

(O-85-144)

ORDINANCE NUMBER O- **16443** (NEW SERIES)

ADOPTED ON **JUN 10 1985**

AN ORDINANCE AMENDING CHAPTER V, ARTICLE 5, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 55.88.101, 55.88.102, 55.88.103, 55.88.104, 55.88.105 AND 55.88.106 TO ESTABLISH THE COMBUSTIBLE, EXPLOSIVE AND DANGEROUS MATERIAL (CEDMAT) INSPECTION PROGRAM.

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

Section 1. That Chapter V, Article 5, of the San Diego Municipal Code be and the same is hereby amended by adding Sections 55.88.101, 55.88.102, 55.88.103, 55.88.104, 55.88.105 and 55.88.106 to read as follows:

SEC. 55.88.101 LEGISLATIVE DECLARATION AND FINDINGS

(a) The Council of The City of San Diego finds that the advances in technology and the increasing presence and utilization of industrially useful but otherwise combustible, explosive or dangerous material within the commercial sector represent an increased hazard to the community and emergency response personnel during emergency situations, particularly during fire suppression activities. The increased threat to human and environmental safety requires careful planning to maximize effective emergency response. The Council further finds that an expanded fire inspection program is appropriate in order to develop plans for the

effective management of fire and related emergency incidents involving materials that pose an otherwise unusual or extra hazard to public safety.

(b) To accomplish these objectives, the City Council hereby establishes the Combustible, Explosive and Dangerous Material (CEDMAT) Inspection Program. The program shall be administered by the Fire Chief and such assistants as he may designate, under the authority and provisions of the Uniform Fire Code, as hereinbefore adopted.

(c) Definition. The term "Combustible, Explosive and Dangerous Material" or its acronym "CEDMAT" shall refer to all those substances as defined by the California Department of Health Services in Title 22, California Administrative Code section 66680, or any such successor list as may be adopted in the future by the California Department of Health Services, and hazardous materials otherwise generically or specifically described in section 80.101 of the Uniform Fire Code, 1982, as adopted and amended.

SEC. 55.88.102 PURPOSE

The purpose of the CEDMAT Inspection Program is to:

(a) Inspect occupancies, as defined in the Uniform Fire Code, within The City of San Diego, to determine the type and location of combustible, explosive and dangerous materials which may be present and the scope of risk presented by the presence of such materials.

(b) Create CEDMAT action programs for the optimum containment, suppression and management of incendiary and related emergency response incidents involving such occupancies and materials; and

(c) Compile and analyze information relative to such materials and occupancies in fulfillment of the purposes set forth in subparagraphs (a) and (b) herein.

SEC. 55.88.103 INSPECTIONS

The Fire Chief shall cause periodic CEDMAT inspections to be made of occupancies, such as buildings, structures and installations, within The City of San Diego and determine whether combustible, explosive or otherwise dangerous material exists.

Whenever necessary to make an inspection to enforce any of the provisions of this section, the Chief or his authorized representative may enter an occupancy at all reasonable times and after reasonable notice to inspect the same, provided that if such building or premises be occupied, he shall first present proper credentials to the occupants and request entry. If such building or premises be unoccupied, a reasonable effort shall be made to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, an inspection warrant pursuant to California Code of Civil Procedure section 1822.50 et seq., may be sought to authorize entry without the consent of the owner or other persons having

charge or control of the building or premises.

During any inspection, the Chief or his authorized representative may request the following information from the owner, or other persons having charge or control of any building, structure or installation: (1) a listing of any combustible, explosive or dangerous material, as defined in section 55.88.101, by either its chemical or common name, or by description of the relevant chemical properties which render it combustible, explosive or dangerous; (2) a description of where such combustible, explosive or dangerous materials are normally located in the building, structure or installation.

The owner, or other persons having charge or control of the premises shall be allowed 15 days in which to provide information requested under this section.

It shall be unlawful for the owner, or other persons having charge or control of the premises to refuse to provide information requested pursuant to this section, to provide false information, or to refuse entry to the Fire Chief or his authorized representative when presented with a legally issued inspection warrant after notice is provided as required by law.

SEC. 55.88.104. FEES

It is the policy of The City of San Diego to impose

reasonable fees for full cost recovery for inspection services. "Full cost" shall constitute only those direct costs specifically added to the City budget to conduct this program and shall not include costs budgeted to accomplish primary Fire Department functions. Fees for such inspection services shall be assessed as follows: occupancies of 2,500 square feet or less will be assessed \$62.00 per year; occupancies of 2,501 to 10,000 square feet will be assessed \$102.00 per year; occupancies of 10,001 or more square feet will be assessed \$193.00 per year. For purposes of assessing a fee under this section, the term "occupancy" shall mean a structure or building or aggregation of structures or buildings, all of which are located on one property or adjoining properties under the same ownership or entitlement to use and operate and all of which are determined by the Chief to be related to one another through a similar product, raw material or function. Fees collected by the City Manager pursuant to this section shall be identified in a separate account. Funds from this account shall be used to reimburse the actual cost of the salaries paid to, and equipment, materials and office space used by, Fire Department employees inspecting occupancies and compiling the information obtained under the CEDMAT Inspection Program. For employees working on programs in addition to the CEDMAT Inspection Program, reimbursement shall be

based on the proportionate share of the employee's time spent on the CEDMAT Inspection Program. Excess funds remaining in the account at the end of a fiscal year shall be reserved for costs associated with the CEDMAT Inspection Program for the following fiscal year or years.

