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ORDINANCE NUMBER O- 20188 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 31 2012

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1, SECTIONS 55.0101, 55.0102, 55.0103, AND 55.0104; DIVISION 2, SECTION 55.0201; DIVISION 3, SECTIONS 55.0301, 55.0304, AND 55.0307; DIVISION 4, SECTIONS 55.0401, AND 55.0403; DIVISION 5, SECTION 55.0501, AND ADOPTING SECTIONS 55.0505, AND 55.0507; DIVISION 6, SECTION 55.0601; DIVISION 7, SECTION 55.0701; DIVISION 8, SECTION 55.0801; DIVISION 9, SECTIONS 55.0901, AND 55.0903; DIVISION 10, TITLE 'MEANS OF EGRESS' AND, SECTION 55.1001; DIVISION 11, SECTION 55.1101; DIVISION 12, SECTION 55.1201; DIVISION 13, SECTION 55.1301; DIVISION 14, SECTION 55.1401; DIVISION 15, SECTION 55.1501; DIVISION 16, SECTION 55.1601; DIVISION 17, SECTION 55.1701; DIVISION 18, SECTION 55.1801; DIVISION 19, SECTION 55.1901; DIVISION 20, SECTION 55.2001; DIVISION 21, SECTION 55.2101; DIVISION 22, SECTION 55.2201; DIVISION 23, SECTION 55.2301; DIVISION 24, SECTION 55.2401; DIVISION 25, SECTION 55.2501; DIVISION 26, SECTION 55.2601; DIVISION 27, SECTION 55.2701; DIVISION 28, SECTION 55.2801; DIVISION 29, SECTION 55.2901; DIVISION 30, SECTION 55.3001; DIVISION 31, SECTION 55.3101; DIVISION 32, SECTION 55.3201; DIVISION 33, SECTION 55.3301 AND ADOPTING SECTION 55.3310; DIVISION 34, SECTION 55.3401; DIVISION 35, TITLE 'FLAMMABLE GASES AND FLAMMABLE CRYOGENIC FLUIDS', AND SECTION 55.3501; DIVISION 36, SECTION 55.3601; DIVISION 37, SECTION 55.3701; DIVISION 38, SECTION 55.3801; DIVISION 39, SECTION 55.3901; DIVISION 40, SECTION 55.4001; DIVISION 41, SECTION 55.4101; DIVISION 42, SECTION 55.4201; DIVISION 43, SECTION 55.4301; DIVISION 44, SECTION 55.4401; DIVISION 45, TITLE 'MARINAS', AND SECTION 55.4501; DIVISION 46, TITLE 'CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS', AND SECTION 4601; DIVISION 47, TITLE 'REFERENCED STANDARDS', AND SECTION 55.4701; DIVISION 48, TITLE 'MOTION PICTURE AND TELEVISION PRODUCTION STUDIO SOUND STAGES, APPROVED PRODUCTION FACILITIES AND PRODUCTION LOCATIONS', AND SECTION 55.4801 AND REPEALING SECTION 55.4808;

DIVISION 49, TITLE 'REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS', AND SECTION 55.4901; AND DIVISION 50, SECTION 55.5001, ALL RELATING TO FIRE REGULATIONS AND THE ADOPTION OF THE 2010 CALIFORNIA FIRE CODE BY THE STATE OF CALIFORNIA.

WHEREAS, the State of California has adopted the 2010 California Fire Code, which will be in effect January 1, 2011; and

WHEREAS, the 2010 California Fire Code contains provisions which will conflict with the current San Diego Municipal Code Chapter 5, Article 5, which adopted and amended the 2007 California Fire Code; and

WHEREAS, San Diego Municipal Code Chapter 5, Article 5, must now be amended to adopt and amend with the 2010 California Fire Code in order to address the unique fire-protection needs of the City of San Diego; NOW, THEREFORE,

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

Section 1. That Chapter 5, Article 5 of the San Diego Municipal Code is amended to read as follows:

Article 5: Fire Protection and Prevention

Division 1: Adoption of the 2010 California Fire Code

§55.0101 Adoption of the 2010 California Fire Code Purpose and Intent, and Administrative Provisions

(a) Portions of the California Fire Code (2010 Edition) adopted. Except as otherwise provided in this Article, the California Fire Code (2010 Edition), which incorporates and amends the International Fire Code (2009 Edition), including adopted appendices, is hereby adopted by reference. A copy of the California Fire Code (2010 Edition) is on file in the office of the City Clerk as Document No. OO- 20188 . The

California Fire Code (2010 Edition), is referred to in this Article as the 2010 California Fire Code or the California Fire Code.

