

ORDINANCE NUMBER O- 20625 (NEW SERIES)

DATE OF FINAL PASSAGE APR 06 2016

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.0501; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 1 BY RENAMING THE DIVISION, RENAMING AND AMENDING SECTIONS 55.0101, 55.0102, AND 55.0103, AND AMENDING SECTION 55.0104; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 2 BY RENAMING AND AMENDING SECTION 55.0201 AND ADDING SECTION 55.0202; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 3 BY AMENDING SECTION 55.0307 AND ADDING SECTION 55.0308; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 4 BY AMENDING SECTION 55.0403; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 5 BY AMENDING SECTIONS 55.0501 AND 55.0507; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 6 BY AMENDING SECTION 55.0601; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 7 BY AMENDING SECTION 55.0701; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 8 BY AMENDING SECTION 55.0801; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 9 BY AMENDING SECTIONS 55.0901 AND 55.0903; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 10 BY AMENDING SECTION 55.1001; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 11 BY RENAMING THE DIVISION, RENAMING AND AMENDING SECTION 55.1101, AND ADDING SECTION 55.1105; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 12 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1201; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 13 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1301; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 14 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1401; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 15 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1501; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 16 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1601; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 17 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1701; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 18 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1801;

AMENDING CHAPTER 5, ARTICLE 5, DIVISION 19 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1901; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 20 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2001; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 21 BY AMENDING THE DIVISION TITLE AND RENAMING AND AMENDING SECTION 55.2101; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 22 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2201; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 23 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2301; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 24 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2401; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 25 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2501; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 26 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2601; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 27 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2701; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 28 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2801; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 29 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2901; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 30 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3001; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 31 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3101; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 32 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3201; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 33 BY RENAMING THE DIVISION, RENAMING AND AMENDING SECTION 55.3301, AND DELETING SECTION 55.3310; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 34 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3401; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 35 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3501; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 36 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3601; AMENDING CHAPTER 5,

ARTICLE 5, DIVISION 37 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3701; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 38 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3801; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 39 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3901; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 40 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4001; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 41 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4101; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 42 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4201; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 43 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4301; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 44 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4401; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 45 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4501; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 46 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4601; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 47 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4701; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 48 BY RENAMING SECTION 55.4801; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 50 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.5001; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 51 BY RENAMING THE DIVISION, RENAMING AND AMENDING SECTION 55.5101, AND DELETING SECTIONS 55.5102, 55.5103, 55.5104, 55.5105, 55.5106, 55.5107, 55.5108, 55.5109, 55.5110, 55.5111, 55.5112, 55.5113, 55.5114, 55.5115, 55.5116, 55.5117, 55.5118, 55.5119, 55.5120, 55.5121, 55.5122, AND 55.5123; ADDING CHAPTER 5, ARTICLE 5, DIVISION 52; ADDING CHAPTER 5, ARTICLE 5, DIVISION 53; ADDING CHAPTER 5, ARTICLE 5, DIVISION 54; ADDING CHAPTER 5, ARTICLE 5, DIVISION 55; ADDING CHAPTER 5, ARTICLE 5, DIVISION 56; ADDING CHAPTER 5, ARTICLE 5, DIVISION 57; ADDING CHAPTER 5, ARTICLE 5, DIVISION 58; ADDING CHAPTER 5, ARTICLE 5, DIVISION 59; ADDING CHAPTER 5, ARTICLE 5, DIVISION 60; ADDING CHAPTER 5, ARTICLE 5, DIVISION 61; ADDING CHAPTER

5, ARTICLE 5, DIVISION 62; ADDING CHAPTER 5, ARTICLE 5, DIVISION 63; ADDING CHAPTER 5, ARTICLE 5, DIVISION 64; ADDING CHAPTER 5, ARTICLE 5, DIVISION 65; ADDING CHAPTER 5, ARTICLE 5, DIVISION 66; ADDING CHAPTER 5, ARTICLE 5, DIVISION 67; ADDING CHAPTER 5, ARTICLE 5, DIVISION 68; ADDING CHAPTER 5, ARTICLE 5, DIVISION 69; ADDING CHAPTER 5, ARTICLE 5, DIVISION 70; ADDING CHAPTER 5, ARTICLE 5, DIVISION 71; ADDING CHAPTER 5, ARTICLE 5, DIVISION 72; ADDING CHAPTER 5, ARTICLE 5, DIVISION 73; ADDING CHAPTER 5, ARTICLE 5, DIVISION 74; ADDING CHAPTER 5, ARTICLE 5, DIVISION 75; ADDING CHAPTER 5, ARTICLE 5, DIVISION 76; ADDING CHAPTER 5, ARTICLE 5, DIVISION 77; ADDING CHAPTER 5, ARTICLE 5, DIVISION 78; ADDING CHAPTER 5, ARTICLE 5, DIVISION 79; ADDING CHAPTER 5, ARTICLE 5, DIVISION 80; ADDING CHAPTER 5, ARTICLE 5, DIVISION 81; ADDING CHAPTER 5, ARTICLE 5, DIVISION 82; ADDING CHAPTER 5, ARTICLE 5, DIVISION 83; ADDING CHAPTER 5, ARTICLE 5, DIVISION 84; ADDING CHAPTER 5, ARTICLE 5, DIVISION 85; ADDING CHAPTER 5, ARTICLE 5, DIVISION 86; ADDING CHAPTER 5, ARTICLE 5, DIVISION 87; ADDING CHAPTER 5, ARTICLE 5, DIVISION 88; ADDING CHAPTER 5, ARTICLE 5, DIVISION 89; ADDING CHAPTER 5, ARTICLE 5, DIVISION 90; ADDING CHAPTER 5, ARTICLE 5, DIVISION 91; ADDING CHAPTER 5, ARTICLE 5, DIVISION 92; ADDING CHAPTER 5, ARTICLE 5, DIVISION 93; ADDING CHAPTER 5, ARTICLE 5, DIVISION 94; AND ADDING CHAPTER 5, ARTICLE 5, DIVISION 99, ALL RELATING TO THE ADOPTION OF THE 2013 CALIFORNIA FIRE CODE.

WHEREAS, the State of California adopted the 2013 California Fire Code, which took effect throughout the state effective January 1, 2014; and

WHEREAS, the San Diego Municipal Code must be amended to reflect the updated 2013 California Fire Code; and

WHEREAS, in order to keep the San Diego Municipal Code section numbering as close to the 2013 California Fire Code as possible, several San Diego Municipal Code sections must be amended or added; NOW, THEREFORE,

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

Section 1. That Chapter 3, Article 3, Division 5 of the San Diego Municipal Code (Municipal Code) is amended by amending section 33.0501, to read as follows:

Article 3: Police Regulated Occupations and Businesses

Division 5: Appeal Rights and Procedures

§33.0501 Right of Appeal to Hearing Officer; Time Limits

(a) through (g) [No change in text.]

(h) Per Chapter 5, Article 5, all appeals of alarm user permits of fire-harmful gas alarm system revocations or penalties are conducted using the same procedures outlined in this Division. The term *Fire-Rescue Chief*, as defined in Chapter 5, Article 5, should be substituted for *Chief of Police* in this Division for appeals related to fire-harmful gas alarm systems. The terms *permit* and *police permit* refer to fire-harmful gas alarm system permits, as described in Chapter 5, Article 5, for appeals related to fire-harmful gas alarm systems.

Section 2. That Chapter 5, Article 5, Division 1 of the Municipal Code is amended by renaming the Division, renaming and amending sections 55.0101, 55.0102, and 55.0103, and amending section 55.0104, to read as follows:

Article 5: Fire Protection and Prevention

Division 1: Adoption of the 2013 California Fire Code

**§55.0101 Adoption of the 2013 California Fire Code Purpose and Intent, and
Administrative Provisions**

- (a) Portions of the California Fire Code (2013 Edition) adopted. Except as otherwise provided in this Article, the California Fire Code (2013 Edition), which incorporates and amends the International Fire Code (2012 Edition), including adopted appendices, is hereby adopted by reference. A copy of the California Fire Code (2013 Edition) is on file in the office of the City Clerk as Document No. OO- 20625 . The California Fire Code (2013 Edition) is referred to in this Article as the 2013 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 2013 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 (Municipal Code);
 - (2) Sections 55.0101 through 55.5001 of Chapter 5, Article 5, of the Municipal Code; and
 - (3) Applicable sections of the California Code of Regulations.
- (c) Relationship of the Municipal Code section numbers to the 2013 California Fire Code section numbers. Sections within the 2013 California Fire Code retain those same section numbers when referred to within the

text of the Municipal Code. Thus, section 901 of the 2013 California Fire Code will be cited as the 2013 California Fire Code section 901 within the text of the Municipal Code.

Where a section of the 2013 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 2013 California Fire Code numbering system. For example, section 901 of the 2013 California Fire Code is adopted with changes in 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 Municipal Code. The two digits to the right of the first decimal point represent the Municipal Code's division number. The last four digits reflect the numbering system of the 2013 California Fire Code. A zero (0) after the decimal point is a filler to accommodate the Municipal Code numbering system and is added when the section number in the 2013 California Fire Code is less than four digits.

The Municipal Code numbering system reflects the numbering system of the 2013 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 Municipal Code sections 55.0101 through 55.9401 corresponds with the numbering system change in the 2013 California Fire Code.

- (d) Definitions. Whenever the following terms appear within the text of the 2013 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 2013 California Fire Code, Chapter 1, section 102.
- (f) Effective Date. Unless otherwise stated in a specific Municipal Code section or 2013 California Fire Code section adopted by the City, the effective date of the 2013 San Diego Fire Code shall be January 1, 2014.
- (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 Municipal Code.
- (h) Portions of the 2013 California Fire Code not Adopted. The following section and appendices of the 2013 California Fire Code are not adopted:
- (1) Section 308.1.4,
 - (2) Section 1104.24,
 - (3) APPENDIX A,
 - (4) APPENDIX D, Section D 104.1,
 - (5) APPENDIX E,

- (6) APPENDIX F,
- (7) APPENDIX G,
- (8) APPENDIX H,
- (9) APPENDIX I,
- (10) APPENDIX J, and
- (11) APPENDIX K.

§55.0102 Modifications to the 2013 California Fire Code Adopted by the City of San Diego

The following adopted sections or sub-sections of the 2013 California Fire Code have been modified by the City of San Diego (City):

- (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 9, section 901.7, Systems and Systems out of service. (*See* section 55.0901);
- (f) Chapter 9, section 903.6, Existing buildings (*See* section 55.0903);
- (g) Chapter 50, section 5001, Hazardous Materials-General Provisions (*See* section 55.5001);
- (h) Appendix D, section D 103.5, Fire apparatus access road gates. (*See* section 55.8703); and
- (i) Appendix D, section D 103.6, Signs. (*See* section 55.8703).

§55.0103 Adoption of Appendices to the 2013 California Fire Code

The following Appendix Chapter and appendices of the 2013 California Fire Code are adopted by the City:

- (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 D, Fire Apparatus Access Roads.

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

- (a) 1.1.1 Title through 107.5 Overcrowding. Sections 1.1.1 through 107.5 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).
- (b) through (c) [No change in text.]

Section 3. That Chapter 5, Article 5, Division 2 of the Municipal Code is amended by renaming the Division, renaming and amending section 55.0201, and adding section 55.0202, to read as follows:

Article 5: Fire Protection and Prevention

Division 2: Definitions

§55.0201 General

201.1 Scope through 201.4 Terms not defined. Sections 201.1 through 201.4 of the California Fire Code have been adopted without change pursuant to section

55.0101(a).

§55.0202 General Definitions

202 General Definitions. Section 202 of the California Fire Code has been adopted without change pursuant to section 55.0101(a).

Section 4. That Chapter 5, Article 5, Division 3 of the Municipal Code is amended by amending section 55.0307 and adding section 55.0308, to read as follows:

Article 5: Fire Protection and Prevention

Division 3: General Precautions Against Fire

§55.0301 General Precautions Against Fire

[No change in text.]

§55.0304 Combustible Waste Material

[No change in text.]

§55.0307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces

(a) [No change in text.]

(b) 307.4.2 Recreational fires through 308.1.3 Torches for removing paint.
Sections 307.4.2 through 308.1.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.0308 Open Flames

308.1.5 Location near combustibles through 318.1 Laundry carts with a capacity of 1 cubic yard or more. Sections 308.1.5 through 318.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 5. That Chapter 5, Article 5, Division 4 of the Municipal Code is amended by amending section 55.0403, to read as follows:

Article 5: Fire Protection and Prevention

Division 4: Emergency Planning and Preparedness

§55.0401 Emergency Planning and Preparedness

[No change in text.]

§55.0403 Standby Fire Department Personnel

- (a) 403.1.2 Standby Fire Department Personnel. When, in the opinion of the *Fire Code Official*, it is essential for public safety in a place of assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more qualified persons, as required and approved, to be on duty at such place.

Such individuals shall be subject to the *Fire Code Official's* orders at all times when so employed and shall be in uniform and remain on duty during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, such individuals shall: (1) inspect the required fire appliances provided to see that they are in proper place and in good working order; (2) keep diligent watch for fires during the time such place is open to the public or such activity is being conducted; and (3) take prompt measures for extinguishment of fires that may occur.

Such individuals shall not, while on duty, perform any other duties than those herein specified unless otherwise directed by the *Fire Code Official*. The City shall charge the permittee the cost of such services. The cost

shall be computed by the Fire-Rescue Department using accepted cost accounting methods, including, but not limited to, the cost of salary, fringe benefits, and general overhead.

Time cards of the assigned personnel shall be submitted by the *Fire Code Official* to the Auditor and Comptroller and shall be prima facie evidence of the expended work-hours.

- (b) 403.2 Public safety plan through 408.12.3 Fire drills. Sections 403.2 through 408.12.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 6. That Chapter 5, Article 5, Division 5 of the Municipal Code is amended by amending sections 55.0501, and 55.0507, to read as follows:

Article 5: Fire Protection and Prevention

Division 5: Fire Service Features

§55.0501 Fire Service Features

501.1 Scope through 504.4 Roof access. Sections 501.1 through 504.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.0505 Premises Identification

[No change in text.]

§55.0507 Fire Protection Water Supplies

- (a) 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.

- (b) 508.1 General through 510.6.3 Field testing. Sections 508.1 through 510.6.3 of the California Fire Code have been adopted without change pursuant to sections 55.0101(a).

Section 7. That Chapter 5, Article 5, Division 6 of the Municipal Code is amended by amending section 55.0601, to read as follows:

Article 5: Fire Protection and Prevention

Division 6: Building Services and Systems

§55.0601 Building Services and Systems

601.1 Scope through 610.5 Electrical equipment. Sections 601.1 through 610.5 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 8. That Chapter 5, Article 5, Division 7 of the Municipal Code is amended by amending section 55.0701, to read as follows:

Article 5: Fire Protection and Prevention

Division 7: Fire-Resistance-Rated Construction

§55.0701 Fire-Resistance-Rated Construction

701.1 Scope through 705.1 Exterior walls. Sections 701.1 through 705.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 9. That Chapter 5, Article 5, Division 8 of the Municipal Code is amended by amending section 55.0801, to read as follows:

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 808.4 Combustible lockers. Sections 801.1 through 808.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 10. That Chapter 5, Article 5, Division 9 of the Municipal Code is amended by amending sections 55.0901 and 55.0903, to read as follows:

Article 5: Fire Protection and Prevention

Division 9: Fire Protection Systems

§55.0901 Fire Protection Systems

901.1 Scope through 903.6 Where required in existing buildings and structures. 901.1 through 903.6 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) 903.6.1 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 California Building Code section 3414 are exempt.

