



Office of the City Manager

PUBLIC HEARING
November 10, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Adoption of the 2025 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 2025 California Fire Code ("CFC") and rescinding Resolution number 71,710–N.S.;
3. 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 71,837–N.S. and all Resolutions amendatory thereof.
4. 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 2, 2025.

SUMMARY

The State of California has adopted a new, 2025 fire code which will go into effect on January 1, 2026. Local jurisdictions may adopt local amendments to the California Fire Code (CFC), but the CFC will go into effect as written throughout the state on January 1, 2026. If Berkeley wishes to continue to apply our local fire code amendments the Berkeley City Council must act to adopt the CFC with our local amendments before January 1, 2026. Berkeley has local conditions specific to our community that affect our local fire and life safety and has adopted multiple fire code amendments in the past that are designed to address these concerns. Staff recommend that the City Council adopt local amendments to the California Fire Code as set forth in the attached documents to maintain and improve our current local level of fire safety.

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 FY2026 budget.

Neither the new State codes overall, or our continuing local amendments, are expected to create significant cost increases for homeowners, builders or developers beyond those costs already mandated by current codes and statutes.

CURRENT STATUS AND EFFECTS

As part of a regular three-year cycle, the California Building and Standards Commission promulgated the 2025 California Fire Code. The California Fire Code (Title 24, Part 9 of the California Code of Regulations) will take effect on January 1, 2026. The California Fire Code provides minimum standards for fire and life safety.

To create the 2025 California Fire Code, the State of California amended and adopted a model fire code published by the International Code Council. The 2025 California Fire Code reflects the 2024 International Fire Code (“IFC”) with State amendments. Local jurisdictions must enforce the California Fire Code, as adopted by the state beginning January 1, 2026. A major change from the 2022 to 2025 California Fire Code is that the requirements in Chapter 49 (Requirements for Wildland Urban Interface Fire Areas) were removed from the California Fire Code and inserted into the newly created California Wildland Urban Interface Code.

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.

Budget trailer bill AB 130 (Chapter 22, Statutes of 2025, see Sections 29-31 and 37-42 of the bill) became effective June 30, 2025, and enacted a moratorium on state and local building standards affecting residential units beginning October 1, 2025, and ending June 1, 2031. AB 130 amends Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 relative to local amendments to Title 24, and prohibits cities and counties from making changes that are applicable to residential units, unless one of the following conditions is met:

- (1) The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025.
- (2) The commission deems those changes or modifications necessary as emergency standards to protect health and safety.
- (3) The changes or modifications relate to home hardening.
- (4) The building standards relate to home hardening and are proposed for adoption by a fire protection district pursuant to Section 13869.7.

- (5) The changes or modifications are necessary to implement a local code amendment that is adopted to align with a general plan approved on or before June 10, 2025, and that permits mixed-fuel residential construction consistent with federal law while also incentivizing all-electric construction as part of an adopted greenhouse gas emissions reduction strategy.

Accordingly, in light of the changes to the California code and AB 130, the City may carry forward local amendments previously filed with the California Building Standards Commission and adopt new local amendments affecting residential units if they meet one of the five criteria and adopt new local amendments that do not affect residential units.

The majority of amendments to previously established local standards consist primarily of renumbering local amendments to maintain consistency with the structure and organization of the new California Fire Code. Where new or modified code language is being proposed by staff, the recommended changes are general code provisions for fire and life safety.

Staff recommend adoption of the following modifications to local amendments, that are not simple re-numberings or previously approved local amendments:

- 1) Adopting and amending Sections 103 (Code Compliance Agency), 104.7 (Official Records), 104.7.2 (Inspections), 104.7.6 (Fees), 104.9.1 (Materials and Equipment Reuse), 105.3.1 (Expiration), 105.3.1.1 (Expiration), 109 (Inspections), 115 (Unsafe Structures or Equipment) to align with the Berkeley Building Code and/or Berkeley Wildland Urban Interface Code.
- 2) Amending Section 903.4.3 (Alarms) by removing the exception for one- and two-family dwellings since the visibility of a visual alarm in foggy and low light conditions and an audible alarm will assist firefighters in identifying the residence with a sprinkler waterflow activation.
- 3) Adopting 907.1.6 (Certification), 907.1.7 (Fire Alarm System Monitoring), and 907.9.1 (Certification and monitoring) and amending and adopting 907.6.6 (Monitoring) and 907.9 (Where Required in Existing Buildings and Structures) to provide guidance on certification and monitoring of fire alarms systems.
- 4) No longer adopting Appendix L (Firefighter Air Replenishment System).
- 5) Adopting Appendix O (Valet Trash and Recycling Collection in Group R-2 Occupancies) to provide guidance on valet trash collection.

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; fire apparatus access; hazardous materials transportation restrictions; and firefighter safety. 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.

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 undesirable 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

Local amendments to the California Fire Code must be adopted every three years, or the California Fire 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 2022 Fire Code. The 2025 California Fire Code (and 2024 International Fire Code) have added permits regulating indoor plant cultivation; mobile food preparation vehicles; heating and cooking in tents, wildfire areas, and construction sites; 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 2025 California Fire Code adds new operational permits. Currently, there are no permit fees 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 adjustment of fee amounts beginning January 1, 2026:

- a. *A new operational permit be established for the permitting, inspection and regulation of Indoor Plant Cultivation as required in Section 105.5.26.*

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

- b. *A new operational permit be established for the permitting, inspection and regulation of Mobile Food Preparation Vehicles as required in Section 105.5.34.*

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

- c. *A new operational permit be established for the permitting, inspection and regulation of Temporary Heating or Cooking in Tents or Membrane Structures as required in Section 105.5.55.*

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

- d. *A new operational permit be established for the permitting, inspection and regulation of Temporary Heating or Cooking in Wildfire Risk Areas as required in Section 105.5.56.*

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

- e. *A new operational permit be established for the permitting, inspection and regulation of Temporary Heating for Construction Sites as required in Section 105.5.57.*

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

- f. *A new construction permit be established for the installation of Automatic Sprinkler Systems as required in Section 105.6.2, differentiating them from Automatic Fire-Extinguishing Systems (Section 105.6.1).*

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

Drew Whyte, Fire Marshal, Berkeley Fire Department, 981-5585.

Attachments

- 1 Ordinance - Repealing and Re-Enacting BMC 19.48 (Fire Code)
- 2 Resolution - "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. 71,710-N.S."
- 3 Resolution - Establishing Annual Permit Fees, Inspection and Billing Rates for Inspection of Property Sites by the Berkeley Fire Department, and Rescinding Resolution number 71,837–N.S. and all Resolutions Amendatory Thereof".
- 4 "Summary of Proposed Fee Amendments document"
- 5 Public Hearing Notice

ATTACHMENT 1

**ORDINANCE NO. ##,###-N.S.
REPEALING AND RE-ENACTING BERKELEY MUNICIPAL CODE CHAPTER 19.48
(BERKELEY 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:

**Chapter 19.48
BERKELEY FIRE CODE***

Sections:

- 19.48.010 Adoption of the California Fire Code**
- Article 1. Scope and Administrative Provisions**
- 19.48.020 Adoption of Chapter 1 Scope and Administration**
- Article 2. Definitions**
- 19.48.030 Amendments to Chapter 2 Definitions**
- Article 3. Fire Service Features**
- 19.48.040 Amendments to Chapter 5 Fire Service Features**
- Article 4. Fire and Smoke Protection Features**
- 19.48.050 Amendments to Chapter 7 Fire and Smoke Protection Features**
- Article 5. Fire Protection and Life Safety Systems**
- 19.48.060 Amendments to Chapter 9 Fire Protection and Life Safety Systems**
- Article 6. Means of Egress**
- 19.48.070 Amendments to Chapter 10 Means of Egress**
- Article 7. Construction Requirements for Existing Buildings**
- 19.48.080 Amendments to Chapter 11 Construction Requirements for Existing Buildings**
- Article 8. Hazardous Materials – General Provisions**
- 19.48.090 Amendments to Chapter 50 Hazardous Materials - General Provisions**
- Article 9. Explosives and Fireworks**
- 19.48.100 Amendments to Chapter 56 Explosives and Fireworks**
- Article 10. Flammable and Combustible Liquids**
- 19.48.110 Amendments to Chapter 57 Flammable and Combustible Liquids**
- Article 11. Liquid Petroleum Gas**
- 19.48.120 Amendments to Chapter 61 Liquid Petroleum Gas**
- Article 12. Fire-Flow Requirements for Buildings**
- 19.48.130 Amendments to Appendix B Fire-Flow Requirements for Buildings**
- 19.48.140 Validity**

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Section 19.48.010 Adoption of the California Fire Code

A. The California Fire Code, 2025 edition, as adopted in Title 24, Part 9 of the California Code of Regulations 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 in this ordinance, including:

