



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA SARDA

Regular Special

Meeting Date: August 12, 2014

Title: Ordinance 563-AC adopting of the 2013 San Bernardino County Fire Code

Background: The California Fire Code (CFC), based upon the International Fire Code (IFC) is revised every three years. After the CFC is printed, the local jurisdictions have 180 days in which to propose any changes that they may need for their areas, based on climatic, topographical and geological conditions.

The CFC is widely used by County fire jurisdictions to promote standardization in fire protection planning and enforcement. The proposed San Bernardino County Fire Code Ordinance adopts local amendments including, but not limited to, sections pertaining to: prohibiting open fires; requiring an approved automatic fire sprinkler system in newly constructed buildings equal to or greater than 5,000 square feet and to existing buildings not equipped with automatic fire sprinkler system when additions or change of use occur; violations of false fire alarms; administrative citations for Code violations; and administrative citations for fireworks.

Ordinance No. 563-AC, attached, will adopt the San Bernardino County Fire Code Ordinance that the Board of Directors of the San Bernardino Fire Protection District approved.

Fiscal Impact:

Recommendation: I MOVE to waive the reading and approve for introduction Ordinance No. 563-AC of the City Council of the City of Needles by adopting the ordinance attached as Exhibit A that the Board of Directors of the San Bernardino County Fire Protection District, State of California, approved by adopting San Bernardino County Fire Code (Referencing the 2013 Edition of the California Fire Code and the 2013 Edition of the California Residential Code) along with certain changes, modifications, amendments, additions, deletions and exceptions relating to fire regulations

Prepared By: Building Official Marvin Carter

City Management Review: _____

Date: _____

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: <u> 2 </u>

ORDINANCE NO. 563-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, ADOPTING THE 2013 EDITIONS OF THE CALIFORNIA FIRE AND RESIDENTIAL CODES AS AMENDED BY THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, STATE OF CALIFORNIA, ADOPTING THE SAN BERNARDINO COUNTY FIRE CODE (REFERENCING THE 2013 EDITION OF THE CALIFORNIA FIRE CODE AND THE 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE ALONG WITH CERTAIN CHANGES, MODIFICATIONS, AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, RELATING TO FIRE REGULATIONS

WHEREAS, the City of Needles contracts with San Bernardino County Fire Department for fire protection and services; and

WHEREAS, the San Bernardino County Fire Protection District has adopted the San Bernardino County Fire Code referencing the 2013 Edition of the California Fire Code and the 2013 Edition of the California Residential Code; and

WHEREAS, the Board of Directors of the San Bernardino County Fire Protection District has adopted said code along with certain changes, modifications, amendments, additions, deletions, and exceptions, relating to fire regulations as shown in Exhibit A;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEEDLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council HEREBY FINDS AND DETERMINES that this activity is not subject to the California Environmental Quality Act ("CEQA") as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. (14 C.C.R. § 15060 (c)(2).)

SECTION 2. The City Council HEREBY FINDS AND DETERMINES that it is in the interests of the health, safety and general welfare of the City and its residents to approve the attached Exhibit A adopting the San Bernardino County Fire Code referencing the 2013 Edition of the California Fire Code and the 2013 Edition of the California Residential Code, along with certain changes, modifications, amendments, additions, deletions, and exceptions, relating to fire regulations.

SECTION 3. The City Council HEREBY APPROVES Ordinance Number 563-AC.

SECTION 4. This action shall become final and effective thirty (30) days after this decision by the City Council as provided for by the Code.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance.

BE IT FURTHER RESOLVED that in implementing the foregoing ordinance, the City Council shall not discriminate on the basis of race, color, religion (creed), gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 12th day of August, 2014, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAN:

Mayor Edward Paget, M.D.

Attest: _____
City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of September, 2014.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Edward Paget, M.D.

Attest: _____
City Clerk (Seal)

Approved as to form:

City Attorney

Exhibit A

ORDINANCE NO. _____

1
2 AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN
3 BERNARDINO COUNTY FIRE PROTECTION DISTRICT, STATE
4 OF CALIFORNIA, ADOPTING SAN BERNARDINO COUNTY
5 FIRE CODE (REFERENCING THE 2013 EDITION OF THE
6 CALIFORNIA FIRE CODE AND 2013 EDITION OF THE
7 CALIFORNIA RESIDENTIAL CODE) ALONG WITH CERTAIN
8 CHANGES, MODIFICATIONS, AMENDMENTS, ADDITIONS,
9 DELETIONS, AND EXCEPTIONS, RELATING TO FIRE
10 REGULATIONS.

11
12 The Board of Directors of the San Bernardino County Fire Protection
13 District, State of California, ordains as follows:

14 SECTION 1. This ordinance is hereby enacted as the San Bernardino
15 County Fire Protection District Fire Code, to read:

16 **SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
17 CODE**

18 **Sections:**

- 19 1. Findings and Adoption of the California Fire Code and California
20 Residential Code.
- 21 2. Amendments to the California Fire Code.
- 22 3. Amendments to the California Residential Code.
- 23 4. Referenced Codes and Standards.
- 24 5. Conflicting Provisions.
- 25 6. Validity and Severability.
- 26 7. No Liability or Warranty.
- 27 8. Authority - General.
- 28 9. Authority at Fires and Other Emergencies.
- 10 10. Authority to Inspect, Issue Notices and Administrative Citations or
11 Abate a Public Nuisance.
- 12 11. Closure of Public and Private Lands.
- 13 12. Interference Unlawful.
- 14 13. Official Records.
- 15 14. Permits Required.
- 16 15. Fees.
- 17 16. Applications and Permits – Abandonment, Period of Validity,
18 Expiration and Extensions.
- 19 17. Permits not Transferable.
- 20 18. Permit Revocation.

- 1 19. Operation or Construction Without a Permit or With an Expired or
- 2 Revoked Permit.
- 3 20. Issuance of Stop Work Orders.
- 4 21. Failure to Comply with a Stop Work Order.
- 5 22. Service of Notices and Orders.
- 6 23. Tampering with Notices, Orders or Seals Unlawful.
- 7 24. Overcrowding Unlawful.
- 8 25. Obstructed Egress Unlawful.
- 9 26. Open Fires.
- 10 27. Explosives, Fireworks, Pyrotechnics, Rockets and Rocket Motors.
- 11 28. Prohibited Storage of Flammable and Combustible Liquids.
- 12 29. Prohibited Bulk Storage of Liquefied Petroleum Gases.
- 13 30. Prohibited Storage of Flammable Cryogenic Fluids.
- 14 31. Transport Vehicles and Trailers Storing Hazardous Materials.
- 15 32. Joint Emergency and Fire Apparatus Access Roads.
- 16 33. Violations - General.
- 17 34. Continuing Violations.
- 18 35. Acts Including Causing, Aiding and Abetting.
- 19 36. Enforcement – Purpose and Remedies.
- 20 37. Enforcement Remedies and Penalties are Cumulative and
- 21 Discretionary; Not Exclusive.
- 22 38. Criminal Actions.
- 23 39. Authority to Investigate, Detain, Issue Criminal Citations and Arrest.
- 24 40. Civil Actions.
- 25 41. Administrative Citations and Penalties - General.
- 26 42. Administrative Citations and Penalties – Dangerous Fireworks and
- 27 Unlawful Use of Safe & Sane Fireworks.
- 28 43. Administrative Citations and Penalties – Egregious Violations.
44. Administrative Citations and Penalties – False and Negligent Fire
- Alarm Program.
45. Appeal of Administrative Citations.
46. Recording of a Notice of Pendency.
47. Filing Notice of Action.
48. Public Nuisance Abatement of Fire Hazards.
49. Board of Appeals – Code Application and Interpretations.
50. Cost Recovery.
51. Treble Damages.

1. Findings and Adoption of the California Fire Code and California Residential Code.

(a) FINDINGS. The Board of Directors of the San Bernardino County Fire Protection District hereby finds as follows:

(1) That the California Fire Code, 2013 Edition, and 2012 International Fire Code, the California Residential Code, 2013 Edition and the 2012 International

1 Residential Code, are nationally recognized compilations of proposed rules,
2 regulations, and standards of the International Code Council, Inc.

3 (2) That said California Fire Code, the International Fire Code and the
4 California Residential Code have been printed and published as a code in book form
5 within the meaning of Section 50022.2 et seq. of the California Government Code.

6 (3) That the sections and subsections of said California Fire Code, the
7 International Fire Code and the California Residential Code may be referred to by the
8 number used in said published compilation preceded by the words "California Fire
9 Code Section", "California Residential Code", "Fire Code Section" or "Subsection" and
10 may also be referred to by additional reference to the Ordinances of the San
11 Bernardino County Fire Protection District and sections therein pertaining to said
12 California Fire Code, International Fire Code and California Residential Code.

13 (4) That California Health and Safety Code Section 13869 et seq. provides,
14 in pertinent part, that a District may make such changes or modifications to the
15 provisions published in the California Building Standards Code and other regulations
16 adopted pursuant to Section 17922 as it determines are reasonably necessary
17 because of local climatic, geological and topographical conditions.

18 (5) That the additional requirements and standards established herein are
19 needed to properly protect the health, safety, and welfare of the existing and future
20 residents and workers of the San Bernardino County Fire Protection District. Said
21 requirements and standards are reasonably necessary because of local climatic,
22 geological, and topographical conditions described herein. This finding is based upon
23 the express findings and determinations on the proposed amendments to the Code on
24 file with the Building Standards Commission.

25 (6) Local Climatic Conditions.

26 (A) The District is subject to extremely strong winds, commonly known
27 as "Santa Ana Winds" which can reach speeds in excess of 90 miles per hour.
28 Extensive damage frequently accompanies these winds, such as blowing sand and
debris, downed power lines, fallen trees, overturned vehicles and structural damage to

1 buildings. These conditions result in increased demand for fire services, blocked or
2 delayed emergency vehicle access and impaired water supplies and building
3 emergency systems.

4 (B) During the summer months, the Santa Ana Winds produce periods
5 of extremely low humidity, thereby reducing the fuels moisture and increasing the
6 possibility and severity of fire from dry vegetation and other common combustibles.

7 (C) During the summer months, much of the District experiences
8 prolonged periods of temperatures in excess of 100°F. When coupled with sustained
9 severe Santa Ana Winds, an increase in the threat from rapidly moving wildfires exists.

10 (D) During the winter months, heavy rains routinely cause damage to
11 roadways rendering them completely impassible, or with limited access, sometimes for
12 extended periods.

13 (E) During winter months, heavy snow and ice conditions exist in the
14 mountain areas resulting in increased demand for fire services and limiting or delaying
15 emergency vehicle access. In some cases, emergency vehicle access roads are
16 completely impassible, or have limited access, sometimes for extended periods.

17 (7) Local Geological Conditions.

18 (A) The District is subject to moderately strong to severe shaking and
19 surface ruptures resulting from numerous known earthquake faults located throughout
20 the District. These local earthquake faults have the potential to cause severe personal
21 and property damage, utility interruptions, fire hazards and hazardous materials
22 releases. Additionally, significant roadway, bridge structure, water supply and
23 communications systems are subject to failure, thereby causing a detriment to
24 emergency services response.

25 (B) Unstable slopes in several areas throughout the District have
26 experienced soil movement as a result of heavy or soaking rains, resulting in damage
27 to roadways, structures and utilities.

28 (C) Some desert areas of the District have limited aquifers,
exceptionally deep aquifers or aquifers providing only brackish or contaminated water

1 supplies. This limits, or in some cases eliminates, water supplies available for
2 firefighting purposes.

3 (D) The District has many areas with rich deposits of minerals resulting
4 in the presence of many subsurface and strip mining operations. These operations
5 pose special problems due to confined access and large quantities of fuels and
6 explosive materials.

7 (8) Local Topographical Conditions.

8 (A) The District encompasses an exceptionally large geographical
9 area with limited access routes connecting valley, mountain and desert areas. This
10 distance, combined with these limited access routes, results in delays in the
11 reallocation of resources to emergency scenes.

12 (B) The topography of the District is exceptionally diverse, ranging
13 from relatively flat desert and valley areas, to foothill areas, canyon areas and steep
14 mountainous areas. This results in some areas that are inaccessible to radio
15 communications, which hampers emergency response capabilities.

16 (C) The large geographical area and diverse topography of the District
17 results in numerous water purveyors and water pressure zones throughout the
18 response areas. This results in many areas having limited, unreliable or unavailable
19 water supplies available for firefighting purposes.

20 (D) The District is traversed by several State Freeways and Interstate
21 Highways, which provide for limited under or over crossing access points for
22 emergency vehicles to cross to adjacent areas. These highways also restrict the ability
23 of the local water supply grids to provide water from multiple points to all areas and
24 necessitates the use of dead-end water mains in many areas adjacent the highways.

25 (E) The District is traversed by two major active railroad main rail
26 systems. These rail systems are used for both commuter and large freight trains,
27 including the transportation of large quantities of hazardous materials. These rails
28 provide for limited under or over crossing access points for emergency vehicles to

1 cross to adjacent areas. Emergency vehicles experience frequent delays at grade
2 crossings until passenger and/or lengthy freight trains clear the grade crossings.

3 (F) Due to the size and topography of the District, it is traversed by
4 several high voltage electrical transmission lines which cross over inaccessible desert
5 and foothill brush-covered areas, as well as and heavily forested steep mountain
6 areas. High winds have caused damage to these lines, resulting in vegetation fires.
7 Access to many of these areas is unavailable to vehicles, making response to these
8 fires unusually difficult.

9 (G) Several large, high-pressure natural gas transmission lines
10 traverse the District to transport natural gas at pressures exceeding 500 p.s.i. These
11 lines pass through, under or over steep terrain and wildfire prone areas and are also
12 subject to damage due to flooding or seismic events.

13 (H) Several large petroleum product pipelines cross the District to
14 transport large quantities of gasoline, diesel fuel and jet fuels under extremely high
15 pressures. While generally underground, these pipelines pass through, under or over
16 steep terrain and wildfire prone areas and overhead at several overpasses located
17 over thoroughfares and waterways. Damage to these pipelines has been experienced
18 during rail accidents and flooding conditions. Additionally, these pipelines and their
19 pumping and valve stations are subject to damage from seismic events.

20 (9) That the local climatic, geological and topographical conditions found
21 herein together present increased hazard potentials that create a reasonable necessity
22 to facilitate the ability of the fire code official to establish increased administrative
23 penalties in order to prevent the use of dangerous fireworks and the unlawful use of
24 safe and sane fireworks, as well as to prevent and discourage egregious and other fire
25 safety violations where public safety is at higher risk.

26 (b) ADOPTION OF THE CALIFORNIA FIRE CODE. The Board of Directors
27 of the San Bernardino County Fire Protection District hereby adopts the 2013 edition of
28 the California Fire Code (CFC), also known as Part 9 of Title 24 of the California Code

1 of Regulations (incorporating the 2012 International Fire Code), and Appendices as
2 compiled and published by the International Code Council.