- (b) 903.6.1.1 Definitions. For purposes of section 55.0903, defined terms appear in italics. The following terms have the following definitions apply in this section:

(1) through (3) [No change in text.]

- (c) 903.6.1.2 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) 903.6.1.3 Fire sprinkler system. Automatic fire sprinkler systems required under section 903.6.1 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) 903.6.1.4 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) through (4) [No change in text.]

- (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) 903.6.1.5 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 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) 903.6.1.6 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 Mayor, or the Mayor's designee. 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 Mayor, or the Mayor's designee, shall thereafter consider the recommendations of the Board of Appeals and issue a final decision. The Mayor's, or the Mayor's designee's, decision shall constitute the *owner's* exhaustion of administrative remedies.

(h) 903.6.1.7 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 Mayor, or the Mayor's designee, 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, 2004.

- (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, 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) [No change in text.]

Section 11. That Chapter 5, Article 5, Division 10 of the Municipal Code is amended by amending section 55.1001, to read as follows:

Article 5: Fire Protection and Prevention

Division 10: Means of Egress

§55.1001 Means of Egress

1001.1 General through 1030.9 Floor identification signs. Sections 1001.1 through 1030.9 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 12. That Chapter 5, Article 5, Division 11 of the Municipal Code is amended by renaming the Division, renaming and amending section 55.1101, and adding section 55.1105, to read as follows:

Article 5: Fire Protection and Prevention

Division 11: Construction Requirements for Existing Buildings

§55.1101 Construction Requirements for Existing Buildings

1101.1 Scope through 1104.23 Stairway floor number signs. Sections 1101.1 through 1104.23 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.1105 Requirements for Outdoor Operations

1105.1 Tire Storage yards through 1106.1 Group A occupancy public address system. Sections 1105.1 through 1106.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 13. That Chapter 5, Article 5, Division 12 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.1201, to read as follows:

Article 5: Fire Protection and Prevention

Division 12: RESERVED

§55.1201 Reserved

Section 14. That Chapter 5, Article 5, Division 13 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.1301, to read as follows:

Article 5: Fire Protection and Prevention

Division 13: RESERVED

§55.1301 Reserved

Section 15. That Chapter 5, Article 5, Division 14 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.1401, to read as follows:

Article 5: Fire Protection and Prevention

Division 14: RESERVED

§55.1401 Reserved

Section 16. That Chapter 5, Article 5, Division 15 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.1501, to read as follows:

Article 5: Fire Protection and Prevention

Division 15: RESERVED

§55.1501 Reserved

Section 17. That Chapter 5, Article 5, Division 16 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.1601, to read as follows:

Article 5: Fire Protection and Prevention

Division 16: RESERVED

§55.1601 Reserved

Section 18. That Chapter 5, Article 5, Division 17 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.1701, to read as follows:

Article 5: Fire Protection and Prevention

Division 17: RESERVED

§55.1701 Reserved

Section 19. That Chapter 5, Article 5, Division 18 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.1801, to read as follows:

Article 5: Fire Protection and Prevention

Division 18: RESERVED

§55.1801 Reserved

Section 20. That Chapter 5, Article 5, Division 19 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.1901, to read as follows:

Article 5: Fire Protection and Prevention

Division 19: RESERVED

§55.1901 Reserved

Section 21. That Chapter 5, Article 5, Division 20 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.2001, to read as follows:

Article 5: Fire Protection and Prevention

Division 20: Aviation Facilities

§55.2001 Aviation Facilities

2001.1 Scope through 2007.8 Federal approval. Sections 2001.1 through 2007.8 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Section 22. That Chapter 5, Article 5, Division 21 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.2101, to read as follows:

Division 21: Dry Cleaning

§55.2101 Dry Cleaning

2101.1 Scope through 2108.4 Portable fire extinguishers. Sections 2101.1 through 2108.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 23. That Chapter 5, Article 5, Division 22 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.2201, to read as follows:

Article 5: Fire Protection and Prevention

Division 22: Combustible Dust-Producing Operations

§55.2201 Combustible Dust-Producing Operations

2201.1 Scope through 2204.1 Standards. Sections 2201.1 through 2204.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 24. That Chapter 5, Article 5, Division 23 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.2301, to read as follows:

Article 5: Fire Protection and Prevention

Division 23: Motor Fuel-Dispensing Facilities and Repair Garages

§55.2301 Motor Fuel-Dispensing Facilities and Repair Garages

2301.1 Scope through 2311.8.3 Defueling equipment required at vehicle maintenance and repair facilities. Sections 2301.1 through 2311.8.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 25. That Chapter 5, Article 5, Division 24 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.2401, to read as follows:

Article 5: Fire Protection and Prevention

Division 24: Flammable Finishes

§55.2401 Flammable Finishes

2401.1 Scope through 2410.5 Ventilation. Sections 2401.1 through 2410.5 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 26. That Chapter 5, Article 5, Division 25 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.2501, to read as follows:

Article 5: Fire Protection and Prevention

Division 25: Fruit and Crop Ripening

§55.2501 Fruit and Crop Ripening

2501.1 Scope through 2507.1 When Required. Sections 2501.1 through 2507.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 27. That Chapter 5, Article 5, Division 26 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.2601, to read as follows:

Article 5: Fire Protection and Prevention

Division 26: Fumigation and Insecticidal Fogging

§55.2601 Fumigation and Insecticidal Fogging

2601.1 Scope through 2603.7 Flammable fumigants. Sections 2601.1 through 2603.7 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 28. That Chapter 5, Article 5, Division 27 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.2701, to read as follows:

Article 5: Fire Protection and Prevention

Division 27: Semiconductor Fabrication Facilities

§55.2701 Semiconductor Fabrication Facilities

2701.1 Scope through 2705.3.4.1 Identification. Sections 2701.1 through 2705.3.4.1 of the California Fire Code have been adopted without changed pursuant to section 55.0101(a).

Section 29. That Chapter 5, Article 5, Division 28 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.2801, to read as follows:

Article 5: Fire Protection and Prevention

Division 28: Lumber Yards and Woodworking Facilities

§55.2801 Lumber Yards and Woodworking Facilities

2801.1 Scope through 2809.5 Fire Protection. Sections 2801.1 through 2809.5 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 30. That Chapter 5, Article 5, Division 29 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.2901, to read as follows:

Article 5: Fire Protection and Prevention

Division 29: Manufacture of Organic Coatings

§55.2901 Manufacture of Organic Coatings

2901.1 Scope through 2909.6 Finished Products. Sections 2901.1 through 2909.6 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 31. That Chapter 5, Article 5, Division 30 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.3001, to read as follows:

Article 5: Fire Protection and Prevention

Division 30: Industrial Ovens

§55.3001 Industrial Ovens

3001.1 Scope through 3007.4 Equipment maintenance. Sections 3001.1 through 3007.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 32. That Chapter 5, Article 5, Division 31 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.3101, to read as follows:

Article 5: Fire Protection and Prevention

Division 31: Tents and Other Membrane Structures

§55.3101 Tents and Other Membrane Structures

3101.1 Scope through 3104.23 Obstructions. Sections 3101.1 through 3104.23 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 33. That Chapter 5, Article 5, Division 32 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.3201, to read as follows:

Article 5: Fire Protection and Prevention

Division 32: High-Piled Combustible Storage

§55.3201 High-Piled Combustible Storage

3201.1 Scope through 3210.1 General. Sections 3201.1 through 3210.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 34. That Chapter 5, Article 5, Division 33 of the Municipal Code is amended by renaming the Division, renaming and amending section 55.3301, and deleting section 55.3310, to read as follows:

Article 5: Fire Protection and Prevention

Division 33: Fire Safety During Construction and Demolition

§55.3301 Fire Safety During Construction and Demolition

3301.1 Scope through 3317.3 Fire Extinguishers for roofing operations. Sections 3301.1 through 3317.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 35. That Chapter 5, Article 5, Division 34 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.3401, to read as follows:

Article 5: Fire Protection and Prevention

Division 34: Tire Rebuilding and Tire Storage

§55.3401 Tire Rebuilding and Tire Storage

3401.1 Scope and application through 3409.1 Pile dimensions. Sections 3401.1 through 3409.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 36. That Chapter 5, Article 5, Division 35 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.3501, to read as follows:

Article 5: Fire Protection and Prevention

Division 35: Welding and Other Hot Work

§55.3501 Welding and Other Hot Work

3501.1 Scope through 3509.7 Inspection. Sections 3501.1 through 3509.7 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 37. That Chapter 5, Article 5, Division 36 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.3601, to read as follows:

Article 5: Fire Protection and Prevention

Division 36: Marinas

§55.3601 Marinas

3601.1 Scope through 3605.1 Fuel dispensing. Sections 3601.1 through 3605.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 38. That Chapter 5, Article 5, Division 37 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.3701, to read as follows:

Article 5: Fire Protection and Prevention

Division 37: RESERVED

§55.3701 Reserved

Section 39. That Chapter 5, Article 5, Division 38 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.3801, to read as follows:

Article 5: Fire Protection and Prevention

Division 38: RESERVED

§55.3801 Reserved

Section 40. That Chapter 5, Article 5, Division 39 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.3901, to read as follows:

Article 5: Fire Protection and Prevention

Division 39: RESERVED

§55.3901 Reserved

Section 41. That Chapter 5, Article 5, Division 40 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.4001, to read as follows:

Article 5: Fire Protection and Prevention

Division 40: RESERVED

§55.4001 Reserved

Section 42. That Chapter 5, Article 5, Division 41 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.4101, to read as follows:

Article 5: Fire Protection and Prevention

Division 41: RESERVED

§55.4101 Reserved

Section 43. That Chapter 5, Article 5, Division 42 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.4201, to read as follows:

Article 5: Fire Protection and Prevention

Division 42: RESERVED

§55.4201 Reserved

Section 44. That Chapter 5, Article 5, Division 43 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.4301, to read as follows:

Article 5: Fire Protection and Prevention

Division 43: RESERVED

§55.4301 Reserved

Section 45. That Chapter 5, Article 5, Division 44 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.4401, to read as follows:

Article 5: Fire Protection and Prevention

Division 44: RESERVED

§55.4401 Reserved

Section 46. That Chapter 5, Article 5, Division 45 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.4501, to read as follows:

Article 5: Fire Protection and Prevention

Division 45: Reserved

§55.4501 Reserved

Section 47. That Chapter 5, Article 5, Division 46 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.4601, to read as follows:

Article 5: Fire Protection and Prevention

Division 46: RESERVED

§55.4601 Reserved

Section 48. That Chapter 5, Article 5, Division 47 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.4701, to read as follows:

Article 5: Fire Protection and Prevention

Division 47: RESERVED

§55.4701 Reserved

Section 49. That Chapter 5, Article 5, Division 48 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.4801, to read as follows:

Article 5: Fire Protection and Prevention

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

**§55.4801 Motion Picture and Television Production Studio Sound Stages, Approved
Production Facilities, and Production Locations**

[No change in text.]

Article 5: Fire Protection and Prevention

Division 49: Requirements for Wildland-Urban Interface Fire Areas

§55.4901 Requirements for Wildland-Urban Interface Fire Areas

[No change in text.]

Section 50. That Chapter 5, Article 5, Division 50 of the Municipal Code is amended by renaming the Division and renaming and amending section 55.5001, to read as follows:

Article 5: Fire Protection and Prevention

Division 50: Hazardous Materials – General Provisions

§55.5001 Hazardous Materials – General Provisions

- (a) 5001.1 Scope through 5001.1.1 Waiver. Sections 5001.1 through 5001.1.1 of the California Fire Code have been adopted without changed pursuant to section 55.0101(a).
- (b) 5001.1.2 Combustible Explosive and Dangerous Materials-CEDMAT Program Legislative Declaration and Findings.
 - (1) The Council of the City of San Diego (Council) 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 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 California 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.
- (1) Inspect occupancies, as defined in the California Fire Code, within the City, 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 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 *Fire Code Official* 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 5001.2 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 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 Mayor. 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 Municipal Code.

- (f) Exempt Public Records 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 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) 5001.2 Material classification through 5005.4.4 Dispensing, use and handling. Sections 5001.2 through 5005.4.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 51. That Chapter 5, Article 5, Division 51 of the Municipal Code is amended by renaming the Division, renaming and amending section 55.5101, and deleting sections 55.5102, 55.5103, 55.5104, 55.5105, 55.5106, 55.5107, 55.5108, 55.5109, 55.5110, 55.5111, 55.5112, 55.5113, 55.5114, 55.5115, 55.5116, 55.5117, 55.5118, 55.5119, 55.5120, 55.5121, 55.5122, and 55.5123, to read as follows:

Article 5: Fire Protection and Prevention

Division 51: Aerosols

§55.5101 Aerosols

5101.1 Scope through 5107.1 General. Sections 5101.1 through 5107.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 52. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 52, to read as follows:

Article 5: Fire Protection and Prevention

Division 52: Combustible Fibers

§55.5201 Combustible Fibers

5201.1 Scope through 5205.2 Special baling conditions. Sections 5201.1 through 5205.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 53. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 53, to read as follows:

Article 5: Fire Protection and Prevention

Division 53: Compressed Gas

§55.5301 Compressed Gas

5301.1 Scope through 5307.2 Ventilation. Sections 5301.1 through 5307.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 54. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 54, to read as follows:

Article 5: Fire Protection and Prevention

Division 54: Corrosive Materials

§55.5401 Corrosive Materials

5401.1 Scope through 5405.2.1 Distance from use to exposures. Sections 5401.1 through 5405.2.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 55. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 55, to read as follows:

Article 5: Fire Protection and Prevention

Division 55: Cryogenic Fluids

§55.5501 Cryogenic Fluids

5501.1 Scope through 5505.5.2 Closed containers. Sections 5501.1 through 5505.5.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 56. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 56, to read as follows:

Article 5: Fire Protection and Prevention

Division 56: Explosives and Fireworks

§55.5601 Explosives and Fireworks

5601.1 Scope through 5608.1.1 Scope. Sections 5601.1 through 5608.1.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.5609 Financial Responsibility

5609. Before a permit is issued pursuant to this section, the applicant shall file with the City of San Diego (City) a \$1 million combined single limit comprehensive general liability insurance policy, naming the City 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 as an additional insured.

§55.5610 Where Prohibited

Except as hereinafter provided, it shall be unlawful for any person to possess, store, manufacture, offer for sale, sell at retail, use, or explode any fireworks within the incorporated City limits.

Exception: Fireworks. 1.4G and fireworks 1.3G may be part of a public display when permitted by the City and conducted by a State of California licensed pyrotechnic operator.