- Chapter 1, Administration, in its entirety as amended
- Chapter 2, Definitions, in its entirety as amended
- Chapter 3, General Requirements, in its entirety
- Section 503, Fire Apparatus Access Road, of Chapter 5, in its entirety
- Section 504.1.1, Marking of Exterior Building Openings, additional section as amended
- Section 705.2.5, Smoke- and Heat-Activated Doors, as amended
- Chapter 9, Fire Protection and Life Safety Systems, as amended
- Section 1031.2, [Emergency Escape and Rescue] Where Required, as amended
- Chapter 11, Construction Requirements for Existing Buildings, as amended
- Section 5001.7, Hazardous Materials Transport Restrictions, additional section as amended
- Section 5601.1.3, Fireworks, and 5604.1, General [Explosive Materials Storage and Handling], as amended
- Section 5701.4.1, Transfer of Flammable and Combustible Liquids, and 5704.2.11.1.1, Restrictions on Underground Storage Tanks, additional sections as amended
- Section 5704.2.13.1.4, Tanks Abandoned in Place, and 5704.2.14, Removal and Disposal of Tanks, as amended
- Section 6104.1.1, Restrictions on Storage of LP-Gas Containers, additional section as amended
- Appendix B, Fire-Flow Requirements for Buildings, as amended
- Appendix D, Fire Apparatus Access Roads, in its entirety
- Appendix E, Hazard Categories, in its entirety
- Appendix F, Hazard Ranking, in its entirety
- Appendix O, Valet Trash and Recycling Collection in Group R-2 Occupancies, in its entirety
- Appendix P, Temporary Haunted Houses, Ghost Walks and Similar Amusement, in its entirety

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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".
- C. This Chapter will become effective on January 1, 2026.

Article 1. Scope and Administrative Provisions

19.48.020 Adoption of Chapter 1 Scope and Administration

Chapter 1 of the California Fire Code is adopted in its entirety subject to the modifications thereto which are set forth below.

CHAPTER 1 – SCOPE AND ADMINISTRATION

SECTION 101 – SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the Berkeley Fire Code of ~~[NAME OF JURISDICTION]~~, hereinafter referred to as "this code."

SECTION 102 – APPLICABILITY

102.6 Historic buildings. 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 in accordance with the 2025 California Historical Code.

SECTION 103 – CODE COMPLIANCE AGENCY

103.1 Creation of enforcement agency. The Berkeley Fire Department ~~[INSERT NAME OF DEPARTMENT]~~ is hereby created and the official in charge thereof shall be known as the Fire Chief ~~fire code official~~. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The Fire Chief ~~fire code official~~ shall be appointed by the City Manager ~~chief appointing authority of the jurisdiction~~.

103.3 Deputies. In accordance with the prescribed procedures of ~~this jurisdiction~~ the City of Berkeley and with the concurrence of the appointing authority, the Fire Chief, hereinafter referred to as the fire code official shall have the authority to appoint a ~~dDeputy fFire Chief, Fire Marshal, Fire Plans Examiner and code official~~, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the fire code official. For purposes of this code, the term "code official" shall also include their designees.

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SECTION 104 – DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

104.7 Official records. The fire code official shall keep official records as required by Sections 104.7.1 through 104.7.6. Such official records shall be retained for not less than 5 years or for as long as the building, ~~or structure~~ or activity to which such records relate remains in existence, unless otherwise ~~provided by other regulations required for~~ a longer period by the retention of public record policy of the city.

104.7.2 Inspections. The fire code official shall keep a record of each inspection made, including notices of violations issued, notices and orders issued, administrative citation warning letters issued, citations issued and appeals received showing the findings and disposition of each.

104.7.6 Fees. The fire code official shall keep a record of invoices issued, fees collected and fees refunded in accordance with Section 108.

104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working order with proper reports and tests justifying the condition, labeled and graded as required and expressly approved by the fire code official.

104.12. Authority to arrest and issue citations. The Fire Chief, or their designee 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.

104.13 Authority to abate fire nuisance. The Fire Chief or the Fire Chief's designee shall have the authority to order the abatement of fire nuisances.

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SECTION 105 – PERMITS

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Operational permits shall expire 12 months after the date of issue. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided that changes have not been made and will not be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

105.3.1.1 Expiration. On or after January 1, 2019, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The building fire code official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. (See Health and Safety Code Section 18938.5 and 18938.6.)

105.5.18 Flammable and combustible liquids. 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 (DOT) 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.

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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 in accordance with Section 5706.5.4 or to engage in on-demand mobile fueling operations in accordance with Section 5707.
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 in accordance with Section 5706.5.4 or, where required by the fire code official, to utilize a site for on-demand mobile fueling operations in accordance with Section 5707.

105.5.60 Christmas tree sales lot. An operational permit is required to operate a Christmas tree sales lot.

105.5.61 Escort convoy service. Police and/or Fire Department convoy service is required for vehicle transportation of extremely hazardous materials.

Section 105.5.64 Fire Fighter Air Replenishment System (FARS). An annual operational permit is required to maintain a FARS system in accordance with Appendix L.

Section 105.5.62 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.

105.5.63 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.).

105.6.26 Window bars, operational constraints and opening control devices. A building permit is required to install window bars or other equipment which imposes operational constraints and opening controls on emergency escape and rescue openings on exterior doors or windows of any sleeping rooms in accordance with fire code Section 1031.2.1 of this code.

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SECTION 108 – FEES

108.2 Schedule of permit fees. Where a permit is required, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. of fees for permits and inspections as set forth by resolution of the City Council.

108.4 Work commencing before permit issuance. A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority, which shall be in addition to the required permit fees. as set forth by resolution of the City Council to be twice the amount of the required fees to obtain a permit for that work, activity or operation regulated by this code. This is in addition to the permit fees for the portion of the scope of work performed without the permit.

108.7. Expense of securing emergencies. 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 104.10 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.

SECTION 109 – INSPECTIONS

109.2.3 Reinspections. To determine compliance with this code, the fire code official can cause a structure to be reinspected. A fee can be assessed for each inspection or reinspection where work for such inspection is called is not complete or where corrections called for are not made.

Reinspection fees can be assessed where the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the fire code official.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. Where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

109.2.3.1 Testing. Installations shall be tested as required in this code and in accordance with Sections 109.1.4.1 through 109.1.4.3. Tests shall be made by the permit holder or authorized agent and observed by the fire code official.

109.2.3.2 New, altered, extended or repaired installations. New installations and parts of existing installations that have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose defects.

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109.2.3.3 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder or authorized agent.

109.2.3.4 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for inspection and testing.

109.2.3.5 Re-inspection fees. A re-inspection fee, as set forth by resolution of the City Council, may be assessed for each re-inspection when such portion of work for which an inspection is scheduled is not complete, is required to be reinspected after receiving a previously approved inspection for the same work or when corrections previously called for are not made.

Re-inspection fees shall not be required each time a job is disapproved for failure to comply with the requirements of this Code. This section shall be invoked for the following reasons:

1. When the work is not ready for inspection when the inspector arrives at the site.
2. When excessive scheduling of inspections for work not yet completed at the site.
3. When the approved plans, permit and inspection card are not readily available to the inspector at the work site.
4. For failure to provide access on the date for which the inspection is requested.
5. When work deviates from the approved plans and no approved revision to approved plans has been obtained by the permittee.
6. When other reasons, as determined by the fire code official, requires a re-inspection fee to be assessed.

The applicant shall pay the re-inspection fee as set forth by resolution of the City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

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SECTION 112 – MEANS OF APPEALS

112.1 General Appeals Procedure. ~~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 applicable governing authority and shall hold office at its pleasure. 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.~~ The City Council shall hear and decide on appeals of orders, decisions, or determinations made by the Fire Code Official relative to the application and interpretation of this code. A property owner may appeal an order, decision, or determination of the Fire Code Official within 10 calendar days of the date of mailing of the appealable action. The notice of appeal shall contain a statement of the reasons for the appeal and be filed with the City Clerk of the City of Berkeley. The City Clerk shall forward one copy thereof to the Fire Code Official, who shall transmit to the City Council all their records pertaining to the decision being appealed.

Section 112.1.1 Payment of Fees and Fines. Prior to the deadline to appeal, the property owner must pay the appeal fee, per the adopted fee schedule, in addition to an advance deposit of the fine or file an application for an advanced deposit hardship waiver. If the hardship waiver is not granted, the fine must be deposited to the City within 14 days of mailed notice of that decision. No hearing shall be scheduled prior to receipt of payment or approval of the hardship waiver.

112.1.2 Stay of Proceedings. 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.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board-City Council shall not have authority to waive requirements of this code.

112.3 Qualifications. ~~The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~ **Decisions.** 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, Notice of Appeal, the written statement of the fire code official setting forth the reason for their 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.

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- 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 appellant 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.

112.4 Administration. The fire code official shall take action without delay in accordance with the decision of the ~~board~~ City Council.