(b) San Diego Fire Code. The document known as the San Diego Fire Code consists of the following documents:

(1) Those portions of the *2010 California* Fire Code adopted by the City in section 55.0101 with changes as specified in Chapter 5, Article 5, of the San Diego Municipal Code;

(2) Sections 55.0101 through 55.5001 of Chapter 5, Article 5, of the San Diego Municipal Code; and

(3) Applicable sections of the California Code of Regulations.

(c) Relationship of the San Diego Municipal Code section numbers to the 2010 California Fire Code section numbers. Sections within the 2010 California Fire Code retain those same section numbers when referred to within the text of the San Diego Municipal Code. Thus, section 901 of the 2010 California Fire Code will be cited as the 2010 California Fire Code section 901 within the text of the San Diego Municipal Code.

Where a section of the 2010 California Fire Code is adopted with changes, it is promulgated within the Municipal Code by using a numbering system to reflect both the Municipal Code numbering system and the 2010 California Fire Code numbering system. For example, section 901 of the 2010 California Fire Code is adopted with changes in San Diego Municipal Code section 55.0901. The first two digits to the left of the first decimal point are the chapter and article number of the San Diego Municipal Code. The two digits to the right of the first decimal point

represent the San Diego Municipal Code's division number. The last four digits reflect the numbering system of the 2010 California Fire Code. A zero (0) after the decimal point is a filler to accommodate the San Diego Municipal Code numbering system and is added when the section number in the 2010 California Fire Code is less than four digits.

The Municipal Code numbering system reflects the numbering system of the 2010 California Fire Code excluding the chapter and article numbers to the left of the decimal point and, when appropriate, the utilization of a filler zero (0). Consequently, with these modifications, the numbering in San Diego Municipal Code sections 55.0101 through 55.5001 corresponds with the numbering system change in the 2010 California Fire Code.

(d) Definitions. Whenever the following terms appear within the text of the 2010 California Fire Code, they shall have the following definitions:

Fire Code Official means the Fire Chief of the City of San Diego.

Municipality or jurisdiction means the City of San Diego.

(e) Prospective and Retrospective Application. Unless specifically stating that they may be applied prospectively only, provisions of the San Diego Fire Code may be retrospectively applied in accordance with the 2010 California Fire Code, section 102.

(f) Effective Date. Unless otherwise stated in a specific San Diego Municipal Code section or 2010 California Fire Code section adopted by the City, the effective date of the 2010 San Diego Fire Code shall be January 1, 2011.

(g) Reference to California Building Code. Any reference within the San Diego Fire Code to the "C.B.C." or "California Building Code" shall refer to those provisions of the California Building Code as adopted by Chapter 14 of the San Diego Municipal Code.

(h) Portions of the 2010 California Fire Code not Adopted. The following section and appendices of the 2010 California Fire Code are not adopted:

(1) Section 4604.23,

(2) APPENDIX A,

(3) APPENDIX D,

(4) APPENDIX E,

(5) APPENDIX F, and

(6) APPENDIX G.

§55.0102 Modifications to the 2010 California Fire Code Adopted by the City of San Diego

The following adopted sections or sub-sections of the 2010 California Fire Code have been modified by the City of San Diego:

(a) Chapter 1, Section 108, Board of Appeals. (*see* section 55.0104);

(b) Chapter 3, Section 304.1.2, Vegetation. (*see* section 55.0304);

(c) Chapter 3, Section 307.4.1, Bonfires. (*see* section 55.0307);

(d) Chapter 5, Section 505.1, Address identification. (*see* section 55.0505);

(e) Chapter 5, Section 507.5.1, Where required. (*see* section 55.0507);

(f) Chapter 9, Section 901.7, Systems and Systems out of service. (*see* section 55.0901);

(g) Chapter 9, Section 903.6, Existing buildings. (*see* section 55.0903); and

(h) Chapter 27, Section 2701. Hazardous Materials-General Provisions. (*see* section 55.2701).