3 (c) ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE. The Board of
4 Directors of the San Bernardino County Fire Protection District hereby adopts the ~~2010~~
5 2013 edition of the California Residential Code (CRC), also known as Part 2.5 of Title
6 24 of the California Code of Regulations (incorporating the 2012 International
7 Residential Code), as compiled and published by the International Code Council.

8 (c) ADOPTION OF THE INTERNATIONAL FIRE CODE. The Board of
9 Directors of the San Bernardino County Fire Protection District hereby adopts
10 Chapters, 8, 11, 25 and 26 in their entirety, as well as sections referenced below, of the
11 2012 edition of the International Fire Code (hereafter also to be known as the IFC), as
12 compiled and published by the International Code Council, and amended herein.

13 (d) ADOPTION OF THE SAN BERNARDINO COUNTY FIRE DEPARTMENT
14 FIRE PREVENTION STANDARDS. The Board of Directors of the San Bernardino
15 County Fire Protection District hereby adopts the San Bernardino County Fire
16 Protection District Fire Prevention Standards, ~~2013-current~~ edition, as approved by the
17 Fire Chief/Fire Warden of the San Bernardino County Fire Department, for
18 informational purposes in clarifying and interpreting provisions of the California Fire
19 Code, its amendments, and referenced Standards.

20 (e) The provisions of the CFC, IFC, subsequent amendments, California Fire
21 Code Appendices and the San Bernardino County Fire Department Fire Prevention
22 Standards shall be collectively known as the 2014 San Bernardino County Fire
23 Protection District Fire Code (County Fire Code) and shall be applicable in all areas of
24 San Bernardino County within the San Bernardino County Fire Protection District, any
25 political subdivision or district that contracts with the San Bernardino County Fire
26 Protection District for fire protection and prevention services, and in those other cities,
27 towns and districts that ratify this ordinance.

28

1 2. **Amendments to the California Fire Code.** The 2013 California Fire Code,
2 also known as Part 9 of Title 24 of the California Code of Regulations, is hereby
3 amended as follows:

4 (a) The following sections of Chapter 1 are added or amended:

5 (1) Section 104.10 of the California Fire Code is adopted into the San
6 Bernardino County Fire Protection District Fire Code and amended, to
7 read:

8 **104.10 Fire investigations.** The fire code official shall investigate the
9 cause, origin and circumstances of any fire, explosion or other hazardous conditions.
10 Information that could be related to trade secrets or processes shall not made part of
11 the public record, except as directed by a court of law.

12 (2) Section 105.3.7 of the California Fire Code is adopted into the San
13 Bernardino County Fire Protection District Fire Code and amended, to
14 read:

15 **105.3.7 Information on the permit.** The fire code official shall issue
16 all permits required by this code on an approved form furnished for that purpose. The
17 permit shall contain, the name of the permittee, a general description of the operation
18 or occupancy, its location, the conditions of the permit, the period of validity or
19 expiration date and any other information required by the fire code official. Issued
20 permits shall bear the signature of the fire code official or other approved legal
21 authorization.

22 (3) Section 105.4.6 the San Bernardino County Fire Protection District Fire
23 Code is amended, to read:

24 **105.4.6 Retention of Construction Permit Documents.** One set of
25 construction documents shall be retained by the fire code official for a period of not less
26 than 180 days from date of completion of the permitted work, or as required by state or
27 local laws. One set of approved construction permit documents shall be returned to
28 the applicant. Documents, including issued permits, conditions, applicable job cards
and approved plans, shall be kept on the site of the permitted activity, operation,

1 building, work or premises at all times during which the activity, operation or work
2 authorized thereby is in progress and shall be readily available for inspection.

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5 (4) Section 105.6.1.3 is added to the San Bernardino County Fire
6 Protection District Fire Code, to read:

7 **105.6.2.1 Automobile Wrecking Yards.** An operational permit is
8 required to operate an automobile wrecking yard in accordance with section 304.4 of
9 this Code.

10 (5) Section 105.6.3.1 is added to the San Bernardino County Fire
11 Protection District Fire Code, to read:

12 **105.6.3.1 Battery Systems.** An operational permit is required for a
13 stationary storage battery system having an electrolyte capacity of more than 50
14 gallons as regulated by Chapter 6 of the California Fire Code.

15 (6) Section 105.6.4 of the California Fire Code is adopted into the San
16 Bernardino County Fire Protection District Fire Code and amended, to
17 read:

18 **105.6.4 Carnivals, Fairs, Block Parties and other Outdoor**
19 **Assemblage.** An operational permit is required to conduct a carnival, fair, block party,
20 race, concert, parade or other similar outdoor assemblage whether, public or private,
21 when,

22 (A) The event will have an anticipated attendance of 200 or more
23 persons per day, or

24 (B) In the opinion of the Fire Code Official, a permit and specific
25 conditions are required due to the nature or location of the activity.

26 (7) Section 105.6.9 of the California Fire Code is adopted into the San
27 Bernardino County Fire Protection District Fire Code.

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(8) Section 105.6.12 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.12 Dry Cleaning Plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

EXCEPTION: Dry cleaning plants using only Class IV solvents.

(9) Section 105.6.14 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.14 Explosives. An operational permit is required for the manufacture, storage, handling, sale, use or public display of any quantity of explosives, or explosive materials.

EXCEPTIONS

- (A) small arms ammunition of .75 caliber or less
- (B) cartridges for propellant-actuated power devices
- (C) cartridges for industrial guns
- (D) 20 pounds or less of smokeless powder
- (E) 5 pounds or less of black sporting powder providing such smokeless or black sporting powder is for the hand loading of small arms or small arms ammunition of .75 caliber or less and that it is for personal use and not for resale.

(10) Section 105.6.15.1 is added to the San Bernardino County Fire Protection District Fire Code, to read:

105.6.15.1 Fireworks or Pyrotechnics Display. An operational permit is required to conduct a fireworks or pyrotechnics display before a public audience in accordance with Chapter 56 and California Code of Regulations, Title 19.

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(11) Section 105.6.15.1 is added to the San Bernardino County Fire Protection District Fire Code, to read:

105.6.15.2 Fixed Hood and Duct Extinguishing Systems. An operational permit is required to utilize commercial cooking appliances, as defined in Section 602, with a Type I hood and an automatic fire extinguishing system as required by section 904.11.

(12) Sections 105.6.16 105.6.17, 105.6.18, and 105.6.19 are added to the San Bernardino County Fire Protection District Fire Code.

(13) Section 105.6.27 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.27 Liquefied Petroleum Gases. An operational permit is required for the storage or use of Liquefied Petroleum Gasses.

Exception:

1. A permit is not required for two or less 20-pound (nominal 5-gallon) containers.
2. A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving Group R-3 occupancies as the primary means of fuel for heating or cooking.

(14) Sections 105.6.28 and 105.6.29 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code.

(15) Section 105.6.30 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.30 Open Fires. An operational permit is required for the kindling or maintaining of an open fire on any public street, alley, road, or other public or private ground pursuant to Section 21.

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(16) Section 105.6.31 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.31 Open Flames and Torches. An operational permit is required to use a torch or open-flame device in a wildfire risk area.

(17) Section of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code and amended, to read:

105.6.32. Open Flames in Assemblies and Indoor Uses. An operational permit is required to use open flames for entertainment or decorative purposes in connection with indoor or outdoor assemblies, dining or drinking establishments and other indoor commercial uses.

EXCEPTION: Candles and small-open flame decorative devices in accordance with Section 308.

(18) Section 105.6.33 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code.

(19) Section 105.6.33.1 is added to the San Bernardino County Fire Protection District Fire Code, to read:

105.6.33.1 Pallet Yards. An operational permit is required to store, manufacture, refurbish or otherwise handle combustible pallets in excess of 200 pallets.

(20) ~~Sections~~Section 105.6.34 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code.

(21) Sections 105.6.37 through 105.6.39 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code.

(22) Section 105.6.39.1 is added to the San Bernardino County Fire Protection District Fire Code, to read:

105.6.39.1 Rockets. An operational permit is required to sell or launch model rocket motors, experimental unlimited rocket motors and experimental/high

1 powered rocket motors. Such sales and launching shall be in accordance with Section
2 22.

3 (23) Section 105.6.40 of the California Fire Code is adopted into the San
4 Bernardino County Fire Protection District Fire Code.

5 (24) Section 105.6.40.1 is added to the San Bernardino County Fire
6 Protection District Fire Code, to read:

7 **105.6.40.1 Seasonal Sales Lots.** An operational permit is required to
8 operate an outdoor display and sales area of seasonal items including, but not limited
9 to, fireworks, pumpkins or Christmas trees.

10 (25) Sections 105.6.41 and 105.6.42 of the California Fire Code is adopted
11 into the San Bernardino County Fire Protection District Fire Code.

12 (26) Sections 105.6.44 and 105.6.45 of the California Fire Code is adopted
13 into the San Bernardino County Fire Protection District Fire Code.

14 (27) Section 105.6.46 of the California Fire Code is adopted into the San
15 Bernardino County Fire Protection District Fire Code and amended, to
16 read:

17 **105.6.46 Wood, Manure and Organic Product Storage.** An
18 operational permit is required to store or process wood chips, hogged material, lumber,
19 plywood, manure, compost or other combustible organic products in excess of 200
20 cubic feet (6 m³).

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22 (28) Section 105.6.47 is of the California Fire Code is adopted into the San
23 Bernardino County Fire Protection District Fire Code and amended, to
24 read:

25 **105.6.47 Additional Permits.** In addition to the permits required by
26 Section 105.6, the following permits shall be obtained from the fire code official prior to
27 engaging in the following activities, operations, practices, or functions:

28 1. Production facilities. To change use or occupancy, or allow the
attendance of a live audience, or for wrap up parties.

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2. Motion picture and still photography production. To use any facility or location for the purpose of documentary, educational, or commercial motion picture, television, or still photography production of any type. A permit is required regardless if pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, stunts involving vehicles or aircraft, or the parking of motor vehicles will occur or not.

3. Live audiences. To install seating arrangements for live audiences in approved production facilities, production studios, and sound stages. See Chapter 48.

(29) Section 105.7.4.1 is added to the San Bernardino County Fire Protection District Fire Code, to read:

105.7.4.1 Dust Collection Systems. A construction permit is required for the installation or modification of Dust Collection System required pursuant to Chapter 22 and the standards listed in Table 2204.1.

(30) Section 105.7.8.1 is added to the San Bernardino County Fire Protection District Fire Code, to read:

105.7.8.1 High-Piled Storage. A construction permit is required for the installation or modification of a high-piled storage area in excess of 500 square feet.

(31) Section 105.7.10.1 is added to the San Bernardino County Fire Protection District Fire Code, to read:

105.7.10.1 Marinas. A construction permit is required to construct a marina with facilities for mooring or servicing of 5 or more vessels, or with a marine motor fuel-dispensing facility as regulated by Chapter 36.

(32) Section 105.7.13 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code and amended, to read:

1 **105.7.13 Solar photovoltaic power systems.** A construction permit
2 is required to install or modify solar photovoltaic power systems.

3 **Exception:**

4 A permit is not required for a one- or two-family dwelling.

5 (33) Section 105.7.11.1 is added to the San Bernardino County Fire
6 Protection District Fire Code, to read:

7 **105.7.11.1 Refrigeration Systems.** A construction permit is required
8 to install or modify a mechanical refrigeration unit or system regulated by Chapter 6.

9 (34) Section 105.7.11.2 is added to the San Bernardino County Fire
10 Protection District Fire Code, to read:

11 **105.7.11.2 Smoke Control Systems.** A construction permit is
12 required to install or modify a Smoke Control System required by the San Bernardino
13 County Fire Protection District Fire Code or California Building Code.

14 (35) Section 105.7.11.3 is added to the San Bernardino County Fire
15 Protection District Fire Code, to read:

16 **105.7.11.3 Solar Power Generating Stations.** A construction permit
17 is required to construct or modify a solar power generation station or system.

18 (36) Section 105.7.15 of the California Fire Code is adopted into the San
19 Bernardino County Fire Protection District Fire Code, to read:

20 **105.7.15 Standpipe Systems.** A construction permit is required for the
21 installation, modification or removal from service of a standpipe system. Maintenance
22 performed in accordance with this code is not considered a modification and does not
23 require a permit.

24 (37) Section 105.7.16 of the California Fire Code is adopted into the San
25 Bernardino County Fire Protection District Fire Code, to read:

26 **105.7.16 Temporary membrane structures and tents.** A construction
27 permit is required to erect an air – supported temporary membrane structure or tent
28 having an area in excess of 400 square feet (31 m²).

Exceptions:

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1. Tents used exclusively for recreational camping purpose.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services
3. Tents and awnings open on all sides, which comply with all of the following:
 - 3.1 Individual tents shall have a maximum size of 700 square feet (65 m2).
 - 3.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (65 m2-) shall not be greater than 700 square feet total.
 - 3.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.

(b) Chapter 2, Section 202 of the San Bernardino County Fire Protection District Fire Code is amended, by adding or amending the following definitions:

ALL WEATHER DRIVING SURFACE. Any surface, as determined by a qualified engineer licensed by the State of California, to adequately support the imposed load of a fire apparatus and meets the intent of this Code.

APPROVED. As defined in the San Bernardino County Fire Department Fire Prevention Standards and Interpretations or as otherwise deemed acceptable by the Fire Code Official.

BARBECUE GRILL. (Also known as a barbeque or BBQ). A portable or fixed device, constructed of steel, concrete, clay, or other non-combustible material, for the primary purpose of cooking food over a liquefied petroleum-, natural gas-, wood- or charcoal-fueled fire. A barbecue may also include an outdoor bread-baking or pizza oven.

BARBECUE PIT. A trench or depression in the ground in which wood or other clean solid fuel is burned to produce a bed of hot coals for the sole purpose of cooking. A barbecue pit having a fuel area greater than 3 feet in width or 2 feet in height shall be considered a bonfire.

1 **BONFIRE.** An outdoor open fire burning clean materials other than rubbish,
2 where the fuel being burned is not contained in an incinerator, outdoor, fireplace,
3 portable outdoor fireplace or barbecue grill, has a total fuel area greater than 3 feet in
4 width, length or diameter or 2 feet in height, and is used for pleasure, religious,
5 ceremonial, cooking, warmth or other, similar purposes.

6 **DEPARTMENT.** The San Bernardino County Fire Protection District.

7 **DISTRICT.** The San Bernardino County Fire Protection District.

8 **DRIVEWAY.** A privately owned, vehicular access road having a minimum
9 unobstructed width of 12 feet (3658 mm) that serves no more than two Group R,
10 Division 3 or Group U occupancies.

11 **FIRE CHIEF/FIRE WARDEN.** The chief officer of the San Bernardino
12 County Fire Protection District, or a duly authorized representative.

