with fireplaces, barbecues, incinerators or heating appliances in which solid or liquid fuel is used, upon buildings, structures or premises located within Wildland-Urban Interface Fire Areas shall be provided with a spark arrester. See Berkeley Building Code Section 704A1.6 for specifications.

JJJJ. **Section 4908.6 Tracer Bullets, Tracer Charges, Rockets and Model Aircraft [Additional subsection].** Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across Wildland-Urban Interface Fire Areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause fire shall not be fired or projected into or across Wildland-Urban Interface Fire Areas.

KKKK. **Section 4908.7 Explosives and Blasting [Additional subsection].** Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within Wildland-Urban Interface Fire Areas except by permit from the fire code official.

LLLL. **Section 4908.8 Fireworks [Additional subsection].** Fireworks shall not be used or possessed in Wildland-Urban Interface Fire Areas. The fire code official is authorized to seize, take, remove or cause to be removed fireworks in violation of this section.

Exception: Fireworks allowed by the fire code official under permit when not prohibited by applicable local or state laws, ordinances and regulations.

MMMM. **Section 4908.9 Apiaries [Additional subsection].** Lighted and smoldering material shall not be used in connection with smoking bees in or upon Wildland-Urban Interface Fire Areas except by permit from the fire code official.

NNNN. **Section 4908.10 Open-Flame Devices [Additional subsection].** See Berkeley Fire Code Sections 308.1.6 Open Flame Devices and 308.1.6.1 Signals and Markers.

OOOO. **Section 4908.11 Outdoor Fires [Additional subsection].** Outdoor fires shall not be built, ignited or maintained in or upon Wildland-Urban Interface Fire Areas, except by permit from the fire code official.

Exception: Outdoor fires within habited premises or designated campsites, where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9144 mm) from a grass-, grain-, brush or forest-covered area.

Permits shall incorporate such terms and conditions, which will reasonably safeguard public safety and property.

Outdoor fires shall not be built, ignited or maintained in or upon Wildland-Urban Interface Fire Areas under the following conditions:

1. When high winds are blowing,
 2. When a person age 17 or over is not present at all times to watch and tend such fire, or
 3. When public announcement is made that open burning is prohibited.
- Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

PPPP. **Section 4908.12 Incinerators and Fireplaces [Additional subsection].**

Incinerators, outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in Wildland-Urban Interface Fire Areas without prior approval of the fire code official. Incinerators, outdoor fireplaces, permanent barbecues and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrester, screen or door.

Exception: When approved, unprotected openings in barbecues and grills necessary for proper functioning shall be allowed.

QQQQ. **Section 4908.13 Dumping [Additional subsection].** Garbage, cans, bottles, papers, ashes, refuse, trash, rubbish or combustible waste material shall **not** be placed, deposited or dumped in or upon Wildland-Urban Interface Fire Areas or in, upon or along trails, roadways or highways in Wildland-Urban Interface Fire Areas.

Exception: Approved public and private dumping areas.

RRRR. **Section 4908.14 Disposal of Ashes [Additional subsection].** Ashes and coals shall not be placed, deposited or dumped in or upon Wildland-Urban Interface Fire Areas.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace;
2. In a noncombustible container with a tight-fitting lid, which is kept or maintained in a safe location not less than 10 feet (3048mm) from combustible vegetation or structures;
3. Where such ashes or coals are buried and covered with 1 foot (304.8mm) of mineral earth not less than 25 feet (7620 mm) from combustible vegetation or structures.

SSSS. Section 4908.15 Use of Fire Roads and Firebreaks [Additional subsection].

Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owner(s). Vehicles shall not be parked in a manner, which obstructs the entrance to a fire road or firebreak.

Exception: Public officers acting within their scope of duty. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or fire breaks unless located 16 feet (4877 mm) or more above such fire road or firebreak.

TTTT. Section 4908.16 Use of Motorcycles, Motor Scooters and Motor Vehicles [Additional subsection].

Motorcycles, motor scooters and motor vehicles shall not be operated within Wildland-Urban Interface Fire Areas, without a permit by the fire code official, except upon clearly established public or private roads. Permission from the property owner(s) shall be presented when requesting a permit.

UUUU. Section 4908.17 Tampering with Fire Department Locks, Barricades and Signs [Additional subsection].

Locks, barricades, seals, cables, signs and markers installed within Wildland-Urban Interface Fire Areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed or removed. Gates, doors, barriers and locks installed by or under the control of the fire code official shall not be unlocked.

VVVV. Section 4908.18 Liability for Damage [Additional subsection].

The expenses of fighting fires, which result from a violation of [Public Resources Code](#) 4714, shall be charged against the person whose violation [Public Resources Code](#) of 4714 caused the fire. Damages caused by such fires shall constitute a debt of such person and are collectable by the fire code official in the same manner as in the case of an obligation under a contract, expressed or implied. (Ord. 7066-NS § 2, 12/08/08: Ord. 7003-NS § 1, 11/27/07: Ord. 6715-NS § 2, 2002)

WWWW. Section 5001.7 Hazardous materials transportation restrictions [Additional subsection]

No vehicle containing hazardous materials, including a hazardous materials transportation tank truck, trailer, semi-trailer or tank wagon containing flammable or combustible liquids, hazardous chemicals, liquefied petroleum gases, poisonous gases, or cryogenic fluids, shall be operated on any city street

without a permit from the fire code official. A map showing the proposed route of the vehicle shall accompany applications for such permits. If a permit is granted, the map shall be carried at all times in the vehicle and the vehicle shall not deviate from the approved route as shown on the map. Such a permit may contain conditions, including restrictions on the hours within which certain routes may be used and limitations on the size of the vehicle allowed to travel the approved route. No route shall be approved that includes passage over or adjacent to subway entry or vent structures, through the Northbrae Tunnel, in any area designated an environmental safety residential district by the City of Berkeley's Zoning Ordinance, or in an area which may be designated as a hazardous fire area. Departure from the approved route, travel outside the permitted hours, and violation of any vehicle size limitation imposed, or failure to carry a map showing route approval shall constitute a violation of this Code. The transportation of extremely hazardous materials may, in the discretion of the fire code official, require both a permit and accompaniment by a Fire Department or Police Department convoy. The following streets contain purge chamber openings which lead directly into the subway section of the Bay Area Rapid Transit (BART) System in Berkeley and their use by tank vehicles or trailers for transportation or delivery of flammable or combustible liquids, hazardous chemicals, liquefied petroleum gases, poisonous gases, or cryogenic fluids is prohibited and a violation of this Code:

- a. On Addison Street between Martin Luther King Jr. Way and Oxford Street;
- b. On Shattuck Avenue between University Avenue and Dwight Way;
- c. On Virginia Street between Franklin and Sacramento Streets;
- d. On Sacramento Street between Virginia Street and Hearst Avenue;
- e. On Hearst Avenue between McGee Avenue and Milvia Street;
- f. On Adeline Street between Ward and Stuart Streets; and
- g. On Adeline Street between Ashby Avenue and Woolsey Street

XXXX. **5601.1.3 Fireworks. [Amended subsection]** The possession, manufacture, storage, sale, handling and use of fireworks, including fireworks which are classified as Safe and Sane fireworks by the California State Fire Marshal's Office, are prohibited within the jurisdiction.

Exceptions:

1. ~~Storage and handling of fireworks as allowed in Section 5604.~~
2. ~~Manufacture, assembly and testing of fireworks as allowed in Section 5605 and Health and Safety Code Division 11.~~
31. The use of fireworks for fireworks displays, pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11 when stored, transported, handled and used under the required fire department permit(s) and in accordance will all applicable requirements of Chapter 56.
42. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with NFPA

1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100–185, as applicable for consumer fireworks and Health and Safety Code Division 11.

YYYY. **5604.1 General. [Amended subsection]** The storage and handling of explosives within City of Berkeley limits is prohibited. Storage of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines shall comply with the provisions of this section

Exception: Where expressly permitted by applicable laws, ordinances or regulations provided such storage and handling of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines is conducted in accordance with Section 5604 and all applicable provisions of Chapter 56.

ZZZZ. **Section 5701.4.1 Transfer of flammable and combustible liquids.**

[Additional subsection] Transfer to or from containers or mobile tanks, above ground or underground tanks of flammable and combustible liquids shall not be made from or on the street or public way except by written approval by the fire code official.

Exception: Transfer of not more than 5 gallons flammable or combustible liquids using a listed or approved portable fuel container of less than 5 gallons capacity.

AAAAA. **Section 5701.4.2 Storage of Class I and Class II liquids in aboveground tanks. [Additional subsection]** The storage of Class I and Class II liquids in aboveground tanks (including enclosed tanks) inside or outside of buildings is permitted only by authorization of the fire code official. Such installations shall be in accordance with this chapter and all applicable laws and recognized national standards.

BBBBB. **Section 5704.2.11.1.1 Restrictions on underground storage tanks**

[Additional subsection] The storage of flammable and combustible liquids in underground tanks is prohibited in all areas zoned solely for residential occupancies, closely built commercial properties, and any other area deemed unsafe by the fire code official.

CCCCC. **Section 5704.2.13.1.4 Tanks abandoned in place [Amended subsection].**

Tanks may be abandoned only under permit and following City of Berkeley Fire Department procedures. The owner shall demonstrate to the satisfaction of the City of Berkeley Toxics Division that no unauthorized release has occurred. If the soil is contaminated, mitigation must be completed to the satisfaction of the Toxics Division. A notice shall be placed in the deed to the property. This notice shall describe the precise location of the closed underground storage tank, the hazardous substances that it contained, and the closure method. Tanks abandoned in place shall be as follows:

abandoned in place shall be as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping.

2. The suction, inlet, gauge, vapor return and vapor lines shall be disconnected.
3. The tank shall be filled completely with an approved inert solid material.
4. Remaining underground piping shall be capped or plugged.
5. A record of tank size, location and date of abandonment shall be retained.
6. All exterior above-grade fill piping shall be permanently removed when tanks are abandoned or removed.

DDDDD. Section 5704.2.14 Removal and disposal of tanks [Amended subsection].

Removal and disposal of tanks shall comply with Sections 5704.2.14.1 and 5704.2.14.2. Removal of all tanks shall be authorized under a fire permit, abiding by City of Berkeley Fire Department procedures. The applicant shall submit the following:

1. A site plan showing the location of the tanks.
2. A detailed description of the scope of work.
3. A site safety plan.
4. A vicinity map to the closest hospital, in an event of an emergency.
5. Proof of workers compensation insurance.

The owner shall demonstrate to the satisfaction of the City of Berkeley Toxics Division that no unauthorized release has occurred. If the soil is contaminated, mitigation must be completed to the satisfaction of the Toxics Division or the California Water Board.

