



Office of the City Manager

PUBLIC HEARING
June 4, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Modification and Adoption of Berkeley Fire Code Local Amendments and Incorporation of California Intervening Code Adoption Cycle Amendments Based on the 2022 California Fire Code

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt the second reading of Ordinance No. 7,903-N.S. (Attachment 1) which proposes to amend certain portions of Section 19.48.020 of the Berkeley Municipal Code (“Amendments to the California Fire Code”).

SUMMARY

On December 6, 2022 the Berkeley City Council adopted the current edition of the Berkeley Fire Code (BFC), which was based on the State of California adoption of the 2022 California Fire Code. The current Berkeley Fire Code contains appropriate local amendments and additions as adopted by Council. This code went into effect on January 1, 2023.

The State of California has issued new amendments and additions (“amendments”) to the 2022 California Fire Code. These new amendments will take effect on July 1, 2024. If the City of Berkeley wishes to continue enforcement of our existing local fire code amendments without interruption, any local amendments which have been affected by the new state amendments must be revised, and the revised local amendments adopted by City Council on June 4, 2024, and shall be effective on July 4, 2024.

As part of the recurring, triennial cycle of building standards adoption, the California Building Standards Commission and allied State code development agencies (including the Office of the State Fire Marshal) develop and issue supplemental building standards. The process of developing supplemental building standards is formally referred to as the Intervening Code Adoption Cycle. These standards are normally issued and become effective approximately eighteen months into a three-year triennial code cycle, and are often referred to as “mid-cycle amendments”.

The mid-cycle amendments will override locally adopted building and fire code amendments if the language or section numbering of the state revisions conflicts with local amendments to the codes. Local jurisdictions may adopt local amendments to the California Fire Code (CFC), and to any supplemental building standards which may subsequently amend the CFC, including the mid-cycle amendments.

In the current situation, mid-cycle amendments to the fire code that have been adopted by the state have modified some language within fire code sections that are the subject of local Berkeley amendments. Additionally, the state's changes have renumbered some code sections. This change in language and renumbering will overwrite important provisions of local Berkeley fire code amendments unless the local amendments are revised to avoid conflict with the state code. As previously stated, If Berkeley wishes to continue to apply our local fire code amendments without interruption, the Berkeley City Council must act to amend the Berkeley Fire Code adoption to conform with the new California Fire Code language and numbering before July 1, 2024.

These local Berkeley fire code amendments address local conditions specific to our community that effect our local fire and life safety. The City has adopted multiple fire code amendments in the past that are designed to address these concerns. Staff recommends that the City Council revise and adopt the effected local amendments to the California Fire Code that have been modified in the state's Intervening Code Adoption Cycle as set forth in the attached documents. This action will maintain the current local level of fire and life safety as intended by Council's original adoption action.

FISCAL IMPACTS

The fiscal impact to the City will be negligible. The publisher of the California Fire Code prints and distributes mid-cycle amendments to the state codes at no charge to existing code subscribers. No new fire code books, inspection guides, inspection forms or training is required.

Updating the local fire code amendments to continue them in-force simply maintains the current status quo. It does not create cost increases for homeowners, builders or developers beyond those costs already mandated by current Berkeley codes and statutes.

CURRENT STATUS AND EFFECTS

As part of a regular three-year cycle, the Office of the California State Fire Marshal and the California Building Standards Commission promulgated the 2022 California Fire Code. The California Fire Code (Title 24, Part 9 of the California Code of Regulations), and Berkeley's local adoption of the fire code in the form of the Berkeley Fire Code (B.M.C. section 19.48) took effect on January 1, 2023. The Berkeley Fire Code provides minimum standards for fire and life safety.

Berkeley has long elected to establish more restrictive building standards as reasonably necessary because of local climatic, geological or topographical conditions in accordance with Calif. Health & Safety Code Sections 18941, 17958, 17958.5, 17958.7

and other statutes. Findings of the local condition(s) and the adopted local building standard(s) must be filed with the California Building Standards Commission.

California's mid-cycle amendments effect local fire code adoptions to varying degrees. The current body of mid-cycle amendments effects the language and numbering of code sections throughout the entire body of the California Fire Code, and effects over 190 pages of the current code in total. In the present case, the majority of these California mid-cycle amendments do not affect our local fire code adoption. The impact to Berkeley's local amendments requires relatively minor changes in language to, or renumbering of, local fire code amendments in order to maintain consistency with the language, structure and organization of the California Fire Code as amended by the Intervening Cycle Code Adoption process. In the current situation, the state mid-cycle amendments that conflict with local Berkeley amendments occur within Berkeley's wildfire safety amendments (Chapter 49 of the Berkeley Fire Code).