SECTION 113 – VIOLATIONS

113.1 Unlawful acts. 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.

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113.4 Violation penalties. 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, construct, alter, repair or do work for a building or structure 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 subject to penalties as prescribed by law. Violations of this code are misdemeanors, but may be cited or charged, at the election of the enforcing officer, code official, or City Attorney, as infractions, subject to an election by the defendant under Penal Code Subsection 17 (d). Nothing in this section shall prevent any other remedy afforded by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to all other legal remedies, civil or criminal (as set forth above), any violation of this code constitutes a public nuisance in accordance with B.M.C Chapter 1.26, and is subject to all provisions of B.M.C. Chapter 1.26, as well as abatement under B.M.C. Chapter 1.24, "Abatement of Nuisances," with the exception of Section 112 (Means of Appeals) which supersedes these provisions. All such violations are also subject to the issuance of an administrative citation in accordance with B.M.C Chapter 1.28 at the discretion of the enforcing officer or the City Attorney.

SECTION 115 – UNSAFE STRUCTURES OR EQUIPMENT

115.4 Notice. If an unsafe condition is found, the fire code official shall serve on the owner of the structure or the owner's authorized agent or person in control of the building, structure or premises, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person, or their designee, thus notified to declare immediately to the fire code official, within a stipulated time, acceptance or rejection of the terms of the order.

115.7 Summary abatement. 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 115.4 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 115.7.1

115.7.1 Abatement process. 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.

Article 2. Definitions

19.48.030 Amendments to Chapter 2 Definitions

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Chapter 2 of the California Fire Code is adopted in its entirety subject to the modifications thereto which are set forth below.

CHAPTER 2 – DEFINITIONS

SECTION 202 – GENERAL DEFINITIONS

202 BERKELEY MARINA. The area shall mean all those, parts of the City of Berkeley west of the Interstate 80 Freeway

202 FIRE HAZARD. Any thing or act which increases or could cause an increase of the hazard or menace of fire to a greater degree than that is customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing 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.

202 FIRE NUISANCE. Any thing or act, which is annoying, unpleasant, offensive or obnoxious because of fire.

202 JURISDICTION. The City of Berkeley. ~~The governmental unit that has adopted this code.~~

202 WASTE OIL. A Class III-B liquid waste resulting from the use of Class III-B combustible liquids such as waste motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids.

Article 3. Fire Service Features

19.48.040 Amendments to Chapter 5 Fire Service Features

Chapter 5 of the California Fire Code is adopted in its entirety subject to the modifications thereto which are set forth below.

CHAPTER 5 – FIRE SERVICE FEATURES

SECTION 504 – ACCESS TO BUILDING OPENINGS AND ROOFS

504.1.1 Marking of Exterior Building Openings. 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, or a functional description for the space, such openings 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 3/4" high with a 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.

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Exception: Doors associated with private dwellings, the main entrance to normally occupied spaces or when determined to be unnecessary by the fire code official.

Article 4. Fire and Smoke Protection Features

19.48.050 Amendments to Chapter 7 Fire and Smoke Protection Features

Chapter 7 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 7 – FIRE AND SMOKE PROTECTION FEATURES

SECTION 705 – DOOR AND WINDOW OPENINGS

705.2.5 Smoke- and heat-activated doors. Smoke-activated doors shall be maintained to self-close or automatically close upon detection of smoke. Existing fusible-link-type automatic-door closing devices are permitted if the fusible link rating does not exceed 135°F (57°C). 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.

Article 5. Fire Protection and Life Safety Systems

19.48.060 Amendments to Chapter 9 Fire Protection and Life Safety Systems

Chapter 9 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 9 – FIRE PROTECTION AND LIFE SAFETY SYSTEMS

SECTION 903 – AUTOMATIC SPRINKLER SYSTEMS

903.2.10.1 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles ~~where the fire area exceeds 5,000 square feet (464 m²).~~

903.2.11.1 Stories without openings. 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 the story does not comply with the following criteria for 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).

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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.

903.2.11.2. Rubbish, recycling and linen chutes. An automatic sprinkler system shall be installed at the top of rubbish, recycling and linen chutes and in their terminal rooms. Chutes shall have additional sprinkler heads installed at alternate floors and at the lowest intake. Where a rubbish chute extends through a building more than one floor below the lowest intake, the extension shall have sprinklers installed that are recessed from the drop area of the chute and protected from freezing in accordance with Section 903.3.1.1. Such sprinklers shall be installed at alternate floors, beginning with the second level below the last intake and ending with the floor above the discharge. Access to sprinklers in chutes shall be provided for servicing. Activation of any fire sprinkler in a chute shall activate a separate water flow switch to indicate waterflow in the chute. All fire sprinklers in the chute shall be controlled by a separate, electrically supervised control valve with a tamper switch.

903.2.22 Structures in the Berkeley Marina Area. 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.

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

903.2.24 Environmental Safety - Residential District. Reserved

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R *as amended in Chapter 80* where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. For other than Group R-2 occupancies, the floor level of the highest story is 30 feet (9144mm) or less above the lowest level of fire department vehicle access.

For Group R-2 occupancies, the roof assembly is less than 45 feet (13 716 mm) above the lowest level of fire department vehicle access. The height of the roof assembly shall be determined by measuring the distance from the lowest required fire vehicle access road surface adjacent to the building to the eave of the highest pitched roof, the intersection of the highest roof to the exterior wall, or the top of the highest parapet, whichever yields the greatest distance.

3. The floor level of the lowest story is 30 feet (9144mm) or less below the lowest level of fire department access.

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The number or stores of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the *California Building Code* shall be measured from grade plane.

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

903.3.10 Floor control valves. *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: In Group R-3 and R-3.1 occupancies, floor control valves and waterflow detection assemblies shall not be required.

903.4.3 Alarms. An approved audible and visual sprinkler waterflow alarm device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a waterflow switch is required by Section 903.4.1 to be electrically supervised, such sprinkler waterflow alarm devices shall be powered by a fire alarm control unit or, where provided, a fire alarm system. Where a fire alarm system is provided, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Exception: Automatic sprinkler systems protecting one- and two-family dwellings.

SECTION 907 – FIRE ALARM AND DETECTION SYSTEMS

907.1.6 Certification. New fire alarm systems shall be Nationally Recognized Testing Laboratory (NRTL) certificated or placarded for Central Station Service Alarm Systems in accordance with NFPA 72, Chapter 26, Section 26.3. The NRTL shall be acceptable to the fire code official and capable of issuing serially numbered certificates or placards. A certificate of completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations and stored in the document box onsite. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid NRTL issued certificate or placard for the life of the installed system(s).

Exceptions:

1. Fire warning and fire alarm systems in one- and two-family dwellings.
2. Fire alarm control units in which the primary function is to monitor an automatic sprinkler system or other dedicated function fire alarm system.

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907.1.7 Fire Alarm System Monitoring. Fire alarm systems shall transmit distinctly different alarm, supervisory and trouble signals and shall be monitored in accordance with NFPA 72, Chapter 26, Section 26.3, Central Station Service Alarm Systems.

907.2 Where required—new buildings and structures. 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 907.2.29 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 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 systems dedicated to elevator recall control and 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.

907.2.1 Group A. 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.

Exceptions:

1. 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.
2. Manual fire alarm boxes and the associated occupant notification system or emergency voice/alarm communication system are not required for Group A-5 outdoor bleacher-type seating having an occupant load of greater than or equal to 300 and less than 15,000 occupants, provided that all of the following are met:
 - 2.1. A public address system with standby power is provided.

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- ~~2.2. Enclosed spaces attached to or within 5 feet (1524 mm) of the outdoor bleacher type seating compose, in the aggregate, a maximum of 10 percent of the overall area of the outdoor bleacher type seating or 1,000 square feet (92.9 m²), whichever is less.~~
- ~~2.3. Enclosed accessory spaces under or attached to the outdoor bleacher type seating shall be separated from the bleacher type seating in accordance with Section 1030.1.1.1.~~
- ~~2.4. All means of egress from the bleacher type seating are open to the outside.~~
- ~~3. Manual fire alarm boxes and the associated occupant notification system or emergency voice/alarm communication system are not required for temporary Group A-5 outdoor bleacher type seating, provided that all of the following are met:~~
 - ~~3.1. There are no enclosed spaces under or attached to the outdoor bleacher type seating.~~
 - ~~3.2. The bleacher type seating is erected for a period of less than 180 days.~~
 - ~~3.3. Evacuation of the bleacher type seating is included in an approved fire safety plan.~~

Every Group A building used for educational purposes shall be provided with a manual or automatic fire alarm system. This provision shall apply to, but shall not necessarily be limited to, every community college and university.

Exception: Privately owned trade or vocational schools or any firm or company which provides educational facilities and instruction for its employees.

907.2.2 Group B. A manual fire alarm system, which activates the occupant notification system in accordance with Section 907.5, 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.

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907.2.4 Group F. 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.~~

907.2.7 Group M. Fire alarm system shall be required in Group M occupancies in accordance with Sections 907.2.7.1 and 907.2.7.2.

907.2.7.1 Occupant Load. 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.~~

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907.2.8.1 Manual fFire alarm system. 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.~~

907.2.8.2 Manual and Aautomatic fire alarm systems smoke detection system. 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.~~

907.2.9.1 Automatic and Mmanual fire alarm system. 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.*

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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.~~
3. 2. 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.

907.6.6 Monitoring. All ~~F~~fire alarm, detection, and communication systems required by this ~~code~~chapter or by the *California Building Code* shall be monitored by an approved supervising station in accordance with NFPA 72, Chapter 26, Section 26.3, Central Station Service Alarm Systems, and this section.