EEEEEE. Section 6104.1.2 Restrictions on storage of LP-gas containers [Additional subsection] It shall be unlawful to store any liquefied petroleum gas cylinder with a capacity greater than 2-1/2 lbs. water capacity or a portable tank within any structure or building with an occupancy classification of A, R-1, R-2 or R-4, unless specifically authorized by this Code.

FFFFF. Section B105.2 (Appendix B), Table B105.2, “Required Fire-Flow For Buildings Other Than One- And Two-Family Dwellings, Group R-3 And R-4 Buildings And Townhouses” [Amended Table]

TABLE B105.2
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>California Fire Code</i>	2550 % of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>California Fire Code</i>	2550 % of the value in Table B105.1(2) ^b	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute= 3.785 Lit.

- a. The reduced fire-flow shall be not less than 1,000 gallons per minute.
- b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

GGGGG. Section L104.5.1 Stored pressure air supply. (Amended subsection) A stored pressure air supply shall be designed based on Appendix Chapter F of the California Plumbing Code~~Chapter 24 of NFPA 1904~~ except that the provisions applicable only to mobile apparatus or not applicable to system design shall not apply. A stored pressure air supply shall store not less than 5,000 Standard Cubic Feet (SCF) of air or be capable of refilling not less than 50 empty breathing

air cylinders of a size and pressure used by the fire department, whichever is greater.

Section 19.48.030 Validity Should any section, paragraph, sentence or word of this Chapter or of the Code or Standards be declared invalid, all other portions of this Chapter shall remain in effect. (Ord. ~~##,###-NS~~ § 1 (part), 2019)

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

RESOLUTION NO. ##,#### - N.S.

ADOPTING FINDINGS AS TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS RENDERING REASONABLY NECESSARY VARIOUS ENUMERATED LOCAL FIRE STANDARDS THAT ARE MORE STRINGENT THAN THOSE MANDATED BY THE CALIFORNIA FIRE CODE AND RESCINDING RESOLUTION NO. 67,743-N.S.

BE IT RESOLVED by the Council of the City of Berkeley as follows:

WHEREAS, the City is proposing to adopt various enumerated changes and modifications to the California Fire Code, as set forth below; and

WHEREAS, Health & Safety Code §17958 allows the City to make modifications or changes to the California Fire Code and other regulations adopted pursuant to Health & Safety Code §17921(a) which result in more stringent local requirements; and

WHEREAS, Health & Safety Code §17925, §17958.5 and §17958.7 require that such changes be supported by findings made by the governing body that such more stringent local requirements are necessary because of “local climatic, geological or topographical conditions or factors;” and

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the California Building Standards Commission:

NOW THEREFORE, BE IT RESOLVED by the City Council that it finds that each of the various proposed changes or modifications to the California Fire Code which are enumerated below are reasonably necessary because of local conditions in the area encompassed by the City of Berkeley, as set forth below:

A. LOCAL CONDITIONS

1. Climatic Conditions.

a. Discussion.

The City of Berkeley is located at the geographic center of the Bay Area. The western limits are defined by the Bay at near sea level and the eastern limits by the abruptly rising Berkeley Hills to 1,200 feet. The eastern limit faces open parklands and open space (covered with vegetative fuel loading) to the east and is exposed to a unique danger from wildland fires during periods of hot, dry weather in the summer months. Many of the Berkeley homes in this area have wood shake and shingle roofs and are surrounded by brush type vegetation. The situation is made even worse by the negative effects of high wind conditions during the fire season. During May to October,

critical climatic fire conditions occur where the temperature is greater than 80°F, wind speed is greater than 15 mph, fuel moisture is less than or equal to 10 percent, wind direction is from north to the east-southeast and the ignition component is 65 or greater. These conditions occur more frequently during the fire season but this does not preclude the possibility that a serious fire could occur during other months of the year. The critical climate fire conditions create a situation conducive to rapidly moving, high intensity fires. Fires starting in the wildland areas along the easterly border are likely to move rapidly westward into Berkeley's urban areas.

In September 1923, critical climatic fire conditions were in effect and Berkeley sustained one of the most devastating fires in California's history. A fire swept over the range of the hills to the northeast of Berkeley and within two hours was attacking houses within the City limits. A total of 130 acres of built-up territory burned. 584 Berkeley buildings were wholly destroyed and about 30 others seriously damaged. By far the greater portion were single-family dwellings, but among the number were 63 apartments, 13 fraternity, sorority and students' house clubs and 6 hotels and boarding houses.

In December of 1980, during critical climatic fire conditions, a small fire started at Berkeley's northeast limits and within minutes five homes were totally destroyed by fire.

On October 20, 1991, a disastrous firestorm swept down from the Oakland hills. Within the first few hours, thousands of people were evacuated. Ultimately over 3,000 dwelling units were destroyed, of which more than 70 were in Berkeley. This fire matched the pattern established by the fires of 1923 and 1980. Additionally, the conditions that led to it were the same as the conditions that led to a 1970 fire that destroyed 37 homes in Berkeley and Oakland.

b. Summary.

Local climatic conditions of limited rainfall, low humidity, high temperatures and high winds along with existing building construction create extremely hazardous fire conditions that adversely affect the acceleration intensity and size of fires in the City. The same climatic conditions may result in the concurrent occurrence of one or more fires, which may spread in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation.

2. Geological Conditions.

a. Discussion.

The City of Berkeley is in a region of high seismic activity and is traversed by the Hayward fault. It has the San Andreas earthquake fault to the west and the Calaveras earthquake fault to the east. All three faults are known to be active as evidenced by the damaging earthquakes they have produced in the last 100 years and can, therefore, be expected to do the same in the future. Of primary concern to Berkeley is the Hayward

Fault, which has been estimated to be capable of earthquakes exceeding a magnitude of 7.0 on the Richter scale. It extends through many residential areas and passes through a small business district and the University of California. A large number of underground utilities cross the fault, including major water supply lines. Intensified damage during an earthquake may be expected in those areas of poorer ground along the Bay, west of Interstate 80 and in known slide areas, as well as hillside areas (occupied mainly by dwellings) located within or near the fault zone; some areas are steep and have been subjected to slides.

The waterfront areas and areas in the Berkeley flatlands immediately adjacent to creeks and water streams present a major potential for soil liquefaction hazard. The Eastshore Freeway may liquefy and fail under heavy shaking or it may be inundated by a tsunami. The north hill area is most susceptible to landslides because of the presence of soft and unconsolidated sediments, extensive water content in the ground and the steepness of slopes.

Great potential damage can be related to the likely collapse of freeway overpasses. In the event of a major earthquake, Berkeley's firefighting capability could be greatly affected by loss of its main water supply. There is also the strong possibility of inundation due to failure of water reservoirs in the hill area. The replacement of Summit Reservoir at the Kensington border in Berkeley was completed in December 2018. Berryman Reservoir North has been demolished and replaced by a steel tank in 2012. Berryman Reservoir South has received a seismic upgrade. Additional potential situations following an earthquake include broken natural gas mains and ensuing fires in the streets; building fires, as the result of broken service connections; trapped occupants in collapsed structures; and rendering of first aid and other medical attention to a large number of people.

b. Summary.

Local geological conditions include high seismic activity and large concentrations of residential type buildings as well as a major freeway. Since the City of Berkeley is located in a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, the modifications cited herein are intended to better limit life safety hazards and property damage as a result of a seismic activity.

3. Topographical Conditions.

a. Discussion.

The City of Berkeley has many homes built throughout the urban portion of the Berkeley Hills that are reached by narrow and often winding paved streets which hamper access for fire apparatus and escape routes for residents. In addition, many of the hillside homes are on the extreme eastern edge of the City and require longer response times for the total required firefighting force. Panoramic Way and other hill

areas with narrow and winding streets may face the problem of isolation from the rest of the City.

In the areas north and south of the University of California, there are large concentrations of apartments, rooming houses, and fraternity and sorority houses. A number of apartments in these areas are of wood frame construction and are up to five stories in height from grade level. The fire potential is moderately high due to building congestion, heights, and wood shingle roof coverings and siding. Fires can be expected to involve large groups of buildings in these areas. It is noted that Berkeley most probably has more physically impaired people per capita than any other community in the United States. It is estimated that 14% of the approximate population of 112,580 per 2010 Census in Berkeley are physically impaired. Emergency egress and rescue for these people are more difficult during a fire or other life safety emergency.

The Eastshore Highway, running along the western edge of Berkeley, is one of the most heavily used and congested freeway sections in the state. Noted impacts have been increased rates of asthma, particularly among children. The proximity of Berkeley to this freeway and its location downwind from prevailing patterns negatively affects air quality, thus increasing the impact of wood smoke in Berkeley.

b. Summary.

Local topographical conditions include hillside housing with many narrow and winding streets with slide potential for blockage in the abruptly rising Berkeley hills. These conditions create an extremely serious problem for the Fire Department when a major fire or earthquake occurs. Many situations will result in limiting or total blockage of fire department emergency vehicular traffic, overtaxed fire department personnel and a total lack of resources for the suppression of fire in buildings and structures in the City of Berkeley. In addition, under these local conditions, the presence of wood smoke can cause increased disease, including asthma, and increased deaths from heart and lung disease.

B. REASONABLE NECESSITY

The proposed changes and modifications to the California Fire Code are reasonably necessary due to the local climatic, geological and topographical conditions set forth above. They are further justified for the reasons set forth below.