Staff's recommendations on modifications to local amendments required to harmonize the Berkeley Fire Code with the California Fire Code as amended by the California Intervening Code Adoption Cycle, include:

- 1) Amend Paragraph DDD of Section 19.48.020 of the Berkeley Municipal Code ("Amendments to the California Fire Code"). Paragraph DDD currently implements local amendments to Section 4902.1 ("General"), of the California Fire Code (CFC). Our current local amendments to CFC Section 4902.1 add important local definitions related to the regulation, control and abatement of wildfire hazards within Berkeley.

This paragraph and the amended CFC section define our Local Agency Very High Fire Hazard Severity Zone and Wildland Urban Interface area, as they are currently recognized in local law, and as that recognition effects current and future requirements as established in state law. These definitions relate the local definitions of "Fire Zone 1", "Fire Zone 2" and "Fire Zone 3" to the Local Agency Very-High Fire Hazard Severity Zone and Wildland-Urban Interface area. The existing locally amended BFC Section also modifies the definition of "Fire Protection Plan" so that it can apply to both proposed and existing properties, projects and developments.

While the bulk of Paragraph DDD of Section 19.48.020 of the B.M.C. is not directly impacted by the mid-cycle amendments, as of July 4, 2024, the CFC amendments will slightly modify the code's usage of the term "Wildland-Urban Interface". The amendments being proposed to Paragraph DDD will implement those same changes in language while preserving our local amendments, and will ensure continued compatibility between the BFC adoption and the CFC.

- 2) Amend Paragraphs UUU through PPPP of Section 19.48.020 of the Berkeley Municipal Code ("Amendments to the California Fire Code"). The twenty-two Paragraphs embodied by UUU through PPPP currently occupy Section 4911 of the Berkeley Fire Code and create an additional fire code section and subsections within our local adoption that do not exist within the current CFC. These additional sections define and regulate activity and hazards within Berkeley's Wildland-Urban Interface

area, and provide important tools for regulating and mitigating related hazards, such as providing appropriate ignition controls in hazardous wildfire areas.

The controls established by these Paragraphs of B.M.C. 19.48.020 regulate such mundane but important topics as prohibiting the placing, depositing or disposing of ashes or coals in wildland areas. The state's mid-cycle amendments have now adopted Section 4911 for purposes unrelated to these local controls, so these controls must be moved to a newly created code section, which is proposed as Section 4912. In addition to the conflict caused by renumbering, the local hazard controls will also be affected by the same changes in Wildland-Urban Interface terminology that was previously discussed related to Paragraph DDD above. The proposed changes in the language used in these Berkeley amendments will also ensure compatibility between the California and State fire codes, as well as consistency within our own code adoption.

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 local conditions which make CFC requirements inadequate. Without the adoption of local amendments, needed fire and life safety enhancements cannot be enforced.

In the current case where state amendments to the CFC effect Berkeley's local fire code amendments, an ordinance modifying the existing local amendments and a findings-of-fact resolution are proposed in order to ensure successful adoption of local amendment modifications and the maintenance of our local standards. These local amendments, or other building or fire code requirements triggered by these amendments, may qualify as building standards in accordance with state law. In the current case, no new permits, fees, or fee adjustments are proposed at this time, so no changes to the current fee schedule are required or proposed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Unwanted fires have a significant, detrimental effect on the environment, climate, and the sustainability of our society. Air emissions from fires include soot/carbon particulate as well as carbon-dioxide and many un-desirable fire byproducts. The water used to extinguish fires not only becomes runoff and may transport pollutants into waterways and other portions of the environment, but is often treated, potable water that must be processed and transported into the City via a water utility service at some financial expense and expense to the City's overall carbon-footprint. Fires also damage structures and other built-environment infrastructure that ultimately must be removed and replaced, generally with an associated financial and carbon-footprint cost to remove, manufacture, transport and reinstall the infrastructure. The adoption of a strong fire code ultimately serves to reduce the frequency, severity and cost of fires to society, environment, and the climate.