907.7 Acceptance tests and completion. Upon completion of the installation, the fire alarm system and all fire alarm components shall be tested in accordance with NFPA 72. Fire alarm systems shall obtain a UL certificate for the system prior to final inspection.

Exceptions:

1. Fire warning and fire alarm systems in one- and two-family dwellings.
2. Fire alarm control units in which the primary function is to monitor an automatic sprinkler system or other dedicated function fire alarm system.

907.9 Where required in existing buildings and structures. An approved fire alarm system shall be provided in existing buildings and structures where required in Chapter 11.

907.9.1 Certification and monitoring. Certification per 907.1.6 and monitoring per 907.1.7 is required for an existing fire alarm system when one of the following is met:

1. When a fire alarm control unit is replaced, for any reason.
2. When there are multiple unwanted alarms and/or nuisance alarms that are repetitive and not corrected, as determined by the fire code official.
3. When the fire code official determines that the severity of life safety hazards or systems on the premises require certification of the fire alarm system.

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Article 6. Means of Egress**19.48.070 Amendments to Chapter 10 Means of Egress**

Chapter 10 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 10 – MEANS OF EGRESS**SECTION 1031 – EMERGENCY ESCAPE AND RESCUE**

1031.2 Where required. In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in *Group R* occupancies.:

1. ~~Group R-2 occupancies located in stories with only one exit or access to only one exit as permitted by Tables 1006.3.4(1) and 1006.3.4(2).~~
2. ~~Group R-3 and R-4 occupancies.~~

Basements and sleeping rooms below the fourth story above grade plane shall have not fewer than one emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way, or to an egress balcony that leads to a public way.

Exceptions:

1. *In Groups R-1 and R-2 occupancies constructed of Type I, Type IIA, Type IIIA or Type IV construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1.*
2. *Group R-2.1 occupancies meeting the requirements for delayed egress in accordance with Section 1010.2.13 may have operable windows that are breakable in sleeping rooms permanently restricted to a maximum of 4-inch open position.*
3. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue openings.
4. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior egress balcony that leads to a public way.
5. Basements without habitable spaces and having not more than 200 square feet (18.6 m²) in floor area shall not be required to have emergency escape and rescue openings.
6. Storm shelters are not required to comply with this section where the shelter is constructed in accordance with ICC 500.
7. Within individual dwelling and sleeping units in Groups R-2 and R-3, where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, sleeping rooms in basements shall not be required to have emergency escape and rescue openings provided that the basement has one of the following:

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- 7.1. One means of egress and one emergency escape and rescue opening.
- 7.2. Two means of egress.
8. *In Group R-2.2 occupancies a certified fire escape is acceptable as a secondary means of egress of existing buildings for this section of the code.*

Article 7. Construction Requirements for Existing Buildings

19.48.080 Amendments to Chapter 11 Construction Requirements for Existing Buildings

Chapter 11 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 11 – CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

SECTION 1103 – FIRE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS

1103.5 Sprinkler systems. An automatic sprinkler system shall be provided in existing buildings in accordance with Section 1103.5.1 through 1103.5.5.6.3

SECTION 1103.5.6 AUTOMATIC SPRINKLER REQUIREMENTS FOR EXISTING HOTELS

1103.5.6.1 Definitions. 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, Greek houses and congregate residences, 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 (with monetary or non-monetary means of payment or permission) 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 located 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.

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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.

1103.5.6.2 Types of Fire Sprinklers. In the sleeping units of the building, only residential or quick response sprinkler heads shall be used.

1103.5.6.3 Supervision of fire sprinkler systems. All automatic sprinkler systems installed under this subsection shall be monitored for supervision and alarms in accordance with Section 903.4.

1103.7 Fire Alarm Systems. An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.6 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.

1103.7.5.1 Group R-1 hotels, and motels, and congregate residences manual and automatic fire alarm system. 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, and congregate residences ~~more than one story in height with three or more stories or with more than 20 or more dwelling units or sleeping units in aggregate.~~

Exceptions:

1. A manual fire alarm system is not required in buildings less than two stories in height where all dwelling units, 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. A manual fire alarm system is not required in buildings not more than three stories in height with not more than 20 dwelling units or sleeping units in aggregate and equipped throughout with an automatic sprinkler system installed in accordance with Sections 903.3.1.1 or 903.3.1.2.
3. Manual fire alarm boxes are not required throughout the building where the following conditions are met:
 - 3.1. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
 - 3.2. The notification appliances will activate upon sprinkler water flow.
 - 3.3. Not less than one manual fire alarm box is installed at an approved location.

ATTACHMENT 1

1103.7.6 Group R-2. 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 ~~three or more than three~~ stories in height or with 16 or more 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.~~
- 2.3. 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.
- 3.4. 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:
 - 3.14.1. Each dwelling unit is separated from other contiguous dwelling units by fire barriers having a fire-resistance rating of not less than ¾ hour.
 - 3.24.2. Each dwelling unit is provided with smoke alarms complying with the requirements of Section 907.2.11.

1103.7.10 Monitoring of Group R Occupancies. All existing R occupancies that are required to provide both a fire alarm and fire suppression system shall have the system monitored by a supervising station in accordance with NFPA 72, Chapter 26, Section 26.3, Central Station Service Alarm Systems, and this section.

SECTION 1104 – MEANS OF EGRESS FOR EXISTING BUILDINGS

1104.24 Stairway floor number signs. Existing stairways shall be marked in accordance with Section 1023.9.

ATTACHMENT 1

SECTION 1114 – EXISTING HIGH-RISE BUILDINGS [SFM]

1114.27 Automatic sprinkler system–Existing high-rise buildings. *Regardless of any other provisions of these regulations, every existing high-rise building of Type II-B, Type III-B or Type V-B construction shall be provided with an approved automatic sprinkler system conforming to NFPA 13.*

Building owners shall file a compliance schedule with the fire code official not later than 365 days after receipt of a written notice. The compliance schedule shall not exceed 12 years for completion of the automatic sprinkler system retrofit.

Article 8. Hazardous Materials – General Provisions

19.48.090 Amendments to Chapter 50 Hazardous Materials – General Provisions

Chapter 50 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

ATTACHMENT 1

CHAPTER 50 – HAZARDOUS MATERIALS – GENERAL PROVISIONS**SECTION 5001 – GENERAL**

5001.7 Hazardous materials transportation restrictions. 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, 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

Article 9. Explosives and Fireworks**19.48.100 Amendments to Chapter 56 Explosives and Fireworks**

Chapter 56 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

ATTACHMENT 1

CHAPTER 56 – EXPLOSIVES AND FIREWORKS**SECTION 5601 – GENERAL**

5601.1.3 Fireworks. 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 City of Berkeley.

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 with 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 the 2006 edition of 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.*

SECTION 5604 – EXPLOSIVE MATERIALS STORAGE AND HANDLING

5604.1 General. 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.

Article 10. Flammable and Combustible Liquids**19.48.110 Amendments to Chapter 57 Flammable and Combustible Liquids**

Chapter 57 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.).

ATTACHMENT 1

CHAPTER 57 – FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 5701 – GENERAL

5701.4.1 Transfer of flammable and combustible liquids. Transfer of flammable and combustible liquids, to or from containers or mobile tanks into above ground or underground tanks shall not be made from or on the street or public way except by written approval by the fire code official.

Exceptions:

1. Transfer of not more than 5 gallons flammable or combustible liquids using a listed or approved portable fuel container of not more than 5 gallons capacity.
2. The transfer of combustible liquids to or from approved, fixed mechanical or electrical system equipment such as a Standby or Emergency electric power generator when the transfer is completed by a commercial fuel vendor using approved dispensing equipment via a previously approved, fixed tank filling port which met code requirements at the time of installation.

SECTION 5704 – STORAGE

5704.2.11.1.1 Restrictions on underground storage tanks. 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.

5704.2.13.1.4 Tanks abandoned in place. 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 Management Division (TMD) that no unauthorized release has occurred. If the soil is contaminated, mitigation must be completed to the satisfaction of the Toxics Management Division (TMD). 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:

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.

ATTACHMENT 1

5704.2.14 Removal and disposal of tanks. 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.

Article 11. Liquefied Petroleum Gas

19.48.120 Amendments to Chapter 61 Liquefied Petroleum Gas

Chapter 61 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 61 – LIQUIFIED PETROLEUM GASES

SECTION 6104 – LOCATION OF LP-GAS CONTAINERS

6104.1.1 Restrictions on storage of LP-gas containers. 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.

ATTACHMENT 1

Article 12. Fire Flow Requirements for Buildings**19.48.130 Amendments to Appendix B Fire Flow Requirements for Buildings**

Appendix B of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

APPENDIX B – FIRE FLOW REQUIREMENTS FOR BUILDINGS

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”

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

Section 19.48.140 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.