In adopting the California Fire Code as the Berkeley Fire Code, the City proposes to make certain substantive modifications whose effect is to impose more stringent requirements locally than are mandated by the California Fire Code. These are specifically listed below, but may be generally characterized as relating to: the preservation of building and roof accessibility and emergency egress; maintenance of building compartmentation using fusible links; amendment of automatic sprinkler requirements; amendment of fire alarm system requirements; amendment of fire flow requirements; requirements for high-

rise air supply and the regulation of hazards including hazardous materials, Wildland-Urban Interface management, temporary assembly attractions, fireworks and explosives. These more stringent local requirements are reasonably necessary to address risks created by local conditions set forth above for the following reasons:

1. Section 503 (Fire apparatus access roads) and Appendix D (Fire apparatus access roads) are adopted in their entirety as local code amendments. They are adopted due to: local geological conditions of severe earthquake potential which may result in landslides and the collapse of “built-environment” features which may block access roads; local topographical conditions including narrow streets and steep hills which slow and hinder emergency response and evacuation; and local climatic conditions including the need for rapid, unhindered citizen evacuation from and emergency responder access into wildfire prone areas of the City.
2. Section 504.1.1 (Marking of Exterior Building Openings) is added due to local topographical conditions which promote multi-story and on-slope construction to maximize buildable space within the City. The limited space available for development encourages developers and designers to crowd exterior openings into limited available space, often resulting in groups of building openings without any obvious cues for firefighters as to the area(s) served within the building or the purpose of the openings. This amendment is intended to inform firefighters as to the area served and/or purpose of an exterior opening and therefore reduce the amount of time firefighters may spend searching for or forcing entry into otherwise unmarked doorways.
3. Section 703.2.4 (Fusible Links) is added due to the increased risks caused by fires resulting from earthquakes and proximity to the wildland-interface. These risks, which are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of occupancies. This amendment will maintain the fire and smoke separation requirements and prevent spread of smoke and fire in apartments, boarding houses, and congregate living spaces.
4. Sections 903.2.10, 903.2.10.1, 903.2.11.1, 903.2.21, 903.2.22, 903.2.23, 903.3.1.2, 903.3.9 and 1103.5.5, 1103.5.5.1, 1103.5.5.2, 1103.5.5.3 (Fire Sprinkler Systems) are amended due to the increased risks caused by fires resulting from earthquakes and proximity to the wildland-interface. These risks, which are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of occupancies. Automatic fire sprinkler systems significantly reduce the loss of life and fire spread with early suppression and control of a fire. Additionally, these amendments will maintain the standards established in 1992 after the 1990 fraternity fire and 1991 Berkeley Oakland firestorm.
5. Amendments and additions to Sections 907.2, 907.2.1, 907.2.2, 907.2.4, 907.2.7, 907.2.8.1, 907.2.8.2, 907.2.9.1 and 1103.7, 1103.7.5.1, 1103.7.6, and 1103.7.10

(Fire Alarm Systems) are amended due to the increased risks caused by fires resulting from earthquakes and proximity to the wildland-interface. These risks, which are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of occupancies. Automatic fire alarm systems significantly reduce the loss of life and fire spread with early detection and notification of firefighting personnel. Additionally, these amendments will maintain the standards adopted in 1998 as part of the Berkeley Fire Code.

6. Section 1104.16.5.1 (Examination of existing fire escape stairs) is adopted from the model code language. Numerous fire escape stairs are in use throughout the City due to the local topographical conditions of Berkeley's steep terrain and dense, multi-story development. Due to the severe risk of earthquake and ensuing fire in Berkeley, fire escape stairs require periodic inspection by a licensed professional to provide reasonable assurance that existing fire escape stairs will survive a credible earthquake and be available for their intended life safety function after a seismic event.
7. Section 914.3.9 ["Fire Fighter Air Replenishment Systems"], Appendix Chapter L ["Requirements for Fire Fighter Air Replenishment Systems" in its entirety as amended), Section L104.5.1 ["Stored pressure air supply" as amended], Section 105.6.56 [operational permit to maintain a "firefighter air replenishment system (FARS)"] and Section 105.7.270 [construction permit to install or modify "Firefighter air replenishment system(FARS)"] are added due to the local geological condition of severe risk of earthquake and ensuing fires. Fire Fighter Air Replenishment Systems are intended to maximize the operational efficiency of available firefighting forces, and to reduce the impacts of high-rise fire incidents on limited firefighting forces that may already be challenged by the aftermath of a major seismic event. Additionally, these amendments will maintain the standards adopted in 2002 as part of the Berkeley Fire Code to require air supply systems for firefighting operations. The proposed code adoption recognizes Appendix Chapter L of the International Fire Code as the standard for the design, installation, testing and maintenance of such a system. It provides potential owners, designers and installers with a standard that they may refer to in order to better understand a type of system that many may not be familiar with.
8. Sections 5701.4.2 (Storage of Class I and Class II liquids in aboveground tanks), 5704.2.11.1.1 (Restrictions on underground storage tanks), Section 5704.2.13.1.4 (Tanks abandoned in place), Section 5704.2.14 (Removal and disposal of tanks) and section 6104.1.2 (Restrictions on storage of LP-gas containers) of the Berkeley Fire Code are local amendments to the California Fire Code. These subsections are necessitated by local topographical conditions including the dense population of residential dwellings throughout the City; the narrow winding streets of the hazardous hill area; and the presence of a major transportation system underground (BART with its surge chambers and other openings at the street level in various areas of the city). These factors make it very important for purposes of

fire safety to regulate hazardous material storage to ensure that it does not intrude in these areas.

9. Section B105.2 (Appendix B, “Fire Flow Requirements for Buildings”, Table B105.2, “Required Fire-Flow For Buildings Other Than One- And Two-Family Dwellings, Group R-3 And R-4 Buildings And Townhouses”) is amended due to the geological conditions of the City with its proximity to major earthquake faults. Predictions by the local water utility company are that many water mains will break as the result of a magnitude 6.7 earthquake on the Hayward Fault.
10. Appendix O (Temporary haunted houses, ghost walks and similar amusement uses) is adopted as a local amendment to the California Fire Code and is adopted based on local geological conditions (the potential for severe earthquake with accompanying fire and/or structural collapse) and local topographical conditions including the need to ensure adequate separation of structures and uses in densely developed urban areas. Fire alarm systems (as required in this appendix) are shown to significantly reduce the life safety threat to occupants of structures during fire events. Regulation of these structures and activities ensures that adequate safety provisions have been made for limiting occupancy to safe numbers of guests and for the evacuation of attraction guests in crowded urban environments. Adoption of this appendix also allows for the regulation of related features such as the combustibility of decorations and the management of hazards such as temporary electrical wiring and the use of portable generators.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that certain local amendments to the codes are not more stringent than the provisions of the California Fire Code but rather cover matters not addressed by those Codes or as administrative in nature, as follows:

1. Chapter 1 (as amended in Sections 101.1, 101.6, 102.6, 104.12, 104.13, 105.6.16, 105.6.31, 105.6.52, 105.6.53, 105.6.54, 105.6.55, 105.6.56, 109, 109.1, 109.2, 109.3, 110.1, 110.4, 110.4.2, 110.4.3, 111.2.1, 111.3, and 111.4.1) provides administrative provisions, an appeal process, and additional clarification and non-building standard permit requirements required to implement the fire code.
2. Chapter 2 as amended in section 202 (Definitions) provides additional definitions required to clarify and implement the local adoption of the fire code.
3. Chapter 3 (General Requirements) excluding Section 317 (Rooftop gardens and landscaped roofs) is adopted in its entirety. The adopted sections of this chapter impose controls on a wide range of hazards that are not building standards. Hazards addressed include asphalt kettles, combustible waste materials, control of ignition sources, open burning/recreational fires, open flames, powered industrial equipment, smoking, securing of vacant premises, vehicle impact protection, fueled equipment, general storage and hazards to firefighters.
4. Chapter 49 as amended provides definitions related to local Wildland-Urban

Interface (WUI) fire areas, directs interested parties to appropriate BMC Chapter 19.28 sections (Berkeley Building Code) for building construction requirements in WUI areas, and imposes various non-building standard requirements for the management of vegetation and the suppression and control of fires in WUI areas.

5. Section 5001.7 (Hazardous Materials Transport Restrictions), Section 5601.1.3 (Fireworks) and Section 5701.4.1 (Transfer of Flammable Liquids) are local amendments to the California Fire Code that restricts the transportation, storage and transfer of hazardous materials but does not create or modify any building standards. It simply imposes additional requirements necessitated by local conditions. This new subsection is necessitated by: the dense population of residential dwellings throughout the City; the narrow winding streets of the hazardous hill area; and the presence of a major transportation system underground (BART with its surge chambers and other openings at the street level in various areas of the city). These factors make it very important for purposes of fire safety to regulate hazardous material transportation to ensure that it does not intrude in these areas.
6. Section 5601.1.3 (Fireworks) prohibits (with suitable exceptions) the possession, manufacture, storage, sale, handling and use of fireworks within the jurisdiction (including fireworks classified by the State Fire Marshal as Safe and Sane fireworks). Section 5604.1 ("General" section of 5604, "Explosive and Fireworks") is modified to prohibit the storage and handling of explosives within the jurisdiction. Both sections are intended to preserve the ban on storage, handling and use of these materials within City limits which have historically been deemed unsafe and inappropriate activities within the jurisdiction.
7. Section 5701.4.1 (Transfer of flammable and combustible liquids) prohibits dispensing of flammable liquids on or from a street or public way and provides administrative provisions, additional clarification and non-building standard approval or permit requirements required to implement the fire code.
8. Appendix E (Hazard Categories) and Appendix F (Hazard Ranking) are local amendments to the California Fire Code related to hazardous materials management. These chapters define the hazard categories and rankings associated with the storage, handling and use of hazardous materials, and provide the qualitative and quantitative rankings used on hazardous materials information signs posted for the benefit of firefighters and other first responders. These hazard categories and rankings are administrative in nature and do not constitute building standards.

BE IT FURTHER RESOLVED, that Resolution No. 67,743–N.S is hereby rescinded.

RESOLUTION NO. ~~##,###~~-N.S.

ESTABLISHING ANNUAL PERMIT FEES, INSPECTION AND BILLING RATES FOR INSPECTION OF PROPERTY SITES BY THE BERKELEY FIRE DEPARTMENT, AND RESCINDING RESOLUTION NO. 67,990-N.S. AND ALL RESOLUTIONS AMENDATORY THEREOF

BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. ANNUAL PERMIT FEES

For every permit issued under the provisions of the Berkeley Fire Code (Berkeley Municipal Code Chapter 19.48, Sections 105.6, 105.7, 5001.5), a fee therefore shall be paid in advance to the Fire Department or upon completion of services rendered as specified by the Fire Department as follows:

Code Section	Fee Description	Proposed Fee
OPERATIONAL PERMITS		
Section 105.6.1	Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.	\$392.00
Section 105.6.2	Amusement buildings. An operational permit is required to operate a special amusement building.	\$392.00
Section 105.6.3	Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to hot work, hazardous materials and flammable or combustible finishes.	\$392.00
Section 105.6.4	Carnivals and fairs. An operational permit is required to conduct a carnival or fair.	\$392.00
Section 105.6.5	Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.	\$392.00
Section 105.6.52	Christmas tree sales lot. An operational permit is required to operate a Christmas tree sales lot.	\$392.00
Section 105.6.6	Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	\$392.00
Section 105.6.7	Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities	\$392.00

