

**DRAFT REPORT OF THE SUBCOMMITTEE OF THE COMMITTEE ON
PUBLIC INFRASTRUCTURE AND TECHNOLOGY AS A PERMITTED
INTERACTION GROUP (COUNCIL COMMUNICATION 402)**

MEMBERS:

CAROL FUKUNAGA, HEIDI TSUNEYOSHI

Draft Report Submitted
February 11, 2022

The Honorable Carol Fukunaga, Chair
and Members of the Public Infrastructure and Technology Committee
Committee on Public Infrastructure and Technology Committee
Honolulu City Council
City and County of Honolulu

Madam Chair:

Your Subcommittee of the Committee on Public Infrastructure and Technology as a Permitted Interaction Group established by Resolution-Council Communication 402, *Establishing a Subcommittee of the Committee on Public Infrastructure and Technology as a Permitted Interaction Group to Investigate Matters Relating to Compliance with Fire Safety Ordinances in Residential High-Rise Buildings in Residential Buildings*, respectfully reports as follows:

PROCEDURAL OVERVIEW AND COMMUNITY NOTICE

In accordance with Hawaii Revised Statutes ("HRS") Section 92-2.5(b), the Public Infrastructure and Technology Committee adopted Resolution-Council Communication 402 (2021) to establish a subcommittee under Council Rule 7A(2), which would act as a Permitted Interaction Group ("PIG") composed of Councilmembers Carol Fukunaga and Heidi Tsuneyoshi, and authorized the PIG to hold community meetings to investigate, dialogue with, and receive input from community stakeholders, State legislators and the general public regarding issues and concerns relating to compliance with fire safety **Ordinances 19-4 and 21-3** for highrise residential buildings.

Related Council Communications were available for public review during the November 17, 2021 Public Infrastructure and Technology meeting; they include Council Communication No. 400 (CC-400) and No. 401 (CC-401), and Departmental Communication No. 740 (D-740), which covered the following topics:

- Council Communication No. 400: provides an overview of challenges involving condo fire safety that were raised at previous Public Infrastructure and Technology Committee meetings on Bill 37, or in written testimony.
- Council Communication No. 401: outlines concerns on fire safety legislation presented by Hawaii Council of Community Associations.

- Department Communication No. 740: Honolulu Fire Department's powerpoint presentation that was developed in response to written PIT Committee questions for the August 2021 Life Safety Evaluation Report (August 10, 2021).

During December 2021, Hawaii Council of Community Associations (HCCA) distributed an online survey to obtain additional information from residential condo/co-op associations whose properties are covered by the requirements of **Ordinances 19-4** and **21-3**. It yielded a relatively low-response rate, and a summary of comments from residential condo/co-op associations is included in Exhibit F of this report.

In December 2021, the Office of Council Services updated its previous research on fire safety legislation adopted by other municipal jurisdictions within the United States. The 2017 compilation of municipal ordinances requiring retrofitting older residential high-rise properties with fire sprinklers showed that the majority of the cities that require the retrofitting of automatic sprinkler systems in existing buildings exempt residential high rise buildings with individually-owned units from the requirement. A chart identifying 10 cities within the continental United States and copies of their ordinances is attached as Exhibit A.

The Council's updated research identified fire sprinkler retrofit requirements for the cities of Chicago and San Jose, as well as Florida's statewide requirements for all municipalities. It also identified four smaller municipalities that offered financial assistance programs to assist with installation of fire sprinkler or upgraded fire safety retrofits for older buildings. The updated research and copies of the municipal ordinances authorizing financial aid for sprinkler retrofits is attached as Exhibit B and B.1..

The Honolulu Fire Department's most current 3-month report on Life Safety Evaluations (LSE) compliance and scoring rates for the period ending January 31, 2022 is attached as Exhibit C. The report also responds to PIT Committee questions submitted to Honolulu Fire Department on January 31, 2022.

Overview of Ordinance 18-14 and Ordinance 19-4 Requirements

Ordinance 18-14 amended the City Fire Code (Chapter 20-1.1, Revised Ordinances of Honolulu 1990) to require that existing high-rise residential buildings built in Honolulu before 1975 that were not protected throughout by an automatic fire sprinkler system shall be subject to a building fire and life safety evaluation ("LSE") code assessment, which is comprised of an assessment of the building safety features and fire protection systems in accordance with the fire code and building code.

Highrises built after 1975 generally were required to be sprinklered under the Building and Fire Codes. Subject to allowed extensions, affected buildings were required to comply with

Ordinance 18-14 by passing the building fire and life safety evaluations within six years of May 3, 2018, the effective date of Ordinance 18-14.

Ordinance 19-4, among other things, amended the City Fire Code to clarify that compliance shall be with either an automatic fire sprinkler system installed throughout the building or alternative fire prevention and safety systems.

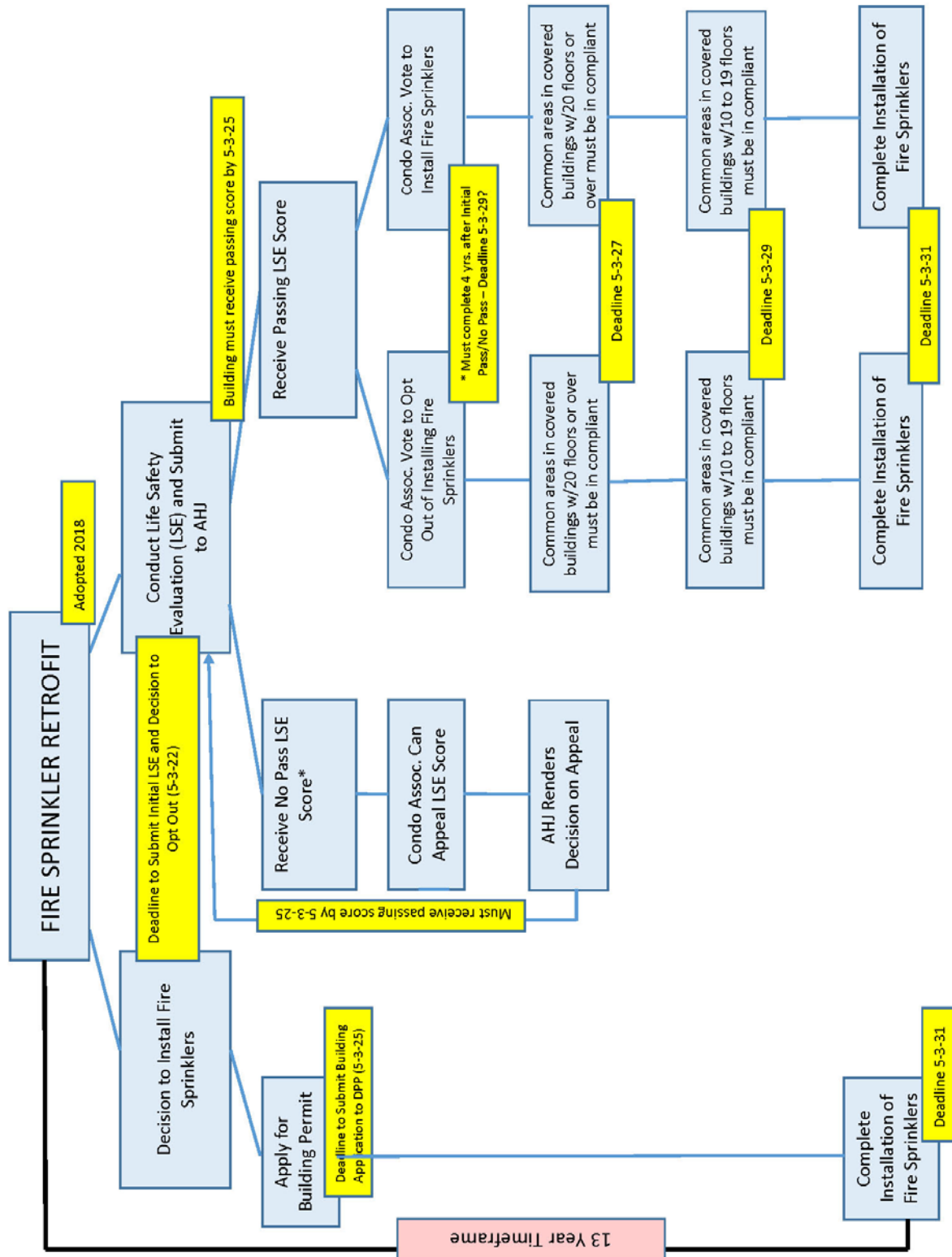
Ordinance 18-4 and Ordinance 19-4 established time periods and deadlines for compliance with the requirements for an automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems.

Such time periods and deadlines were extended by Ordinance 20-48 and Ordinance 21-14. In extending such time periods and deadlines, the Council's Committee on Public Infrastructure, Technology and Sustainability ("PITS") noted that it is important to recognize the challenges that many condominium owners and property managers face as a result of the COVID-19 crisis and to acknowledge the increased difficulties of making financial commitments to upgrade their properties and address stricter fire safety requirements. The PITS Committee also noted that the goal of the deadline extensions is to provide additional time and flexibility for owners and condo associations to work towards conducting their LSEs, decide what approaches were financially viable, and to schedule/pay for these upgrades to their buildings. (Committee Report No. 300 (2020).)

Current time periods and deadlines for compliance with the requirements for an automatic fire sprinkler system or alternative fire prevention and fire safety systems for residential high-rise buildings covered by Ordinances 18-14 and 19-4 are shown on the table below entitled, "Current Compliance Deadlines for Covered Buildings."

TIMETABLE FOR COMPLIANCE

Diagram showing the sequence of deadlines from Ordinance 19-4 are shown on next page.



A. Status of Buildings that Must Complete their Life Safety Evaluations in 2022

1. Number of residential condominium/co-operative properties that are subject to **Ordinance 19-4**: 323 residential condo or co-op properties; Honolulu Fire Department's listing of the properties subject to the requirement is attached as Exhibit D.
2. Honolulu Fire Department's February 3, 2022 3-Month Report (Dept. Com. 99): Of the 178 LSE submittals that HFD received through January 31, 2022, 12 properties received 'passing' scores. In other words, 166 properties whose LSE submittals were received by January 31, 2022 did not receive passing scores, and 116 properties had not submitted their Life Safety Evaluations (LSE) as of this date.

These statistics reflect that 12 out of 323 residential condo or co-op properties have received passing or 'acceptable' scores on their Life Safety Evaluations (LSE). At the same time, under the current deadlines, the 166 residential condo or co-op associations that have not received an 'acceptable' score on their LSE's have three additional years to pass their LSE.

B. Challenges associated with Fire Sprinkler Retrofits in Older Residential Condominium/Co-operative Units

1. COVID-19 pandemic impacts (2020-2021): In the HCCA survey, several individual condo/co-op association responses identified difficulties that condo/co-op associations faced in: (a) meeting with management, contractors and design professionals to identify the best route to implement fire sprinkler upgrades or other alternatives, (b) employment losses/financial upheavals that affected individual owners' abilities to meet new financial obligations, (c) difficulties in obtaining cost estimates for various alternatives, and (d) supply-chain disruptions that make planning for major renovations even more difficult (See Exhibit F listing of individual respondents' dissatisfaction with Ordinance 19-4 provisions).
2. Very Low Pass Rate for Certain LSE Categories: Many condo and co-op associations were surprised to discover that low scores on the 'vertical openings' criteria in the Life Safety Evaluation (LSE) made it very unlikely that a property could obtain a passing score overall (*see HFD Department Communication No. 99, which identified 146 low scores for 'vertical openings', 157 low scores for 'fire alarm systems', 145 low scores for 'smoke alarms' and 90 low scores for 'standpipe systems' as categories in which most of the low scores occurred*).

At the time that the initial fire sprinkler legislation was adopted as **Ordinance 18-14**, condo/co-op managers and stakeholders believed that the Life Safety Evaluation (LSE) system would provide residential condo/co-op owners and their associations with flexibility in complying with upgraded fire safety requirements according to their members' financial means and circumstances.

However, the very low number of residential condo/co-op properties that have received acceptable scores (e.g., only 12 out of 323 residential properties in 2022) shows that the current process is not working as intended. A discussion of disparities in how various categories like 'vertical openings' are evaluated was presented in *"Fire and Life Safety Evaluation Fact and Fiction," Building Management Hawaii's* November 2021 issue (pages 44-47), and is included as Exhibit E.

Some condo association board members and individual condo owners have reported that having to plan for costs of retrofitting 'vertical openings' or other low scoring categories in addition to the costs of fire sprinkler retrofits or upgraded fire alarm system upgrades is too steep a financial obligation to undertake within the current deadlines specified in Ordinance 19-4.

They point out that Chapter 514B-148, Hawaii Revised Statutes, which governs condominium replacement reserve requirements, already requires condominium associations to plan for long-term maintenance/improvements through cash flow plans and budgets projected within a 20-year timeline. For example, the following specific list of projects to comply with reserve requirements was identified by the 38 responses to the HCCA December 2021 survey:

4. Please identify other renovation or maintenance projects that your building plans to undertake between 2021-2030 to comply with the State's Chapter 514B, HRS condominium reserve laws.

Responses	Number of Responses out of 38
Lighting, Plumbing/Piping	1
Lighting, Plumbing/Piping, Security System	1
Painting, Railings, Roofing	1
Parking Lot, Plumbing/Piping, Security System	1
Roofing, Security System, Spalling	1
Painting, Plumbing/Piping, Spalling	3
Painting, Parking Lot, Plumbing/Piping, Spalling	1
Painting, Parking Lot, Railings, Spalling	1

Painting, Parking Lot, Roofing, Spalling	1
Painting, Spalling, Window Replacement	2
Painting, Plumbing/Piping, Roofing, Security System	1
Painting, Parking Lot, Plumbing/Piping, Railings, Spalling	1
Painting, Parking Lot, Plumbing/Piping, Roofing, Spalling	1
Painting, Plumbing/Piping, Roofing, Security System, Spalling	1
Painting, Plumbing/Piping, Railings, Security System, Spalling	1
Fencing, Painting, Plumbing/Piping, Security System, Spalling	1
Lighting, Painting, Roofing, Security System, Spalling	1
Lighting, Painting, Plumbing/Piping, Railings, Security System, Spalling	1
Fencing, Painting, Plumbing/Piping, Railings, Security System, Spalling	1
Painting, Parking Lot, Plumbing/Piping, Railings, Roofing, Spalling	1
Painting, Parking Lot, Plumbing/Piping, Roofing, Security System, Spalling	2
Painting, Parking Lot, Roofing, Security System, Spalling, Window Replacement	1
Painting, Parking Lot, Plumbing/Piping, Roofing, Security System, Spalling, Window Replacement	1
Lighting, Painting, Parking Lot, Plumbing/Piping, Railings, Roofing, Spalling	1
Lighting, Painting, Parking Lot, Plumbing/Piping, Railings, Security System, Spalling, Window Replacement	1
Lighting, Painting, Parking Lot, Plumbing/Piping, Railings, Roofing, Security System, Spalling	1

Lighting, Painting, Parking Lot, Plumbing/Piping, Railings, Roofing, Spalling, Window Replacement	1
Painting, Parking Lot, Plumbing/Piping, Railings, Roofing, Security System, Spalling, Window Replacement	1
Fencing, Lighting, Painting, Parking Lot, Plumbing/Piping, Railings, Roofing, Security System, Spalling	2
Fencing, Lighting, Painting, Parking Lot, Plumbing/Piping, Railings, Roofing, Spalling, Window Replacement	1
All of the Above	1
No Response	2

3. **Unanticipated Insurance Premium Increases:** Adoption of **Ordinance 18-14** was based on the expectation that individual residential condo/co-op associations would be able to choose between fire sprinkler retrofits for their building, or opt-out for less-costly fire safety upgrades that could pass the LSE and would meet their owners' needs.

More than half of HCCA's December 2021 survey respondents reported that their insurance premiums have increased by 30% or more in recent years because insurance companies now impose higher premium rates on any residential condo or co-op properties that are not sprinklered.

At the same time, some insurance premiums increased substantially for a residential condo association that had received a 'passing' LSE score through its installation of alternative fire safety upgrades, so it appears that some local insurance providers are treating all unsprinklered residential condo properties as 'high-risk' properties despite having a 'passing' LSE score. This interpretation does not match the original purpose of using the Life Safety Evaluation process to provide flexibility for individual residential condo/co-op associations, while improving their fire safety protections.

A Subcommittee/Permitted Interaction Group meeting is scheduled for February 16, 2022, at 2:00 p.m. in the Council Chambers to solicit feedback and public testimony on the additional information compiled in this draft report. The report expands the review of affected residential condo/co-op properties to include as many of the 290-300 properties as possible, and identifies severe financial impacts that the last two years of COVID-induced shutdowns have had upon compliance with fire sprinkler/safety upgrades.

After the February 2022 Subcommittee/Permitted Interaction Group meeting, the Draft PIG Report will be updated to include testimonies and stakeholder feedback, and recommendations for further modifications to fire sprinkler legislation through **Bill 37, CD1** and any other measures by the full Public Infrastructure and Technology Committee.

C. Recommendations for Modifications to Ordinance 19-4

1. What changes does **Bill 37, CD1** propose to the existing sprinkler law?
 - Section 13.3.2.26.2: adds a requirement for the licensed design professional to provide the scores by each category of the building fire and life safety evaluation to the association of apartment owners of a condominium or the cooperative housing corporation, and requires that the scores of the building fire and life safety evaluation be published on the AHJ's website.
 - Section 13.3.2.26.2.2: deletes the requirement for a building that has opted to install an automatic fire sprinkler system throughout the building to obtain a building permit or the automatic fire sprinkler system within three years from the date of notifying the AHJ of its option.
 - Section 13.3.2.26.2.3: amends verifiable public disclosure to include the posting of the scores of the building fire and life safety evaluation on the AHJ's website and real estate sales disclosures as may be required by Hawaii real estate industry practices. Removes requirement that signs be posted in the building's public notification areas.
 - Section 13.3.2.26.2.6: changes the date for compliance with the requirement that a building must be protected by an approved automatic sprinkler system or alternative system from within 13 years of May 3, 2018, to within 15 years of May 3, 2018.
 - Section 13.3.2.26.2.7: replaces the tiered compliance schedule for buildings of various heights with a general requirement that the common areas for all buildings shall be complete within 15 years from May 3, 2018.
2. What changes are recommended by HCCA survey respondents? (See Exhibit F).

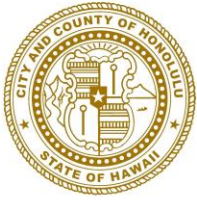
3. For discussion in PIG meeting: recommendations to address disparate evaluations in the LSE process, extend the timeframe for compliance or address some fire sprinkler retrofits or alternative fire safety upgrades with existing Chapter 514B, HRS reserve replacement requirements.

For categories of upgrades like 'vertical openings,' would tackling these upgrades with such required maintenance upgrades as plumbing systems be a cost-effective strategy if the upgrades can be accommodated within the scope of condo reserve replacement planning, financing and implementation timetables?

4. For discussion in PIG meeting: recommendations to seek State legislative assistance to address unanticipated insurance premium increases in response to Ordinance 19-4, and to encourage the development of additional financial assistance programs for individual residential condo/co-op owners and associations to pursue fire safety improvements.

SUBMISSION OF REPORT

The Subcommittee/Permitted Interaction Group members respectfully submit this report in accordance with Resolution/Council Communication 402 to encourage public review of the compilation of additional data to illustrate present-day conditions impacting the ability of residential condo/co-op owners and condo/co-op associations to implement the fire sprinkler or alternative fire safety upgrades in **Ordinances 19-4** and **21-3**, and due consideration of the recommendations of the Permitted Interaction Group.



OFFICE OF COUNCIL SERVICES

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JAMES S. WILLISTON
DIRECTOR

August 7, 2017

MEMORANDUM

TO: THE HONORABLE CAROL FUKUNAGA
HONOLULU CITY COUNCIL

FROM: ANDREW SEKINE, LEGISLATIVE ANALYST *AS*
OFFICE OF COUNCIL SERVICES

SUBJECT: CITIES REQUIRING SPRINKLERS IN EXISTING BUILDINGS

This responds to your request for copies of ordinances requiring the retrofitting of automatic sprinkler systems in existing buildings for the U.S. cities designated in the Associated Press (AP) news article, "Few US Cities Mandate Sprinklers in Old Residential Towers," dated July 23, 2017, as posted on the Hawaii News Now website. The cities designated in the AP article are:

- New York City
- Los Angeles
- Chicago
- Houston
- Philadelphia
- San Antonio
- San Diego
- Dallas
- San Jose
- San Francisco

OCS2017-0784/8/7/2017 10:13 AM

EXHIBIT A

The Honorable Carol Fukunaga

August 7, 2017

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We attach herewith ordinances or, where a copy of the ordinance is unavailable, explanatory information therefor pertaining to the existing building sprinkler retrofitting requirements for the above-named cities. In the case of Dallas, Texas, however, we find that the city does not require existing buildings to be retrofitted with sprinkler systems. In its stead we attach a City of Atlanta, Georgia, ordinance enacted in 1989 that requires existing buildings more than 75 feet above grade to be retrofitted with sprinklers.

We also attach herewith a chart summarizing the requirements of ordinances that the foregoing 10 cities have enacted with regard to installing sprinkler systems in existing buildings.

Please contact me at Ext. 83870 if you have any questions.

Attachments

Cities Requiring Sprinkler Installations in Existing Buildings

City	Reference	Types of Existing Buildings Affected	Compliance Deadline	Applicable Standard	Incentives
Atlanta, GA	Atlanta Code of Ordinances Sec. 101.8	Business, mercantile, institutional, and residential building occupancies six (6) stories or more in height and any assembly occupancy >15,000 sq. ft.	1995 (6 years), 1999 for buildings with >1,000,000 sq. ft. (10 years)	NFPA 13	None known
Chicago, IL	Chicago Code 13-196-205	Pre-1975 commercial buildings over 80 feet above grade that are not landmarked. Pre-1975 non-transient residential buildings are exempted.	1/3 of building - 5 years 2/3 of building - 9 years Entire building - 13 years	Chicago Building Code	None known
Houston, TX	City of Houston Ordinance No. 2005-1267	High-rise buildings more than 75 feet above grade	Water supply - 4 years ½ of floors - 9 years Entire building - 12 years	NFPA 13	None known
Los Angeles, CA	Los Angeles Ordinance No. 158963 (1984)	Pre-1943 residential buildings three or more stories	None indicated	NFPA 13	None known
	Los Angeles Ordinances No. 163836 (1988) and No. 165319 (1989)	Buildings more than 75 feet high for which a building permit was issued prior to July 1, 1974, except Group R Division 1 occupancies (hotels, motels, and congregate residences >10 persons)	None indicated	NFPA 13	None known
New York City, NY	Local Law 5/1973	Existing high-rise office buildings more than 100 feet tall. Compartmentation with stair pressurization was allowed in lieu of sprinkler system.	None indicated	None specified	None known
	Local Law 41/1978	Certain places of assembly providing live entertainment or used as a cabaret.	1 year	None specified	None known
	Local Law 26/2004	Office buildings and any other buildings classified as	2019 (15 years).	None specified	None known

Cities Requiring Sprinkler Installations in Existing Buildings

		occupancy group E (Business – office buildings, banks, civic administration buildings, radio and television stations) 100 feet or taller. Compartmentation was not allowed as substitute.	7- and 14-year progress reports are required		
Philadelphia, PA	Philadelphia Fire Code F-503.4 (1991). <i>The pertinent language no longer exists in the Philadelphia Fire Code.</i>	All high-rise buildings except for R-2 (multiple-family) occupancies	8 years	NFPA 13	None known
San Antonio, TX	San Antonio Ordinance No. 2015-11-12-0946	Buildings more than 75 feet high, except residential high-rises with individually-owned units	Water supply - 6 years ½ of floors - 9 years Entire building - 12 years	International Fire Code (IFC-15)	None known
San Diego, CA	San Diego Ordinance No. 0-17172	Buildings more than 75 feet high; Residential Group R-2 occupancies (Residencies with more than two dwelling units and permanent occupants) later exempted	1/3 of building - 4 years 2/3 of building - 7 years Entire building - 10 years	Uniform Building Code Standard 38-1	None known
San Francisco, CA	San Francisco Building Code Sec. 3414.27	Buildings more than 75 feet high, except Residential Group R-2 occupancies and qualified historical buildings	2006 (12 years)	NFPA 13	None known
San Jose, CA	San Jose Ordinance No. 23372	Buildings more than 75 feet high	1993 (3 years)	NFPA 13	None known

§ 101.8. Application To Existing Buildings

 atlanta.elaws.us/code/coor_ptiii_apxa_chi_sects101_sec101.8

Latest version.

- (a) *General.* The purpose of this section is to provide a minimum standard for safety to life in existing buildings not conforming to the requirements of this Code for new buildings with respect to means of egress, including enclosures of floor openings; the intent being to provide for continued use of existing buildings without undue hardship where possible, provided however, if the occupancy of an existing building is entirely changed, the building shall be made to conform to the requirements of this Code for the new occupancy. If the occupancy of only a portion of an existing building is changed and that portion is separated from the remainder as stipulated in Section 403, then only such portion need be made to conform.

The specific requirements of this Section may be modified by the Director to allow alternative arrangements that will secure as nearly equivalent safety to life from fire as practical, but in no case shall the modification afford less safety to life, in the judgement of the Director, that would be provided with compliance with the corresponding provision contained in this Code or other referenced standards.

(b) *Retroactive Automatic Sprinkler Protection.* The following buildings in existence at the time of this Code shall be provided with automatic sprinkler protection in accordance with NFPA 13, Standards for the installation of Sprinkler System or other standards as indicated or modified in this Section 101.8(b):

For the purpose of this section, stories or height shall be counted at the primary level of exit discharge and ending at the highest occupied level. The primary level of exit discharge shall be that floor which is level with or above finish grade for fifty (50) percent or more of the buildings perimeter. Building levels below the primary level shall not be counted as a story in determining the height of a building; provided however that open air parking garages serving the buildings or occupancies referenced in this section are not required to be provided with automatic sprinkler protection.

(1) All business occupancy (Group B) buildings six (6) stories or over 75 ft. in height shall be provided throughout with a complete approved automatic sprinkler system or other approved automatic suppression system designed in accordance with NFPA 13 - 1989 within the time period specified herein; provided, however that new full floor tenant alterations exceeding \$25,000 in valuation which includes the removal/installation of fixed partitions or ceiling systems (including electrical lighting above the ceiling), shall install automatic sprinkler protection for that space only as a condition of that alteration permit.

Exception: Areas within telecommunications equipment buildings, used exclusively for telecommunications equipment and associated generator and power equipment, and under the exclusive control of a telecommunications provider shall be exempt from requirements of this section where the following alternate requirements are satisfied:

(a) Such areas are separated from the remainder of the building by construction equivalent to a one hour fire resistant wall and two hour floor/ceiling assemblies.

(b) Such areas are provided with automatic fire detection to respond to visible and invisible particles of combustion.

(2) All mercantile and institutional occupancies six (6) stories or over 75 ft. in height.

(3) All residential occupancies (Group R) six (6) stories or more in height shall be designed in accordance

with NFPA 13 or any subsequent rules that the Director of the Bureau of Buildings may publish to provide economical installations, including, but not limited to, hydraulic design methods, or innovative piping materials.

(4) Any assembly occupancy used or capable of being used for exhibition or display purposes shall be protected throughout by an approved automatic sprinkler system when the exhibition or display area exceeds 15,000 sq. ft.

(5) The following requirements shall be the specific responsibility of the authorized sprinkler contractor and shall be applicable where existing Class I, Class II or Class III standpipes are utilized to provide a Combined Standpipe system:

i. During such time periods as the installation of sprinkler systems may require, no standpipe or fire pump may be made inoperative without the Fire Department being given twenty-four (24) hour prior notice. Such notice shall be made by notifying the City of Atlanta Fire Communication Center at telephone number 911; and,

ii. Where buildings contain two (2) or more standpipes, at least one standpipe shall be maintained in such a manner that water can be discharged through piping, valves, hose outlets and allied equipment for the purposes of extinguishing a fire.

Where a building contains only one (1) standpipe riser, modifications to the system shall be conducted after normal working hours; and,

iii. Appropriate temporary signage shall be provided at all Fire Department Connections on the building indicating the operational status of the system.

(6) All total systems required in Section 101.8(b) shall be installed by December 31, 1995. No business license or permission to occupy shall be issued to such buildings unless when in compliance with this Code.

Exceptions:

(a) For buildings and individual spaces within buildings having documented leases that presently extend beyond December 31, 1995, an extension to December 31, 1999 shall be allowed provided however that leases of such building and spaces which expire between December 31, 1995 and December 31, 1999 shall be subject to compliance within 12 months of lease expiration.

(b) For buildings and individual tenant spaces within buildings presenting documented evidence of major asbestos presence or other toxic materials which would directly affect the installation of automatic sprinkler protection an extension to December 31, 1999 shall be allowed; provided, however that new full floor tenant alterations exceeding \$25,000 in valuation which includes the removal/installation of fixed permanent partitions or ceiling systems (including electrical lighting above the ceiling), shall install automatic sprinkler protection for that space only as a condition of that alteration permit.

(c) For buildings exceeding one million square feet in size an extension to December 31, 1999, shall be allowed; provided however, that new tenant alterations exceeding \$25,000 in valuation which includes the removal/installation of fixed permanent partitions or ceiling systems (including electrical lighting above the ceiling) and which includes a minimum of one half (½) of the total area as measured contiguously on the affected floor, shall install automatic sprinkler protection for that space only as a condition of that alteration permit.

(d) Condominiums (as defined in the Georgia Condominium Act at O.C.G.A. § 44-3-71(7)).

(c) Requirements for Retroactive Mechanical and Electrical Systems.

(1) Where new full floor tenant alterations exceeding \$25,000 in valuation which includes the removal/installation of fixed permanent partitions or ceiling systems (including electrical lighting above the ceiling) are performed, all abandoned wiring previously utilized for low voltage systems which are not approved for return air plenums shall be removed from above the ceiling plenum spaces, or the plenum space shall be protected with automatic partial sprinkler protection.

(2) All HVAC units exceeding 5,000 cfm shall be provided with listed smoke detectors installed in the supply system downstream of the filters to detect the presence of smoke and automatically stop the fan(s). Such modification shall be installed by December 31, 1995.

(3) For existing buildings having electrical systems of 277/480 volts with 1,000 amps or more which are designed without ground fault protection and use electric busways, heat detectors shall be installed in each electrical room to disconnect the overcurrent device supplying that circuit. Such modification shall be installed by December 31, 1995.

Exception: Telecommunications equipment buildings, used exclusively for telecommunications equipment and associated generator and power equipment and under the exclusive control of a telecommunications provider shall be exempt from requirements of this section.

(d) If, within any twelve (12) month period, alterations or repairs costing in excess of fifty (50) percent of the physical value of the building at the time of renovation are made to an existing building, such building shall be made to conform to the requirements of this Code for new buildings.

(e) If an existing building is damaged by fire or otherwise in excess of fifty (50) percent of the physical value before such damage is repaired, it shall be made to conform to the requirements of this Code for new buildings.

(f) If the cost of such alterations or repairs within any twelve (12) month period or the amount of such damage as referred to in Section 101(d) is more than twenty-five (25) percent but not more than fifty (50) percent of the physical value of the building at the time the damage occurred, the portions to be altered or repaired shall be made to conform to the requirements of this Code for new buildings to such extent as the Director of the Bureau of Buildings may determine in accordance with the requirements for Existing Occupancies in the Code for Safety to Life from Fire in Buildings and Structures (NFPA 101-1985).

(g) For the purpose of this section, physical value of the building shall be determined by the Director of the Bureau of Buildings.

(h) Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage to deterioration, or altering it in conformity with the provisions of this Code or in such manner as will not extend or increase non-conformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty-five (25) percent of the roof covering of a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of this Code for new buildings.

(Ord. No. 1983-13, § 1, 3-11-83; Ord. No. 1983-14, § 1, 3-11-83; Ord. No. 1989-89, §§ I—IV, 12-22-89; Ord. No. 1993-20, § 1, 6-7-93; Ord. No. 2008-06(06-O-0262, § 1, 2-12-08)

Automatic sprinkler system installation in existing high-rise buildings

 chicagocode.org/13-196-205/

Subject to the exceptions listed below, every existing building exceeding 80 feet in height above grade shall be protected throughout by an approved automatic sprinkler system meeting the requirements of Chapter 15-16 of this Code unless otherwise provided by Section 13-196-207. The owner of each such building shall, no later than September 1, 2005, submit for approval to the bureau of fire prevention a plan for compliance with the requirements of this section. The requirements of this section shall be enforceable against the building owner and against any subsequent owner.