13 **FIRE CODE OFFICIAL.** The Fire Chief/Fire Warden of the San Bernardino
14 County Fire Protection District or a duly authorized representative charged with the
15 administration and enforcement of this code.

16 **OPEN BURNING PROJECT.** The burning of waste vegetative materials,
17 tree trimmings, agricultural burning, burning of Russian Thistle (tumbleweeds) and
18 other similar burning not otherwise classified as an Open Outdoor Fire, bonfire or
19 recreational fire pursuant to the Mojave, and South Coast Air Quality Management
20 Districts' Rule 444.

21 **OPEN FIRE.** Any outdoor fire including a Barbecue Pit, Bonfire, Open
22 Burning Project, Portable Outdoor Fireplace, Recreational Fire, Residential Burning
23 and burning of items or structures for the purposes of destruction of contraband or for
24 training by law enforcement or fire department personnel.

25 **PERSON.** Individuals, businesses, general partnerships, limited
26 partnerships, joint ventures, corporations, trust, concern, organization, state and local
27 government entities, heirs, executors, administrators, receivers, or assigns, agents of
28 the aforesaid, and every other legal entity or association having legal obligations
subject to the provisions of this code.

1 **PORTABLE OUTDOOR FIREPLACE.** A portable, outdoor, solid-fuel
2 burning fireplace constructed of steel, concrete, clay or other non-combustible
3 materials and specifically designed for the containment of fire. A portable outdoor
4 fireplace may have an open design or may have a small hearth opening with a short
5 chimney or opening in the top. A portable outdoor fireplace having a fuel area greater
6 than 3 feet in width or 2 feet in height shall be considered a bonfire.

7 **RECREATIONAL FIRE.** An outdoor open fire burning clean materials other
8 than rubbish where the fuel being burned is not contained in an incinerator, outdoor
9 fireplace, portable outdoor fireplace, barbecue grill or barbecue pit, and has a total fuel
10 area equal to or less than 3 feet in width, length or diameter and 2 feet in height for
11 pleasure, religious, ceremonial, cooking, warmth or other, similar purposes.
12 Recreational fires also include any campfire or fire ring.

13 **RESIDENTIAL BURNING.** The burning of trash, waste materials, tree
14 and yard trimmings or similar for disposal. For the purposes of this code, Residential
15 Burning shall also include the burning of similar items at commercial properties and on
16 vacant properties.

17 **SELF-CONTAINED RESIDENTIAL AUTOMATIC SPRINKLER SYSTEM.**
18 An approved fire sprinkler system, that conforms to Section 903.3.1.1, 903.3.1.2, or
19 903.3.1.3 of this code, NFPA standards 13, 13 R, or 13 D, or California Residential
20 Code Section R313 and San Bernardino County Fire Department Fire Prevention
21 Standards and Interpretations, and is supplied by a water source independent from a
22 municipal water distribution system. If the system is mechanically assisted by booster
23 pumps, it shall be independent from the dwelling's power supply.

24 **SKY LANTERNS.** Also known as Kongming Lantern, Chinese Lantern, Wish
25 Lantern or similar. A small hot air balloon used for entertainment, lighting or ceremonial
26 purposes, made of paper or similar lightweight material, with an opening at the bottom
27 where a small fire is suspended. Devices that are anchored to the ground or released
28 into the air without manual control fall under this definition.

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2 **WILDFIRE RISK AREA.** Any area located within the Fire Safety Overlay
3 areas identified in the San Bernardino County Development Code, and any land
4 otherwise designated by the Department, the County of San Bernardino, and any city
5 or town as a Wildland Urban Interface, Very High Fire Hazard Severity Zone, High Fire
6 Hazard Area, No Fireworks Safety Zone or any other land that is covered with grass,
7 grain, brush or forest, whether privately or publicly owned, which is so situated or is of
8 such inaccessible location that a fire originating upon it would present an abnormally
9 difficult job of suppression or would result in great or unusual damage through fire or
10 any other areas so designated by the fire code official.

11 (c) The following sections are added to Chapter 3 of the San Bernardino County
12 Fire Protection District Fire Code:

13 (1) 303, 304.4, 305, 306, 308.1 - 308.4, 309, 310, 311.1 - 311.4, 313, 317 and
14 318 with the following amendments, additions and deletions:

15 (2) Section 304.4 is added to the San Bernardino County Fire Protection
16 District Fire Code, to read as follows:

17 **304.4 Automobile wrecking yards.** Automobile wrecking yards and
18 associated combustible materials storage shall be in accordance with San Bernardino
19 County Fire Department Fire Prevention Standards. Automobile wrecking yards shall
20 require an operational permit in accordance with section 105 of this code.

21 (3) Section 305.1 of the San Bernardino County Fire Protection District Fire
22 Code is amended, to read:

23 **305.1 Clearance from Ignition Sources.** Clearance between ignition
24 sources such as luminaries, heaters, flame-producing devices and combustible
25 materials shall be a minimum of 18 inches or as required by other applicable codes.

26 (4) Section 305.3 of the San Bernardino County Fire Protection District Fire
27 Code is amended, to read:

28 **305.3 Open-flame Warning Devices.** Open-flame warning devices shall
not be used along an excavation, road or any other place where the dislodgment of

1 such device may permit the device to roll, fall or slide onto any area or land containing
2 combustible materials.

3 **Exception:** This section shall not apply to public safety personnel acting in
4 the performance of their duties.

5 (5) Section 305.5 is added to the San Bernardino County Fire Protection
6 District Fire Code, to read:

7 **305.5 Spark Arrestors.** Each chimney used in conjunction with a
8 fireplace, portable outdoor fireplace, or other heating appliance in which solid fuel is
9 burned, shall be maintained with an approved spark arrester. The spark arrester shall
10 have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized
11 wire or 24-gauge stainless steel. Openings shall not permit the passage of spheres
12 having a diameter larger than one-half inch (13 mm) maximum and shall not block the
13 passage of spheres having a diameter of less than three-eighths inch (10 mm). The
14 screen shall be mounted in or over all outside flue openings in a vertical and near
15 vertical position, adequately supported to prevent movement and shall be visible from
16 the ground. All spark arrestors shall be accessible and removable for cleaning.

17 (6) Section 308.1 of the San Bernardino County Fire Protection District Fire
18 Code is amended, to read:

19 **308.1 Open Flames - General.** Notwithstanding any other provision of
20 this code, open flames, fire and burning on all premises shall be in accordance with
21 Sections 308.1.1 through 308.4.1 and 19 CCR Sections 325(a) and (b).

22 (7) Section 308.1.3 of the San Bernardino County Fire Protection District Fire
23 Code is amended, to read:

24 **308.1.3 Torches for Removing Paint or Weeds, for Melting Asphalt or
25 for Welding or Cutting.**

26 (1) Torches and other flame-producing devices shall not be
27 used to remove paint from any structure or weeds from any premises.

28 (2) Notwithstanding any other provision of this code, persons
utilizing a torch or other flame-producing device for melting asphalt or for welding or

1 cutting shall provide a minimum of one portable fire extinguisher complying with
2 Section 906 and with a minimum of a 4-A rating, or two portable fire extinguishers,
3 each with a minimum of a 2-A rating, or a water hose connected to a working water
4 source. The person conducting the burning or asphalt melting shall remain at the
5 location for a minimum of one hour after the torch or flame-producing device is utilized.

6 (8) Section 308.1.4 of the San Bernardino County Fire Protection District Fire
7 Code is amended, to read:

8 **308.1.4 Open-Flame Cooking Devices.** Charcoal burners and other
9 open-flame cooking devices shall not be operated on combustible balconies or decks,
10 or within 10 feet of combustible construction.

11 **Exceptions:**

- 12 1. One- and two-family dwellings where provisions are made to prevent
13 the fire from spreading to any combustible materials.
- 14 2. Where buildings, balconies and decks are protected by an automatic
15 sprinkler system.
- 16 3. LP-gas cooking devices having an LP-gas container with a water
17 capacity not greater than 2 ½ pounds. Containers shall not be
18 manifolded together to increase capacity.
- 19 4. Cooking devices heated solely using a catalytic heating element with
20 no flame production.

21 For purposes of this section, the term "combustible" construction shall meet the
22 definition contained in Section 202 of the California Building Code.

23 (9) Section 308.1.5 of the San Bernardino County Fire Protection District Fire
24 Code is amended, to read:

25 **308.1.5 Locations Near Combustibles.** Notwithstanding Sections 305.1
26 and 308.3 et seq., open flames such as candles, lanterns, kerosene heaters, and gas-
27 fired shall not be located on or near decorative materials or similar combustible
28 materials.

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(10) Section 308.1.9 of the San Bernardino County Fire Protection District Fire Code is added, to read:

308.1.9 Sky Lanterns Prohibited. The release or failure to prevent the release of Sky Lanterns into the air without an effective means of control is prohibited within the jurisdiction of the San Bernardino County Fire Department.

EXCEPTION: Sky Lanterns used for scientific or research purposes when reasonable precautions are made to prevent loss of control or the ignition of surrounding combustibles. Persons releasing Sky Lanterns used for scientific or research purposes shall first submit a plan outlining the scientific or research purpose and shall obtain a permit and specific conditions from the Fire Code Official.

(11) Section 311.1 of the San Bernardino County Fire Protection District Fire Code is amended, to read:

311.1 General. Temporarily unoccupied buildings, structures, premises, or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with this section, the California Building Code and the San Bernardino County Code.

(12) Section 313 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code.

(13) Section 315.6 is added to the San Bernardino County Fire Protection District Fire Code, to read:

315.6 Incidental outside storage of pallets. The incidental outside storage of 200 or fewer pallets shall comply with the provisions of Section 315.4 of this code. Storage of more than 200 pallets storage-at pallet manufacturing, storage or refurbishing yards shall comply with the San Bernardino County Fire Department Fire Prevention Standards.

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(14) Section 315.6 is added to the San Bernardino County Fire Protection District Fire Code, to read:

315.7 Outside storage of firewood. The outside storage of firewood shall comply with the provisions of Section 315 of this code, ~~the~~ and San Bernardino County Fire Department Fire Prevention Standards.

(15) Section 315.8 is added to the San Bernardino County Fire Protection District Fire Code, to read:

315.8 Storage of motor vehicles and trailers. Outside storage of automobiles, trucks, recreational vehicles, trailers and other similar vehicles on a temporary or permanent basis shall meet the requirements of the San Bernardino County Fire Department Fire Prevention Standards.

Exceptions:

1. Parking of vehicles at wholesale or retail sales lots.
2. Parking lots for public or private use where vehicles are parked or stored on the premises without being moved for a period not exceeding 30 days.

(d) Chapter 4 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code.

(e) Chapter 5 of the San Bernardino County Fire Protection District Fire Code is amended, as follows:

(1) Section 503.2 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code and amended, to read:

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7. In addition, all fire apparatus access roadways shall meet San Bernardino Fire Department Fire Prevention Standards.

(2) Section 503.2.1 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code and amended, to read:

1 **503.2.1 Dimensions.** Fire apparatus access roads shall have an
2 unobstructed width of not less than 26 feet (7925 mm), except for approved
3 security gates in accordance with Section 503.6, and an unobstructed
4 vertical clearance of not less than 14 feet, 6 inches (4420 mm.) Roadways
5 that provide fire apparatus access to buildings having occupied floors that
6 are greater than two stories above such adjacent roadways shall have an
7 unobstructed width of 30 feet (9144 mm.)

8 EXCEPTIONS:

9 1. One-way access roads may have an unobstructed width of
10 not less than 20 feet.

11 2. Driveways of one- and two-family dwellings shall be a
12 minimum of 12 feet in width.

13 3. Required access road dimensions may be modified when,
14 due to location on property, topography, waterways, nonnegotiable grades or other
15 similar conditions, the Fire Code Official determines that the conditions cannot be met.

16 (3) Section 503.2.2 of the California Fire Code is adopted into the San
17 Bernardino County Fire Protection District Fire Code.

18 (4) Section 503.2.3 of the California Fire Code is adopted into the San
19 Bernardino County Fire Protection District Fire Code and amended, to
20 read:

21 **503.2.3 Surface.** Fire apparatus access roads shall be designed and
22 maintained to support the imposed loads of fire apparatus and shall be surfaced in
23 order to provide an all weather driving surface capable of supporting an imposed load
24 of at least 75,000 pounds. Where road grades do not exceed eight percent (8%), and
25 where serving only one- or two-family dwellings or accessory Group U occupancies,
26 the fire code official may approve roads constructed with approved native materials or
27 gravel compacted to eighty five percent (85%) compaction.
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(5) Sections 503.2.4 - 503.2.6 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code.

(6) Section 503.2.7 of the San Bernardino County Fire Protection District Fire Code is amended, to read:

503.2.7 Grade. The grade of a fire apparatus access road or driveway shall be a maximum of twelve percent (12%).

Exceptions:

1. The grade of a fire apparatus access road or driveway may be increased to fourteen percent (14%) for a distance not to exceed 500 feet with the approval of the Fire Code Official based upon specific circumstances.

2. The grade of a one- or two-family dwelling driveway may be increased to a maximum of sixteen percent (16%) for a distance not to exceed 500 feet in areas in which the Hillside Grading Standards pursuant to Chapter 83.08 of the San Bernardino County Development Code apply and with the approval of the Fire Code Official.

3. Where more restrictive local city requirements apply.

(7) Section 503.2.8 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code.

(8) Section 503.3 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code.

(9) Section 503.4 of the San Bernardino County Fire Protection District Fire Code is amended, to read:

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Any condition that serves as an impediment to fire access, or any vehicle or other obstruction to fire access may be removed at the orders of the Department or other governing agency in cooperation with the Department, with the expense of such removal to be paid by the owner of the roadway, or of said vehicle or obstruction.

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(10) Section 503.4.1, 503.5 – 503.5.2, 503.6 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code.

(11) Section 504.4.1 is added to the San Bernardino County Fire Protection District Fire Code, to read:

504.4.1 Foam Cornices. Buildings with cornices or other trim at the edge of a roof or parapet wall made of expanded foam plastic or other similar materials shall be installed in accordance with San Bernardino County Fire Department Fire Prevention Standards in order to allow a reliable surface on which a ladder can be used to access the roof.

(12) Section 505.1 of the San Bernardino County Fire Protection District Fire Code is amended, to read:

505.1 Address numbers. Newly constructed and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a prominent position that is plainly legible and visible from the street or road fronting the property. If there is more than one building on a lot and only one number is assigned, the number shall be posted on the principal building or the building nearest the street. These numbers shall contrast with the background to which they are attached. Address numbers shall be Arabic numerals or alphabet letters. Such address numbers shall be electrically illuminated by an internal or external source during the hours of darkness.

