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**ORDINANCE NO. 2011-05**

**AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING  
CHAPTER XI, FIRE PREVENTION  
OF THE ALBANY MUNICIPAL CODE  
TO INCLUDE REGULATIONS FOR  
SELF-CLOSING DOORS IN RESIDENTIAL STRUCTURES**

**WHEREAS**, the City of Albany has adopted a Fire Prevention Regulations in the form of Chapter XI of the Albany Municipal Code; and

**WHEREAS**, slowing the spread of smoke and flame in a structure fire plays a vital role in preventing property damage, injury or death caused by structure fires;

**WHEREAS**, on March 12, 2011, a structure fire in a multi-family residential structure at 1234 Solano Avenue quickly spread because the front door to the unit where the fire started was left open, contributing to the death of an elderly resident in a nearby unit and causing a flashover injuring a firefighter;

**WHEREAS**, proposed regulations are necessary because of local climatic, geological or topographical conditions, including the fact that Albany is a high-density community with older structures;

**WHEREAS**, on October 3, 2011 the Albany City Council held a duly noticed public hearing on the draft ordinance to amend Chapter XI regarding Smoke Alarms and Smoke Detectors.

1  
2 **NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY**  
3 **ORDAIN AS FOLLOWS:**

4  
5 **Section 1: Purpose**

6  
7 Chapter XI of the Albany Municipal Code is hereby amended to include a new  
8 Subsection 11-5 titled "Residential Self-Closing Doors" to consist of the following  
9 text:

10  
11 "Slowing the spread of smoke and fire is critical in preventing property damage,  
12 injury, or death caused by structure fires. The purpose of these regulations is to adopt  
13 regulations that require all residential units in multi-family residential structures to  
14 have self-closing exterior doors. In the event of a fire, closed doors reduce the flow of  
15 oxygen to the fire and slow the spread of flame and smoke to neighboring residential  
16 units."

17  
18 **Section 2: Definitions**

19  
20 Chapter XI of the Albany Municipal Code, Section 11-5.1 titled "Definitions" is  
21 hereby amended to include the following text:

- 22  
23 a. Self-Closing Door – a door equipped with an approved device that will ensure  
24 closing after having been opened.

25  
26 **Section 3: Residential Self Closing Door Requirement**

27  
28 Chapter XI of the Albany Municipal Code is hereby amended to include a new  
29 Subsection 11-5.2 titled "Residential Self-Closing Doors Requirement" to consist of  
30 the following text:

- 1 a. Within 30 days of receipt of notice of the requirements of this ordinance, all  
2 residential structures, except single-family or duplex residences, are required  
3 to upgrade all exterior doors that open to an exit access be self-closing. An  
4 alternative timeline may be approved by the Fire Chief on a case-by-case  
5 basis.
- 6
- 7 b. Self-closing hardware must comply with manufacturer specifications and  
8 instructions.
- 9
- 10 c. Property owners are responsible for testing and maintaining the effectiveness  
11 of self-closing hardware per manufacturer's instructions. Required self-  
12 closing hardware that are determined to be ineffective shall be replaced with  
13 functioning hardware.
- 14

15 **Section 5. Implementation Procedures**

16  
17 Chapter XI of the Albany Municipal Code is hereby amended to include a new  
18 Subsection 11-5.3 titled "Implementation Procedures" to consist of the following text:

19  
20 The Fire Chief may establish policies and procedures for public education, review of  
21 permit applications, modification of timeline for implementation, and performance of  
22 inspections associated with implementation of this section, including issuance of a  
23 certificate of compliance.

24  
25 Penalties for failure to install or maintain self-closing hardware according to the  
26 scheduled timeline and penalties of failure to install any self-closing equipment shall  
27 be established in the master fee schedule adopted by the City Council. Penalties shall  
28 also include the hourly rate of the inspector to verify that the conditions of installation  
29 have been met and/or that the conditions of installation have not been met. Penalties  
30 shall be applicable when installed self-closing hardware has been removed without  
31 approval of the Fire Chief.

1  
2 **Section 6. Hardship or Infeasibility Exemption.**  
3

4 Chapter XI of the Albany Municipal Code is hereby amended to include a new  
5 Subsection 11-5.4 titled "Hardship or Infeasibility Exemption" to consist of the  
6 following text:  
7

- 8 a. Exemption. If a property owner believes that circumstances exist that make it  
9 a hardship, infeasible, or unsafe to meet or maintain the requirements of this  
10 Section, they may apply for an exemption or reduction in requirements as set  
11 forth below. In applying for an exemption, the burden is on the Applicant to  
12 show the factual basis for the exemption. Financial hardship on the property  
13 owner shall not be accepted as a basis for exemption.  
14
- 15 b. Application. If a property owner believes such circumstances exist, the  
16 property owner may apply to the Fire Chief for an exemption at the time of  
17 application submittal.  
18
- 19 c. Granting of Exemption: The granting of an Exemption shall be made by the  
20 Fire Chief. In granting the exemption, the Fire Chief is authorized to establish  
21 conditions of approval on the exemption to ensure the life safety and fire  
22 protection of the structure. If an exemption is granted, the Applicant shall be  
23 required to comply with this Chapter in all other respects.  
24
- 25 d. Denial of Exemption. If the Fire Chief determines that it is possible for the  
26 property owner to fully meet the requirements of this Chapter, they shall so  
27 notify the Applicant in writing.  
28
- 29 e. Appeal of Denial. If a property owner wishes to appeal the decision of the  
30 Fire Chief, the appeal procedures established in the California Fire Code shall  
31 be utilized.

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**Section 7. Severability.**


If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

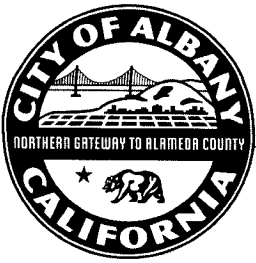
**Section 8: Publication and Effective Date.**

This ordinance shall be posted at three public places within the City of Albany and shall become effective thirty days after the date of its posting.

**PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on the 17<sup>th</sup> day of Oct., 2011, by the following vote:

- AYES: *Council Member Atkinson, Lieber, Thomsen, Wile & Mayor Javandel*
- NOES: *None*
- ABSENT: *None*
- ABSTAIN: *None*

  
\_\_\_\_\_  
Mayor Farid Javandel



# City of Albany

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

## ORDINANCE NO. 2011-05

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 17th day of October, 2011, by the following votes:

AYES: Council Members Atkinson, Lieber, Thomsen, Wile and Mayor Javandel

NOES:

ABSENT:

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

19th Day of October, 2011.

Eileen Harrington  
DEPUTY CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.*



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