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 Old City Hall, 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. 71,710–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:

1. LOCAL CONDITIONS

a. Climatic Conditions

i. 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 September 1970, during critical climatic fire conditions characterized by hot, dry winds out of the northeast, a fire started along Fish Ranch Road and Grizzly Peak. This fire rapidly spread into the surrounding neighborhoods of Oakland and Berkeley, burning 400 acres and destroying 37 homes. An additional 18 homes were badly damaged before the fire was brought under control.
- 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.

ii. 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.

b. Geological Conditions.

i. 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 stability 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.

ii. 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.

c. Topographical Conditions.

i. 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 11% of the approximate population of 121,077 per 2020 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.

d. 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.

2. 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 705.2.5 (Smoke- and Heat-Activated Doors) is 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. 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 903.2.10.1, 903.2.11.1, 903.2.11.2, 903.2.22, 903.2.23, 903.3.1.2, 903.3.10 and 1103.5, 1103.5.6, 1103.5.6.1, 1103.5.6.2, 1103.5.6.3 (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 907.1.6, 907.1.7, 907.2, 907.2.1, 907.2.2, 907.2.4, 907.2.7, 907.2.7.1, 907.2.8.1, 907.2.8.2, 907.2.9.1, 907.6.6, 907.9, 907.9.1, 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 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 6104.1.1 (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.

7. 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.
8. Appendix P (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 building standards more stringent than the provisions of the California Fire Code but rather cover matters not addressed by those codes as building standards, or are administrative in nature, as follows:

1. Berkeley Fire Code Chapter 19.48, Article 1, Scope and Administrative Provisions, as amended, details local ordinances and regulations necessary to carry out and enforce the Berkeley Fire Code in the City of Berkeley relating to civil, administrative, or criminal procedures.
2. Berkeley Fire Code Chapter 19.48, Article 2, Definitions, as amended, provides additional definitions required to clarify and implement the local adoption of the fire code.
3. Chapter 3 (General Requirements) 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. Section 1031.2, ([Emergency Escape and Rescue] Where Required) is a local

amendment to correct the Berkeley Fire Code language to match the Berkeley Building Code language.

5. Section 5001.7 (Hazardous Materials Transport Restrictions) is a local amendment 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 additional 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 [Explosive Materials Storage and Handling]) 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.
9. Appendix O (Valet Trash and Recycling Collection in Group R-2 Occupancies) provide specific guidelines on operating valet trash service in a Group R-2 Occupancy.

BE IT FURTHER RESOLVED, that Resolution No. 70,710–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. 71,837-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 105.5, 105.6, 5001.7), 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	Current Fee
OPERATIONAL PERMITS		
Section 105.5.1	Additive manufacturing. An operational permit is required to conduct additive manufacturing operations regulated by Section 4106.3.	\$250.00
Section 105.5.2	Aerosol products, aerosol cooking spray products and plastic aerosol 3 products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products, aerosol cooking spray products or plastic aerosol 3 products in excess of 500 pounds (227 kg) net weight.	\$500.00
Section 105.5.3	Amusement buildings. An operational permit is required to operate a special amusement building.	\$500.00
Section 105.5.4	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.	\$500.00
Section 105.5.5	Carnivals and fairs. An operational permit is required to conduct a carnival or fair.	\$500.00
Section 105.5.6	Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.	\$500.00

Code Section	Fee Description	Current Fee
Section 105.5.60	Christmas tree sales lot. An operational permit is required to operate a Christmas tree sales lot.	\$500.00
Section 105.5.7	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.	\$500.00
Section 105.5.8	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.	\$500.00
Section 105.5.9	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 105.5.9. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$500.00 minimum
Section 105.5.10	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.	\$500.00 minimum
Section 105.5.11	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 105.5.11 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.	\$500.00 minimum
Section 105.5.12	Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.	\$250.00
Section 105.5.13	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.	\$500.00

Code Section	Fee Description	Current Fee
Section 105.5.14	Energy storage systems. An operational permit is required for stationary and mobile energy storage systems regulated by Section 1207. <i>Operational permits shall not be required for ESS located at detached one- and two-family dwellings and townhouses, other than Group R-4.</i>	\$500.00 minimum
Section 105.5.61	Escort convoy service. Police and/or Fire Department convoy service for vehicle transportation of extremely hazardous materials.	\$500.00 minimum
Section 105.5.15	Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.	\$500.00
Section 105.5.16	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 smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606. To conduct a public fireworks display \$1500.00 minimum To continue the use of a public fireworks display permit..... \$250.00	\$618.00
Section 105.5.62	Fire fighter air replenishment system (FARS). An annual operational permit is required to maintain a FARS system in accordance with Appendix L.	\$250.00
Section 105.5.17	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. 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.	\$250.00
Section 105.5.18	Flammable and combustible liquids. An operational permit is required: 1. To use or operate a pipeline for the transportation within	

Code Section	Fee Description	Current Fee
	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.	\$500.00 minimum
	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:.....	\$500.00
	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.	\$500.00
	4. To store, handle or use Class IIIB liquids <u>in excess of 110 gallons in containers, or</u> 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.	\$250.00
	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.....	\$250.00
	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.	\$250.00
	7. To place temporarily out of service (for more than 90 days)	\$250.00

Code Section	Fee Description	Current Fee
	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.....	\$250.00
	9. To manufacture, process, blend or refine flammable or combustible liquids.....	\$500.00
	10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to engage in on-demand mobile fueling operations in accordance with Section 5707..	\$500.00
	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 in accordance with Section 5706.5.4 or, where required by the fire code official, to utilize a site for on-demand mobile fueling operations in accordance with Section 5707. ...	\$500.00
Section 105.5.19	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.	\$500.00
Section 105.5.20	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.	\$500.00
Section 105.5.21	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 105.5.63	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.	\$500.00 minimum
Section 105.5.22	Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous	\$500.00 minimum

Code Section	Fee Description	Current Fee
	materials in excess of the amounts listed in Table 105.5.22.	
Section 105.5.23	HPM Facilities. An operational permit is required to store, handle or use hazardous production materials.	\$500.00
Section 105.5.24	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 combustible storage.	\$500.00 minimum
Section 105.5.25	Hot work operations. An operational permit is required for hot work including, but not limited to: 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.	\$500.00 (unless otherwise noted) \$125.00
Section 105.5.26	Indoor plant cultivation. An operational permit is required for plant cultivation where a carbon dioxide (CO ₂) enriched environment is created.	\$125.00 minimum
Section 105.5.27	Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.	\$500.00
Section 105.5.28	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.	\$500.00

Code Section	Fee Description	Current Fee
Section 105.5.29	Lithium batteries. An operational permit is required for an accumulation of more than 15 cubic feet (0.42 m) of lithium-ion and lithium metal batteries, where required by Section 322.1.	\$500.00
Section 105.5.30	LP-gas. An operational permit is required for: 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 less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3. 2. Operation of cargo tankers that transport LP-gas.	\$500.00 minimum
Section 105.5.31	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).	\$500.00
Section 105.5.32	Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.	\$500.00
Section 105.5.33	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 similar combustible material.	\$500.00
Section 105.5.34	Mobile food preparation vehicles. An operational permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors.	\$125.00 minimum
Section 105.5.58	Mobile fueling of hydrogen-fueled vehicles. <i>An operational permit is required:</i> 1. <i>To engage in the mobile dispensing of gaseous hydrogen as a fuel into the fuel tanks of motor vehicles.</i> 2. <i>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.</i> Exception: <i>In cases of an emergency, a site permit is not required.</i>	\$500.00 minimum
Section 105.5.35	Motor fuel-dispensing facilities. An operational permit is required for the operation of automotive, marine, and fleet	\$500.00 minimum

Code Section	Fee Description	Current Fee
	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.	
Section 105.5.36	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 complied with. Exception: Recreational fires.	\$250.00
Section 105.5.37	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.	\$250.00
Section 105.5.38	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.	\$250.00
Section 105.5.39	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.	\$500.00
Section 105.5.40	Outdoor assembly event. An operational permit is required to conduct an <i>outdoor assembly event</i> where planned attendance exceeds 1,000 persons.	\$500.00 minimum
Section 105.5.64	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	\$250.00 \$500.00
Section 105.5.41	Places of assembly. An operational permit is required to operate a place of assembly. A. <u>Occupant load less than 300</u> B. <u>Occupant load 300 or more</u>	\$500.00 \$750.00
Section 105.5.42	Plant extraction systems. An operational permit is required to use plant extraction systems.	\$500.00
Section 105.5.43	Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire	\$250.00

Code Section	Fee Description	Current Fee
	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 hydrants.	
Section 105.5.44	Pyrotechnic 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>	\$500.00
Section 105.5.45	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.	\$500.00
Section 105.5.46	Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	\$500.00 minimum
Section 105.5.47	Repair garages and motor fuel-dispensing facilities. An operational permit is required for operation of repair garages.	\$500.00 minimum
Section 105.5.48	Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.	\$500.00
Section 105.5.49	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.	\$500.00
Section 105.5.50	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.	\$500.00
Section 105.5.65	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 105.5.18, 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.	\$500.00 annually
Section 105.5.51	Temporary membrane structures, special event 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)	\$500.00