Section 57. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 57, to read as follows:

Article 5: Fire Protection and Prevention

Division 57: Flammable and Combustible Liquids

§55.5701 Flammable and Combustible Liquids

5701.1 Scope and application through 5706.8.5 Overfill protection. Sections 5701.1 through 5706.8.5 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 58. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 58, to read as follows:

Article 5: Fire Protection and Prevention

Division 58: Cryogenic Fluids

§55.5801 Cryogenic Fluids

5801.1 Scope through 5808.7 Standby power. Sections 5801.1 through 5808.7 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 59. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 59, to read as follows:

Article 5: Fire Protection and Prevention

Division 59: Flammable Solids

§55.5901 Flammable Solids

5901.1 Scope through 5906.5.8 Collection of chips, turnings, and fines. Sections 5901.1 through 5906.5.8 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 60. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 06, to read as follows:

Article 5: Fire Protection and Prevention

Division 60: Highly Toxic Materials

§55.6001 Highly Toxic Materials

6001.1 Scope through 6005.6 Manual shutdown. Sections 6001.1 through 6005.6 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 61. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 61, to read as follows:

Article 5: Fire Protection and Prevention

Division 61: Liquefied Petroleum Gases

§55.6101 Liquefied Petroleum Gases

6101.1 Scope through 6111.3 Garaging. Sections 6101.1 through 6111.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 62. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 62, to read as follows:

Article 5: Fire Protection and Prevention

Division 62: Organic Peroxides

§55.6201 Organic Peroxides

6201.1 Scope through 6205.1 General. Sections 6201.1 through 6205.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 63. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 63, to read as follows:

Article 5: Fire Protection and Prevention

Division 63: Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids

§55.6301 Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids

6301.1 Scope through 6306.7 Fire department notification. Sections 6301.1 through 6306.7 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 64. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 64, to read as follows:

Article 5: Fire Protection and Prevention

Division 64: Pyrophoric Materials

§55.6401 Pyrophoric Materials

6401.1 Scope through 6405.3 Silane gas. Sections 6401.1 through 6405.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 65. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 65, to read as follows:

Article 5: Fire Protection and Prevention

Division 65: Pyroxylin (Cellulose Nitrate) Plastics

§55.6501 Pyroxylin (Cellulose Nitrate) Plastics

6501.1 Scope through 6504.4 Heating. Sections 6501.1 through 6504.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 66. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 66, to read as follows:

Article 5: Fire Protection and Prevention

Division 66: Unstable (Reactive) Materials

§55.6601 Unstable (Reactive) Materials

6601.1 Scope through 6605.1 General. Sections 6601.1 through 6605.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 67. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 67, to read as follows:

Article 5: Fire Protection and Prevention

Division 67: Water-Reactive Solids and Liquids

§55.6701 Water-Reactive Solids and Liquids

6701.1 Scope through 6705.1 General. Sections 6701.1 through 6705.1 of the
California Fire Code have been adopted without change pursuant to section
55.0101(a).

Section 68. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 68, to read as follows:

Article 5: Fire Protection and Prevention

Division 68: RESERVED

§55.6801 Reserved

Section 69 That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 69, to read as follows:

Article 5: Fire Protection and Prevention

Division 69: RESERVED

§55.6901 Reserved

Section 70. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 70, to read as follows:

Article 5: Fire Protection and Prevention

Division 70: RESERVED

§55.7001 Reserved

Section 71. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 71, to read as follows:

Article 5: Fire Protection and Prevention

Division 71: RESERVED

§55.7101 Reserved

Section 72. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 72, to read as follows:

Article 5: Fire Protection and Prevention

Division 72: RESERVED

§55.7201 Reserved

Section 73. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 73, to read as follows:

Article 5: Fire Protection and Prevention

Division 73: RESERVED

§55.7301 Reserved

Section 74. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 74, to read as follows:

Article 5: Fire Protection and Prevention

Division 74: RESERVED

§55.7401 Reserved

Section 75. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 75, to read as follows:

Article 5: Fire Protection and Prevention

Division 75: RESERVED

§55.7501 Reserved

Section 76. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 76, to read as follows:

Article 5: Fire Protection and Prevention

Division 76: RESERVED

§55.7601 Reserved

Section 77. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 77, to read as follows:

Article 5: Fire Protection and Prevention

Division 77: RESERVED

§55.7701 Reserved

Section 78. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 78, to read as follows:

Article 5: Fire Protection and Prevention

Division 78: RESERVED

§55.7801 Reserved

Section 79. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 79, to read as follows:

Article 5: Fire Protection and Prevention

Division 79: RESERVED

§55.7901 Reserved

Section 80. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 80, to read as follows:

Article 5: Fire Protection and Prevention

Division 80: Referenced Standards

§55.8001 Referenced Standards

Chapter 80 Referenced Standards. Chapter 80 of the California Fire Code has been adopted without change pursuant to section 51.0101(a).

Section 81. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 81, to read as follows:

Article 5: Fire Protection and Prevention

Division 81: Special Detailed Requirements Based on Use and Occupancy

§55.8101 Special Provisions for Licensed 24-Hour Care Facilities in a Group R-2.1, R-3.1, R-4

425.1 Scope through 426.1 Operator's statement. Sections 425.1 through 426.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 82. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 82, to read as follows:

Article 5: Fire Protection and Prevention

Division 82: RESERVED

§55.8201 Reserved

Section 83. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 83, to read as follows:

Article 5: Fire Protection and Prevention

Division 83: Appendix B – Fire-Flow Requirements for Buildings

§55.8301 Fire-Flow Requirements for Buildings

B101.1 Scope through B105.2 Buildings with other than one- and two-family dwellings. Sections B101.1 through B105.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 84. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 84, to read as follows:

Article 5: Fire Protection and Prevention

Division 84: Appendix BB – Fire-Flow Requirements for Buildings

§55.8401 Fire-Flow Requirements for Buildings

BB101.1 Scope through BB105.1. Sections BB101.1 through BB105.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 85. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 85, to read as follows:

Article 5: Fire Protection and Prevention

Division 85: Appendix C – Fire Hydrant Locations and Distribution

§55.8501 Fire Hydrant Locations and Distribution

C101.1 Scope through C105.1 Hydrant spacing. Sections C101.1 through C105.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 86. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 86, to read as follows:

Article 5: Fire Protection and Prevention

Division 86: Appendix CC – Fire Hydrant Locations and Distribution

§55.8601 Fire Hydrant Locations and Distribution

CC101.1 Scope through CC105.1. Sections CC101.1 through CC105.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 87. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 87, to read as follows:

Article 5: Fire Protection and Prevention

Division 87: Appendix D – Fire Apparatus Access Roads

§55.8701 Fire Apparatus Access Roads

D101.1 Scope through D103.4 Dead ends. Sections D101.1 through D103.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.8703 Minimum Specifications

- (a) D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:
- (1) The minimum gate width shall be 13 feet (3964 mm).
 - (2) Gates shall be of the swinging or sliding type.
 - (3) Construction of gates shall be of materials that allow manual operation by one person.
 - (4) Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
 - (5) Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the *Fire Code Official*.
 - (6) Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of

forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.

(7) Locking device specifications shall be submitted for approval by the *Fire Code Official*.

(8) Electric gate operators where provided shall be listed in accordance with UL 325.

(9) Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

(b) D103.6 Signs. Where required by the *Fire Code Official*, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with California Vehicle Code section 22500.1. Signs shall be posted on one or both sides of the fire apparatus road as required by section D103.6.1 or D103.6.2.

(c) D103.6.1 Roads 20 to 26 feet in width through D103.6.2 Roads more than 26 feet in width. Sections D103.6.1 through D103.6.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.8704 Commercial and Industrial Developments

D104 Buildings exceeding 62,000 square feet in area through D108 Referenced Standards. Section D104.4 through D108 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Section 88. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 88, to read as follows:

Article 5: Fire Protection and Prevention

Division 88: RESERVED

§55.8801 Reserved

Section 89. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 89, to read as follows:

Article 5: Fire Protection and Prevention

Division 89: RESERVED

§55.8901 Reserved

Section 90. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 90, to read as follows:

Article 5: Fire Protection and Prevention

Division 90: RESERVED

§55.9001 Reserved

Section 91. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 91, to read as follows:

Article 5: Fire Protection and Prevention

Division 91: RESERVED

§55.9101 Reserved

Section 92. That Chapter 5, Article 5 of the Municipal Code is amended by adding
Division 92, to read as follows:

Article 5: Fire Protection and Prevention

Division 92: RESERVED

§55.9201 Reserved

Section 93. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 93, to read as follows:

Article 5: Fire Protection and Prevention

Division 93: RESERVED

§55.9301 Reserved

Section 94. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 94, to read as follows:

Article 5: Fire Protection and Prevention

Division 94: Very High Fire Hazard Severity Zone Established

§55.9401 Very High Fire Hazard Severity Zone

The Council 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 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 99. That Chapter 5, Article 5 of the Municipal Code is amended by adding Division 99, to read as follows:

Article 5: Fire Protection and Prevention

Division 99: Fire and Harmful Gas Emergency Alarms

§55.9901 Purpose and Intent

This Division creates a permitting system for fire and harmful gas alarm systems. It includes a schedule of penalties for *false alarms* as defined in this Division. The permitting and penalty regulations under this Division are in addition to the San Diego Police Department false alarm regulations enacted in Chapter 3, Article 3, Division 37 of this Code.

§55.9902 Definitions

Defined terms appear in italics. The following definitions apply in this Division:

Alarm agent means any *person* who is directly or indirectly employed by a *fire-harmful gas alarm business*, and whose duties include selling any *fire-harmful gas alarm system*.

Alarm system administrator means an employee of the City of San Diego designated by the *alarm system official* to administer the *fire-harmful gas alarm system* permitting, track false alarms for purposes of penalties under this Division, report on program metrics, and act as a liaison with the public.

Alarm system official means the *Chief of Police*, the *Fire-Rescue Chief*, or any other official appointed by the City Manager to preside over the *fire-harmful gas alarm system* program in this Division.

Alarm user means any *person* who operates, activates, possesses or controls a *fire-harmful gas alarm system*, or who occupies, controls, or possesses the building or structure protected by a *fire-harmful gas alarm system*.

Business tax certificate has the same meaning as *certificate* in Municipal Code section 31.0110(a).

Chief of Police has the same meaning as Municipal Code section 33.0201.

Conversion means the assumption by one *fire-harmful gas alarm business* of the duty to service, maintain or monitor a *fire-harmful gas alarm system* previously monitored by another *fire-harmful gas alarm business*.

Emergency situation means any circumstance in which there is reason to believe that: (1) there is an uncontrolled fire actively burning in or near a building or other structure; (2) there is a concentration of *harmful gas* in or near a building or other structure; or (3) there is an identifiable risk of harm to a person or property within or near a building or other structure.

Exempt user has the same meaning as in Municipal Code section 33.3701.

False alarm means any triggering of a *fire-harmful gas alarm system* that results in a response by San Diego Fire-Rescue Department personnel when an *emergency situation* does not exist. *False alarm* includes activations caused by mechanical failure, malfunction, accidental tripping, malicious tripping, misuse, or negligent maintenance by a *fire-harmful gas alarm business*, *fire-harmful gas alarm agent*, or *alarm user*. *False alarm* does not include activations caused by weather conditions, telephone line problems, water surges, water hammers, or any other factor over which the *fire-harmful gas alarm business*, *fire-harmful gas alarm agent*, or *alarm user* do not have direct control.

Fire alarm system means a *fire-harmful gas alarm system* that is designed to monitor buildings or other structures for *emergency situations* connected to

uncontrolled fires, and evokes a San Diego Fire-Rescue Department response when the alarm system is triggered.

Fire-harmful gas alarm business means any *person* engaged in the enterprise of selling, installing, maintaining, servicing, inspecting, or monitoring any *fire-harmful gas alarm system*. *Fire-harmful gas alarm business* does not include the owner or property manager of an apartment complex that provides *fire-harmful gas alarm systems* in each residential unit as an amenity.

Fire-harmful gas alarm system means any mechanical or electrical monitoring device capable of giving, signaling, or transmitting a fire or *harmful gas* emergency alarm that, when triggered by an *emergency situation*, emits a sound or transmits a signal or message that is intended to evoke a response by the San Diego Fire-Rescue Department. *Fire-harmful gas alarm system* includes *fire alarm systems* and *harmful gas alarm systems*. *Fire-harmful gas alarm system* excludes manually activated residential alarm systems.

Fire-Rescue Chief means the Chief of the Fire-Rescue Department of the City of San Diego.

Fire watch means a *person* who is a site-specific guard for the purpose of detecting an *emergency situation*. *Fire watch* includes only those *persons* who are trained in the use of fire extinguishers, the notification to the San Diego Fire-Rescue Department of an *emergency situation*, and in the operation of the *fire alarm system* where the *fire watch* is stationed.

Harmful gas means any form of gas other than smoke, ash, or dust from a fire, which is capable of causing harm to *persons* or property. For example, carbon monoxide is a *harmful gas*.

Harmful gas alarm system means a *fire-harmful gas alarm system* that is designed to monitor buildings or other structures for *emergency situations* connected to *harmful gas*, and evokes a San Diego Fire-Rescue Department response when the alarm system is triggered.

Person has the same meaning as in Municipal Code section 11.0210.

Sell has the same meaning as in Municipal Code section 33.3701.

Takeover means the assumption by one *alarm user* of the control of a *fire-harmful gas alarm system* previously controlled by another *alarm user*.

§55.9903 Fire-Harmful Gas Alarm Business Requirements and Responsibilities

- (a) It is unlawful for any *person* to operate a *fire-harmful gas alarm business* without a *business tax certificate*.
- (b) It is unlawful for any *person* to operate a *fire-harmful gas alarm business* not licensed as required by the State of California.
- (c) Any *fire-harmful gas alarm business* that sells any *fire-harmful gas alarm system* shall do the following:
 - (1) Obtain an *alarm user* permit, using the *alarm user* permit application provided by the *alarm system official*, on behalf of the *alarm user* before putting the *fire-harmful gas alarm system* into service;

- (2) Collect the *alarm user* permit application and permit fee from each *alarm user*; and
 - (3) Mail or hand deliver the completed *alarm user* permit application and permit fee to the *alarm system official* before putting the *fire-harmful gas alarm system* into service.
- (d) Any *person* or business that sells any *fire-harmful gas alarm system* and does not personally or through an agent install, maintain, service, inspect or monitor the *fire-harmful gas alarm system* for any location, shall provide to the purchaser at the time of the sale an *alarm user* permit application and certification form, as provided in Municipal Code section 55.9908. Subsection (c) does not apply to transactions covered under this subsection.

§55.9904 Alarm Agent Responsibilities

An *alarm agent* shall comply with all applicable licensing or registration requirements pursuant to California law.

§55.9905 Fire-Harmful Gas Alarm System Conversion

- (a) Prior to the *conversion* of any *fire-harmful gas alarm system*, the *fire-harmful gas alarm business* transferring the duty to monitor shall ensure that the *alarm user* has a valid *alarm user* permit for the *fire-harmful gas alarm system* being converted.
- (b) If the *alarm user* does not have a valid *alarm user* permit for the *fire-harmful gas alarm system* being converted, the *fire-harmful gas alarm*

business transferring the duty to maintain, service, inspect or monitor shall obtain the *alarm user* permit on behalf of the *alarm user*.

§55.9906 Fire-Harmful Gas Alarm System Takeover

- (a) Upon any *takeover* of a *fire-harmful gas alarm system* maintained, serviced, inspected or monitored by a *fire-harmful gas alarm business*, the *fire-harmful gas alarm business* shall determine whether an *alarm user* permit has been issued to the *alarm user* assuming control of the *fire-harmful gas alarm system*.
- (b) Upon a determination that an *alarm user* permit has not been issued to the *alarm user* assuming control of the *fire-harmful gas alarm system*, the *fire-harmful gas alarm business* shall obtain an *alarm user* permit on behalf of the *alarm user*.
- (c) Nothing in this Division prohibits the *fire-harmful gas alarm business* from recovering from an *alarm user* the amount of the *alarm user* permit fee.

§55.9907 Alarm User Permit Required; Violation

- (a) It is unlawful for any *alarm user* to operate, activate, possess or control any *fire-harmful gas alarm system* unless the *alarm user* has a current valid *alarm user* permit issued by the *alarm system official* for that *fire-harmful gas alarm system*.
- (b) Except as provided in section 55.9903(c), the *alarm system official* shall collect *alarm user* permit applications and permit application fees from the *alarm user*.