Code Section	Fee Description	Proposed Fee
	greater than 100 cubic feet (2.8m ³). Exception: A permit is not required for agricultural storage.	
Section 105.6.8	Compressed gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$392.00 minimum
Section 105.6.9	Covered and open mall buildings. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid- or gas-fired equipment in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	\$392.00 minimum
Section 105.6.10	Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10 Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.	\$392.00 minimum
Section 105.6.11	Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.	\$196.00
Section 105.6.12	Dry cleaning. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	\$392.00
Section 105.6.53	Escort convoy service. Police and/or Fire Department convoy service for vehicle transportation of extremely hazardous materials.	\$392.00 minimum
Section 105.6.13	Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.	\$392.00
Section 105.6.14	Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56. <i>See Health and Safety Code Division 11, Part 1, Sections 12000, et seq. for additional requirements.</i> Exception: Storage in Group R-3 occupancies of	\$588.00

Code Section	Fee Description	Proposed Fee
	<p>smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.</p> <p>To conduct a public fireworks display</p> <p>To continue the use of a public fireworks display permit.....</p>	<p>\$1176.00 Minimum</p> <p>\$196.00</p>
Section 105.6.54	Fire fighter air replenishment system (FARS). An annual operational permit is required to maintain a FARS system in accordance with Appendix L.	\$196.00
Section 105.6.15	<p>Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and provided with ready access from a fire apparatus access road that is open to or generally used by the public.</p> <p>Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.</p>	\$196.00
Section 105.6.16	<p>Flammable and combustible liquids. An operational permit is required:</p> <ol style="list-style-type: none"> 1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems. 2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following: <ol style="list-style-type: none"> 2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition. 2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days. 3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in 	<p>\$392.00 minimum</p> <p>\$392.00</p> <p>\$392.00</p>

Code Section	Fee Description	Proposed Fee
	<p>connection with oil-burning equipment.</p> <p>4. To store, handle or use Class IIIB liquids in <u>excess of 110 gallons in containers, or in tanks or portable tanks</u> for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment. Exception: Fuel oil and used motor oil used for space heating or water heating.</p> <p>5. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.....</p> <p>6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.....</p> <p>7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.</p> <p>8. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.....</p> <p>9. To manufacture, process, blend or refine flammable or combustible liquids.....</p> <p>10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.</p> <p>11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.....</p>	<p>No Fee</p> <p>\$196.00</p> <p>\$196.00</p> <p>\$196.00</p> <p>\$196.00</p> <p>\$392.00</p> <p>\$392.00</p> <p>\$392.00</p>
<p>Section 105.6.16.1</p>	<p>Mobile fueling of hydrogen-fueled vehicles. An operational permit is required:</p> <p>1. To engage in the mobile dispensing of gaseous hydrogen as a fuel into the fuel tanks of motor vehicles.</p> <p>2. Where required by the fire code official, to utilize a site for the dispensing of gaseous hydrogen as a fuel from tank</p>	<p>No fee</p>

Code Section	Fee Description	Proposed Fee
	<p><i>vehicles into the fuel tanks of motor vehicles.</i></p> <p>Exception: <i>In cases of an emergency, a site permit is not required.</i></p>	
Section 105.6.17	Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m ²) using Class I or Class II liquids.	\$392.00
Section 105.6.18	Fruit and crop ripening. An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.	\$392.00
Section 105.6.19	Fumigation and insecticidal fogging. An operational permit is required to operate a business of fumigation or insecticidal fogging, and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.	No permit required
Section 105.6.55	General use permit. For any activity or operation not specifically described in this Code, which the fire code official reasonably determines, may produce conditions hazardous to life or property.	\$392.00 minimum
Section 105.6.20	Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.	\$392.00 minimum
Section 105.6.21	HPM Facilities. An operational permit is required to store, handle or use hazardous production materials.	\$392.00
Section 105.6.22	High-piled storage. An operational permit is required to use a building or portion thereof with more than 500 square feet (46 m ²), including aisles, of high-piled storage.	\$392.00 minimum
Section 105.6.23	<p>Hot work operations. An operational permit is required for hot work including, but not limited to:</p> <ol style="list-style-type: none"> 1. Public exhibitions and demonstrations where hot work is conducted. 2. Use of portable hot work equipment inside a structure. Exception: Work that is conducted under a construction permit. 3. Fixed-site hot work equipment such as welding booths. 4. Hot work conducted within a wildfire risk area. 5. Application of roof coverings with the use of an open-flame device. 6. When approved, the fire code official shall issue a permit to carry out a hot work program. This program allows 	<p>\$392.00 (unless otherwise noted)</p> <p>\$98.00</p>

Code Section	Fee Description	Proposed Fee
	approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 35. These permits shall be issued only to their employees or hot work operations under their supervision.	
Section 105.6.24	Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.	\$392.00
Section 105.6.25	Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft ³) (236 m ³).	\$392.00
Section 105.6.26	Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.	\$392.00
Section 105.6.27	LP-gas. An operational permit is required for: <ol style="list-style-type: none"> 1. Storage and use of LP-gas. <p>Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.</p> 2. Operation of cargo tankers that transport LP-gas. 	\$392.00 minimum
Section 105.6.28	Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.	\$392.00
Section 105.6.29	Miscellaneous combustible storage. An operational permit is required to store in any building or on any premises in excess of 2,500 cubic feet (71 m ³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, combustible pallets, rubber tires, rubber, cork, or other similar combustible material.	\$392.00
Section 105.6.30	Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors.	No fee
Section 105.6.31	Motor fuel-dispensing facilities. An operational permit is required for the operation of automotive, marine, and fleet motor fuel-dispensing facilities, or for mobile fueling operations <u>using flammable liquids and which are conducted at facilities or locations which are not permanent, permitted motor fuel dispensing facilities.</u>	\$392.00 minimum

Code Section	Fee Description	Proposed Fee
	Exception: Transfer of not more than 5 gallons flammable or combustible liquids using a listed or approved portable fuel container of 5 gallons or less capacity.	
Section 105.6.32	Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Exception: Recreational fires.	\$196.00
Section 105.6.33	Open flames and torches. An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.	\$196.00
Section 105.6.34	Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.	\$196.00
Section 105.6.35	Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.	\$392.00
Section 105.6.36	Outdoor assembly event. An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 1,000 persons.	No fee
Section 105.6.56	Parking facility, special events. An operational permit is required to use buildings or structures for vehicle parking, including parking for special events (i.e. football games, etc.) A. Less than 15 parking spaces.....	\$196.00
	B. 15 or more parking spaces	\$392.00
Section 105.6.37	Places of assembly. An operational permit is required to operate a place of assembly.	
	A. Occupant load less than 300	\$392.00
Section 105.6.38	B. Occupant load 300 or more	\$588.00
	Plant extraction systems. An operational permit is required to use plant extraction systems.	No fee
Section 105.6.39	Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants. Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private fire hydrants.	\$196.00
Section 105.6.40	Pyrotechnical special effects material. An operational permit is required for use and handling of pyrotechnic special effects material. See <i>Health and Safety Code Division 11, Part 2, Sections 12500, et seq.</i> for additional requirements.	\$392.00

Code Section	Fee Description	Proposed Fee
Section 105.6.41	Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg.) of cellulose nitrate (pyroxylin) plastics, and for the assembly or manufacture of articles involving pyroxylin plastics.	\$392.00
Section 105.6.42	Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	\$392.00 minimum
Section 105.6.43	Repair garages and motor fuel-dispensing facilities. An operational permit is required for operation of repair garages.	\$392.00 minimum
Section 105.6.44	Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.	\$392.00
Section 105.6.45	Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24.	\$392.00
Section 105.6.46	Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m ³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.	\$392.00
Section 105.6.57	Tank vehicles. An operational permit is required to operate a tank vehicle (other than flammable and combustible liquids tank vehicles as listed and regulated in 105.6.16, item 6) including those hazardous materials transportation vehicles defined in Section 5001.7 of the Berkeley Fire Code for the transportation of hazardous liquids or materials.	\$392.00 annually
Section 105.6.47	<p>Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 400 square feet (37 m²)</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Tents used exclusively for recreational camping purposes. 2. Tents open on all sides, which comply with all of the following: <ol style="list-style-type: none"> 2.1 Individual tents having a maximum size of 700 square feet (65 m²). 2.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total. 2.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided. 	\$392.00

Code Section	Fee Description	Proposed Fee														
Section 105.6.48	Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	\$392.00														
Section 105.6.49	Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.	\$392.00														
Section 105.6.50	Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m ³).	\$392.00														
Section 105.6.51	<p>Additional permits. In addition to the permits required by Section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions:</p> <ol style="list-style-type: none"> 1. Production facilities. To change use or occupancy, or allow the attendance of a live audience, or for wrap parties. 2. Pyrotechnics and special effects. To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production. 3. Live audiences. To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48. 	\$392.00														
CONSTRUCTION PERMITS																
Section 105.7.1	<p>Automatic fire-extinguishing systems. A construction permit is required to install or modify automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.</p> <table border="0" style="width: 100%;"> <tr> <td style="padding-left: 20px;">A. Range Hood System.....</td> <td style="text-align: right;">\$392.00*</td> </tr> <tr> <td style="padding-left: 20px;">B. Chemical Suppression System.....</td> <td style="text-align: right;">\$392.00*</td> </tr> <tr> <td style="padding-left: 20px;">C. Automatic Sprinkler</td> <td style="text-align: right;">\$392.00*</td> </tr> <tr> <td style="padding-left: 20px;">D. Automatic Sprinkler (small alteration or repairs to an existing system with 20 heads or less)</td> <td style="text-align: right;">\$196.00*</td> </tr> <tr> <td style="padding-left: 20px;">E. Underground.....</td> <td style="text-align: right;">\$392.00*</td> </tr> <tr> <td style="padding-left: 20px;">All others.....</td> <td style="text-align: right;">\$392.00*</td> </tr> <tr> <td style="padding-left: 20px;">Field Inspection</td> <td style="text-align: right;">\$98.00/qtr hour*</td> </tr> </table>	A. Range Hood System.....	\$392.00*	B. Chemical Suppression System.....	\$392.00*	C. Automatic Sprinkler	\$392.00*	D. Automatic Sprinkler (small alteration or repairs to an existing system with 20 heads or less)	\$196.00*	E. Underground.....	\$392.00*	All others.....	\$392.00*	Field Inspection	\$98.00/qtr hour*	<p>\$392.00*</p> <p>\$392.00*</p> <p>\$392.00*</p> <p>\$196.00*</p> <p>\$392.00*</p> <p>\$392.00*</p> <p>\$98.00/qtr hour*</p> <p>*minimum</p>
A. Range Hood System.....	\$392.00*															
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D. Automatic Sprinkler (small alteration or repairs to an existing system with 20 heads or less)	\$196.00*															
E. Underground.....	\$392.00*															
All others.....	\$392.00*															
Field Inspection	\$98.00/qtr hour*															
Section 105.7.2	Battery systems. A construction permit is required to install stationary storage battery systems regulated by Section 1206.2.	\$392.00														

