

ORDINANCE NO. N.S.

ADDING BERKELEY MUNICIPAL CODE CHAPTER ~~19.82~~ 23C.24 TO REQUIRE INCLUSION OF AUTOMATIC DOOR OPENERS IN ALL FUTURE- AND IN SOME EXISTING-PRIVATELY OWNED RESIDENTIAL BUILDINGS

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

Section 1. That Chapter ~~19.82~~23C.24 is hereby added to the Berkeley Municipal Code to be read as follows:

Chapter 19.82

Automatic door openers.

Sections:

~~19.82~~23C.24.010 Purpose

~~19.82~~23C.24.020 Definitions

~~19.82~~23C.24.030 Scope

~~19.82~~23C.24.040 Automatic door openers in residential buildings

~~19.82~~23C.24.050 Responsibility for compliance

~~19.82~~23C.24.060 Liability

~~19.82~~23C.24.010 Purpose

The purpose of this chapter is to require the inclusion of automatic door openers (ADOs) in newly built, privately owned, residential buildings with ~~four~~three or more units

and a common entry way, and to require ~~addition~~ installation of ADO's in existing, privately owned, residential buildings with three or more? X# of units and a common entry way. These provisions will further the General Plan goal of "encourage[ing] housing that is universally accessible," by making housing more convenient and usable for a wider range of Berkeley residents.

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19.8223C.24.020 Definitions

Whenever any of the words hereinafter defined are used in this chapter, they shall be construed to mean the following:

- A. "Automatic Door Opener[s]" means...
- B. "Privately Owned" means...
- C. "Common Entryway" means...
- D. "Major Renovation" means...

19.8223C.24.030 Scope

The provisions of this Chapter are limited in application to privately owned residential buildings containing a common entry way and containing ~~threefour~~ or more units, in the case of new construction, or three or more? X# of units, in the case of existing housing stock.

19.8223C.24.040 Automatic door openers in residential buildings

A. New construction of privately owned residential housing with ~~four~~three or more units a a common

entryway shall include automatic door openers as a feature; and

B. Existing privately owned residential housing with three or more? ~~X~~ units or more and a common entryway shall add automatic door openers during major renovation or at the request of a tenant of the building.

19.8223C.24.050 Responsibility for compliance

Developers of new residential buildings, or owners of existing residential buildings, subject to this chapter, or the developer or owners' authorized representatives, shall be responsible for compliance with this chapter, including costs. (ord---?)

19.8223C.24.060 Liability

Nothing in the provisions of this section shall be construed to require any agency of the City of Berkeley to conduct any inspection of the ADOs herein required nor shall any actual inspections made imply a duty to inspect other ADO devices. Furthermore, this section shall not be construed to hold the City of Berkeley or any officer, employee, or representative of the City responsible for any damage to persons or property by reason of any action taken or not taken by such officer, employee, or representative of the City. ~~failure to make an inspection or reinspection.~~

New section to address an application for waiver based on harm to historical property? Would require new form and process. Who would arbitrate/be appellate level if resident

disagreed with granting of waiver, or developer/owner disagreed with a denial of same?

Also, to address situations where ADO cannot be installed for technical reasons (like a technical infeasibility waiver), and outlining need to use other similar entry system if possible?