§55.9908 Application for Alarm User Permit

- (a) Any person applying for an *alarm user* permit shall submit to the *alarm system official*, on a form provided by the *alarm system official*, a legibly written application containing the following information:
- (1) Name, address, and telephone number of the *alarm user* (including separate mailing address if applicable);
 - (2) Classification of the alarm location as residential or commercial;
 - (3) *Fire-harmful gas alarm system* type (such as fire or carbon monoxide);
 - (4) Area covered by *fire-harmful gas alarm system*;
 - (5) Name, address, and telephone number of the *person* authorized to respond to alarm signals and to allow access to the protected building or other structure; and
 - (6) Name, address, telephone number, *City business tax certificate* number, and State license number of the *fire-harmful gas alarm business* that will monitor the *fire-harmful gas alarm system*, if any.
- (b) All fees must be paid at the time the *alarm user* permit application is filed.
- (c) Each *alarm user* permit application must be accompanied by a signed certification by the *alarm user* and *fire-harmful gas alarm business* stating the following:
- (1) The date of the installation, *conversion*, or *takeover*, whichever is applicable;

- (2) The name, address, telephone number, City *business tax certificate* number, and State license number of the *fire-harmful gas alarm business* installing the *fire-harmful gas alarm system*, or performing the *conversion* or *takeover* of the *fire-harmful gas alarm system*;
 - (3) The name, address, and telephone number of the *fire-harmful gas alarm business* or *alarm agent* responsible for monitoring the *fire-harmful gas alarm system*, if any;
 - (4) That written operating instructions for the *fire-harmful gas alarm system*, including written guidelines regarding how to avoid *false alarms*, have been provided to the *alarm user* applying for the permit; and
 - (5) That the *fire-harmful gas alarm business* has provided to the *alarm user* applying for the permit all necessary information regarding the proper use of the *fire-harmful gas alarm system*, including instruction on how to avoid *false alarms*.
- (d) The *alarm system official* may deny the application for an *alarm user* permit if any of the information required pursuant to section 55.9908(a) and (c) is not provided.
- (e) An application will not be considered complete if, at the time the application is being considered, any penalty fees under section 55.9911 or any fines assessed to the *person* applying for an *alarm user* permit under section 55.9916 have not been paid.

§55.9909 Expiration of Alarm User Permits

- (a) An *alarm user* permit shall expire on the last day of the twenty-fourth month following the issuance of the permit.
- (b) The *alarm user* is responsible to renew an *alarm user* permit prior to the permit's expiration.
- (c) The *alarm system administrator* shall notify the *alarm user* when a permit is due to expire at least thirty days before it expires.

§55.9910 Alarm User Permits Not Transferable

Alarm user permits shall not be transferable from one *person* to another or from one building or other structure to another.

§55.9911 Fees and Penalties for Alarm User Permit

- (a) Except as otherwise specifically provided in this Division, any *person* who files an application for an *alarm user* permit shall, at the time of filing the application, pay a fee in accordance with the City Clerk's fee rate book and any outstanding penalty fee.
- (b) Any *alarm user* who does not have an *alarm user* permit and whose *fire-harmful gas alarm system* generates a San Diego Fire-Rescue Department call for service will be notified in writing that he or she must obtain an *alarm user* permit. If the *alarm user* has not obtained an *alarm user* permit within 15 days after written notification by the San Diego Fire-Rescue Department, then the *alarm user* will be assessed a penalty for each San Diego Fire-Rescue Department call for service generated by his or her *fire-harmful gas alarm system* until the permit is obtained. The penalty

shall include cost recovery for the San Diego Fire-Rescue Department's response to the *false alarm*. The penalty schedule shall be kept in the City Clerk's fee rate book on file in the City Clerk's Office.

§55.9912 Responsibility for Fire-Harmful Gas Alarm Systems in Apartments

- (a) If an *alarm user* has multiple *fire-harmful gas alarm systems* in one building or structure, an *alarm user* permit is required for each separate system.
- (b) The tenant of a multiunit residential building or rental property whose unit contains a *fire-harmful gas alarm system* is deemed to be the *alarm user* if the *fire-harmful gas alarm system* was not provided by the owner of the multiunit residential or other rental property.
- (c) The owner of a multiunit residential or other rental property that provides a *fire-harmful gas alarm system* to tenants shall be deemed the *alarm user*.
- (d) Each *fire-harmful gas alarm system* control panel constitutes a separate alarm system and requires a separate *alarm user* permit.

§55.9913 Fire-Harmful Gas Alarm System Direct Dial Prohibition

It is unlawful for any *person* to program, install or use any *fire-harmful gas alarm system* to direct dial any emergency or "call for service" number serving the San Diego Fire-Rescue Department's Regional Communications Center.

§55.9914 Procedures for Alarm Verification

A *fire-harmful gas alarm business* shall, after contacting the San Diego Fire-Rescue Department, attempt to contact an *alarm user* in person, by telephone, or by other electronic means, in order to verify that the alarm signal is not false.

§55.9915 Revocation of an Alarm User Permit

- (a) A violation of any of the provisions of this Division shall constitute grounds for revocation of an *alarm user* permit.
- (b) The *alarm system official* may revoke any *alarm user* permit for any *fire-harmful gas alarm system* that has had *false alarms* in excess of the number permitted in section 55.9915(f).
- (c) The *alarm system official* will indicate on an *alarm user's* records that an alarm is false if the responding San Diego Fire-Rescue Department personnel do not find evidence that an *emergency situation* was the cause of the alarm being triggered. The *alarm system official* may amend the *alarm user's* records to indicate that the alarm was not a *false alarm* if, within ten business days of the alarm being triggered, the *alarm system official* receives satisfactory evidence to that effect. The *alarm system official* shall issue written findings of such decision within five business days of receipt of the evidence offered.
- (d) Upon revocation of any *alarm user* permit, the *alarm system official* will notify the holder of the permit in writing of the revocation.
- (e) The *alarm system official* shall notify the *alarm user* of the *alarm user's* first *false alarm* by letter.
- (f) The first two *false alarms* for an *alarm user* holding an *alarm user* permit, of each calendar year shall not be penalized either by a penalty or *alarm user* permit revocation. Additional *false alarms* each calendar year will be

penalized according to the penalties for false fire-harmful gas alarms contained in the City Clerk's fee rate book.

- (g) An *alarm user* permit that has been revoked pursuant to this Division is not a current valid *alarm user* permit.

§55.9916 Penalties for Alarm User Permit Revocations

- (a) An *alarm user* shall pay a penalty, according to the established rates kept in the City Clerk's fee rate book on file in the Clerk's Office, for each revocation of an *alarm user* permit and each subsequent *false alarm* San Diego Fire-Rescue Department response that *fire-harmful gas alarm system*.
- (b) A *fire-harmful gas alarm business* shall not be liable for any penalty imposed upon an *alarm user* for exceeding the permitted number of *false alarms* if the *fire-harmful gas alarm business* obtained the *alarm user* permit on behalf of the *alarm user*.

§55.9917 Reinstatement of Revoked Permit; Alarm User Permit Appeal

- (a) An *alarm user* whose permit has been revoked pursuant to section 55.9915 may apply for reinstatement of the permit by submitting to the *alarm system official* all penalties due pursuant to section 55.9916, and written evidence satisfactory to the *alarm system official* that the cause of the *false alarms* has been identified and corrected.
- (b) The *alarm system official* may reinstate an *alarm user* permit revoked pursuant to section 55.9915 upon the receipt of all penalties due pursuant to section 55.9916 and evidence satisfactory to the *alarm system official*

that the cause of the *false alarms* has been corrected. The *alarm system official* may also require such other conditions as may be appropriate to reinstate a revoked *alarm user* permit.

- (c) An *alarm user* may appeal a decision by the *alarm system official* to revoke the *alarm user* permit in accordance with the appeals process for Police Regulated Businesses found in Chapter 3, Article 3, Division 5 of this Code.

§55.9918 Use of Fire-Harmful Gas Alarm System after Permit Revocation as Public Nuisance

- (a) The *alarm system official* may declare a *fire-harmful gas alarm system* a public nuisance when all of the following conditions are present:
- (1) The *alarm user* permit has been revoked due to *false alarms*;
 - (2) The revoked *alarm user* permit has not been reinstated;
 - (3) The cause of the *false alarms* has not been corrected;
 - (4) The *alarm user's fire-harmful gas alarm system* continues to trigger *false alarms*; and
 - (5) If revoked, the decision of the *alarm system official* to revoke the permit is not currently on appeal pursuant to Chapter 3, Article 3, Division 5 of the Municipal Code.
- (b) The *alarm system official* may remove a public nuisance designation from the *alarm user's* records when the *alarm user* permit has been reinstated and the cause of the *false alarms* has been corrected.

§55.9919 Posting a Fire Watch

The *alarm system official* may require an *alarm user* to post a *fire watch*, at the *alarm user's* expense, if a *fire alarm system* is unable to be repaired within 24 hours or if the lack of protection due to the alarm malfunctioning creates a life or property safety hazard. The *fire watch* shall be stationed at the building or other structure where the *false alarms* were generated.

§55.9920 Exceptions

The regulations in this Division do not apply to:

- (a) *Persons* engaged solely in the manufacture or repair of *fire-harmful gas alarm systems* or *fire-harmful gas alarm system* components from a fixed location who do not personally or through an agent install, or monitor the *fire-harmful gas alarm system* for any location, except as provided in section 55.9903(d).
- (b) *Exempt users* as defined in section 55.9902 of this Division.

§55.9921 Confidentiality of Records

- (a) The information furnished and secured pursuant to this Division shall not be subject to public inspection except when required by local, state or federal law.
- (b) An *alarm user* shall have access to information regarding the administration of that user's permit.

§55.9922 Enforcement Authority

The *alarm system official* is authorized to administer and enforce the provisions of this Division. The *alarm system official* may exercise any enforcement powers as provided in Chapter 1, Article 2, Division 1 of this Code.

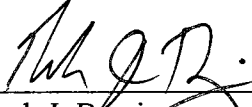
§55.9923 Enforcement Remedies

Except as otherwise specifically provided, violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code section 12.0201. The *alarm system official* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1, Article 2, Division 1 of this Code.

Section 100. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 101. 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:hm
10/02/2015
Or.Dept:PSE
Doc. No.: 1107494_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 22 2016.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

See attached memo and signature page.


**Office of
The City Attorney
City of San Diego**

MEMORANDUM

DATE: April 22, 2016
TO: Elizabeth Maland
FROM: Noah J. Brazier
SUBJECT: Correction to Ordinance Adopting 2013 California Fire Code (O-2016-28)

On April 6, 2016 the City Council passed an ordinance amending the San Diego Municipal Code by adopting the 2013 California Fire Code. It was brought to our Office's attention that section 55.6001 had an incorrect section title. The corrected copies of this ordinance and the strikeout ordinance correct this error. It is a non-substantive change and does not require Council action.

JAN I. GOLDSMITH, City Attorney

By 
Noah J Brazier
Deputy City Attorney

NJB
Doc. No.: 1272232
Enclosure

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 22 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/5/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.0501; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 1 BY RENAMING THE DIVISION, RENAMING AND AMENDING SECTIONS 55.0101, 55.0102, AND 55.0103, AND AMENDING SECTION 55.0104; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 2 BY RENAMING AND AMENDING SECTION 55.0201 AND ADDING SECTION 55.0202; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 3 BY AMENDING SECTION 55.0307 AND ADDING SECTION 55.0308; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 4 BY AMENDING SECTION 55.0403; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 5 BY AMENDING SECTIONS 55.0501 AND 55.0507; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 6 BY AMENDING SECTION 55.0601; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 7 BY AMENDING SECTION 55.0701; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 8 BY AMENDING SECTION 55.0801; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 9 BY AMENDING SECTIONS 55.0901 AND 55.0903; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 10 BY AMENDING SECTION 55.1001; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 11 BY RENAMING THE DIVISION, RENAMING AND AMENDING SECTION 55.1101, AND ADDING SECTION 55.1105; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 12 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1201; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 13 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1301; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 14 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1401; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 15 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1501; AMENDING CHAPTER 5,

ARTICLE 5, DIVISION 16 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1601; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 17 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1701; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 18 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1801; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 19 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.1901; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 20 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2001; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 21 BY AMENDING THE DIVISION TITLE AND RENAMING AND AMENDING SECTION 55.2101; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 22 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2201; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 23 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2301; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 24 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2401; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 25 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2501; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 26 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2601; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 27 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2701; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 28 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2801; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 29 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.2901; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 30 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3001; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 31 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3101; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 32 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3201; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 33 BY RENAMING THE DIVISION, RENAMING AND AMENDING SECTION 55.3301, AND DELETING SECTION 55.3310; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 34 BY

RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3401; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 35 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3501; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 36 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3601; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 37 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3701; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 38 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3801; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 39 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.3901; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 40 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4001; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 41 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4101; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 42 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4201; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 43 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4301; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 44 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4401; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 45 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4501; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 46 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4601; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 47 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.4701; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 48 BY RENAMING SECTION 55.4801; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 50 BY RENAMING THE DIVISION AND RENAMING AND AMENDING SECTION 55.5001; AMENDING CHAPTER 5, ARTICLE 5, DIVISION 51 BY RENAMING THE DIVISION, RENAMING AND AMENDING SECTION 55.5101, AND DELETING SECTIONS 55.5102, 55.5103, 55.5104, 55.5105, 55.5106, 55.5107, 55.5108, 55.5109, 55.5110, 55.5111, 55.5112, 55.5113, 55.5114, 55.5115, 55.5116, 55.5117, 55.5118, 55.5119, 55.5120, 55.5121, 55.5122, AND 55.5123; ADDING CHAPTER 5, ARTICLE 5, DIVISION 52; ADDING CHAPTER 5, ARTICLE 5, DIVISION 53; ADDING

CHAPTER 5, ARTICLE 5, DIVISION 54; ADDING CHAPTER 5, ARTICLE 5, DIVISION 55; ADDING CHAPTER 5, ARTICLE 5, DIVISION 56; ADDING CHAPTER 5, ARTICLE 5, DIVISION 57; ADDING CHAPTER 5, ARTICLE 5, DIVISION 58; ADDING CHAPTER 5, ARTICLE 5, DIVISION 59; ADDING CHAPTER 5, ARTICLE 5, DIVISION 60; ADDING CHAPTER 5, ARTICLE 5, DIVISION 61; ADDING CHAPTER 5, ARTICLE 5, DIVISION 62; ADDING CHAPTER 5, ARTICLE 5, DIVISION 63; ADDING CHAPTER 5, ARTICLE 5, DIVISION 64; ADDING CHAPTER 5, ARTICLE 5, DIVISION 65; ADDING CHAPTER 5, ARTICLE 5, DIVISION 66; ADDING CHAPTER 5, ARTICLE 5, DIVISION 67; ADDING CHAPTER 5, ARTICLE 5, DIVISION 68; ADDING CHAPTER 5, ARTICLE 5, DIVISION 69; ADDING CHAPTER 5, ARTICLE 5, DIVISION 70; ADDING CHAPTER 5, ARTICLE 5, DIVISION 71; ADDING CHAPTER 5, ARTICLE 5, DIVISION 72; ADDING CHAPTER 5, ARTICLE 5, DIVISION 73; ADDING CHAPTER 5, ARTICLE 5, DIVISION 74; ADDING CHAPTER 5, ARTICLE 5, DIVISION 75; ADDING CHAPTER 5, ARTICLE 5, DIVISION 76; ADDING CHAPTER 5, ARTICLE 5, DIVISION 77; ADDING CHAPTER 5, ARTICLE 5, DIVISION 78; ADDING CHAPTER 5, ARTICLE 5, DIVISION 79; ADDING CHAPTER 5, ARTICLE 5, DIVISION 80; ADDING CHAPTER 5, ARTICLE 5, DIVISION 81; ADDING CHAPTER 5, ARTICLE 5, DIVISION 82; ADDING CHAPTER 5, ARTICLE 5, DIVISION 83; ADDING CHAPTER 5, ARTICLE 5, DIVISION 84; ADDING CHAPTER 5, ARTICLE 5, DIVISION 85; ADDING CHAPTER 5, ARTICLE 5, DIVISION 86; ADDING CHAPTER 5, ARTICLE 5, DIVISION 87; ADDING CHAPTER 5, ARTICLE 5, DIVISION 88; ADDING CHAPTER 5, ARTICLE 5, DIVISION 89; ADDING CHAPTER 5, ARTICLE 5, DIVISION 90; ADDING CHAPTER 5, ARTICLE 5, DIVISION 91; ADDING CHAPTER 5, ARTICLE 5, DIVISION 92; ADDING CHAPTER 5, ARTICLE 5, DIVISION 93; ADDING CHAPTER 5, ARTICLE 5, DIVISION 94; AND ADDING CHAPTER 5, ARTICLE 5, DIVISION 99, ALL RELATING TO THE ADOPTION OF THE 2013 CALIFORNIA FIRE CODE.