(13) Sections 505.1.1 – 505.1.5 of the San Bernardino County Fire Protection District Fire Code are added, to read:

505.1.1 Single family residential dwelling units. All new residential dwelling units, other than multifamily dwelling units, shall, in addition to the requirements of Sec. 505.1 of the San Bernardino County Fire Protection District Fire Code, be posted with address numbers that are:

- 1. Internally electrically illuminated so as to be visible during the hours of darkness, or

1 2. Where building setbacks exceed 100 feet (30.5 m) from the street or
2 would otherwise be obstructed, numbers shall be displayed on an independent
3 structure, such as a post, at the property entrance. These additional numbers are not
4 required to be illuminated, but shall be reflective and meet the requirements of this
5 section.

6 **505.1.2 Multifamily, commercial, and industrial buildings less than 100,000**
7 **square feet.** All new multifamily, commercial, industrial, and other non residential use
8 buildings less than 100,000 square feet (9290 m2) in area shall, in addition to the
9 requirements of Sec. 505.1 of the San Bernardino County Fire Protection District Fire
10 Code, be posted with address numbers that are:

11 1. Not less than eight inches (204 mm) in height, with a minimum stroke
12 width of 1 inch (25.5 mm); and

13 2. Where building setbacks exceed 200 feet (61 m) from the street, or the
14 numbers on the building would not be visible or would otherwise be obstructed,
15 additional numbers shall be displayed on an independent structure, at the property
16 entrance. These additional numbers shall not be less than six inches (153 mm) in
17 height, with a minimum stroke width of 0.75 inches (19 mm) and shall otherwise meet
18 the requirements of this section.

19 **505.1.3 Multifamily, commercial, and industrial buildings 100,000 square**
20 **feet or larger.** All new multifamily, commercial, industrial, and other non residential
21 use buildings 100,000 square feet (9290 m2) or larger in area shall, in addition to the
22 requirements of section 505 and all other local requirements, be posted with address
23 numbers that are:

24 1. Not less than twelve inches (306 mm) in height, with a minimum stroke
25 width of 1.5 inch (38 mm); and

26 2. Where building setbacks exceed 200 feet (61 m) from the street, or the
27 numbers on the building would not be visible or would otherwise be obstructed,
28 additional numbers shall be displayed on an independent structure, at the property
entrance. These additional numbers shall not be less than six inches (153 mm) in

1 height, with a minimum stroke width of 0.75 inches (19 mm) and shall otherwise meet
2 the requirements of this section.

3 **505.1.4 Illuminated directory.** All new multiple dwelling unit complexes of 20 or
4 more units shall be provided with an illuminated directory at each entry, clearly visible
5 and within the setback area. The directory shall at a minimum consist of a
6 diagrammatic representation of the complex which shows the location of the viewer
7 and the unit designations within the complex.

8 **505.1.5 Individual units.** All individual residential units or tenant lease spaces
9 in a new multifamily, commercial, or industrial building shall be posted with
10 identification numbers, not less than 3 inches (76 mm) in height, that are electrically
11 illuminated and easily visible to approaching vehicular and/or pedestrian traffic.

12 **505.1.6 Rear addressing.** Any business which affords vehicular access to the
13 rear through any driveway, alleyway, or parking lot shall also display the same
14 numbers on the rear of the building.

15 (14) Section 507.1 of the San Bernardino County Fire Protection District Fire
16 Code is amended, to read:

17 **507.1 Required water supply.** An approved water supply capable of supplying
18 the required fire flow for fire protection shall be provided to premises upon
19 which facilities, buildings or portions of buildings are hereafter constructed
20 or moved into or within the jurisdiction. In areas without a water purveyor
21 capable of supplying the required water supply, National Fire Protection
22 Association standard 1142 (current edition) shall be used to establish on-
23 site water storage capacities, when allowed by the fire code official.

24 **EXCEPTION:**

- 25 • For single one- and two-family dwellings and attached garages, and
26 accessory Group U occupancies, not part of a parcel map, tentative
27 tract or other similar planned development, where an adequate water
28 supply cannot be provided by a water purveyor or well, the following

1 alternatives may, when approved by the fire code official, be
2 considered in lieu of an adequate water supply:

- 3 a) The structure shall be located a minimum 50 foot setback
4 from all property lines, or
5 b) Provide other approved alternate means and methods as
6 approved by the Fire Code Official.

7 (915) Section 507.2.3 of the San Bernardino County Fire Protection District
8 Fire Code is added, to read:

9 **507.2.3 Temporary Water Supply.** When approved by the fire code official, a
10 temporary water supply may be provided for buildings under construction, prior to such
11 buildings being occupied. Temporary water supplies shall be in accordance with San
12 Bernardino County Fire Department Fire Prevention Standards.

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14 (~~15~~16) Section 507.3 of the San Bernardino County Fire Protection
15 District Fire Code is amended, to read:

16 **507.3 Fire Flow.** Fire flow requirements for buildings or portions of buildings
17 and facilities shall be determined by an approved method below or Appendix B.

18 1. EXCEPTION: For single one- and two-family dwellings and attached
19 garages and accessory Group U occupancies, not part of a parcel
20 map, tentative tract or other similar planned development, where an
21 adequate fire flow cannot be provided by a water purveyor or well, or
22 onsite water storage tanks, the following alternatives may, when
23 approved by the fire code official, be considered as adequate fire flow:

- 24 a) The structure shall be located so as to provide a minimum
25 50 foot setback from all property lines, or
26 b) Provide other approved alternate means and methods as
27 approved by the Fire Code Official.

1 (~~46~~17) Section 507.5.1 of the San Bernardino County Fire Protection
2 District Fire Code is amended, to read:

3 **507.5.1 Where required.** Where a portion of the facility or building hereafter
4 constructed or moved into or within the jurisdiction is more than 300 feet
5 (91.5 m) from a hydrant on a fire apparatus access road, as measured by
6 an approved route around the exterior of the facility or building, on-site fire
7 hydrants and mains shall be provided where required by the fire code
8 official.

9 **Exception:**

10 1. For Group R-3 and attached Group U occupancies,
11 equipped throughout with an approved automatic sprinkler system installed in
12 accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, the distance requirement
13 shall not be more than 600 feet (183 m).

14 2. Single one- and two-family dwellings and attached garages,
15 not part of a parcel map, tentative tract or other similar planned development, equipped
16 with an approved automatic residential fire sprinkler system or an approved self-
17 contained residential automatic sprinkler system, shall not be required to provide an
18 on-site hydrant when allowed by the Fire Code Official.

19 (~~47~~18) Section 507.5.1.2 of the San Bernardino County Fire Protection District
20 Fire Code is added, to read:

21 **507.5.1.2 Redundant water supplies.** New on-site fire hydrant
22 water systems that serve buildings greater than 100,000 square feet (9,290 m²) in floor
23 area shall have two separate remote connections to the public water system designed
24 and constructed in accordance with NFPA and San Bernardino County Fire
25 Department Fire Prevention Standards and approved by the fire code official.

26 (~~48~~19) Section 509.3 is added to the San Bernardino County Fire Protection
27 District Fire Code, to read:

28 **509.3 Access to equipment in multi-unit buildings.** When automatic fire
sprinkler systems or fire alarm systems are installed in buildings constructed for

1 multiple tenants and these systems protect multiple tenant spaces, the main controls
2 and control appurtenances, such as risers, fire alarm control panels, and valves for
3 such systems, shall be located in an attached or included room or an approved
4 weather resistant enclosure with at least one exterior access door of not less than 3'-0"
5 (918 mm) in width by 6'-8" (2040 mm) in height.

6 (1920) Section 509.4 is added to the San Bernardino County Fire
7 Protection District Fire Code, to read:

8 **509.4 Fire Control Room.** A fire control room for fire department operations
9 shall be provided in all newly constructed Group S-1 and S-2 distribution warehouses
10 greater than 300,000 square feet (27,870 m²) in floor area. The location and
11 accessibility of the fire control room shall be approved by the fire code official. The fire
12 control room shall be separated from the remainder of the building by walls and
13 ceilings not less than one-hour fire partitions and shall have at least one exterior
14 access door of not less than 3'-0" (918 mm) in width by 6'-8" (2040 mm) in height. The
15 room shall be a minimum of 96 square feet (9m²) with a minimum dimension of 8 feet
16 (2438 mm.) The room shall contain the following as a minimum:

- 17 1. The fire alarm control unit and associated equipment, including an
18 annunciator panel displaying status of sprinkler control valves and waterflow
19 detectors.
- 20 2. Main controls and indicators for mechanical smoke exhaust systems.
- 21 3. A printed graphic exhibit(s) showing the building floor plan, automatic
22 sprinkler systems, fire alarm systems, smoke exhaust systems, fire
23 department access doors, and any other equipment as required by the fire
24 code official.
- 25 5. Other firefighting equipment and system controls as required by the fire code
26 official.

27 (ef) Chapter 6 of the California Fire Code is amended, as follows:

- 28 (1) Section 603.1.4 of the San Bernardino County Fire Protection District
Fire Code is amended, to read:

1 **603.1.4 Fuel Oil.** The grade of fuel oil used in a burner shall be that for which
2 the burner is approved as stipulated by the burner manufacturer. Oil
3 containing gasoline or other materials, and used or crankcase oil shall not
4 be used.

5 (2) Section 608.1 of the San Bernardino County Fire Protection District Fire
6 Code is amended, to read:

7 **608.1 Scope.** Stationary storage battery systems having an electrolyte
8 capacity of more than 50 gallons (189 L) for flooded lead-acid, nickel cadmium (Ni-Cd),
9 and valve-regulated lead-acid (VRLA), or 1,000 pounds (454 kg) for lithium-ion and
10 lithium metal polymer, used for facility standby power, emergency power, uninterrupted
11 power supplies, and powering industrial trucks and equipment shall comply with this
12 section and Table 608.1.

13 (fg) Chapter 9 of the San Bernardino County Fire Protection District Fire Code is
14 amended, as follows:

15 (1) Section 901.4.2 of the San Bernardino County Fire Protection District Fire
16 Code is amended, to read:

17 **901.4.2 Non-required fire protection systems.** Any fire protection not
18 required by this code or the California Building Code shall be allowed to be furnished
19 provided such installed system meets the requirements of this Code, the California
20 Building Code, and the San Bernardino County Fire Department Fire Prevention
21 Standards.

22 (2) Section 901.4.2.1 of the San Bernardino County Fire Protection District
23 Fire Code is added, to read:

24 **901.4.2.1 Partially Protected Structures.** Notwithstanding any other
25 provisions of this code or specific exemptions, no building or structure shall be partially
26 furnished with a new fire protection system.

27 **Exceptions:**

28 1. Existing structures or buildings currently not protected when the only fire
 protection system being installed is part of Type I commercial cooking hood and duct

1 system, other than an automatic sprinkler system, or any other system required by
2 Table 903.2.11.6.

3 2. Section 901.8.2 of the San Bernardino County Fire Protection District Fire
4 Code is added, to read:

5 **901.8.2 Theft deterrents.** The fire code official is authorized to require
6 installation methods, mechanisms, or other technology that will serve to deter theft or
7 tampering with fire protection appliances.

8 (3) Section 903.2 of the San Bernardino County Fire Protection District Fire
9 Code is amended, to read:

10 **903.2 Where required.** Approved automatic fire sprinkler systems in new
11 building and structures shall be provided in the locations described in this section and
12 Sections 903.2.1 through 903.2.19.

13 1. Notwithstanding any other provision of Sections 903.2.1 through
14 903.2.19, excluding any specific exception, or any more restrictive provisions of any
15 local ordinance of any political subdivision that contracts with the San Bernardino
16 County Fire Protection District, an approved automatic fire sprinkler system shall be
17 provided throughout all newly constructed buildings of any occupancy group, when the
18 gross floor area is equal to or exceeds 5,000 square feet (465m²), regardless of fire
19 resistive separation walls.

20 **Exception:** Group U occupancies accessory to a one- or two-family
21 dwelling that are not used for commercial or industrial purposes.

22 2. In existing structures, other than Group R, Division 3 (one and two
23 family dwellings and accessory Group U occupancies), not equipped with an
24 automatic fire sprinkler system, the following requirements shall apply:

25 a) For existing structures when an addition causes the structure to
26 exceed 5,000 square feet (465m²) in gross floor area and and/or such addition is equal
27 to or greater than 50% of the square footage existing as of January 1, 2011, the entire
28 structure shall be provided with an automatic sprinkler system.

1 **Exception.** A reduction in required fire-flow of up to 50 percent, as approved, is
2 allowed when the building is provided with an approved automatic sprinkler system
3 installed in accordance with Section 903.3.1.1 or 903.3.1.2. A reduction in required fire
4 flow of up to 75 percent is allowed for isolated buildings of Group U occupancy,
5 agricultural uses, or other low hazard uses when approved by the fire code official.
6 The resulting fire flow shall not be less than 1,500 gallons per minute (5678 L/min) for
7 the prescribed duration as specified in Table B105.1

8 (ii) Appendix C of the San Bernardino County Fire Protection District Fire Code is
9 amended as follows:

10 **C103.1 Fire hydrants available.** The number of fire hydrants available to a
11 complex or subdivision shall not be less than that determined by spacing requirements
12 specified in Section C105.1 when applied to fire apparatus access roads and perimeter
13 public streets from which fire operations could be conducted.

14 (2) Section C105.1 of the San Bernardino County Fire Protection District Fire Code
15 is amended, to read:

16 **C105.1 Hydrant Spacing.** The average spacing between fire hydrants shall
17 not exceed that specified by the San Bernardino County Fire Department Fire
18 Prevention Standards, specifically, 300 feet (91m) apart in industrial, commercial and
19 multifamily development, and 600 feet (183m) apart in all single family development.
20 Spacing of fire hydrants along public streets shall also be guided by other County or
21 City public works standards.

22 **Exception:** The Fire Chief/~~Fire Warden~~Code Official is authorized to accept a
23 deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the
24 required fire hydrant service.

25 (~~nk~~) Table C105.1 of the San Bernardino County Fire Protection District Fire
26 Code is deleted.

27 **3. Amendments to the California Residential Code.** The California Residential
28 Code is amended as follows:

(a) Section R313.2 of the California Residential Code is amended, to read:

1 **R313.2 One- and two-family dwellings automatic fire systems.** An automatic
2 residential fire sprinkler system shall be installed in one-and two-family dwellings,
3 including new or used manufactured homes and in multi-unit manufactured housing
4 with two dwelling units manufactured after January 1, 2011 where a fire sprinkler
5 system would be normally be required in any residential unit that could be built on the
6 same site.

7 **EXCEPTIONS:**

- 8
- 9 1) An automatic residential fire sprinkler system shall not be required
10 for additions or alterations to existing buildings that are not already
11 provided with an automatic residential sprinkler system.
- 12 2) Used manufactured homes moved into the jurisdiction that do not
13 already have an automatic fire sprinkler system shall not be required
14 to have a new automatic fire sprinkler system installed.