RATIONALE FOR RECOMMENDATION

When the state adopts a new fire code, or as in the current case makes amendments to the California Fire Code that impact locally adopted amendments to the California Fire Code, the affected local amendments must be modified to remain compatible with the new state code language. In the case of Intervening Code Adoption Cycle mid-cycle amendments, these amendments do not always trigger the need for modification of local code adoptions. In the current case of the 2024 mid-cycle amendments, modifications of local amendments and findings are needed to preserve our local fire code amendments that account for 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.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Steven Riggs, Fire Marshal, Berkeley Fire Department, 981-5585.

Attachments

- 1 Ordinance – “AMENDMENT OF SECTION 19.48.020 OF THE BERKELEY MUNICIPAL CODE (“AMENDMENTS TO THE CALIFORNIA FIRE CODE”) TO MAINTAIN LOCAL AMENDMENTS TO, AND COMPATIBILITY WITH, RECENT CHANGES TO CALIFORNIA FIRE CODE LANGUAGE AND NUMBERING AS ENACTED BY THE STATE OF CALIFORNIA”
- 2 Public Hearing Notice – June 4, 2024

ORDINANCE NO. 7,903-N.S.

AMENDMENT OF SECTION 19.48.020 OF THE BERKELEY MUNICIPAL CODE (“AMENDMENTS TO THE CALIFORNIA FIRE CODE”) TO MAINTAIN LOCAL AMENDMENTS TO, AND COMPATIBILITY WITH, RECENT CHANGES TO CALIFORNIA FIRE CODE AS ENACTED BY THE STATE OF CALIFORNIA

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

Section 1. That Paragraph DDD. of Section 19.48.020 of the Berkeley Municipal Code (“Amendments to the California Fire Code”) is amended to read as follows:

DDD. **Section 4902.1 General [Amended subsection].** *For the purpose of this chapter, certain terms are defined as follows:*

DIRECTOR. *Director of the California Department of Forestry and Fire Protection (CAL FIRE).*

FIRE PROTECTION PLAN [Amended definition]. *A document prepared for a specific premises, project or development, either existing or proposed for a Wildland-Urban Interface (WUI) area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.*

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 Area 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 [Additional definition] shall encompass the entire City of Berkeley except for Fire Zones Two and Three.

FIRE ZONE TWO [Additional definition] 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

<u>Parcels Added to the Berkeley Combined Hillside District</u>	
<u>Parcel Number (APN)</u>	<u>Address</u>
<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 Two is declared as a Very-High Fire Hazard Severity Zone and Wildland-Urban Interface area.

FIRE ZONE 3 [Additional definition] 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. Fire Zone Three is declared as a Very-High Fire Hazard Severity Zone and Wildland-Urban Interface area.

FIRE-RESISTANT VEGETATION. *Plants, shrubs, trees and other vegetation that exhibit properties, such as high moisture content, little accumulation of dead vegetation, and low sap or resin content, that make them less likely to ignite or contribute heat or spread flame in a fire than native vegetation typically found in the region.*

[Note: The following sources contain examples of types of vegetation that can be considered fire-resistant vegetation (Fire-resistant Plants for Home Landscapes, A Pacific Northwest Extension publication; Home Landscaping for Fire, University of California Division of Agriculture and

Natural Resources; Sunset Western Garden Book)].

IGNITION-RESISTANT MATERIAL. [Amended definition] *A type of building material that complies with the requirements in Section 704A.2 in the California Berkeley Building Code.*

LOCAL RESPONSIBILITY AREAS (LRA). *Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district.*

STATE RESPONSIBILITY AREA (SRA). *Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing wildfires 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 (WUI).[Amended definition] *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 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.*

Section 2. That Paragraphs UUU. through PPPP. of Section 19.48.020 of the Berkeley Municipal Code ("Amendments to the California Fire Code") are renumbered and amended to read as follows:

UUU. **Section 4912 SUPPRESSION AND CONTROL OF HAZARDS IN WILDLAND-URBAN INTERFACE AREAS [Additional section]**

VVV. **Section 4912.1 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.

WWW. **Section 4912.2 Restricted Entry [Additional subsection].** The fire code official shall determine and publicly announce when Wildland-Urban Interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of Wildland-Urban Interface 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 areas are closed to entry, is prohibited.