Code Section	Fee Description	Proposed Fee
Section 105.7.3	Capacitor energy storage systems. A construction permit is required to install capacitor energy systems regulated by Section 1206.3.	No fee
Section 105.7.4	Compressed gases. Where the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system. Exceptions: 1. Routine maintenance. 2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.	\$392.00
Section 105.7.5	Cryogenic fluids. A construction permit is required for installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.4+10. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a construction permit.	\$392.00 minimum
Section 105.7.6	Emergency responder radio coverage system. A construction permit is required for installation of or modification to emergency responder radio coverage systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.	\$392.00 minimum
Section 105.7.7	Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit. A. Under 12 devices..... B. 12-30 devices C. 31-49 devices..... D. 50 or more devices..... E. Water flow alarms F. Field Inspection	\$392.00* \$588.00* \$980.00* \$1176.00* \$196.00 \$98.00 /qtr hr.* *minimum
Section 105.7.26	Fire fighter air replenishment system (FARS). A construction permit is required for installation of or modification to a FARS system in accordance with Appendix L.	\$392.00 minimum
Section	Fire pumps and related equipment. A construction permit is	\$392.00

Code Section	Fee Description	Proposed Fee
105.7.8	required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.	
Section 105.7.9	<p>Flammable and combustible liquids. A construction permit is required:</p> <ol style="list-style-type: none"> 1. To install, repair or modify a pipeline for the transportation of flammable or combustible liquids. 2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. 3. To install, alter, remove or otherwise dispose of a flammable or combustible liquid tank. 	<p>\$392.00 minimum</p> <p>\$196.00</p> <p>\$196.00 minimum</p>
Section 105.7.10	Fuel cell power systems. A construction permit is required to install stationary fuel cell power systems.	No fee
Section 105.7.11	Gas detection systems. A construction permit is required for the installation of or modification to gas detection systems. Maintenance performed in accordance with this code is not considered a modification and shall not require a permit.	No fee
Section 105.7.12	Gates and barricades across fire apparatus access roads. A construction permit is required for the installation of or modification to a gate or barricade across a fire apparatus access road.	\$392.00
Section 105.7.13	<p>Hazardous materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 50 when the hazardous materials in use or storage exceed the amounts listed in Table 105.6.2120.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Routine maintenance. 2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work. 	\$392.00 minimum
Section 105.7.14	High-piled combustible storage. A construction permit is required for the installation of or modification to a structure exceeding 500 square feet (46 m ²), including aisles, for high-piled combustible storage. Maintenance performed in	No fee

Code Section	Fee Description	Proposed Fee
	accordance with this code is not considered to be a modification and does not require a construction permit.	
Section 105.7.15	<p>Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 30.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Routine maintenance. 2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work. 	\$392.00
Section 105.7.16	LP-gas. A construction permit is required for installation of or modification to an LP-gas system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.	\$392.00
Section 105.7.17	Motor vehicle repair rooms and booths. A construction permit is required to install or modify a motor vehicle repair room or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.	No fee
Section 105.7.18	Plant extraction systems. A construction permit is required for installation of or modification to plant extraction systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.	No fee
Section 105.7.19	<p>Private fire hydrants. A construction permit is required for the installation of or modification of private fire hydrants. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.</p> <p>Hydrant(s) or hydrant groups.....</p> <p>Field Inspection</p>	<p>\$392.00</p> <p>\$98.00</p> <p>/qtr hour*</p> <p>*minimum</p>
Section 105.7.20	Smoke control or smoke exhaust systems. Construction permits are required for installation of or alteration to smoke control or smoke exhaust systems. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a permit.	\$392.00 minimum
Section 105.7.21	Solar photovoltaic power systems. A construction permit is required to install or modify solar photovoltaic power systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.	Std. Bldg. Dept. fees apply
Section 105.7.22	Special event structure. A single construction permit is required to erect and take down a temporary special event	No fee

Code Section	Fee Description	Proposed Fee
	structure.	
Section 105.7.23	Spraying or dipping. A construction permit is required to install or modify a spray room, dip tank or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.	\$392.00
Section 105.7.24	Standpipe Systems. A construction permit is required for the installation, modification or removal from service a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit. A. Standpipe, Class I, II and III combined B. Underground Field Inspection	\$392.00 \$392.00 \$98.00/qtr hour, min.
Section 105.7.25	Temporary membrane structures and tents. A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 400 square feet (37 m ²) Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services. 3. Tents and awnings open on all sides which comply with all of the following: 3.1 Individual tents shall have a maximum size of 700 square feet (65 m ²). 3.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m ²) total. 3.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.	\$392.00
Section 105.7.27	Window bars. An operational permit is required to install window bars on exterior doors or windows of any sleeping rooms below the fourth floor in apartment houses, hotels, and motels.	\$196.00

Section 2. ANNUAL FIRE CLEARANCE

For every annual fire clearance certificate issued by the Berkeley Fire Department, a fee shall be paid in advance of issuance of such certificate (Berkeley Fire Code Section 106.2), to the Fire Department as follows:

<p>Group Homes, institutions for children, certified family care homes, board and care facilities, and maternity homes (each accommodating more than six persons, not including employees or relatives), and <u>NOT</u> classified as a Community Care Facility as defined in the California Health & Safety Code (H&SC) section 1502, or as a Residential Care Facility for the Elderly (H&SC 1569.2), or as a Child Day Care Facility (H&SC 1596.750).</p>	<p>\$392.00</p>
<p>Convalescent Hospitals, nursing homes, and homes for the aged (each accommodating not more than six persons, not including employees or relatives) and <u>NOT</u> classified as a Community Care Facility as defined in the Calif. Health & Safety Code (H&SC) section 1502, or as a Residential Care Facility for the Elderly (H&SC 1569.2), or as a Child Day Care Facility (H&SC 1596.750).</p>	<p>\$392.00</p>
<p>Convalescent Hospitals, nursing homes, and homes for the aged (each accommodating not more than six persons and less than 100, not including employees or relatives) and <u>NOT</u> classified as a Community Care Facility as defined in the Calif. Health & Safety Code (H&SC) section 1502, or as a Residential Care Facility for the Elderly (H&SC 1569.2), or as a Child Day Care Facility (H&SC 1596.750).</p>	<p>\$ 588.00</p>
<p>Convalescent Hospitals, nursing homes, and homes for the aged (each accommodating 100 or more persons, not including employees or relatives).</p>	<p>\$ 784.00</p>
<p>Hospitals</p>	<p>\$392.00 per hour</p>
<p>Community Care Facilities as defined in the Calif. Health & Safety Code (H&SC) section 1502, Residential Care Facility for the Elderly as defined in H&SC 1569.2, and Child Day Care Facilities (H&SC 1596.750).</p>	
<p> Pre-inspection Fee (25 or fewer client capacity).....</p>	<p>\$ 50.00</p>
<p> Pre-inspection Fee (26 or more client capacity)</p>	<p>\$ 100.00</p>
<p>[Ref. Calif. Health & Safety Code, section 13235(a)]</p>	

Section 3. MISCELLANEOUS FEES

- A. For copies of fire reports prepared by the Fire Department, a fee shall be paid in advance as follows:
 - 1. Staff cost for file review and preparation of subpoena documents \$ 6.00 qtr. hr.
 - 2. Copy of each report \$ 0.10 per pg.

- B. State Requested Fire & Life Safety Review, Consultation, Inspection & Permit Clearances \$98.00 /qtr hr

- C. General inspection and investigation fees \$98.00 / qtr hr
 - 1. Fees for services rendered by the Fire Department for inspections of

fire protection systems, re-inspections of citizen complaints with violations, nuisance inspections research, report preparation and file review services (except for subpoena documents, city records, publications and meeting tapes)	
2. Fire code consultation services for building development, construction and modifications and pre-permit application.....	\$392.00 per hour
3. Overtime fire & life safety inspection	\$392.00 per hour (2 hr min.)
4. After-hours call-back for fire & life safety inspection	\$392.00 per hour (4 hr min.)
5. Accelerated plan review services (as-available, billed at 1.5x the standard hourly rate \$392.00)	\$588.00 per hour
D. Fire and Life Safety Investigations or Stand-by Services	\$392.00 minimum
E. Indoor Entertainment Inspection	\$98.00 per ¼ hr

NOTE: All permits and inspection fees under this Resolution are based on average estimated staff and clerical time for applicable plan checking, research, field inspections, etc. Where a fee is indicated as a minimum, and where staff time exceeds one hour, an additional charge will be made at the rate of \$98.00 per quarter hour.

Section 4. INSPECTION AND BILLING RATE

That a rate of \$98.00 per quarter hour (15 minutes) is hereby established as both the billing rate and the billing unit for a given Fire Prevention inspection of a property. A minimum charge of \$98.00 will be made for each property inspected (e.g. each property and/or business address) with an additional charge for each additional quarter hour unit, or portion thereof.

Exception: Properties that have abated all fire code violations prior to the first re-inspection shall not be charged a fee for the re-inspection.

Section 5. DELINQUENCY CHARGE

That a delinquency charge of 20% may be imposed on each account that remains unpaid, sixty (60) days following the initial mailing of the bill.

Section 6. BILLING AND COLLECTION PROCEDURES

That the billing and collection procedures are to be done by the Finance Department

and will allow the City to recover unpaid fees through all available remedies, including the lien process. That in the event of billing disputes, the Fire Chief or his designated representative may review and make recommendations for adjustments to the Finance Department.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and in effect on and after January 1, 2020.

BE IT FURTHER RESOLVED that Resolution No. 67,990-N.S. and all resolutions amendatory thereof are hereby rescinded effective January 1, 2020.