Article 3: Police Regulated Occupations and Businesses

Division 5: Appeal Rights and Procedures

§33.0501 Right of Appeal to Hearing Officer; Time Limits

(a) through (g) [No change in text.]

- (h) Per ~~section 55.5117(e)~~Chapter 5, Article 5, all appeals of alarm user permits of fire-harmful gas alarm system revocations or penalties are conducted using the same procedures outlined in this Division. The term ~~Fire-Rescue Chief~~Fire-Rescue Chief, as defined in ~~section 55.5102~~Chapter 5, Article 5, should be substituted for *Chief of Police* in this Division for appeals related to fire-harmful gas alarm systems. The terms *permit* and *police permit* refer to fire-harmful gas alarm system permits, as described in Chapter 5, Article 5, ~~Division 51~~, for appeals related to fire-harmful gas alarm systems.

Article 5: Fire Protection and Prevention

Division 1: Adoption of the ~~2010~~2013 California Fire Code

§55.0101 Adoption of the ~~2010~~2013 California Fire Code Purpose and Intent, and Administrative Provisions

- (a) Portions of the California Fire Code (~~2010~~2013 Edition) adopted. Except as otherwise provided in this Article, the California Fire Code (~~2010~~2013 Edition), which incorporates and amends the International Fire Code (~~2009~~2012 Edition), including adopted appendices, is hereby adopted by reference. A copy of the California Fire Code (~~2010~~2013 Edition) is on file in the office of the City Clerk as Document No. OO- _____.
- The California Fire Code (~~2010~~2013 Edition), is referred to in this Article as the ~~2010~~2013 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~~2013 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 (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~~2013 California Fire Code section numbers. Sections within the ~~2010~~2013 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~~2013 California Fire Code will be cited as the ~~2010~~2013 California Fire Code section 901 within the text of the ~~San Diego~~ Municipal Code.

Where a section of the ~~2010~~2013 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~~2013 California Fire Code numbering system. For example, section 901 of the ~~2010~~2013 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~~2013 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~~2013 California Fire Code is less than four digits.

The Municipal Code numbering system reflects the numbering system of the ~~2010~~2013 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~~55.9401 corresponds with the numbering system change in the ~~2010~~2013 California Fire Code.

- (d) Definitions. Whenever the following terms appear within the text of the ~~2010~~2013 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~~2013 California Fire Code, Chapter 1, section 102.
- (f) Effective Date. Unless otherwise stated in a specific ~~San Diego~~ Municipal Code section or ~~2010~~2013 California Fire Code section adopted by the City, the effective date of the ~~2010~~2013 San Diego Fire Code shall be January 1, ~~2011~~2014.

- (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~~2013 California Fire Code not Adopted. The following section and appendices of the ~~2010~~2013 California Fire Code are not adopted:
- (1) Section 308.1.4,
 - ~~(1)~~(2) Section 4604.231104.24,
 - ~~(2)~~(3) APPENDIX A,
 - ~~(3)~~(4) APPENDIX D, Section D 104.1,
 - ~~(4)~~(5) APPENDIX E,
 - ~~(5)~~(6) APPENDIX F, -and
 - ~~(6)~~(7) APPENDIX G₂,
 - (8) APPENDIX H,
 - (9) APPENDIX I,
 - (10) APPENDIX J, and
 - (11) APPENDIX K.

§55.0102 Modifications to the ~~2010~~2013 California Fire Code Adopted by the City of San Diego

The following adopted sections or subsections of the ~~2010~~2013 California Fire Code have been modified by the City of San Diego (City):

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

- (b) Chapter 3, ~~Section~~section 304.1.2, Vegetation. (~~see~~See section 55.0304);
- (c) Chapter 3, ~~Section~~section 307.4.1, Bonfires. (~~see~~See section 55.0307);
- (d) Chapter 5, ~~Section~~section 505.1, Address identification. (~~see~~See section 55.0505);
- (~~e~~) Chapter 5, ~~Section~~section 507.5.1, Where required. (~~see~~See section 55.0507);
- (~~f~~)(e) Chapter 9, ~~Section~~section 901.7, Systems and Systems out of service. (~~see~~See section 55.0901);
- (~~g~~)(f) Chapter 9, ~~Section~~section 903.6, Existing buildings. (~~see~~See section 55.0903);-and
- (~~h~~)(g) Chapter ~~2750~~, ~~Section~~section ~~2701~~5001, Hazardous Materials-General Provisions. (~~see~~See section ~~55.2701~~55.5001);
- (h) Appendix D, section D 103.5, Fire apparatus access road gates. (See section 55.8703); and
- (i) Appendix D, section D 103.6, Signs. (See section 55.8703).

§55.0103 Adoption of Appendices to the ~~2010~~2013 California Fire Code

The following Appendix Chapter and appendices of the ~~2010~~2013 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.~~ Appendix D, Fire Apparatus Access Roads.

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

- (a) 1.1.1 Title through ~~407.6~~107.5 Overcrowding. Sections 1.1.1 through ~~407.6~~107.5 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).
- (b) through (c) [No change in text.]

Article 5: Fire Protection and Prevention

Division 2: Definitions

§55.0201 ~~Definitions~~General

201.1 Scope through ~~202- General Definitions~~201.4 Terms not defined. Sections 201.1 through ~~202~~201.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.0202 General Definitions

202 General Definitions. Section 202 of the California Fire Code has 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

[No change in text.]

§55.0304 Combustible Waste Material

[No change in text.]

§55.0307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces

(a) [No change in text.]

(b) 307.4.2 Recreational fires through ~~317.1 Laundry carts with a capacity of 1 cubic yard or more~~308.1.3 Torches for removing paint. Sections 307.4.2 through ~~317.1~~308.1.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.0308 Open Flames

308.1.5 Location near combustibles through 318.1 Laundry carts with a capacity of 1 cubic yard or more. Sections 308.1.5 through 318.1 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

[No change in text.]

§55.0403 Standby Fire Department Personnel

(a) 403.1.2 Standby Fire Department Personnel. When, in the opinion of the *Fire Code Official*, it is essential for public safety in a place of assembly

or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more qualified persons, as required and approved, to be on duty at such place.

Such individuals shall be subject to the *Fire Code Official's* orders at all times when so employed and shall be in uniform and remain on duty during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, such individuals shall: (1) inspect the required fire appliances provided to see that they are in proper place and in good working order; (2) keep diligent watch for fires during the time such place is open to the public or such activity is being conducted; and (3) take prompt measures for extinguishment of fires that may occur.

Such individuals shall ~~not be required or permitted~~, while on duty, to perform any other duties than those herein specified unless otherwise directed by the *Fire Code Official*.

The City shall charge the permittee the cost of such services. The cost shall be computed by the Fire-Rescue Department using accepted cost accounting methods, including, but not limited to, the cost of salary, fringe benefits, and general overhead.

Time cards of the assigned personnel shall be submitted by the *Fire Code Official* to the Auditor and Comptroller and shall be prima facie evidence of the expended work-hours. ~~In no event shall a permittee be charged less~~

~~than the cost of two work hours for each standby qualified person.~~

- (b) 403.2 Public safety plan through 408.11.3 ~~Maintenance~~408.12.3 Fire drills. Sections 403.2 through 408.11.3~~408.12.3~~ 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~~504.4 Roof access. Sections 501.1 through 504.3~~504.4~~ of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.0505 Premises Identification

[No change in text.]

§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).~~
- (e)(a) 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)(b) ~~508.1 General through 510.3 Emergency responder radio coverage in existing buildings~~510.6.3 Field testing. Sections 508.1 through ~~510.3~~510.6.3 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~~610.5 Electrical equipment. Sections 601.1 through ~~609.3.4~~610.5 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~~705.1 Exterior walls. Sections 701.1 through ~~704.2~~705.1 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~~808.4 Combustible lockers. Sections 801.1 through ~~808.2~~808.4 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~~903.6 Where required in existing buildings and structures. 901.1 through ~~901.6.2.1~~903.6 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~~903.6.1 Purpose and Intent. The Council hereby finds as a matter directly affecting public safety and the life safety of occupants of ~~high-rise buildings~~*high-rise buildings* and the public safety personnel involved in fire suppression activities in ~~high-rise buildings~~*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~~section 3414 are exempt.
- (b) ~~903.6.3.1~~903.6.1.1 Definitions. For purposes of section 55.0903, defined terms appear in italics. The following terms have the following definitions apply in this section:
- (1) through (3) [No change in text.]
- (c) ~~903.6.3.2~~903.6.1.2 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~~903.6.1.3 Fire sprinkler system. Automatic fire sprinkler systems required under section ~~903.6.3~~903.6.1 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~~903.6.1.4 Schedule of implementation. Each *owner* of a *high-rise building*, as defined in section 55.0903(b)₂, shall install an approved automatic fire sprinkler system in each *high-rise building* in accordance with the following schedule:
- (1) through (4) [No change in text.]
- (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~~903.6.1.5 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~~903.6.1.6 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~~Mayor, or the Mayor's designee. 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~~Mayor, or the Mayor's designee, shall thereafter consider the recommendations of the Board of Appeals and issue a final decision. The ~~City Manager~~Mayor's, or the

Mayor's designee's, decision shall constitute the *owner's* exhaustion of administrative remedies.

(h) ~~903.6.3.7~~903.6.1.7 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~~Mayor, or the Mayor's designee, 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~~2004.
- (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) [No change in text.]

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~~1030.9 Floor
identification signs. Sections 1001.1 through ~~1030.8~~1030.9 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~~Construction Requirements for Existing Buildings

§55.1101 ~~Aviation Facilities~~Construction Requirements for Existing Buildings

1101.1 Scope through ~~1107.8 Federal approval~~1104.23 Stairway floor number
signs. Sections 1101.1 through ~~1107.8~~1104.23 of the California Fire Code have
been adopted without change pursuant to section 55.0101(a).

§55.1105 Requirements for Outdoor Operations

1105.1 Tire Storage yards through 1106.1 Group A occupancy public address
system. Sections 1105.1 through 1106.1 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~~RESERVED

§55.1201 ~~Dry Cleaning~~Reserved

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~~RESERVED

§55.1301 ~~Combustible Dust Producing Operations~~Reserved

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~~RESERVED

§55.1401 ~~Fire Safety During Construction and Demolition~~Reserved

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~~RESERVED

§55.1501 ~~Flammable Finishes~~Reserved

~~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~~RESERVED

§55.1601 ~~Fruit and Crop Ripening~~Reserved

~~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~~RESERVED

§55.1701 ~~Fumigation and Thermal Insecticidal Fogging~~Reserved

~~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~~RESERVED

§55.1801 ~~Semiconductor Fabrication Facilities~~Reserved

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~~RESERVED

§55.1901 ~~Lumber Yards and Woodworking Facilities~~Reserved

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~~Aviation Facilities

§55.2001 ~~Manufacture of Organic Coatings~~Aviation Facilities

2001.1 Scope through 2009.6 ~~Finished products~~2007.8 Federal approval. Sections 2001.1 through ~~2009.6~~2007.8 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~~ Dry Cleaning

§55.2101 ~~Industrial Ovens~~ Dry Cleaning

2101.1 Scope through ~~2107.4 Equipment maintenance~~ 2108.4 Portable fire extinguishers. Sections 2101.1 through ~~2107.4~~ 2108.4 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~~ Combustible Dust-

Producing Operations

§55.2201 ~~Motor Fuel-Dispensing Facilities and Repair Garages~~ Combustible Dust-

Producing Operations

2201.1 Scope through ~~2211.8.3.1 System purge required~~ 2204.1 Standards. Sections 2201.1 through ~~2211.8.3.1~~ 2204.1 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~~ Motor Fuel-Dispensing Facilities and Repair

Garages

§55.2301 ~~High-Piled Combustible Storage~~ Motor Fuel-Dispensing Facilities and Repair

Garages

2301.1 Scope through ~~2310.1 General~~ 2311.8.3 Defueling equipment required at vehicle maintenance and repair facilities. Sections 2301.1 through ~~2310.1~~ 2311.8.3 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~~ Flammable Finishes

§55.2401 ~~Tents and Other Membrane Structures~~ Flammable Finishes

2401.1 Scope through ~~2404.23 Obstructions~~ 2410.5 Ventilation. Sections 2401.1 through ~~2404.23~~ 2410.5 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~~ Fruit and Crop Ripening

§55.2501 ~~Tire Rebuilding and Tire Storage~~ Fruit and Crop Ripening

2501.1 Scope through ~~2509.1 Pile dimensions~~ 2507.1 When Required. Sections 2501.1 through ~~2509.1~~ 2507.1 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~~ Fumigation and Insecticidal Fogging

§55.2601 ~~Welding and Other Hot Work~~ Fumigation and Insecticidal Fogging

2601.1 Scope through ~~2609.7 Inspection~~ 2603.7 Flammable fumigants. Sections 2601.1 through ~~2609.7~~ 2603.7 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~~ Semiconductor Fabrication Facilities

§55.2701 ~~Hazardous Materials-General~~ Semiconductor Fabrication Facilities

(a) ~~Provisions~~ 2701.1 Scope through ~~2701.1.1 Waiver~~ 2705.3.4.1 Identification. Sections 2701.1 through ~~2701.1.1~~ 2705.3.4.1 of the

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

~~(a) 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.~~

~~(b) — 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.~~

~~(c) — 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.~~

~~(d) — 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.~~

~~(e) — 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.~~

~~(f) — 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~~Lumber Yards and Woodworking Facilities

§55.2801 ~~Aerosols~~Lumber Yards and Woodworking Facilities

2801.1 Scope through ~~2807.1 General~~2809.5 Fire Protection. Sections 2801.1 through ~~2807.1~~2809.5 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~~Manufacture of Organic Coatings

§55.2901 ~~Combustible Fibers~~Manufacture of Organic Coatings

2901.1 Scope through ~~2905.2 Special Baling Conditions~~2909.6 Finished Products. Sections 2901.1 through ~~2905.2~~2909.6 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~~Industrial Ovens

§55.3001 ~~Compressed Gases~~Industrial Ovens

3001.1 Scope through ~~3007.2 Ventilation~~3007.4 Equipment maintenance. Sections 3001.1 through ~~3007.2~~3007.4 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~~ Tents and Other Membrane Structures

§55.3101 ~~Corrosive Materials~~ Tents and Other Membrane Structures

3101.1 Scope through ~~3105.2.1 Distance from use to exposures~~ 3104.23 Obstructions. Sections 3101.1 through ~~3105.2.1~~ 3104.23 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~~ High-Piled Combustible Storage