Every building subject to the provisions of this section shall comply with the following schedule for installation of an approved automatic sprinkler system: one-third of the gross square footage of the building shall be equipped with automatic sprinklers by January 1, 2009; two-thirds of the gross square footage of the building shall be equipped with automatic sprinklers by January 1, 2013; and the entire gross square footage of the building shall be equipped with automatic sprinklers by January 1, 2017. Buildings subject to any of the following exceptions 3 through 7, inclusive, shall comply with the requirements of Section 13-196-206.

Exception Number 1: An open-air parking facility meeting the requirements of Section 13-96-920 of this Code.

Exception Number 2: The open-air portions of a stadium.

Exception Number 3: A building that is classified as a Class A-2, Multiple Dwelling, and that is a non- transient residential use. This exception includes (a) all approved auxiliary use areas of the building other than parking garages; and (b) any parking garage in the building that is used exclusively by the building's non- transient residential occupants and their guests or by persons who, pursuant to a written lease agreement, rent space in the building's parking garage for use by a designated motor vehicle in time increments of at least one month in duration.

Exception Number 4: The following portions of a building classified as a mixed occupancy building:

A.

any portion of a mixed occupancy building that is classified as a Class A-2, non-transient residential use;

B.

any approved auxiliary use area wholly contained within a Class A-2, non-transient residential use portion of a mixed occupancy building;

C.

any parking garage in a mixed occupancy building that is used exclusively by the building's non- transient residential occupants and their guests or by persons who, pursuant to a written lease agreement, rent space in the building's parking garage for use by a designated motor vehicle in time increments of at least one month in duration;

D.

any portion of a mixed occupancy building, other than those portions of the building classified as a Class A-2, non-transient residential use, if all of the following criteria are met:

1.

the cumulative total of the building's floor areas not classified as a Class A-2, non-transient residential use does not exceed ten percent of the total floor area of the building. The floor areas of parking garages used exclusively by the building's non-transient residential occupants and their guests shall be excluded from the calculation of the building's total floor areas not classified as a Class A-2, non-transient residential use and from the calculation of the total floor area of the building; and

2.

occupancy separations are provided in accordance with Table 13-56-280 as set out in Section 13-56-280 of this Code; and

3.

the mixed occupancy building must be either of Type I, fire-resistive construction or of Type II, non-combustible construction; and

4.

all of the exempted areas within the mixed occupancy building, other than those portions of the building classified as a Class A-2, non-transient residential use, are located in the building at a floor level elevation that does not exceed 80 feet in height above average grade.

Exception Number 5: A building designated as a Chicago Landmark pursuant to Article XVII of Chapter 2-120 of this Code unless the landmarked building is required to be equipped with an automatic sprinkler system by other provisions of this Code.

Exception Number 6: A building within a landmark district designated pursuant to Article XVII of Chapter 2-120 of this Code and determined to be a contributing building unless the contributing building is required to be equipped with an automatic sprinkler system by other provisions of this Code.

Exception Number 7: A building color-coded red or orange in the Chicago Historic Resources Survey , published in 1996, unless the building is required to be equipped with an automatic sprinkler system by other provisions of this Code.

For purposes of this section, "non-transient residential" means a residential use other than a hotel, motel, bed-and-breakfast establishment, dormitory, transitional shelter, emergency shelter or other temporary residential use.

(Added Coun. J. 12-15-04, p. 39962, § 3)

City of Houston, Texas, Ordinance No. 2005- 1267

AN ORDINANCE AMENDING THE CITY OF HOUSTON FIRE CODE RELATING TO REQUIREMENTS FOR HIGH-RISE BUILDINGS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the City of Houston Fire Code, which was adopted by Ordinance 2003-738 and previously amended by Ordinances Nos. 2004-1015 and 2005-859, is hereby amended as follows:

A. Section 101.2.1 is hereby amended to read as follows:

"101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. Appendices A, B, C, D, E, F, G, H, and J are hereby adopted and made part of this code."

B. A new Appendix J is added to read as set forth in Exhibit A, attached hereto.

Section 2. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 3. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on December 31, 2005.

PASSED AND APPROVED this 22 day of November, 2005.

Bill White
Mayor of the City of Houston

Prepared by Legal Dept. Thuruvillaommen JA
KO:asw 11/03/2005 Assistant City Attorney
Requested by Phil Boriskie, Chief, Houston Fire Department
L.D. File No. 0350500731001

AYE	NO	
✓		MAYOR WHITE
....	COUNCIL MEMBERS
✓		LAWRENCE
✓		GALLOWAY
✓		GOLDBERG
✓		EDWARDS
✓		WISEMAN
✓		KHAN
✓		HOLM
✓		GARCIA
✓		ALVARADO
✓		ELLIS
✓		QUAN
✓		SEKULA-GIBBS
✓		GREEN
✓		BERRY
CAPTION	ADOPTED	

Appendix J

AUTOMATIC SPRINKLER SYSTEMS IN EXISTING HIGH-RISE BUILDINGS

SECTION J101 GENERAL

J101.1 Purpose. The purpose of this appendix chapter is to provide a reasonable degree of safety to persons occupying existing high-rise buildings by providing for installation of automatic sprinkler systems in such buildings that do not already have such systems.

J101.2 Application. This appendix chapter shall apply to and the term "existing high-rise building" shall be construed to mean any high-rise building existing within the corporate limits of the city on December 31, 2005, and any high-rise building annexed into the corporate limits after that date.

Exception: The provisions of this appendix shall not apply to the following:

1. Airport traffic control towers in accordance with Sections 412 and 907.2.22 of the Building Code.
2. Open parking garages in accordance with Section 406.3 of the Building Code.
3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the Building Code.
4. Low-hazard special industrial occupancies in accordance with Section 503.1.2 of the Building Code.
5. Buildings with an occupancy in Group H in accordance with Section 415 of the Building Code.
6. Individually-owned dwelling units in high-rise buildings.

SECTION J102 DEFINITION

J102.1 Definition. The following term shall, for the purposes of this appendix, have the meaning ascribed in this section.

HIGH-RISE BUILDING. A building of any type of construction that has floors that are used for human occupancy located more than 75 feet above grade plane, as measured from the top of the floor surface.

SECTION J103
AUTOMATIC SPRINKLER SYSTEMS

J103.1 Required. All existing high-rise buildings shall be equipped with an automatic sprinkler system in accordance with NFPA 13 according to the compliance schedule set forth in Section J104.

SECTION J104
COMPLIANCE SCHEDULE

J104.1 Letter of intent. On or before December 31, 2006, or within one year after the date of annexation of the building into the jurisdiction, owners of existing high-rise buildings shall provide the code official with a letter expressing the owner's intent to comply with this section.

J104.2 Compliance check points. Except as provided by this section, owners of existing high-rise buildings shall comply with the following schedule for installation of automatic sprinkler systems:

1. On or before December 31, 2009, or within four years after the date of annexation of the building into the jurisdiction, a water supply in accordance with NFPA 13 shall be installed to all floors of the building, and the owner shall provide the code official with written plans for compliance with this appendix and schedules for completion of the work stated in the written plan
2. On or before December 31, 2014, or within nine years after the date of annexation of the building into the jurisdiction, a minimum of 50% of the floors shall be equipped with an operational automatic sprinkler system.
3. On or before December 31, 2017, or within twelve years after the date of annexation of the building into the jurisdiction, the total square footage of the building shall be equipped with an operational automatic sprinkler system.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

advised

SUBJECT: Retro-Fit Automatic Fire Sprinklers in High-Rise Buildings		Category	Page 1 of 1	Agenda Item 17
FROM: Phil Boriskie, Fire Chief		Origination Date 11-17-05	Agenda Date NOV 22 2005	
DIRECTOR'S SIGNATURE: <i>Phil Boriskie</i>		Council District affected: All		
For additional information contact: Phone: Laura Archibald 713.247.5080 Brooks Howell 713.437.6310		Date and identification of prior authorizing council action:		
RECOMMENDATION: Approve ordinance to amend the City of Houston Fire Code 1267				
Amount and Source Of Funding: None required		F&A Budget:		
SPECIFIC EXPLANATION: The Fire Chief recommends adopting the proposed amendment to the City of Houston Fire Code. The amended Fire Code will require all existing un-sprinkled or partially sprinkled 'high rise' buildings install a National Fire Protection Association (NFPA) 13 automatic sprinkler system. Affected buildings must be in compliance with the new ordinance in no more than 12 years. Benchmark years are also included in the ordinance. A 'high-rise' building is defined in the building code as any building where the highest floor served is more than 75 feet above grade (usually 7 stories). This distance is related to the maximum height that a fire department ladder truck can reach. Fires above this level cannot be fought with conventional equipment. A twelve year time line for compliance has been tailored to the needs of building owners who require time to raise working capital for the required improvements, and to give them the maximum flexibility to accommodate tenant and long-term lease obligations. Additionally, an exception to the ordinance allows residential condominiums to install sprinklers in the common areas and corridors only, with sprinklers in individual residences optional. Timeline for compliance is as follows, as dated from passage of the ordinance: <ol style="list-style-type: none">1. Within one year, owners of existing high-rise buildings shall provide the code official with a letter expressing the owner's intent to comply with the terms of the ordinance.2. Within 4 years, a water supply in accordance with NFPA 13 shall be installed to all floors of the building. Over 95% of the affected buildings already meet this requirement. Additionally, a plan for implementation of the sprinkler system in compliance with the terms of the ordinance shall be submitted prior to the four year benchmark.3. Within nine years, a minimum of 50% of the floors shall be equipped with an operational automatic sprinkler system. Within twelve years the total square footage of the building shall be equipped with an operational automatic sprinkler system. In 1981, the building code for the City of Houston was changed by the City Council to require all new high-rise buildings to be fully sprinkled. There are approximately 500 high-rise buildings in Houston, of which 221 (44%) will be affected by this ordinance. 177 of the buildings are partially sprinkled and 44 have no sprinklers at all. It is estimated that 100,000 high-rise building occupants are currently not protected by Automatic Sprinklers.				
REQUIRED AUTHORIZATION				

REDLINE

"101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. Appendices A, B, C, D, E, F, G, ~~and H,~~ and J are hereby adopted and made part of this code."

Appendix J

AUTOMATIC SPRINKLER SYSTEMS IN EXISTING HIGH-RISE BUILDINGS

SECTION J101

GENERAL

J101.1 Purpose. The purpose of this appendix chapter is to provide a reasonable degree of safety to persons occupying existing high-rise buildings by providing for installation of automatic sprinkler systems in such buildings that do not already have such systems.

J101.2 Application. This appendix chapter shall apply to and the term "existing high-rise building" shall be construed to mean any high-rise building existing within the corporate limits of the city on December 31, 2005, and any high-rise building annexed into the corporate limits after that date.

Exception: The provisions of this appendix shall not apply to the following buildings and structures:

1. Airport traffic control towers in accordance with Sections 412 and 907.2.22 of the Building Code.
2. Open parking garages in accordance with Section 406.3 of the Building Code.
3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the Building Code.
4. Low-hazard special industrial occupancies in accordance with Section 503.1.2 of the Building Code.
5. Buildings with an occupancy in Group H in accordance with Section 415 of the Building Code.
6. Individual dwelling units in high-rise condominiums.

SECTION J102

DEFINITION

J102.1 Definition. The following term shall, for the purposes of this appendix, have the meaning ascribed in this section.

HIGH-RISE BUILDING. A building of any type of construction that has floors that are used for human occupancy located more than 75 feet above grade plane, as measured from the top of the floor surface.

SECTION J103

AUTOMATIC SPRINKLER SYSTEMS

J103.1 Required. All existing high-rise buildings shall be equipped with an automatic sprinkler system in accordance with NFPA 13 according to the compliance schedule set forth in Section J104.

SECTION J104

COMPLIANCE SCHEDULE

J104.1 Compliance plan. On or before December 31, 2006, or within one year after the date of annexation of the building into the jurisdiction, owners of existing high-rise buildings shall provide the code official with a letter expressing the owner's intent to comply with this section.

J104.2 Compliance check points. Except as provided by this section, owners of existing high-rise buildings shall comply with the following schedule for installation of automatic sprinkler systems:

1. On or before December 31, 2009, or within four years after the date of annexation of the building into the jurisdiction, a water supply in accordance with NFPA 13 shall be installed to all floors of the building.
2. On or before December 31, 2014, or within nine years after the date of annexation of the building into the jurisdiction, a minimum of 50% of the floors shall be equipped with an operational automatic sprinkler system.
3. On or before December 31, 2017, or within twelve years after the date of annexation of the building into the jurisdiction, the total square footage of the building shall be equipped with an operational automatic sprinkler system.

MAYOR'S REQUEST FOR EMERGENCY PASSAGE

To the Honorable City Council of the City of Houston:

In accordance with the provisions of Article VII, Section 7 of the Charter of the City of Houston, I submit and introduce to you the ordinances set out in the attached agenda for the meeting of the City Council of the City of Houston on the 22nd day of NOVEMBER, 2005, with the request that all such ordinances, except those making a grant of any franchise or special privilege, be passed finally on the date of their introduction. There exists a public emergency requiring such action and I accordingly request that you pass the same if they meet with your approval.

DATE: NOVEMBER 22, 2005


Mayor of the City of Houston

Dorothy Mae Ordinance

 www.lafd.org/fire-prevention/fire-development-services/dorothy-mae-ordinance

LOS ANGELES FIRE DEPARTMENT



FIRE PREVENTION BUREAU

DOROTHY MAE ORDINANCE

No. 158,963

Ordinance No. 158,963 - Section 91.8604(e) (Dorothy Mae Ordinance), effective June 20, 1984, requires all pre-1943 residential buildings of R-1, Occupancy, three or more stories in height, to meet certain specified retroactive fire safety requirements.

The ordinance contains code requirements in the areas of building, electrical, fire and plumbing. In order to clarify several of the requirements and to provide interpretations to some of the most commonly asked questions, the following information is provided to insure consistent application of the ordinance requirements:

BUILDING INFORMATION

1. All buildings affected by this ordinance are required to be in compliance with the "Ponet" Ordinance [91.8604(c)].
2. Building plans which show compliance with the ordinance are required to be submitted to the Building Plan Check Section in the Conservation Bureau (Special Projects Division) and approved prior to obtaining a building permit and starting construction. Notes should be included on the building plans stating that separate plans for electrical and fire sprinkler designs are being submitted to show compliance with the requirements for these areas.
3. Self-closing devices required on apartment or guest room doors openings into an interior stairway, hallway or exit shall be U. L. listed.
4. If a stairshaft door in the hold open position interferes with another frequently used door opening into the exit systems, one of the doors shall be relocated. The location of doors and direction of opening shall be shown on the building plans.
5. All required stairshaft, cut-off and area separation doors shall be equipped with approved self-closing devices and electrically operated hold-open devices designed to release the door by the activation of smoke detectors. (See Electrical Information for location).
6. For buildings located in Fire Districts 1 or 2, every story or basement level having a floor surface elevation more than four feet lower than the highest elevation of the floor, landing, or tread of any required exit from that story or basement shall be fully sprinklered.
7. Doors opening from an existing basement shall comply with the following requirements:
 - a. Basement doors opening into an open stairway leading to the first floor corridor shall be of one-hour fire-rated assembly and require an approved self closer.

Existing built up doors installed under the "Ponet Square" Ordinance shall be considered as complying with the fire rating requirement.

- b. Doors opening into stair shafts from basements shall require both a selfcloser and a smoke detector activated hold-open device.
 - c. The basement doors as described above, in "7a" and "b", may also serve as a barrier to prevent building occupants from continuing down through a stairway and exiting into the basement. Such barrier is required per 91.3309(e).
 - d. When an existing stairway configuration prohibits the installation of a basement door at the first floor, a self-closing door per Section 91.8604(e)4 must be installed at the basement end of the stairway and protected with a sprinkler on the basement side. An approved barrier shall then be provided at the first floor.

8. Existing elevator shafts extending into the basement shall have a sprinkler head mounted over the basement level elevator door.
9. "Cut-off" wall systems installed under the "Ponet Square" ordinance in lieu of stair shaft enclosures may continue to be maintained provided passage doors conform to all the requirements as for doors opening into stair shaft enclosures.
10. Both new and existing stair shafts, and existing cut-off wall systems may exit into an existing first floor corridor without the requirement for continuing the protected exit enclosure to the exterior of the building.

PLUMBING INFORMATION

1. Fire sprinkler plans shall be submitted to the Mechanical Plan Check Section and approved prior to obtaining a permit and starting construction.
2. The water supply to the required sprinkler system may be taken from the domestic water system supplying the building with the following conditions:
 - a. The point of connection is made between the water meter and the building shut-off valve
 - b. The domestic water service and the water meter are of adequate size to supply both the domestic water and the fire sprinkler demand.
3. The domestic water shall be protected from the Fire Department inlet connection with an approved double check valve assembly or a factory assembled and listed detector check valve assembly. A Fire Department inlet connection is required when the total number of sprinklers in the building exceed 20.
4. Building systems shall be hydraulically calculated in accordance with NFPA-13 1980 Edition. Corridor sprinklers may be considered in a separate fire area from those located in the rooms off the corridors of stairs if the doors are equipped with self-closing devices. When the design area under consideration involves a single row of sprinklers in the corridor, the maximum number of sprinklers that need be calculated is five (5).

Where a building is not fully fire sprinklered and where systems utilizing sprinklers with orifice size smaller than nominal 1/2 inch, sprinklers shall discharge a minimum flow based on the formula $0.785 D^2 \times d$, where D is the distance between sprinklers and d is the density [see figure 2-2.1(b) of NFPA-13, 1980 Edition for density curves].

Sprinklers required to be installed over the doors leading into the corridors or stairs shall discharge water equivalent to a 1/2 inch orifice head.

5. All sprinkler heads used to comply with this ordinance shall be listed residential type or quick response type and be rated for the lowest operating temperature available (i.e., 135°F, 145° F, etc.), except that 212°F heads may be used under a skylight.

6. A single flow switch may be used for the entire building sprinkler system. (See Electrical Information for location and number of alarm bells.) Alarm bells required by these provisions shall be in lieu of the Plumbing Code required sprinkler alarm bell.

7. Existing sprinkler heads that are not of the listed quick response or residential type rated at the lowest temperature range shall be changed.

8. Each fire sprinkler control valve shall be provided with a tamper switch. The tamper switch shall be connected to the same fire control panel supplying the water flow alarm switch.

9. Polybutylene pipe may be used for fire sprinkler piping provided:

a. It is used only for horizontal piping on the same floor without penetrating into any other floor.

b. The polybutylene piping has been approved under a General Approval by the Mechanical Testing Laboratory.

c. Polybutylene piping is installed in accordance with the installation instruction on the General Approval and the conditions of its listing.

10. All exit corridors, exits and stairways on every floor and basement level in the building are required to be sprinklered. Sprinklers may be omitted in basement level exit ways provided no residential units are located at these levels. Basements opening into stair shafts or first floor corridors shall require at least one fire sprinkler mounted in the basement as required below in 11

11. The sprinkler head required to be located inside the room over the door shall be located in such a manner as to provide maximum coverage for the door and the room or the interior hallway.

The use of sidewall sprinklers for this purpose is permitted provided that the room does not have interior hallways or vestibules and that unobstructed coverage is provided for the room and the door.

Sidewall sprinkler located on the wall adjacent to the door which will provide coverage for the door and the interior hallway or vestibule may be used. 12. Closets or storage areas adjacent to, but without direct openings into corridors or stair shafts need not be sprinklered.

ELECTRICAL INFORMATION

1. Electrical plans showing compliance with the requirements of this ordinance are required to be submitted to the Electrical Plan Check Section and approved prior to obtaining a permit and starting construction.

Fire Department approval of electrical plans showing the alarm bells, trouble bell and control panel location is required prior to Electrical Plan Check Approval.

2. Each building shall be equipped with a minimum single zone fire alarm control panel permitting connection of a minimum of two alarm bells, speakers or horns, and tamper switch, except where a greater number of bells are required. Equipment shall be listed for the purpose. The approved location for the fire alarm panel shall be the entry lobby.

3. In the building, an alarm shall automatically be sounded in the public areas of the building. (See Item 5 below for location and number of bells or horns necessary).

4. A tamper switch shall be wired into the fire alarm control panel and shall sound a trouble bell at a location designated by the Fire Department.

5. Bells, speakers or horns are required to be installed in the exit corridor adjacent to an exit stairway on each floor. Bells, speakers or horns located on adjacent floors are required to be adjacent to alternate stairways.

EXCEPTION: If the traveled distance between exit stairways is less than 150 feet, one bell may serve two adjacent floors.

6. The electrical wiring for the bell circuit, tamper switch and flow switch and power supply requirements for the control panel are required to comply with Article 760 of the NEC and amended by Section 93.0606 of the L.A.M.C.

7. If a building has an existing operational fire alarm system that can accept connection of the required fire alarm devices and the system, after testing, performs as required, an additional (new) fire control panel need not be installed.

8. A smoke detector and/or door holding device may be energized from any 120 volt house source, if the branch circuit is not overloaded and is not controlled by a local switch outside of the electrical panel.

9. Smoke detectors that are intended to activate the operation of stair shaft, cut-off and area separation doors shall •be located on the ceiling or within 12" of the ceiling if wall mounted and no more than 5 feet away from each side of the door.

EXCEPTION: Existing cut-off wall doors, when located within 16 feet of each other, may be controlled by one smoke detector.

10. Smoke detectors used for door holder release service shall be listed for such use by a Testing Laboratory approved by the Department and by the California State Fire Marshal's office.

The detectors are not required to activate the sounding of an alarm in the building and are not required to be connected to the fire alarm system.

11. If an electric fire pump is required to supply the necessary pressure to the sprinkler system, such as in high-rise buildings, the pump is not required to be connected to a standby power source. The pump, controller and wiring shall be listed for this purpose and shall comply with NFPA 20-FIRE PUMPS. This memorandum outlines certain material requirements and methods of construction applicable to the Dorothy Mae Ordinance, and is intended to provide for easier understanding and compliance. If other methods, materials or requirements will provide equivalent safety and still meet the intent of the ordinance; the Department will review these for approval as they apply to a particular project.

91.8604(c)

FIRE PROTECTION STANDARDS FOR EXISTING GROUP “R” OCCUPANCIES

Residential Buildings

1. Purpose. The purpose of this subsection is to provide a reasonable degree of fire safety for persons living and sleeping in apartment houses, hotels, apartment hotels, and in buildings housing Group 1, Division 2 Occupancies by requiring alterations to such existing buildings which do not conform to the minimum exiting, shaft enclosure and corridor protection requirements of this code.

2. Scope. The provisions of this subsection apply to all existing buildings more than two stories in height which contain Group R, Division 1 and Group 1, Division 2 Occupancies. The provisions of this subsection shall not authorize the modification of existing buildings or portions thereof which provide a greater degree of protection against fire than the minimum requirements established by this subsection.

3. Corridor walls and openings. The walls of every public corridor shall be protected by one-hour fire-resistive construction, provided however, that existing walls constructed of wood lath and plaster and which are in good condition, will be acceptable in lieu thereof.

Transoms and openings other than doors from public corridors to guest rooms and dwelling units shall be closed and solidly covered with material which will provide the degree of fire resistiveness as shall be provided by adjacent corridor walls.

All door openings from public corridors to guest rooms and dwelling units shall provide the same degree of fire resistiveness as shall be provided by adjacent corridor walls.

EXCEPTION: Door openings from public corridors to guest rooms and dwelling units may have 20-minute protection, provided:

A. All stairways, hallways, exit ways and storage or closet areas adjacent thereto are sprinklered, and

B. A sprinkler head is placed inside each unit adjacent to each door opening from the public corridor to the guest room or dwelling unit, and

C. An approved self-closing device is installed on each door opening from the public corridor into the guest room or dwelling unit

.

4. Shaft enclosures. All stairwells shall be enclosed in approved shaft enclosures, provided however, that existing enclosure walls constructed of wood lath and plaster which are in good condition will be accepted in lieu of approved shaft wall construction.

EXCEPTION: In buildings erected prior to January 1, 1943, stair shaft enclosures may be omitted if the building is sprinklered throughout and the sprinkler system is interconnected to the alarm system required under Subsection (e) of Section 91.8604 of the Los Angeles Municipal Code.

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ORDINANCE NO. 163836

An ordinance amending Section 91.8604 of the
Los Angeles Municipal Code relating to fire safety standards.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. Subsection (a) of Section 91.8604 of the
Los Angeles Municipal Code is hereby amended to read:

SEC. 91.8604. FIRE SAFETY STANDARDS.

(a) General.

1. Notification. Whenever, pursuant to
Section 57.01.22 of the Los Angeles Municipal
Code, the Fire Department determines by
inspection that a building does not conform to
the minimum requirements of Subsections (b), (c)
or (f) of this Section, it shall prepare a
fire/life safety notice in writing that the
building be repaired and modified to conform to
the minimum requirements of those Subsections.

The notice shall specify in what manner the
building fails to meet the minimum requirements
of Subsections (b), (c) or (f) of this Section.
It shall direct that plans be submitted, and
that necessary permits be obtained not later
than one year after the service of the

1 notice, and that necessary corrections be
2 completed not later than two years for work
3 required under Subsections (b) and (c) and not
4 later than three years for work required under
5 Subsection (f).
6

7 Exception for Work Required Under
8 Subsection (f):

9 If an owner of a building commits to a
10 program of abatement of asbestos, then the
11 Department of Building and Safety may grant
12 an extension of time to complete the work
13 required under Subsection (f) provided that
14 all necessary permits are obtained and the
15 required water storage tank, fire pumps,
16 risers and all sprinkler riser valves for
17 sprinkler connections on each floor are
18 installed and operational prior to the
19 grant of any extension.
20

21 The notice shall be transmitted to the
22 Department of Building and Safety for
23 enforcement purposes. The Department of
24 Building and Safety shall serve the notice
25 either personally or by certified or registered
26 mail upon the owner as shown on the last
27 equalized assessment roll and upon the person,
28

1 if any, in real or apparent charge or control of
2 the building. The provisions of this Section
3 are not intended to prevent the Department of
4 Building and Safety from also making a
5 determination or issuing an order regarding
6 failure to comply with Subsections (b), (c), or
7 (f) of this Section.

8 2. Recordation. At the time that the
9 Department serves the aforementioned order or
10 notice, the Department shall file with the
11 Office of the County Recorder a certificate
12 stating that the subject building does not meet
13 the minimum fire safety requirements of
14 Subsections (b), (c) or (f) of this Section and
15 that the owner thereof has been so notified.

16 After all necessary corrective work has
17 been performed, the Department shall file with
18 the Office of the County Recorder a certificate
19 terminating the status of the subject building
20 as nonconforming to the minimum fire safety
21 requirements of Subsection (b), (c) or (f) of
22 this Section.

23 3. Enforcement. If the owner or other
24 person in charge and control of the subject
25 building fails to comply with the aforementioned
26 order or notice within the time periods set
27 forth in Subsection (a) of this Section, then
28

1 the Department shall order that the building be
2 vacated and that the building remain vacated
3 until all required corrective work has been
4 completed. Whenever compliance with the
5 correction order or notice issued pursuant to
6 the provisions of this Section has not been
7 accomplished within 90 days after the date the
8 building has been ordered vacated, or such
9 additional time as may have been granted by the
10 Board, the Department may order its demolition
11 in accordance with the provisions of Division 89
12 of this Chapter.

13
14 Sec. 2. Subsection (f) is hereby added to Section
15 91.8604 of the Los Angeles Municipal Code to read:

16 (f) Fire Safety Standards For Existing
17 High-Rise Buildings.

18 1. Purpose. The purpose of this
19 Subsection is to provide a reasonable degree of
20 fire safety for persons occupying existing
21 high-rise buildings.

22 2. Scope. The provisions of this
23 Subsection shall apply to every existing
24 high-rise building, as defined below, for which
25 a building permit was issued prior to
26 July 1, 1974.

27 . . .

1 **EXCEPTION:** The provisions of this
2 subsection shall not apply to Group R
3 Division 1 occupancies, as defined in
4 Section 91.1201.

5 The provisions of this Subsection shall not
6 authorize the modification of existing buildings
7 or portions thereof which provide a greater
8 degree of protection against fire, than the
9 minimum requirements established by this
10 Subsection.

11 3. Definition. For the purposes of this
12 Subsection, a high-rise building is a building
13 of any type of construction having floors (as
14 measured from the top of the floor surface) used
15 for human occupancy located more than 75 feet
16 above the lowest floor level having Fire
17 Department vehicle access.

18 4. Requirements. Every building within
19 the scope of this Section shall be provided with
20 an automatic fire sprinkler system complying
21 with all applicable Sections of the Los Angeles
22 Municipal Code. The sprinkler system shall
23 cover all areas of the building.

24 **Exceptions:**

25 (i) Sprinklers need not be
26 installed in locations expressly
27 excepted in the Los Angeles Plumbing
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Code, provided other approved fire protection equipment is installed.

(ii) The Department of Building and Safety may review, on a case by case basis, buildings within the scope of this Subsection and may approve alternative fire protection systems which meet the intent of the high-rise sprinkler requirements.

(iii) The Department of Building and Safety may grant exceptions as specified in Subsection 5 below.

5. Conditional Exceptions. The following exceptions from the requirements set forth in Section 94.0701 are available upon application to the Department, provided all the stated conditions are met for each category of building:

(a) Existing Buildings 75 feet to 150 feet in height.

Exceptions:

(1) Existing risers may be used when maintained in a safe and operable condition.

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1 (2) New, on-site water
2 storage need not be provided.
3 (When existing on-site water
4 storage is available, it may be
5 integrated into the fire
6 sprinkler system.)

7 Conditions:

8 (1) A 3-inch test drain
9 shall be provided in stair shafts
10 where pressure regulator valves
11 are used. Valves, equipment and
12 devices shall conform to Los
13 Angeles Plumbing Code
14 Requirements.

15 (2) A single pump having a
16 minimum capacity of 750 gpm shall
17 be provided. (Diesel pumps shall
18 have a four hour fuel supply.)

19 (3) There shall be a flow
20 of 750 gpm at 65 psi at the roof
21 and the sprinkler system design
22 shall meet Code requirements.

23 (4) Existing sprinkler
24 systems, existing or new
25 standpipe systems and existing or
26 new sprinkler risers shall be
27 interconnected at the base of the
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riser system with a minimum of
one Fire Department connection.

(5) Emergency standby
electrical power with a four hour
fuel supply shall be provided for
the following:

Fire protective signalling
systems.

Emergency exit lighting.

Exit and directional signs.

Fire pumps.

(b) Existing buildings 151 feet to
275 feet in height.

Exception:

Existing risers may be used
when maintained in a safe and
operative condition.

Conditions:

(1) A 3-inch test drain
shall be provided in each stair
shaft where pressure regulator
valves are used. Valves,
equipment and devices shall
conform to Los Angeles Plumbing
Code requirements.

. . .
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1 (2) At least two pumps
2 connected to the automatic
3 sprinkler system having a minimum
4 capacity of 750 gpm each shall be
5 provided. (Diesel pumps shall
6 have a four hour fuel supply.)

7 (3) There shall be a flow
8 of 750 gpm at 65 psi at the roof
9 and the sprinkler system design
10 shall meet Code requirements.

11 (4) Existing sprinkler
12 systems, new and existing
13 standpipe systems and new and
14 existing sprinkler risers shall
15 be interconnected at the base of
16 the riser system with at least
17 one Fire Department connection.

18 (5) Emergency standby
19 electrical power with a four hour
20 fuel supply shall be provided for
21 the following:

22 Fire protective
23 signalling systems.
24 Emergency exit lighting.
25 Exit and directional signs.
26 Fire pumps.

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(6) A minimum usable capacity 20,000 gallon storage tank shall be provided on site.

(c) Existing buildings greater than 275 feet in height.

Exception:

Existing risers may be used when maintained in a safe and operable condition.

Conditions:

(1) A 3-inch test drain shall be provided in each stair shaft where pressure reduction valves are used. Valves, equipment and devices shall conform to Los Angeles Plumbing Code requirements.

(2) At least three pumps connected to the automatic sprinkler system having a minimum capacity of 750 gpm each shall be provided. At least one pump shall be an electric motor driven pump. (Diesel pumps shall have a four hour fuel supply.)

. . .
. . .

1 (3) There shall be a flow
2 of 1000 gpm at 65 psi at the roof
3 and the sprinkler system design
4 shall meet Code requirements.

5 (4) Existing sprinkler
6 systems, new and existing
7 standpipe systems, and new and
8 existing sprinkler risers shall
9 be interconnected at the base of
10 the riser system with at least
11 one Fire Department connection.