Code Section	Fee Description	Current Fee
	Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Tents, curtains and extensions attached thereto, when used for funeral services. 3. Tents open on all sides, which comply with all of the following: 3.1 Individual tents having a maximum size of 700 square feet (65 m²). 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 m²) total. 3.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.	
Section 105.5.52	Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	\$500.00
Section 105.5.53	Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.	\$500.00
Section 105.5.54	Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m ³).	\$500.00
Section 105.5.55	Temporary heating or cooking in tents or membrane structures. An operational permit is required to operate temporary heating or cooking equipment within tents or membrane structures.	\$125.00 minimum
Section 105.5.56	Temporary heating or cooking in wildfire risk areas. Where required by local regulations, an operational permit is required to operate temporary heating or cooking equipment in wildfire risk areas.	\$125.00 minimum
Section 105.5.57	Temporary heating for construction sites. An operational permit is required to operate temporary heating equipment in structures during the course of construction, alteration or demolition.	\$125.00 minimum
Section 105.5.59	Additional permits. <i>In addition to the permits required by Section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention <u>Division</u> prior to engaging in the following activities, operations, practices or functions:</i>	\$500.00

Code Section	Fee Description	Current Fee
	<i>1. Production facilities. To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.</i> <i>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.</i> <i>3. Live audiences. To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.</i>	
CONSTRUCTION PERMITS		
Section 105.6.1	Automatic fire-extinguishing systems. A construction permit is required for installation of or modification to an automatic fire-extinguishing system, <u>other than an automatic sprinkler system</u>. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit. A. Range Hood System..... B. Chemical Suppression System..... C. All others..... Field Inspection	\$500.00* \$500.00* \$500.00* \$125.00 / qtr hour* *minimum
Section 105.6.2	Automatic sprinkler systems. A construction permit is required for installation of or modification to an automatic sprinkler system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit. A. Automatic Sprinkler B. Automatic Sprinkler (small alteration or repairs to an existing system with 20 heads or less) C. Underground D. All others	\$500.00* \$250.00* \$500.00* \$500.00*

Code Section	Fee Description	Current Fee
	<u>Field Inspection</u>	<u>\$125.00 / qtr hour*</u> <u>*minimum</u>
Section 105.6.3	Compressed gases. Where the compressed gases in use or storage exceed the amounts listed in Table 105.5.9, 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.	\$500.00
Section 105.6.4	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 105.5.11. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a construction permit.	\$500.00 minimum
Section 105.6.5	Emergency responder communication coverage system. A construction permit is required for installation of or modification to in-building, two-way emergency responder communication coverage 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.	\$500.00 minimum
Section 105.6.6	Energy storage systems. A construction permit is required to install energy storage systems regulated by Section 1207.	\$500.00 minimum
Section 105.6.7	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	 \$500.00* \$750.00* \$1250.00* \$1500.00* \$250.00

Code Section	Fee Description	Current Fee
	F. Field Inspection	\$125.00 /qtr hr.* *minimum
Section 105.6.8	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.	\$500.00
Section 105.6.9	Flammable and combustible liquids. A construction permit is required: 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, abandon or otherwise dispose of a flammable or combustible liquid tank.	\$500.00 minimum \$250.00 \$250.00 minimum
Section 105.6.10	Fuel cell power systems. A construction permit is required to install stationary fuel cell power systems.	\$500.00 minimum
Section 105.6.11	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.	\$500.00 minimum
Section 105.6.12	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.	\$500.00
Section 105.6.13	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 where the hazardous materials in use or storage exceed the amounts listed in Table 105.5.22. Exceptions: 1. Routine maintenance.	\$500.00 minimum

Code Section	Fee Description	Current Fee
	2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.	
Section 105.6.14	High-piled combustible storage. A construction permit is required for the installation of or modification to a structure with more than 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.	Fire Dept. Review is under a building permit. Std. Bldg. fees apply
Section 105.6.15	Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 30. Exceptions: 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.	\$500.00
Section 105.6.16	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.	\$500.00
Section 105.6.17	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.	Fire Dept. Review is under a building permit. Std. Bldg. fees apply
Section 105.6.18	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.	Fire Dept. Review is under a building permit. Std. Bldg. fees apply
Section 105.6.19	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.....	

Code Section	Fee Description	Current Fee
	Field Inspection	\$500.00 \$125.00 /qtr hour* *minimum
Section 105.6.20	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.	\$500.00 minimum
Section 105.6.21	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.	Fire Dept. Review is under a building permit. Std. Bldg. fees apply
Section 105.6.22	Special event structure. A single construction permit is required to erect and take down a temporary special event structure in accordance with Section 105.5.51.	Fire Dept. Review is under a building permit. Std. Bldg. fees apply
Section 105.6.23	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.	\$500.00
Section 105.6.24	Standpipe Systems. A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit. A. Standpipe, Class I, II and III Combined..... B. Underground Field Inspection	\$500.00* \$500.00* \$125.00* /qtr hour *minimum
Section 105.6.25	Temporary membrane structures and tents. A construction permit is required to erect an air-supported temporary	\$500.00

Code Section	Fee Description	Current Fee
	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 m²). 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 m²) total. 3.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.	
Section 105.6.26	Window bars, operational constraints and opening control devices. A construction permit is required to install window bars or other equipment which imposes operational constraints and opening controls on exterior doors or windows of any sleeping rooms below the fourth floor in apartment houses, hotels, and motels.	\$250.00

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 107.2), 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).	\$500.00
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	\$500.00

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).	
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).	\$750.00
Convalescent Hospitals , nursing homes, and homes for the aged (each accommodating 100 or more persons, not including employees or relatives).	\$1000.00
Hospitals	\$500.00 per hour
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) Pre-inspection Fee (26 or more client capacity)	qtr. hour minimum \$125.00 \$125.00
[Ref. Calif. Health & Safety Code, section 13235(a)] states that the inspecting agency may charge "a fee equal to, but not exceeding the actual cost of the preinspection services."	

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, \$125.00/qtr hr
Inspection & Permit Clearances

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)

\$125.00/qtr hr

2. Fire code consultation services for building development, construction and modifications and pre-permit application	\$500.00/hour
3. Overtime fire & life safety inspection	\$500.00/hour (2 hr min.)
4. After-hours call-back for fire & life safety inspection	\$500.00/hour (4 hr min.)
5. Accelerated plan review services (as-available, billed at 1.5x the standard hourly rate \$500.00)	\$750.00/hour
D. Fire and Life Safety Investigations or Stand-by Services	\$500.00 minimum
E. Indoor Entertainment Inspection	\$125.00 per initial inspection
Subsequent inspections shall be billed at \$125.00 per quarter hour	
F. Fire Permit Application & Fire Permit Extension Fees	Standard Building Dept. Fees Apply

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 \$125.00 per quarter hour.

Section 4. INSPECTION AND BILLING RATE

That a rate of \$125.00 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 \$125.00 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, 2026.

Summary of Proposed Fee Amendments

The following details proposed amendments and changes to the fire permit and inspection fee schedule for fire department fire permitting, fire inspection, and service fees:

- A. Re-numbered and reorganized sub-sections under 105.5 and 105.6 to reflect changes in the 2025 California Fire Code.
 - a. 105.5.27 through 105.5.65, operational permits
 - b. 105.6.2 through 105.6.25, construction permits
- B. Updated section references in the permit fee language to reflect changes in the 2025 California Fire Code.
 - a. 105.5.1 Additive Manufacturing (§320.3 to §4106.3)
- C. Amended text in the permit fee language to reflect the 2025 California Fire Code language.
 - a. 105.5.14 Energy Storage Systems
 - b. 105.5.40 Outdoor Assembly Event
 - c. 105.5.51 Temporary Membrane Structures, Special Event Structures and Tents
 - d. 105.6.1 Automatic Fire-Extinguishing Systems
 - e. 105.6.22 Special Event Structure
- D. Established new fees to reflect the new permits in the 2025 California Fire Code and established a minimum fee of \$125.00, which is the lowest fee charged in the fire fee schedule.
 - a. 105.5.26 Indoor Plant Cultivation
 - b. 105.5.34 Mobile Food Preparation Vehicles
 - c. 105.5.55 Temporary heating or cooking in tents or membrane structures
 - d. 105.5.56 Temporary heating or cooking in wildfire risk areas
 - e. 105.5.57 Temporary heating for construction sites
- E. Divided the former Automatic Fire-Extinguishing Systems fee into two fees: §105.6.1 Automatic Fire-Extinguishing Systems and §105.6.2 Automatic Sprinkler Systems, which reflect changes in the 2025 California Fire Code. No new fees were created.
- F. Rescinded §105.6.25 Fire Fighter Air Replenishment System (FARS) construction permit since the Berkeley Fire Code is no longer adopting Appendix L, Requirements for Firefighter Air Replenishment Systems, in the 2025 California Fire Code. Appendix L was not adopted by the Office of the State Fire Marshal.
- G. There are no proposed fee changes in Sections 2, 3, 4, 5, or 6.