§55.3201 ~~Cryogenic Fluids~~ High-Piled Combustible Storage

3201.1 Scope through ~~3205.5.2 Closed containers~~ 3210.1 General. Sections 3201.1 through ~~3205.5.2~~ 3210.1 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~~ Fire Safety During Construction and Demolition

§55.3301 ~~Explosives and Fireworks~~ Fire Safety During Construction and Demolition

3301.1 Scope through ~~3309 Reserved~~ 3317.3 Fire Extinguishers for roofing operations. Sections 3301.1 through ~~3309~~ 3317.3 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~~ Tire Rebuilding and Tire Storage

§55.3401 ~~Flammable and Combustible Liquids~~ Tire Rebuilding and Tire Storage

3401.1 Scope and application through ~~3406.8.5 Overfill protection~~ 3409.1 Pile dimensions. Sections 3401.1 through ~~3406.8.5~~ 3409.1 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~~ Welding and Other Hot

Work

§55.3501 ~~Flammable Gases and Flammable Cryogenic Fluids~~ Welding and Other Hot Work

3501.1 Scope through ~~3507.2.2 Valves~~ 3509.7 Inspection. Sections 3501.1 through ~~3507.2.2~~ 3509.7 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~~Marinas

§55.3601 ~~Flammable Solids~~Marinas

3601.1 Scope through ~~3606.5.8 Collection of chips, turnings and fines~~3605.1 Fuel dispensing. Sections 3601.1 through ~~3606.5.8~~3605.1 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~~RESERVED

§55.3701 ~~Highly Toxic and Toxic Materials~~Reserved

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~~RESERVED

§55.3801 ~~Liquefied Petroleum Gases~~Reserved

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~~RESERVED

§55.3901 ~~Organic Peroxides~~Reserved

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~~RESERVED

§55.4001 ~~Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids~~Reserved

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~~RESERVED

§55.4101 ~~Pyrophoric Materials~~Reserved

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~~RESERVED

§55.4201 ~~Pyroxylin (Cellulose Nitrate) Plastics~~Reserved

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~~ RESERVED

§55.4301 ~~Unstable (Reactive) Materials~~ Reserved

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~~ RESERVED

§55.4401 ~~Water Reactive Solids and Liquids~~ Reserved

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~~ Reserved

§55.4501 ~~Marinas~~ Reserved

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~~RESERVED

§55.4601 ~~Construction Requirements for Existing Buildings~~Reserved

- (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~~RESERVED

§55.4701 ~~Referenced Standards~~Reserved

~~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~~Motion Picture and Television Production Studio Sound Stages, Approved Production Facilities, and Production Locations

[No change in text.]

Article 5: Fire Protection and Prevention

Division 49: Requirements for Wildland-Urban Interface Fire Areas

§55.4901 Requirements for Wildland-Urban Interface Fire Areas

[No change in text.]

Article 5: Fire Protection and Prevention

Division 50: ~~Very High Fire Hazard Severity Zone Established~~ Hazardous Materials –

General Provisions

§55.5001 ~~Very High Fire Hazard Severity Zone~~ Hazardous Materials – General Provisions

~~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.~~

(a) 5001.1 Scope through 5001.1.1 Waiver. Sections 5001.1 through 5001.1.1 of the California Fire Code have been adopted without changed pursuant to section 55.0101(a).

(b) 5001.1.2 Combustible Explosive and Dangerous Materials-CEDMAT Program Legislative Declaration and Findings.

(1) The Council of the City of San Diego (Council) 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 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 California 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.

- (1) Inspect occupancies, as defined in the California Fire Code, within the City, 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 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 *Fire Code Official* 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 5001.2 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 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 Mayor. 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 Municipal Code.

(f) Exempt Public Records 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 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) 5001.2 Material classification through 5005.4.4 Dispensing, use and handling. Sections 5001.2 through 5005.4.4 of the California Fire Code have been adopted without change pursuant to Section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 51: ~~Fire and Harmful Gas Emergency Alarms~~ Aerosols

§55.5101 ~~Purpose and Intent~~ Aerosols

~~This Division creates a permitting system for fire and harmful gas alarm systems. It includes a schedule of penalties for *false alarms* as defined in this Division. The permitting and penalty regulations under this Division are in addition to the San Diego Police Department false alarm regulations enacted in Chapter 3, Article 3, Division 37 of this Code.~~ 5101.1 Scope through 5107.1 General. Sections 5101.1 through 5107.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.5102 Definitions

Defined terms appear in italics. The following definitions apply in this Division:

Alarm agent means ~~any person who is directly or indirectly employed by a fire-harmful gas alarm business, and whose duties include selling any fire-harmful gas alarm system.~~

Alarm system administrator means ~~an employee of the City of San Diego designated by the alarm system official to administer the fire-harmful gas alarm system permitting, track false alarms for purposes of penalties under this Division, report on program metrics, and act as a liaison with the public.~~

Alarm system official means ~~the Chief of Police, the Fire-Rescue Chief, or any other official appointed by the City Manager to preside over the fire-harmful gas alarm system program in this Division.~~

Alarm user means ~~any person who operates, activates, possesses or controls a fire-harmful gas alarm system, or who occupies, controls, or possesses the building or structure protected by a fire-harmful gas alarm system.~~

Business tax certificate has the same meaning as *certificate* in San Diego Municipal Code section 31.0110(a).

Chief of Police has the same meaning as San Diego Municipal Code section 33.0201.

Conversion means ~~the assumption by one fire-harmful gas alarm business of the duty to service, maintain or monitor a fire-harmful gas alarm system previously monitored by another fire-harmful gas alarm business.~~

Emergency situation means ~~any circumstance in which there is reason to believe~~

that (1) there is an uncontrolled fire actively burning in or near a building or other structure; (2) there is a concentration of *harmful gas* in or near a building or other structure; or (3) there is an identifiable risk of harm to a person or property within or near a building or other structure.

Exempt user has the same meaning as in San Diego Municipal Code section 33.3701.

False alarm means any triggering of a *fire-harmful gas alarm system* that results in a response by San Diego Fire-Rescue Department personnel when an *emergency situation* does not exist. *False alarm* includes activations caused by mechanical failure, malfunction, accidental tripping, malicious tripping, misuse, or negligent maintenance by a *fire-harmful gas alarm business*, *fire-harmful gas alarm agent*, or *alarm user*. *False alarm* does not include activations caused by weather conditions, telephone line problems, water surges, water hammers, or any other factor over which the *fire-harmful gas alarm business*, *fire-harmful gas alarm agent*, or *alarm user* do not have direct control.

Fire alarm system means a *fire-harmful gas alarm system* that is designed to monitor buildings or other structures for *emergency situations* connected to uncontrolled fires, and evokes a San Diego Fire-Rescue Department response when the alarm system is triggered.

Fire-harmful gas alarm business means any person engaged in the enterprise of selling, installing, maintaining, servicing, inspecting or monitoring any *fire-harmful gas alarm system*. *Fire-harmful gas alarm business* does not include the

~~owner or property manager of an apartment complex that provides *fire-harmful gas alarm systems* in each residential unit as an amenity.~~

~~*Fire-harmful gas alarm system* means any mechanical or electrical monitoring device capable of giving, signaling, or transmitting a fire or *harmful gas* emergency alarm that when triggered by an *emergency situation* emits a sound or transmits a signal or message that is intended to evoke a response by the San Diego Fire-Rescue Department. *Fire-harmful gas alarm system* includes *fire alarm systems* and *harmful gas alarm systems*. *Fire-harmful gas alarm system* excludes manually activated residential alarm systems.~~

~~*Fire-Rescue Chief* means the Chief of the Fire-Rescue Department of the City of San Diego.~~

~~*Fire watch* means a person who is a site-specific guard for the purpose of detecting an *emergency situation*. *Fire watch* includes only those persons who are trained in the use of fire extinguishers, the notification to the San Diego Fire-Rescue Department of an *emergency situation*, and in the operation of the *fire alarm system* where the *fire watch* is stationed.~~

~~*Harmful gas* means any form of gas other than smoke, ash, or dust from a fire, which is capable of causing harm to persons or property. For example, carbon monoxide is a *harmful gas*.~~

~~*Harmful gas alarm system* means a *fire-harmful gas alarm system* that is designed to monitor buildings or other structures for *emergency situations* connected to *harmful gas*, and evokes a San Diego Fire-Rescue Department response when the alarm system is triggered.~~

~~Person~~ has the same meaning as in San Diego Municipal Code section 11.0210.

~~Sell~~ has the same meaning as in San Diego Municipal Code section 33.3701.

~~Takeover~~ means the assumption by one ~~alarm user~~ of the control of a ~~fire-harmful gas alarm system~~ previously controlled by another ~~alarm user~~.

§55.5103 ~~Fire-Harmful Gas Alarm Business Requirements and Responsibilities~~

- (a) ~~It is unlawful for any person to operate a fire-harmful gas alarm business without a business tax certificate.~~
- (b) ~~It is unlawful for any person to operate a fire-harmful gas alarm business not licensed as required by the State of California.~~
- (c) ~~Any fire-harmful gas alarm business that sells any fire-harmful gas alarm system shall do the following:~~
 - (1) ~~Obtain an alarm user permit, using the alarm user permit application provided by the alarm system official, on behalf of the alarm user before putting the fire-harmful gas alarm system into service;~~
 - (2) ~~Collect the alarm user permit application and permit fee from each alarm user; and~~
 - (3) ~~Mail or hand deliver the completed alarm user permit application and permit fee to the alarm system official before putting the fire-harmful gas alarm system into service.~~
- (d) ~~Any person or business that sells any fire-harmful gas alarm system and does not personally or through an agent install, maintain, service, inspect or monitor the fire-harmful gas alarm system for any location, shall~~

provide to the purchaser at the time of the sale an *alarm user* permit application and certification form, as provided in San Diego Municipal Code section 55.5108. Subsection (c) does not apply to transactions covered under this subsection.

§55.5104 Alarm Agent Responsibilities

An *alarm agent* shall comply with all applicable licensing or registration requirements pursuant to California law.

§55.5105 Fire-Harmful Gas Alarm System Conversion

- (a) Prior to the *conversion* of any *fire-harmful gas alarm system*, the *fire-harmful gas alarm business* transferring the duty to monitor shall ensure that the *alarm user* has a valid *alarm user* permit for the *fire-harmful gas alarm system* being converted.
- (b) If the *alarm user* does not have a valid *alarm user* permit for the *fire-harmful gas alarm system* being converted, the *fire-harmful gas alarm business* transferring the duty to maintain, service, inspect or monitor shall obtain the *alarm user* permit on behalf of the *alarm user*.

§55.5106 Fire-Harmful Gas Alarm System Takeover

- (a) Upon any *takeover* of a *fire-harmful gas alarm system* maintained, serviced, inspected or monitored by a *fire-harmful gas alarm business*, the *fire-harmful gas alarm business* shall determine whether an *alarm user* permit has been issued to the *alarm user* assuming control of the *fire-harmful gas alarm system*.

- (b) Upon a determination that an *alarm user* permit has not been issued to the *alarm user* assuming control of the *fire harmful gas alarm system*, the *fire harmful gas alarm business* shall obtain an *alarm user* permit on behalf of the *alarm user*.
- (c) Nothing in this Division prohibits the *fire harmful gas alarm business* from recovering from an *alarm user* the amount of the *alarm user* permit fee.

§55.5107 Alarm User Permit Required; Violation

- (a) It is unlawful for any *alarm user* to operate, activate, possess or control any *fire harmful gas alarm system* unless the *alarm user* has a current valid *alarm user* permit issued by the *alarm system official* for that *fire harmful gas alarm system*.
- (b) Except as provided in section 55.5103(c), the *alarm system official* shall collect *alarm user* permit applications and permit application fees from the *alarm user*.

§55.5108 Application for Alarm User Permit

- (a) Any person applying for an *alarm user* permit shall submit to the *alarm system official*, on a form provided by the *alarm system official*, a legibly written application containing the following information:
 - (1) Name, address, and telephone number of the *alarm user* (including separate mailing address if applicable);
 - (2) Classification of the alarm location as residential or commercial;

- (3) ~~Fire harmful gas alarm system~~ type (such as fire or carbon monoxide);
 - (4) ~~Area covered by fire harmful gas alarm system~~;
 - (5) ~~Name, address, and telephone number of the person authorized to respond to alarm signals and to allow access to the protected building or other structure; and~~
 - (6) ~~Name, address, telephone number, City business tax certificate number, and State license number of the fire harmful gas alarm business that will monitor the fire harmful gas alarm system, if any.~~
- (b) ~~All fees must be paid at the time the alarm user permit application is filed.~~
- (c) ~~Each alarm user permit application must be accompanied by a signed certification by the alarm user and fire harmful gas alarm business stating the following:~~
- (1) ~~The date of the installation, conversion, or takeover, whichever is applicable;~~
 - (2) ~~The name, address, telephone number, City business tax certificate number, and State license number of the fire harmful gas alarm business installing the fire harmful gas alarm system, or performing the conversion or takeover of the fire harmful gas alarm system;~~

- (3) The name, address, and telephone number of the *fire-harmful-gas alarm-business* or *alarm-agent* responsible for monitoring the *fire-harmful-gas alarm system*, if any;
 - (4) That written operating instructions for the *fire-harmful-gas alarm system*, including written guidelines regarding how to avoid *false alarms*, have been provided to the *alarm-user* applying for the permit; and
 - (5) That the *fire-harmful-gas alarm-business* has provided to the *alarm user* applying for the permit all necessary information regarding the proper use of the *fire-harmful-gas alarm system*, including instruction on how to avoid *false alarms*.
- (d) The *alarm system official* may deny the application for an *alarm user* permit if any of the information required pursuant to section 55.5108(a) and (c) is not provided.
- (e) An application will not be considered complete if, at the time the application is being considered, any penalty fees under section 55.5111 or any fines assessed to the *person* applying for an *alarm user* permit under section 55.5116 have not been paid.

§55.5109 Expiration of Alarm User Permits

- (a) An *alarm user* permit shall expire on the last day of the twenty-fourth month following the issuance of the permit.
- (b) The *alarm user* is responsible to renew an *alarm user* permit prior to the permit's expiration.

- (e) ~~The *alarm system administrator* shall notify the *alarm user* when a permit is due to expire at least thirty days before it expires.~~

§55.5110 Alarm User Permits Not Transferable

~~*Alarm user* permits shall not be transferable from one *person* to another or from one building or other structure to another.~~

§55.5111 Fees and Penalties for Alarm User Permit

- (a) ~~Except as otherwise specifically provided in this Division, any *person* who files an application for an *alarm user* permit shall at the time of filing the application pay a fee in accordance with the City Clerk's fee rate book and any outstanding penalty fee.~~
- (b) ~~Any *alarm user* who does not have an *alarm user* permit and whose *fire-harmful gas alarm system* generates a San Diego Fire-Rescue Department call for service will be notified in writing that he or she must obtain an *alarm user* permit. If the *alarm user* has not obtained an *alarm user* permit within fifteen days after written notification by the San Diego Fire-Rescue Department, then the *alarm user* will be assessed a penalty for each San Diego Fire-Rescue Department call for service generated by his or her *fire-harmful gas alarm system* until the permit is obtained. The penalty shall include cost recovery for the San Diego Fire-Rescue Department's response to the *false alarm*. The penalty schedule shall be kept in the City Clerk's fee rate book on file in the City Clerk's Office.~~

§55.5112 Responsibility for Fire Harmful Gas Alarm Systems in Apartments

- (a) If an *alarm user* has multiple *fire harmful gas alarm systems* in one building or structure, an *alarm user* permit is required for each separate system.
- (b) The tenant of a multiunit residential building or rental property whose unit contains a *fire harmful gas alarm system* is deemed to be the *alarm user* if the *fire harmful gas alarm system* was not provided by the owner of the multiunit residential or other rental property.
- (c) The owner of a multiunit residential or other rental property that provides a *fire harmful gas alarm system* to tenants shall be deemed the *alarm user*.
- (d) Each *fire harmful gas alarm system* control panel constitutes a separate alarm system and requires a separate *alarm user* permit.