12 (5) Emergency standby
13 electrical power with a four hour
14 fuel supply shall be provided for
15 the following:

16 Fire protective

17 signalling systems.

18 Emergency exit lighting.

19 Exit and directional signs.

20 Fire pumps.

21 (6) A minimum usable
22 capacity 40,000 gallon storage
23 tank shall be provided on site.

24 6. Elevator Lobbies. Existing high-rise
25 buildings within the scope of this Section shall
26 comply with the following:

1 (a) Except for the main entrance
2 level, all elevators on all floors shall
3 open into elevator lobbies which are
4 separated from the remainder of the
5 building, including corridors and other
6 exits, by walls having a fire-resistive
7 rating of not less than one hour. All
8 lobby openings other than those for
9 elevator doors, stairway enclosures, and
10 ducts shall be protected with
11 three-fourths-hour self-closing fire
12 assemblies actuated by combustion
13 products-type smoke detectors.

14 (b) Except for the main entrance
15 level, each elevator lobby shall be
16 provided with an approved smoke detector
17 located on the lobby ceiling. When the
18 detector is activated, elevator doors shall
19 not open and all cars serving that lobby
20 shall return to the main floor and be under
21 manual control only. The smoke detector
22 shall meet the requirements of Title 8,
23 California Administrative Code (Elevator
24 Safety Orders). The detector may serve to
25 close the lobby doors.

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1		7. Stair Shaft Ventilation. Each stair
2		shaft which extends to the roof shall be
3		provided with a minimum ventilation opening of
4		20 square feet at the roof level.
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Sec. 3 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUL 15 1988

ELIAS MARTINEZ, City Clerk,

By

Edward W. Auldman

Deputy.

Approved

JUL 19 1988

Approved as to Form and Legality

John D. Serrano
ACTING Mayor.

7/8/88

JAMES K. HAHN, City Attorney,

By

Claudia Culling

CLAUDIA CULLING
Deputy City Attorney

File No. CF No. 88-0828

ORDINANCE NO.

165319

An ordinance amending Sections 91.8101 and 91.8604 of the Los Angeles Municipal Code relating to fire safety standards.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS:

Section 1. Subsection (a) of Section 91.8604 of the Los Angeles Municipal Code is hereby amended to read:

(a) General.

1. Notification.

A. Whenever the Department of Building and Safety determines by inspection that a building does not conform to the minimum requirements of either Subsections (b), (c), (d), or (e) of this Section, the Department of Building and Safety shall prepare a written Fire Safety Standards Repair Order directing the owner to repair and modify the building so as to conform to those minimum requirements. The Department of Building and Safety shall serve the order either personally or by certified or registered mail upon the owner as shown on the last equalized assessment

1 roll and may serve the order upon the
2 person, if any, in real or apparent charge
3 or control of the building.

4 The order shall specify the manner in
5 which the building fails to meet the
6 minimum requirements of either Subsections
7 (b), (c), (d), or (e) of this Section. The
8 order shall direct the owner of the
9 building to submit plans, obtain the
10 necessary permits and complete the
11 necessary corrections.

12 B. Whenever, pursuant to Section
13 57.01.22 of the Los Angeles Municipal Code,
14 the Fire Department determines by
15 inspection that a building does not conform
16 to the minimum requirements of Subsection
17 (f) of this Section, it shall prepare a
18 written Fire/Life Safety Order directing
19 the owner to repair and modify the building
20 so as to conform to the minimum
21 requirements of Subsection (f) of this
22 Section.

23 The order shall specify the manner in
24 which the building fails to meet the
25 minimum requirements of Subsection (f) of
26 this Section. The order shall direct the
27 owner of the building to submit plans,
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1 obtain necessary permits and complete the
2 necessary corrections.

3 The order shall be transmitted to the
4 Department of Building and Safety for
5 service, recordation and enforcement
6 purposes. The Department of Building and
7 Safety shall serve the order either
8 personally or by certified or registered
9 mail upon the owner as shown on the last
10 equalized assessment roll and may serve the
11 person, if any, in real or apparent charge
12 or control of the building. The provisions
13 of this subparagraph are not intended to
14 prevent the Department of Building and
15 Safety from also making a determination or
16 issuing an order regarding failure to
17 comply with Subsection (f) of this Section.

18 2. Time for Compliance.

19 A. Whenever the Department of
20 Building and Safety serves a Fire Safety
21 Standards Repair Order pursuant to
22 Paragraph 1 A above, the owner of a
23 building shall submit plans and obtain
24 necessary permits as required in that order
25 not later than 90 days after service of the
26 order and shall complete necessary
27 corrections not later than one year after
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1 service of the order for work under
2 Subsections (b), (c), (d), or (e) of this
3 Section. No extension of time, either to
4 submit plans, obtain permits or complete
5 the necessary corrections shall be granted
6 except by the Board of Building and Safety
7 Commissioners upon a finding of unusual
8 circumstances which warrant an extension.

9 B. Whenever the Department of
10 Building and Safety serves a Fire/Life
11 Safety Order pursuant to Paragraph 1(b)
12 above, the owner of a building shall submit
13 plans and obtain necessary permits as
14 required in that order not later than one
15 year after service of the order and shall
16 complete necessary corrections not later
17 than three years after service of the order
18 for work required under Subsection (f) of
19 this Section.

20 Exception for Work Required Under
21 Subsection (f) of Section 91.8604:

22 If an owner of a building commits
23 to a program of abatement of asbestos,
24 then the Department of Building and
25 Safety may grant an extension of time
26 to complete the work required under
27 Subsection (f) provided that all
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1 necessary permits are obtained and the
2 required water storage tank, fire
3 pumps, risers and all sprinkler riser
4 valves for sprinkler connections on
5 each floor are installed and
6 operational prior to the grant of any
7 extension.

8 3. Recordation.

9 At the time that the Department of Building
10 and Safety serves a Fire/Life Safety Order or
11 Fire Safety Repair Order, the Department shall
12 file with the Office of the County Recorder a
13 certificate stating that the building does not
14 meet the minimum fire safety requirements of
15 Subsections (b), (c), (d), (e), or (f) of this
16 Section and that the owner of the building has
17 been so notified.

18 After all necessary corrective work has
19 been performed, the Department of Building and
20 Safety shall file with the Office of the County
21 Recorder a certificate terminating the status of
22 the building as nonconforming to the minimum
23 fire safety requirements of Subsection (b), (c),
24 (d), (e), or (f) of this Section.

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1 Sec. 2. Paragraph 3 of Subsection (f) of Section
2 91.8604 of the Los Angeles Municipal Code is hereby amended to
3 read:

4 3. Definition. For the purposes of this
5 Subsection, a high-rise building is a building of
6 any type of construction having floors (as measured
7 from the top of the floor surface) used for human
8 occupancy located more than 75 feet above the lowest
9 floor level having building access.

10
11 Sec. 3. Exception (iii) is hereby amended to
12 Paragraph 4 of Subsection (f) of Section 91.8604 of the Los
13 Angeles Municipal Code to read:

14 (iii) The Department of Building and Safety
15 may, with the concurrence of the Fire Department,
16 grant exceptions from the requirements of Chapter
17 IX, Article 4, Division 7 of this Code as specified
18 in "Conditional Exceptions" in Paragraph 5 below.

19
20 Sec. 4. Subparagraph (b) of paragraph 5 of
21 Subsection (f) of Section 91.8604 is hereby amended to read:

22 (b) Existing buildings over 150 feet to 275
23 feet in height.

24 Exception:

25 Existing risers may be used when
26 maintained in a safe and operative
27 condition.

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Conditions:

(1) A 3-inch test drain shall be provided in each stair shaft where pressure regulator valves are used. Valves, equipment and devices shall conform to Los Angeles Plumbing Code requirements.

(2) At least two pumps connected to the automatic sprinkler system having a minimum capacity of 750 gpm each shall be provided. (Diesel pumps shall have a four hour fuel supply.)

(3) There shall be a flow of 750 gpm at 65 psi at the roof and the sprinkler system design shall meet Code requirements.

(4) Existing sprinkler systems, new and existing standpipe systems and new and existing sprinkler risers shall be interconnected at the base of the riser system with at least one Fire Department connection.

(5) Emergency standby electrical power with a four hour fuel supply shall be provided for the following:

Fire protective signalling systems.

Emergency exit lighting.

. . .

1 Exit and directional signs.

2 Fire pumps.

3 (6) A minimum usable capacity 20,000
4 gallon storage tank shall be provided on
5 site.

6
7 Sec. 5. Subsections (t) and (u) of Section 91.8101
8 of the Los Angeles Municipal Code are hereby repealed.

9
10 Sec.6. URGENCY CLAUSE. The City Council finds and
11 declares that this ordinance is required for the immediate
12 protection of the public peace, health and safety for the
13 following reasons.

14 This ordinance will provide the tools necessary to
15 enforce the fire safety requirements for existing high-rise
16 buildings established as a result of the disastrous fire in
17 the First Interstate Bank Tower Building on May 4, 1988 which
18 resulted in one death, 40 smoke-related injuries and an
19 estimated \$45 million in property damage.

20 Without effective enforcement, building owners may
21 not expeditiously comply with the City's requirements for fire
22 safety measures, such as sprinklers, and therefore, the City
23 must have an aggressive enforcement program to ensure such

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1 compliance. The Department of Building and Safety will not be
2 able to effectively enforce these fire safety requirements
3 without the tools provided by the technical changes included
4 in this ordinance. Thus, without these tools, the peace,
5 health and safety of the many citizens who visit and work in
6 these buildings will be endangered.

7 Therefore, this ordinance shall become effective upon
8 publication pursuant to Section 281 of the Los Angeles City
9 Charter.

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Sec. 7 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles **NOV 15 1989** and was passed at its meeting of **NOV 22 1989**

Approved NOV 28 1989

ELIAS MARTINEZ, City Clerk

By Edward W. Ashdown
Deputy

File No. 88-0828

Tom Bradley
Mayor
DC 372796 12/1
LAJ 372797 12/4

File No. 88-0828

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2004**

No. 26

Introduced by Council Members Provenzano, Avella, Comrie Jr., Fidler, Koppell, Gennaro and Oddo (by request of the Mayor).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to building safety.

Be it enacted by the Council as follows:

Section 1. Subparagraphs (f) and (p) of paragraph 4 of subdivision g of section 26-248 of the administrative code of the city of New York are amended to read as follows:

(f) subdivision (b) *or* (c) of section 27-384 of the code; or

(p) section 2-4 or 4-3 of reference standard RS 13-1 [.] ;*or*

§2. Paragraph 4 of subdivision g of section 26-248 of the administrative code of the city of New York is amended by adding three new subparagraphs (q), (r) and (s) to read as follows:

(q) *subdivision (e) of section 27-383.1 of the code, or*

(r) *subdivision (b) of section 27-383; or*

(s) *section 27-929.1.*

§3. Section 27-228.5 of the administrative code of the city of New York, as renumbered by chapter 839 of the laws of 1986, is amended to read as follows:

§27-228.5 General requirements. (a) Owners of all existing buildings which are required to comply with the provisions of subdivision (a) of section 27-353.1 (elevator vestibules), section 27-381 and subdivision (b) of section 27-382 (exit lighting), subdivision (b) of section 27-384 (exit signs), section 27-396.3 (signs in sleeping rooms), section 27-777.2 (ventilation in J-1 buildings), subdivision (b) of section 27-929 (sprinklers, fire alarm systems, fire command and communication systems), paragraph two of subdivision (c) of section 27-989 (elevators in readiness), section 27-996.1 (locks on hoistway doors) and section 27-996.2 (firemen's service) shall file with the department a report on or before April first, nineteen hundred eighty-seven certifying to the installation of the required fire protection systems in accordance with approved plans and appropriate permits prior to such date. Owners of all existing buildings not already subject to the requirements of article nine of subchapter six of this chapter as of January eighth, nineteen hundred seventy-three shall file with the department a report on or before October first, nineteen hundred eighty-five certifying to the installation of stair and elevator signs meeting the requirements of article nine of subchapter six of this chapter prior to such date. *Owners of all existing buildings that are required to comply with the provisions of subdivision (c) of section 27-384 (power source of exit signs) shall file with the department, on or before July 1, 2007, a report of an architect or engineer certifying that all required exit and/or directional signs are connected to an emergency power source or to storage battery equipment in compliance with such subdivision except that no such report shall be required to be filed if an owner of a building submits an affidavit to the department, within ninety days after the effective date of this sentence, certifying that all required exit and/or directional signs are connected to an emergency power source or to storage battery equipment as required by such subdivision.* Such reports shall be on such forms and in such manner as prescribed by the commissioner. Failure to file such report by such dates shall be a violation of this section, which shall be punishable pursuant to section 26-125 of title twenty-six of the administrative code.

(b) (1) *Owners of all buildings one hundred feet or more in height required to comply with the provisions of subdivision (a) of section 27-929.1 (sprinklers) shall file with the department on or before July 1, 2019 a final report prepared by an architect or engineer certifying to the installation of the required sprinklers in accordance with such provisions and, pending the filing of such final report, such owner shall be required to file the following*

interim reports as described below. Failure to file such final report and/or, where required, such interim reports by the dates indicated or within any extended period of time granted by the commissioner pursuant to paragraph (2) of this subdivision shall be a violation of this section, which shall be punishable pursuant to section 26-125 of the code. Such reports shall be on such forms and in such manner as prescribed by the commissioner and shall be filed as follows:

Unless a final report is filed on or prior to such date, a one year report shall be filed no later than July 1, 2005.	The one year report shall contain an affidavit by the owner of the building acknowledging that sprinklers are required to be installed in such building on or before July 1, 2019 in compliance with subdivision (a) of section 27-929.1 of this code and indicating his or her intention to comply with such requirement.
Unless a final report is filed on or prior to July 1, 2011, a seven year report shall be filed no earlier than January 1, 2011 and no later than July 1, 2011.	Such seven year report shall contain a certification by an architect or engineer of the percentage of the building in which sprinklers have been installed as of the date of such report and an implementation plan prepared by such architect or engineer detailing when and how the remaining portions of the building will be made fully compliant.
Unless a final report is filed on or prior to July 1, 2018, a fourteen year report shall be filed no earlier than January 1, 2018 and no later than July 1, 2018.	Such fourteen year report shall contain a certification by an architect or engineer of the percentage of the building in which sprinklers have been installed as of the date of such report and an implementation plan, prepared by such architect or engineer detailing when and how the remaining portions of the building will be made fully compliant.
Except as otherwise provided in paragraph (2) of this subdivision, a final report shall be filed no later than July 1, 2019.	Such final report shall contain a certification by an architect or engineer that the building is fully compliant.

(2) Where the owner of a building is unable to comply with the requirements of subdivision (a) of section 27-929.1 on or before July 1, 2019 because of undue hardship, and where such owner timely filed all interim reports as required in paragraph (1) of this subdivision and has obtained approval of all required applications, plans and permits relating to the required work, such owner may submit to the department an application for additional time to comply with such requirements. Such application shall be submitted to the department on or before July 1, 2018, along with supporting documents indicating the basis for such claim of undue hardship. The commissioner shall appoint a committee consisting of employees of the department and the fire department and a representative of the real estate industry to review such application. Such committee shall issue findings and recommendations relating to the application. After reviewing such findings and recommendations, if the commissioner finds that the owner has made a good faith effort to complete the required work and has substantiated his or her claim of undue hardship, the commissioner may grant an extension of time in which to complete the work and submit the final report.

§4. Footnote “e” of table 3-4 of subchapter 3 of chapter one of title 27 of the administrative code of the city of New York is amended to read as follows:

Notes:

e. See subdivision (i) of section 27-375 of article five of subchapter six of this chapter for *additional impact resistance requirements applicable to certain stair enclosures and for certain exceptions to stair enclosure requirements*.

§5. Table 3-4 of subchapter 3 of chapter one of title 27 of the administrative code of the city of New York is amended by adding a new footnote “m” after the construction element “hoistways” to read as follows:

CONSTRUCTION ELEMENT

Enclosure of vertical exits ^e, exit passageways, hoistways ^m and shafts.

Notes:

m. *See subdivision (c) of section 27-987 of article one of subchapter eighteen of this chapter for additional impact resistance requirements applicable to certain elevator enclosures.*

§6. The definitions of “ELEVATOR VESTIBULE”, “EXIT” and “SMOKE BARRIER” as set forth in section 27-232 of the administrative code of the city of New York are amended and a new definition “OFFICE BUILDING” is added to read as follows:

ELEVATOR VESTIBULE. A room or space enclosed with noncombustible smoke barrier partitions with smoke stop doors conforming to subdivision (c) of section 27-371. Except for such smoke stop doors, openings to elevators *and to exits* shall be the only other door openings permitted in the enclosing partitions.

EXIT. A means of egress from the interior of a building to an open exterior space which is provided by the use of the following, either singly or in combination: exterior door openings, vertical exits, exit passageways, horizontal exits, interior stairs, exterior stairs, *fire towers* or fire escapes; but not including access stairs, aisles, corridor doors or corridors.

OFFICE BUILDING. *A building constructed pursuant to the code in effect prior to December 6, 1968 in which the main use or dominant occupancy is offices or a building classified in occupancy group E.*

SMOKE BARRIER. Any continuous non-combustible construction, vertical, horizontal, or otherwise, such as a wall, floor, or ceiling assembly, that is designed and constructed to restrict the spread of smoke *and constructed in accordance with the provisions of section 27-353.3 of this code.*

§7. Section 27-324 of the administrative code of the city of New York is amended by adding a new subdivision (g) to read as follows:

(g) *Inspection of existing sprayed-on fire protection during alterations in office spaces and in occupancy group E spaces. In office spaces and spaces classified in occupancy group E, where an alteration exposes any required sprayed-on fire protection of structural members, or where, pursuant to an alteration persons are required to enter or access areas in which such sprayed-on fire protection is capable of being observed, the existing required sprayed-on fire protection shall be subject to the controlled inspection requirements of section 27-132 of this code. Such controlled inspection shall require a determination (i) that the existing sprayed-on fire protection as originally applied or installed complies with the applicable requirements of this code, including those for installation methods, materials, thickness and coverage; and (ii) that, since its original application, the integrity of the existing sprayed-on fire protection has not been compromised, damaged or displaced by the current alteration or by any prior alteration or other event.*

§8. Section 27-343 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

(d) *The installation and proper functioning of required fire dampers shall be subject to the controlled inspection requirements of section 27-132 of this code, except that it shall not be required that the architect or engineer be in the employ of the owner.*

§9. Article 5 of subchapter 5 of chapter one of title 27 of the administrative code of the city of New York is amended by adding two new sections 27-353.2 and 27-353.3 to read as follows:

§27-353.2 *Smoke protection for elevators in E occupancies. For an elevator in a high rise building where such elevator serves four or more stories that contain space classified in occupancy Group E (office space), inclusive of any lobby or entry level, such elevator shall meet the following requirements at every level served by such elevator (i) for such buildings erected pursuant to new building applications filed on or after the effective date of this section, or (ii) where two or more new elevator shafts are installed in such buildings in existence on the effective date of this section:*

(a) *Elevator vestibule required. At every floor above the main entrance floor where the fire command station is located, all elevators shall open into an enclosed elevator vestibule. The elevator vestibule shall be separated from the building occupancy by smoke barriers extending from floor slab to floor slab.*

(b) Permitted penetrations. Penetrations in addition to those permitted in section 27-353.3 (smoke barrier) shall be provided with smoke dampers as defined in reference standard RS 13-1, except that a package pass through or communication opening not exceeding one square foot in area need not be provided with smoke dampers.

(c) Access to exits. Access to an exit on any floor through the enclosed elevator vestibule shall be permitted if the occupied areas on that floor have access to at least one other required exit that does not require passing through the elevator vestibule.

(d) On floors with a floor area of less than twenty-five hundred square feet, the commissioner may accept an alternative design or construction method that accomplishes the purposes of this section, or, if the commissioner determines that compliance with this section is impracticable in whole or in part, the commissioner may authorize an exemption from the requirements of this section.

§27-353.3 Smoke barrier. A smoke barrier may or may not have a fire resistance rating. Smoke barriers may have openings that are protected by automatic closing devices, adequate to inhibit movement of smoke through the opening. The smoke barrier may be constructed of heat-strengthened or tempered glazing or the equivalent and protected by sprinkler heads constructed in accordance with subchapter seventeen of this chapter and installed a maximum of six feet (6'-0") on center on each side of the barrier. If the smoke barrier is constructed of glass, the portions of the smoke barrier located within two feet of the door opening and within five feet of the floor shall be constructed of tempered glass. Glass panels having an area in excess of nine square feet with the bottom edge less than eighteen inches above the floor shall likewise be constructed of tempered glass. Portions of glass smoke barriers shall be marked where required in accordance with the rules of the board of standards and appeals.

§10. Article 3 of subchapter 6 of chapter one of title 27 of section 27-363 of the administrative code of the city of New York is amended to read as follows:

§27-363 Remote location. (a) When more than one exit is required from a floor of a building, each such required exit shall be placed as remote from the others as is practicable. [Door openings to scissor stairs shall be at least fifteen feet distant from each other. In all other buildings, the minimum distance between such doors shall be the greater of thirty feet or one-third the maximum travel distance of the floor, provided, however, that where such distance will result in travel distances exceeding those authorized in section 27-357 additional vertical exits shall be provided.] Where this results in a distance between exits exceeding the maximum travel distances required by section 27-357, additional remote vertical exits shall be provided.

(b) In addition to the requirements of subdivision (a) of this section:

(1) For exits serving spaces classified in occupancy groups G or J-2, in no event shall such exits be less than fifteen feet distant from each other.

(2) For exits serving spaces classified in other occupancies, in no event shall such distance be less than thirty feet or one-third the maximum travel distance required by section 27-357, whichever is greater.

(c) On any floor containing ten thousand square feet or more in a high rise building classified in occupancy group E (office space), each exit that is required to be remote from another exit shall not share any common walls, floors, ceilings, scissor stair assemblies, or other enclosures.

§11. Subdivision (c) of section 27-371 of the administrative code of the city of New York is amended to read as follows:

(c) Smoke stop doors. Smoke stop doors shall be self-closing, swinging doors of metal, metal covered, or one and three-quarter inch solid core wood with clear wire glass panels having a minimum area of six hundred square inches per door and a maximum area of twelve hundred ninety-six square inches per door, except that in buildings not over two stories high, smoke stop doors may be of one and three-eighths inch solid core wood with clear wire glass panels, unless the doors are also used as horizontal exits in which case they shall comply with the provisions of subdivision (b) of section 27-373 of this article. In addition, smoke stop doors may be constructed of tempered glazing or the equivalent and be protected by sprinkler heads constructed in accordance with subchapter seventeen of this chapter and installed a maximum of six feet (6'-0") on centers on each side of the opening. Smoke stop doors may be double-acting but shall close the opening completely with only such clearance as is reasonably necessary for proper operation. Smoke stop doors shall normally be in the closed position, except that they may be left open if they are arranged to close automatically by an approved device which is actuated by an interior fire alarm system meeting the requirements of subchapter seventeen of this chapter or upon smoke detection. Tempered glass smoke stop doors shall be marked where required in accordance with the rules of the board of standards and appeals.

§12. Subdivision (i) of section 27-375 of the administrative code of the city of New York is amended by adding a new paragraph (6) to read as follows:

(6) Impact resistance. Stair enclosures serving occupancy group E spaces (office spaces) in high rise buildings constructed pursuant to applications filed on or after July 1, 2006 shall comply with rules to be promulgated by the commissioner establishing minimum impact resistance standards. Such rules shall permit compliance with assemblies comprising approved reinforced construction boards affixed onto stud framing. The commissioner shall promulgate such rules on or before January 1, 2006.

§13. Article 5 of subchapter 6 of chapter one of title 27 of the administrative code of the city of New York is amended by adding a new section 27-376.1 to read as follows:

§27-376.1 Fire tower. Fire towers may be used as exits in lieu of interior stairs provided they comply with all of the requirements for interior stairs, except as modified below.

(a) The enclosing walls of fire towers shall be of incombustible materials or assemblies having a fire-resistance rating of at least four hours. Such walls shall be without openings, except for doors serving as means of egress.

(b) At each story served by a fire tower, access to the stairways of such fire tower shall be provided through outside balconies or fireproof vestibules. Such balconies or vestibules shall be at least three feet eight inches in width and shall have unpierced floors of incombustible materials and shall be provided with substantial guard railings at least four feet high, without any openings greater than five inches in width.

(c) Such balconies or vestibules of fire towers shall be level with the floors of the structure and the platforms of the stairs connected by such balconies. Such balconies or vestibules shall be separated from the structure and the stairs by self-closing swinging doors with a one and one-half hour fire protection rating, capable of being opened from both sides without the use of a key or other unlocking device.

(d) Balconies or vestibules of fire towers shall open on a street or yard, or on a court open vertically to the sky for its full height, having a minimum net area of one hundred five square feet and a minimum dimension of seven feet. The opening from the vestibule to the street, yard or court shall have a minimum area of eighteen square feet and a minimum dimension of two feet six inches. It shall be unlawful to leave openings in the court walls surrounding an interior fire tower, other than the openings from the vestibules, within fifteen feet of the balcony, except that self-closing windows with a three-quarter hour fire protection rating may be used if such windows are at least ten feet from the balcony, provided that the area of the court is at least twelve feet by twenty-four feet.

(e) Fire towers shall terminate at grade level and shall exit directly to the street independently of corridors serving other stairways, except when the fire tower terminates in the ground floor corridor outside of the inner vestibule and within ten feet of the building line.

(f) Fire tower stairs shall comply in all other respects with the applicable requirements of section 27-375 of this code.

§14. The title of article 7 of subchapter 6 of chapter one of title 27 of the administrative code of the city of New York is amended to read as follows:

Exit Signs and Other Markings

§15. Section 27-383 of the administrative code of the city of New York is amended to read as follows:

§27-383 Requirements. (a) Exit signs. Except in occupancy groups J-2 and J-3, the location of every exit on every floor and every opening from a room classified in occupancy group J-1 and containing cubicles shall be clearly indicated by exit signs. Such signs shall be placed at an angle with the exit opening if such placement is required for the signs to serve their purpose. In long corridors, in open floor areas, and in all other situations where the location of the exit may not be readily visible or understood, directional signs shall be provided to serve as guides from all portions of the corridor or floor.

(b) Exit path markings in high rise office buildings and in occupancy group E high rise buildings. On and after July 1, 2006 all high rise office buildings and all high rise buildings classified in occupancy group E shall have exit path markings conforming to this subdivision. This provision shall be retroactive and shall apply to buildings constructed on and after such date and to buildings in existence on such date. All exit path markings required herein shall be of an approved photoluminescent material. The markings shall be washable, non-toxic, non radioactive, and if subjected to fire must be self extinguishing when the flame is removed.

(1) All doors opening to corridors, to an exit, or to an exit passageway, shall be marked with the word "exit".

(2) Within exit stairs, horizontal extensions in exit stairs, horizontal exits, supplemental vertical exits and exit passageways, except within street level lobbies, there shall be directional markings.

(3) Required markings for exit paths shall comply with the technical standards for installation and placement to be set forth in a reference standard. Such reference standard shall be designated RS 6-1 and shall be adopted on or before January 1, 2006.

§16. Article 7 of subchapter 6 of chapter one of title 27 of the administrative code of the city of New York is amended by adding a new section 27-383.1 to read as follows:

§27-383.1 Additional requirements for high rise office buildings and occupancy group E high rise buildings. In high rise office buildings and in occupancy group E high rise buildings:

(a) Illuminated exit signs complying with section 27-386 of this subchapter shall be placed in stairwells with horizontal extensions to indicate the transition from vertical to horizontal direction and at turns along the horizontal path.

(b) A supplementary sign complying with sections 27-394 and 27-395 of this subchapter, except that the lettering and numerals shall be at least one inch high, indicating the location of a recessed re-entry door, shall be securely attached on the wall of the landing that faces the evacuee on the stairs.

(c) In stairs where there is no entry or exiting from such stair for more than four floors, a sign complying with sections 27-394 and 27-395, except that the lettering and numerals shall be at least one inch high, shall be securely attached at the beginning of the descent into such portion of the stair on the wall of the landing that faces the evacuee on the stairs stating the location of the next re-entry or exiting floor. On each floor within such portion of the stair a sign complying with sections 27-392 and 27-395 shall be securely attached to the wall of the landing that faces the evacuee on the stairs approximately five feet above the floor indicating the floor number.

(d) Signs shall be readily visible from the egress direction.

(e) High rise office buildings and high rise buildings classified in occupancy group E in existence on the effective date of this section shall comply with this section on or before July 1, 2007. For the purpose of this section, a high rise building shall be deemed to be in existence on the effective date of this section if on such effective date it is complete or under construction or where an application for approval of plans was filed with the department prior to such effective date and construction commenced within two years after such effective date.

§17. Section 27-384 of the administrative code of the city of New York is amended by adding a new subdivision (c) to read as follows:

(c) Notwithstanding the foregoing, in the existing buildings required to comply with subdivision (b) of this section, all such existing exit and/or directional signs on circuits taken off ahead of the main switch shall be connected to an emergency power source or to storage battery equipment meeting the requirements of the commissioner on or before July 1, 2007.

§18. Subdivision (c) of section 27-614 of the administrative code of the city of New York is amended to read as follows:

(c) Open web steel joists. Reference standard RS 10-7. The commissioner shall amend RS 10-7 to establish minimum acceptable fireproofing methods for open web steel joists and to redefine the limitations or restrictions on the buildings or occupancies in which the use of open web steel joists shall be permitted.

§19. Paragraph (3) of subdivision (e) of section 27-754 of the administrative code of the city of New York is amended to read as follows:

(3) Outdoor air intakes shall be located at least twenty-five feet from exhaust outlets of ventilation systems and other exhaust discharges, combustion equipment stacks, medical surgical vacuum systems, and plumbing vent stacks, [or] from areas which may collect vehicular exhaust such as off-street loading bays, and from areas which may collect other noxious fumes. The bottom of outdoor air intakes serving central systems [shall be located at least six feet above ground level, or] if installed above a roof, shall be located at least three feet above roof level.

§20. Section 27-754 of the administrative code of the city of New York is amended by adding a new subdivision (f) to read as follows:

(f) Outdoor air intakes. For high-rise office buildings erected pursuant to new building applications filed on or after the effective date of this section, outdoor air intakes serving spaces above the second story and serving spaces greater than ten thousand square feet of floor area shall be located at least twenty feet above ground level, at least twenty feet from exhaust outlets of ventilation systems and other exhaust discharges, and at least twenty feet from areas that may collect vehicular exhaust such as off-street loading bays.

§21. Subdivision (a) of section 27-779 of the administrative code of the city of New York is amended to read as follows:

(a) Procedure. A required ventilating system shall be subject to the requirements for controlled inspection as provided in article eight of subchapter one of this chapter except that it shall not be required that the architect or

engineer be in the employ of the owner. [An inspection shall be made of the completed system] *Such requirements shall include (1) a controlled inspection to verify that the installation and operation of the completed system [complies] comply with the requirements of this subchapter [tests shall be conducted], comprising tests to ascertain that the amount of air being supplied to and exhausted from each space conforms with the requirements of this code, and tests that all required smoke detection and fire protection devices are functioning properly; and (2) a controlled inspection comprising tests to verify that required fire dampers are installed and functioning properly as provided for in subdivision (d) of section 27-343 of this code.* When a required ventilating system handles five thousand cfm or less, it shall be subject to controlled inspection except that the person making the inspection may be an architect, engineer or a person with at least five years of experience installing ventilating systems. However, if such a system exhausts any of the following:

- (1) fumes, dusts, vapors or other noxious or injurious substances,
- (2) substances that create a fire hazard,

then the person making the inspection shall be an architect or engineer. It shall not be required that the architect or engineer be in the employ of the owner. The test reports required under the provisions of article eight of subchapter one of this chapter shall be filed in the form prescribed by the commissioner. The form shall include the quantity of air supplied or exhausted by each outlet.

§22. Subdivision (f) of section 27-830 of the administrative code of the city of New York is amended to read as follows:

(f) Piping from transfer pump to *equipment or to storage tanks above the lowest floor.*

(1) The piping from a transfer pump to *equipment at levels above the lowest floor or to storage tanks at levels above the lowest floor in buildings, the return piping, and vent piping shall comply with the applicable provisions of subdivisions (a) and (d) of this section and shall be enclosed in a shaft constructed of four inch concrete or masonry having a four inch clearance from all pipe or pipe covering, except that no such enclosures shall be required within the room containing the pump, tank, or equipment where such room is itself enclosed with construction and materials having at least a two hour fire resistance rating.* Provision shall be made for expansion in piping without the use of expansion joints.