Summary of Proposed Fee Amendments

The following list provides a detailed discussion of the individual proposed errata, changes and modification of the fire department fire permitting, fire inspection and service fee schedule:

- A. Amend Section 1, "Annual Permit Fees" to reflect the renumbering of numerous permit section numbers as detailed in Attachment 4, "Summary of Proposed Fee Amendments". This renumbering is caused by the addition of new permits and deletion of one former permit that occurred within the California and Berkeley Fire Codes.
- B. Amend Section 1, "Annual Permit Fees" to reflect minor wording changes from the 2016 to 2019 editions of the California Fire Code. Upon review of the California Fire Code, it was determined that the Berkeley Fire Code fee schedule descriptions did not match exactly what was written in the California Fire Code. The Berkeley fee schedule has been updated to match the descriptions printed in Section 105 "Permits," and are not reflected in the summary below since these updates should have been reflected in previous fees. Fees amended by the Berkeley Fire Code reflect the language specific to the Berkeley Fire Code. At this time, new permits shall have no fee amount as fee adjustments shall be made during the fee adjustment process in Spring 2020.
- C. Amend Section 1, "Annual Permit Fees" by creating a new fire permit fee by adding Section 105.6.16.4 "Mobile Fueling of Hydrogen-Fueled Vehicles". This section is added to the list of permits and addresses permitting requirements associated with Section 5707 "On-Demand Mobile Fueling Operations", which is a new section within the California and Berkeley Fire Codes that address the safety of mobile fueling. This change is required to enable cost recovery for regulatory services provided and to maintain consistency with and accurately reflect the fire code as adopted. Section 105.6.16.4 is specific for hydrogen-fueled vehicles whereas the previously adopted Section 105.6.31 Motor-Fuel Dispensing Facilities is for fueling with other flammable and combustible liquids
- D. Amend Section 1, "Annual Permit Fees" by creating a new fire permit fee by adding Section 105.6.30 "Mobile Food Preparation Vehicles". This section is added to the list of permits and addresses permitting requirements associated with Section 319 "Mobile Food Preparation Vehicles", which is a new section within the International and Berkeley Fire Codes that address the safety of mobile food preparation vehicles. This change is required to enable cost recovery for regulatory services provided and to maintain consistency with and accurately reflect the fire code as adopted.
- E. Amend Section 1, "Annual Permit Fees" by creating a new fire permit fee by adding Section 105.6.36 "Outdoor Assembly Event". This section is added to the list of permits and addresses permitting requirements associated with Section 3106 "Outdoor Assembly Events", which is a new section within the California and Berkeley Fire Codes that address the safety of outdoor assembly events with more than 1,000 persons. This change is required to enable cost recovery for regulatory

Summary of Proposed Fee Amendments

services provided and to maintain consistency with and accurately reflect the fire code as adopted.

- F. Amend Section 1, “Annual Permit Fees” by adding two new fire permits:

Section 105.6.38 “Plant Extraction Systems” (operational permit)

Section 105.7.18 “Plant Extraction Systems” (construction permit)

These sections are added to the list of permits and addresses permitting requirements associated with Chapter 39 “Processing and Extraction Facilities”, which is a new chapter within the California and Berkeley Fire Codes that address the safety of and regulates the installation of equipment for the processing and extraction of oils and fats from various plants. This change is required to enable cost recovery for regulatory services provided and to maintain consistency with and accurately reflect the fire code as adopted.

- G. Amend Section 1, “Annual Permit Fees” by adding two new fire permits:

Section 105.7.3 “Capacitor Energy Storage Systems” which requires a construction permit to install a capacitor energy system regulated by Section 1206.3 “Capacitor Energy Storage Systems”.

Section 105.7.10 “Fuel cell power systems” which requires a construction permit to install a stationary fuel cell power system regulated by Section 1205 “Capacitor Energy Storage Systems”.

These sections are added to the list of permits and addresses permitting requirements associated with Chapter 12 “Energy Systems”, which is a new chapter within the California and Berkeley Fire Codes that address the safety and regulates the installation of energy systems which generate and store energy. This change is required to enable cost recovery for regulatory services provided and to maintain consistency with and accurately reflect the fire code as adopted.

- H. Amend Section 1, “Annual Permit Fees” by creating a new fire permit fee by adding Section 105.7.11 “Gas Detection Systems”. This section is added to the list of permits and addresses permitting requirements associated with Section 916 “Gas Detection Systems”, which is a new section within the California and Berkeley Fire Codes that regulate the installation of gas detection systems. This change is required to enable cost recovery for regulatory services provided and to maintain consistency with and accurately reflect the fire code as adopted.

- I. Amend Section 1, “Annual Permit Fees” by creating a new fire permit fee by adding Section 105.7.14 “High-Piled Combustible Storage”. This section is added to the list of permits and addresses permitting requirements associated with Section 3201.3 “Construction Documents”, which is an expanded section within the California and Berkeley Fire Codes that regulate the installation of structures exceeding 500 square

Summary of Proposed Fee Amendments

feet for high-piled combustible storage. This change is required to enable cost recovery for regulatory services provided and to maintain consistency with and accurately reflect the fire code as adopted.

- J. Amend Section 1, “Annual Permit Fees” by creating a new fire permit fee by adding Section 105.7.17 “Motor Vehicle Repair Rooms and Booths”. This section is added to the list of permits and addresses permitting requirements associated with Section 2311 “Repair Garages”, which is an expanded section within the California and Berkeley Fire Codes that regulate the installation of motor vehicle repair rooms and booths. This change is required to enable cost recovery for regulatory services provided and to maintain consistency with and accurately reflect the fire code as adopted.
- K. Amend Section 1, “Annual Permit Fees” by creating a new fire permit fee by adding Section 105.7.22 “Special Event Structure”. This section is added to the list of permits and addresses permitting requirements associated with Section 3105 “Temporary Special Event Structure”, which is a renamed and expanded section within the California and Berkeley Fire Codes that regulate the installation of temporary special event structures. Now, the codes differentiate between air-supported membrane structures and tents versus event structures. This change is required to enable cost recovery for regulatory services provided and to maintain consistency with and accurately reflect the fire code as adopted.
- L. Moved Section 105.6.51 (formerly Section 105.6.49) “Additional Permits” to after Section 105.6.50 (formerly Section 105.6.48) “Wood Products” from after Section 105.6.12 (formerly Section 105.6.13) “Dry Cleaning” to match the sequence listed in the California and Berkeley Fire Codes.
- M. Moved Section 105.6.54 “Fire Fighter Air Replenishment System” to after Section 105.6.14 (formerly Section 105.6.15) “Explosives” from after Section 105.6.50 (formerly Section 105.6.48) “Wood Products” in order to alphabetically list the permits in the fee schedule.
- N. Moved Section 105.7.26 (formerly Section 105.7.20) “Fire Fighter Air Replenishment System” to after Section 105.7.7 (formerly Section 105.7.6) “Fire Alarm and Detection Systems and Related Equipment” from after Section 105.7.27 (formerly Section 105.7.19) “Window Bars” in order to alphabetically list the permits in the fee schedule.

Code Section	Fee Description	Proposed Fee
OPERATIONAL PERMITS		
Section 105.6.1	Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg)	\$392.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
	net weight.	
Section 105.6.2	Amusement buildings. An operational permit is required to operate a special amusement building.	\$392.00
Section 105.6.3	Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to hot work, hazardous materials and flammable or combustible finishes.	\$392.00
Section 105.6. 54	Carnivals and fairs. An operational permit is required to conduct a carnival or fair.	\$392.00
Section 105.6. 65	Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.	\$392.00
Section 105.6. 50 52	Christmas tree sales lot. An operational permit is required to operate a Christmas tree sales lot.	\$392.00
Section 105.6. 76	Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	\$392.00
Section 105.6. 87	Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8m ³). Exception: A permit is not required for agricultural storage.	\$392.00
Section 105.6. 98	Compressed gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$392.00 minimum
Section 105.6. 40 9	Covered and open mall buildings. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.	\$392.00 minimum

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
	2. The display of liquid- or gas-fired equipment in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	
Section 105.6.11 <u>10</u>	Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10 Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.	\$392.00 minimum
Section 105.6.12 <u>11</u>	Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.	\$196.00
Section 105.6.13 <u>12</u>	Dry cleaning. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	\$392.00
Section 105.6.49	Additional permits. In addition to the permits required by Section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions: 1. Production facilities. To change use or occupancy, or allow the attendance of a live audience, or for wrap parties. 2. Pyrotechnics and special effects. To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production. 3. Live audiences. To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.	\$392.00
Section 105.6.51 <u>53</u>	Escort convoy service. Police and/or Fire Department convoy service for vehicle transportation of extremely hazardous materials.	\$392.00 minimum
Section 105.6.14 <u>13</u>	Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.	\$392.00
Section	Explosives. An operational permit is required for the	\$588.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
<p>105.6.15 <u>14</u></p>	<p>manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56. <i>See Health and Safety Code Division 11, Part 1, Sections 12000, et seq. for additional requirements.</i></p> <p>Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.</p> <p>To conduct a public fireworks display</p> <p>To continue the use of a public fireworks display permit.....</p>	<p>\$1176.00 Minimum \$196.00</p>
<p><u>Section 105.6.54</u></p>	<p><u>Fire fighter air replenishment system (FARS).</u> An annual operational permit is required to maintain a FARS system in accordance with Appendix L.</p>	<p><u>\$196.00</u></p>
<p>Section 105.6.16 <u>15</u></p>	<p>Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and <u>accessible to provided with ready access from</u> a fire apparatus access road that is open to or generally used by the public.</p> <p>Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.</p>	<p>\$196.00</p>
<p>Section 105.6.17 <u>16</u></p>	<p>Flammable and combustible liquids. An operational permit is required:</p> <ol style="list-style-type: none"> 1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems. 2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following: <p>2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the</p>	<p>\$392.00 minimum \$392.00</p>

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
	opinion of the fire code official, would cause an unsafe condition.	
	2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.	
	3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.	\$392.00
	4. To store, handle or use Class IIIB liquids in <u>excess of 110 gallons in containers, or in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.</u> Exception: Fuel oil and used motor oil used for space heating or water heating.	No Fee
	5. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.....	\$196.00
	6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.....	\$196.00
	7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.	\$196.00
	8. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.....	\$196.00
	9. To manufacture, process, blend or refine flammable or combustible liquids.....	\$392.00
	10. To engage in the dispensing of liquid fuels into the fuel	\$392.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
	tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments. 11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.....	\$392.00
<u>Section 105.6.16.1</u>	<u>Mobile fueling of hydrogen-fueled vehicles. An operational permit is required:</u> <u>1. To engage in the mobile dispensing of gaseous hydrogen as a fuel into the fuel tanks of motor vehicles.</u> <u>2. Where required by the fire code official, to utilize a site for the dispensing of gaseous hydrogen as a fuel from tank vehicles into the fuel tanks of motor vehicles.</u> <u>Exception: In cases of an emergency, a site permit is not required.</u>	<u>No Fee</u>
<u>Section 105.6.18 17</u>	Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m ²) using Class I or Class II liquids.	\$392.00
<u>Section 105.6.19 18</u>	Fruit and crop ripening. An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.	\$392.00
<u>Section 105.6.20 19</u>	Fumigation and insecticidal fogging. An operational permit is required to operate a business of fumigation or insecticidal fogging, and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.	No permit required
<u>Section 105.6.52 55</u>	General use permit. For any activity or operation not specifically described in this code, which the fire code official reasonably determines, may produce conditions hazardous to life or property.	\$392.00 minimum
<u>Section 105.6.24 20</u>	Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.	\$392.00 minimum
<u>Section 105.6.22 21</u>	HPM Facilities. An operational permit is required to store, handle or use hazardous production materials.	\$392.00
<u>Section 105.6.23 22</u>	High-piled storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding with more than 500 square feet (46 m ²), including	\$392.00 minimum