15 (b) Section R313.2.1 of the California Residential Code is amended, to read:

16 **R313.2.1 Design and Installation.** Automatic residential fire sprinkler systems
17 shall be designed and installed in accordance with Sections R313.3 or NFPA 13D.
18 Automatic residential fire sprinkler systems installed in new or used manufactured
19 homes and in multi-unit manufactured housing with two dwelling units shall be
20 designed and installed in accordance with California Code of Regulations, Title 25.

21 (c) Section R313.3.1.1 of the California Residential Code is amended, to
22 read:

23 **R313.3.1.1 Required Sprinkler Locations.** Sprinklers shall be installed to
24 protect all areas of a dwelling unit.

25 **EXCEPTIONS:**

26 (1) Attics, crawl spaces, built-up areas and normally
27 unoccupied concealed spaces, less than 5 feet in height, that do not contain fuel-fired
28 appliances do not require sprinklers. In those areas containing fuel-fired appliances, a
sprinkler shall be installed above the appliance.

1 (2) Clothes closets, linen closets, and pantries not exceeding
2 24 square feet (2.2 m²) in area, with the smallest dimension not greater than 3 feet
3 (915 mm) and having wall and ceiling surfaces of gypsum board.

4 (3) Detached garages; carports with no habitable space above;
5 open attached porches, balconies or stairs, and similar areas.

6 (4) Sprinklers in new or used manufactured homes and in multi-
7 unit manufactured housing with two dwelling units shall be installed in accordance with
8 California Code of Regulations, Title 25.

9 (d) Section R313.3.5.2 of the California Residential Code is amended, to
10 read:

11 **R313.3.5.2 Required capacity.** The water supply shall have the capacity to
12 provide the required design flow rate for sprinklers for a period of time as follows:

13 (1) 7 minutes for dwelling units one story in height and less than 2,000
14 square feet (186 m²) in area. For the purposes of determining the area of the dwelling
15 unit, the area of attached garages and attached open carports, porches, balconies and
16 patios shall not be included.

17 (2) 10 minutes for dwelling units two or more stories in height or equal to or
18 greater than 2,000 square feet (186 m²) in area. For the purposes of determining the
19 area of the dwelling unit, the area of attached garages and attached open carports,
20 porches, balconies and patios shall not be included.

21 Where a well system, a water supply tank system, a pump, or a combination
22 thereof, is used, the water supply shall serve both domestic and fire sprinkler systems.
23 Any combination of well capacity and tank storage shall be permitted to meet the
24 capacity requirement.

25 **EXCEPTION:** Where a residential fire sprinkler system is supplied by a stored
26 water source with an automatically operated means of pressurizing the system other
27 than an electric pump, the water supply may serve the sprinkler system only.

28 **4. Referenced Codes and Standards**

1 The codes and standards referenced in this code shall be those that are listed in
2 Chapter 80, and the San Bernardino County Fire Department Fire Prevention
3 Standards. Such codes, standards and interpretations shall be considered part of the
4 requirements of this code to the prescribed extent of each such reference. Where
5 differences occur between this code and the referenced standards, the fire code official
6 shall determine which requirements meet the intent of this code.

7 **5. Conflicting Provisions.**

8 Where there is a conflict between a general requirement and a specific
9 requirement, the fire code official shall determine which requirement meets the intent of
10 this code. Provisions of the California Code of Regulations that are included in this
11 code specifically or by reference shall prevail except where this code contains a more
12 restrictive requirement.

13 **6. Validity and Severability.**

14 This Code shall not be in conflict with state or federal law. If any section,
15 subsection, sentence, clause or phrase of this Code or the application thereof is held
16 invalid, such invalidity shall not affect other provisions or applications which can be
17 given effect without the invalid provision or application, and to this end the provisions of
18 this Code are severable.

19 **7. No Liability or Warranty.**

20 The County of San Bernardino, the San Bernardino County Fire Protection
21 District, any political subdivision or district that contracts with the San Bernardino
22 County Fire Protection District, and their employees or agents shall not be held liable
23 for any act or omission to act done in good faith reliance upon state law, or the
24 ordinance, codes, standards, interpretations, policies or procedures of the San
25 Bernardino County Fire Protection District. The County of San Bernardino, the San
26 Bernardino County Fire Protection District, any political subdivision or district that
27 contracts with the San Bernardino County Fire Protection District, and their employees
28 or agents shall not be held liable for the negligence of, nor as the guarantor of proper

1 performance by, any person or entity holding any license, permit, certificate,
2 registration, privilege or other entitlement from the District.

3 **8. Authority - General**

4 The fire code official shall implement, administer, and enforce the provisions of
5 this code and shall have the authority to render interpretations of the code, and the
6 standards of the National Fire Protection Association. The fire code official shall also
7 have the authority to adopt policies, procedures, rules and regulations in order to clarify
8 the application of this code. Such interpretations, policies, procedures, rules and
9 regulations shall be in compliance with the intent of this code. Violations of any
10 interpretation, policy, procedure, rule or regulation shall be considered a violation of the
11 provisions of this code.

12 **9. Authority at Fires or Other Emergencies.**

13 (a) The Fire Chief/Fire Warden, Fire Code Official or any officer of the San
14 Bernardino County Fire Protection District in charge at the scene of a fire or other
15 emergency involving the protection of life or property shall have the authority to direct
16 operations as necessary to extinguish or control any fire, perform any rescue
17 operation, investigate the existence of suspected or reported fires, gas leaks, or other
18 hazardous conditions or situations, or take any other action necessary in the
19 reasonable performance of duty. In the exercise of such authority, the Fire Chief/Fire
20 Warden, Fire Code Official or officer is authorized to prohibit any person, vehicle,
21 vessel or thing from approaching the scene and is authorized to remove or cause to be
22 removed, or ~~kept~~keep away from the scene any person, vehicle, vessel or thing which
23 could impede or interfere with the operations of the fire department.

24 (b) The Fire Chief/Fire Warden, Fire Code Official or officer of the San
25 Bernardino County Fire Protection District in charge at the scene of a fire or other
26 emergency is authorized to place ropes, tape, flagging, barricades, guards or other
27 obstructions across any street, alley, place, driveway or private property in the vicinity
28 of such operation so as to prevent accidents or interference with the lawful operations

1 of the fire department to manage and control the situation and to allow the safe
2 operation of fire, rescue and investigation apparatus.

3 (c) The Fire Chief/Fire Warden, Fire Code Official or officer of the San
4 Bernardino County Fire Protection District in charge at the scene of a fire or other
5 emergency is authorized to disconnect or authorize disconnection of utility service to
6 any building, structure, vehicle or system in order to safely execute emergency
7 operations or to eliminate an immediate hazard.

8 **10 Authority to Inspect, Issue Notices and Administrative Citations or Abate a**
9 **Public Nuisance.**

10 (a) Whenever it is necessary to make an inspection to enforce the provisions
11 of this code, or whenever the fire code official has reasonable cause to believe that
12 there exists in a building or premises any conditions or activity requiring a permit
13 authorized by this code, or reasonably believes that there are any violations of this
14 code which make a building, premises, condition or activity unsafe, dangerous or
15 hazardous, the fire code official and those personnel designated by the fire code
16 official are authorized to enter, at all reasonable times, upon any property, premises,
17 enclosure, structure, vehicle or vessel within the unincorporated areas of the County
18 of San Bernardino or within any political subdivision or district that contracts with the
19 San Bernardino County Fire Protection District to determine whether the building,
20 property, premises, enclosure, structure, vehicle, vessel, condition or activity is in
21 compliance with this Code, or whether a violation of this Code has occurred or is
22 occurring, and to make any inspection as may be necessary in the performance of
23 their enforcement duties, to issue a Notice of Correction, Notice of Violation or to
24 issue a Stop Work Order or citation.

25 (b) The fire code official and those persons designated by the fire code
26 official are authorized to take of photographs, samples, or other physical evidence, and
27 make video and/or audio recordings. All such entries and inspections shall be done in
28 a reasonable manner. If an owner, lawful occupant, or the respective agent, employee,
or representative thereof, refuses permission to enter and/or to inspect, the District

1 may seek an administrative inspection warrant pursuant to the procedures provided by
2 California Code of Civil Procedure Sections 1822.50 through 1822.59, as may be
3 amended from time to time, or the successor provisions thereto.

4 (c) The fire code official and those persons designated by the fire code
5 official are authorized to investigate, detain, and issue criminal or administrative
6 citations for any violation of this Code or of the provisions of any code or standard
7 adopted and incorporated by reference by this Code.

8 (d) Any violation of this Code, the California Fire Code, the San Bernardino
9 County Fire Department Fire Prevention Standards or of the provisions of any code
10 adopted and incorporated by reference by this Code may be deemed a fire hazard by
11 the fire code official and acted upon pursuant to the public nuisance abatement
12 provisions of Chapter 5 of Division 3 of Title 2 of the San Bernardino County Code
13 beginning with Section 23.0503.

14 **11. Closure of public and private lands.** When it is determined by the Fire Code
15 Official that conditions exist on public lands within a Wildfire Risk Area that present an
16 immediate, exceptional, or continuing danger, the Fire Chief/Fire Warden is authorized
17 to close the affected areas and prohibit the entry of the general public. Prior to closure
18 of private property, notification of the closure shall be made to any concerned property
19 owners and consent obtained. Upon closing and prohibiting entry to public lands, signs
20 shall be posted at the entry points of the affected areas indicating that the area is
21 closed due to the existence of dangerous conditions and that entry is prohibited. Prior
22 to closing and prohibiting entry to any State or Federally controlled lands, notification
23 shall be made and consent obtained from the Director of Forestry and Fire Protection
24 or U.S. Forest Service, as appropriate. Any public highway traversing such a closed
25 area, shall, however, be excluded from the order of closure, and the closure to entry
26 does not prohibit or curtail the entry or use of the lands by the owner of the lands or his
27 agent, nor the entry by any federal, state or county officer upon the closed area in the
28 performance of his official duties. All state and county law enforcement officers shall
enforce the order of closure.

1 **12. Interference Unlawful.**

2 (a) It shall be unlawful for any person or entity to deny access to, interfere
3 with, prevent, restrict, obstruct, or hinder employees or agents of the San Bernardino
4 County Fire Protection District acting within the scope of their duty.

5 (b) It shall be unlawful for any person to render a system or device
6 inoperative during an emergency unless by direction of the Fire Chief/Fire Warden, Fire
7 Code Official or officer of the San Bernardino County Fire Protection District in charge
8 at the scene of a fire or other emergency.

9
10
11
12 **13. Official Records.**

13 The fire code official shall keep official records as required by Sections 104.6.1 through
14 104.6.4. Such official records shall be retained for not less than five years or for as
15 long as the structure or activity to which such records relate remains in existence, or in
16 accordance with San Bernardino County Fire Protection District Operations Directive
17 1300 and the Special Districts Records Retention Schedule, whichever is greater.

18 **14. Permits Required.**

19 A permit is required to conduct any activity, business, construction, work or use of
20 equipment or to install or modify systems or equipment requiring a permit pursuant to
21 Section 105 of the California Fire Code. Permits shall be obtained from the fire code
22 official. Permit fees shall be paid prior to the issuance of the permit.

23 **15. Fees.**

24 (a) Reasonable fees, not to exceed the actual costs, for any permit, license,
25 inspection, plan or technical review, related work or services required pursuant to this
26 Code, the California Fire Code or the San Bernardino County Fire Department Fire
27 Prevention Standards shall be paid pursuant to a fee schedule established by action of
28 the Board of Directors, as may be amended from time to time.

1 (b) Any person who conducts any activity, business, construction, work or
2 use of equipment or to install or modify systems or equipment requiring a permit
3 pursuant to Section 105 prior to obtaining said permits shall be subject to an additional
4 fee, which shall be in addition to the required permit.

5 **16. Applications and Permits – Abandonment, Period of Validity, Expiration and**
6 **Extensions.**

7 (a) An application for a permit for any proposed work or operation and its
8 associated fee shall be deemed to have been abandoned if the applicant fails to submit
9 any required documentation within 180 days after the date of filing or the date an
10 application or plans have been returned by the Department for correction, or the date
11 the Department has requested additional information or documentation. The Fire Code
12 Official is authorized to grant one or more extensions of time to submit such
13 documentation or corrections for a period not to exceed 90 days. All requests for
14 extension shall be made, in writing, by the applicant prior to abandonment and shall
15 provide justifiable cause to extend the application review period.

16 (b) Permits issued under the provisions of this code shall remain in effect as
17 follows:

18 (1) Operational permits shall remain in effect for a period of time as specified
19 in the permit, not to exceed one year from issuance or until revoked.

20 (2) Construction permits shall automatically expire and become invalid
21 unless the work authorized by such permit is commenced within 180 days after its
22 issuance, or if the work authorized by such permit is suspended or abandoned for a
23 period of 180 days after the time the work is commenced. Suspension or
24 abandonment shall mean that no inspection by the Department has occurred within
25 180 days of any previous inspection.

26 (3) After a construction permit becomes invalid or expired and before such
27 previously approved work recommences, a new permit shall be first obtained and the
28 fee to recommence work shall be payable according to the approved fee schedule,
provided no changes have been made or will be made in the original construction

1 documents for such work, and provided further that such suspension or abandonment
2 has not exceeded one year. Permits which have been expired for one year or more
3 shall be deemed invalid and will require a new application, payment of fees and
4 submittal of plans and review.

5 (4). Notwithstanding any other provision of law, construction permits
6 that have expired and are renewed are subject to any new applicable codes as would
7 be required for a new project.

8 (c) A permittee holding an unexpired permit shall have the right to apply for
9 an extension of the time within which the permittee will commence work under that
10 permit when work is unable to be commenced within the time required by this section
11 for good and satisfactory reasons. The fire code official is authorized to grant, in
12 writing, one or more extensions of the time period of a permit for periods of not more
13 than 180 days each. Such extensions shall be requested by the permittee in writing
14 and justifiable cause shall be demonstrated. The fire code official shall have the right
15 to refuse a permit extension if it is determined that the permittee has no justifiable
16 cause. If a permit extension is refused, the provisions of this section shall apply upon
17 expiration.

18 (d) Any application submitted or permit issued pursuant to a planning
19 application process (including but not limited to Conditional Use Permits, Minor Use
20 Permits, Site Plans, Tentative Tracts, Planned Developments, etc) through the
21 Planning Division of the San Bernardino County Land Use Services Department and its
22 successors, or a similar process through the planning department (or similar) of any
23 political subdivision or district which contracts with the San Bernardino County Fire
24 Protection District may, at the discretion of the Fire Code Official, be subject to the
25 respective abandonment, period of validity, expiration and extension policies, rules and
26 regulations of those entities in lieu of this section.

27 **17. Permits not Transferable.**

28 (a) For operational permits, any change in occupancy, operation, tenancy, or
ownership shall require that a new permit be issued.