(2) Where it is necessary to make horizontal offsets in the supply piping and pipe shafts such piping shall be enclosed in a sleeve of other piping of at least no. 10 U.S. [manufacturer's] standard gage steel, two sizes larger and arranged to drain into the shaft. Horizontal piping offsets shall be further enclosed in construction having a two hour fire resistance rating, *except that no such enclosure or pipe sleeve shall be required within the room containing the pump, tank, or equipment where such room is itself enclosed with construction and materials having at least a two hour fire resistance rating.*

(3) A drain pipe shall be installed at the base of shafts enclosing the supply and overflow piping. The pipe shall lead to an open sight drain or to an open sump.

(4) Oil lines for *equipment or tanks [above the level of the lowest floor] shall be [seamless] steel pipe [of a weight not less than ASA] ASTM A-53 or A-106, grade B seamless, schedule 40 with welded connections up to the oil tank or equipment, except that fittings at the tank or equipment, shut off valves and other fuel oil flow and control devices may be screwed or flanged.*

(5) Pipe shafts shall not be penetrated by or contain other piping or ducts.

(6) *The piping shall be located and secured from movement so as to prevent undue stress on the piping and to isolate the piping from vibrations from any equipment.*

(7) *Pipe connections to the main header (supply or return) shall be made from the top of the header, except for systems described in paragraph (11) of this subdivision.*

(8) *Required air vents and vacuum breakers shall be designed for their required use.*

(9) *All air vents and vacuum breakers shall be hard piped to a curb or pan as provided for in subdivision (b) of section 27-829.*

(10) *In systems with equipment above the lowest floor where such equipment is designed to operate utilizing fuel stored above the lowest floor, piping diameters shall not exceed four inches. However, where an applicant demonstrates by the inclusion of calculations on the plans that a greater diameter is necessary to ensure the proper flow for the functioning of the system, such greater diameter may be permitted. All oil stored above the lowest floor shall be in tanks complying with subdivision (b) of section 27-829 of this code; piping shall not be used for fuel storage purposes.*

(11) *In systems with equipment above the lowest floor where such equipment is designed to operate utilizing fuel pumped as needed from the lowest floor and without utilizing fuel oil stored above the lowest floor, piping*

diameters throughout such systems shall not exceed the design flow (three times the maximum firing rate as calculated by the engineer or architect). However, piping diameters within rooms containing such equipment may exceed the calculated design flow pipe size to provide limited reservoir storage to prime equipment, provided such reservoir storage is counted toward the maximum two hundred seventy-five gallons of oil storage per story as provided for in subdivision b of section 27-829 of this code.

§23. Article one of subchapter 17 of chapter one of title 27 of the administrative code of the city of New York is amended by adding a new section 27-929.1 to read as follows:

§27-929.1 *Retroactive requirements for office buildings one hundred feet or more in height. (a) General requirements. (1) Notwithstanding any other provision of this subchapter, all office buildings one hundred feet or more in height and buildings classified in occupancy group E one hundred feet or more in height in existence on the effective date of this subdivision shall have a full system of automatic sprinklers installed in accordance with this subchapter. Reports relating to the installation of such sprinkler systems shall be filed in accordance with subdivision (b) of section 27-228.5 of this code and installation of such sprinkler systems shall be completed on or before July 1, 2019 or, if applicable, on or before a date specified by the commissioner pursuant to paragraph (2) of subdivision (b) of section 27-228.5 of this code.*

(2) Exception. Where an owner of a building or portion thereof subject to such retroactive requirement demonstrates to the satisfaction of the commissioner that the installation of sprinklers in a particular, limited portion of such building is not practicable, either due to structural conditions or because of designation as an interior landmark by the New York city landmarks preservation commission, the commissioner may waive such limited portions from the requirements of this section but may require additional fire safety measures to protect the health, safety and welfare of the public.

(3) Application to buildings with a full system of automatic sprinklers. The provisions of this subdivision shall not apply to buildings in existence on the effective date of this subdivision in which a full system of automatic sprinklers was installed or required to be installed pursuant to any other provision of law. Nothing in this subdivision shall be construed to limit the applicability of any other provision of this code requiring sprinklers in the buildings referred to herein.

(b) Converted buildings. Notwithstanding the foregoing provisions, on and after the effective date of this subdivision, no building one hundred feet or more in height shall be converted to an office building or to a building classified in occupancy group E, whether or not application for such conversion is required to be filed with the department, unless a full system of automatic sprinklers is installed in such building in accordance with this subchapter prior to such conversion.

§24. Subdivision (c) of section 27-987 of the administrative code of the city of New York is amended to read as follows:

(c) Fire protection and impact resistance.

(1) Fire protection. The fire resistance rating of hoistway enclosures shall be two hours and for hoistway doors and door assemblies the fire protection shall be one and one-half hours subject to the test procedures of subchapter five of this chapter.

[(1)]a. vertical conveyors passing through floors shall be fire protected as required for shafts in subchapter five of this chapter.

[(2)]b. inclined conveyors passing through floors shall be fire protected as required in reference standard 18-1 for escalators which are not a required means of egress.

[(3)]c. horizontal conveyors passing through vertical fire divisions shall be fire protected as required in subchapter five of this chapter.

(2) Impact resistance. Elevator enclosures serving occupancy group E spaces (office spaces) in high rise buildings constructed pursuant to applications filed on or after July 1, 2006, shall comply with rules to be promulgated by the commissioner establishing minimum impact resistance standards. Such rules shall permit compliance with assemblies comprising approved reinforced construction boards affixed onto stud framing. The commissioner shall promulgate such rules on or before January 1, 2006.

§25. The paragraph beginning with the word “Modifications:” of building code reference standard RS 10-7 is amended to read as follows:

Modifications: *(1) Open web steel joists are prohibited in high rise buildings in all occupancy groups except J-2 or J-3.*

(2) The provisions of the standard specifications for open web steel joists, longspan steel joists, deep longspan steel joists and joist girders, as listed above, shall be subject to the following modifications. The section and paragraph numbers are from those standards.

§26. The line beginning with the words "Floor drain" of Table RS 16-12 of building code reference standard RS 16 is amended by adding a new footnote "b" to read as follows:

Fixture or Group	Fixture Unit	Value
Floor drain.....	2 ^b	

Note:

b. Any floor drains provided in an elevator vestibule or in an elevator shaft shall be excluded from being counted as fixture units.

§27. Subchapter 29 of chapter 4 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-4267.4 to read as follows:

§27-4267.4 Evacuation of office buildings and buildings classified in occupancy group E. The commissioner shall promulgate rules establishing standards, procedures and requirements for the orderly evacuation of occupants from any office building or building classified in occupancy group E or part thereof in the interests of public safety, including but not limited to the evacuation of persons necessitated by fire, explosion, biological, chemical or hazardous material incident or release, natural disaster or other emergency, or the threat thereof. Such rules may require the owners of such buildings to develop a written emergency action plan, with provisions for identifying qualified personnel, conducting drills, distributing instructions or informative materials to occupants, and/or such other standards, procedures or requirements that the fire commissioner determines will serve to ensure orderly evacuation. Such rules may also establish requirements for the occupants of such buildings with respect to evacuation and the planning therefore. These requirements shall be in addition to the requirements of other provisions of sections 27-4267 or 27-4267.3 of this code and any other law, rule or regulation enforced by the department.

§28. This local law shall take effect on the one hundred twentieth day after it shall have been enacted into law except that prior to such date the commissioner of buildings and the fire commissioner may promulgate rules or take other administrative actions to facilitate the implementation of such provisions.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on June 7, 2004 and approved by the Mayor on June 24, 2004.

VICTOR L. ROBLES, City Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 26 of 2004, Council Int. No. 126-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 7, 2004: 50 for, 0 against, 0 not voting.

Was signed by the Mayor on June 24, 2004.

Was returned to the City Clerk on June 25, 2004.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

DEPARTMENT OF LICENSES AND INSPECTIONS CODE BULLETIN OF INFORMATION No. B-9903		CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA <hr/> TITLE 4 — BUILDING CONSTRUCTION AND OCCUPANCY CODE
SUBJECT OF BULLETIN: EXISTING BUILDING COMPLIANCE ALTERNATIVES — FIRE PROTECTION		REFERENCE CODE SECTION(S): B-3408.3.2; B-3408.6.17; F-503.4(4); F-503.4.2; F-503.5
ISSUED BY		
NAME: David L. Wismer, P.E., C.B.O.	SIGNATURE:	ISSUE DATE June 4, 1999
TITLE: Director of Planning and Code Development, Dept. of Licenses and Inspections		PAGE 1 OF 2

ISSUE:

The department has been experiencing an increase in the number and scope of buildings that are taking advantage of the compliance alternative provisions of Section 3408.0 the *Philadelphia Building Code*. This is brought about by the increased activity of conversion of existing buildings to new uses and more enlightened design professionals and developers.

Our plan examination staff has been challenged regarding the application of Section B-3408.0 and the *Philadelphia Fire Prevention Code*. The questions relate to whether one or the other of the code provisions supersede another, particularly as they relate to standpipe and sprinkler fire protection.

DISCUSSION:

Section B-3408.0 was developed to provide an alternative to Chapters 2 through 33 of the Building Code. The purpose is to provide a number of compliance paths for flexibility in preparing an existing building for occupancy, as alternatives to the more direct requirements imposed on new construction. The alternatives permit a design professional to provide for a new use or extensive alterations while avoiding impossible or infeasible compliance measures. It is not however, the intent of the Building Code to circumvent those provisions of the fire prevention or property maintenance codes that are applicable to the buildings in question. Specifically, Section B-3408.3.2 states:

“All buildings that are evaluated in accordance with this section shall comply with the fire prevention and property maintenance codes.”

Sections F-503.4(4) and F-503.4.2 of the current Philadelphia Fire Prevention Code require the retroactive installation of sprinklers throughout existing high-rise buildings except those portions of the building that are occupied as R-2 (Residential Multi-family) Use Group. These provisions were established by ordinance signed into law December 18, 1991, and provided up to eight years for total compliance. This ordinance was written and passed with the full knowledge of the compliance alternatives offered by the Building Code, but chose not to exempt existing buildings that comply with those provisions.

Similarly, Section F-503.5 requires the retroactive installation of Fire Department standpipes (Class I) in buildings that do not have them and have occupied floors more than six stories above grade. The fact that Section B-3408.0 is silent on standpipes does not preclude compliance with the Fire Code requirement for standpipes.

DIRECTION:

Based on the above cited code sections and the legislative history of the provisions, the department will regulate existing buildings that are reviewed under Section 3408.0 of the Building Code in the following manner.

When a building satisfies the compliance alternative analysis with a passing score as determined by Section B-3408.9, the requirements of the Fire Prevention Code shall also apply. For sprinkler and standpipe systems this means that:

- High-rise buildings require automatic sprinkler installation throughout all floor areas that are not occupied as R-2 Multi-family Residential Use Group.
- Where a building is converted from another Use Group to R-2 or is an existing R-2 Use Group, and the building satisfies the provisions of Section B-3408.0 of the Building Code, the portions of the building that are occupied as R-2 are exempt from sprinklers in accordance with Section F-503.4. This also means that certain areas of the R-2 Use Group will require sprinklers in accordance with the Fire Prevention Code.
- Class I (Fire Department use) standpipes are required in any existing building that has occupied floors more than six stories above grade. An **existing** single Class I standpipe located in an enclosed exit stairway is acceptable. Should the building not contain at least one Class I standpipe located in an enclosed exit stairway, the requirements of Section F-503.5(1) shall apply (See Code Interpretation F-9901).

AN ORDINANCE 2015-11-12-0946

AMENDING CHAPTER 11, FIRE PREVENTION, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING APPENDIX M AS AMENDED OF THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE AND PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 11, *Fire Prevention Code* of the City Code of San Antonio, Texas, is hereby amended by adding the underlined (added) language and deleting the stricken (~~deleted~~) language:

SECTION 2. Section 11-32 is amended by adding Appendix M to read as follows:

Sec. 11-32. Adoption of the International Fire Code.

The 2015 edition of the International Fire Code, including Appendices B, C, D, F, I and M [~~and I~~] developed by the International Code Council is hereby adopted by the City of San Antonio, Texas, as the fire code for the City from the effective date hereof and shall govern all activities specified therein for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion. The 2015 edition of the International Fire Code as adopted is incorporated by reference in this article.

SECTION 3. Section 11-40 is amended by adding Appendix M to read as follows:

Sec. 11-40. Amendments made to the 2015 International Fire Code.

Appendix M High-Rise Buildings – Retroactive Automatic Sprinkler Requirement is hereby amended to read as follows:

**APPENDIX M
HIGH-RISE BUILDINGS-~~[RETROACTIVE]~~
AUTOMATIC SPRINKLER RETROFIT REQUIREMENT**

SECTION M101 SCOPE

M101.1 Scope. An *automatic sprinkler system* shall be installed in all existing *high-rise buildings* in accordance with the requirements and compliance schedule of this appendix.

SECTION M102 DEFINITION

M102.1 Definition. *High-rise building* is defined in Chapter 2 of the *International Fire Code*.

SECTION M103 [~~M102~~] WHERE REQUIRED

M103.1 [~~M102.1~~] High-rise buildings. An *automatic sprinkler system* installed in accordance with Section 903.3.1.1 of the adopted *International Fire Code* shall be provided throughout existing high-rise buildings.

Exceptions:

1. Airport Control Towers
2. Open Parking Structures
3. Group U occupancies
4. Occupancies in Group F-2
5. Buildings with an occupancy in Assembly Group A-5
6. Individually-owned dwelling units in high-rise buildings

SECTION M104 [~~M103~~] COMPLIANCE

M104.1 Letter of Intent. Within one year of the effective date of this Ordinance, owners of existing high-rise buildings must submit to the fire code official a letter expressing the owner's intent to comply with this section.

M104.2 [~~M104.1~~] Compliance schedule. Building owners shall file a compliance schedule with the *fire code official* not later than three (3) years [~~365 days~~] after the first effective date of this Ordinance. The compliance schedule shall not exceed twelve (12) years for an *automatic sprinkler system* retrofit and shall comply with the following schedule for installation.

1. Not later than six (6) years after the first effective date of this Ordinance, the building owner shall install a water supply for the automatic sprinkler system on

- all floors of the high-rise building in accordance with the adopted standards of the *International Fire Code*.
2. Not later than nine (9) years after the first effective date of this Ordinance, the building owner shall install an *automatic sprinkler system* in accordance with the adopted standards of the *International Fire Code* on 50% of the floors of the building.
 3. Not later than twelve (12) years after the first effective date of this Ordinance, the building owner shall install an *automatic sprinkler system* in accordance with the adopted standards of the *International Fire Code* on all floors of the building.

M104.3 Alternate Compliance Schedule for Multi-Building Owners. Owners of multiple *high-rise buildings* are considered to have met the requirements of Appendix M if a fire sprinkler system has been installed on all floors of:

1. at least 33 percent of the owner's *high-rise buildings* not later than six (6) years after the effective date of this Ordinance;
2. at least 66 percent of the owner's *high-rise buildings* not later than nine (9) years after the effective date of this Ordinance; and
3. all of the owner's *high-rise buildings* within twelve (12) years after the effective date of this Ordinance.

M104.4 Compliance with state law. Owners of applicable residential high-rise buildings must comply with Health and Safety Code, Chapter 766, Subchapter B. *Fire Protection Sprinkler Systems in Certain Residential High-Rise Buildings in Certain Counties*.

SECTION M105 REFERENCED STANDARDS

ICC IFC-15 International Fire Code M102.1

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision in this Ordinance be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 5. Funds generated by this Ordinance will be deposited into Fund 11001000, Internal Order 220000000043 and General Ledger 4404121.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to

concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 7. Penalties for violation of this Appendix M shall be in accordance with Chapter 11, Fire Prevention.

SECTION 8. No other provision of the City Code is amended by this Ordinance. All other provisions remain in effect.

SECTION 9. The City Clerk for the City of San Antonio is directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by Article 2, Section 17 of the City Charter of San Antonio, Texas.

SECTION 10. The publishers of the City Code of San Antonio are authorized to amend the City Code to reflect the changes adopted in this Ordinance, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 11. This Ordinance is effective January 1, 2016.

PASSED AND APPROVED this 12th day of November, 2015.

M A Y O R
Ivy R. Taylor

Attest:

Approved As To Form:

Leticia M. Vacek, City Clerk

Martha G. Sepeda, Acting City Attorney

ORDINANCE NUMBER O- 17172 (NEW SERIES)

ADOPTED ON NOV 7 1988

**AN ORDINANCE AMENDING CHAPTER V, ARTICLE 5, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 55.10.301 RELATING TO FIRE PROTECTION
AND PREVENTION AND INSTALLATION OF FIRE
SPRINKLERS.**

WHEREAS, the National Fire Protection Association has reported that in the United States between 1968 and 1988 there were two hundred and six fires in high-rise structures which accounted for five hundred and forty deaths, including twenty fatalities to fire fighters; and

WHEREAS, available statistical data indicates there was an absence of multiple deaths over the same period of time occurring from fires in a completely sprinklered building where the system was properly maintained and operated, except for those instances where an explosion or a flash fire occurred prior to the operation of the system; and

WHEREAS, this data clearly indicates that the need for an increased level of protection against fires within high-rise buildings can only be achieved with the use of fire sprinkler systems; and

WHEREAS, elevator lobby and stairwell pressurization and shaft enclosure may improve life safety features within a structure, but afford no protection for the early detection and extinguishment of fire in its incipient stage; and

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SAN DIEGO, CALIF.

WHEREAS, automatic fire sprinkler systems required in high-rise buildings since 1979, when properly installed and maintained, have provided a highly effective safeguard against the loss of life and property from fire; and

WHEREAS, it has been recommended to the Council of the City of San Diego that fire sprinkler systems be required in all existing high-rise structures, except in those involving certain types of noncontinuous human occupancy; and

WHEREAS, the Council of the City of San Diego finds the foregoing recitals to be true and correct and hereby adopts those declarations and findings, hereby determining that the value to public and life safety associated with the installation of fire sprinkler systems far outweighs the costs and burdens to the owners of high-rise buildings associated with such installation; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the provisions of Chapter V, Article 5, of the San Diego Municipal Code be and the same is hereby amended by amending section 55.10.301 to read as follows:

**SEC. 55.10.301 Sec. 10.301 OF THE UNIFORM FIRE CODE
AMENDED**

Sec. 10.301 INSTALLATION

No changes in subsections (a) through (e).

**(f) INSTALLATION OF FIRE SPRINKLERS IN EXISTING
HIGH-RISE BUILDINGS.**

**(1) Purpose and Intent - The Council hereby
finds as a matter directly affecting public safety**

and the life safety of occupants of high-rise buildings and the public safety personnel involved in fire suppression activities in high-rise buildings that it is necessary to install fire sprinkler systems in all existing high-rise buildings which were previously exempt from such installation. Those buildings in which such sprinkler systems have been installed under the provisions of Title 24, California Administrative Code section 2-1807 are exempt from this subsection.

(2) Definitions

(a) The term "high-rise building," as used in this subsection, refers to any building or structure of any type of construction or occupancy having floors used for human occupancy located more than seventy-five (75) feet above the lowest floor level having building access, except for the following: (1) Hospitals as defined in Health and Safety Code section 1250; (2) Buildings used exclusively as open parking garages; (3) Buildings where all floors above the seventy-five (75) foot level are used exclusively as open parking garages and are located above all other floors used for human occupancy; (4) Buildings such as power plants, look-out towers, steeples, green houses and similar structures with noncontinuous human

occupancy as may be determined by the Fire Chief;
(5) Any buildings or structures owned by any governmental agency other than the City of San Diego; (6) R-1 occupancies as defined in this Fire Code, except hotels and motels.

(b) The term "building access," as used herein, shall mean an exterior door opening conforming to all of the following: that it is suitable and available for fire department use; that it is located not more than two (2) feet above the adjacent ground level; that it leads to a space, room, or area having foot traffic communication capability with the remainder of the building; that it is designed to permit penetration through the use of fire department forcible-entry tools and equipment unless other approved arrangements have been made with the Fire Chief.

(c) The term "owner," as used herein, shall mean every person who or entity which alone or jointly or severally with others has legal title to any building or structure or the legal right to structurally alter or modify such building or structure.

(3) Applicability - Except as provided in this subsection, the provisions of this section relating to installation of automatic fire sprinkler systems are hereby made applicable to all

existing high-rise buildings, as defined herein, which were previously exempted from such installation, regardless of the date of construction or issuance of a certificate of occupancy for that building.

(4) Fire Sprinkler Systems - Automatic fire sprinkler systems required under this subsection shall be installed in accordance with the then effective provisions of Uniform Building Code Standard No. 38-1, as presently or hereafter adopted by the Council of The City of San Diego, with the express provision that any later standard therein that is more stringent from a fire and life safety basis shall apply at the time of installation.

(5) Schedule of Implementation - Each owner of a high-rise building, as defined herein, shall install an approved automatic fire sprinkler system in that building in accordance with the following schedule:

Within twelve (12) months after the date of the adoption of this ordinance or January 1, 1990, whichever is later, the building owner shall submit a work plan to the Fire Chief for his approval which will include technical sprinkler drawings and a time table for complete installation in accordance with this subsection. The plan will

detail a schedule for completing the fire sprinkler system installation, giving priority to those floors in excess of seventy-five feet (75') above the lowest floor level having building access. The Fire Chief is authorized to modify the schedule in this subsection (f)(5) to accommodate long-term leases; once approved, however, the schedule and plans may not be further modified.

One-third (1/3) gross square footage of the structure shall be fire sprinklered within four (4) years from the date of the adoption of this ordinance or January 1, 1993, whichever is later.

Two-thirds (2/3) gross square footage of the structure shall be fire sprinklered within seven (7) years from the date of adoption of this ordinance or January 1, 1996, whichever is later.

The entire gross square footage of the structure shall be fire sprinklered within ten (10) years from the date of adoption of this ordinance or January 1, 1999, whichever is later.

The owner of any high-rise building or structure that is subject to the provisions of this subsection and that contains significant quantities of asbestos that will interfere with such installation shall have the option of instead equipping the entire gross square footage of the building or structure with an automatic fire

sprinkler system by January 1, 1996, provided, however, that under this option, the owner of the building or structure shall be deemed to have waived any further extension of time for compliance. In order to be eligible for this option, the owner must establish the presence of asbestos in the affected building, that it is impossible or impractical to complete the work in increments, with supporting rationale, and that the work plan submitted clearly demonstrates that all tenants will be vacated and all work will be completed within the specified time frame.

For purposes of this subsection, the gross square footage of a building or structure shall include the sum total of all the floor areas for all floor levels, basements and sub-basements, measured from the exterior walls, irrespective of the existence of interior fire resistive walls, floors and ceilings.

(6) Waiver of other provisions - The Fire Chief and Building Official are hereby authorized to waive or modify any or all of the following provisions of the Uniform Fire Code or the Uniform Building Code when requiring the retrofitting of existing high-rise buildings with automatic fire sprinkler systems pursuant to this subsection: underground water storage tanks need not be

required; fire pump size or installation can be reduced or eliminated, depending upon the adequacy of water pressure available to the building; existing dead end corridors without intervening doors may be permitted; existing ventilation shafts may be permitted; existing transoms may be allowed.

(7) Appeal and Modification Provisions - The owner of a high-rise building covered under the provisions of this subsection may appeal to the City Manager via the Board of Appeals pursuant to the provisions of Article 2 - 302 of the Uniform Fire Code, as amended and adopted, from a decision of the Fire Chief under this subsection. For the purposes of this subsection, the Board of Appeals may recommend a variance from any provision of this subsection and the suitability of alternate materials and methods of sprinkler system installation and may provide reasonable interpretations of this subsection, so long as such interpretations do not conflict with the purpose, intent and general objectives of this subsection nor extend the time for compliance established in subsection (f) (5).

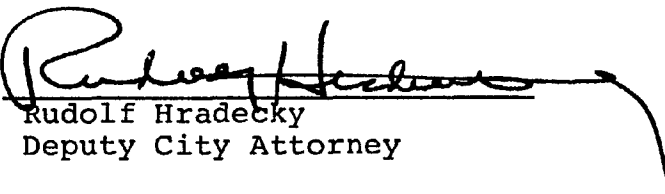
In considering a waiver from compliance with the provisions of this subsection, the Board of Appeals shall, in addition to any other considerations it deems appropriate, examine the architectural or

historical significance of the building or structure. The City Manager shall thereafter consider the recommendations of the Board of Appeals and issue a final decision based thereon which shall then constitute the owner's exhaustion of administrative remedies.

(8) Violations - It shall be unlawful for any owner to allow any person not involved in construction or maintenance duties to occupy any portion of a high-rise building covered under the provisions of this subsection which fails to comply with the schedule of implementation for sprinkler installation set forth in subsection (f)(5), except as may be authorized by the Fire Chief or City Manager.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By 
Rudolf Hradecky
Deputy City Attorney

RH:mrh:mm:mrh
08/18/88
10/06/88 REV. 1
10/20/88 REV. 2
10/28/88 REV. 3
Or.Dept:Fire
O-89-30
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Passed and adopted by the Council of The City of San Diego on **NOV 7 1988**,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *June G. Blackwell*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 24 1988

NOV 7 1988

, and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *June G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17172 Adopted **NOV 7 1988**

EXISTING HIGH-RISE BUILDINGS [SFM]

 building.dev.sanfranciscocode.org/building/34/3414/

3414.27 Replace this section with the following sections:

3414.27 Automatic Sprinkler System – Existing High-Rise Buildings.

[←] 3414.27.1 General. Regardless of any other provisions of this code, every existing high-rise building as defined in Section 403.11.1 shall be provided with an approved automatic fire sprinkler system conforming to NFPA 13. Existing high-rise buildings that are also qualified historical buildings as defined in California Health and Safety Code Section 18950 shall be provided with an approved automatic fire sprinkler system when and as required by the State Historical Building Code.

EXCEPTIONS:

1. An apartment house, condominium or other building used as a Group R, Division 2 Occupancy as defined in this code excluding tourist hotels as defined in Section 41.4(r) of the San Francisco Administrative Code .
2. A mixed-use occupancy building containing a Group R, Division 1 or Group R, Division 2 Occupancy.

3414.27.2 Additional. The following additional requirements shall also apply:

3414.27.2.1 Valves and devices. A sprinkler control valve and a waterflow detecting device shall be provided at the lateral connection to the riser for each floor.

3414.27.2.2 Signals. A separate and distinct supervisory signal shall be provided to indicate a condition that will impair the satisfactory operation of the sprinkler system. This shall include, but not be limited to, monitoring control valves, fire pump power supplies and pump running conditions. Such supervisory signals shall be annunciated at a constantly attended building security control center; when that location is not under constant supervision by qualified personnel, the signals shall be transmitted to a remote monitoring station in accordance with NFPA 72.

3414.27.2.3 Water supply. The minimum water supply requirement for the sprinkler shall be determined without regard to inside hose stream demand.

3414.27.2.4 Standpipe conversion. Existing standpipes may be converted to sprinkler risers, provided that they are hydrostatically tested for two hours at not less than 50 psi (345 Pa) in excess of the maximum pressure to be maintained in the system.

3414.27.2.5 Supports. Additional hangers, braces or other attachments for support of existing standpipes which have been converted in accordance with Section 3414.27.2.4 shall be provided if they are necessary to meet the requirements of NFPA 13. The installation of additional flexible fittings in such risers is not required.

3414.27.2.6 Pipe material. Any type pipe which has been listed by an approved testing agency for use in automatic sprinkler installations may be used when installed in accordance with its listing limitations.

3414.27.3 Permissible omissions. The following features required in new high-rise buildings are not required in systems installed under the provisions of this section:

1. Redundant fire pump;
2. Secondary on-site supply of water;

3. More than one fire department connection;
4. Connection of the system to two risers on each floor. Hydraulic calculations may consider all risers in service;
5. In a Group R, Division 1 or R-2 Occupancy building, sprinklers in bathrooms and closets.

See Section 903.3.1.1.1 for additional permissible sprinkler omissions.

3414.27.4 Effective date. The effective date of these requirements shall be February 15, 1994.

3414.27.5 Notification. Not later than 60 days following the effective date of this ordinance, the Building Official shall notify in writing by certified mail the owner of each building within the scope of this section. The notice shall contain a copy of this section, a commentary on it and a notice of intent form. The notice of intent shall be designed to elicit information regarding proposed water supply connections, pumps, risers and existing partial sprinkler systems. The notice of intent shall include a tentative schedule for phasing the installation of the complete sprinkler system.

3414.27.5.1 Deferred notice. If a building within the scope of this section is not discovered by the Building Official until after the deadline for notification, the building owner shall be notified within 30 days of such discovery.

Failure to receive notification does not exempt a building owner from compliance with this section.

3414.27.6 Authority of Building Official. The Building Official, in consultation with the San Francisco Fire Marshal, may approve modifications and alternate methods and materials when it is clearly evident that a reasonable degree of fire safety is provided. In such cases, the Building Official may:

1. Consider alternative protection based on nationally recognized standards, principles and tests, and generally recognized and well-established methods of fire protection;
2. Waive specific individual requirements if it can be shown that such requirements are not physically possible, require disproportionate effort or pose an undue hardship with little increase in life safety and that a practical alternate cannot be provided; and
3. Grant necessary extensions of time when it can be shown that the specific time periods are not physically practical or pose an undue hardship. The granting of an extension of time for compliance may be approved by the Building Official based on the showing of good cause and on approval of an acceptable, systematic, progressive plan of correction.

3414.27.7 Appeal of high-rise sprinkler requirements. Application may be made to the Board of Examiners in accordance with Section 105A.1 for approval of alternate methods, materials or types of construction or for variances from the provisions of this section.

3414.27.8 Implementation. The requirements stated in Section 3414.27.2 shall be accomplished by the following steps. Failure to complete any step within the required time frame is a violation of this code, and the Building Official shall have the power to abate the building in accordance with Section 102A .

3414.27.8.1 Step 1. Notice of intent. The owner shall submit a properly completed Department-provided notice of intent to the Building Official not later than three years after the effective date of this requirement.

EXCEPTION: No notice of intent is required if an approved sprinkler system is completed prior to the deadline above.

3414.27.8.2 Step 2. Water supply. The owner shall install the system riser, including floor-control valves, and shall connect it to the approved automatic water supply not later than five years after the effective date of this ordinance. For purposes of this section, an automatic water supply shall consist of a connection to the public water works

system and, if required by hydraulic analysis, installation of a fire pump.

3414.27.8.3 Step 3. Piping and sprinklers. The owner shall complete the sprinkler system, including required electrical monitoring, not later than 12 years after the effective date of this ordinance.

3414.27.8.4 Installation. The installation of all fire alarm equipment shall be in accordance with the Electrical Code and the California Fire Code.