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
	<u>aisles, of high-piled storage.</u>	
Section 105.6.24 <u>23</u>	<p>Hot work operations. An operational permit is required for hot work including, but not limited to:</p> <ol style="list-style-type: none"> 1. Public exhibitions and demonstrations where hot work is conducted. 2. Use of portable hot work equipment inside a structure. Exception: Work that is conducted under a construction permit. 3. Fixed-site hot work equipment such as welding booths. 4. Hot work conducted within a wildfire risk area. 5. Application of roof coverings with the use of an open-flame device. 6. When approved, the fire code official shall issue a permit to carry out a hot work program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 35. These permits shall be issued only to their employees or hot work operations under their supervision. 	\$392.00 (unless otherwise noted) \$98.00
Section 105.6.25 <u>24</u>	Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.	\$392.00
Section 105.6.26 <u>25</u>	Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft ³) (236 m ³).	\$392.00
Section 105.6.27 <u>26</u>	Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.	\$392.00
Section 105.6.28 <u>27</u>	<p>LP-gas. An operational permit is required for:</p> <ol style="list-style-type: none"> 1. Storage and use of LP-gas. Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or 	\$392.00 minimum

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
	<p>less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.</p> <p>2. Operation of cargo tankers that transport LP-gas.</p>	
Section 105.6.29 <u>28</u>	Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.	\$392.00
Section 105.6.30 <u>29</u>	Miscellaneous combustible storage. An operational permit is required to store in any building or upon <u>on</u> any premises in excess of 2,500 cubic feet (71 m ³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, <u>combustible pallets</u> , rubber tires, rubber, cork, or other similar combustible material.	\$392.00
Section 105.6.30	<u>Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors.</u>	<u>No Fee</u>
Section 105.6.31	<p>Motor fuel-dispensing facilities. An operational permit is required for the operation of automotive, marine, and fleet motor fuel-dispensing facilities, or for mobile fueling operations <u>using flammable liquids and which are conducted at facilities or locations which are not permanent, permitted motor fuel dispensing facilities.</u></p> <p>Exception: <u>Transfer of not more than 5 gallons flammable or combustible liquids using a listed or approved portable fuel container of 5 gallons or less capacity.</u></p>	\$392.00 minimum
Section 105.6.32	<p>Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.</p> <p>Exception: Recreational fires.</p>	\$196.00
Section 105.6.33	Open flames and torches. An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.	\$196.00
Section 105.6.34	Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.	\$196.00
Section 105.6.35	Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.	\$392.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
<u>Section 105.6.36</u>	Outdoor assembly event. An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 1,000 persons.	No Fee
Section 105.6. 53 <u>56</u>	Parking facility, special events. An operational permit is required to use buildings or structures for vehicle parking, including parking for special events (i.e. football games, etc.) A. Less than 15 parking spaces B. 15 or more parking spaces	\$196.00 \$392.00
Section 105.6. 36 <u>37</u>	Places of assembly. An operational permit is required to operate a place of assembly. A. Occupant load less than 300 B. Occupant load 300 or more	\$392.00 \$588.00
<u>Section 105.6.38</u>	Plant extraction systems. An operational permit is required to use plant extraction systems.	No Fee
Section 105.6. 37 <u>39</u>	Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants. Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private fire hydrants.	\$196.00
Section 105.6. 38 <u>40</u>	Pyrotechnical special effects material. An operational permit is required for use and handling of pyrotechnic special effects material. <i>See Health and Safety Code Division 11, Part 2, Sections 12500, et seq. for additional requirements.</i>	\$392.00
Section 105.6. 39 <u>41</u>	Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg.) of cellulose nitrate (pyroxylin) plastics, and for the assembly or manufacture of articles involving pyroxylin plastics.	\$392.00
Section 105.6. 40 <u>42</u>	Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	\$392.00 minimum
Section 105.6. 41 <u>43</u>	Repair garages and motor fuel-dispensing facilities. An operational permit is required for operation of repair garages.	\$392.00 minimum
Section 105.6. 42 <u>44</u>	Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.	\$392.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
Section 105.6.43 <u>45</u>	Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24.	\$392.00
Section 105.6.44 <u>46</u>	Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m ³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.	\$392.00
Section 5001.71 <u>05.6.57</u>	Tank vehicles. An operational permit is required to operate a tank vehicle (other than flammable and combustible liquids tank vehicles as listed and regulated in 105.6.16, item 6) including those hazardous materials transportation vehicles defined in Section 5001.7 of the Berkeley Fire Code for the transportation of hazardous liquids or materials.	\$392.00 annually
Section 105.6.45 <u>47</u>	Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 400 square feet (37 m ²) Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Tents open on all sides, which comply with all of the following: 2.1 Individual tents having a maximum size of 700 square feet (65 m ²). 2.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m ²) total. 2.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.	\$392.00
Section 105.6.46 <u>48</u>	Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	\$392.00
Section 105.6.47 <u>49</u>	Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.	\$392.00
Section	Wood products. An operational permit is required to store	\$392.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee														
105.6.48 <u>50</u>	chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m ³).															
<u>Section 105.6.49 51</u>	<p><i>Additional permits.</i> <i>In addition to the permits required by Section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions:</i></p> <ol style="list-style-type: none"> <i>1. Production facilities.</i> <i>To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.</i> <i>2. Pyrotechnics and special effects.</i> <i>To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production.</i> <i>3. Live audiences.</i> <i>To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.</i> 	\$392.00														
<u>Section 105.6.54</u>	Fire fighter air replenishment system (FARS). An annual operational permit is required to maintain a FARS system in accordance with Appendix L.	\$196.00														
CONSTRUCTION PERMITS																
<u>Section 105.7.1</u>	<p>Automatic fire-extinguishing systems. A construction permit is required to install or modify automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.</p> <table border="0" style="width: 100%;"> <tr> <td style="padding-left: 20px;">A. Range Hood System.....</td> <td style="text-align: right;">\$392.00*</td> </tr> <tr> <td style="padding-left: 20px;">B. Chemical Suppression System.....</td> <td style="text-align: right;">\$392.00*</td> </tr> <tr> <td style="padding-left: 20px;">C. Automatic Sprinkler</td> <td style="text-align: right;">\$392.00*</td> </tr> <tr> <td style="padding-left: 20px;">D. Automatic Sprinkler (small alteration or repairs to an existing system with 20 heads or less)</td> <td style="text-align: right;">\$196.00*</td> </tr> <tr> <td style="padding-left: 20px;">E. Underground.....</td> <td style="text-align: right;">\$392.00*</td> </tr> <tr> <td style="padding-left: 40px;">All others.....</td> <td style="text-align: right;">\$392.00*</td> </tr> <tr> <td style="padding-left: 20px;">Field Inspection</td> <td style="text-align: right;">\$98.00/qtr hour*</td> </tr> </table>	A. Range Hood System.....	\$392.00*	B. Chemical Suppression System.....	\$392.00*	C. Automatic Sprinkler	\$392.00*	D. Automatic Sprinkler (small alteration or repairs to an existing system with 20 heads or less)	\$196.00*	E. Underground.....	\$392.00*	All others.....	\$392.00*	Field Inspection	\$98.00/qtr hour*	
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E. Underground.....	\$392.00*															
All others.....	\$392.00*															
Field Inspection	\$98.00/qtr hour*															
<u>Section 105.7.2</u>	Battery systems. A construction permit is required to install stationary storage battery systems regulated by Section <u>1206.2608</u> .	\$392.00														
<u>Section</u>	Capacitor energy storage systems. A construction permit is	No Fee														

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee												
<u>105.7.3</u>	<u>required to install capacitor energy systems regulated by Section 1206.3.</u>													
Section 105.7. <u>34</u>	<p>Compressed gases. Where the compressed gases in use or storage exceed the amounts listed in Table 105.6.98, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. Routine maintenance. 2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work. 	\$392.00												
Section 105.7. <u>45</u>	<p>Cryogenic fluids. A construction permit is required for installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a construction permit.</p>	\$392.00 minimum												
Section 105.7. <u>56</u>	<p>Emergency responder radio coverage system. A construction permit is required for installation of or modification to emergency responder radio coverage systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.</p>	\$392.00 minimum												
Section 105.7. <u>67</u>	<p>Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.</p> <table border="0" style="width: 100%;"> <tr> <td style="padding-left: 20px;">A. Under 12 devices.....</td> <td style="text-align: right;">\$392.00*</td> </tr> <tr> <td style="padding-left: 20px;">B. 12-30 devices</td> <td style="text-align: right;">\$588.00*</td> </tr> <tr> <td style="padding-left: 20px;">C. 31-49 devices.....</td> <td style="text-align: right;">\$980.00*</td> </tr> <tr> <td style="padding-left: 20px;">D. 50 or more devices.....</td> <td style="text-align: right;">\$1176.00*</td> </tr> <tr> <td style="padding-left: 20px;">E. Water flow alarms</td> <td style="text-align: right;">\$196.00</td> </tr> <tr> <td style="padding-left: 20px;">F. Field Inspection</td> <td style="text-align: right;">\$98.00 /qtr hr.*</td> </tr> </table>	A. Under 12 devices.....	\$392.00*	B. 12-30 devices	\$588.00*	C. 31-49 devices.....	\$980.00*	D. 50 or more devices.....	\$1176.00*	E. Water flow alarms	\$196.00	F. Field Inspection	\$98.00 /qtr hr.*	<p>*minimum</p>
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B. 12-30 devices	\$588.00*													
C. 31-49 devices.....	\$980.00*													
D. 50 or more devices.....	\$1176.00*													
E. Water flow alarms	\$196.00													
F. Field Inspection	\$98.00 /qtr hr.*													
<u>105.7.20</u> <u>26</u>	<u>Fire fighter air replenishment system (FARS). A construction permit is required for installation of or modification</u>	<u>\$392.00</u> <u>minimum</u>												

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
	<u>to a FARS system in accordance with Appendix L.</u>	
Section 105.7. 78	Fire pumps and related equipment. A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.	\$392.00
Section 105.7. 89	Flammable and combustible liquids. A construction permit is required: <ol style="list-style-type: none"> To install, repair or modify a pipeline for the transportation of flammable or combustible liquids. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. To install, alter, remove or otherwise dispose of a flammable or combustible liquid tank. 	\$392.00 minimum \$196.00 \$196.00 minimum
Section 105.7.10	Fuel cell power systems. A construction permit is required to install stationary fuel cell power systems.	No Fee
Section 105.7.11	Gas detection systems. A construction permit is required for the installation of or modification to gas detection systems. Maintenance performed in accordance with this code is not considered a modification and shall not require a permit.	No Fee
Section 105.7. 91 <u>2</u>	Gates and barricades across fire apparatus access roads. A construction permit is required for the installation of or modification to a gate or barricade across a fire apparatus access road.	\$392.00
Section 105.7. 40 <u>13</u>	Hazardous materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 50 when the hazardous materials in use or storage exceed the amounts listed in Table 105.6.20. Exceptions: <ol style="list-style-type: none"> Routine maintenance. For repair work performed on an emergency basis, application for permit shall be made within two working 	\$392.00 Minimum