Exceptions:

- 1) Residents and owners of private property within Wildland-Urban Interface 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

XXX. Section 4912.3 Trespassing on Posted Property [Additional subsection]

YYY. Section 4912.3.1 General [Additional subsection]. When the fire code official determines that a specific area within a Wildland-Urban Interface 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.

ZZZ. Section 4912.3.2 Signs [Additional subsection]. Approved signs prohibiting entry by unauthorized persons and referring to this section shall be placed on every closed area.

AAAA. Section 4912.3.3 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.

BBBB. Section 4912.4 Smoking [Additional subsection]. Lighting, igniting or otherwise setting fire to or smoking tobacco, cigarettes, pipes or cigars in Wildland-Urban Interface areas are prohibited.

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

CCCC. Section 4912.5 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 areas shall be provided with a spark arrester. See Berkeley Building Code Section 705A.5 for specifications.

DDDD. Section 4912.6 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 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 Areas.

EEEE. **Section 4912.7 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 areas except by permit from the fire code official.

FFFF. **Section 4912.8 Fireworks [Additional subsection].** Fireworks shall not be used or possessed in Wildland-Urban Interface 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.

GGGG. **Section 4912.9 Apiaries [Additional subsection].** Lighted and smoldering material shall not be used in connection with smoking bees in or upon Wildland-Urban Interface areas except by permit from the fire code official.

HHHH. **Section 4912.10 Open-Flame Devices [Additional subsection].** See Berkeley Fire Code Sections 308.1.6 Open Flame Devices and 308.1.6.1 Signals and Markers.

IIII. **Section 4912.11 Outdoor Fires [Additional subsection].** Outdoor fires shall not be built, ignited or maintained in or upon Wildland-Urban Interface 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 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, fire pits or grills shall not be used if solid or liquid fueled.

JJJJ. **Section 4912.12 Incinerators and Fireplaces [Additional subsection].** Incinerators, outdoor fireplaces, fire pits, permanent barbecues and grills shall not be built, installed or maintained in Wildland-Urban Interface areas without prior approval of the fire code official. Existing incinerators, outdoor fireplaces, fire pits,

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.

KKKK. **Section 4912.13 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 areas or in, upon or along trails, roadways or highways in Wildland-Urban Interface areas.

Exception: Approved public and private dumping areas.

LLLL. **Section 4912.14 Disposal of Ashes [Additional subsection].** Ashes and coals shall not be placed, deposited or dumped in or upon Wildland-Urban Interface 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.

MMMM. **Section 4912.15 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.

NNNN. **Section 4912.16 Use of Motorcycles, Motor Scooters and Motor Vehicles [Additional subsection].** Motorcycles, motor scooters and motor vehicles shall not be operated within Wildland-Urban Interface 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.

OOOO. **Section 4912.17 Tampering with Fire Department Locks, Barricades and Signs [Additional subsection].** Locks, barricades, seals, cables, signs and markers installed within Wildland-Urban Interface 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.

PPPP. **Section 4912.18 Liability for Damage [Additional subsection].** The expenses of fighting fires and securing emergencies, which result from a violation of this code, Chapter 6.15.030 of the Berkeley Municipal Code (“Unauthorized barbecues and fire on public property”), Sections 13000-13011 of the California Health and Safety Code, Sections 4421-4446 of the California Public Resources Code, or Sections 451, 451.5, 452 or 455 of the California Penal Code is a charge against the person(s) whose violation of the code section(s) caused the fire. Damages caused by such fires shall constitute a debt of such person(s) and shall be collectable by the fire code official in accordance with Section 107.7 of this code.

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.

At a regular meeting of the Council of the City of Berkeley held on May 7, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Humbert, Kesarwani, Lunaparra, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

**ADOPTION OF LOCAL AMENDMENTS TO THE BERKELEY FIRE
CODE - BASED ON THE CALIFORNIA INTERVENING CODE
ADOPTION CYCLE FOR THE 2022 CALIFORNIA FIRE CODE**

Notice is hereby given that on **June 4, 2024 at 6:00 P.M.** the City Council will conduct a public hearing to consider the adoption of amendments to Section 19.48.020 (“Amendments to the California Fire Code”) as proposed by the Berkeley Fire Department.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of May 23, 2024. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact **Dori Tieu**, Deputy Fire Marshal, Berkeley Fire Department at (510) 981-5585.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers 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. 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 (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: May 17 and May 24, 2024 – The Berkeley Voice

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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 May 23, 2024.

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Mark Numainville, City Clerk