§55.0103 Adoption of Appendices to the 2010 California Fire Code

The following Appendix Chapter and appendices of the 2010 California Fire Code are adopted by the City of San Diego:

(a) Appendix Chapter 4, Special Detailed Requirements Based On Use And Occupancy;

(b) Appendix B, Fire-Flow Requirements for Buildings;

(c) Appendix BB, Fire-Flow Requirements for Buildings;

(d) Appendix C, Fire Hydrant Locations and Distribution;

(e) Appendix CC, Fire Hydrant Locations and Distribution; and

(f) Appendix H, Hazardous Materials Management Plans and Hazardous Materials Inventory Statements.

§55.0104 California Fire Code, Chapter 1 - Scope and Administration

(a) 1.1.1 Title through 107.6 Overcrowding. Sections 1.1.1 through 107.6 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

(b) 108.1 Board of Appeals. When a question involving the interpretation of the intent and purpose of any provisions of the San Diego Fire Code or the suitability of alternate materials and types of construction is presented to the *Fire Code Official*, the *Fire Code Official* may request the Board of Building Appeals and Advisors to investigate such matters under the procedures established in section 111.0207 of the San Diego Municipal

Code regarding building inspection. The request for Board action may come from any citizen that is affected by the San Diego Fire Code.

(c) 108.2 Limitations on authority through 113.5 Refunds. Sections 108.2 through 113.5 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 2: Definitions

§55.0201 Definitions

201.1 Scope through 202 General Definitions. Sections 201.1 through 202 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 3: General Precautions Against Fire

§55.0301 General Precautions Against Fire

301.1 Scope through 304.1.1 Waste material. Sections 301.1 through 304.1.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.0304 Combustible Waste Material

(a) 304.1.2 Vegetation.

Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in the urban-wildland interface areas shall be in accordance with California Fire Code Chapter 49 and the *City of San Diego Land Development Code.*

(b) 304.1.2.1 Clearance of brush and vegetative growth from roadways.

The *Fire Code Official* is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of nonfire-resistive vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used for ground cover, provided they do not form a means of readily transmitting fire.

(c) 304.1.2.2 Clearance of brush and vegetative growth from electrical transmission and distribution lines.

Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with sections 304.1.2.2.1 through 304.1.2.2.5.

Exception: Sections 304.1.2.2.1 through 304.1.2.2.5 do not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

(d) 304.1.2.2.1 Support clearance.

Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the *Fire Code Official*.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

(e) 304.1.2.2.2 Electrical distribution and transmission line clearances. Clearances between vegetation and electrical lines shall be in accordance with sections 304.1.2.2.3 through 304.1.2.2.5.

(f) 304.1.2.2.3 Trimming clearance.

The radial clearances shown below are minimum clearances that shall be established, at the time of trimming, between vegetation and the energized conductors and associated live parts.

Exception: The *Fire Code Official* is authorized to establish minimum clearances different than those specified by Table 304.1.2.2.3 when evidence substantiating such other clearances is submitted to and approved by the *Fire Code Official*.

TABLE 304.1.2.2.3
MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES AT TIME OF TRIMING

LINE VOLTAGE	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30.5
230,001-500,000	115

(g) 304.1.2.2.4 Minimum clearance to be maintained.

Clearances not less than those established by Table 304.1.2.2.4 shall be maintained during such periods of time designated by the *Fire Code*

Official. The site-specific clearances achieved, at time of pruning, shall vary based on species' growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to the high voltage lines.

Exception: The *Fire Code Official* is authorized to establish minimum clearances different from those specified by Table 304.1.2.2.4 when evidence substantiating such other clearances is submitted to and approved by the *Fire Code Official*.

TABLE 304.1.2.2.4
MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE MAINTAINED

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30.5
230,001-500,000	115

(h) 304.1.2.2.5 Electrical power line emergencies.

During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 304.1.2.2.4.

(i) 304.1.2.3 Waste material.

Waste material shall not be placed, deposited or dumped in wildland-urban interface areas, or in, on or along trails, roadways or highways or

against structures in wildland-urban interface areas.

