

ORDINANCE NO. 7,431–N.S.

URGENCY ORDINANCE ADDING A NEW SECTION 19.40.035 TO THE BERKELEY MUNICIPAL CODE CHAPTER 19.40 (BERKELEY HOUSING CODE) TO REQUIRE INSPECTION AND CERTIFICATION OF WEATHER-EXPOSED ELEVATED ELEMENTS EVERY THREE YEARS

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

Section 1. Findings.

The City Council finds that:

- A. There is a need for additional modifications to impose more stringent requirements locally than are mandated in the adopted 2013 California Building Code.
- B. The marine weather environment in Berkeley, characterized by high humidity and low overall prevailing temperatures, results in a high overall moisture content in building construction materials and slow drying of building materials and assemblies once wet or humidified.
- C. Dry rot and other moisture related damage resulting from the effect of the City's climate and topography on exterior building construction features and materials pose risks to life and property.
- D. Currently, there is no law that balconies and other exterior projections exposed to weather be periodically inspected to determine if they have been structurally compromised and are in need of repairs.
- E. Since the City is experiencing a high volume of permit submittals for new buildings, which include balconies and similar exterior appurtenances, and there are a large number of balconies and similar appurtenances on existing buildings, it is imperative that the code amendments be adopted and become effective as soon as possible for the increased preservation of public health and safety.

Section 2. That Section 19.40.035 of the Berkeley Municipal Code is added to read as follows:

19.40.035 Section 601.4 of the Berkeley Housing Code

601.4 Structural Maintenance. All exterior elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof in weather-exposed areas of Group R-1 and R-2 Occupancies, as defined in the most recent edition of the California Building Code, shall be inspected within six months of adoption of this section, and every three years thereafter, by a licensed general contractor, structural pest control licensee, licensed architect, or licensed engineer, verifying that

the elements are in general safe condition, adequate working order, and free from hazardous dry rot, fungus, deterioration, decay, or improper alteration. Property owners shall provide proof of compliance with this section by submitting an affidavit form provided by the City. The affidavit shall be signed by the responsible inspecting party and submitted to the Housing Code Enforcement Office. For the purpose of this section, elevated "weather-exposed areas" mean those areas which are not interior building areas and are located more than 30 inches above adjacent grade.

Section 3. Vote Required, Immediately Effective

Based on the findings and evidence in Section 1 of this Urgency Ordinance, the Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley and must therefore go into effect immediately. This ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley and Government Code section 65858.

At a regular meeting of the Council of the City of Berkeley held on July 14, 2015, this Urgency Ordinance was adopted by the following vote:


Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington, and Bates.

Noes: None.

Absent: None.

ATTEST:


Rose Thomsen, Deputy City Clerk



Tom Bates, Mayor

In effect: Immediately