3425 Add the following section:

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ORDINANCE NO. 23372

**APPROVAL OF AN ORDINANCE OF THE CITY OF SAN
JOSE AMENDING SECTION 17.12.300 OF CHAPTER
17.12 OF TITLE 17 OF THE SAN JOSE MUNICIPAL
CODE TO REQUIRE ENHANCED AUTOMATIC FIRE
PROTECTION WITH RESPECT TO HIGH-RISE BUILDINGS
AND MAKING OTHER CLARIFYING TECHNICAL CHANGES**

WHEREAS, the City of San Jose has a semi-arid climate, temperatures have been recorded as high as 108°F within San Jose with the average summer high temperature of 82°F, the mean precipitation in the summer months is 0.05 inches, a prevailing wind of 6.7 mph from the northwest can be observed on the average summer day with a relative humidity of 51 percent; and

WHEREAS, the Bay Area, where buildings require only relatively light construction, has a readily available supply of wood for building materials; consequently there is a preponderance of wood frame buildings, wood siding, and especially wood shake roofs in the City of San Jose; and

WHEREAS, the prevailing wind currents increase the conflagration hazard of fires spreading from building to building; and

WHEREAS, the City of San Jose provides fire protection to 31 square miles of surrounding unincorporated area containing over 44,000 acres of wildland area served only by narrow, steep, substandard roads, containing heavy vegetation that, because of the prevailing climate, becomes especially dry and flammable; and

WHEREAS, heavy vegetation is allowed to accumulate dangerously close to areas where high value structures are located, no fire breaks

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are provided, and no fire resistive qualities are built-in; and

WHEREAS, the City of San Jose spreads over an extensive fire service area of approximately 203 square miles encompassing predominantly urban and suburban areas; and

WHEREAS, the shape of the area within the City's boundaries is non-symmetrical and very irregular, creating large, relatively isolated areas which are served by limited access routes; and

WHEREAS, in some areas, the City of San Jose surrounds another city on three sides, while in other areas, the City of San Jose has long narrow strip annexations attached to sizable land masses, and the resulting population patterns and densities present unusual problems for fire control; and

WHEREAS, the City of San Jose has numerous sections which are served by a limited number of thoroughfares which are heavily congested during peak traffic hours, and the resulting population and traffic patterns increase the fire hazard potential by impairing response capability; and

WHEREAS, the City of San Jose is located between two of the most active fault systems in the United States, creating a potential for an earthquake of a magnitude up to 8.3 on the Richter scale that would produce an intensity of IX on the Modified Mercalli Intensity Scale; and

WHEREAS, severe seismic action could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the

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Fire Department resulting in failure to meet the fire and life safety needs of the community; and

WHEREAS, the electronics industry is a major industry in the City of San Jose, and the hazardous health effects of materials required in the manufacture of electronic components, including corrosive liquids, explosive and highly flammable gases, flammable liquids, and toxic chemicals present special control problems for the community in the event of a spill, explosion, fire or other catastrophe; and

WHEREAS, the City of San Jose is divided by heavily traveled transportation routes, including 48 miles of freeways, and approximately 103 miles of multi-rail railroad tracks over which are carried thousands of tons of hazardous and corrosive liquids, flammable materials, explosive gases and toxic chemicals, creating a considerable hazard potential for vehicle collision or train derailment resulting in fire, injury, and death; and

WHEREAS, the City of San Jose has numerous older buildings, some over 100 years old, many inhabited by a transient population; and

WHEREAS, the limited space available for development has encouraged a dramatic increase in high-density residential complexes, increasing the conflagration hazard of fires; and

WHEREAS, the local geographic and topographic conditions pose an increased hazard in the acceleration, spread, magnitude and severity of potential fires in the City of San Jose, which may cause a delayed response time for the Fire Department, allowing continued growth and

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spread of a fire; and

WHEREAS, the City Council finds and determines that the local climatic, geographic and topographic conditions in the City of San Jose taken individually or cumulatively negatively impact the City's ability to protect life and property against fires, that such conditions increase the potential intensity, growth and spread of fire, and that automatic sprinkler systems will control or extinguish fires, minimizing property damage and loss of life; and

WHEREAS, the City Council of the City of San Jose finds and determines that changes to Article 10 of the San Jose Uniform Fire Code, Section 17.12.300 of Chapter 17.12 of Title 17 of the San Jose Municipal Code are needed and are reasonably necessary because of local climatic, geographic and topographic conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 17.12.300 of Chapter 17.12 of Title 17 of the San Jose Municipal Code is amended to read as follows:

**17.12.300 Uniform Fire Code-Article 10-Fire protection
(amended).**

Section 10.202 of said Uniform Fire Code, "Tampering with Fire Hydrant or Fire Appliance," is hereby amended to read as follows:

"Tampering with Fire Hydrant or Fire Appliance"

"Sec. 10.202. No person shall remove, tamper with, damage, or otherwise disturb any fire hydrant, fire protection system, device, or appliance required to be installed or maintained under the provisions

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of this or other applicable code except for the purpose of extinguishing fire, training, recharging, or making necessary repairs, or when otherwise authorized by the fire department. Whenever a fire appliance device or system is removed from service as herein authorized, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished."

Section 10.203 of said Uniform Fire Code, "Hydrant Use Approval," is hereby amended to read as follows:

"Hydrant Use Approval

"Sec. 10.203. (a) No person shall use or operate any hydrant or other valves installed on any water system intended for use by the chief for fire suppression purposes and which is accessible to any public highway, alley, or private way open to or generally used by the public, unless authorized to make such use by the water company which supplies water to such hydrants or other valves.

"(b) Only an approved hydrant spanner wrench shall be used on fire hydrants."

Section 10.207 of said Uniform Fire Code, "Fire Apparatus Access Roads," is hereby amended to read as follows:

"Fire Apparatus Access Roads

"Sec 10.207 (a) Required Construction. The chief may require that fire lanes for new and existing structures be established on private property to provide access for fire suppression operations by the use of an improved public street, areaway, parking lot, driveway, or roadway. Fire lanes may be required for any building or buildings

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except for occupancy Group R-3 and M buildings in groups of two or less.

(b) Definition. A fire lane is an area, parking lot, driveway, roadway, or portion thereof that shall be:

1. Designated or approved by the chief.
2. Marked with standard signs and/or other markers as approved and authorized for use by the chief. "No Parking" signs shall be provided in accordance with Section 6.66.280 of San Jose Municipal Code.
3. Located, constructed and maintained in accordance with the following specifications:
 - i. Located within one hundred fifty feet of all portions of the exterior walls of the first story of any building.
 - ii. Located within thirty feet of all buildings where one side of the building is three or more stories in height.
 - iii. A minimum of twenty-six feet clear width, curb to curb, for driveways shall be provided.
 - iv. Surfaced to support maximum weight of fire apparatus. Surfacing may be concrete, asphaltic concrete, brick, stone, or other such materials, as approved by the chief. Engineering data shall be submitted with plans to substantiate weight-bearing capacity when required by the chief.
 - v. Maintained clear of obstructions to its full width and to a vertical clearance of not less than fourteen feet

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for its entire length. Gates to fire lanes shall meet the approval of the chief.

- vi. Maintained with a maximum gradient of fifteen percent.
- vii. Maintained with forty feet minimum center line radius on curves.
- viii. Dead-end motor vehicle access ways without a "T" or a four-way intersection within one hundred fifty feet of the dead-end shall have either a cul-de-sac "bulb" with a minimum radius of thirty feet or an area to turn around at the end of the motor vehicle access or shall allow an acceptable through passage. The maximum length of any dead-end private access shall be one thousand feet.

"(c) Bridges. Where a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Uniform Building Code, and using design live loading sufficient to carry the imposed loads of the fire apparatus.

"(d) No Parking in Fire Lanes

- 1. It shall be unlawful for any person to leave unattended any motor vehicle within, or otherwise obstruct, any fire lane except as may be specifically permitted by the chief. The chief of police may assign such available personnel as in his discretion may be necessary to assist the fire department in enforcing this provision of the code.

2. Any motor vehicles stopped or parked within a fire lane established, designated, and marked in accordance with this section may be removed at the expense of the motor vehicle owner. Removal of a motor vehicle under such circumstances may be authorized by the person in lawful possession of the property or by the chief. The person in lawful possession of the property shall keep the designated fire lanes clear of motor vehicles and all other obstructions. Posting of appropriate signs and/or contracting with a tow service satisfies this requirement.

"(e) New and Existing Structures. Fire lanes established for new and existing structures, except as provided in subsection (a) above, shall conform to fire lane requirements applicable at the time of construction provided that if no fire lane requirements were applicable at the time of construction, the chief may require establishment of fire lanes to conform with the requirements as set forth in subsection (b) above, insofar as is practicable without requiring any construction, structural modification, or substantial financial hardship. Where the fire lane cannot be provided, approved fire protection system or systems shall be provided as required and approved by the chief.

"(f) Occupancy. No person shall occupy or permit the occupancy of any building until all street intersections (private or public) are equipped with sign posts designating street names. Signs shall conform to the standards and specifications and established by the City of San Jose.

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"(g) Varying Conditions. The specific requirements of the section as applicable to a specific structure may be modified by the chief in recognition of varying occupancies, sizes, and hazards of buildings and the provision of other means of access or fixed fire protection.

Section 10.208 of said Uniform Fire Code, "Premises Identification," is hereby amended to read as follows:

"Premises Identification.

"Sec. 10.208. (a) Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. These numbers shall contrast with their background.

"(b) Sub-units of any building or complex not having individually assigned addresses shall be identified in a consistent manner either numerically or alphabetically using a logical sequence. Unit numbers or letters in a building or complex of multiple occupancy shall be affixed near the main entrance of each occupancy in such a position as to be plainly visible and legible.

"(c) Lighted directory maps may be required at building complex entrances or other locations as specified by the chief.

Section 10.210 of said Uniform Fire Code, "Access Aisleways for Emergency Firefighting Operations," is hereby added to read as follows:

Access Aisleways for Emergency Firefighting Operations

"Sec. 10.210. Emergency access aisleways and passageways for firefighting operations shall be provided as required by the fire chief."

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Section 10.301 of said Uniform Fire Code, "Installation," subsections (a), (c) and (e) are hereby amended and subsections (f), (g), (h), (i), (j), and (k) are added to read as follows:

"Installation

"Sec. 10.301. (a) Type of Fire Appliances Required. The chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the jurisdiction other than private dwellings. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. Such appliances shall be of a type suitable for the probable class of fire associated with such buildings or premises and shall have approval of the chief. Portable fire extinguishers shall be in accordance with the standards set forth in Title 19 of the California Code of Regulations, State Fire Marshal Regulations.

"(c) Water Supply. An approved water supply capable of providing required fire flow or fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. When any portion of the exterior walls of the first story of the building protected is in excess of one hundred fifty feet from an all weather driveway usable by fire apparatus or five hundred feet from a fire hydrant on a public street, there shall be provided, when required by the chief, on-site fire hydrants and mains or other suitable means capable of supplying the required fire flow. The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow specified in Chapter 17.16 of

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this Title 17 "Fire Protection for New Construction" shall be provided on the public street or on the site of the premises to be protected as required and approved by the chief. All hydrants shall be accessible to fire department apparatus and located within twenty-four inches from the roadway or fire lane, or at such other location as specified by the chief. Hydrants shall be a minimum of ten feet from the return of a driveway.

"(e) Approval and Testing. All fire alarm systems, fire hydrant systems, fire extinguishing systems (including automatic sprinklers), wet and dry standpipes, basement inlet pipes, and other fire protections systems and appurtenances thereto shall meet the approval of the fire department as to the installation and location and shall be subject to such periodic tests as required by the chief. See Appendix III-A.

"(f) Permits. For permits to install fire protection systems, see Section 4.101(b).

"(g) Plans and Specifications. Plans and specifications shall be submitted to the fire department for review and permit prior to installation.

1. No person shall install or alter any fire protection system in the City of San Jose unless two sets of plans and specifications clearly indicating the nature and extent of the work proposed, and showing in detail that such system will conform to the provisions of all applicable rules and regulations as provided by this code, have first been filed with the bureau of fire prevention, and approved by the chief.

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2. The chief shall be notified twenty-four hours in advance of all tests to be made on the fire protection systems so that such tests can be observed and approved by the chief.
3. Variations from the use of equipment, plans, specifications, installation methods or other details set forth in the application shall not be permitted unless two sets of plans and specifications for the changes are submitted to and approved by the chief.

"(h) Protection from Mechanical Damage. When exposed to probable vehicular damage due to proximity to alleys, driveways or parking areas, fire protection equipment shall be suitably protected. See Section 11.413.

"(i) Cross-connection of Fire Protection Systems. All fire department connections designed to supply water for sprinkler systems on the same property, or dry or combination standpipes within one building, shall be cross-connected in such a manner that providing a supply at one fire department connection will provide water for all sprinkler systems on the same property, or all dry or combination standpipes within one building.

"(j) Labeling of Fire Protection Systems. Fire department connections and risers shall be labeled as directed by the chief.

"(k) Sprinkler Density. When fire sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density that will accommodate ordinary hazard--group 3, with a minimum design area of three thousand (3,000) square

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feet. Where subsequent occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density in order to obtain clearance for the new occupancy.

Section 10.302 of said Uniform Fire Code, "Maintenance," is hereby amended to read as follows:

"Maintenance

"Sec. 10.302. (a) General. All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke removal systems, and other fire-protection or extinguishing systems or appliances heretofore installed shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire protective or extinguishing systems coverage, spacing and specifications shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled or added to. All additions, repairs, alterations and servicing shall be made in accordance with recognized standards and shall be conducted by a person qualified and approved by the chief. Fire communications and associated alarm companies shall be notified before such repairs, alterations or additions are started. During the period a fire appliance device or system is out-of-service, it shall be clearly marked or indicated as out-of-service in a manner acceptable to the chief.

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Soda-acid, foam, loaded stream, antifreeze and water fire extinguishers of the inverting types shall not be recharged or placed in service for fire protection use.

Where deemed necessary to ensure the adequacy of extinguishing systems, the chief may require posting of signs limiting the type and height of storage and width of aisles required. Approved signs shall be located as directed by the chief.

If in the opinion of the chief it is deemed necessary, because of the scope or nature of the system alterations, written plans shall be submitted for approval before alterations to the system are begun.

"(b) Systems in High-Rise Buildings. The building owner shall be responsible for assuring that the fire and life-safety systems required by the state building code and applicable local codes and requirements shall be maintained in an operable condition at all times.

"(c) Periodic Testing. All fire protection systems shall be periodically tested in accordance with Appendix III-A of the Uniform Fire Code."

Section 10.307(d) of said Uniform Fire Code, "Standards," is hereby amended and Section 10.307(e) "Permit Required," is hereby added, to read as follows:

"(d) **Standards.** Fire-extinguishing systems shall comply with the following NFPA Standards except as provided below:

NFPA 11,	1988 Edition
NFPA 11A,	1988 Edition
NFPA 12,	1989 Edition
NFPA 12A,	1987 Edition
NFPA 12B,	1985 Edition

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NFPA 13,	1989 Edition
NFPA 14,	1986 Edition
NFPA 15,	1985 Edition
NFPA 16,	1986 Edition
NFPA 17,	1985 Edition
NFPA 20,	1987 Edition
NFPA 24,	1987 Edition
NFPA 231,	1987 Edition
NFPA 231C,	1986 Edition

"EXCEPTIONS:

1. Automatic fire extinguishing systems not covered by the NFPA Standards listed above shall be approved and installed in accordance with nationally recognized fire protection engineering practices.

"(e) Permit Required. For permits to install fixed fire protection systems, see Section 4.101."

Section 10.308(h) of said Uniform Fire Code is hereby added, to read as follows:

"(h) Complete automatic sprinkler protection shall be provided throughout all existing high-rise buildings exceeding 75 feet to the highest floor level above the grade floor access level, in accordance with the following schedule:

1. Within one year from March 9, 1990, the owner shall submit to the chief and obtain the chief's approval of plans and a completion schedule.
2. Within two years from March 9, 1990, all water supply systems including fire pump(s) and system risers shall be installed and operational.

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3. Within three years from March 9, 1990, complete automatic sprinkler protection shall be provided throughout the building.
4. When conditions or circumstances make compliance within the above time constraints impractical, the owner may apply to the chief for an extension. The chief may in the exercise of the chief's discretion, grant a written extension.

PASSED FOR PUBLICATION OF TITLE this 23rd day of January, 90
1990, by the following vote:

AYES: BEALL, HAMMER, HEAD, IANNI, LEWIS, RYDEN,
SAUSEDÓ, STABILE, WILLIAMS; ALVARADO

NOES: NONE


ABSENT: McENERY



THOMAS McENERY, Mayor

By: Blanca Alvarado
Vice Mayor

ATTEST:


ANDREA MEMBRENQ, City Clerk



CITY CLERK

CITY OF SAN JOSÉ, CALIFORNIA

801 NORTH FIRST STREET
SAN JOSE, CA 95110
(408) 277-4424

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Andrea Membreno, City Clerk and Ex-Officio Clerk of the Council of the and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "Ordinance No. 23372," the original copy of which is attached hereto, was passed for publication of title on the 23rd day of January, 1990, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the 6th day of February, 1990, by the following vote:

AYES: BEALL, HAMMER, IANNI, RYDEN, SAUSED0,
STABILE, WILLIAMS; ALVARADO

NOES: NONE

ABSENT: HEAD, LEWIS, McENERY

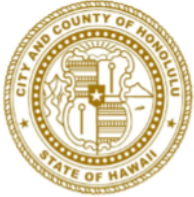
DISQUALIFIED: NONE

Said ordinance is effective on March 9, 1990.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this 8th day of February, 1990.

(SEAL)

Andrea Membreno
ANDREA MEMBRENO
CITY CLERK AND EX-OFFICIO
CLERK OF THE CITY COUNCIL



OFFICE OF COUNCIL SERVICES

CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 207
HONOLULU, HAWAII 96813
PHONE: (808) 768-3849
EMAIL: OCS@HONOLULU.GOV
WEB: WWW.HONOLULU.GOV/OCS

JAMES S. WILLISTON

DIRECTOR


WARREN J. SENDA

DEPUTY DIRECTOR

December 10, 2021

MEMORANDUM

TO: COUNCILMEMBER CAROL FUKUNAGA
HONOLULU CITY COUNCIL

FROM: ANDREW SEKINE, LEGISLATIVE ANALYST 
OFFICE OF COUNCIL SERVICES

SUBJECT: JURISDICTIONS REQUIRING AUTOMATED SPRINKLERS OR LIFE
SAFETY EVALUATION SYSTEMS FOR EXISTING RESIDENTIAL HIGH
RISE BUILDINGS

This responds to your request for research regarding jurisdictions that have enacted laws requiring existing residential high rise buildings to install automated sprinklers or implement life safety evaluation systems. You also request research on whether jurisdictions that have enacted such fire sprinkler laws have provided financial assistance or other types of assistance to condominium owners to meet fire safety standards.

SHORT ANSWER

The City of San Jose, the City of Chicago, and the State of Florida have enacted laws requiring the retrofitting of automatic sprinkler systems or the implementation of life safety evaluation systems in existing buildings, including residential high rise buildings with individually-owned units.¹

¹ We identified other jurisdictions that require the retrofitting with sprinklers of existing residential high rise buildings, such as the City of Clayton, Missouri, and Ocean City, Maryland, but such jurisdictions are not comparable in size to the City and County of Honolulu and contain a relatively small number of affected buildings.

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EXHIBIT B

The State of Florida requires insurance premium discounts for buildings that have installed fire sprinkler systems. Certain U.S. municipalities have provided financial incentives for the installation of automated sprinkler systems in existing commercial and residential buildings.

DISCUSSION

A. Sprinkler Systems or Life Safety Evaluation Systems in Existing Residential High Rise Buildings

Our office previously provided you with copies of ordinances requiring the retrofitting of automatic sprinkler systems in existing buildings for the cities designated in the Associated Press ("AP") news article, "Few US Cities Mandate Sprinklers in Old Residential Towers," dated July 23, 2017.² A chart was also provided that summarized the fire sprinkler laws of the designated cities. The chart indicates that the majority of the referenced cities that require the retrofitting of automatic sprinkler systems in existing buildings exempt residential high rise buildings with individually-owned units from the requirement.³

We summarize below the laws of selected jurisdictions that do not exempt existing residential high rise buildings with individually-owned units from the requirement to retrofit automated sprinkler systems or implement life safety evaluation systems. In the examples below, the initial laws requiring automated sprinkler systems or life safety evaluation systems in existing high rise residential buildings were enacted prior to 2017.

City of San Jose. In 1990, the City of San Jose enacted Ordinance No. 23372, which, among other things, required "complete automatic sprinkler protection throughout all existing high rise buildings exceeding 75 feet to the highest floor level above the grade floor access level"⁴ pursuant to the following schedule:

- Within one year from March 9, 1990, the owner shall submit to the Fire Chief and obtain the Fire Chief's approval of plans and a completion schedule.
- Within two years from March 9, 1990, all water supply systems, including fire pumps and system risers, shall be installed and operational.
- Within three years from March 9, 1990, complete automatic sprinkler protection shall be provided throughout the building.

Ordinance No. 23372 also provided that when conditions or circumstances make

² OCS2017-0748 and OCS2017-820.

³ For example, Atlanta, Chicago, Houston, Los Angeles, New York City, Philadelphia, San Antonio, San Diego, and San Francisco.

⁴ City of San Jose Ordinance No. 23372, Section 10.308(h).

compliance within the required time frame impractical, the owner may apply to the Fire Chief for an extension, and the Fire Chief may in the exercise of the Chief's discretion, grant a written extension.⁵ An Associated Press article reported that according to a San Jose Deputy Fire Marshall, it took a decade for all high rise buildings to comply with the sprinkler requirement.⁶

City of Chicago. In 2004, the City of Chicago enacted a measure to require every existing building exceeding 80 feet in height above grade to be protected by an approved automatic sprinkler system, except for:

- Open-air portions of parking facilities and stadiums,
- Non-transient residential buildings, and
- Certain Chicago landmarks and historic buildings.⁷

Buildings over 80 feet in height above grade that are occupied for non-transient residential uses or that are designated landmarks or historical buildings that are not protected by an approved automated sprinkler system must pass a Life Safety Evaluation ("LSE").⁸

The LSEs must be performed by a licensed professional engineer or architect. If the licensed professional engineer or architect determines that the building achieves the LSE minimum score, then the licensed engineer or architect must certify the evaluation as a life safety compliance plan and must give the plan to the building owner, who must submit the life safety compliance plan to the Department of Buildings and Fire Department no later than January 1, 2006. If a building does not meet the LSE minimum score, then the building owner, no later than January 1, 2006, must submit a proposal to protect the building with an automatic sprinkler system or a proposal for the building to achieve the minimum life safety passing score. Proposals for achieving the LSE minimum score by making building modifications must contain a timetable for completion of the modifications to be phased in over a stipulated number of years, but no later than January 1, 2012, at which time such modifications must be fully implemented. In 2011, the Chicago City Council extended the deadline to complete required life safety modifications to January 1, 2015.⁹

State of Florida. Florida statute directs the State Fire Marshall to adopt the Florida Fire Prevention Code, which must incorporate the latest editions of the National

⁵ *Id.*

⁶ Civil Beat/Associated Press, July 24, 2017, "Many U.S. Cities Still Have High-Rise Buildings Without Sprinklers."

⁷ Municipal Code of Chicago Section 13-196-205 (retrieved from an archived source -- the City of Chicago is in the process of modernizing and recodifying its building codes).

⁸ Municipal Code of Chicago Section 13-196-206 (see note above).

⁹ City of Chicago Ordinance O2011-7230.

Fire Prevention Association Standard 1 ("NFPA 1") and the NFPA Life Safety Code ("NFPA 101"), subject to modifications.¹⁰ In 2000,¹¹ the State Fire Marshall adopted national fire and life safety standards set forth by NFPA 101 into the Florida Fire Prevention Code. NFPA 101 standards require all high rise buildings (i.e., buildings where the floor of an occupiable story is greater than 75 feet above the lowest level of fire department vehicle access¹²) to be protected throughout by an approved automatic sprinkler system or by an approved Engineered Life Safety System ("ELSS").¹³

The ELSS is required to be developed by a registered professional engineer experienced in fire and life safety design who is approved by the authority having jurisdiction and must include:

- 1) Partial automatic sprinkler protection,
- 2) Smoke detection systems,
- 3) Smoke control systems,
- 4) Compartmentation, and
- 5) Other approved systems.

Florida statute allows Florida condominiums to forgo retrofitting a fire sprinkler system by the affirmative vote of a majority of the total voting interest, either in person or by proxy, of the affected condominium at a duly called and noticed meeting of the unit owners.¹⁴ However, condominium associations that vote to waive fire sprinkler installation requirements are still required to comply with ELSS requirements.¹⁵ Under Florida state law, jurisdictions are prohibited from requiring that retrofitting with a fire sprinkler system or an engineered life safety system be completed sooner than January 1, 2024.¹⁶

B. Financial Incentives for Installing Sprinkler Systems in Existing Residential High Rise Buildings

Florida state statute¹⁷ requires fire insurance policies for existing or newly constructed commercial or residential buildings to provide a premium discount if a fire sprinkler system has been installed in the building in accordance with nationally accepted fire sprinkler design standards.

¹⁰ Florida Statutes Section 633-202.

¹¹ As reported in Florida House of Representatives Staff Analysis on HB 647 (2019).

¹² Definition of "high rise building" in NFPA 101 Life Safety Code.

¹³ NFPA 101, 2012 edition, Section 31.3.5.11.

¹⁴ Florida Statute Section 718.112(2)(l).

¹⁵ Florida House of Representatives Staff Analysis on HB 7103 (2019).

¹⁶ Florida Statute Section 718.112(2)(l).

¹⁷ Florida Statute Section 627.0654.

In addition, certain U.S. municipalities have provided financial incentives for the installation of automated sprinkler systems in existing commercial and residential buildings.

- The City of Enid, Oklahoma, established the Downtown Sprinkler Tap and Riser Grant Program¹⁸ whereby the City of Enid will pay qualifying owners of buildings in Downtown Enid up to \$25,000 for the installation of fire suppression systems.
- The Municipality of Skagway, Alaska, established a grant program that funds up to 30 percent of the cost of the maintenance of an existing fire sprinkler system or installation of a new sprinkler fire extinguishing system.¹⁹
- The City of Lockport, Illinois, implemented a Fire Sprinkler and Fire Alarm System Installation Assistance Program for eligible commercially zoned buildings constructed prior to April 1, 2003, at which time the City of Lockport amended its building code to mandate fire sprinklers in all buildings over 5,000 square feet in area.²⁰ Program participants are eligible to receive reimbursement of up to 50 percent of approved costs.
- The City of Annapolis, Maryland, established a Sprinkler Assistance Revolving Fund for the purpose of encouraging the installation of sprinklers in older buildings so as to increase the safety of residents and minimize damage resulting from fire and to allow greater utilization of currently vacant or underutilized space.²¹ The Sprinkler Assistance Revolving Fund operates by making low cost loans to developers or property owners of older buildings that do not currently have sprinkler systems installed at the time of application.

Please contact me at Ext. 83870 if you have any questions.

AS/zm

¹⁸ http://www.mainstreetenid.org/uploads/1/1/4/3/11439492/application_for_sprinkler_tap_fillable_form.pdf

¹⁹ https://www.skagway.org/sites/default/files/fileattachments/borough_assembly/meeting/packets/30911/7b_res_17-18r_fy18_sprinkler_grant_award.pdf

²⁰ <https://www.cityoflockport.net/DocumentCenter/View/1268/Fire-Sprinkler--Alarm-System-Grant-Application?bidId=>

²¹ <https://www.annapolis.gov/DocumentCenter/View/10389/Sprinkler-Assistance-Revolving-Fund-Loan-AgreementPDF>

Other Jurisdictions That Have Enacted Fire Sprinkler or LSE Laws

With respect to major jurisdictions that have enacted laws requiring the retrofitting of automatic sprinkler systems or the implementation of life safety evaluation systems in existing buildings, including residential high-rise buildings with individually-owned units, we were able to identify only the following: the City of San Jose, the City of Chicago, and the State of Florida. We have identified other jurisdictions that require the retrofitting with sprinklers of existing residential high-rise buildings, such as the City of Clayton, Missouri, and Ocean City, Maryland, but such jurisdictions are not comparable in size to the City and County of Honolulu and contain a relatively small number of affected buildings.

Financial Assistance Measures for Jurisdictions That Have Enacted Fire Sprinkler or Life Safety Evaluation Laws

Florida state statute requires fire insurance policies for existing or newly constructed commercial or residential buildings to provide a premium discount if a fire sprinkler system has been installed in the building in accordance with nationally accepted fire sprinkler design standards. A copy of Florida's law is attached.

In addition, certain U.S. municipalities have provided financial incentives for the installation of automated sprinkler systems in existing commercial and residential buildings.

- The City of Enid, Oklahoma, established the Downtown Sprinkler Tap and Riser Grant Program whereby the City of Enid will pay qualifying owners of buildings in Downtown Enid up to \$25,000 for the installation of fire suppression systems.
- The Municipality of Skagway, Alaska, established a grant program that funds up to 30 percent of the cost of the maintenance of an existing fire sprinkler system or installation of a new sprinkler fire extinguishing system.
- The City of Lockport, Illinois, implemented a Fire Sprinkler and Fire Alarm System Installation Assistance Program for eligible commercially zoned buildings constructed prior to April 1, 2003, at which time the City of Lockport amended its building code to mandate fire sprinklers in all buildings over 5,000 square feet in area. Program participants are eligible to receive reimbursement of up to 50 percent of approved costs.

- The City of Annapolis, Maryland, established a Sprinkler Assistance Revolving Fund for the purpose of encouraging the installation of sprinklers in older buildings so as to increase the safety of residents and minimize damage resulting from fire and to allow greater utilization of currently vacant or underutilized space. The Sprinkler Assistance Revolving Fund operates by making low cost loans to developers or property owners of older buildings that do not currently have sprinkler systems installed at the time of application.

Documents describing fire safety financial assistance programs are attached.

Select Year: 2021 ▼ Go

The 2021 Florida Statutes

[Title XXXVII](#)

INSURANCE

[Chapter 627](#)

INSURANCE RATES AND CONTRACTS

[View Entire Chapter](#)

627.0654 Insurance discounts for buildings with fire sprinklers.—

(1) Any rates, rating schedules, or rating manuals for a new or renewal fire insurance policy for an existing or newly constructed building, whether used for commercial or residential purposes, must provide for a premium discount if a fire sprinkler system has been installed in the building in accordance with nationally accepted fire sprinkler design standards, as adopted by the department, and if the fire sprinkler system is maintained in accordance with nationally accepted standards.

(2) The discount required by this section must provide a premium rate that is lower than that for a building in which a fire sprinkler system has not been installed. A discount used by an insurer is presumed appropriate unless credible data demonstrates otherwise.

History.—s. 4, ch. 95-379.

Select Year: 2021 ▼ Go

The 2021 Florida Statutes

[Title XL](#)
REAL AND PERSONAL PROPERTY

[Chapter 718](#)
CONDOMINIUMS

[View Entire Chapter](#)

718.112 Bylaws.—

(1) GENERALLY.—

(a) The operation of the association shall be governed by the articles of incorporation if the association is incorporated, and the bylaws of the association, which shall be included as exhibits to the recorded declaration. If one association operates more than one condominium, it shall not be necessary to rerecord the same articles of incorporation and bylaws as exhibits to each declaration after the first, provided that in each case where the articles and bylaws are not so recorded, the declaration expressly incorporates them by reference as exhibits and identifies the book and page of the public records where the first declaration to which they were attached is recorded.

(b) No amendment to the articles of incorporation or bylaws is valid unless recorded with identification on the first page thereof of the book and page of the public records where the declaration of each condominium operated by the association is recorded.

(c) The association may extinguish a discriminatory restriction as provided under s. [712.065](#).

(2) **REQUIRED PROVISIONS.—**The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(a) Administration.—

1. The form of administration of the association shall be described indicating the title of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and boards. In the absence of such a provision, the board of administration shall be composed of five members, unless the condominium has five or fewer units. The board shall consist of not fewer than three members in condominiums with five or fewer units that are not-for-profit corporations. In the absence of provisions to the contrary in the bylaws, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of such officers customarily performed by officers of corporations. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them the duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board of administration. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

2. When a unit owner of a residential condominium files a written inquiry by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days after receipt of the inquiry. The board's response shall either give a substantive response to the inquirer, notify the inquirer that a legal opinion has been requested, or notify the inquirer that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days after its receipt of the advice, provide in writing a substantive response to the inquirer. If a legal opinion is requested, the board shall, within 60 days after the receipt of the inquiry, provide in writing a substantive response to the inquiry. The failure to provide a substantive response to the inquiry as provided herein precludes the board from recovering attorney fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the inquiry. The association may through its board of administration adopt reasonable rules and regulations regarding the frequency and manner of responding to unit owner inquiries, one of which may be that the association is only obligated to respond to one

written inquiry per unit in any given 30-day period. In such a case, any additional inquiry or inquiries must be responded to in the subsequent 30-day period, or periods, as applicable.

(b) *Quorum; voting requirements; proxies.*—

1. Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members is a majority of the voting interests. Unless otherwise provided in this chapter or in the declaration, articles of incorporation, or bylaws, and except as provided in subparagraph (d)4., decisions shall be made by a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. A voting interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. 718.111(13); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium. General proxies may be used for other matters for which limited proxies are not required, and may be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding this subparagraph, unit owners may vote in person at unit owner meetings. This subparagraph does not limit the use of general proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare condominium association or a nonresidential condominium association.

3. A proxy given is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. A proxy is not valid longer than 90 days after the date of the first meeting for which it was given. Each proxy is revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken or to create a quorum.

5. A board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. A speaker must be used so that the conversation of such members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting.

(c) *Board of administration meetings.*—Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting. Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14

days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association. Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property where all notices of board meetings must be posted. If there is no condominium property where notices can be posted, notices shall be mailed, delivered, or electronically transmitted to each unit owner at least 14 days before the meeting. In lieu of or in addition to the physical posting of the notice on the condominium property, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website where the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

2. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this section, unless those meetings are exempted from this section by the bylaws of the association.

3. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:

- a. Meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or
- b. Board meetings held for the purpose of discussing personnel matters.

(d) *Unit owner meetings.*—

1. An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 45 miles of the condominium property. However, such distance requirement does not apply to an association governing a timeshare condominium.

2. Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment

of the annual meeting. Unless the bylaws provide otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium, bylaws, or articles of incorporation, the due date is the first day of the assessment period. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

3. The bylaws must provide the method of calling meetings of unit owners, including annual meetings. Written notice of an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting. Written notice of a meeting other than an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner; and be posted in a conspicuous place on the condominium property or association property within the timeframe specified in the bylaws. If the bylaws do not specify a timeframe for written notice of a meeting other than an annual meeting, notice must be provided at least 14 continuous days before the meeting. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property or association property where all notices of unit owner meetings must be posted. This requirement does not apply if there is no condominium property for posting notices. In lieu of, or in addition to, the physical posting of meeting notices, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice posted physically on the condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website where the notice is posted, to unit owners whose e-mail addresses are included in the association's official records. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice must be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes must be mailed

to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.

4. The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to the association at least 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8½ inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. Within 90 days after being elected or appointed to the board of an association of a residential condominium, each newly elected or appointed director shall certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members. In lieu of this written certification, within 90 days after being elected or appointed to the board, the newly elected or appointed director may submit a certificate of having satisfactorily completed the educational curriculum administered by a division-approved condominium education provider within 1 year before or 90 days after the date of election or appointment. The written certification or educational certificate is valid and does not have to be resubmitted as long as the director serves on the board without interruption. A director of an association of a residential condominium who fails to timely file the written certification or educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification or educational certificate for inspection by the members for 5 years after a director's election or the

duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification or educational certificate on file does not affect the validity of any board action.

c. Any challenge to the election process must be commenced within 60 days after the election results are announced.

5. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

6. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration, unit owner meetings, except unit owner meetings called to recall board members under paragraph (j), and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

7. Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

8. A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

9. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (j) and rules adopted by the division.

10. This chapter does not limit the use of general or limited proxies, require the use of general or limited proxies, or require the use of a written ballot or voting machine for any agenda item or election at any meeting of a timeshare condominium association or nonresidential condominium association.

Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(e) *Budget meeting.*—

1. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners shall be open to all unit owners. At least 14 days prior to such a meeting, the board shall hand deliver to each unit owner, mail to each unit owner at the address last furnished to the association by the unit owner, or electronically transmit to the location furnished by the unit owner for that purpose a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the official records of the association.

2.a. If a board adopts in any fiscal year an annual budget which requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board shall conduct a special meeting of the unit owners to consider a substitute budget if the board receives, within 21 days after adoption of the annual budget, a written request for a special meeting from at least 10 percent of all voting interests. The special

meeting shall be conducted within 60 days after adoption of the annual budget. At least 14 days prior to such special meeting, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a notice of the meeting. An officer or manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit shall be filed among the official records of the association. Unit owners may consider and adopt a substitute budget at the special meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If there is not a quorum at the special meeting or a substitute budget is not adopted, the annual budget previously adopted by the board shall take effect as scheduled.

b. Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for reasonable reserves for repair or replacement of the condominium property, anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis, or assessments for betterments to the condominium property.

c. If the developer controls the board, assessments shall not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.

(f) *Annual budget.*—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board shall adopt the annual budget at least 14 days prior to the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it shall be deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association shall adopt a separate budget of common expenses for each condominium the association operates and shall adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they need not be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. This subsection does not apply to an adopted budget in which the members of an association have determined, by a majority vote at a duly called meeting of the association, to provide no reserves or less reserves than required by this subsection.

b. Before turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 718.301, the developer may vote the voting interests allocated to its units to waive the reserves or reduce the funding of reserves through the period expiring at the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first, after which time reserves may be waived or reduced only upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly called meeting of the association. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote at a duly called meeting of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended without the approval of a majority of all nondeveloper voting interests, voting in person or by limited proxy at a duly called meeting of the association.

4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot: **WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.**

(g) *Assessments.*—The manner of collecting from the unit owners their shares of the common expenses shall be stated in the bylaws. Assessments shall be made against units not less frequently than quarterly in an amount which is not less than that required to provide funds in advance for payment of all of the anticipated current operating expenses and for all of the unpaid operating expenses previously incurred. Nothing in this paragraph shall preclude the right of an association to accelerate assessments of an owner delinquent in payment of common expenses. Accelerated assessments shall be due and payable on the date the claim of lien is filed. Such accelerated assessments shall include the amounts due for the remainder of the budget year in which the claim of lien was filed.

(h) *Amendment of bylaws.*—

1. The method by which the bylaws may be amended consistent with the provisions of this chapter shall be stated. If the bylaws fail to provide a method of amendment, the bylaws may be amended if the amendment is approved by the owners of not less than two-thirds of the voting interests.

2. No bylaw shall be revised or amended by reference to its title or number only. Proposals to amend existing bylaws shall contain the full text of the bylaws to be amended; new words shall be inserted in the text underlined, and words to be deleted shall be lined through with hyphens. However, if the proposed change is so extensive that this procedure would hinder, rather than assist, the understanding of the proposed amendment, it is not necessary to use underlining and hyphens as indicators of words added or deleted, but, instead, a notation must be inserted immediately preceding the proposed amendment in substantially the following language: “Substantial rewording of bylaw. See bylaw for present text.”

3. Nonmaterial errors or omissions in the bylaw process will not invalidate an otherwise properly promulgated amendment.

(i) *Transfer fees.*—An association may not charge a fee in connection with the sale, mortgage, lease, sublease, or other transfer of a unit unless the association is required to approve such transfer and a fee for such approval is provided for in the declaration, articles, or bylaws. Any such fee may be preset but may not exceed \$150 per applicant. For the purpose of calculating the fee, spouses or a parent or parents and any dependent children are considered one applicant. However, if the lease or sublease is a renewal of a lease or sublease with the same lessee or sublessee, a charge may not be made. Such fees must be adjusted every 5 years in an amount equal to the total of the annual increases occurring in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items during that 5-year period. The Department of Business and Professional Regulation shall periodically calculate the fees, rounded to the nearest dollar, and publish the amounts, as adjusted, on its website. The foregoing notwithstanding, if the authority to do so appears in the declaration, articles, or bylaws, an association may require that a prospective lessee place a security deposit, in an amount not to exceed the equivalent of 1 month’s rent, into an escrow account maintained by the association. The security deposit shall protect against damages to the common elements or association property. Payment of interest, claims against the deposit,

refunds, and disputes under this paragraph shall be handled in the same fashion as provided in part II of chapter 83.

(j) *Recall of board members.*—Subject to s. 718.301, any member of the board of administration may be recalled and removed from office with or without cause by the vote or agreement in writing by a majority of all the voting interests. A special meeting of the unit owners to recall a member or members of the board of administration may be called by 10 percent of the voting interests giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting. Electronic transmission may not be used as a method of giving notice of a meeting called in whole or in part for this purpose.

1. If the recall is approved by a majority of all voting interests by a vote at a meeting, the recall will be effective as provided in this paragraph. The board shall duly notice and hold a board meeting within 5 full business days after the adjournment of the unit owner meeting to recall one or more board members. Such member or members shall be recalled effective immediately upon conclusion of the board meeting, provided that the recall is facially valid. A recalled member must turn over to the board, within 10 full business days after the vote, any and all records and property of the association in their possession.

2. If the proposed recall is by an agreement in writing by a majority of all voting interests, the agreement in writing or a copy thereof shall be served on the association by certified mail or by personal service in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure. The board of administration shall duly notice and hold a meeting of the board within 5 full business days after receipt of the agreement in writing. Such member or members shall be recalled effective immediately upon the conclusion of the board meeting, provided that the recall is facially valid. A recalled member must turn over to the board, within 10 full business days, any and all records and property of the association in their possession.

3. If the board fails to duly notice and hold a board meeting within 5 full business days after service of an agreement in writing or within 5 full business days after the adjournment of the unit owner recall meeting, the recall is deemed effective and the board members so recalled shall turn over to the board within 10 full business days after the vote any and all records and property of the association.

4. If the board fails to duly notice and hold the required meeting or at the conclusion of the meeting determines that the recall is not facially valid, the unit owner representative may file a petition or court action under s. 718.1255 challenging the board's failure to act or challenging the board's determination on facial validity. The petition or action must be filed within 60 days after the expiration of the applicable 5-full-business-day period. The review of a petition or action under this subparagraph is limited to the sufficiency of service on the board and the facial validity of the written agreement or ballots filed.

5. If a vacancy occurs on the board as a result of a recall or removal and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any provision to the contrary contained in this subsection. If vacancies occur on the board as a result of a recall and a majority or more of the board members are removed, the vacancies shall be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with this subsection. The rules must provide procedures governing the conduct of the recall election as well as the operation of the association during the period after a recall but before the recall election.

6. A board member who has been recalled may file a petition or court action under s. 718.1255 challenging the validity of the recall. The petition or action must be filed within 60 days after the recall. The association and the unit owner representative shall be named as the respondents. The petition or action may challenge the facial validity of the written agreement or ballots filed or the substantial compliance with the procedural requirements for the recall. If the arbitrator or court determines the recall was invalid, the petitioning board member shall immediately be reinstated and the recall is null and void. A board member who is successful in challenging a recall is entitled to recover reasonable attorney fees and costs from the respondents. The arbitrator or court may award reasonable attorney fees and costs to the respondents if they prevail, if the arbitrator or court makes a finding that the petitioner's claim is frivolous.

7. The division or a court of competent jurisdiction may not accept for filing a recall petition or court action, whether filed under subparagraph 1., subparagraph 2., subparagraph 4., or subparagraph 6., when there are 60 or

fewer days until the scheduled reelection of the board member sought to be recalled or when 60 or fewer days have elapsed since the election of the board member sought to be recalled.

(k) *Alternative dispute resolution.*—There must be a provision for alternative dispute resolution as provided for in s. 718.1255 for any residential condominium.

(l) *Firesafety.*—An association must ensure compliance with the Florida Fire Prevention Code. As to a residential condominium building that is a high-rise building as defined under the Florida Fire Prevention Code, the association must retrofit either a fire sprinkler system or an engineered life safety system as specified in the Florida Fire Prevention Code. Notwithstanding chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, an association, residential condominium, or unit owner is not obligated to retrofit the common elements, association property, or units of a residential condominium with a fire sprinkler system in a building that has been certified for occupancy by the applicable governmental entity if the unit owners have voted to forego such retrofitting by the affirmative vote of a majority of all voting interests in the affected condominium. The local authority having jurisdiction may not require completion of retrofitting with a fire sprinkler system or an engineered life safety system before January 1, 2024.

1. A vote to forego retrofitting may be obtained by limited proxy or by a ballot personally cast at a duly called membership meeting, or by execution of a written consent by the member, and is effective upon recording a certificate attesting to such vote in the public records of the county where the condominium is located. The association shall mail or hand deliver to each unit owner written notice at least 14 days before the membership meeting in which the vote to forego retrofitting of the required fire sprinkler system is to take place. Within 30 days after the association's opt-out vote, notice of the results of the opt-out vote must be mailed or hand delivered to all unit owners. Evidence of compliance with this notice requirement must be made by affidavit executed by the person providing the notice and filed among the official records of the association. After notice is provided to each owner, a copy must be provided by the current owner to a new owner before closing and by a unit owner to a renter before signing a lease.

2. If there has been a previous vote to forego retrofitting, a vote to require retrofitting may be obtained at a special meeting of the unit owners called by a petition of at least 10 percent of the voting interests. Such a vote may only be called once every 3 years. Notice shall be provided as required for any regularly called meeting of the unit owners, and must state the purpose of the meeting. Electronic transmission may not be used to provide notice of a meeting called in whole or in part for this purpose.

3. As part of the information collected annually from condominiums, the division shall require condominium associations to report the membership vote and recording of a certificate under this subsection and, if retrofitting has been undertaken, the per-unit cost of such work. The division shall annually report to the Division of State Fire Marshal of the Department of Financial Services the number of condominiums that have elected to forego retrofitting.

4. Notwithstanding s. 553.509, a residential association may not be obligated to, and may forego the retrofitting of, any improvements required by s. 553.509(2) upon an affirmative vote of a majority of the voting interests in the affected condominium.

5. This paragraph does not apply to timeshare condominium associations, which shall be governed by s. 721.24.

(m) *Common elements; limited power to convey.*—

1. With respect to condominiums created on or after October 1, 1994, the bylaws shall include a provision granting the association a limited power to convey a portion of the common elements to a condemning authority for the purpose of providing utility easements, right-of-way expansion, or other public purposes, whether negotiated or as a result of eminent domain proceedings.

2. In any case where the bylaws are silent as to the association's power to convey common elements as described in subparagraph 1., the bylaws shall be deemed to include the provision described in subparagraph 1.

(n) *Director or officer delinquencies.*—A director or officer more than 90 days delinquent in the payment of any monetary obligation due the association shall be deemed to have abandoned the office, creating a vacancy in the office to be filled according to law.

(o) *Director or officer offenses.*—A director or officer charged by information or indictment with a felony theft or embezzlement offense involving the association’s funds or property must be removed from office, creating a vacancy in the office to be filled according to law until the end of the period of the suspension or the end of the director’s term of office, whichever occurs first. While such director or officer has such criminal charge pending, he or she may not be appointed or elected to a position as a director or officer. However, if the charges are resolved without a finding of guilt, the director or officer shall be reinstated for the remainder of his or her term of office, if any.

(3) **OPTIONAL PROVISIONS.**—The bylaws as originally recorded or as amended under the procedures provided therein may provide for the following:

(a) A method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common elements.

(b) Restrictions on and requirements for the use, maintenance, and appearance of the units and the use of the common elements.

(c) Provisions for giving notice by electronic transmission in a manner authorized by law of meetings of the board of directors and committees and of annual and special meetings of the members.

(d) Other provisions which are not inconsistent with this chapter or with the declaration, as may be desired.

History.—s. 1, ch. 76-222; s. 1, ch. 77-174; s. 5, ch. 77-221; ss. 3, 4, ch. 77-222; s. 1, ch. 78-340; s. 6, ch. 79-314; s. 2, ch. 80-323; s. 2, ch. 81-225; s. 1, ch. 82-113; s. 4, ch. 82-199; s. 6, ch. 84-368; s. 6, ch. 86-175; s. 2, ch. 88-148; s. 7, ch. 90-151; s. 5, ch. 91-103; ss. 5, 6, ch. 91-426; s. 3, ch. 92-49; s. 3, ch. 94-336; s. 7, ch. 94-350; s. 36, ch. 95-274; s. 2, ch. 96-396; s. 32, ch. 97-93; s. 1773, ch. 97-102; s. 1, ch. 97-301; s. 2, ch. 98-195; s. 3, ch. 98-322; s. 53, ch. 2000-302; s. 21, ch. 2001-64; s. 9, ch. 2002-27; s. 5, ch. 2003-14; s. 4, ch. 2004-345; s. 4, ch. 2004-353; s. 134, ch. 2005-2; s. 7, ch. 2008-28; s. 88, ch. 2009-21; s. 10, ch. 2010-174; s. 3, ch. 2011-196; s. 5, ch. 2013-122; s. 1, ch. 2013-159; s. 3, ch. 2013-188; s. 1, ch. 2014-74; s. 9, ch. 2014-133; s. 3, ch. 2015-97; s. 3, ch. 2017-188; s. 2, ch. 2018-96; s. 15, ch. 2019-165; s. 4, ch. 2021-99; s. 21, ch. 2021-135.



Application for Sprinkler Tap & Raiser Grant Program - Downtown

Applicant Name _____ Contact Name _____
Mailing Address _____ City _____ State _____ Zip _____
Daytime Phone _____ FAX # _____ Email _____
Address and Location of the Building _____

Nature and Size of the building use by location _____

OBJECTIVE: The primary objective of this program is to provide assistance in improving the destination with infrastructure in the Downtown overlay district. These improvements in infrastructure provide enrichment in adding mixed uses including upper floor residential uses. This program provides a Grant to the property owners in Downtown district economical and efficient means of obtaining functional sprinkler system for fire suppression system, therefore, assisting with the positive resolution to maintenance fire enforcement actions, or possible future actions. Qualified property owners may apply for a grant up to \$25,000 for the partner with the City for installation of sprinklers systems.

ALL WORK IS SUBJECT TO AVAILABILITY OF MATCHING FUNDS.

CRITERIA FOR QUALIFICATIONS (All projects must meet the following criteria)

- ☐ Existing building located in the ETS Overlay District.
- ☐ An approved use; retail, restaurant and upper floor residential.
- ☐ Owner submits a plan for approval (must include properly designed fire suppression system and cost estimate).
- ☐ Owner submits the project time line (no more than one year with up to two three-month extensions).

SPECIFICATIONS AND CONDITIONS

1. Prior to installation the City shall approve project location and applications.
2. The cost estimate should include riser, including pavement (sidewalk, street or alley) repair.
3. The work shall be done according to City of Enid standard specifications.
4. Plans shall be sealed by a licensed, qualified Professional Engineer.
5. Improvements covered by the grant shall be constructed under inspection, by the Director of Engineering and Fire Marshal, and shall meet their approval.
6. In the event the project is not completed per the approved plans and time line the City of Enid will have full authority to file a lien against the property in an amount equal to the grant issued.
7. Service lines from the public main to the property shall remain the responsibility of the property owner for operation, maintenance, and/or relocation if required.

Applicant Signature: _____ Date: _____

Mail completed application to:

The Engineering Dept.
City of Enid
P.O. Box 1768
Enid, OK 73702

OR

Fax to: (580) 234-8946

Official Use:

☐ Approve ☐ Deny

Reason: _____

Signed by : _____ Date: _____

EXHIBIT B

**MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 17-18R**

A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA, AUTHORIZING THE AWARD OF FY18 GRANTS FOR AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

WHEREAS, the Municipality of Skagway has established a grant program by ordinance that funds up to 30% of the cost of installation of new or maintenance of existing fire extinguishing systems in FY18; and

WHEREAS, per SMC 15.08.040(F), the Municipality may appropriate up to \$150,000 in Sales Tax funds in FY18 for grant award disbursements; and

WHEREAS, the Municipality has received one grant application that has been reviewed by the Sprinkler Grant Selection Committee; the committee recommends awarding the grant as specified below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Assembly of the Municipality of Skagway that the following applicants are awarded automatic fire extinguishing system grants for FY18, funded at 30% of the total cost of maintenance of an existing fire sprinkler extinguishing system and/or installation of a new sprinkler fire extinguishing system; and

BE IT FURTHER RESOLVED that the Borough Manager is authorized to execute a grant agreement with the successful applicant for a grant award up to the amount listed below; the final award of grant funds is contingent on the property owner signing a grant agreement with the Municipality:

<u>Applicant</u>	<u>Location</u>	<u>Grant Amount</u>
Alive and Good LLC	Sweet Tooth Café – Block 27, Lots 11-12	\$ 8,700.00

PASSED AND APPROVED this ___ day of _____, 2017, by the Assembly of the Municipality of Skagway, Alaska.

Mark Schaefer, Mayor

ATTEST:

Emily Deach
Borough Clerk

(SEAL)

RECEIVED

APR 10 2017

GRANT APPLICATION
MUNICIPALITY OF SKAGWAY
AUTOMATIC FIRE EXTINGUISHING SYSTEM GRANT PROGRAM

MUNICIPALITY
OF SKAGWAY

Name and Address of Applicant (Property Owner):

Date Received by Municipality:

Name: Alive And Good LLC
Address/Box# PO Box 875
City/State/Zip Skagway AK 99840
Phone 1907 985 2405

Property Description: Lot(s): 11-12 Block: 27 Parcel: 1 town 027112

Use or Occupancy of Property or Building: Restaurant (Sweet tooth Cafe)

Number of floors: (count basement and attic if required to be protected by extinguishing system):

Total floor area square footage: 3939.6 GRANT FUNDS REQUESTED: \$ \$18,700.00

This application pertains to:

70% Fiscal Year 2014 _____ 60% Fiscal Year 2015 _____ 50% Fiscal Year 2016 _____

40% Fiscal Year 2017 _____ 30% Fiscal Year 2018 ☒ 20% Fiscal Year 2019 _____

NOTE: BUSINESS MUST BE LOCATED IN THE HISTORIC DISTRICT

THE FOLLOWING INFORMATION MUST BE ATTACHED TO AND SUBMITTED WITH THIS APPLICATION:

1. Property site plan, drawn to scale, showing:
 - a. The location of the building in which the system is to be installed.
 - b. Distances from building to all property lines.
 - c. Locations of other buildings, either on the property or on adjacent property and located within five feet of the property line.
 - d. The location of the extinguishing system water supply piping where it enters or will enter the property.
2. A proposal or estimate from an automatic fire extinguishing system installer, showing the total cost of the proposed installation and required inspection.
3. A copy of the deed under which the applicant/property owner acquired the property.
4. SCHEDULE A: Scope of Work.
5. SCHEDULE B: Project Budget, showing eligible and non-eligible costs.
6. SCHEDULE C: Project and Completion Schedule.
7. APPLICATION CHECKLIST.

CERTIFICATION: By my signature below, I certify that I am the record owner of the property herein described (and as described on the attached property deed) and that the information provided in this application and the attachments hereto is accurate.

Signature Joseph L. Passer
Joseph L. Passer

Date April 8 / 2017
4/8/17

Broadway

Deafness

N. Park Service

Green Service

15'

Sweet Tooth Cafe

10'

David R. ...

20'20

27'

- Property Lines
- Building within 5'
- == Water Suppliers property

41.5'

Don't Buy



TAYLOR

Fire Protection Services, LLC.

Q17-113

725 West Wasair Dr
Wasilla, AK 99654
Phone 907-373-1760
Fax 907-373-5760

March 29, 2017

Sweet Tooth Cafe
PO Box 1167
Skagway Ak

Attn: Tobias Parsons
Re: Sweet Tooth Cafe Dry Pipe System

Tobias,

Taylor Fire Protection is pleased to offer this quote for demoing the existing dry system, designing and installing a new dry pipe system for Sweet Tooth Cafe, located in Skagway. All work will be performed to meet current code and will be conducted to meet an agreeable schedule. The total price to perform these tasks will be as follows:

1. Purchase and Installation Costs	\$17,750.00
2. Design, Engineering, and Inspection Services	\$ 5,000.00
3. Installer travel to and from Skagway, lodging and meal costs	\$ 3,250.00
4. Freight and Shipping	\$ <u>3,000.00</u>
Total	\$29,000.00

Included is the following:

- Labor
- Materials
- Travel Expenses
- Room and Board
- Engineering and Permit
- Demo of the existing exposed system

Excluded is the following:

- Any work not specifically included in the qualifications above.
- Testing and Removal of Asbestos, Lead and any Hazardous Materials.
- Disposal of Materials
- Underground Piping.
- Any additional work required by the Fire Marshall or other approving agencies.
- Delays caused by others, including weather delays, will be billed at \$135.00 per hour, and are above and beyond the scope of the work in this proposal.

The quoted price will remain in effect for 30 days. Should you have any questions, please

contact me.

Sincerely,

Signature of approval

John Eastman

Date

**STATUTORY WARRANTY DEED**

2533169

THE GRANTOR, Colette Helen Hisman, sole Trustee, or her successors in trust, under the MARITAL TRUST UNDER THE DENNIS AND COLETTE HISMAN LIVING TRUST, dated April 2, 2007, and any amendments thereto, of P.O. Box 364, Skagway, Alaska 99840, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, in hand paid, conveys and warrants to the GRANTEE, ALIVE AND GOOD LLC, an Alaska limited liability company, whose address is P.O. Box 1167, Skagway, Alaska 99840, the following described real property, situated in the Skagway Recording District, First Judicial District, State of Alaska:

Lot "B" of a Subdivision of the East one-half of Lot 11, Block 27, Townsite of Skagway according to Plat 94-2, Skagway Recording District, First Judicial District, State of Alaska, and

The Northeast twenty-five feet of the Southwest fifty feet of Lot 12, Block 27, Skagway according to Plat 1, Skagway Recording District, First Judicial District, State of Alaska.

TOGETHER WITH:

All rights of Grantee pursuant to the Permanent Easement (Pre 1910 Building) created by the instrument from the City of Skagway, as Grantor, to Dennis Hisman, as Grantee, recorded September 8, 1999 in Book 11 at Page 424.

SUBJECT TO:

1. Reservations or exceptions in patents or in acts authorizing the issuance thereof.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
3. Permanent Easement Agreement, including the terms and provisions thereof, in favor of Dennis Hisman from the City of Skagway for overlap of the Sweet Took Café building onto that portion of Lot 12, Block 27, Townsite of Skagway, owned by the City of Skagway, created by instrument recorded September 8, 1999 in Book 11 at Page 424

DATED this 2nd day of October, 2015

**MARITAL TRUST UNDER THE
DENNIS AND COLETTE HISMAN
LIVING TRUST, dated April 2, 2007, and
any amendments thereto,**

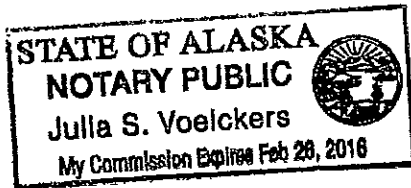
By: Colette Hisman
Colette Hisman, Trustee

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 2nd day of October, 2015, before me, the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared Colette Helen Hisman, sole Trustee under the MARITAL TRUST UNDER THE DENNIS AND COLETTE HISMAN LIVING TRUST, dated April 2, 2007, and any amendments thereto, to me known and known to me to be the person named in and who executed the within and foregoing instrument, and she acknowledged to me that she signed the same freely and voluntarily for the uses and purposes therein mentioned.



WITNESS my hand and official seal the day and year in this certificate first above written.



A handwritten signature in black ink, appearing to read "J. Voelckers", written over a horizontal line.

Notary Public, State of Alaska
My commission expires:

After recording return to:
GRANTEE



THIS DOCUMENT HAS BEEN
RECORDED ELECTRONICALLY

STATUTORY WARRANTY DEED

2533169

THE GRANTOR, **Colette Helen Hisman**, sole Trustee, or her successors in trust, under the **MARITAL TRUST UNDER THE DENNIS AND COLETTE HISMAN LIVING TRUST**, dated **April 2, 2007**, and any amendments thereto, of P.O. Box 364, Skagway, Alaska 99840, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, in hand paid, conveys and warrants to the GRANTEE, **ALIVE AND GOOD LLC**, an Alaska limited liability company, whose address is P.O. Box 1167, Skagway, Alaska 99840, the following described real property, situated in the Skagway Recording District, First Judicial District, State of Alaska:

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The Northeast twenty-five feet of the Southwest fifty feet of Lot 12, Block 27, Skagway according to Plat 1, Skagway Recording District, First Judicial District, State of Alaska.

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DATED this 2nd day of October, 2015

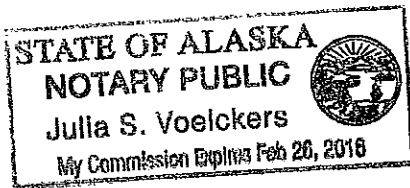
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DENNIS AND COLETTE HISMAN
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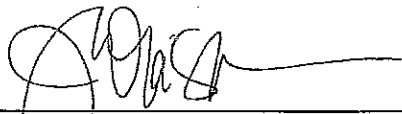
By: Colette Hisman
Colette Hisman, Trustee

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 2nd day of October, 2015, before me, the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared Colette Helen Hisman, sole Trustee under the MARITAL TRUST UNDER THE DENNIS AND COLETTE HISMAN LIVING TRUST, dated April 2, 2007, and any amendments thereto, to me known and known to me to be the person named in and who executed the within and foregoing instrument, and she acknowledged to me that she signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.





Notary Public, State of Alaska
My commission expires:

After recording return to:
GRANTEE

APPLICATION SCHEDULES

MUNICIPALITY OF SKAGWAY AUTOMATIC FIRE EXTINGUISHING SYSTEM GRANT PROGRAM

Applicant: Alive And Good LLC

SCHEDULE A: Scope of Work

Provide a description of the work proposed to be done under this grant application.

Demo existing Dry System that's usable life
has expired And Install new dry system

SCHEDULE B: Project Budget

Provide cost information for the following eligible and non-eligible project expenses. Refer to Section I. B. of Program Guidelines for a description of eligible and non-eligible costs.

ELIGIBLE EXPENSES

Purchase and installation costs:

17,750.00

Design, engineering and inspection services:

5,000.00

Installer travel to and from Skagway and lodging
and meal costs in Skagway:

3,250.00

Freight or shipping costs:

3,000.00

SUBTOTAL:

29,000.00

GRANT FUNDS REQUESTED 30% of SUBTOTAL:

8,700

(Please indicate the percentage rate you are applying for in the box above (see page one of the introduction for percentage rate)

NON-ELIGIBLE EXPENSES

Additional travel costs:

200.00

Other, if known: DISPOSAL

TOTAL:

29,200.00

SCHEDULE C: Project and Completion Schedule

Within thirty days of being notified of an award of grant funds, you must sign a Grant Agreement. **A requirement of signing the Grant Agreement is that you have a signed contract, work order or other binding agreement with a fire extinguishing system installer.**

Assuming that, if you receive grant funding, the Grant Agreement will be approved and signed by July 15, provide a project schedule below, with estimated completion dates for all project phases:

- | | <u>Completed By:</u> |
|--|----------------------|
| 1. Contractor on site: | <u>Dec 1 2017</u> |
| 2. Equipment, materials received: | <u>Dec 1 2017</u> |
| 3. Extinguishing system installed: | <u>Dec 24 2017</u> |
| 4. System tested, inspected, complete: | <u>Dec 31 2017</u> |

NOTE: All work must be completed within nine months of the date of signing the Grant Agreement, unless an extension is requested and approved by the City. See Section II. B. on page 4 of the Program Guidelines for a description of project length and the deadline for requested an extension.

APPLICATION CHECKLIST

MUNICIPALITY OF SKAGWAY AUTOMATIC FIRE EXTINGUISHING SYSTEM GRANT PROGRAM

The following list of items must be completed in order for your application to be considered. Incomplete applications will not be accepted and will be returned to the applicant.

Use this list to make sure your application is complete.

GRANT APPLICATION

☒ Grant Application entirely filled out.

☒ Grant Application signed by the record owner(s) of the property, including partnership or corporation members, if any.

ATTACHMENTS: Are the following required attachments completed and included with your application?

☒ Property site plan, showing all information as requested on the Grant Application form.

☒ A proposal or estimate from a system installer, showing project costs.

☒ A copy of the deed under which the applicant/property owner acquired the property.

☒ Schedule A: Scope of Work.

☒ Schedule B: Project Budget, showing eligible and non-eligible costs.
NOTE: It is the applicant's responsibility to obtain cost information from an installer/contractor that itemizes eligible and non-eligible costs.

☒ Schedule C: Project and Completion Schedule.

☒ Application Checklist.



CITY OF LOCKPORT FIRE SPRINKLER & FIRE ALARM SYSTEM INSTALLATION ASSISTANCE PROGRAM

The City of Lockport has implemented a Fire Sprinkler & Fire Alarm System Installation Assistance Program for eligible commercially zoned buildings constructed prior to April 1, 2003 at which time the City of Lockport amended the 2000 International Building Code to mandate fire sprinklers in all buildings over 5,000 square feet in area. Upon approval of the proposed improvements, the City will consider reimbursing property owners a portion of eligible costs with the amount of reimbursement being based on the type of eligible improvement and allowable use of the building as defined in Section Eight. The goals of this program are to provide an incentive for property owners to enhance the protection of their structures and its occupants, as well as to improve the economic viability of the properties located specifically in Downtown, and along the 9th Street and North State/Archer Avenue corridors.

Program participants are eligible to receive reimbursement of up to 50% of approved costs, but not exceeding the maximum amount allowed in Section One: Cost Sharing. Prior to commencing eligible improvements, required inspections shall be completed, the agreement/application must be approved by City Council, and all required permits and/or approvals must be obtained. After the project is completed all invoices and proof of payment as required in Section Five: Documentation Requirements for Reimbursement, must be submitted and approved by the City Council prior to reimbursement.

An application and Program guidelines are attached. In advance of submitting your application, please schedule a pre-application meeting with representatives from the Community Development Department to discuss details of your proposed improvements. The respective Fire District representatives may also be in attendance at this meeting. Please the Community & Economic Development Department at (815) 838-0549 to schedule this meeting. The Community Development Department is located at 222 E. 9th Street, 2nd Floor.

Thank you for your interest in our Fire Sprinkler & Fire Alarm System Installation Assistance Program. It is this type of cooperative effort between the City and our businesses that helps enhance our community and increase our pride.