1 (b) Pursuant to Business and Professions Code 7031.5, only a contractor,
2 licensed by the State of California to perform the type of work proposed in the permit
3 application, may apply for and be issued, a construction permit required pursuant to
4 Section 105.7 et seq. of the San Bernardino County Fire Protection District Fire Code.
5 Any change of contractor named to conduct the permitted work shall require that a new
6 permit be issued.

7 **EXCEPTIONS:**

8 (1) Owner-Builders intending to occupy the single-family
9 dwelling in which they obtain a permit to install a fire protection system if they have not
10 constructed more than two such dwellings in the past year pursuant to Business and
11 Professions Code Section 7062.12.

12 (2) Public agencies and those public utilities exempted
13 pursuant to Business and Professions Code Section 7040 et seq.

14 **18. Permit Revocation.**

15 The fire code official is authorized to revoke a permit issued pursuant to Section
16 105 of the San Bernardino County Fire Protection District Fire Code when it is found by
17 inspection or otherwise that conditions including, but not limited to, any one of the
18 following occurred:

19 (a) The permit is used for a location or establishment other than that for
20 which it was issued;

21 (b) The permit is used for a condition or activity other than that listed on the
22 permit;

23 (c) Conditions and limitations set forth in the permit have been violated;

24 (d) There have been false statements or misrepresentations as to the
25 material facts in the application for permit or submitted plans or a condition of the
26 permit;

27 (e) The permit is used by a different person or firm than the name for which it
28 was issued;

1 (f) The permittee failed, refused or neglected to comply with orders or
2 notices duly served in accordance with the provisions of this code within the time
3 provided therein;

4 (g) If a permit is revoked for any of the above reasons, the permit fee shall
5 be abandoned.

6 (h) If the permit was issued in error or in violation of any state or federal law,
7 local ordinance, regulation, this code or the San Bernardino County Fire Department
8 Fire Prevention Standards, the permit may be revoked. However, if any permit is
9 revoked for this reason the permit fee shall be returned to the applicant.

10 **19. Operation or Construction Without a Permit or With an Expired or Revoked**
11 **Permit.**

12 It shall be unlawful for any person to operate or allow the operation of any activity,
13 business, construction, work or use of equipment or to install or modify systems or
14 equipment requiring a permit pursuant to Section 105 of the San Bernardino County
15 Fire Protection District Fire Code when said permits have not been obtained or said
16 permits have expired or have been revoked.

17 **20. Issuance of Stop Work Orders.**

18 (a) The fire code official is authorized to issue an order requiring any activity,
19 business, construction, work or use of equipment to immediately cease whenever it is
20 found that such activity, business, construction, work or use of equipment is being
21 performed in a manner in violation of this Code or in a dangerous or unsafe manner.
22 Stop work orders may also be issued for any overcrowding beyond the approved
23 capacity of a building,

24 (b) A stop work order shall be issued in writing and shall be given to the
25 permittee or his agent, or to the person conducting the activity, business, construction,
26 work or use of equipment if no permit has been issued. The stop work order shall state
27 the reason for the order and the conditions under which the stopped activity, business,
28 construction, work or use of equipment may resume.

1 (c) A device, tag or seal preventing the use of equipment in violation of this
2 code or posing a hazard may be affixed to the equipment at the time a stop work order
3 is issued.

4 (d) The fire code official may immediately abate or cause to be abated any
5 overcrowding situation, or remove or cause to be removed any obstructions in aisles,
6 passageways or other means of egress, including the cutting or removing of locks,
7 chains or other means of sealing or blocking exits.

8 (e) Where an emergency or potential emergency exists, the fire code official
9 shall not be required to give written notice prior to stopping the work, abating an
10 overcrowding situation or removing an obstruction that would prevent immediate
11 egress in the event of an emergency.

12 (f) Upon issuance of a stop work order, the non-compliant, dangerous or
13 unsafe activity, business, construction, work or use of equipment, overcrowding
14 situation, or egress obstruction shall immediately cease or be abated.

15
16 **21. Failure to Comply with a Stop Work Order.**

17 It shall be unlawful for any person to continue any activity, business, construction,
18 work or use of equipment after being issued a stop work order, except such work as
19 that person is directed to perform by the Fire Code Official to remove a violation or
20 unsafe condition.

21 **22. Service of Notices and Orders.**

22 Notices and Orders issued pursuant to this code shall be served in the following
23 manner:

24 (a) If a permittee or his agent, or the person conducting the activity,
25 business, construction, work or use of equipment or other responsible party is present
26 at the scene of the violation, the notice or order shall be issued by personal service.

27 (b) If the responsible party is a business, and the business owner is on the
28 premises, the notice or order shall be personally served to the business owner. If the
business owner is not on the premises and the only responsible party that can be

1 located is the manager or on-site supervisor, the notice or order may be issued in the
2 name of the business and a copy given to the manager or on-site supervisor. A copy of
3 the notice or order shall also be mailed to the business owner by certified mail, return
4 receipt requested, and by first class mail. If a copy of the notice or order that is sent by
5 certified mail is returned by the United States Postal Service unsigned or marked
6 "unclaimed" and/or "refused", then service by first class mail shall be deemed effective
7 provided it is also not returned by the United States Postal Service.

8 (c) If a responsible party cannot be located at the premises or the activity,
9 business, construction, work or use of equipment is located at an unattended or
10 abandoned site, then a copy of the notice or order shall be posted in a conspicuous
11 place on or near the site or equipment, if practicable, and a copy mailed by certified
12 mail, return receipt requested, and by first class mail, to each responsible party at their
13 last known addresses as they appear on the last County equalized assessment role, or
14 any other available public records related to title or ownership of the property or
15 equipment that is the subject of the notice or order. If the copy of the notice or order
16 sent by certified mail to a responsible party is returned by the United States Postal
17 Service with the mail receipt unsigned, or marked "unclaimed" and/or "refused", then
18 service by first class mail shall be deemed effective provided it is also not returned by
19 the United States Postal Service.

20 (d) The failure of any responsible party to receive a copy of the notice or
21 order shall not affect the validity of the notice or order.

22 **23. Tampering with Notices, Orders or Seals Unlawful.**

23 It shall be unlawful to mutilate, destroy or tamper with or remove without
24 authorization any notice, order, tag, sign, or seal posted or affixed by the fire code
25 official.

26 **24. Overcrowding Unlawful.**

27 It shall be unlawful for any person to allow overcrowding or admittance of any
28 person beyond the approved capacity of a building or portion thereof.

25. Obstructed Egress Unlawful.

1 It shall be unlawful for any person to obstruct any aisle, passageway or other
2 means of egress, or to lock, chain, bar or otherwise block any required means of
3 egress.

4 **26. Open Fires.**

5 (a) **General.**

6 It shall be unlawful for any person to kindle, or maintain an open fire, or for a
7 person to allow an open fire to be kindled or maintained on their property except in
8 accordance with the provisions of this section code and the San Bernardino County
9 Fire Department Fire Prevention Standards.

10 (b) **Permit Required.**

11 When required pursuant to this section code, a permit shall be obtained from the
12 San Bernardino County Fire Protection District prior to kindling any open fire.

13 EXCEPTION: Barbecues used at one- and two-family dwellings
14 unless otherwise regulated.

15
16 (c) **Prohibited Open Fires.**

17 It shall be unlawful to kindle, or maintain, or to allow to be kindled or maintained
18 on their property any of the following open fires anywhere within the jurisdiction of the
19 San Bernardino County Fire Protection District:

20 (1) Any open fire that is offensive or objectionable because of smoke
21 emission, ember production, or when local atmospheric conditions or circumstances
22 make such fires hazardous.

23 (2) Any open fire in which any waste or manufactured material,
24 including but not limited to petroleum products and petroleum wastes; construction and
25 demolition debris; coated wire; putrescible wastes; tires; tar; tarpaper; non-natural
26 wood waste; processed or treated wood and wood products; metals; rubber;
27 synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam;
28 garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes;
manufactured products; equipment; instruments; utensils; appliances; furniture; cloth;

1 rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass
2 of a dead animal; manure; human or animal parts or wastes, including blood; and fecal-
3 and food-contaminated material, hazardous materials or wastes, paints, asbestos,
4 trees, or other similar combustible or flammable solid, liquid or gaseous waste are
5 burned.

6 (3) Any open fire in which wire is burned to remove insulation.

7 (4) Any open fire in which metals or motor vehicle bodies are burned
8 to recover salvageable components.

9 (5) Any open fire using a "burn barrel" as prohibited pursuant to 17
10 CCR Section 93113(c)(2).

11 (6) Residential burning and Open Fires within the South Coast Air
12 Quality Management District (SCAQMD) boundaries.

13 **EXCEPTIONS:**

14 (A) Open Burning Projects permitted by the fire code official
15 where a fire hazard is declared by the Fire Code Official and such fire hazard cannot
16 be abated by any other means.

17 (B) Open Burning Projects within the SCAQMD boundaries
18 conducted solely for the disposal of Russian Thistle or agricultural burning and under
19 permit by the SCAQMD.

20 (C) Open Fires conducted for fire prevention or suppression
21 training, prescribed burns conducted by fire protection agencies, fireworks displays and
22 pyrotechnic special effects under permit, and bomb, explosives, fireworks or
23 contraband disposal or training by a law enforcement or fire protection agency.

24 (D) Recreational Fires conducted in accordance with this
25 Section.

26 (E) Barbecues and Barbecue Pits

27 (7) Any other open fire conducted in violation of this Code or the San
28 Bernardino County Fire Department Fire Prevention Standards.

(d) **Special Burn Prohibitions.**

1 It shall be unlawful to kindle, or maintain any open fire, or allow any open fire to be
2 kindled or maintained on their property under the following conditions:

3 (1) An Open Burning Project or Residential Burning on any day other
4 than a Permissive Burn Day as declared by the Air Quality Management District in
5 which the burning will occur.

6 (2) An Open Burning Project, Residential Burning, Bonfire, or
7 Barbecue Pit on a property within any Wildfire Risk Area as defined in Section 202.

8 EXCEPTION:

9 (A) A Bonfire or Barbecue Pit may be kindled within a Wildfire
10 Risk Area if within an Organized Camp or other location with the specific written
11 approval of the fire code official and all requirements of this Section are adhered to.

12 (B) Open Burning Projects permitted by the fire code official
13 where a fire hazard is declared by the fire code official and such fire hazard cannot be
14 abated by any other means.

15 (3) When local sustained winds exceed 10 miles per hour.

16 EXCEPTION:

17 Covered barbecues, or Recreational Fires confined to a
18 permanent fire ring and fueled solely by liquefied petroleum gas or natural gas, or
19 Portable Outdoor Fireplaces fueled solely by liquefied petroleum gas or natural gas.

20 (4) Within the boundaries of a State Responsibility Area, including
21 private property, in violation of any requirements or burn restriction imposed by the
22 California Department of Forestry & Fire Protection (CalFire) or the California Office of
23 the State Fire Marshal.

24 (5) Within the boundaries of the San Bernardino National Forest,
25 including private property, in violation of any requirements or burn restriction imposed
26 by the Forest.

27 (6) Within the boundaries of the Bureau of Land Management (BLM)
28 land, including private property, in violation of any requirements or burn restriction
imposed by BLM.

1 (7) When a Red Flag Warning or Fire Weather Watch is in effect for
2 the location in which the fire is to be kindled.

3 **EXCEPTION:**

4 Covered barbecues, or Recreational Fires confined to a
5 permanent fire ring and fueled solely by liquefied petroleum gas or natural gas, or
6 Portable Outdoor Fireplaces fueled solely by liquefied petroleum gas or natural gas.

7 (8) When the fire code official has determined that local atmospheric
8 or other conditions present an increased risk of an escaping fire or other hazardous
9 situation.

10 (e) **Authorization.**

11 (1) A permit to kindle a fire shall only be issued to the owner of the
12 property upon which the fire is to be kindled.

13 **EXCEPTION:** When written authorization from the property owner is
14 provided, a permit may be issued to the person named in the authorization.

15 (2) Prior to applying for a permit to conduct an Open Burning Project,
16 written authorization or a permit from the Air Quality Management District (AQMD) for
17 the area in which the burning will occur must be provided. When authorized by the
18 AQMD, the San Bernardino County Fire Protection District may issue that permit.

19 (f) **Extinguishment Authority**

20 The fire code official is authorized to order or cause the extinguishment of
21 any fire that creates or adds to a hazardous condition, creates smoke emissions
22 offensive to occupants of surrounding properties, is conducted without a permit when
23 such a permit is required, or is conducted outside of the parameters set forth in this
24 section or a permit, when required. This authority includes ordering the extinguishment
25 of a fire within the fireplace of a private residence when such a fire meets the criteria
26 above.

27 (g) **Specific Fire Requirements**

28 All open fires shall also meet the following requirements:

1 (1) **Open Burning Projects.** All Open Burning Projects shall meet the
2 requirements of this section and the requirements of Rule 444 of the AQMD in which
3 the Open Burning Project will occur.

4 (A) **Permits.** A permit to kindle or maintain an Open Burning Project
5 shall be obtained from the AQMD and the fire code official prior to kindling the fire. All
6 conditions of the permit and the AQMD's Rule 444 shall be adhered to.

7 (B) **Burn Periods.** Open Burning Projects shall only be commenced
8 and shall be completed within the periods specified in Rule 444 of the AQMD in which
9 the burn will occur, the periods specified in the municipal code of the city or town in
10 which the burn will occur, or the periods specified in the San Bernardino County Fire
11 Department Fire Prevention Standards, whichever is most restrictive.

12 (C) **Location.**

13 1. Open Burning Projects shall not be located less than 50 feet
14 from any structure or combustible materials.

15 **EXCEPTION:** When burn piles do not exceed 3 feet in width or
16 2 feet in height, the minimum distance from a structure or other combustible materials
17 may be reduced to 25 feet.

18 2. Open Burning Projects may only take place at the location
19 for which the permit is issued.

20 (D) **Open Burning Project Piles.**

21 1. Piles to be burned shall not exceed 6 feet in width or 4 feet
22 in height.

23 2. Piles to be burned shall be separated by a minimum of 10
24 feet.

25 3. Piles to be burned shall not be placed in a pit or depression.

26 (2) **Bonfires.**

27 (A) **Permits.** A permit to kindle or maintain a Bonfire shall be
28 obtained from the fire code official prior to kindling the fire. All conditions of the permit
shall be adhered to.

1 (B) Location. A bonfire shall not be kindled or maintained within 50
2 feet from any structure or combustible materials.

3 EXCEPTION: When a bonfire is confined to a barbecue pit
4 and is used solely to produce coals for cooking, the minimum distance from a structure
5 or other combustible materials may be reduced to 30 feet.

6 (3) **Recreational Fires.**

7 (A) Permits. A permit to kindle a Recreational Fire shall be obtained
8 from the fire code official pursuant to this code prior to kindling the fire. All conditions
9 of the permit shall be adhered to.