Summary of Proposed Fee Amendments

Section 1 of the proposed fee schedule is reproduced below for reference:

Code Section	Fee Description	Current Fee	Proposed Fee
OPERATIONAL PERMITS			
Section 105.5.1	Additive manufacturing. An operational permit is required to conduct additive manufacturing operations regulated by Section 4106.3320.3 .	\$250.00	\$250.00
Section 105.5.2	Aerosol products, aerosol cooking spray products and plastic aerosol 3 products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products, aerosol cooking spray products or plastic aerosol 3 products in excess of 500 pounds (227 kg) net weight.	\$500.00	\$500.00
Section 105.5.3	Amusement buildings. An operational permit is required to operate a special amusement building.	\$500.00	\$500.00
Section 105.5.4	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.	\$500.00	\$500.00
Section 105.5.5	Carnivals and fairs. An operational permit is required to conduct a carnival or fair.	\$500.00	\$500.00
Section 105.5.6	Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.	\$500.00	\$500.00
Section 105.5.60 55	Christmas tree sales lot. An operational permit is required to operate a Christmas tree sales lot.	\$500.00	\$500.00
Section 105.5.7	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.	\$500.00	\$500.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
Section 105.5.8	Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8m³). Exception: A permit is not required for agricultural storage.	\$500.00	\$500.00
Section 105.5.9	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 105.5.9. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$500.00 minimum	\$500.00 minimum
Section 105.5.10	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.	\$500.00 minimum	\$500.00 minimum
Section 105.5.11	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 105.5.11 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.	\$500.00 minimum	\$500.00 minimum
Section 105.5.12	Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.	\$250.00	\$250.00
Section 105.5.13	Dry cleaning. An operational permit is required to engage in the business of dry cleaning or to	\$500.00	\$500.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	change to a more hazardous cleaning solvent used in existing dry cleaning equipment.		
Section 105.5.14	Energy storage systems. An operational permit is required for stationary and mobile energy storage systems regulated by Section 1207. <i><u>Operational permits shall not be required for ESS located at detached one- and two-family dwellings and townhouses, other than Group R-4.</u></i>	\$500.00 minimum	\$500.00 minimum
Section 105.5.61 56	Escort convoy service. Police and/or Fire Department convoy service for vehicle transportation of extremely hazardous materials.	\$500.00 minimum	\$500.00 minimum
Section 105.5.15	Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.	\$500.00	\$500.00
Section 105.5.16	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 smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606. To conduct a public fireworks display To continue the use of a public fireworks display permit	\$618.00 \$1500.00 minimum \$250.00	\$618.00 \$1500.00 minimum \$250.00
Section 105.5.62 57	Fire fighter air replenishment system (FARS). An annual operational permit is required to maintain a FARS system in accordance with Appendix L.	\$250.00	\$250.00
Section 105.5.17	Fire hydrants and valves. An operational permit is required to use or operate fire hydrants	\$250.00	\$250.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	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. 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.		
Section 105.5.18	Flammable and combustible liquids. An operational permit is required: - 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..... - 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	\$500.00 minimum \$500.00	\$500.00 minimum \$500.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	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.	\$500.00	\$500.00
	4. To store, handle or use Class IIIB liquids <u>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.</u> Exception: Fuel oil and used motor oil used for space heating or water heating.	\$250.00	\$250.00
	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.	\$250.00	\$250.00
	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.	\$250.00	\$250.00
	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.	\$250.00	\$250.00
	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.....	\$250.00	\$250.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	9. To manufacture, process, blend or refine flammable or combustible liquids.	\$500.00	\$500.00
	10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to engage in on-demand mobile fueling operations in accordance with Section 5707..	\$500.00	\$500.00
	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 in accordance with Section 5706.5.4 or, where required by the fire code official, to utilize a site for on-demand mobile fueling operations in accordance with Section 5707.	\$500.00	\$500.00
Section 105.5.19	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.	\$500.00	\$500.00
Section 105.5.20	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.	\$500.00	\$500.00
Section 105.5.21	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	No permit required
Section 105.5.63 58	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.	\$500.00 minimum	\$500.00 minimum

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
Section 105.5.22	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 105.5.22.	\$500.00 minimum	\$500.00 minimum
Section 105.5.23	HPM Facilities. An operational permit is required to store, handle or use hazardous production materials.	\$500.00	\$500.00
Section 105.5.24	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 combustible storage.	\$500.00 minimum	\$500.00 minimum
Section 105.5.25	Hot work operations. An operational permit is required for hot work including, but not limited to:. 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	\$500.00 (unless otherwise noted) \$125.00	\$500.00 (unless otherwise noted) \$125.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	employees or hot work operations under their supervision.		
Section <u>105.5.26</u>	Indoor plant cultivation. An operational permit is required for plant cultivation where a carbon dioxide (CO ₂) enriched environment is created.	---	<u>\$125.00 minimum</u>
Section <u>105.5.27</u> 26	Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.	\$500.00	\$500.00
Section <u>105.5.28</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.	\$500.00	\$500.00
Section <u>105.5.29</u> 53	Lithium batteries. An operational permit is required for an accumulation of more than 15 cubic feet (0.42 m) of lithium-ion and lithium metal batteries, where required by Section <u>320.2322.1</u> .	\$500.00	\$500.00
Section <u>105.5.30</u> 29	LP-gas. An operational permit is required for: 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 less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3. 2. Operation of cargo tankers that transport LP-gas.	\$500.00 minimum	\$500.00 minimum
Section <u>105.5.31</u> 27	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).	\$500.00	\$500.00
Section <u>105.5.32</u> 30	Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.	\$500.00	\$500.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
Section 105.5.33 34	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 similar combustible material.	\$500.00	\$500.00
Section 105.5.58 32	Mobile fueling of hydrogen-fueled vehicles. <i>An operational permit is required:</i> <i>To engage in the mobile dispensing of gaseous hydrogen as a fuel into the fuel tanks of motor vehicles.</i> <i>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.</i> Exception: <i>In cases of an emergency, a site permit is not required.</i>	\$500.00 minimum	\$500.00 minimum
Section 105.5.34	Mobile food preparation vehicles. An operational permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors.	---	\$125.00 minimum
Section 105.5.35 33	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 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.	\$500.00 minimum	\$500.00 minimum
Section 105.5.36 34	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	\$250.00	\$250.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	public or private ground. Instructions and stipulations of the permit shall be complied with. Exception: Recreational fires.		
Section 105.5.37 35	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.	\$250.00	\$250.00
Section 105.5.38 36	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.	\$250.00	\$250.00
Section 105.5.39 37	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.	\$500.00	\$500.00
Section 105.5.40 38	Outdoor assembly event. An operational permit is required to conduct an <i>outdoor assembly event</i> where planned attendance exceeds 1,000 persons.	\$500.00 minimum	\$500.00 minimum
Section 105.5.64 59	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. <u>Less than 15 parking spaces</u> B. <u>15 or more parking spaces</u>	 \$250.00 \$500.00	 \$250.00 \$500.00
Section 105.5.41 39	Places of assembly. An operational permit is required to operate a place of assembly. A. <u>Occupant load less than 300</u> B. <u>Occupant load 300 or more</u>	 \$500.00 \$750.00	 \$500.00 \$750.00
Section 105.5.42 40	Plant extraction systems. An operational permit is required to use plant extraction systems.	\$500.00	\$500.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
Section 105.5.43 44	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 hydrants.	\$250.00	\$250.00
Section 105.5.44 42	Pyrotechnic 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>	\$500.00	\$500.00
Section 105.5.45 43	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.	\$500.00	\$500.00
Section 105.5.46 44	Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	\$500.00 minimum	\$500.00 minimum
Section 105.5.47 45	Repair garages and motor fuel-dispensing facilities. An operational permit is required for operation of repair garages.	\$500.00 minimum	\$500.00 minimum
Section 105.5.48 46	Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.	\$500.00	\$500.00
Section 105.5.49 47	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.	\$500.00	\$500.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
Section 105.5.50 48	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.	\$500.00	\$500.00
Section 105.5.65 60	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 105.5.18, 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.	\$500.00 annually	\$500.00 annually
Section 105.5.51 49	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. <u>Tents, curtains and extensions attached thereto, when used for funeral services.</u> 2. <u>3.</u> Tents open on all sides, which comply with all of the following: 2.13.1 Individual tents having a maximum size of 700 square feet (65 m ²). 2.23.2 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.	\$500.00	\$500.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	2.33.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.		
Section 105.5.52 50	Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	\$500.00	\$500.00
Section 105.5.53 51	Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.	\$500.00	\$500.00
Section 105.5.54 52	Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m ³).	\$500.00	\$500.00
Section 105.5.55	<u>Temporary heating or cooking in tents or membrane structures.</u> An operational permit is required to operate temporary heating or cooking equipment within tents or membrane structures.	---	<u>\$125.00 minimum</u>
Section 105.5.56	<u>Temporary heating or cooking in wildfire risk areas.</u> Where required by local regulations, an operational permit is required to operate temporary heating or cooking equipment in wildfire risk areas.	---	<u>\$125.00 minimum</u>
Section 105.5.57	<u>Temporary heating for construction sites.</u> An operational permit is required to operate temporary heating equipment in structures during the course of construction, alteration or demolition.	---	<u>\$125.00 minimum</u>
Section 105.5.59 54	<i>Additional permits.</i> In addition to the permits required by Section 105.6, the following permits shall be obtained from the <u>Bureau of Fire Prevention Division</u> prior to engaging in the following activities, operations, practices or functions: 1. <i>Production facilities. To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.</i>	\$500.00	\$500.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	2. <i>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.</i> 3. <i>Live audiences. To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.</i>		
CONSTRUCTION PERMITS			
Section 105.6.1	Automatic fire-extinguishing systems. A construction permit is required for installation of or modification to an automatic fire-extinguishing system, <u>other than an automatic sprinkler system</u>. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit. A. Range Hood System..... \$500.00* B. Chemical Suppression System..... \$500.00* C. Automatic Sprinkler \$500.00* D. Automatic Sprinkler (small alteration or repairs to an existing system with 20 heads or less) \$250.00* E. Underground..... \$500.00* <u>C. All Others.....</u> \$500.00* Field Inspection \$125.00 / qtr hour* *minimum		
<u>Section 105.6.2</u>	<u>Automatic sprinkler systems. A construction permit is required for installation of or modification to an automatic sprinkler system.</u>		