(j) 304.1.3 Space underneath seats through 307.4 Location. Sections 304.1.3 through 307.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.0307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces

(a) 307.4.1 Bonfires.

A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

Exceptions:

1. Fires upon beach areas shall be in accordance with San Diego Municipal Code sections 63.20.5(c) and (d).
2. Fires are not permitted in public parks except as provided in San Diego Municipal Code section 63.0102(b)(11).

(b) 307.4.2 Recreational fires through 317.1 Laundry carts with a capacity of 1 cubic yard or more. Sections 307.4.2 through 317.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 4: Emergency Planning and Preparedness

§55.0401 Emergency Planning and Preparedness

401.1 Scope through 403.1.1 Duties. Sections 401.1 through 403.1.1 of the

California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.0403 Standby Fire Department Personnel

(a) [No change in text]

(b) 403.2 Public safety plan through 408.11.3 Maintenance. Sections 403.2 through 408.11.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 5: Fire Service Features

§55.0501 Fire Service Features

501.1 Scope through 504.3 Stairway access to roof. Sections 501.1 through 504.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.0505 Premises Identification

(a) 505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. For buildings used exclusively for residential purposes complying with the California Residential Code, such numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). For all other buildings, such numbers shall be a minimum of 6 inches (152.4 mm) high with a minimum stroke width of

0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

(b) 505.2 Street or road signs through 507.5.6 Physical protection. Sections 505.2 through 507.5.6 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.0507 Fire Protection Water Supplies

(a) 507.5.1 Where required. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are constructed or moved into or within the jurisdiction after August 18, 1999. When any portion of the facility or building protected is in excess of 300 feet (91.44 m) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the *Fire Code Official.*

(b) 507.5.2 Inspection, testing and maintenance through 507.5.6 Physical protection. Sections 507.5.2 through 507.5.6 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

(c) 507.5.7. Fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the *Fire Code Official* to prevent obstruction by parking and other obstructions. When required by the *Fire Code Official*, hydrant locations shall be identified by the installation of reflective blue colored markers. Such markers shall be affixed to the

roadway surface, approximately centered between curbs, and at a right angle to the hydrant.

(d) 508.1 General through 510.3 Emergency responder radio coverage in existing buildings. Sections 508.1 through 510.3 of the California Fire Code have been adopted without change pursuant to sections 55.0101(a).

Article 5: Fire Protection and Prevention

Division 6: Building Services and Systems

§55.0601 Building Services and Systems

601.1 Scope through 609.3.4 Extinguishing system service. Sections 601.1 through 609.3.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 7: Fire-Resistance-Rated Construction

§55.0701 Fire-Resistance-Rated Construction

701.1 Scope through 704.2 Opening protectives. Sections 701.1 through 704.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 8: Interior Finish, Decorative Materials and Furnishings

§55.0801 Interior Finish, Decorative Materials and Furnishings

801.1 Scope through 808.2 Signs. Sections 801.1 through 808.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 9: Fire Protection Systems

§55.0901 Fire Protection Systems

(a) 901.1 Scope through 901.6.2.1 Records information. 901.1 through 901.6.2.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

(b) 901.7 Problematic Systems and Systems out of service. Where a required fire protection system is out of service for any reason, or experiences an excessive number of accidental activations, the fire department and *Fire Code Official* shall be notified immediately and, where required by the *Fire Code Official*, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.

(c) 901.7.1 Impairment coordinator through 903.6.2 Group I-2. Sections 901.7.1 through 903.6.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.0903 Automatic Sprinkler Systems – Existing High-Rise Buildings

(a) 903.6.3 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 California Building Code Section 3414 are exempt.

(b) 903.6.3.1 Definitions. For purposes of section 55.0903, defined terms appear in italics. The following terms have the following definitions apply in this section:

(1) *High-rise building* means 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.

High-rise buildings do not include:

(A) Hospitals as defined in California Health and Safety Code section 1250;

(B) Buildings used exclusively as open parking garages;

(C) Buildings where all floors above the seventy-five (75) foot level are used exclusively as open parking garage and are located above all other floors used for human occupancy;

(D) 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 Code Official*;

(E) Any buildings or structures owned by any government agency other than the City of San Diego; and

(F) R-2 occupancies as defined in the California Building Code.