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
	days of commencement of work.	
Section 105.7.14	High-piled combustible storage. A construction permit is required for the installation of or modification to a structure exceeding 500 square feet (46 m ²), including aisles, for high-piled combustible storage. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.	No Fee
Section 105.7.14 15	Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 30. Exceptions: <ol style="list-style-type: none"> 1. Routine maintenance. 2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work. 	\$392.00
Section 105.7.16 16	LP-gas. A construction permit is required for installation of or modification to an LP-gas system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.	\$392.00
Section 105.7.17	Motor vehicle repair rooms and booths. A construction permit is required to install or modify a motor vehicle repair room or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.	No Fee
Section 105.7.18	Plant extraction systems. A construction permit is required for installation of or modification to plant extraction systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.	No Fee
Section 105.7.19 19	Private fire hydrants. A construction permit is required for the installation of or modification of private fire hydrants. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit. Hydrant(s) or hydrant groups..... Field Inspection	\$392.00 \$98.00 /qtr hour* *minimum
Section 105.7.20 20	Smoke control or smoke exhaust systems. Construction permits are required for installation of or alteration to smoke control or smoke exhaust systems. Maintenance performed in	\$392.00 minimum

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
	accordance with this code is not considered to be an alteration and does not require a permit.	
Section 105.7.15 <u>21</u>	Solar photovoltaic power systems. A construction permit is required to install or modify solar photovoltaic power systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.	Std. Bldg. Dept. fees apply
Section 105.7.22	Special event structure. A single construction permit is required to erect and take down a temporary special event structure.	No Fee
Section 105.7.16 <u>23</u>	Spraying or dipping. A construction permit is required to install or modify a spray room, dip tank or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.	\$392.00
Section 105.7.17 <u>24</u>	Standpipe Systems. A construction permit is required for the installation, modification or removal from service a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit. A. Standpipe, Class I, II and III combined B. Underground Field Inspection	\$392.00 \$392.00 \$98.00/qtr hour, min.
Section 105.7.18 <u>25</u>	Temporary membrane structures and tents. A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 400 square feet (37 m ²) Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services. 3. Tents and awnings open on all sides which comply with all of the following: 3.1 Individual tents shall have a maximum size of 700 square feet (65 m ²). 3.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m ²) total. 3.3 A minimum clearance of 12 feet (3658 mm) to	\$392.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Proposed Fee
	structures and other tents shall be maintained.	
Section 105.7.19 27	Window bars. An construction permit is required to install window bars on exterior doors or windows of any sleeping rooms below the fourth floor in apartment houses, hotels, and motels.	\$196.00
105.7.20	Fire fighter air replenishment system (FARS). A construction permit is required for installation of or modification to a FARS system in accordance with Appendix L.	\$392.00 minimum

Section 2. ANNUAL FIRE CLEARANCE

For every annual fire clearance certificate issued by the Berkeley Fire Department, a fee shall be paid in advance of issuance of such certificate (Berkeley Fire Code Section 106.2), to the Fire Department as follows:

Group Homes , institutions for children, certified family care homes, board and care facilities, and maternity homes (each accommodating more than six persons, not including employees or relatives), and <u>NOT</u> classified as a Community Care Facility as defined in the California Health & Safety Code (H&SC) section 1502, or as a Residential Care Facility for the Elderly (H&SC 1569.2), or as a Child Day Care Facility (H&SC 1596.750).	\$392.00
Convalescent Hospitals , nursing homes, and homes for the aged (each accommodating not more than six persons, not including employees or relatives) and <u>NOT</u> classified as a Community Care Facility as defined in the Calif. Health & Safety Code (H&SC) section 1502, or as a Residential Care Facility for the Elderly (H&SC 1569.2), or as a Child Day Care Facility (H&SC 1596.750).	\$392.00
Convalescent Hospitals , nursing homes, and homes for the aged (each accommodating not more than six persons and less than 100, not including employees or relatives) and <u>NOT</u> classified as a Community Care Facility as defined in the Calif. Health & Safety Code (H&SC) section 1502, or as a Residential Care Facility for the Elderly (H&SC 1569.2), or as a Child Day Care Facility (H&SC 1596.750).	\$ 588.00
Convalescent Hospitals , nursing homes, and homes for the aged (each accommodating 100 or more persons, not including employees or relatives).	\$ 784.00
Hospitals	\$392.00 per hour

Summary of Proposed Fee Amendments

Community Care Facilities as defined in the Calif. Health & Safety Code (H&SC) section 1502, Residential Care Facility for the Elderly as defined in H&SC 1569.2, and Child Day Care Facilities (H&SC 1596.750).	
Pre-inspection Fee (25 or fewer client capacity).....	\$ 50.00
Pre-inspection Fee (26 or more client capacity)	\$ 100.00
[Ref. Calif. Health & Safety Code, section 13235(a)]	

Section 3. MISCELLANEOUS FEES

A. For copies of fire reports prepared by the Fire Department, a fee shall be paid in advance as follows:

1. Staff cost for file review and preparation of subpoena documents \$ 6.00 qtr. hr.
2. Copy of each report \$ 0.10 per pg.

B. State Requested Fire & Life Safety Review, Consultation, Inspection & Permit Clearances \$98.00 /qtr hr

C. General inspection and investigation fees

1. Fees for services rendered by the Fire Department for inspections of fire protection systems, re-inspections of citizen complaints with violations, nuisance inspections research, report preparation and file review services (except for subpoena documents, city records, publications and meeting tapes) \$98.00 / qtr hr
2. Fire code consultation services for building development, construction and modifications and pre-permit application..... \$392.00 per hour
3. Overtime fire & life safety inspection \$392.00 per hour (2 hr min.)
4. After-hours call-back for fire & life safety inspection \$392.00 per hour (4 hr min.)
5. Accelerated plan review services (as-available, billed at 1.5x the standard hourly rate \$392.00) \$588.00 per hour

D. Fire and Life Safety Investigations or Stand-by Services \$392.00

Summary of Proposed Fee Amendments

	minimum
E. Indoor Entertainment Inspection	\$98.00 per ¼ hr

NOTE: All permits and inspection fees under this Resolution are based on average estimated staff and clerical time for applicable plan checking, research, field inspections, etc. Where a fee is indicated as a minimum, and where staff time exceeds one hour, an additional charge will be made at the rate of \$98.00 per quarter hour.

Section 4. INSPECTION AND BILLING RATE

That a rate of \$98.00 per quarter hour (15 minutes) is hereby established as both the billing rate and the billing unit for a given Fire Prevention inspection of a property. A minimum charge of \$98.00 will be made for each property inspected (e.g. each property and/or business address) with an additional charge for each additional quarter hour unit, or portion thereof.

Exception: Properties that have abated all fire code violations prior to the first re-inspection shall not be charged a fee for the re-inspection.

Section 5. DELINQUENCY CHARGE

That a delinquency charge of 20% may be imposed on each account that remains unpaid, sixty (60) days following the initial mailing of the bill.

Section 6. BILLING AND COLLECTION PROCEDURES

That the billing and collection procedures are to be done by the Finance Department and will allow the City to recover unpaid fees through all available remedies, including the lien process. That in the event of billing disputes, the Fire Chief or his designated representative may review and make recommendations for adjustments to the Finance Department.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
ADOPTION OF AMENDED FIRE PERMIT AND INSPECTION FEE
SCHEDULE**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Berkeley Fire Department is proposing:

Adoption of a fee schedule detailing permit, inspection and other Fire Department service fees with the following changes:

1. Create new permit types within the fire code and to be adopted by the City as follows. No fee amounts are proposed at this time, as fee adjustments shall be made during the fee adjustment process in Spring 2020:
 - a. A new operational permit, "Mobile Fueling of Hydrogen-Fueled Vehicles," be established for the permitting, inspection and regulation of mobile fueling of hydrogen-fueled vehicles as required in Section 105.6.16.4. This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.
 - b. A new operational permit, "Mobile Food Preparation Vehicles," be established for the permitting, inspection and regulation of mobile food preparation vehicles as required in Section 105.6.30. This is a new permit which has been added to the International fire code and therefore mandates regulation by the local Berkeley fire agency.
 - c. A new operational permit, "Outdoor Assembly Event," be established for the permitting, inspection and regulation of outdoor assembly event as required in Section 105.6.36. This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.
 - d. A new operational permit, "Plant Extraction Systems," be established for the permitting, inspection and regulation of plant extraction systems as required in Section 105.6.38. This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.
 - e. A new construction permit, "Capacitor Energy Storage Systems," be established for the installation of capacitor energy storage systems as required in Section 105.7.3. This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.
 - f. A new construction permit, "Fuel Cell Power Systems," be established for the installation of fuel cell power systems as required in Section 105.7.10. This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.
 - g. A new construction permit, "Gas Detection Systems," be established for the installation of gas detection systems as required in Section 105.7.11. This is a

- new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.
- h. A new construction permit, "High-Piled Combustible Storage," be established for the installation of structures exceeding 500 square feet for high-piled combustible storage as required in Section 105.7.14. This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.
 - i. A new construction permit, "Motor Vehicle Repair Rooms and Booths," be established for the installation of motor vehicle repair rooms and booths as required in Section 105.7.17. This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.
 - j. A new construction permit, "Plant Extraction Systems," be established for the installation of equipment for the processing and extraction of oils and fats from various plants as required in Section 105.7.18. This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.
 - k. A new construction permit, "Special Event Structure," be established for the installation of special event structures as required in Section 105.7.22. This is a new permit which has been added to the State fire code and therefore mandates regulation by the local Berkeley fire agency.
2. Incorporate changes and errata in the fee schedule language including the renumbering of permit sections as needed.

The hearing will be held on, November 12, 2019 at 6:00 p.m. in the School District Board Room, 2131 Addison Street, Berkeley, CA 94702.

For further information, please contact Anthony Yuen, Fire Marshal, Berkeley Fire Department at (510) 981-5585

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **October 31, 2019**.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Council members and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

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Per Government Code 6062A

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on October 31, 2019.

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Mark Numainville, City Clerk