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ORDINANCE NO. 2010-06

**AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING
CHAPTER XI, FIRE PREVENTION
OF THE ALBANY MUNICIPAL CODE
TO INCLUDE REGULATIONS FOR
SMOKE ALARMS AND SMOKE DETECTORS**

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

WHEREAS, smoke alarms and smoke detectors serve a vital role in preventing property damage, injury or death caused by structure fires;

WHEREAS, there are two types of smoke detection technologies commonly used in smoke detectors;

WHEREAS, “ionization” detectors uses a very small amount of radioactive material to detect invisible particles generated by flame;

WHEREAS, “photoelectric” detectors uses a light-source to detect the presence of smoke;

WHEREAS, the vast majority of smoke detectors installed in residences in Albany use the ionization technology;

WHEREAS, ionization detectors generate more nuisance alarms that result in occupants disabling smoke detectors;

WHEREAS, studies have concluded that ionization detectors respond slowly to smoldering fires that generate heavy smoke but initially little flame; and

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 July 6, 2010 the Albany City Council held a duly noticed public hearing on the draft ordinance to amend Chapter XI regarding Smoke Alarms and Smoke Detectors.

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

Section 1: Purpose

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Chapter XI of the Albany Municipal Code is hereby amended to include a new Subsection 11-4 titled “Smoke Alarms and Smoke Detectors” to consist of the following text:

“Smoke alarms and smoke detectors serve a vital role in preventing property damage, injury or death caused by structure fires. The purpose of these regulations is to adopt regulations that require smoke alarms and smoke detectors that generate fewer nuisance alarms and react more quickly to smoldering fires that generate heavy smoke but initially little flame.”

Section 2: Definitions

Chapter XI of the Albany Municipal Code, Section 11-4.1 titled “Definitions” is hereby amended to include the following text:

- a. Smoke alarm – a self-contained battery operated device that both detects the presence of smoke and produces an audible and/or visual alarm.
- b. Smoke detector – a device connected to the building electrical system and other building alarms that is designed to detect the presence of smoke and produce an audible and/or visible alarm
- c. Ionization type smoke detector or alarm - a device that uses a small amount of radioactive material to detect invisible particles generated by flame.
- d. Photoelectric-only type smoke detector or alarm - a device that uses a light-source to detect the presence of smoke.
- e. Dual type smoke detector or alarm - a device that uses both photoelectric and ionization methods.
- f. Required location – Locations for smoke detectors or smoke alarms that are required by California Fire Code, the California Building Code, or other codes or standards adopted by the City of Albany.

Section 3: Exemptions

Chapter XI of the Albany Municipal Code is hereby amended to include a new Subsection 11-4.2 titled “Exemptions” to consist of the following text:

The requirements of this section shall not apply to projects that have an active building permit application on or before the effective date of the ordinance.

1 **Section 4: Smoke Alarm/Smoke Detector Requirement**
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3 Chapter XI of the Albany Municipal Code is hereby amended to include a new
4 Subsection 11-4.3 titled “Smoke Alarm Smoke Detector Requirement” to consist of
5 the following text:
6

- 7 a. Any construction that is required to install an additional smoke alarm or
8 smoke detector under the California Fire Code, the California Building Code,
9 or other codes or standards adopted by the City of Albany, shall be required to
10 upgrade all required devices in the building to photoelectric-only type devices
11 in all required locations.
12
- 13 b. Any renovation of existing habitable space that exceeds a threshold
14 established by the City Council shall be required to upgrade all required
15 smoke alarms or smoke detectors in the building to photoelectric-only type
16 devices in all required locations.
17
- 18 c. Prior to the sale of any real property, a property owner shall upgrade the
19 smoke alarm/smoke detector system to photoelectric-only type devices.
20
- 21 d. Prior to the issuance of a home occupation permit, a property owner shall
22 upgrade the smoke alarm/smoke detector system to photoelectric-only type
23 devices.
24
- 25 e. Multi-family residential structures containing three housing units or more are
26 required to maintain photoelectric-only smoke alarm/smoke detector system.
27
- 28 f. Property owners are responsible for testing the effectiveness of existing smoke
29 alarms or smoke detectors per manufacturer’s instructions. Required smoke
30 alarms or smoke detectors that are determined to be ineffective shall be
31 replaced with photoelectric-only type smoke devices.
32
- 33 g. All required smoke alarms and smoke detectors shall be replaced upon the
34 expiration of the warranty period of the installed device. Replacement devices
35 must be photoelectric-only type devices.
36
- 37 h. Dual type smoke alarms or smoke detectors are prohibited in required
38 locations.
39
- 40 i. Installed devices must comply with requirements of UL 217, NFPA 72, and
41 manufacturer instructions.
42
- 43 j. Nothing in this ordinance shall prohibit or discourage the additional use of
44 ionization or dual type alarms in additional locations.
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1 **Section 5. Implementation Procedures**

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3 Chapter XI of the Albany Municipal Code is hereby amended to include a new
4 Subsection 11-4.4 titled “Implementation Procedures” to consist of the following text:

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6 The Fire Chief may establish policies and procedures for public education, review of
7 permit applications, and performance of inspections associated with implementation
8 of this section, including issuance of a certificate of compliance prior to the sale of
9 any property certifying that the smoke alarm/smoke detector system has been
10 upgraded to photoelectric-only type smoke devices.

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13 **Section 6. Hardship or Infeasibility Exemption.**

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15 Chapter XI of the Albany Municipal Code is hereby amended to include a new
16 Subsection 11-4.5 titled “Hardship or Infeasibility Exemption” to consist of the
17 following text:

- 18
19 a. Exemption. If an Applicant for a non-exempt project believes that
20 circumstances exist that make it a hardship or infeasible to meet the
21 requirements of this Section, they may apply for an exemption or reduction in
22 requirements as set forth below. In applying for an exemption, the burden is
23 on the Applicant to show hardship or infeasibility.
24
25 b. Application. If an Applicant for a non-exempt project believes such
26 circumstances exist, the Applicant may apply to the Fire Chief for an
27 exemption at the time of application submittal.
28
29 c. Granting of Exemption: The granting of an Exemption shall be made by the
30 Fire Chief. If an exemption is granted, the Applicant shall be required to
31 comply with this Chapter in all other respects.
32
33 d. Denial of Exemption. If the Fire chief determines that it is possible for the
34 Applicant to fully meet the requirements of this Chapter, they shall so notify
35 the Applicant in writing.
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38 **Section 7. Severability.**

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40 If any section, subsection, sentence, clause or phrase of this ordinance is for
41 any reason held to be invalid, such decision shall not affect the validity of the
42 remaining portions of the ordinance, and each section, subsection, sentence, clause or
43 phrase thereof, irrespective of the fact that any one or more sections, subsections,
44 sentences, clauses or phrases be declared invalid.
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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 19th day of July, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Joanne Wile