§55.5113 Fire Harmful Gas Alarm System Direct Dial Prohibition

It is unlawful for any *person* to program, install or use any *fire harmful gas alarm system* to direct dial any emergency or “call for service” number serving the San Diego Fire Rescue Department’s Regional Communications Center.

§55.5114 Procedures for Alarm Verification

A *fire harmful gas alarm business* shall, after contacting the San Diego Fire Rescue Department, attempt to contact an *alarm user* in person, by telephone, or by other electronic means, in order to verify that the alarm signal is not false.

§55.5115 Revocation of an Alarm User Permit

- (a) A violation of any of the provisions of this Division shall constitute grounds for revocation of an *alarm user* permit.

- (b) ~~The *alarm system official* may revoke any *alarm user* permit for any *fire-harmful gas alarm system* that has had *false alarms* in excess of the number permitted in section 55.5115(f).~~
- (c) ~~The *alarm system official* will indicate on an *alarm user's* records that an alarm is false if the responding San Diego Fire-Rescue Department personnel do not find evidence that an *emergency situation* was the cause of the alarm being triggered. The *alarm system official* may amend the *alarm user's* records to indicate that the alarm was not a *false alarm* if, within ten business days of the alarm being triggered, the *alarm system official* receives satisfactory evidence to that effect. The *alarm system official* shall issue written findings of such decision within five business days of receipt of the evidence offered.~~
- (d) ~~Upon revocation of any *alarm user* permit, the *alarm system official* will notify the holder of the permit in writing of the revocation.~~
- (e) ~~The *alarm system official* shall notify the *alarm user* of the *alarm user's* first *false alarm* by letter.~~
- (f) ~~The first two *false alarms* for an *alarm user* holding an *alarm user* permit, of each calendar year shall not be penalized either by a penalty or *alarm user* permit revocation. Additional *false alarms* each calendar year will be penalized according to the penalties for false fire harmful gas alarms contained in the City Clerk's fee rate book.~~
- (g) ~~An *alarm user* permit that has been revoked pursuant to this Division is not a current valid *alarm user* permit.~~

§55.5116 Penalties for Alarm User Permit Revocations

- (a) ~~An *alarm user* shall pay a penalty, according to the established rates kept in the City Clerk's fee rate book on file in the Clerk's Office, for each revocation of an *alarm user* permit and each subsequent *false alarm* Fire-Rescue Department response that *fire-harmful gas alarm system*.~~
- (b) ~~A *fire-harmful gas alarm business* shall not be liable for any penalty imposed upon an *alarm user* for exceeding the permitted number of *false alarms* if the *fire-harmful gas alarm business* obtained the *alarm user* permit on behalf of the *alarm user*.~~

§55.5117 Reinstatement of Revoked Permit; Alarm User Permit Appeal

- (a) ~~An *alarm user* whose permit has been revoked pursuant to section 55.5115 may apply for reinstatement of the permit by submitting to the *alarm system official* all penalties due pursuant to section 55.5116, and written evidence satisfactory to the *alarm system official* that the cause of the *false alarms* has been identified and corrected.~~
- (b) ~~The *alarm system official* may reinstate an *alarm user* permit revoked pursuant to section 55.5115 upon the receipt of all penalties due pursuant to section 55.5116 and evidence satisfactory to the *alarm system official* that the cause of the *false alarms* has been corrected. The *alarm system official* may also require such other conditions as may be appropriate to reinstate a revoked *alarm user* permit.~~
- (c) ~~An *alarm user* may appeal a decision by the *alarm system official* to revoke the *alarm user* permit in accordance with the appeals process for~~

~~Police Regulated Businesses found in Chapter 3, Article 3, Division 5 of
this Code.~~

**§55.5118 Use of Fire-Harmful Gas Alarm System after Permit Revocation as Public
Nuisance**

- (a) ~~The alarm system official may declare a fire-harmful gas alarm system a public nuisance when all of the following conditions are present:~~
- ~~(1) The alarm user permit has been revoked due to false alarms;~~
 - ~~(2) The revoked alarm user permit has not been reinstated;~~
 - ~~(3) The cause of the false alarms has not been corrected;~~
 - ~~(4) The alarm user's fire-harmful gas alarm system continues to trigger false alarms; and~~
 - ~~(5) If revoked, the decision of the alarm system official to revoke the permit is not currently on appeal pursuant to Chapter 3, Article 3, Division 5 of the code.~~
- (b) ~~The alarm system official may remove a public nuisance designation from the alarm user's records when the alarm user permit has been reinstated and the cause of the false alarms has been corrected.~~

§55.5119 Posting a Fire Watch

~~The alarm system official may require an alarm user to post a fire watch, at the alarm user's expense, if a fire alarm system is unable to be repaired within twenty four hours or if the lack of protection due to the alarm malfunctioning creates a life or property safety hazard. The fire watch shall be stationed at the building or other structure where the false alarms were generated.~~

§55.5120 Exceptions

The regulations in this Division do not apply to:

- (a) ~~Persons engaged solely in the manufacture or repair of fire-harmful gas alarm systems or fire-harmful gas alarm system components from a fixed location who do not personally or through an agent install, or monitor the fire-harmful gas alarm system for any location, except as provided in section 55.5103(d).~~
- (b) ~~Exempt users as defined in section 55.5102 of this Division.~~

§55.5121 Confidentiality of Records

- (a) ~~The information furnished and secured pursuant to this Division shall not be subject to public inspection except when required by local, state or federal law.~~
- (b) ~~An alarm user shall have access to information regarding the administration of that user's permit.~~

§55.5122 Enforcement Authority

~~The alarm system official is authorized to administer and enforce the provisions of this Division. The alarm system official may exercise any enforcement powers as provided in Chapter 1, Article 2, Division 1 of this Code.~~

§55.5123 Enforcement Remedies

~~Except as otherwise specifically provided, violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201. The alarm system official may also seek~~

~~injunctive relief and civil penalties in the Superior Court pursuant to San Diego Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1, Article 2, Division 1 of this Code.~~

Article 5: Fire Protection and Prevention

Division 52: Combustible Fibers

§55.5201 **Combustible Fibers**

5201.1 Scope through 5205.2 Special baling conditions. Sections 5201.1 through 5205.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 53: Compressed Gas

§55.5301 **Compressed Gas**

5301.1 Scope through 5307.2 Ventilation. Sections 5301.1 through 5307.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 54: Corrosive Materials

§55.5401 **Corrosive Materials**

5401.1 Scope through 5405.2.1 Distance from use to exposures. Sections 5401.1 through 5405.2.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 55: Cryogenic Fluids

§55.5501 **Cryogenic Fluids**

5501.1 Scope through 5505.5.2 Closed containers. Sections 5501.1 through 5505.5.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 56: Explosives and Fireworks

§55.5601 **Explosives and Fireworks**

5601.1 Scope through 5608.1.1 Scope. Sections 5601.1 through 5608.1.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.5609 **Financial Responsibility**

5609. Before a permit is issued pursuant to this section, the applicant shall file with the City of San Diego (City) a \$1 million combined single limit comprehensive general liability insurance policy, naming the City 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 as an additional insured.

§55.5610 **Where Prohibited**

Except as hereinafter provided, it shall be unlawful for any person to possess, store, manufacture, offer for sale, sell at retail, use, or explode any fireworks within the incorporated City limits.

Exception: Fireworks. 1.4G and fireworks 1.3G may be part of a public display when permitted by the City and conducted by a State of California licensed pyrotechnic operator.

Article 5: Fire Protection and Prevention

Division 57: Flammable and Combustible Liquids

§55.5701 **Flammable and Combustible Liquids**

5701.1 Scope and application through 5706.8.5 Overfill protection. Sections 5701.1 through 5706.8.5 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 58: Cryogenic Fluids

§55.5801 **Cryogenic Fluids**

5801.1 Scope through 5808.7 Standby power. Sections 5801.1 through 5808.7 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 59: Flammable Solids

§55.5901 **Flammable Solids**

5901.1 Scope through 5906.5.8 Collection of chips, turnings, and fines. Sections 5901.1 through 5906.5.8 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 60: Highly Toxic Materials

§55.6001 **Highly Toxic Materials**

6001.1 Scope through 6005.6 Manual shutdown. Sections 6001.1 through 6005.6 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 61: Liquefied Petroleum Gases

§55.6101 **Liquefied Petroleum Gases**

6101.1 Scope through 6111.3 Garaging. Sections 6101.1 through 6111.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 62: Organic Peroxides

§55.6201 **Organic Peroxides**

6201.1 Scope through 6205.1 General. Sections 6201.1 through 6205.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 63: Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids

§55.6301 **Oxidizers, Oxidizing Gases and Oxidizing Cryogenic Fluids**

6301.1 Scope through 6306.7 Fire department notification. Sections 6301.1 through 6306.7 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 64: Pyrophoric Materials

§55.6401 **Pyrophoric Materials**

6401.1 Scope through 6405.3 Silane gas. Sections 6401.1 through 6405.3 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 65: Pyroxylin (Cellulose Nitrate) Plastics

§55.6501 Pyroxylin (Cellulose Nitrate) Plastics

6501.1 Scope through 6504.4 Heating. Sections 6501.1 through 6504.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 66: Unstable (Reactive) Materials

§55.6601 Unstable (Reactive) Materials

6601.1 Scope through 6605.1 General. Sections 6601.1 through 6605.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 67: Water-Reactive Solids and Liquids

§55.6701 Water-Reactive Solids and Liquids

6701.1 Scope through 6705.1 General. Sections 6701.1 through 6705.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 68: RESERVED

§55.6801 Reserved

Article 5: Fire Protection and Prevention

Division 69: RESERVED

§55.6901 **Reserved**

Article 5: Fire Protection and Prevention

Division 70: RESERVED

§55.7001 **Reserved**

Article 5: Fire Protection and Prevention

Division 71: RESERVED

§55.7101 **Reserved**

Article 5: Fire Protection and Prevention

Division 72: RESERVED

§55.7201 **Reserved**

Article 5: Fire Protection and Prevention

Division 73: RESERVED

§55.7301 **Reserved**

Article 5: Fire Protection and Prevention

Division 74: RESERVED

§55.7401 **Reserved**

Article 5: Fire Protection and Prevention

Division 75: RESERVED

§55.7501 **Reserved**

Article 5: Fire Protection and Prevention

Division 76: RESERVED

§55.7601 **Reserved**

Article 5: Fire Protection and Prevention

Division 77: RESERVED

§55.7701 **Reserved**

Article 5: Fire Protection and Prevention

Division 78: RESERVED

§55.7801 **Reserved**

Article 5: Fire Protection and Prevention

Division 79: RESERVED

§55.7901 **Reserved**

Article 5: Fire Protection and Prevention

Division 80: Referenced Standards

§55.8001 **Referenced Standards**

Chapter 80 Referenced Standards. Chapter 80 of the California Fire Code has been adopted without change pursuant to section 51.0101(a).

Article 5: Fire Protection and Prevention

Division 81: Special Detailed Requirements Based on Use and Occupancy

§55.8101 **Special Provisions for Licensed 24-Hour Care Facilities in a Group R-2.1, R-3.1, R-4**

425.1 Scope through 426.1 Operator's statement. Sections 425.1 through 426.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 82: RESERVED

§55.8201 **Reserved**

Article 5: Fire Protection and Prevention

Division 83: Appendix B – Fire-Flow Requirements for Buildings

§55.8301 **Fire-Flow Requirements for Buildings**

B101.1 Scope through B105.2 Buildings with other than one- and two-family dwellings. Sections B101.1 through B105.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 84: Appendix BB – Fire-Flow Requirements for Buildings

§55.8401 **Fire-Flow Requirements for Buildings**

BB101.1 Scope through BB105.1. Sections BB101.1 through BB105.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 85: Appendix C – Fire Hydrant Locations and Distribution

§55.8501 **Fire Hydrant Locations and Distribution**

C101.1 Scope through C105.1 Hydrant spacing. Sections C101.1 through C105.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 86: Appendix CC – Fire Hydrant Locations and Distribution

§55.8601 Fire Hydrant Locations and Distribution

CC101.1 Scope through CC105.1. Sections CC101.1 through CC105.1 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 87: Appendix D – Fire Apparatus Access Roads

§55.8701 Fire Apparatus Access Roads

D101.1 Scope through D103.4 Dead ends. Sections D101.1 through D103.4 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.8703 Minimum Specifications

- (a) D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:
- (1) The minimum gate width shall be 13 feet (3964 mm).
 - (2) Gates shall be of the swinging or sliding type.
 - (3) Construction of gates shall be of materials that allow manual operation by one person.
 - (4) Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

- (5) Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the *Fire Code Official*.
 - (6) Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
 - (7) Locking device specifications shall be submitted for approval by the *Fire Code Official*.
 - (8) Electric gate operators where provided shall be listed in accordance with UL 325.
 - (9) Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.
- (b) D103.6 Signs. Where required by the *Fire Code Official*, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with California Vehicle Code section 22500.1. Signs shall be posted on one or both sides of the fire apparatus road as required by section D103.6.1 or D103.6.2.
- (c) D103.6.1 Roads 20 to 26 feet in width through D103.6.2 Roads more than 26 feet in width. Sections D103.6.1 through D103.6.2 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

§55.8704 **Commercial and Industrial Developments**

D104 Buildings exceeding 62,000 square feet in area through D108 Referenced Standards. Section D104.4 through D108 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

Article 5: Fire Protection and Prevention

Division 88: RESERVED

§55.8801 **Reserved**

Article 5: Fire Protection and Prevention

Division 89: RESERVED

§55.8901 **Reserved**

Article 5: Fire Protection and Prevention

Division 90: RESERVED

§55.9001 **Reserved**

Article 5: Fire Protection and Prevention

Division 91: RESERVED

§55.9101 **Reserved**

Article 5: Fire Protection and Prevention

Division 92: RESERVED

§55.9201 **Reserved**

Article 5: Fire Protection and Prevention

Division 93: RESERVED

§55.9301 **Reserved**

Article 5: Fire Protection and Prevention

Division 94: Very High Fire Hazard Severity Zone Established

§55.9401 Very High Fire Hazard Severity Zone

The Council 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 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.

Article 5: Fire Protection and Prevention

Division 99: Fire and Harmful Gas Emergency Alarms

§55.9901 Purpose and Intent

This Division creates a permitting system for fire and harmful gas alarm systems. It includes a schedule of penalties for *false alarms* as defined in this Division. The permitting and penalty regulations under this Division are in addition to the San Diego Police Department false alarm regulations enacted in Chapter 3, Article 3, Division 37 of this Code.

§55.9902 Definitions

Defined terms appear in italics. The following definitions apply in this Division:
Alarm agent means any person who is directly or indirectly employed by a *fire-harmful gas alarm business*, and whose duties include selling any *fire-harmful gas alarm system*.

Alarm system administrator means an employee of the City of San Diego designated by the alarm system official to administer the fire-harmful gas alarm system permitting, track false alarms for purposes of penalties under this Division, report on program metrics, and act as a liaison with the public.

Alarm system official means the Chief of Police, the Fire-Rescue Chief, or any other official appointed by the City Manager to preside over the fire-harmful gas alarm system program in this Division.

Alarm user means any person who operates, activates, possesses or controls a fire-harmful gas alarm system, or who occupies, controls, or possesses the building or structure protected by a fire-harmful gas alarm system.