(2) *Building access* means an exterior door opening that conforms to all of the following:

(A) Is suitable and available for fire department use;

(B) Is located not more than two feet above the adjacent ground level;

(C) Leads to a space, room or area having foot traffic communication capability with the remainder of the building; and

(D) 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 Code Official*.

(3) *Owner* means every person who, or entity which, alone, jointly or severally with others has legal title to any building or structure or has the legal right to structurally alter or modify such building or structure.

(c) 903.6.3.2 Applicability. Except as provided in this section, the provisions of section 55.0903 relating to installation of automatic fire sprinkler systems are hereby made applicable to all existing *high-rise buildings*, as defined in section 55.0903(d).

(d) 903.6.3.3 Fire sprinkler system. Automatic fire sprinkler systems required under section 903.6.3 of the San Diego Fire Code shall be installed in accordance with NFPA 13 as adopted by State Fire Marshal, with the

express provision that any later standard that imposes more stringent fire and life safety requirement shall apply at the time of installation.

(e) 903.6.3.4 Schedule of implementation. Each *owner* of a *high-rise building*, as defined in section 55.0903(b) shall install an approved automatic fire sprinkler system in each *high-rise building* in accordance with the following schedule:

(1) By January 1, 1990, the building *owner* shall submit a work plan to the *Fire Code Official* for approval. The work plan shall include technical sprinkler drawings and a time table for complete installation in accordance with section 903.6.3.4 of the San Diego Fire Code. The plan shall detail a schedule for completing the fire sprinkler system installation, giving priority to those floors in excess of seventy-five (75) feet above the lowest floor level having building access. The *Fire Code Official* is authorized to modify the schedule in this section to accommodate long-term leases; once approved, however, the schedule and plans may not be further modified;

(2) By January 1, 1993, one third (1/3) gross square footage of the structure shall be fire sprinklered;

(3) By January 1, 1996, two-thirds (2/3) gross square footage of the structure shall be fire sprinklered;

(4) By January 1, 1999, the entire gross square footage of the structure shall be fire sprinklered; and

(5) The *owner* of a *high-rise building* or structure that is subject to the provisions of this section, and that contains significant quantities of asbestos that will interfere with such installations 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 section, the gross square footage of a building or structure includes 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.

Notwithstanding the compliance schedule above, any owner of any high-rise building or structure subject to the provisions of this section, which contains significant quantities of asbestos, who agrees in writing prior to January 1, 1996, to demolish the subject

building, shall be exempt from the compliance schedule set forth in this section.

The written agreement shall constitute a covenant running with the land. Such agreement shall be recorded in the office of the County Recorder, San Diego County. The recordable agreement from (demolition agreement) shall be provided by the City.

(f) 903.6.3.5 Waiver of other provisions. The *Fire Code Official* or Building Official is authorized to waive or modify any or all of the following provisions of the California Fire Code or the California Building Code as adopted by the City in the San Diego Municipal Code when requiring the retrofitting of existing *high-rise buildings* with automatic fire sprinkler systems pursuant to this section. This waiver and modification authorization is limited to the following: (1) underground water storage tank will not be required; (2) fire pump size or installation can be reduced or eliminated, depending upon the adequacy of water pressure available to the building; (3) existing dead end corridors without intervening doors may be permitted; (4) existing ventilation shafts may be permitted; and (5) existing transoms may be allowed.

(g) 903.6.3.6 Appeal and modification provisions. The *owner* of a *high-rise building* covered under this section may appeal a decision made by the *Fire Code Official* under this section. An appeal shall be made to the City Manager. The Board of Appeals and Advisors shall serve as the hearing body for appeals under this section. For these purposes, the Board of Appeals may: (1) recommend a variance from any provisions of this

section; (2) recommend the suitability of alternate materials and methods of sprinkler installation; and (3) provide reasonable interpretations of this section, so long as such interpretations do not conflict with the purpose, intent and general objective of this section nor extend the time for compliance established in this section.

The Board of Appeals may, 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. The City Manager's decision shall constitute the *owner's* exhaustion of administrative remedies.

(h) 903.6.3.7 Violations.