10 EXCEPTION: When a Recreational Fire, confined to a
11 permanent fire ring, is fueled solely by liquefied petroleum gas or natural gas, a permit
12 is not required.

13 (B) Location.

14 1. A Recreational Fire shall not be kindled or maintained within
15 25 feet of a structure or combustible materials.

16 EXCEPTION: When a Recreational Fire, confined to a
17 permanent fire ring, is fueled solely by liquefied petroleum gas or natural gas, the
18 minimum distance from a structure or other combustibles may be reduced to 15 feet.

19
20 2. Recreational Fires located within a Wildfire Risk Area shall
21 only be kindled within the property of an inhabited residence or a designated campsite.

22 ~~EXCEPTION: When a Recreational Fire, confined to a~~
23 ~~permanent fire ring, is fueled solely by liquefied petroleum gas or natural gas, the~~
24 ~~minimum distance from a structure or other combustibles may be reduced to 15 feet.~~

25 (4) **Portable outdoor fireplaces.**

26 (A) Permits. A permit to kindle a fire in a Portable Outdoor Fireplace
27 used within a Wildfire Risk Area shall be obtained from the fire code official prior to
28 kindling the fire. All conditions of the permit shall be adhered to.

1 A. One- and two-family dwellings where provisions are
2 made to prevent the fire from spreading to any combustible materials.

3 B. Where buildings, balconies and decks are protected
4 by an automatic sprinkler system.

5 C. LP-gas cooking devices having an LP-gas container
6 with a water capacity not greater than 2 ½ pounds. Containers shall not be manifolded
7 together to increase capacity.

8 D. Cooking devices heated solely using a catalytic
9 heating element with no flame production.

10 2. A Barbecue Pit shall not be kindled or maintained within 20
11 feet of a structure or combustible materials.

12 (h) All Open Fires shall be constantly attended by a responsible adult, 18
13 years of age or older, until the fire is completely extinguished. A minimum of one
14 portable fire extinguisher complying with Section 906 with a minimum 4-A rating or
15 other approved on-site fire-extinguishing equipment such as dirt or sand with a shovel,
16 water barrel, hose attached to a working water source, or water truck, shall be
17 available for immediate utilization.

18 (i) Ash and Ember Disposal. Ashes and embers from any open fire, barbecue
19 or fireplace shall be placed only in a covered metal or other non-combustible container
20 after being thoroughly cooled with water. At no time shall ashes or embers be
21 deposited in the trash or on the ground, or placed on a combustible surface until it is
22 confirmed that the ashes or embers are no longer hot to the touch.

23 **27. Explosives, Fireworks, Pyrotechnics, Rockets and Rocket Motors**

24 (a) It shall be unlawful for any person to manufacture, store, possess, handle,
25 sell, use, launch or create a public display of any Explosive, Firework, Pyrotechnic,
26 Rocket or Rocket Motors except in accordance with the San Bernardino County Fire
27 Protection District Fire Code Chapter 56, the San Bernardino County Fire Department
28 Fire Prevention Standards and Interpretations and any provision of any code or
standard adopted or incorporated by reference by this code.

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EXCEPTIONS:

- (1) The Armed Forces of the United States, Coast Guard or National Guard.
- (2) Explosives in forms prescribed by the official United States Pharmacopoeia.
- (3) The possession, storage and use of small arms ammunition when packaged in accordance with DOTn packaging requirements.
- (4) The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
- (5) Items preempted by federal regulations.

(b) The storage of explosives and blasting agents is prohibited in residential areas, principal business districts, closely-built commercial areas and heavily-populated areas, except as permitted by the San Bernardino County Sheriff's Department and the San Bernardino County Fire Protection District in accordance with California Code of Regulations, Title 19, and Title 4, Division 5 of the San Bernardino County Code.

(c) Unless otherwise permitted, the possession, storage, use, sale and handling of any fireworks is prohibited within the County of San Bernardino and the District.

The possession, storage, sale, handling and use of specific types of approved fireworks may be allowed pursuant to local laws, ordinances and regulations within incorporated cities and towns of the County, provided such fireworks comply with California Code of Regulations, Title 19, and labeled "Safe and Sane" by the California State Fire Marshal.

(d) The fire code official and his designees are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks, including but not limited to, Division 1.4G consumer fireworks, as classified pursuant to Title 49

1 Code of Federal Regulations, possessed, offered or exposed for sale, stored or held in
2 violation of any state or local laws and ordinances.

3 (e) The use of model and high-power rockets is prohibited within Wildfire Risk
4 Areas as defined in San Bernardino County Fire Protection District Fire Code Section
5 202 (as amended) except as permitted by the San Bernardino County Fire Protection
6 District.

7 (f) Permits shall be required as set forth in San Bernardino County Fire
8 Protection District Fire Code Section 105.6.14 (as amended) and regulated in
9 accordance with this section. Permits shall be obtained from the San Bernardino
10 County Fire Protection District and the San Bernardino County Sheriff's Department in
11 accordance with Title 4, Division 5, Chapter 2, Section 45.021 of the San Bernardino
12 County Code to:

- 13 1. manufacture, possess, store, sell, display or otherwise dispose of
14 explosive materials at any location;
- 15 2. transport explosive materials;
- 16 3. use explosive materials;
- 17 4. operate a terminal for handling explosive materials; or
- 18 5. transport blasting caps or electric blasting caps on the same vehicle
19 with explosives.

20 (g) In addition to the requirements set forth in this chapter, the Sheriff's
21 Department or the Fire Protection District may, for the safety and security of the public,
22 set additional requirements for a permit application. The Sheriff's Department shall
23 notify the Fire Protection District, as soon as practicable, when any application has
24 been made for an explosives permit for a specific location and purpose.

25 (h) The fire code official is authorized to limit the quantity of explosives,
26 explosive materials, or fireworks permitted at a given location. No person, possessing
27 a permit for storage of explosives at any place, shall keep or store an amount greater
28 than authorized in such permit. Only the kind of explosive specified in such a permit
shall be kept or stored.

1 (i) Whenever a new explosive material storage or manufacturing site is
2 established, including a temporary job site, the local law enforcement agency, fire
3 department, and local emergency planning committee shall be notified by the person
4 establishing the site 48 hours in advance, not including Saturdays, Sundays and
5 holidays, of the type, quantity and location of explosive materials at the site.

6 (j) The fire code official is authorized to cause to be removed or disposed of by
7 trained explosives personnel, at the expense of the owner, explosives or explosive
8 materials offered or exposed for sale, stored, possessed or used in violation of this
9 chapter.

10 (k) Notwithstanding any other provisions of Federal and State law, the
11 manufacture, storage, handling, sale, use or public display of any quantity of
12 explosives, explosive materials, fireworks or pyrotechnics including pyrotechnic special
13 effects, model rockets, high-power rockets and experimental rockets shall meet the
14 requirements of this code and the San Bernardino County Fire Department Fire
15 Prevention Standards as well as the following requirements, whichever are most
16 restrictive:

17 1. Explosives:

- 18 (A) California Health and Safety Code Division 11, Part 1
19 (B) 19 CCR, Division 1, Chapter 10,
20 (C) San Bernardino County Code Title 4, Division 5,
21 (D) NFPA 495.

22 2. Fireworks Manufacture, Transportation, Storage, and Sales:

- 23 (A) California Health and Safety Code Division 11, Part 2
24 (B) 19 CCR, Division 1, Chapter 6,
25 (C) NFPA 1124.

26 3. Fireworks Display:

- 27 (A) California Health and Safety Code Division 11, Part 2
28 (B) 19 CCR, Division 1, Chapter 6, Article 5,
(C) NFPA 1123

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4. Pyrotechnics:

- (A) California Health and Safety Code Division 11, Part 2
- (B) 19 CCR, Division 1, Chapter 6, Article 15,
- (C) NFPA 1126.

5. Model Rockets:

- (A) 19 CCR, Division 1, Chapter 6, Article 17,
- (B) NFPA 1122.

6. Experimental Rockets/Unlimited:

- (A) 19 CCR, Division 1, Chapter 6, Article 16,
- (B) NFPA 1127

7. Experimental High-Power Rockets:

- (A) 19 CCR, Division 1, Chapter 6, Article 18,
- (B) NFPA 1127

8. Manufacture of Rocket Motors:

- (A) 19 CCR, Division 1, Chapter 6,
- (B) NFPA 1125

(l) Prior to conducting a public fireworks display, a permit shall be applied for as specified in section 105.6.14 from the San Bernardino County Fire Protection District, permit fees shall be paid, and plans for the display, inspections of the display site and demonstrations of the display operations shall be approved. A plan establishing procedures to follow and actions to be taken in the event that a shell fails to ignite in, or discharge from, a mortar or fails to function over the fallout area or other malfunctions shall be provided to the fire code official.

28. Prohibited Storage of Flammable and Combustible Liquids.

The storage of flammable and combustible liquids in outside above-ground unprotected tanks and below-grade vaulted tanks is prohibited in all commercial occupancy areas, developed residential areas, and other areas where the fire code official determines that the installation of flammable and combustible liquid above-ground storage tanks or below-grade vaulted tanks will create a hazard to occupants

1 and property owners in the area. Deviation from these requirements may be allowed
2 only upon specific documented findings by the fire code official.

3 **29. Prohibited Bulk Storage of Liquefied Petroleum Gases.**

4 The aggregate capacity of any one installation for the bulk storage of liquefied
5 petroleum gases shall not exceed 2,000 water gallons in residential areas. In non-
6 residential areas, when, in the opinion of the fire code official, the location of bulk
7 storage of liquefied petroleum gases would create a threat to the occupants and
8 property owners, the aggregate storage capacity of liquefied petroleum gas shall also
9 be limited to 2,000 water gallons. The fire code official shall be guided by the
10 appropriate City or County Development Code when permitting the storage of liquefied
11 petroleum gas in excess of 2,000 water gallons at any one installation.

12 **30. Prohibited Storage of Flammable Cryogenic Fluids.**

13 Pursuant to Section 5806.2 of the San Bernardino County Fire Protection District
14 Fire Code, flammable cryogenic fluids shall not be stored, dispensed or used unless a
15 written plan, submitted by a Fire Prevention Engineer, licensed by the State of
16 California, detailing engineering controls for preventing fires and explosions is
17 approved by the Fire Code Official.

18 **31. Transport vehicles and trailers storing hazardous materials.**

19 (a) Any transport vehicle with a trailer, such as a tank, vessel, or other
20 container, attached and used for the purposes of storing and transporting hazardous
21 materials or hazardous waste as defined by this code, upon being at a facility or
22 property for more than 30 days, or when such trailer has been detached from its mode
23 of transportation, or when the driver of such a vehicle is not carrying active shipping
24 papers as regulated by the California Department of Transportation (DOT) enroute to
25 another destination, shall comply with the provisions of this section.

26 (b) **General.** Transport vehicles and trailers that contain less than or equal to
27 the maximum allowable quantities as set forth in Section 5003 of the San Bernardino
28 County Fire Protection District Fire Code for each specific material shall comply with
the requirements of Chapter 50 of the San Bernardino County Fire Protection District

1 Fire Code, as well as any other applicable regulations as part of a facility. Transport
2 vehicles and trailers that contain more than the maximum allowable quantities as set
3 forth in Section 5003 for each specific material shall comply with the requirements of
4 Chapter 50 of the San Bernardino County Fire Protection District Fire Code of this
5 Code, as well as any other applicable regulations relevant to a facility. The use,
6 dispensing and handling of any hazardous materials from transport vehicle trailers shall
7 be prohibited unless approved in writing by the Fire Code Official.

8 (c) **Submittals.** Transport vehicles and associated trailers shall comply with
9 the requirements of Section 5000.5.1 for Hazardous Materials Management Plan
10 (HMMP) and Section 5001.5.2 for Hazardous Materials Inventory Statement (HMIS) as
11 part of a regulated facility. These documents shall be submitted to the Office of the
12 Fire Marshal of the San Bernardino County Fire Protection District.

13 (d) **Prohibited Areas.** Transport vehicles or detached trailers storing
14 hazardous materials shall not be left stationary at any time within 500 feet (152m) of a
15 residential area, apartment or hotel complex, educational facility, hospital or care
16 facility. Transport vehicles and trailers shall not be left unattended at any other place
17 that would, in the opinion of the Fire Code Official, pose an extreme life safety hazard.

18 **32. Joint emergency and fire apparatus access roads.** Emergency and fire
19 apparatus access roads passing through multiple parcels shall comply with the
20 following requirements:

21 (a) Each owner of real property through which a joint emergency access road
22 passes shall record an easement, running with the land, with the deed of each affected
23 property allowing joint access to and from other properties and for emergency access.

24 (b) Each owner of property upon which the easement shall pass shall provide
25 a notarized covenant agreeing to provide an emergency access road through each
26 property and to maintain that access road in accordance with the statutes, regulations
27 and standards applicable at the time the easement was recorded for full term of
28 ownership of the property.

1 (c) Each owner of property through which the easement shall pass shall
2 provide a notarized waiver with the deed releasing the San Bernardino County Fire
3 Protection District, its successors and the County of San Bernardino of any liability for
4 any inability to provide fire suppression or emergency medical aid due to lack of access
5 and shall further stipulate that the San Bernardino County Fire Protection District, its
6 successors and the County of San Bernardino shall not be party to any criminal, civil or
7 administrative action relating to the maintenance of the easement unless the action is
8 brought forth by the Department, its successors, or the County.

9 **33. Violations – General.**

10 It shall be unlawful for any person, firm, partnership, or corporation to violate any
11 provision or fail to comply with any requirement of this Code, the California Fire Code,
12 the California Residential Code, the San Bernardino County Fire Department Fire
13 Prevention Standards, or of the provisions of any code adopted and incorporated by
14 reference by this Code.

15 **34. Continuing Violations.**

16 Each and every day, and any portion of which, any violation of this Code, the
17 California Fire Code, the San Bernardino County Fire Department Fire Prevention
18 Standards or of the provisions of any code adopted and incorporated by reference by
19 this Code is committed, continued, or permitted shall be deemed a new and separate
20 offense and shall be punishable or actionable as set forth in this Code.

21 **35. Acts Including Causing, Aiding and Abetting.**

22 Whenever in this Code any act or omission is made unlawful, it shall include
23 causing, permitting, aiding or abetting such act or omission.

24 **36. Enforcement – Purpose and Remedies.**

25 The Board of Directors of the San Bernardino County Fire Protection District has
26 determined that the enforcement of the Ordinances of the San Bernardino County Fire
27 Protection District (also known as the San Bernardino County Fire Protection District
28 Code) throughout the County is an important public service and is vital to the protection

1 of the public's health, safety, and quality of life. The Board of Directors has determined
2 a need for alternative methods of code enforcement and that a comprehensive system
3 is necessary. At the discretion of the Department, violations of this Code may be
4 addressed through the institution of a criminal action, a civil action, or an administrative
5 action (administrative citations and penalties) as set forth in this Code.