Business tax certificate has the same meaning as certificate in Municipal Code section 31.0110(a).

Chief of Police has the same meaning as Municipal Code section 33.0201.

Conversion means the assumption by one fire-harmful gas alarm business of the duty to service, maintain or monitor a fire-harmful gas alarm system previously monitored by another fire-harmful gas alarm business.

Emergency situation means any circumstance in which there is reason to believe that: (1) there is an uncontrolled fire actively burning in or near a building or other structure; (2) there is a concentration of harmful gas in or near a building or other structure; or (3) there is an identifiable risk of harm to a person or property within or near a building or other structure.

Exempt user has the same meaning as in Municipal Code section 33.3701.

False alarm means any triggering of a fire-harmful gas alarm system that results in a response by San Diego Fire-Rescue Department personnel when an emergency situation does not exist. False alarm includes activations caused by mechanical failure, malfunction, accidental tripping, malicious tripping, misuse, or negligent maintenance by a fire-harmful gas alarm business, fire-harmful gas alarm agent, or alarm user. False alarm does not include activations caused by weather conditions, telephone line problems, water surges, water hammers, or any other factor over which the fire-harmful gas alarm business, fire-harmful gas alarm agent, or alarm user do not have direct control.

Fire alarm system means a fire-harmful gas alarm system that is designed to monitor buildings or other structures for emergency situations connected to uncontrolled fires, and evokes a San Diego Fire-Rescue Department response when the alarm system is triggered.

Fire-harmful gas alarm business means any person engaged in the enterprise of selling, installing, maintaining, servicing, inspecting, or monitoring any fire-harmful gas alarm system. Fire-harmful gas alarm business does not include the owner or property manager of an apartment complex that provides fire-harmful gas alarm systems in each residential unit as an amenity.

Fire-harmful gas alarm system means any mechanical or electrical monitoring device capable of giving, signaling, or transmitting a fire or harmful gas emergency alarm that, when triggered by an emergency situation, emits a sound or transmits a signal or message that is intended to evoke a response by the San Diego Fire-Rescue Department. Fire-harmful gas alarm system includes fire

alarm systems and harmful gas alarm systems. Fire-harmful gas alarm system excludes manually activated residential alarm systems.

Fire-Rescue Chief means the Chief of the Fire-Rescue Department of the City of San Diego.

Fire watch means a person who is a site-specific guard for the purpose of detecting an emergency situation. Fire watch includes only those persons who are trained in the use of fire extinguishers, the notification to the San Diego Fire-Rescue Department of an emergency situation, and in the operation of the fire alarm system where the fire watch is stationed.

Harmful gas means any form of gas other than smoke, ash, or dust from a fire, which is capable of causing harm to persons or property. For example, carbon monoxide is a harmful gas.

Harmful gas alarm system means a fire-harmful gas alarm system that is designed to monitor buildings or other structures for emergency situations connected to harmful gas, and evokes a San Diego Fire-Rescue Department response when the alarm system is triggered.

Person has the same meaning as in Municipal Code section 11.0210.

Sell has the same meaning as in Municipal Code section 33.3701.

Takeover means the assumption by one alarm user of the control of a fire-harmful gas alarm system previously controlled by another alarm user.

§55.9903 Fire-Harmful Gas Alarm Business Requirements and Responsibilities

- (a) It is unlawful for any person to operate a fire-harmful gas alarm business without a business tax certificate.

- (b) It is unlawful for any person to operate a fire-harmful gas alarm business not licensed as required by the State of California.
- (c) Any fire-harmful gas alarm business that sells any fire-harmful gas alarm system shall do the following:
- (1) Obtain an alarm user permit, using the alarm user permit application provided by the alarm system official, on behalf of the alarm user before putting the fire-harmful gas alarm system into service;
 - (2) Collect the alarm user permit application and permit fee from each alarm user; and
 - (3) Mail or hand deliver the completed alarm user permit application and permit fee to the alarm system official before putting the fire-harmful gas alarm system into service.
- (d) Any person or business that sells any fire-harmful gas alarm system and does not personally or through an agent install, maintain, service, inspect or monitor the fire-harmful gas alarm system for any location, shall provide to the purchaser at the time of the sale an alarm user permit application and certification form, as provided in Municipal Code section 55.9908. Subsection (c) does not apply to transactions covered under this subsection.

§55.9904 Alarm Agent Responsibilities

An alarm agent shall comply with all applicable licensing or registration requirements pursuant to California law.

§55.9905 **Fire-Harmful Gas Alarm System Conversion**

- (a) Prior to the conversion of any fire-harmful gas alarm system, the fire-harmful gas alarm business transferring the duty to monitor shall ensure that the alarm user has a valid alarm user permit for the fire-harmful gas alarm system being converted.

- (b) If the alarm user does not have a valid alarm user permit for the fire-harmful gas alarm system being converted, the fire-harmful gas alarm business transferring the duty to maintain, service, inspect or monitor shall obtain the alarm user permit on behalf of the alarm user.

§55.9906 **Fire-Harmful Gas Alarm System Takeover**

- (a) Upon any takeover of a fire-harmful gas alarm system maintained, serviced, inspected or monitored by a fire-harmful gas alarm business, the fire-harmful gas alarm business shall determine whether an alarm user permit has been issued to the alarm user assuming control of the fire-harmful gas alarm system.

- (b) Upon a determination that an alarm user permit has not been issued to the alarm user assuming control of the fire-harmful gas alarm system, the fire-harmful gas alarm business shall obtain an alarm user permit on behalf of the alarm user.

- (c) Nothing in this Division prohibits the fire-harmful gas alarm business from recovering from an alarm user the amount of the alarm user permit fee.

§55.9907 Alarm User Permit Required; Violation

- (a) It is unlawful for any alarm user to operate, activate, possess or control any fire-harmful gas alarm system unless the alarm user has a current valid alarm user permit issued by the alarm system official for that fire-harmful gas alarm system.
- (b) Except as provided in section 55.9903(c), the alarm system official shall collect alarm user permit applications and permit application fees from the alarm user.

§55.9908 Application for Alarm User Permit

- (a) Any person applying for an alarm user permit shall submit to the alarm system official, on a form provided by the alarm system official, a legibly written application containing the following information:
- (1) Name, address, and telephone number of the alarm user (including separate mailing address if applicable);
 - (2) Classification of the alarm location as residential or commercial;
 - (3) Fire-harmful gas alarm system type (such as fire or carbon monoxide);
 - (4) Area covered by fire-harmful gas alarm system;
 - (5) Name, address, and telephone number of the person authorized to respond to alarm signals and to allow access to the protected building or other structure; and
 - (6) Name, address, telephone number, City business tax certificate number, and State license number of the fire-harmful gas alarm

business that will monitor the fire-harmful gas alarm system, if any.

- (b) All fees must be paid at the time the alarm user permit application is filed.
- (c) Each alarm user permit application must be accompanied by a signed certification by the alarm user and fire-harmful gas alarm business stating the following:
- (1) The date of the installation, conversion, or takeover, whichever is applicable;
 - (2) The name, address, telephone number, City business tax certificate number, and State license number of the fire-harmful gas alarm business installing the fire-harmful gas alarm system, or performing the conversion or takeover of the fire-harmful gas alarm system;
 - (3) The name, address, and telephone number of the fire-harmful gas alarm business or alarm agent responsible for monitoring the fire-harmful gas alarm system, if any;
 - (4) That written operating instructions for the fire-harmful gas alarm system, including written guidelines regarding how to avoid false alarms, have been provided to the alarm user applying for the permit; and
 - (5) That the fire-harmful gas alarm business has provided to the alarm user applying for the permit all necessary information regarding

the proper use of the fire-harmful gas alarm system, including instruction on how to avoid false alarms.

- (d) The alarm system official may deny the application for an alarm user permit if any of the information required pursuant to section 55.9908(a) and (c) is not provided.
- (e) An application will not be considered complete if, at the time the application is being considered, any penalty fees under section 55.9911 or any fines assessed to the person applying for an alarm user permit under section 55.9916 have not been paid.

§55.9909 Expiration of Alarm User Permits

- (a) An alarm user permit shall expire on the last day of the twenty-fourth month following the issuance of the permit.
- (b) The alarm user is responsible to renew an alarm user permit prior to the permit's expiration.
- (c) The alarm system administrator shall notify the alarm user when a permit is due to expire at least thirty days before it expires.

§55.9910 Alarm User Permits Not Transferable

Alarm user permits shall not be transferable from one person to another or from one building or other structure to another.

§55.9911 Fees and Penalties for Alarm User Permit

- (a) Except as otherwise specifically provided in this Division, any person who files an application for an alarm user permit shall, at the time of filing the

application, pay a fee in accordance with the City Clerk's fee rate book and any outstanding penalty fee.

- (b) Any alarm user who does not have an alarm user permit and whose fire-harmful gas alarm system generates a San Diego Fire-Rescue Department call for service will be notified in writing that he or she must obtain an alarm user permit. If the alarm user has not obtained an alarm user permit within 15 days after written notification by the San Diego Fire-Rescue Department, then the alarm user will be assessed a penalty for each San Diego Fire-Rescue Department call for service generated by his or her fire-harmful gas alarm system until the permit is obtained. The penalty shall include cost recovery for the San Diego Fire-Rescue Department's response to the false alarm. The penalty schedule shall be kept in the City Clerk's fee rate book on file in the City Clerk's Office.

§55.9912 Responsibility for Fire-Harmful Gas Alarm Systems in Apartments

- (a) If an alarm user has multiple fire-harmful gas alarm systems in one building or structure, an alarm user permit is required for each separate system.
- (b) The tenant of a multiunit residential building or rental property whose unit contains a fire-harmful gas alarm system is deemed to be the alarm user if the fire-harmful gas alarm system was not provided by the owner of the multiunit residential or other rental property.
- (c) The owner of a multiunit residential or other rental property that provides a fire-harmful gas alarm system to tenants shall be deemed the alarm user.

- (d) Each *fire-harmful gas alarm system* control panel constitutes a separate alarm system and requires a separate *alarm user* permit.

§55.9913 **Fire-Harmful Gas Alarm System Direct Dial Prohibition**

It is unlawful for any *person* to program, install or use any *fire-harmful gas alarm system* to direct dial any emergency or “call for service” number serving the San Diego Fire-Rescue Department’s Regional Communications Center.

§55.9914 **Procedures for Alarm Verification**

A *fire-harmful gas alarm business* shall, after contacting the San Diego Fire-Rescue Department, attempt to contact an *alarm user* in person, by telephone, or by other electronic means, in order to verify that the alarm signal is not false.

§55.9915 **Revocation of an Alarm User Permit**

- (a) A violation of any of the provisions of this Division shall constitute grounds for revocation of an *alarm user* permit.
- (b) The *alarm system official* may revoke any *alarm user* permit for any *fire-harmful gas alarm system* that has had *false alarms* in excess of the number permitted in section 55.9915(f).
- (c) The *alarm system official* will indicate on an *alarm user’s* records that an alarm is false if the responding San Diego Fire-Rescue Department personnel do not find evidence that an *emergency situation* was the cause of the alarm being triggered. The *alarm system official* may amend the *alarm user’s* records to indicate that the alarm was not a *false alarm* if, within ten business days of the alarm being triggered, the *alarm system official* receives satisfactory evidence to that effect. The *alarm system*

official shall issue written findings of such decision within five business days of receipt of the evidence offered.

- (d) Upon revocation of any alarm user permit, the alarm system official will notify the holder of the permit in writing of the revocation.
- (e) The alarm system official shall notify the alarm user of the alarm user's first false alarm by letter.
- (f) The first two false alarms for an alarm user holding an alarm user permit, of each calendar year shall not be penalized either by a penalty or alarm user permit revocation. Additional false alarms each calendar year will be penalized according to the penalties for false fire-harmful gas alarms contained in the City Clerk's fee rate book.
- (g) An alarm user permit that has been revoked pursuant to this Division is not a current valid alarm user permit.

§55.9916 Penalties for Alarm User Permit Revocations

- (a) An alarm user shall pay a penalty, according to the established rates kept in the City Clerk's fee rate book on file in the Clerk's Office, for each revocation of an alarm user permit and each subsequent false alarm San Diego Fire-Rescue Department response that fire-harmful gas alarm system.
- (b) A fire-harmful gas alarm business shall not be liable for any penalty imposed upon an alarm user for exceeding the permitted number of false alarms if the fire-harmful gas alarm business obtained the alarm user permit on behalf of the alarm user.

§55.9917 **Reinstatement of Revoked Permit; Alarm User Permit Appeal**

- (a) An alarm user whose permit has been revoked pursuant to section 55.9915 may apply for reinstatement of the permit by submitting to the alarm system official all penalties due pursuant to section 55.9916, and written evidence satisfactory to the alarm system official that the cause of the false alarms has been identified and corrected.

- (b) The alarm system official may reinstate an alarm user permit revoked pursuant to section 55.9915 upon the receipt of all penalties due pursuant to section 55.9916 and evidence satisfactory to the alarm system official that the cause of the false alarms has been corrected. The alarm system official may also require such other conditions as may be appropriate to reinstate a revoked alarm user permit.

- (c) An alarm user may appeal a decision by the alarm system official to revoke the alarm user permit in accordance with the appeals process for Police Regulated Businesses found in Chapter 3, Article 3, Division 5 of this Code.

§55.9918 **Use of Fire-Harmful Gas Alarm System after Permit Revocation as Public Nuisance**

- (a) The alarm system official may declare a fire-harmful gas alarm system a public nuisance when all of the following conditions are present:
 - (1) The alarm user permit has been revoked due to false alarms;
 - (2) The revoked alarm user permit has not been reinstated;
 - (3) The cause of the false alarms has not been corrected;

- (4) The alarm user's fire-harmful gas alarm system continues to trigger false alarms; and
 - (5) If revoked, the decision of the alarm system official to revoke the permit is not currently on appeal pursuant to Chapter 3, Article 3, Division 5 of the Municipal Code.
- (b) The alarm system official may remove a public nuisance designation from the alarm user's records when the alarm user permit has been reinstated and the cause of the false alarms has been corrected.

§55.9919 **Posting a Fire Watch**

The alarm system official may require an alarm user to post a fire watch, at the alarm user's expense, if a fire alarm system is unable to be repaired within 24 hours or if the lack of protection due to the alarm malfunctioning creates a life or property safety hazard. The fire watch shall be stationed at the building or other structure where the false alarms were generated.

§55.9920 **Exceptions**

The regulations in this Division do not apply to:

- (a) Persons engaged solely in the manufacture or repair of fire-harmful gas alarm systems or fire-harmful gas alarm system components from a fixed location who do not personally or through an agent install, or monitor the fire-harmful gas alarm system for any location, except as provided in section 55.9903(d).
- (b) Exempt users as defined in section 55.9902 of this Division.

§ 55.9921 **Confidentiality of Records**

- (a) The information furnished and secured pursuant to this Division shall not be subject to public inspection except when required by local, state or federal law.
- (b) An alarm user shall have access to information regarding the administration of that user's permit.

§55.9922 **Enforcement Authority**

The alarm system official is authorized to administer and enforce the provisions of this Division. The alarm system official may exercise any enforcement powers as provided in Chapter 1, Article 2, Division 1 of this Code.

§55.9923 **Enforcement Remedies**

Except as otherwise specifically provided, violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code section 12.0201. The alarm system official may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1, Article 2, Division 1 of this Code.

NJB:hm:ccm
10/02/2015
Or.Dept:PSE
Doc. No.: 1107489_2

Passed by the Council of The City of San Diego on MAR 22 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 06 2016

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], 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

MAR 08 2016

APR 06 2016

, and on _____.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20625