(1) It is unlawful for any *owner* of a *high-rise building* to allow any person to occupy any portion of a *high-rise building* subject to the provisions of this section unless: (1) the *Fire Code Official* or City Manager has, in writing, authorized the occupancy; or (2) the owner is complying with the implementation schedule set forth in this section; or (3) the occupant is performing construction or maintenance to the building related to the installation or maintenance of an automatic fire sprinkler system; or (4) the *owner* of the *high-rise building* agreed in writing prior to January 1, 2004 to demolish the *high-rise building* by January 1, 2000.

(2) It is unlawful for any *owner* of a *high-rise building* to allow any person to occupy any portion of a *high-rise building*

after January 31, 2011, where occupancy has been authorized pursuant to this section, except where: (1) the occupant is performing minimal maintenance to prevent the *high-rise building* from being in an unsafe condition; or (2) the occupant is performing construction or maintenance to the building related to the installation or maintenance of an automatic fire sprinkler system; or (3) an approved fire sprinkler system has been completely installed.

(i) 904.1 General through 914.11.3 Fire alarm systems. Sections 904.1 through 914.11.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 10: Means of Egress

§55.1001 Means of Egress

1001.1 General through 1030.8 Testing and Maintenance. Sections 1001.1 through 1030.8 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 11: Aviation Facilities

§55.1101 Aviation Facilities

1101.1 Scope through 1107.8 Federal approval. Sections 1101.1 through 1107.8 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 12: Dry Cleaning

§55.1201 Dry Cleaning

1201.1 Scope through 1208.4 Portable fire extinguishers. Sections 1201.1 through 1208.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 13: Combustible Dust-Producing Operations

§55.1301 Combustible Dust-Producing Operations

1301.1 Scope through 1304.1 Standards. Sections 1301.1 through 1304.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 14: Fire Safety During Construction and Demolition

§55.1401 Fire Safety During Construction and Demolition

1401.1 Scope through 1417.3 Fire extinguishers for roofing operations. Sections 1401.1 through 1417.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 15: Flammable Finishes

§55.1501 *Flammable Finishes*

1501.1 Scope through 1510.5 Ventilation. Sections 1501.1 through 1510.5 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 16: Fruit and Crop Ripening

§55.1601 Fruit and Crop Ripening

1601.1 Scope through 1607.1 When required. Sections 1601.1 through 1607.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 17: Fumigation and Thermal Insecticidal Fogging

§55.1701 Fumigation and Thermal Insecticidal Fogging

1701.1 Scope through 1703.7 Flammable fumigants restricted. Sections 1701.1 through 1703.7 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 18: Semiconductor Fabrication Facilities

§55.1801 Semiconductor Fabrication Facilities

1801.1 Scope through 1805.3.4.1 Identification. Sections 1801.1 through 1805.3.4.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 19: Lumber Yards and Woodworking Facilities

§55.1901 Lumber Yards and Woodworking Facilities

1901.1 Scope through 1909.5 Fire protection. Sections 1901.1 through 1909.5 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 20: Manufacture of Organic Coatings

§55.2001 Manufacture of Organic Coatings

2001.1 Scope through 2009.6 Finished products. Sections 2001.1 through 2009.6 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 21: Industrial Ovens

§55.2101 Industrial Ovens

2101.1 Scope through 2107.4 Equipment maintenance. Sections 2101.1 through 2107.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 22: Motor Fuel-Dispensing Facilities and Repair Garages

§55.2201 Motor Fuel-Dispensing Facilities and Repair Garages

2201.1 Scope through 2211.8.3.1 System purge required. Sections 2201.1 through 2211.8.3.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 23: High-Piled Combustible Storage

§55.2301 High-Piled Combustible Storage

2301.1 Scope through 2310.1 General. Sections 2301.1 through 2310.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 24: Tents and Other Membrane Structures

§55.2401 Tents and Other Membrane Structures

2401.1 Scope through 2404.23 Obstructions. Sections 2401.1 through 2404.23 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 25: Tire Rebuilding and Tire Storage

§55.2501 Tire Rebuilding and Tire Storage

2501.1 Scope through 2509.1 Pile dimensions. Sections 2501.1 through 2509.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 26: Welding and Other Hot Work

§55.2601 Welding and Other Hot Work

2601.1 Scope through 2609.7 Inspection. Sections 2601.1 through 2609.7 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 27: Hazardous Materials-General Provisions

§55.2701 Hazardous Materials-General

(a) Provisions 2701.1 Scope through 2701.1.1 Waiver. Sections 2701.1 through 2701.1.1 of the California Fire Code have been adopted without changed pursuant to section 55.0101(a).