**CITY OF LOCKPORT
FIRE SPRINKLER & FIRE ALARM SYSTEM INSTALLATION
ASSISTANCE PROGRAM**

AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, 20__, between The City of Lockport, Illinois (hereinafter referred to as the “City”) and the following Property Owner (s) to wit:

Owner: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone # _____ Email: _____

Name of Business: _____

Project Address: _____

WITNESSETH

WHEREAS, The City has established a Fire Sprinkler & Fire Alarm System Installation Assistance Program for eligible commercially zoned building construction prior to April 1, 2003, at which time the City of Lockport amended the 2000 International Building Code to mandate fire sprinklers in all building over 5,000 square feet in area; and

WHEREAS, said Assistance Program is administered by the City and is funded from General Revenues for to provide an incentive for property owners to enhance the protection of their structures and its occupants, as well as to improve the economic viability of the properties in designated commercial areas; and

WHEREAS, pursuant to said Program the City has agreed to assist, subject to its sole discretion, with the cost for the installation of a building fire sprinkler and/or fire alarm systems as approved by the Building Department up to fifty percent (50%) of the approved contract cost of such improvement and in accordance with the City’s maximum participation schedule as outlined in Section One.

NOW, THEREFORE, in consideration of the mutual covenants and agreement obtained herein, the City and OWNER(s) do hereby agree as follows:

SECTION ONE: COST SHARING – The City shall assist with in the installation cost of a fire sprinkler and/or fire alarm system up to fifty percent (50%) of the approved contract cost of such improvement and up to a maximum amount not exceeding the following reimbursement schedule:

Fire Alarm System Only	up to a maximum amount of \$5,000*
Fire Sprinkler System Only	up to a maximum amount of \$15,000*
Fire Sprinkler & Fire Alarm System	up to a maximum amount of \$20,000*

***Note:** The reimbursable maximum amount is subject to the number of applications and availability of program funding during the fiscal period at the time of application. Overall program funding approved in any given fiscal year can be terminated by the City without notice.

The costs which are eligible for City participation include all labor, materials, equipment and other contract items necessary for the proper execution and completion of the work as designated from the design drawings approved by the City.

SECTION TWO: DESIGN APPROVAL – No work shall be undertaken until the design has been submitted to and approved by the Building Department and respective Fire Protection District having jurisdiction over the property. Following approval, the OWNER(s) shall contract for the work and shall commence and complete all such work within one hundred eighty (180) days from the date of such approval.

SECTION THREE: REVIEW OF PROJECT – The Building Department and/or respective Fire Protection District shall periodically review the progress of the contractor’s work on the improvement pursuant to this Agreement. Such inspections shall not replace any required permit inspection by City Inspectors. All work which is not in conformance with the approved drawings and specifications shall be immediately remedied by the OWNER(s) and deficient or improper work shall be replaced and made to comply with the approved drawings, specifications, and terms of this Agreement.

SECTION FOUR – BUILDING CODE COMPLIANCE: As part of the agreement, the Owner(s) will permit the City to inspect the property prior to any work taking place. The purpose of the inspection is to

identify any aspects of the building which may not be in compliance with applicable building codes, electrical codes, plumbing codes, property maintenance codes, sign regulations, zoning codes and fire codes. Any items discovered that are not in compliance with the applicable code shall be corrected as part of the eligible improvement/s and shall be completed prior to reimbursement for the eligible improvement/s. All code deficiencies, except for eligible improvement/s, identified at the time of inspection shall be completed at the sole expense of the property owner.

SECTION FIVE: DOCUMENTATION REQUIREMENTS FOR REIMBURSEMENT –Upon completion of the improvement and upon its final inspection and approval by the Building Department and/or respective Fire Protection District, the OWNER(s) shall submit to the City a properly executed and notarized contractor statement showing the full cost of the work as well as each separate component amount due to the contractor and each and every subcontractor involved in furnishing labor, materials, or equipment in the work. In addition, the OWNER(s) shall submit to the City proof of payment of the contract cost pursuant to the contractor's and architect's or engineer's statements.

The City shall, within forty-five (45) days of receipt of the contractor's statement and proof of payment issue a check to the OWNER(s) in amount as indicated herein.

SECTION SIX – ADDITIONAL CITY PARTICIPATION: In addition to providing financial assistance for the installation of a fire sprinkler and/or fire alarm system as indicated herein, the City shall also waive all requisite City inspection, plan review and permit fees, and any fees associated with purchase of new water meters as may be required. The City shall also request that the Fire Protection District agree to waive all inspection, plan review and permit fees associated with the eligible improvement/s identified in Section One, but the waiver of those fees shall be at the discretion of the Fire Protection District.

SECTION SEVEN – PROPERTY OWNER COSTS: In addition to assuming responsibly for costs associated with installation of the fire sprinkler & fire alarm system not covered by the City as indicated herein, the property owner shall be responsible for all costs incurred to achieve applicable code compliance as noted in Section Four above, as well as for all costs incurred as a result of having to increase the size of the water service to the building. The property owner shall also be responsible for all costs involving preparation of plans, and for assumption of all liability as may be associated with installation of a fire sprinkler & fire alarm system.

SECTION EIGHT: ALLOWABLE USES: Notwithstanding the zoning of the property, at time of application for the Fire Sprinkler and Fire Alarm Assistance Program and during the term of any approved agreement, only those uses that generate sales tax revenue to the City, in particular retail and specialty retail shops, eating and drinking establishments, entertainment and recreation establishments, and specialty services uses which have a retail component shall be located within the building unless otherwise approved by the City Council prior to entering into an agreement.

SECTION NINE: FAILURE TO COMPLETE WORK – All eligible improvement/s as approved by the City shall be completed within ninety (90) days from the date of issuance of the building permit. As this Program is funded each fiscal year (January 1st – December 31st), all reimbursement of approved eligible improvements need to occur within that same fiscal year period that the application/request was submitted, unless otherwise extended by the City Administrator. If the OWNER(s) or his contractor fail to complete the improvement work provided for in conformity with the plans, specifications and all terms of this Agreement, the Agreement shall terminate and the financial obligation on the part of the City shall cease and become null and void.

SECTION TEN: FILING OF LIEN – This grant is conditioned upon owner not selling or transferring said property or any interest in the property for financial gain for three (3) years from the date that the grant reimbursement payment was issued. If property owner sells building during the first three (3) years following completion of the work, property owner shall be obligated to reimburse City in the following amounts:

	<u>Amount to be repaid</u>
Year One	100% of lien amount
Year Two	75% of lien amount
Year Three	50% of lien amount
Year Four	0% of lien amount

The Owner shall execute the attached lien as security in the event the property or any interest in the property is sold or transferred during the first three (3) years from the grant reimbursement payment. The City shall be authorized to record the lien with the Will County Recorder's Office.

SECTION ELEVEN: UNRELATED IMPROVEMENTS – Nothing herein is intended to limit, restrict, or prohibit the OWNER(s) from undertaking any other work in or about the subject premises which is unrelated to the improvement provided for in this Agreement.

SECTION TWELVE: CITY INDEMNIFICATION REGARDING CONSTRUCTION – The Owners of the subject property agree to defend and hold harmless the City from any and all claims which may arise out of said Owners' construction activities under this Agreement.

SECTION THIRTEEN: GENERAL INDEMNIFICATION – In the event that, as a result of this Agreement, or actions taken as required hereunder, the City is made a party defendant in any litigation or claim out of this Agreement or the development activities contemplated hereunder, the Owners agree to defend and hold harmless the City and its officials and employees, individually and collectively, from any suits and from any claims, demands, setoff or other action including but not limited to judgments arising therefrom. The obligation of the Owners hereunder shall include and extend to payment of reasonable Attorneys' fees for the representation of the City and its officials and employees in such litigation and includes expenses, court costs and fees. The Owners or its insurer shall engage licensed attorneys to represent the City and its Officers and its officials and employees in such litigation, subject to the approval of the attorneys by the City Attorney, which approval shall not be unreasonably withheld.

SECTION FOURTEEN: PERFORMANCE OF AGREEMENT – It is agreed that the parties hereto may in law or in equity, by suit, action, mandamus, or any other proceeding, including specific performance, enforce or compel the performance of this Agreement, which shall include the right of the parties to recover a judgment for monetary damages against each other, provided, however, that the Owners shall not have a right to recover a judgment for monetary damages against any Elected or Appointed Official of the City for any breach of any of the terms of this Agreement. The City reserves the right to maintain an action to recover damages or any sums which Owners have agreed to pay pursuant to this Agreement and which have become due and remained unpaid.

SECTION FIFTEEN: EXHIBITS – It is agreed that Exhibits I through VI shall be considered part of this Agreement.

SECTION SIXTEEN: DISPLAY OF CITY FUNDING PROMOTIONAL MATERIAL – All program participants shall be required to prominently display a poster identifying the property as receiving City funding.

The sign will be provided by the City and shall be displayed from the date the Application is approved, to no less than thirty (30) days after final approval and reimbursement is made.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date first appearing above.

OWNER(S)

CITY OF LOCKPORT

Program Participant

DATE:_____

Mayor

DATE:_____

ATTEST:_____

CITY CLERK

DATE:_____

EXHIBITS

EXHIBIT I	PROOF OF OWNERSHIP IN FORM OF DEED OR TITLE
EXHIBIT II	INSURANCE POLICY
EXHIBIT III	COPY OF APPLICATION
EXHIBIT IV	APPROVED FIRE SPRINKLER AND/OR FIRE ALARM SYSTEM PLANS
EXHIBIT V	CONTRACTOR'S AGREEMENT
EXHIBIT VI	EXECUTED LIEN

EXHIBIT III - APPLICATION

Date of Application: _____

Applicant Name: _____

Project Address: _____

Building Owner: _____

Year Property Purchased: _____

Size (SF) of Building/Tenant Space: _____

Existing Tenant(s): _____

Total Anticipated Budget: \$_____

(three (3) State licensed contractors' estimates are required)

Total Anticipated Grant Request: \$_____

Written Description of Proposed Improvements:

Attach three (3) copies of plans of proposed improvements

I, _____, hereby make application to the City of Lockport for a Fire Sprinkler & Fire Alarm System Installation Assistance Program in the anticipated amount of \$_____.

I understand that my application must be approved by the City and that it must conform to established design guidelines, as well as, specific design recommendations of the City of Lockport. I have read a copy of the Fire Sprinkler & Fire Alarm System Installation Assistance Program Agreement and lien provisions. If approved, I understand that all work performed is subject to development, building, permit, and agreement provisions.

Applicant Signature

Date

Building Owner

Date

Please return the completed application to:

Community Development Department
City of Lockport
222 E. 9th Street, 2nd Floor
Lockport, IL 60441

If you need assistance with the application and/or have general inquiries, please call the Community and Economic Development Department at (815) 838-0549.

Staff Use Only:

File Number: _____

ANTICIPATED BUDGET

ACTIVITY	ESTIMATED COST

Total Anticipated Assistance Request \$ _____

Architect or Engineer for the Project:

Company

Name: _____

Contact: _____

Address: _____

Phone: _____

Email: _____

Contractor for the Project:

Company

Name: _____

Contact: _____

Address: _____

Phone: _____

Email: _____

For reimbursement purposes, City of Lockport shall make a check payable to:

Name/Business: _____

Address: _____

SS# or Tax ID# _____

EXHIBIT VI - LIEN SIGNED & NOTARIZED

Prepared By: City Attorney
City of Lockport
222 E. 9th Street
Lockport, IL 60441

Mail To: City Clerk
City Attorney
City of Lockport
222 E. 9th Street
Lockport, IL 60441

LIEN ON REAL ESTATE

Owner's Name: _____

Subject Property Address: _____

PIN: _____

Lien/Grant Amount: _____

Legal Description of the Subject Property is attached to this Lien as Exhibit A.

The Owner has received a grant through the Fire Sprinkler & Alarm System Installation Assistance Program of the City of Lockport. In accordance with that program, the Owner has consented to the City of Lockport having a lien on the Subject Property in the amount of the grant under the terms and conditions set forth in the grant agreement. This lien secures that obligation to the City of Lockport. The amount received by the Owner shall be repaid by the Owner if the Owner sells or otherwise disposes of the property during the first three (3) years of the award of the grant in accordance with the following schedule:

	<u>Amount to be repaid</u>
Year One	100% of lien amount
Year Two	75% of lien amount
Year Three	50% of lien amount
Year Four	No repayment

If the Subject Property is not sold by the Owner within three (3) years of the payment of the grant, then this lien shall automatically be extinguished without further action by the City or the recording of a release. This lien is subject to foreclosure or collection through any legal remedy if the underlying obligation is not paid by the Owner.

CITY OFFICIAL: _____ **TITLE:** _____

OWNER SIGNATURE: _____ **DATE:** _____

The undersigned Notary Public of Will County, Illinois, does hereby certify that the person(s) named above signed this document before me and that the signator(s) knew the nature of the document that was signed and did so as a free and voluntary act on the _____ day of _____, 20____.

Notary Public

**CITY OF ANNAPOLIS
SPRINKLER ASSISTANCE REVOLVING FUND LOAN AGREEMENT**

THIS SPRINKLER ASSISTANCE REVOLVING FUND LOAN AGREEMENT ("Agreement") is made this ____ day of _____, 20____ by and between the City of Annapolis, a municipal corporation of the State of Maryland (the "City") and _____, a _____ (the "Borrower").

WHEREAS, the City operates a Sprinkler Assistance Revolving Fund (the "Fund") established in accordance with Section 17.20.160 of the Code of the City of Annapolis, as may be amended, for the purpose of providing low interest loans to property owners to finance the purchase and installation of sprinkler systems on their properties; and

WHEREAS, the Borrower is the owner of property located in the City at _____, as more particularly described in a deed dated _____, _____ and recorded among the Land Records of Anne Arundel County, Maryland, in liber _____, folio _____ (the "Property"); and

WHEREAS, the Borrower desires a loan from the Fund to finance the purchase and installation of a sprinkler system for the Property, which the City is willing to make under the terms set forth below; and

WHEREAS, the purpose of this Agreement is to set forth the rights and obligations of the Borrower arising from the acceptance of such a loan.

NOW THEREFORE, in consideration of these premises and the mutual covenants and promises set forth below, and other good and valuable consideration, the receipt and sufficiency of which the parties, acknowledge the parties agree as follows:

1. The Loan.

a. The provisions of Section 17.20.160 of the Code of the City of Annapolis, as may be amended, are incorporated herein by reference and expressly made a part of this Agreement, and shall constitute, in addition to the terms stated below, the rights and obligations of the parties pursuant to the Borrower's participation in and loan from the Fund.

b. The City hereby makes a loan to the Borrower from the Fund, and the Borrower hereby borrows from the Fund, the sum of _____ Dollars and _____ Cents (\$_____) (the "Loan").

c. The Borrower hereby acknowledges and understands that the City relied upon the Borrower's application ("Application"), attached hereto and incorporated herein as Attachment A, in offering the Loan to the Borrower. In the event of a conflict between the Application and this Agreement, the provisions of this Agreement (without the conflicting terms in the Application) shall prevail.

d. The Borrower shall repay the Loan in full to the City at a rate of _____ Dollars and _____ Cents (\$_____) per month, commencing on _____, _____, for a total of _____ (____) months until the Loan is repaid in full, with compound interest of one percent (1%) per annum on the principal amount of the Loan.

Revised 06/12/2018.

e. After the execution of this Agreement by both parties, the Loan shall be disbursed in accordance with Section 17.20.160 of the Code of the City of Annapolis, as may be amended, and as follows. Upon issuance of the building permit by the City Department of Planning and Zoning in connection with the Purpose (as defined below) and the Property, the City Finance Director will disburse ninety percent (90%) of the Loan to the Borrower. The Borrower must request disbursement of the Loan within one (1) year of notification of Loan approval unless the City Chief of the Fire Department and/or the City Director of Planning and Zoning find that the delay in the Borrower's request for disbursement is not due to factors under the Borrower's control. The City Finance Director will disburse the remaining ten percent (10%) of the Loan to the Borrower only after a final inspection is done and approved for the Property and the Purpose. Any issuance of funds pursuant to this Agreement shall be subject to appropriation by the City.

f. Upon completion of repayment of the Loan, this Agreement shall be of no further effect and shall be released.

g. The repayment period for the Loan may not exceed five (5) years from the date of initial disbursement.

2. Use of the Loan.

a. The Borrower shall use the Loan proceeds exclusively for the purpose of purchasing and installing a sprinkler system for the Property in accordance with all applicable laws, codes, ordinances, regulations and licensing requirements (collectively, the "Purpose").

b. The Borrower, upon the City's request and within fifteen (15) calendar days after such request, shall provide to the City's Director of Finance written documentation of the purchase and installation of the sprinkler system for the Property in a manner satisfactory to the City's Director of Finance.

c. If the Borrower fails to use the entire Loan exclusively for the Purpose, or is otherwise in default of this Agreement as defined in Paragraph 6, the Borrower shall repay the full amount of the Loan, including compound interest at one percent (1%) per annum on the principal amount of the Loan, within thirty (30) calendar days after written notice from the City.

3. Sale or Transfer of the Property.

a. If the Borrower sells or otherwise transfers the Property before the repayment of the Loan in full, and in accordance with this Agreement, the Borrower shall repay the balance due on the Loan within thirty (30) calendar days after the effective date of such sale or other transfer of the Property.

b. The Borrower shall not complete the sale or transfer of the Property without prior disclosure of the existence of this Agreement to the purchaser or transferee and to any agent conducting settlement, which disclosure shall be documented in writing and provided to the City prior to such sale or transfer.

4. Lien on the Property.

a. The Loan shall be secured by a lien placed upon the Property in accordance with the Maryland Contract Lien Act, as set forth in the Annotated Code of Maryland, Real Property

Article, Section 14-201 *et seq.*, as may be amended from time to time (the "Act"), and such lien shall be collected and enforced in the same manner as real property taxes through a tax sale.

b. As permitted by the Act, such lien upon the Property shall secure the payment of: (1) damages incurred by the City for a breach of this Agreement; (2) costs of collection incurred by the City for a breach of this Agreement; (3) late charges as permitted by law; and (4) attorney's fees as awarded by a court for breach of this Agreement.

5. Records; Audits and Inspections.

a. The Borrower shall maintain records of all formal and informal actions taken, including, but not limited to, the expenditure of money, to achieve the Propose, all documentation for all Loan funds received and disbursed, all documentation to substantiate each draw, disbursement, transaction, invoice, contract, and voucher, and all other official documentation evidencing in full detail the nature and propriety of the expenses paid with Loan funds.

b. The Borrower shall retain all such records and documentation for a period of at least three (3) years after the City's receipt of the Borrower's final repayment of Loan funds pursuant to this Agreement.

c. Noncompliance by the Borrower with the record keeping and reporting requirements contained in this Agreement shall be grounds for recovery by the City of the full amount of this Loan and for termination of this Agreement pursuant to Paragraph 6 of this Agreement.

d. At any time during normal business hours and upon reasonable notice of the City to the Borrower, the Borrower shall make available to the City, its officials, officers, employees and agents, for inspection, copying and auditing, all of the records and documentation that the Borrower is required to maintain pursuant to this Agreement.

6. Default.

Any of the following events shall constitute a default of this Agreement, in which case the City, with notice to the Borrower, may declare this Agreement in default and the Borrower shall repay the full amount of the Loan, including compound interest at one percent (1%) per annum on the principal amount of the Loan, within thirty (30) calendar days after written notice from the City:

a. The Borrower's failure to repay the Loan in the manner and at the time when due;

b. The Borrower's failure to give timely notice to the City or comply with any other terms of this Agreement;

c. The Borrower's falsification in any material respect of any representations made to the City in order to secure the Loan;

d. The condemnation or other appropriation of the Property by a governmental unit;
or

e. The Borrower's filing of any petition for relief under the Bankruptcy Code, as amended from time to time, or any petition or pleading initiating any state or federal insolvency

proceeding, an assignment for the benefit of creditors, or an action seeking a judicial modification or alteration of the City's rights; or the entry of a court order appointing a trustee or receiver of or for the Property or a substantial portion of the Property or for the Borrower, or the Borrower's filing any proceedings for dissolution or liquidation, or, if applicable, the Borrower's failure to pay any corporate taxes or failure to maintain a certificate of authority to do business in the State of Maryland.

7. Insurance.

a. The Borrower shall maintain property and casualty insurance for all improvements, fixtures and other personal property on the Property, whether now or subsequently in existence, against damage or loss caused by fire and other hazards, casualties and other contingencies, and shall maintain flood insurance, if applicable, in a gross combination amount not less than the greater of one hundred percent (100%) of the Loan and/or one hundred percent (100%) of the fair market value of the Property and/or one hundred percent (100%) of the balance due on any prior recorded mortgage or deed of trust governing the Property.

b. The Borrower shall maintain liability insurance which shall have coverage for bodily injury and property damage.

c. The Borrower shall not allow or permit any insurance policies referenced above to be cancelled or to expire or to change in any manner without the prior written consent of the City.

d. The City shall not incur any expense required to maintain insurance policies required by this Agreement or to file claims.

e. The Borrower shall provide the City with documentation that insurance pursuant to the terms stated herein is in force before and as a condition for receiving the Loan for the duration that this Agreement is in effect.

f. Any breach of the insurance provisions of this Agreement shall constitute a default of the Agreement, in which case the City, with notice to the Borrower, may declare this Agreement in default in accordance with Paragraph 6.

8. Miscellaneous.

a. The City is entitled to make reasonable entries upon the Property and inspect the Property upon notice to the Borrower specifying reasonable cause for such inspection related to the City's interest in the Property.

b. The Borrower shall indemnify, defend and hold harmless the City, its elected officials, appointees, directors, employees, agents, contractors and representatives from any and all liabilities, claims, suits, or demands including attorneys' fees which may be incurred or made against the City, its elected officials, appointees, directors, employees, agents, contractors and representatives resulting from any act or omission committed in the performance of the duties imposed by and performed under the terms of this Agreement by the Borrower. The Borrower shall not be responsible for acts of gross negligence or willful misconduct committed by the City.

c. Nothing contained in this Agreement shall be construed in a manner to create any relationship between the Borrower and the City other than expressly specified herein, and the Borrower and the City shall not be considered partners or co-venturers for any purpose on account of this Agreement.

d. The Borrower shall not assign its rights or obligations under this Agreement without the express prior written consent of the City.

e. This lien of this Agreement shall run with the Property and be binding on and enforceable against the parties and their respective heirs, personal representatives, successors and assigns.

f. In the event any one or more of the provisions of this Agreement shall for any reason be held by a court or other lawful authority to be invalid, illegal or unenforceable, in whole or in part or in any other respect, the remaining provisions hereof shall not be affected thereby, and the Agreement shall remain operative and in full force and effect and shall in no way be affected, prejudiced or disturbed thereby.

g. This Agreement and its interpretation shall be governed by Maryland law. The venue for all actions pursuant to this Agreement shall be the Courts of Anne Arundel County, Maryland. The parties waive trial by jury in all actions brought pursuant to this Agreement.

h. The captions and headings contained in this Agreement are included herein for convenience of reference only and shall not be considered a part hereof and are not in any way intended to limit or enlarge the terms hereof.

i. This Agreement is the final and entire agreement of the parties with respect to their rights and obligations regarding the Borrower's participation in the City's Sprinkler Assistance Revolving Loan Fund program and all obligations arising there from, and there are no oral or written understandings with respect thereto other than as stated herein. None of the terms or provisions of this Agreement may be changed, waived, or modified exempt by written instrument executed by both parties hereto, duly notarized and recorded among the Land Records of Anne Arundel County, Maryland at the expense of the City.

j. The Borrower acknowledges that he or she has read this Agreement and understands it completely, that he or she is entering into this Agreement freely, voluntarily and knowingly, and that he or she is entitled to and has been given an opportunity to review this Agreement, before signing it, with an attorney of his or her own selection to consider its meaning, consequences and fairness.

k. Except for any notice required to be given by certified mail in accordance with the Act, the parties shall give notice to each other with respect to any matters having to do with this Agreement by sending such notice by regular mail, first class, postage prepaid, or delivering it in person to the City's Office of Finance at 160 Duke of Gloucester Street, and to the Borrower at _____, or such other address as each may in writing designate to the other.

l. This Agreement shall be recorded among the Land Records of Anne Arundel County, Maryland, at the expense of the Borrower.

m. Time is of the essence in connection with all provisions of this Agreement.

IN WITNESS WHEREOF, the Borrower and the City have caused this Agreement to be executed under Seal as of the day and year written above.

BORROWER:

Witness

Name: (Seal)

Witness

Name: (Seal)

State of Maryland, Anne Arundel County:

I Hereby Certify that on the ____ of _____, 20____, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, known to me or satisfactorily proven to be the person whose signature appears above, and he/she has signed this Agreement in my presence and acknowledged that it is his/her free and voluntary act for the purposes stated therein.

Witness my signature and notarial seal.

NOTARY PUBLIC

My Commission expires: _____

State of Maryland, Anne Arundel County:

I Hereby Certify that on the ____ of _____, 20____, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, known to me or satisfactorily proven to be the person whose signature appears above, and he/she has signed this Agreement in my presence and acknowledged that it is his/her free and voluntary act for the purposes stated therein.

Witness my signature and notarial seal.

NOTARY PUBLIC

My Commission expires: _____

Attest and Acknowledgement:

CITY OF ANNAPOLIS

Regina Watkins-Eldridge MMC City Clerk

By: _____
Gavin Buckley, Mayor

State of Maryland, Anne Arundel County:

I hereby certify that on this ____ of _____, 20____, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Gavin Buckley, Mayor of the City of Annapolis, known to me or satisfactorily proven to be the person whose signature appears above, and he/she has signed this Agreement in my presence and acknowledged its acceptance by the City of Annapolis.

NOTARY PUBLIC

My Commission expires: _____

CERTIFIED FOR SUFFICIENT APPROPRIATIONS
AND AVAILABILITY OF FUNDS:

Director, Finance Department

APPROVED FOR FORM AND LEGAL SUFFICIENCY:

OFFICE OF THE CITY ATTORNEY

I hereby certify, pursuant to Annotated Code of Maryland, Real Property Article, Section 3-104, that the foregoing Agreement has been prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Assistant City Attorney

Return to:
City Attorney
City of Annapolis Office of Law
160 Duke of Gloucester Street, Annapolis, MD 21401

**ATTACHMENT A
APPLICATION**

(See attached pages.)

HONOLULU FIRE DEPARTMENT

CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

RICK BLANGIARDI
MAYOR



SHELDON K. HAO
FIRE CHIEF

JASON SAMALA
DEPUTY FIRE CHIEF

February 3, 2022

The Honorable Carol Fukunaga, Chair
and Members
Committee on Public Infrastructure
and Technology
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Fukunaga and Councilmembers:

SUBJECT: Three-Month Report Pursuant to Ordinances 19-4 and 21-14
Relating to Fire Safety

As a follow-up to Section 7 of the abovementioned ordinances and your request dated January 31, 2022, the Honolulu Fire Department (HFD) provides the following:

- (a) *Information on the six categories listed in Section 4: Mobility Status, Vertical Openings, Standpipe System - Class 1 Standpipe, Elevators - Emergency Power, Egress Routes - Compliant Stairwell Reentry, and Table 8*

The HFD received 178 building fire and life safety evaluations (LSE) from licensed design professionals for buildings identified on Attachment 1. Of the 178 LSEs, 12 received an acceptable level of fire safety.

Attachment 2 provides data from the 178 LSEs on the greatest number of buildings associated with low score parameters and the six categories listed in Section 4.

- (b) *A list of any buildings that are being added to the attachment marked Exhibit B, and the criteria for the addition of the buildings*

No buildings were added to Exhibit B since the last report dated November 10, 2021.

EXHIBIT C

- (c) *A list of any buildings that are being removed from the attachment marked Exhibit B, and the criteria for the removal of the buildings*

A total of 56 buildings provided documentation that they did not meet the definition of a high-rise residential building. No buildings provided documentation since the previous Three-Month Report dated November 10, 2021, that they did not meet the definition of a high-rise residential building.

- (d) *The number of appeals from AHJ [authority having jurisdiction] determinations that the level of fire safety for a building is unacceptable*

There have been no appeals resulting from AHJ determinations.

- (e) *The number of buildings that are in compliance with Ordinance 19-4*

All buildings are currently in compliance with Ordinance 19-4 deadlines and requirements.

- (f) *The number of buildings that are in the process of achieving compliance with the ordinance and the status of the buildings' progress*

There are 240 buildings that completed or contracted a licensed designed professional to execute the LSE.

- (g) *Any issues or concerns that have arisen relating to the implementation of Ordinance 19-4*

There are no issues or concerns at this time.

- (h) *A list of buildings that have provided the AHJ with their building fire emergency plan that includes a listing and contact information of their frail and vulnerable residents who may require evacuation assistance in an emergency*

The following buildings provided the AHJ with their building fire emergency plan, which includes a listing and contact information of frail and vulnerable residents who may require evacuation assistance in an emergency:

845 University Avenue
1010 Wilder
1073 Kinau
Makiki Manor
Pearl One

- (i) *Any suggested amendments or changes to Ordinance 19-4 or to the building fire and life safety evaluation form. Thereafter, the AHJ shall provide an annual report not less than 20 days from the end of the fiscal year on the progress of the implementation of Ordinance 19-4, which shall include the information listed above.*

Currently, there are no suggested amendments or changes to Ordinance 19-4 or the LSE.

The following responses address your questions in your memorandum dated January 31, 2022:

1. *The “vertical openings” category included 136 low score parameters out of the 161 LSEs submitted to the department. Does this mean that at least 136 condominium properties received low scores in this category because of existing vertical openings in their buildings?*

If the answer is yes, what distinguishes the 8 LSEs that received a ‘passing’ score or an acceptable level of fire safety from properties that received low scores in the ‘vertical’ openings category?

Yes. The eight LSEs that had an acceptable level of safety did not have low scores in the ‘vertical’ openings category.

Did the 8 properties whose LSEs were determined to be an acceptable level of fire safety address ‘vertical openings’ as part of plumbing system upgrades undertaken pursuant to State statutory reserve requirements to address major maintenance needs through long-term planning, design and financing for such building improvements?

Licensed design professionals (LDP) used their professional judgment as the subject matter experts, and this is dynamic to each building. The information would need to be provided by the LDP.

The Honorable Carol Fukunaga, Chair
and Members
February 3, 2022
Page 4

2. *Please explain the conditions that cause a residential condominium property to receive low scores on the category "fire alarms systems" (145 low scores out of 161 LSEs) and the category "smoke alarm systems comprise the types of alarm systems that would receive 'passing' scores in this category?*

Fire Alarm Systems and Smoke Alarms that meet Fire/Building Codes and Standards would meet a passing score. Again, this is determined by LDPs as the subject matter experts who use their professional judgment.

Should you have questions, please contact Acting Assistant Chief Craig Uchimura of our Support Services division at 808-723-7105 or cuchimura@honolulu.gov.