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	<u>Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.</u> <u>A. Automatic Sprinkler</u> <u>B. Automatic Sprinkler (small alteration or repairs to an existing system with 20 heads or less)</u> <u>C. Underground</u> <u>D. All others</u> <u>Field Inspection</u>	--- --- --- --- ---	\$500.00* \$250.00* \$500.00* \$500.00* \$125.00 / qtr hour* *minimum
Section 105.6.32	Compressed gases. Where the compressed gases in use or storage exceed the amounts listed in Table 105.5.9, 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.	\$500.00	\$500.00
Section 105.6.43	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 105.5.11. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a construction permit.	\$500.00 minimum	\$500.00 minimum
Section 105.6.54	Emergency responder communication coverage system. A construction permit is required for installation of or modification to in-	\$500.00 minimum	\$500.00 minimum

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	building, two-way emergency responder communication coverage 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.		
Section 105.6.65	Energy storage systems. A construction permit is required to install energy storage systems regulated by Section 1207.	\$500.00 minimum	\$500.00 minimum
Section 105.6.76	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	\$500.00* \$750.00* \$1250.00* \$1500.00* \$250.00 \$125.00 /qtr hr.* *minimum	\$500.00* \$750.00* \$1250.00* \$1500.00* \$250.00 \$125.00 /qtr hr.* *minimum
Section 105.6.25	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.	\$500.00 minimum	---

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	or substantially modify a storage facility or other area regulated by Chapter 50 where the hazardous materials in use or storage exceed the amounts listed in Table 105.5.22. Exceptions: 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.		
Section 105.6.14 43	High-piled combustible storage. A construction permit is required for the installation of or modification to a structure with more than 500 square feet (46 m²), 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.	Fire Dept. Review is under a building permit. Std. Bldg. fees apply	Fire Dept. Review is under a building permit. Std. Bldg. fees apply
Section 105.6.15 44	Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 30. Exceptions: 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.	\$500.00	\$500.00
Section 105.6.16 45	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.	\$500.00	\$500.00
Section 105.6.17 46	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	Fire Dept. Review is under a building permit. Std. Bldg.	Fire Dept. Review is under a building permit. Std. Bldg.

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	code is not considered to be a modification and does not require a permit.	fees apply	fees apply
Section 105.6.18 47	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.	Fire Dept. Review is under a building permit. Std. Bldg. fees apply	Fire Dept. Review is under a building permit. Std. Bldg. fees apply
Section 105.6.19 48	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	 \$500.00 \$125.00 /qtr hour* *minimum	 \$500.00 \$125.00 /qtr hour* *minimum
Section 105.6.20 49	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.	\$500.00 minimum	\$500.00 minimum
Section 105.6.21 20	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.	Fire Dept. Review is under a building permit. Std. Bldg. fees apply	Fire Dept. Review is under a building permit. Std. Bldg. fees apply
Section 105.6.22 24	Special event structure. A single construction permit is required to erect and take down a temporary special event structure.	Fire Dept. Review is under a building permit.	Fire Dept. Review is under a building permit.

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
		Std. Bldg. fees apply	Std. Bldg. fees apply
Section 105.6.23 22	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.	\$500.00	\$500.00
Section 105.6.24 23	Standpipe Systems. A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit. A. Standpipe, Class I, II and III Combined..... B. Underground Field Inspection	\$500.00 \$500.00 \$125.00 /qtr hour, minimum	\$500.00 \$500.00 \$125.00 /qtr hour, minimum
Section 105.6.25 24	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 m²) 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 m²).	\$500.00	\$500.00

Summary of Proposed Fee Amendments

Code Section	Fee Description	Current Fee	Proposed Fee
	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 m²) total. 3.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.		
Section 105.6.26	Window bars, operational constraints and opening control devices. A construction permit is required to install window bars or other equipment which imposes operational constraints and opening controls on exterior doors or windows of any sleeping rooms below the fourth floor in apartment houses, hotels, and motels.	\$250.00	\$250.00

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 107.2), 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).	\$500.00	\$500.00
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).	\$500.00	\$500.00

Summary of Proposed Fee Amendments

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).	\$750.00	\$750.00
Convalescent Hospitals , nursing homes, and homes for the aged (each accommodating 100 or more persons, not including employees or relatives).	\$1000.00	\$1000.00
Hospitals	\$500.00 per hour	\$500.00 per hour
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) Pre-inspection Fee (26 or more client capacity) [Ref. Calif. Health & Safety Code, section 13235(a)] states that the inspecting agency may charge "a fee equal to, but not exceeding the actual cost of the preinspection services."	qtr. hour minimum \$125.00 \$125.00	qtr. hour minimum \$125.00 \$125.00

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 \$125.00 /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 \$125.00 / qtr hr

Summary of Proposed Fee Amendments

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.....	\$500.00 per hour
3. Overtime fire & life safety inspection	\$500.00 per hour (2 hr min.)
4. After-hours call-back for fire & life safety inspection	\$500.00 per hour (4 hr min.)
5. Accelerated plan review services (as-available, billed at 1.5x the standard hourly rate \$500.00).....	\$750.00 per hour
D. Fire and Life Safety Investigations or Stand-by Services	\$500.00 minimum
E. Indoor Entertainment Inspection	\$125.00 per initial inspection
Subsequent inspections shall be billed at \$125.00 per quarter hour	
F. Fire Permit Application & Fire Permit Extension Fees	Standard Building Dept. Fees Apply

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 \$125.00 per quarter hour.

Section 4. INSPECTION AND BILLING RATE

Summary of Proposed Fee Amendments

That a rate of \$125.00 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 \$125.00 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

The public may participate in this hearing by remote video or in-person.

The Department of Fire and Emergency Services is proposing the amending and adoption of the fire permit and inspection fee schedule as follows:

- A. Re-numbered and reorganized sub-sections under 105.5 and 105.6 to reflect changes in the 2025 California Fire Code.
 - a. 105.5.27 through 105.5.65, operational permits
 - b. 105.6.2 through 105.6.25, construction permits
- B. Updated section references in the permit fee language to reflect changes in the 2025 California Fire Code.
 - a. 105.5.1 Additive Manufacturing (§320.3 to §4106.3)
- C. Amended text in the permit fee language to reflect the 2025 California Fire Code language.
 - a. 105.5.14 Energy Storage Systems
 - b. 105.5.40 Outdoor Assembly Event
 - c. 105.5.51 Temporary Membrane Structures, Special Event Structures and Tents
 - d. 105.6.1 Automatic Fire-Extinguishing Systems
 - e. 105.6.22 Special Event Structure
- D. Established new fees to reflect the new permits in the 2025 California Fire Code and established a minimum fee of \$125.00, which is the lowest fee charged in the fire fee schedule.
 - a. 105.5.26 Indoor Plant Cultivation
 - b. 105.5.34 Mobile Food Preparation Vehicles
 - c. 105.5.55 Temporary heating or cooking in tents or membrane structures
 - d. 105.5.56 Temporary heating or cooking in wildfire risk areas
 - e. 105.5.57 Temporary heating for construction sites
- E. Divided the former Automatic Fire-Extinguishing Systems fee into two fees: §105.6.1 Automatic Fire-Extinguishing Systems and §105.6.2 Automatic Sprinkler Systems, which reflect changes in the 2025 California Fire Code. No new fees were created.
- F. Rescinded §105.6.25 Fire Fighter Air Replenishment System (FARS) construction permit since the Berkeley Fire Code is no longer adopting Appendix L, Requirements for Firefighter Air Replenishment Systems, in the 2025

California Fire Code. Appendix L was not adopted by the Office of the State Fire Marshal.

G. There are no proposed fee changes in Sections 2, 3, 4, 5, or 6.

The hearing will be held on, **November 10, 2025**, at **6:00 P.M.** in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of October 23, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact **Fire Marshal Drew Whyte** at 510-981-5584.

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 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 (510) 981-6900 or clerk@berkeleyca.gov for further information.

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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 23, 2025.

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Mark Numainville, City Clerk