(b) 2701.1.2 Combustible Explosive and Dangerous Materials-CEDMAT Program.

Legislative Declaration and Findings:

(1) The Council of the City of San Diego finds that the advances in technology and the increasing presence and utilization of industry 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 increasing 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.

(2) 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 Code Official* and such assistance as he or she may designate, under the authority and provisions of the Uniform Fire Code, as hereinbefore adopted.

(3) "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

Code of Regulations 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 the California Fire Code as herein adopted and amended.

(c) Purpose of CEDMAT Program.

The purpose of the CEDMAT Inspection Program is to:

(1) Inspect occupancies, as defined in the California 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;

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

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

(d) CEDMAT Inspections.

The *Fire Code Official* 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 *Fire Code Official* or the *Fire Code Official's* 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 or she 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 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 2701.2 of the California Fire Code by either its chemical or common name or by description of the relevant chemical properties which render it combustible, explosive or dangerous; and (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 Code Official* or the *Fire Code Official's* authorized representative when presented with a legally issued inspection warrant after notice is provided as required by law.

(e) CEDMAT Fees.

It is the policy of the City of San Diego to impose reasonable fees for full cost recovery for overhead and salaries of Fire Department personnel performing inspection services of occupancies storing, handling or processing combustible, explosive or dangerous material. The fees shall be determined by the *Fire Code Official* after consultation with an advisory group appointed by the City Manager. The advisory group shall include representatives from the affected industrial sector. The fees shall be promulgated in the City Clerk's Composite Rate Book. Such fees shall be exclusive of any fees for permits required under any section of the San Diego Municipal Code.

(f) Non-public Record Status and Disclosure Requirements Concerning CEDMAT Inspections.

(1) Records of inspection, inventories, information and action plans developed in connection with the CEDMAT Inspection Program are for the exclusive use of the *Fire Code Official* and his or her 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 California Government Code section 6255, that the public interest served by not making such information public clearly outweighs the public interest served by disclosure.

(2) If a request or other action is made seeking the release of information collected under the CEDMAT Inspection Program, the *Fire Code Official* or the *Fire Code Official's* designee shall, to the extent practicable, notify the owner, operator or manager of any occupancy which supplied such information.

(g) 2701.2 Material classification through 2705.4.4 Emergency alarm. Sections 2701.2 through 2705.4.4 of the California Fire Code have been adopted without change pursuant to Section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 28: Aerosols

§55.2801 Aerosols

2801.1 Scope through 2807.1 General. Sections 2801.1 through 2807.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 29: Combustible Fibers

§55.2901 Combustible Fibers

2901.1 Scope through 2905.2 Special baling conditions. Sections 2901.1 through 2905.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 30: Compressed Gases

§55.3001 Compressed Gases

3001.1 Scope through 3007.2 Ventilation. Sections 3001.1 through 3007.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 31: Corrosive Materials

§55.3101 Corrosive Materials

3101.1 Scope through 3105.2.1 Distance from use to exposures. Sections 3101.1 through 3105.2.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 32: Cryogenic Fluids

§55.3201 Cryogenic Fluids

3201.1 Scope through 3205.5.2 Closed containers. Sections 3201.1 through 3205.5.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 33: Explosives and Fireworks

§55.3301 Explosives and Fireworks

3301.1 Scope through 3309 Reserved. Sections 3301.1 through 3309 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.3310 Financial responsibility

3310. Before a permit is issued pursuant to this section, the applicant shall file with the City a $1 million combined single limit comprehensive general liability insurance policy, naming the City of San Diego as an additional insured, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit. The *Fire Code Official* may specify a greater or lesser amount when, in the *Fire Code Official*'s opinion, application of recognized risk management standards and conditions at the location requires it. Public agencies shall be exempt from the requirement of the issuing of an insurance policy naming the City of San Diego as an additional insured.