Sincerely,

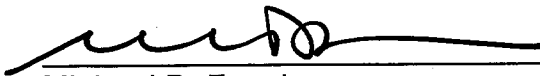
Hao,
Sheldon K

Digitally signed by Hao,
Sheldon K
Date: 2022.02.03
13:41:44 -10'00'

SHELDON K. HAO
Fire Chief

Attachments

APPROVED:

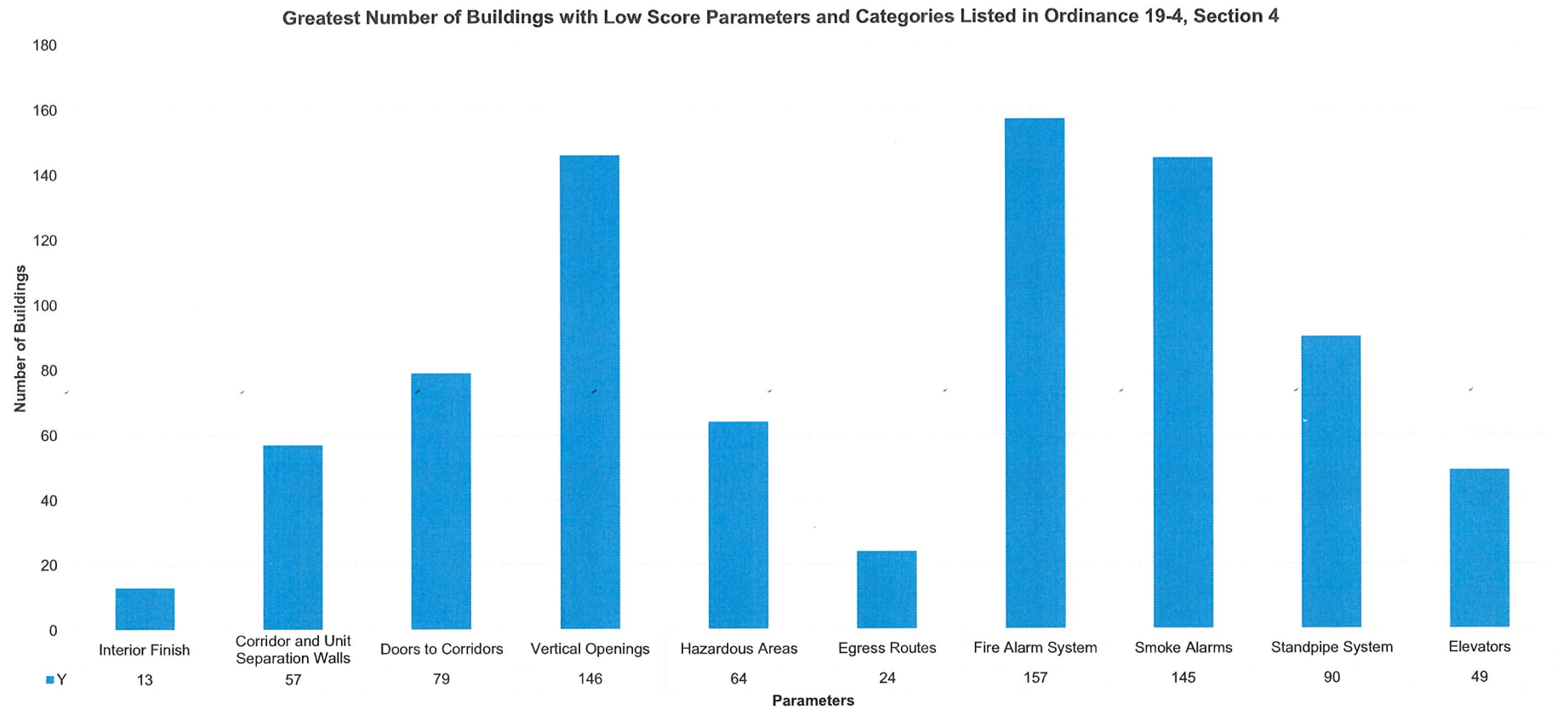


Michael D. Formby
Managing Director

Life Safety Evaluation (LSE) Received from Existing High-Rise Residential Buildings

1001 Wilder	Fairway Gardens
1010 Wilder	Fairway Manor
1011 Prospect	Fairway Villa
1013 Prospect	Five Regents
1073 Kinau	Foster Towers, Residential Tower
1111 Wilder Avenue	Four Paddle Condominium
1350 Ala Moana	Greenview
1616 Liholiho	Hale Anaole, Building A
2121 Ala Wai	Hale Kulanui
250 Ohua	Hale Moani
3003 Kalakaua	Hale O Kalani Towers
3019 Kalakaua	Hale O Pumehana
845 University	Harbor Square, Harbor Tower
Academy Tower	Harbor Square, Town Tower
Ala Wai East	Harbor View Plaza
Ala Wai Mansion	Harbour Ridge
Ala Wai Manor	Hawaiian Crown Apartments
Ala Wai Plaza, Ala Wai Tower	Hawaiian Princess at Makaha
Ala Wai Plaza, Diamond Head Tower	Heritage House - Residential
Ala Wai Town House	Holiday Manor
Aloha Lani	Holiday Village
Aloha Tower I	Hono Hale Towers, Building A
Aloha Tower II	Hono Hale Towers, Building B
Anga-Roa	Hono Hale Towers, Building C
Atkinson Plaza	Ilaniwai
Banyan Tree Plaza	Ilikai Marina Apartment Building
Bellevue Tower	Jason Apartments
Big Surf Condos	Ka Hale Moi I
Cathedral Point, Building C	Kaimana Lanais
Cathedral Point, Building D	Kalanihuia Building
Century Center	Kalakaua Midrise
Century West	Kalakaua Sands
Chateau Waikiki	Kapiolani Bel-Aire
Colony Surf	Kapiolani Royale
Coral Strand Apartments	Kauluwela I
Coral Terrace	Kemoo by the Lake
Coty Tower	Keola Hoonanea
Crescent Park	Keoni Ana Apartments
Crown Thurston	King Kalani
Diamond Head Apartments	Kuhio at Waikiki
Diamond Head Vista	Kuhio Plaza
Discovery Bay	Lake View Royal
Eden Gardens I	Lakeshore Tower

Lakeside Manor	Punahou Royale
Lakeside West	Punahou Vista
Lakeview Gardens	Rainbow Place
Lakeview Sands	Regency at Kahala
Lele Pono Condominium	Royal Kuhio Condo
Lime Tree	Sakura
Luna-liho Towers	Sans Souci
Makaha Valley Towers, Core 1	Scenic Tower
Makaha Valley Towers, Core 2	Seaside Suites
Makaha Valley Towers, Core 3	Seaside Towers Condo
Makaha Valley Towers, Core 4	Seventeen Seventeen Ala Wai
Makee Ailana	Sky Tower
Makiki Manor	Summer Place
Makiki Royal	The Alexander
Makiki Towers	The Alikā
Makikilani Plaza	The Consulate
Makini at Kinau	The Contessa
Makua Alii	The Magellan
Malulani Hale	The Maile Tower
Manoalani Apartments	The Niihau
Marina Towers	The Pavilion at Waikiki
Maunaihi Terrace	The Surfview
Mott-Smith Laniola	The Town House
Mount Terrace	The Villa on Eaton Square
Napili Towers	The Woodrose
Nuuanu Towers	Tradewinds Hotel, Building A
Oahu Surf Two	Tradewinds Hotel, Building B
Oahuan Tower	Tropic Seas, Building A
Ohualani	Twin Towers
Pacific Grand	Victoria Plaza
Pacific Manor	Victoria Towers
Pakalana	Village Maluhia
Palo Alto	Waikalani Woodlands, Building A
Paoakalani Tower	Waikalani Woodlands, Building B
Parkview	Waikalani Woodlands, Building C
Pearl One	Waikalani Woodlands, Building D
Pearlridge Gardens and Tower – Bldg 7	Waikiki Imperial Apartments
Pearlridge Square	Waikiki Park Heights
Piikoi Plaza	Waikiki Shore Apartments
Piikoi Tower	Waikiki Skyliner
Pikake Manor	Waikiki Walina Apartments
Pohai Nani	Wailana at Waikiki
Princess Leilani	Ward Kinau
Prospect Tower	Wilder Regent
Pulelehua	Wilder Terrace
Pumehana Apartments	Wilder Tower



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CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR



SHELDON K. HAO
FIRE CHIEF

JASON SAMALA
DEPUTY FIRE CHIEF

February 9, 2022

The Honorable Carol Fukunaga, Chair
and Members
Committee on Public Infrastructure
and Technology
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Fukunaga and Councilmembers:

SUBJECT: Follow-up Questions Regarding the Current Status of Life Safety
Evaluations Filed with the Honolulu Fire Department and the Number of
Properties Subject to Ordinance 19-4

In response to your memorandum dated February 7, 2022, regarding the
abovementioned subject, attached is an updated listing of condominiums and co-op properties
that are subject to the requirements in Ordinance 19-4. There are 323 buildings that are
subject to these requirements.

Should you have questions, please contact Acting Assistant Chief Craig Uchimura of
our Support Services division at 808- 723-7105 or cuchimura@honolulu.gov.

Sincerely,

Hao,

Sheldon K

SHELDON K. HAO
Fire Chief

Digitally signed by
Hao, Sheldon K
Date: 2022.02.09
16:06:10 -10'00'

Attachment

APPROVED:

A handwritten signature in black ink, appearing to read "M. Formby", is written over a horizontal line.

Michael D. Formby
Managing Director

EXHIBIT D

Existing High-Rise Residential Buildings

1001 Wilder	Atkinson Towers
1010 Wilder	Banyan Tree Plaza
1011 Prospect	Bellevue Towers
1013 Prospect	Big Surf Condos
1040 Kinau	Boulevard Towers
1073 Kinau	Canal House
1111 Wilder Ave	Canterbury Place
1112 Kinau	Cathedral Point- Building C
1134 Kinau	Cathedral Point- Building D
1350 Ala Moana	Centre Court
1616 Liholiho	Century Center
1628 Keeaumoku St	Century West
1650 Young	Chateau Waikiki
2033 Nuuanu	Colonnade on the Green - Building 2
2121 Ala Wai	Colonnade on the Green - Building 4
2233 Ala Wai	Colonnade on the Green - Building 5
250 Ohua	Colony Beach
3003 Kalakaua	Colony Surf
3019 Kalakaua	Coral Strand Apartments
435 Walina Apartments	Coral Terrace
845 University	Coty Tower
965 Prospect	Crescent Park Aoao
999 Wilder	Crown Thurston
Academy Towers	Diamond Head Apartments
Ala Moana Tower	Diamond Head Vista
Ala Wai Cove	Discovery Bay
Ala Wai East	Dominis West
Ala Wai Manor	Dynasty Tower
Ala Wai Mansion	Eden Gardens I
Ala Wai Palms	Fairway Gardens
Ala Wai Plaza - Ala Wai Tower	Fairway Manor
Ala Wai Plaza - Diamond Head Tower	Fairway Villa
Ala Wai Plaza Skyrise	Five Regents
Ala Wai Town House	Foster Towers - Residential Tower
Ala Wailani	Four Forty Four
Alexander Arms	Four Paddle Condominium
Aloha Lani	Governor Cleghorn
Aloha Tower I	Greenview
Aloha Tower II	Greenwood
Anga-Roa	H & M (A) Apartments
Atkinson Plaza	H & M Apartments

Haiku Hale - Building C
Halawa View Apartments - Building A
Hale Anaole Bldg A
Hale Kulanui
Hale Luana
Hale Moani
Hale O Kalani Towers
Hale O Pumehana
Harbor Square-Harbortower
Harbor Square-Town Tower
Harbor View Plaza
Harbour Ridge
Hawaiian Crown Apartments
Hawaiian Princess at Makaha
Heritage House - Residential
Holiday Lakeview
Holiday Manor
Holiday Village
Hono Hale Towers - Building A
Hono Hale Towers - Building B
Hono Hale Towers - Building C
Ilaniwai
Ilikai Marina Apartment Building
Jason Apartments
Ka Hale Moi I
Kaahumanu Plaza
Kahala Towers - Building A
Kahala Towers - Building B
Kahana Kai
Kailani
Kaimana Lanais
Kaimana Villa
Kaimuki Jade
Kaiolu Sunrise
Kalakaua Homes
Kalakaua Sands
Kalanihuia Building
Kapiolani Bel-Aire
Kapiolani Gardens
Kapiolani Manor
Kapiolani Royale
Kapiolani Terrace
Kapiolani Towers

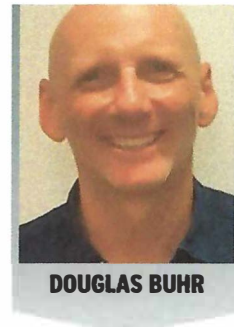
Kapiolani Town House
Kauaalana Manor
Kauhale Condos
Kauluwela 1
Kealani Condominium
Kemoo by The Lake
Keola Hoonanea
Keoni Ana Apartments
Kinai Lanais
Kinai Terrace
Kinai Villa - Building D
King Kalani
King Manor
King'S Terrace
Kuhio at Waikiki
Kuhio Plaza
Kukui Plaza - Diamond Head Tower
Kukui Plaza - Ewa Tower
La Casa
Lake View Royal
Lakeshore Tower
Lakeside Manor
Lakeside West
Lakeview Gardens
Lakeview Sands
Lakeview Terrace
Lehua Manor
Lehua Nani Apartments
Leisure Heritage
Lele Pono Condominium
Liliha Square
Liliuokalani Plaza
Lime Tree
Lukepane Court
Luna-Liho Towers
Lunalilo Tower
Makaha Valley Towers - Core 1
Makaha Valley Towers - Core 2
Makaha Valley Towers - Core 3
Makaha Valley Towers - Core 4
Makee Ailana
Makiki Manor
Makiki Plaza

Makiki Regent
Makiki Royal
Makiki Towers
Makikilani Plaza
Makini at Kinau
Makua Alii
Malulani Hale
Manoalani Apartments
Marco Polo
Marina Towers
Matlock Hale
Mauna Luan East
Mauna Luan West
Maunaihi Terrace
Mccully Villa
Meridian East
Monte Vista
Mott-Smith Laniloa
Mount Terrace
Naniwa Gardens
Napili Towers
Northbrook - Building D
Nuuanu Brookside
Nuuanu Towers
Oahu Surf One
Oahu Surf Two
Oahuan Tower
Ohualani
Pacific Grand
Pacific International
Pacific Manor
Pacific Palms
Pacifcana Apartments
Pakalana
Palms of Kilani
Palo Alto
Paoakalani Tower
Parkland Gardens
Parkview
Pearl One
Pearl Two
Pearlridge Gardens and Tower - Bldg 7
Pearlridge Square

Piikoi Plaza
Piikoi Tower
Pikake Manor
Plaza At Hawaii Kai
Pleasanton
Plumeria Hale
Pohai Nani
Pomaikai
Princess Kealoha
Princess Leilani
Prospect Tower
Pulelehua
Pumehana Apartments
Punahou Chalet
Punahou Circle Apartments
Punahou Gardens
Punahou Manor
Punahou Royale
Punahou Sunset
Punahou Tower
Punahou Vista
Punahou Wilder
Queen Emma Gardens King Tower
Queen Emma Gardens Prince Tower
Queen Emma Gardens Queen Tower
Rainbow Place
Regency Ala Wai
Regency at Kahala
Regency Park - Building 1
Regency Tower
Rosalei
Rose Terrace
Royal Aloha Condominium
Royal Court
Royal Kuhio Condo
Royal Towers
Royal Vista
Sakura
Sans Souci
Scandia Towers
Scenic Tower
Seabreeze
Seaside Suites

Seaside Towers Condo
Seventeen Seventeen Ala Wai
Sky Tower
Summer Palace
Summer Villa
Sunset Lakeview - Building A
Sunset Lakeview - Building B
Sunset Towers
Terrace Towers
The Alexander
The Alike
The Barclay
The Bel Aire
The Camelot
The Chandelier
The Consulate
The Contessa
The Coronet
The Hausten
The Highlander
The Kalia - Building A
The Kalia - Building B
The Kalia - Building C
The Kamaaina
The Magellan
The Maile Tower
The Niihau
The Palms Condominium
The Pavilion at Waikiki
The Sandalwood
The Seashore
The Surfview
The Towers at Kuhio Park - Tower A
The Towers at Kuhio Park - Tower B
The Town House
The Villa on Eaton Square
The Woodrose
Tradewinds Hotel - Building A
Tradewinds Hotel - Building B
Tradewinds Plaza
Tropic Seas - Building A
Twin Towers
University Villa

Victoria Mansion A
Victoria Plaza
Victoria Towers
Village Maluhia
Waikalani Woodlands - Building A
Waikalani Woodlands - Building B
Waikalani Woodlands - Building C
Waikalani Woodlands - Building D
Waikele Towers
Waikiki Imperial Apartments
Waikiki Lanais
Waikiki Park Heights
Waikiki Shore Apartments
Waikiki Skyliner
Waikiki Skytower
Waikiki Townhouse
Waikiki Walina Apartments
Wailana at Waikiki
Waipuna
Ward Kinau
Wilder at Piikoi-Tower
Wilder Regent
Wilder Terrace
Wilder Tower
Yacht Harbor Towers - Diamond Head Tower
Yacht Harbor Towers - Ewa Tower



DOUGLAS BUHR

Fire and Life Safety Evaluation Fact and Fiction

A few keys to passing—or failing—the city's mandatory evaluation

There is a rumor that the Honolulu Fire Department is requiring sprinklers in all high-rise buildings. I'm happy to report that rumor is false.

It is true, however, that the fire department (and the former mayor) wants every high-rise to have fire sprinklers installed, but the City Council disagrees with this approach, and that is what gave birth to the Fire and Life Safety Evaluation.

The Marco Polo fire in 2017 brought to light the hidden dangers of high-rise

living. Many of the current building codes were enacted to address the dangers that have been evolving in high-rises over the past 50 years. I say evolving because there are different dangers now than in the 1960s and '70s when many of these buildings were built.

Building and fire codes evolve along with the advancements in building materials, but it is rare when a new code is applied retroactively to older buildings. Some disasters are so devastating that local governments feel compelled to act. After the deadly fire in the Marco

Polo, then-Mayor Kirk Caldwell introduced a bill requiring sprinklers in all high-rises. Bill 69 eventually passed but was amended to encourage the installation of sprinklers but stopped short of mandating it.

In the place of an all-out fire sprinkler mandate, Ordinance 18-14 was passed (amended by 19-4, 20-48, 21-3 and 21-14). As amended, it requires existing high-rises not protected by an automatic fire sprinkler system to either install one or pass a Fire and Life Safety Evaluation (FLSE) and opt out of fire

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sprinkler coverage by a majority vote of the owners. There are two significant deadlines to the FLSE process. The deadline to submit a completed evaluation is May 2, 2022. The deadline to pass the evaluation is May 2, 2025.

Five areas are evaluated in the FLSE: compartmentation, extinguishment, egress, general occupant and firefighter safety. Points are given in each area based upon the actual conditions in the building being evaluated. An evaluation is made of things like construction materials, finishes, separation walls, exit access, smoke management, extinguishing systems, etc. A deficiency in one area can sometimes be made up by racking up points in another area.

There are a few items in the evaluation that are "deal killers," meaning there aren't enough points in other items to make up for the deficiency. Door stops on doors that are required to be closed is one such "deal killer." One door stop on a unit door will make the whole building fail. Another "deal killer" is a non-compliant fire alarm system.

These are the two items most often found when doing evaluations. Door-stops are easily removed. The fire alarm system is a different story.

The main feature of a fire alarm system is that it notifies residents of the need to evacuate. Proper notification requires that the system be heard in every room in the building. Old-fashioned bell systems do not do that job. We have done testing on old bell and horn systems and found that a 95-decibel signal in the hallway does not even register on the sound meter in the bedroom of an adjacent unit. This is

not acceptable and is the driving force behind the need for replacement of these old systems.

The new systems being installed are voice-evacuation style, meaning that there is a tone and a voice message. This is advantageous in that specific instructions can be given to direct residents if required. This system can also double as an announcement system for any other purpose, from a tsunami warning to the start of a party on the recreation deck.

The evaluation itself is straightforward to a seasoned professional, and there are some areas where professional judgement must be exercised. It is these areas that make the difference in the outcome of the evaluation. A good example of this is the requirement that a building not have any vertical openings between floors. The evaluation gives four choices for the evaluator to choose from:

- Open four or more floors.
- Open two or three floors.
- Enclosed with less than one-hour fire resistance.
- Enclosed with greater than one-hour fire resistance.

It has been our professional judgement (backed by the concurrence of people who were involved in devising the evaluation) that a pipe that penetrates a floor and is enclosed in a wall, is enclosed with less than one-hour fire resistance earning it 0 points. Zero points can easily be overcome by achieving extra points from other systems. We have seen professional judgement that says a pipe enclosed in a wall that is not fire stopped at each

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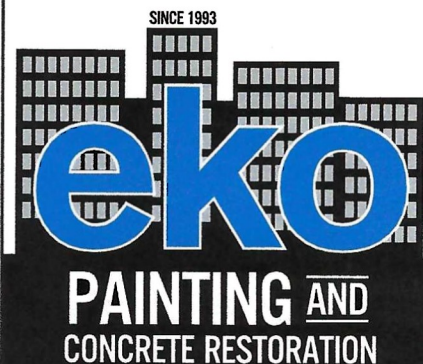
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FREE ESTIMATE

See Fire and Life on page 47

leading to water heaters, dishwashers, washing machines and refrigerator icemakers. You may also want to suggest to the building owner/manager that they invest in a water leak monitoring and shut-off system that can alert you to any leakage issues. Immediately replace any hoses that have cracks or leaks and replace them every five to seven years.

- Inspect the seal and caulking around showers and tubs to make sure they are watertight. Reseal them if necessary.

- Check plumbing and heating pipes for cracks and leaks. If you see visible signs of wear, make these repairs immediately.

Commercial restoration services

When hiring a restoration company, it will be beneficial to the property manager and/or caretaker to find out about all the restoration services they offer. Some companies will help you with the insurance process and paperwork, and if there is structural damage you'll want to make sure the company you hire is licensed to perform any building or reconstruction services required to restore the property to pre-damage condition.

This gives the property manager one convenient point of contact for the entire restoration process, eliminating the headaches that can come with juggling and scheduling the multiple trades to complete a job.

A really good restoration company will be able to manage a job from the initial inspection and assessment of the damage to the completion of the final paperwork when the job is done, and will provide:

- Commercial restoration.
- Commercial water restoration.
- Commercial fire restoration.
- Commercial mold remediation.
- Commercial storm and major events.
- Disaster recovery team.
- Commercial cleaning.
- Building services.

When your commercial business or property experiences water intrusion or any form of water damage, it is important to hire water restoration technicians who are highly trained and certified by the Institute of Inspection Cleaning and Restoration Certification, the nonprofit certifying body for the cleaning and restoration industry. They should have the advanced training, equipment and experience necessary to mitigate and restore any-sized water loss to pre-damage condition.

They should be able to assist you at any time of the day or night and be able to monitor and document the drying process to ensure the area is restored to normal humidity levels. ♦

Glenna Maras is the owner of SERVPRO of Kailua, an Institute of Inspection Cleaning and Restoration Certification (IICRC)-certified firm, along with her husband Andy Maras. (808) 235-5015 or Gmaras@Servpro10367.com

Fire and Life

Continued from page 45

floor is a vertical opening of four or more floors, earning it a negative 14 points. You can see that this very conservative approach guarantees the failure of the evaluation.

It is our experience, after evaluating over 100 buildings, that every building can indeed pass the Fire and Life Safety Evaluation for a fraction of the cost of installing fire sprinklers. We have also heard there is overwhelming support from unit owners in opting out. The votes that we have seen were over 95% in favor of opting out.

There is a choice for residential high-rise condo boards to make, either commit to installing a fire sprinkler system or opt out and pass the Fire and Life Safety Evaluation. Installing fire sprinklers improves safety but at significant cost. The Fire and Life Safety Evaluation has its shortcomings, but passing it greatly improves safety at a fraction of the cost to unit owners. Our experience, like the majority of unit owners, points to opting for the less expensive option. What will your association decide? ♦

Douglas Buhr is president of Douglas Engineering Pacific Inc., which has performed over 100 Fire and Life Safety Evaluations and designed over 150 fire alarm systems in the past 29 years. He has experience in performing fire source investigations and has qualified as an expert witness in fire alarm installation and electrical safety. dbuhr@douglasengineering.com or (808) 524-2434 x11

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**Fire Safety Life Safety Evaluation (LSE) Survey Questions
Hawaii Council of Community Associations**

Question 4 (38 Responses on November 9, 2021)

Question 12 Excerpts (1 - November 8, 2021, 38 - November 9, 2021, 10 - January 7, 2022)

12) Any comments you would like us to know about your challenges with the LSE or Residential Fire Safety Advisory Committee (RFSAC) Ordinance?

- Think the City is lumping every condo into one group and not looking at the different construction for each condo. Many, like Discovery Bay, is constructed to prevent fire from spreading from one unit to another. We had a real life example of this back in 1983. Fire consumed, and I mean consumed, a one bedroom apartment but the studio next door, which was only separated by dry wall, was not even harmed. Also the City and the Fire Department are not taking into consideration some of the main reasons the Marco Polo Fire was so bad. Like allowing illegal louvered front doors to the apartments. Also if the City and Fire Department are so worried about saving lives why are only Condos (multi family housing) being targeted. What about all the old single family homes that do not have sprinklers and some that don't even have a smoke detector installed in them. Always easier to pick on the multi unit housing. Associations are not getting a fair shake.
- Safety is always first, however cost and timeline for completion is not reasonable. Age of building has a pipe and plumbing programed priority, cost 2-3M, which drives an increase in AOAC Insurance, +30% or 45k (unplanned increase) Material goods + 35%, Labor passed to AOAC, +25%, Hiring a Qualified Project Manager, 100-150k, Plus the 3-7M project. This is the real cost at this time, which no AOAC can predict or budget. Meaning a simple 1 bedroom, 700 SF, maintenance fee cost @ 1200-1500 per month in order to support an older building (30-40 years) Review this cost with newer downtown projects, majority M/fee's have increased 50-100% because of pipes, window, leaks, construction problems. State loans or Fed loans a possibility, State Budget, not able to support. All AOAC's will need at least 15-20 years to have a change to operate a balance budget.
- Unable to finance with reserves. Looking at big loan to cover this and other necessary work, i.e., repiping. Concern for people on fixed income who might not be able to pay their portion.
- This ordinance puts an unbearable financial burden on elderly, the lower middle-class, and those on fixed incomes. It disproportionately affects those marginalized sectors of society who were unable to purchase into a single detached home or newer built condo in the first place.
- Although preparation is the best defense against fires, it does not necessarily mean spending "obscene" amounts of money for something that may or may not happen. Think initial costs to retrofit an older building to meet current fire code AND the necessary monies needed to maintain and upkeep the fire suppression system. This will also affect the future funding to the Capital Improvement Reserves. Even with the most advanced and sophisticated fire suppression system there will always be human error. Therefore instead of attacking future fires with a "solve all" attitude of installing a fire suppression system, more emphasis and funding should be placed on: 1) communicating, 2) educating, 3) fair and clear inspections (based on the uniqueness of a building) and 4) live training (think elementary school fire drills) for all buildings.

Fire Safety Life Safety Evaluation (LSE) Survey Questions
Hawaii Council of Community Associations

Question 4 (38 Responses on November 9, 2021)

Question 12 Excerpts (1 - November 8, 2021, 38 - November 9, 2021, 10 - January 7, 2022)

As noted before, human error causes fires. The Marco Polo fire did not just "happen". The "cause" of the Marco Polo fire should be made public and not hidden or kept in secret for fear of "placing responsibility" or exposing "errors made". In order to truly move forward and uphold true fire safety, the City and HFD must first gain respect and confidence with the citizens of Honolulu.

- Although owners did not receive estimates for installing sprinklers, we assumed that it would be more costly than fixing the deficiencies found in our FLSE. (Owners are already burdened with high maintenance fees that are rising every year.) In addition, many owners objected to the inconvenience and aesthetic changes sprinklers would create, issues that seemed more important than safety (building hasn't had a fire in over sixty years) and probable rise in future insurance rates. Therefore, the majority of owners opted out of sprinklers based on limited information and emotional reasons.

Owners were also told that if the majority decided to install sprinklers at a later date (the AOA has some million-dollar renovations that are urgently needed now), that the new fire alarm system w/annunciators could be modified to accommodate sprinklers rather than having to install another fire alarm system, an assumption I don't know whether to believe or not.

The challenges seem to be a lack of specific information about what our AOA really needs to fix in order to pass the FLSE, accurate costs of those repairs and renovations, and clear processes/guidelines and definite deadlines from the City and County. So many things seem to be in flux that owners are frustrated by the many changes that have already occurred and seem to be projected to occur in the future.

- Please stop penalizing condo owners. Homeowners are not forced to put sprinklers in even though more people die in house fires.
- These are costly upgrades that were mandated upon many Condo Owners based on 1 horrific incident. Owners should be allowed to vote on whether or not they want to take further action into the safety of their building which they selected as their home, likely based upon cost and location. The government is now FORCING Owners to spend funds, which Owners do not have, on retrofitting their older building for fire safety. Resources should be focused on maintaining and bringing up to code the existing components that create a life hazard.
- This was a poorly written and enacted ordinance. It creates severe economic hardships to those on fixed incomes, (frequently elderly or marginalized communities), who have purchased into some of the only truly "affordable housing" still available on-island... which is older condominium or co-op buildings.

The way that the ordinance is written and the way that the matrix is set up, it virtually guarantees a non-passing grade for these heretofore affordable buildings. It diverts funds already long-budgeted for the previously "standard" capital improvements (i.e; concrete/railing repairs, elevator modernizations, etc..) to a completely new and unnecessary water feature. It will invariably result in having to rob Peter to pay Paul, or

Fire Safety Life Safety Evaluation (LSE) Survey Questions
Hawaii Council of Community Associations

Question 4 (38 Responses on November 9, 2021)

Question 12 Excerpts (1 - November 8, 2021, 38 - November 9, 2021, 10 - January 7, 2022)

in deferred maintenance for critical infrastructure. And then, we will perhaps see buildings collapsing in Honolulu, as we saw happen in the recent Florida tragedy.

Additionally, many buildings simply do not have available common element space in which to put booster pumps to feed water sprinklers throughout the building. The space simply does not exist. What is the AOA supposed to do? Seize some deeded parking spaces for booster pumps? Again, this is a poorly written and enacted ordinance, based on an isolated tragic event. Please repeal this ordinance.

- As a LEASEHOLD CO-OP property, there is no way we can afford to complete these upgrades, even if we opt-out of the sprinklers and complete other options (to the tune of millions) to comply. An assessment to our owners with no way for them to re-coop the investment (due to decreasing equity as our leasehold expiration date nears) may create a walk-away exodus that would bankrupt the co-op.

As a leasehold: 1. Any owner assessments are difficult to re-coop since our equity declines as our leasehold deadline gets closer. This is different from condo ownership. 2. That our concrete construction (built in 1959), open corridors, only 13 floors and 2 stairwells that are used as both, emergency [exits] and access, per 8 units on each floor makes our property inherently fire safe. [Our property has 3 buildings of 13 floors, exterior corridors & lanais, 2 stairwells per 8 unit floors, and is concrete construction.]

This construction seems inherently safe in a fire situation, but because of the point system of the matrix, we can't pass due to not having fire-stops within our concrete walls. I think the matrix needs to be more flexible and weighted differently to take into account situations like this. I would also suggest the deadlines needs to be extended. [I strongly believe that the matrix needs to be re-worked, and weighted differently to comply, extend the deadlines, and include co-ops in any public financing and/or tax rebates.]

We have been diligently contacting fire sprinkler & fire system companies as well as several engineering companies that provide the LSE analysis. We paid one engineering firm in 2020 for the LSE assessment, but others have told us they would complete the assessment differently. How can every engineering firm, using the matrix, tell us something different to pass?

- 1) Funding for LSE upgrades or fire sprinklers on top of existing replacement costs. 2) Having to choose on upgrades or fire sprinklers based on finances. 3) Rising insurance premiums which seems to not be based on the installation of fire sprinklers. 4) Deadline requirements to fund LSE upgrades or fire sprinklers.
- We were fortunate that passing the LSE would not be too costly and most of the projects were already budgeted.

What does concern me is if HFD will eventually make it mandatory to install sprinklers in all buildings, even if an LSE is passed.

Fire Safety Life Safety Evaluation (LSE) Survey Questions
Hawaii Council of Community Associations

Question 4 (38 Responses on November 9, 2021)

Question 12 Excerpts (1 - November 8, 2021, 38 - November 9, 2021, 10 - January 7, 2022)

I also do not like the idea of having a huge sign stating we do not have sprinklers. I don't understand the reasoning behind this. HFD says it warns them of the danger, but surely it could be a smaller sign, or something in the Firebox at our elevators, similar to the list of limited mobility residents. And for prospective buyers, it would likely be included in the disclosures.

- Were there any case studies performed before this ordinance was passed? The condo owners are at the mercy of the engineer in order to pass the FLSE, which does not make any sense as they are a private entity and need revenue. Yearly Fire Safety inspections by the Fire Dept. should be sufficient. If the City is mandating the ordinance, then the City should provide monetary assistance. Also, the point system for the matrix should be reconsidered for those condos that are smaller and proactively protecting their residents.
- It's criminal for the city to mandate retrofitting 300 plus buildings in Honolulu with sprinkler systems for old buildings that were NEVER designed to accommodate the high pressure pumps and pipes required.

It would be impossible for all the buildings to do this retrofit since there are not enough or at the present time ANY qualified contractors to do so much work in the time allocated. Every building is unique and many have never had any significant fire in over 40 years. The disaster at Marco Polo was due multiple factors: building design, occupants that started the fire, inadequate water supply to existing fire hoses

- Sprinkler installation is a significant estimated cost that they cannot take on and add to all other capital expenditure costs and responsibilities including the unplanned for full waste pipe replacement.
- Different engineers have different opinions on how to pass each building resulting in huge discrepancies with pricing. This ordinance is a huge financial burden to the condo owners resulting in deferred maintenance to other major projects like plumbing and spalling repairs.
- Buildings built before 2000 should be grandfathered to not have sprinklers.
- This is the worst time for condos. Aging buildings and infrastructure demand other repairs, some budgeted and some not. This added large cost is not fair, especially for the elderly that are on fixed incomes.
- Cost estimates seem to be unreliable and will likely exceed what is provided. While our building has received an estimate for costs to install a water sprinkler system, it is likely to NOT be accurate and may be double the costs provided. Same with upgrading (or installing new) fire alarm system to include voice evacuation message. These are major expenses that have not been previously included in our Reserve Study Analyses.