



Office of the City Manager

PUBLIC HEARING
December 2, 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 – Second Reading

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 7,990-N.S.(Attachment 1) repealing and reenacting the Berkeley Fire Code, including amendments to the California Fire Code as outlined in the proposed ordinance, plus Appendix Chapters D, E, F, O and P published by the International Code Council not included in the California Building Standards Code, as Berkeley Municipal Code Chapter 19.48.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact to the City will be approximately \$15,000 for the purchase of new fire codebooks, inspection guides, inspection forms, and training. The fire department has allocated the expenditure as part of its FY 2026 budget. Neither the new State code overall, or our continuing or new local amendments are expected to create significant cost increases for homeowners, builders or developers.

CURRENT SITUATION AND ITS EFFECTS

As part of a regular three-year cycle, the California Building Standards Commission promulgated the 2025 California Fire Code. The California Fire Code as referred to in Title 24 Part 9 of the California Code of Regulations will take effect on January 1, 2026. The Fire Code provides minimum standards for fire and life safety. The State of California amends and adopts a model fire code every three years.

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, 180 days after publication.

BACKGROUND

The City of Berkeley has unique climatic, geological, and topographical conditions, which require local amendments to mitigate potential hazards, and to reduce loss of life caused by fires or natural disasters. To address local fire and life safety impacts, the City of Berkeley has adopted local amendments to address sprinkler system and fire alarm requirements for existing hotels, fraternities, sororities, window bars, smoke detectors, and firefighter safety and operations in high-rise construction. Without the adoption of the local amendments, the new and past amendments cannot be enforced. At the November 10, 2025 meeting, Council adopted Resolution No. 72,023-N.S. which sets forth findings of local conditions that require more stringent regulations than those provided by the 2025 California Fire Code.

The City of Berkeley also 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. At the November 10, 2025 meeting, Council adopted Resolution No. 72,024-N.S. setting forth such fees.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Unwanted fires have a significant, detrimental effect on the environment, climate, and the sustainability of our society. Unwanted fires have impacts which include air particulate, fire gas and carbon dioxide emissions and runoff of water contaminated when it is used to extinguish fires. Firefighting efforts generally use 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, further increasing the city's carbon-footprint. 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 state code goes into effect without local amendments. Adoption of local amendments and findings-of-fact are needed to customize the state code to Berkeley's particular topographic, geologic and climatic conditions.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Drew Whyte, Fire Marshal, Berkeley Fire Prevention and Office of Emergency Services,
(510) 981-5585

Attachments:

- 1: Ordinance
- 2: Public Hearing Notice

ORDINANCE NO. 7,990–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

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

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 Deputy Fire 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.

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.

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.

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.

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.

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.

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.

- 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.

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

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.

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).
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.

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.

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.~~

~~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.~~

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.~~

907.2.8.1 ~~Manual~~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 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 A~~automatic fire alarm system~~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 M~~manual 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.*

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 ~~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.

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:
 - 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.

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.~~

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.

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.)

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.)

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 will all applicable requirements of Chapter 56.~~
- ~~42. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with 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.).

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.

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.

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.

At a regular meeting of the Council of the City of Berkeley held on November 10, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

**ADOPTION OF THE 2025 CALIFORNIA FIRE CODE WITH LOCAL
AMENDMENTS**

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

The Department of Fire and Emergency Services is proposing the adoption of the 2025 California Fire Code with Local Amendments as proposed by the Berkeley Fire Department. The adoption will include the non-structural provisions as provided in the 2024 International Fire Code

The hearing will be held on, **December 2, 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 November 20, 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 November 20, 2025.

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Mark Numainville, City Clerk