Article 5: Fire Protection and Prevention

Division 34: Flammable and Combustible Liquids

§55.3401 Flammable and Combustible Liquids

3401.1 Scope and application through 3406.8.5 Overfill protection. Sections 3401.1 through 3406.8.5 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 35: Flammable Gases and Flammable Cryogenic Fluids

§55.3501 Flammable Gases and Flammable Cryogenic Fluids

3501.1 Scope through 3507.2.2 Valves. Sections 3501.1 through 3507.2.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 36: Flammable Solids

§55.3601 Flammable Solids

3601.1 Scope through 3606.5.8 Collection of chips, turnings and fines. Sections 3601.1 through 3606.5.8 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 37: Highly Toxic and Toxic Materials

§55.3701 Highly Toxic and Toxic Materials

3701.1 Scope through 3705.6 Manual shutdown. Sections 3701.1 through 3705.6 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 38: Liquefied Petroleum Gases

§55.3801 Liquefied Petroleum Gases

3801.1 Scope through 3811.3 Garaging. Sections 3801.1 through 3811.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 39: Organic Peroxides

§55.3901 Organic Peroxides

3901.1 Scope through 3905.1 General. Sections 3901.1 through 3905.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 40: Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids

§55.4001 Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids

4001.1 Scope through 4006.7 Fire department notification. Sections 4001.1 through 4006.7 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 41: Pyrophoric Materials

§55.4101 Pyrophoric Materials

4101.1 Scope through 4105.3 Silane gas. Sections 4101.1 through 4105.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 42: Pyroxylin (Cellulose Nitrate) Plastics

§55.4201 Pyroxylin (Cellulose Nitrate) Plastics

4201.1 Scope through 4204.4 Heating. Sections 4201.1 through 4204.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 43: Unstable (Reactive) Materials

§55.4301 Unstable (Reactive) Materials

4301.1 Scope through 4305.1 General. Sections 4301.1 through 4305.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 44: Water-Reactive Solids and Liquids

§55.4401 Water-Reactive Solids and Liquids

4401.1 Scope through 4405.1 General. Sections 4401.1 through 4405.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 45: Marinas

§55.4501 Marinas

4501.1 Scope through 4505.1 Fuel dispensing. Sections 4501.1 through 4505.1 of the California Fire Code has been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 46: Construction Requirements for Existing Buildings

§55.4601 Construction Requirements for Existing Buildings

(a) 4601.1 Scope through 4604.22 Stairway floor number signs. Sections 4601.1 through 4604.22 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

(b) 4605.1 Tire storage yards through 4606.1 Group A occupancy public address system. Sections 4601.1 through 4606.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 47: Referenced Standards

§55.4701 Referenced Standards

Chapter 47 Referenced Standards. Chapter 47 of the California Fire Code has been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 48: Motion Picture and Television Production Studio Sound Stages, Approved Production Facilities and Production Locations

§55.4801 General

4801.1 Scope through 4811.15 Buildings without fire protection systems. Sections 4801.1 through 4811.15 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 49: Requirements for Wildland-Urban Interface Fire Areas

§55.4901 Requirements for Wildland-Urban Interface Fire Areas

4901.1 Scope through 4907.1 General. Sections 4901.1 through 4907.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 50: Very High Fire Hazard Severity Zone Established

§55.5001 Very High Fire Hazard Severity Zone

The Council of the City of San Diego adopts the Very High Fire Hazard Severity Zones as recommended by the Director of the California Department of Forestry and Fire Protection, and adopts the Brush Management Zones, as defined in San Diego Municipal Code section 142.0412, as Very High Fire Hazard Severity Zones, as designated on a map titled, "Very High Fire Hazard Severity Zone Map – Local Responsibility Areas," dated July 21, 2009, on file with the City Clerk as Document number OO-19884.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Noah J. Brazier
Deputy City Attorney

NJB:aml;jdf
02/09/2012
06/28/2012 COR. COPY
Or.Dept:Fire Department
Document No.: 288343

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of JUL 24 2012.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: 7.31.12 _____
(date) JERRY SANDERS, Mayor

Vetoed: _____ _____
(date) JERRY SANDERS, Mayor