SEC. 55.88.105 NONPUBLIC RECORD STATUS AND DISCLOSURE REQUIREMENTS

(a) Records of inspection, inventories, information and action plans developed in connection with the CEDMAT Inspection Program, are for the exclusive use of the Fire Chief and his designees. Such records shall be further subject to all statutory protection and exemption against public disclosure otherwise allowed by law. The City Council finds and hereby declares that this information, were it accessible to the general public, may potentially be used to sabotage, destroy or otherwise damage industrial facilities. The Council further declares, pursuant to Government Code section 6255, that the public interest served by not making such information public clearly outweighs the public interest served by disclosure. The City Council further finds and declares that a guarantee of confidentiality is essential for information collected under the CEDMAT Inspection Program, because without such guarantee the Chief would be unable as a practical matter to collect fully complete and accurate

information regarding combustible, explosive or other dangerous materials due to legitimate business concerns regarding the security and safety of business facilities and the protection of trade secrets and other competitive information.

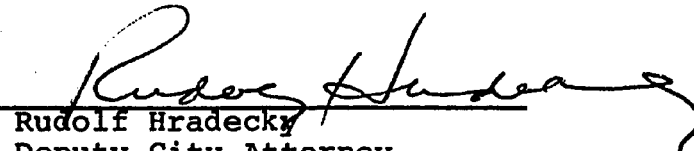
(b) If a request or other action is made seeking the release of information collected under the CEDMAT Inspection Program, the Fire Chief or his designee shall, to the extent practicable, notify the owner, operator or manager of any occupancy which supplied such information. Information collected under the CEDMAT Inspection Program shall not be released to the public except pursuant to a court order determining that, notwithstanding the provisions of this section, such release is legally required.

SEC. 55.88.106

It is the intent of the City Council that the CEDMAT Inspection Program be reviewed, studied for its record of costs and benefits, and reauthorized if deemed necessary after such review. Therefore, sections 55.88.101 through 55.88.105 shall remain in effect only until July 1, 1989, and as of that date are repealed, unless a later ordinance enacted before such date deletes or extends that date.

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:sam:511
5/9/85
Or.Dept:Fire
O-85-144
Form=o.none

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Passed and adopted by the Council of The City of San Diego on JUN 10 1985
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By June A. 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

MAY 28 1985

JUN 10 1985

~~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 A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

Ordinance 0-16443
Number Adopted

JUN 10 1985

CERTIFICATE OF PUBLICATION

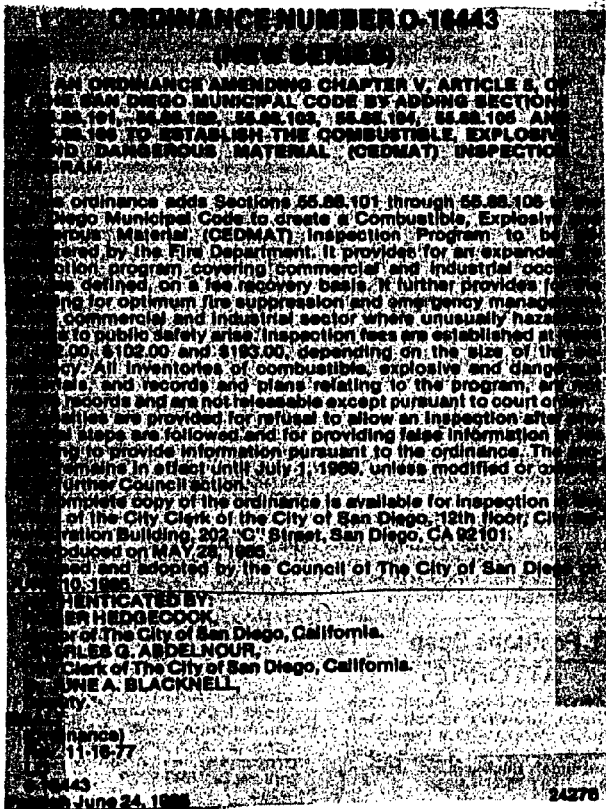
RECEIVED
JUN 27 AM 11:23
SAN DIEGO, CALIF.

THE CITY OF SAN DIEGO
202 "C" STREET - 12TH FLOOR
SAN DIEGO CA 92101

IN THE MATTER OF

NO.

TO ESTABLISH THE COMBUSTIBLE, EXPLOSIVE AND DANGEROUS
MATERIAL (CEDMAT) INSPECTION PROGRAM



I, Michael L. Ungashick, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-16443

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

June 24, 1984

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 24th day of June, 1985.

Michael L. Ungashick
(Signature)

9.875 X 2 X 9.76 = 193.76

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