

ORDINANCE NO. 7,463–N.S.

AMENDING SECTION 12.48.055 OF THE BERKELEY MUNICIPAL CODE CHAPTER 12.48 (RESIDENTIAL RENTAL HOUSING SAFETY PROGRAM) REQUIRING INSPECTION AND CERTIFICATION OF WEATHER-EXPOSED ELEVATED ELEMENTS

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

Section 1. That Section 12.48.055 of the Berkeley Municipal Code is amended to read as follows:

12.48.055 Inspection and certification of weather-exposed elevated elements extending beyond exterior walls

All owners of apartment houses and hotels shall cause an inspection of all projecting weather-exposed elevated wood and metal decks, balconies, landings, stairway systems, guardrails, handrails, or any parts thereof within six months of adoption of this section, and every five years thereafter, by a licensed general contractor, structural pest control licensee, licensed architect, or licensed engineer to verify that the elements are in general safe condition, adequate working order, and do not exhibit signs of deterioration, decay, corrosion or similar damage that could pose a safety concern and there is no evidence of active water intrusion in concealed spaces of the inspected elements. 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 purposes of this section, "weather-exposed elevated elements" mean those areas which are not interior building areas, extend beyond exterior walls and are located more than six feet above adjacent grade. Newly constructed residential buildings shall be exempt for a period of five years following issuance of the Certificate of Occupancy for such buildings.

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 Council Chambers, 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 February 23, 2016, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

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At a regular meeting of the Council of the City of Berkeley held on March 8, 2016, this Ordinance was adopted by the following vote:

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

Noes: None.

Absent: Anderson.

ATTEST: *Mark Numainville*
Mark Numainville, City Clerk

Tom Bates
Tom Bates, Mayor

Date signed: *March 11, 2016*