

Article 5: Fire Protection and Prevention

Division 50: Hazardous Materials – General Provisions

*(“Very High Fire Hazard Severity Zone Established” added 7-28-2009 by O-19884 N.S.)
(Retitled to “Hazardous Materials – General Provisions” on 4-6-2016
by O-20625 N.S.; effective 5-6-2016.)*

§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).

(“Very High Fire Hazard Severity Zone” added 7-28-2009 by O-19884 N.S.; effective 8-27-2009.)

(Amended 7-31-2012 by O-20188 N.S.; effective 8-30-2012.)

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