6 **37. Enforcement Remedies and Penalties are Cumulative and Discretionary; Not**
7 **Exclusive.**

8 All remedies and penalties provided for in this Code shall be cumulative and
9 discretionary and not exclusive of other applicable provisions of this Code or other
10 applicable State law. The conviction and punishment (whether by fine, imprisonment,
11 or both) of any person hereunder pursuant to a criminal action, or the imposition of a
12 monetary administrative penalty pursuant to an administrative citation, shall not relieve
13 such person from the responsibility of correcting, removing, or abating the violation; nor
14 prevent the enforced correction, removal, or abatement thereof by the District, its
15 employees, agents, or representatives. The correction, removal, or abatement of a
16 violation begun after the issuance of a criminal citation or the filing of a criminal
17 complaint shall not be a defense to the infraction or misdemeanor so charged and,
18 following a conviction or plea of nolo contendere, shall not be grounds for the dismissal
19 of the action or the waiver, stay, or reduction of any fine established in this Code.
20 Further, the procedures established in this Code for the use of administrative citations,
21 and the procedures established in other titles and chapters of this Code for
22 administrative abatement and summary abatement as means for addressing violations
23 of this Code shall be in addition to criminal and civil or other legal or equitable
24 remedies established by law which may be pursued to address violations of this Code.
25 The use of this chapter shall be at the sole discretion of the District. In the exercise of
26 such discretion in selecting an appropriate code enforcement remedy, the District shall
27 not be required to institute available code enforcement remedies in any particular
28 order, or to prefer the application of one remedy to another.

38. Criminal Actions.

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(a) Criminal penalties for violations.

Any person violating this Code, the California Fire Code, the California Residential Code, the San Bernardino County Fire Department Fire Prevention Standards or of the provisions of any code adopted and incorporated by reference by this Code, unless as otherwise specified for certain sections or for sections within a certain chapter, shall be deemed guilty of an infraction or misdemeanor as hereinafter specified.

(1) Misdemeanor violations. Upon conviction of a misdemeanor, or upon a plea of nolo contendere (commonly called "no contest"), the penalty shall be a base fine of not less than \$500.00 and not more than \$1,000.00, or by imprisonment in the County jail for a period of not more than six months, or by both such base fine and imprisonment. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine.

(2) Infraction violations. Notwithstanding the foregoing, a misdemeanor violation may be cited, charged, and prosecuted as an infraction. Where so prosecuted, or where specified in a section or chapter of this Code that the violation of a certain section or sections shall be an infraction, then that shall be the type of offense and each such violation shall be punishable, except as otherwise provided herein, upon conviction or upon a plea of nolo contendere (commonly called "no contest"), by a base fine not exceeding \$100.00 for a first violation; (2) a base fine not exceeding \$500.00 for a second violation of the same Code section within one year; and (3) a base fine not exceeding \$1,000.00 for each additional violation of the same Code section within one year of the first violation. Any court costs that the court may otherwise be required to impose pursuant to applicable state law or local ordinance shall be imposed in addition to the base fine (Government Code § 25132).

(b) Criminal citations.

(1) If any person is arrested by a District Investigator or any other peace officer authorized to enforce this Code for a violation of any provision of this Code,

1 whether punishable as misdemeanor or as an infraction, and such person is not
2 immediately taken before a magistrate, when authorized by and as more fully set forth
3 in the Penal Code of California, the arresting officer shall prepare in duplicate a written
4 notice to appear in Court, containing the name and address of such person, the
5 offense charged, and the time and place where and when such person shall appear in
6 Court.

7 (2) The place specified in the notice to appear shall be the Court of a
8 magistrate before whom the person would be taken if the requirement of taking an
9 arrested person before a magistrate were complied with, or shall be an officer
10 authorized by such Court to receive a deposit of bail.

11 (3) The officer shall deliver one copy of the notice to appear to the arrested
12 person, and the arrested person, in order to secure release, must give his or her
13 written promise so to appear in court by signing the duplicate notice which shall be
14 retained by the officer. Thereupon the arresting officer shall forthwith release the
15 person arrested from custody.

16 (4) The officer shall, as soon as practicable, file the duplicate notice with the
17 magistrate specified therein. Thereupon, the magistrate shall fix the amount of bail
18 which in his or her judgment, in accordance with the provisions of Penal Code § 1275,
19 will be reasonable and sufficient for the appearance of the defendant and shall endorse
20 upon the notice a statement signed by him or her in the form set forth in Penal Code §
21 815a. The defendant may, prior to the date upon which he or she promised to appear
22 in Court, deposit with the magistrate the amount of bail thus set. Thereafter, at the
23 time when the case is called for arraignment before the magistrate, if the defendant
24 shall not appear, either in person or by counsel, the magistrate may declare the bail
25 forfeited, and may in his or her discretion order that no further proceeding shall be had
26 in such case.

27 (5) Upon the making of such order that no further proceedings be had, all
28 sums deposited as bail shall forthwith be paid into the County Treasury for distribution
pursuant to Penal Code § 1463.

1 (6) No warrant shall issue on such charge for the arrest of a person who has
2 given such promise to appear in Court, unless and until he or she has violated such
3 promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to
4 comply with the terms and provisions of the judgment, as required by law.

5 (7) When a person signs a written promise to appear at the time and place
6 specified in the written promise to appear, and has not posted bail as provided in Penal
7 Code § 853.6, the magistrate shall issue and have delivered for execution a warrant for
8 his or her arrest within 20 days after his failure to appear as promised; or if such
9 person promises to appear before an officer authorized to accept bail, other than the
10 magistrate, and fails to do so on or before the date on which he or she promised to
11 appear, then, within 20 days after the delivery of such written promise to appear by the
12 officer to the magistrate having jurisdiction over the offense.

13 (8) Nothing herein contained shall be deemed or construed to require any
14 arresting officer to issue a citation instead of taking the person arrested before a
15 magistrate as otherwise provided by law.

16 **39. Authority to Investigate, Detain, Issue Criminal Citations and Arrest.**

17 (a) District Investigators designated by the Fire Chief/Fire Warden are peace
18 officers pursuant to California Penal Code Section 830.37(a), shall have full peace
19 officer powers pursuant to that Section and shall investigate the cause, origin and
20 circumstances of any fire, explosion or other hazardous condition. Department
21 Investigators are authorized to wear and carry authorized firearms, conduct
22 investigative detentions, issue criminal citations, to make arrests pursuant to California
23 Penal Code Section 836 for any violation of this Code, the San Bernardino County Fire
24 Department Fire Prevention Standards or any referenced or state law, obtain and
25 execute warrants and to seize and take charge of all physical evidence relating to the
26 fire cause or other crime or circumstance being investigated.

27 **40. Civil Actions.**

28 (a) **Injunctive relief and abatement.** At the request of any person
authorized to enforce this Code, the County Counsel or District Attorney may

1 commence proceedings for the abatement, removal, correction and enjoinder of any
2 act or omission that constitutes or will constitute a violation of this Code, the California
3 Fire Code, the California Residential Code, the San Bernardino County Fire
4 Department Fire Prevention Standards or of the provisions of any code adopted and
5 incorporated by reference by this Code or any permit issued pursuant to this Code, or
6 any condition(s) of approval for such permit granted pursuant thereto, and an order
7 requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple
8 violators are involved, they shall be jointly and severally liable for the civil penalties
9 and/or abatement costs.

10 (b) **Civil Remedies and Penalties.** Any person, whether acting as principal,
11 agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or
12 otherwise, who violates any provision of this Code, or any permit issued pursuant to
13 this Code, the California Fire Code, the San Bernardino County Fire Department Fire
14 Prevention Standards or any condition(s) of approval for such permit granted pursuant
15 thereto, shall be liable for a civil penalty not to exceed one thousand dollars
16 (\$1,000.00) per violation for each day or any portion thereof, that the violation
17 continues to exist. In determining the amount of civil penalty to be imposed, both as to
18 the daily rate and the subsequent total amount for any given violation, the court shall
19 consider all relevant circumstances, including, but not limited to, the extent of the harm
20 caused by the conduct constituting the violation; the nature and persistence of such
21 conduct; the length of time over which the conduct occurred or was repeated; the
22 assets, liabilities, and net worth of the violator; whether the violator is a corporate entity
23 or an individual; and any corrective action taken by the violator.

24 (c) **Attorney's fees.** In any civil action, administrative proceeding (excluding
25 administrative citations issued pursuant to §§ 41, 42, 43 or 44), or special proceeding
26 to abate a public nuisance, whether by seeking injunctive relief and/or an abatement
27 order, or other order, attorney's fees may be recovered by the prevailing party and
28 shall not exceed the amount of reasonable attorney's fees incurred by the District in
that action or proceeding.

1 **41. Administrative Citations and Penalties - General.**

2 (a) Any violation of this Code, the California Fire Code, the California
3 Residential Code, the San Bernardino County Fire Department Fire Prevention
4 Standards or of the provisions of any code adopted and incorporated by reference by
5 this Code is subject to enforcement through the issuance of an administrative citation
6 and penalties in accordance with Government Code § 53069.4 and this section.
7 Administrative citations may be issued for any violation of this Code not occurring in
8 the presence of the officer issuing the citation where the issuing officer determines
9 through investigation that the responsible party committed, caused, allowed, or is
10 otherwise responsible for the violation. The following procedures shall govern the
11 imposition, enforcement, collection, administrative review, and judicial review of
12 administrative citations and penalties.

13 (b) **Definitions.** For the purposes of this Code, certain words are defined as
14 follows:

15 (1) "Abatement costs" shall mean any and all costs or expenses reasonably
16 related to the abatement or removal of conditions which violate any provision of this
17 Code or the correction of such violation, and shall include, but not be limited to,
18 enforcement, investigation, collection, administrative costs, and attorney's fees.

19 (2) "Administrative costs" shall mean all costs incurred by or on behalf of the
20 District from the first discovery of the violation of this Code through the appeal process
21 and until compliance is achieved, including but not limited to, staff time in investigating
22 the violation, inspecting the property where the violation occurred, preparing
23 investigation reports, sending notices, preparing for and attending any appeal hearing,
24 telephone contacts, and correspondence.

25 (3) "Administrative citation" shall mean a citation issued pursuant to this
26 Code, stating that one or more violations of this code has occurred and stating the
27 amount of the administrative penalty to be paid by the responsible party.

28 (4) "Ordinances of the San Bernardino County Fire Protection District," and
"San Bernardino County Fire Code," and "this Code" shall mean the Ordinances of the

1 San Bernardino County Fire District, including all pertinent provisions of state codes as
2 from time to time adopted and incorporated therein, enacted by the Board of Directors
3 of the San Bernardino County Fire Protection District, acting pursuant to authority
4 granted under California Health and Safety Code §§ 13861, 13869, and 13869.7; or
5 other applicable law.

6 (5) "County" shall mean San Bernardino County and, as it is also known, the
7 County of San Bernardino, a political subdivision of the State of California, as enacted
8 by the State Legislature by the Statutes of California passed at the Fourth Session of
9 the Legislature, Chapter LXXVIII, April 26, 1853.

10 (6) "District" shall mean the San Bernardino County Fire Protection District.

11 (7) "Enforcement Officer" shall mean any San Bernardino County Fire
12 Protection District employee, or agent of the County or District with the authority to
13 enforce any provision of this Code, pursuant to Sections 32, 34 and 35 of this Code.

14 (8) "Person" shall mean, without limitation, any government entity, natural
15 person, firm, association, club, organization, corporation, partnership, business,
16 business trust, company or other entity, which is recognized by law as the subject of
17 rights or duties.

18 (9) "Responsible party," for the purpose of this Code ~~at §34 Administrative~~
19 ~~Citations and Penalties~~, shall mean:

20 (A) Each person, other than a minor, who commits or causes a
21 violation of any provision of this Code to occur, exist or continue;

22 (B) Each person who is the parent or legal guardian of the minor
23 person who commits or causes a violation of any provision of this Code to occur, exist,
24 or continue;

25 (C) Each person who has a legal or equitable ownership interest in
26 any parcel of real property located within the unincorporated area of the County of San
27 Bernardino, within any political subdivision or district that contracts with the San
28 Bernardino County Fire Protection District for fire protection and prevention services, or
within those other cities and towns that ratify this ordinance, and who commits, causes,

1 or otherwise allows the violation of any provision of this Code to occur, exist, or
2 continue on such parcel; and

3 (D) Each person who, although not an owner, nevertheless has a legal
4 right or legal obligation to exercise possession and control over any parcel of real
5 property located within the unincorporated area of the County of San Bernardino, within
6 any political subdivision or district that contracts with the San Bernardino County Fire
7 Protection District for fire protection and prevention services, or within those other cities
8 and towns that ratify this ordinance, and who commits, causes, or otherwise allows the
9 violation of any provision of this Code to occur, exist, or continue on such parcel; and

10 (E) In addition to the business entity itself, each person who is an
11 owner of that business entity in those cases in which the commission, occurrence,
12 existence, or continuation of the violation of any provision of this Code is most
13 reasonably attributable to that business entity and not to an employee of that business
14 entity.

15 (c) **Content of Citation.** The administrative citation shall be issued on a form
16 approved by the San Bernardino County Fire Protection District in consultation with
17 County Counsel. The administrative citation form may be tailored to the specific needs
18 of the issuing department as approved by the San Bernardino County Fire Protection
19 District; however, all administrative citations shall contain the following information:

20 (1) The name and mailing address of the responsible party.

21 (2) The administrative citation shall refer to the date(s) and location of the
22 violation and the approximate time(s), if applicable, that the violation was observed.

23 (3) The administrative citation shall identify each violation by the applicable
24 section number of this Code and by either the section's title or a brief descriptive
25 caption; or by reference to the applicable permit describing the condition violated.

26 (4) The administrative citation shall describe the action(s) required to correct
27 the violations.
28

1 (5) The administrative citation shall require the responsible party to
2 immediately correct the violation where appropriate or otherwise indicate a compliance
3 deadline date and shall explain the consequences of failure to correct the violation.

4 (6) The administrative citation shall state the amount of the penalty imposed
5 for the violation. Multiple violations may be listed on the same citation form. In the
6 event of multiple violations, the administrative citation shall list the penalty amount for
7 each violation and the total amount of all of the penalties.

8 (7) The administrative citation shall contain a notation box for the
9 enforcement officer to indicate whether or not the citation is issued as a "warning only"
10 and without penalty. The administrative citation shall also include a notation box that
11 may be used by the enforcement officer to indicate that the penalty will be waived if the
12 violation is corrected by the compliance deadline date indicated on the citation form.

13 (8) The administrative citation shall explain how the penalty shall be paid and
14 the time period by which it shall be paid, and the consequences of failure to pay the
15 penalty within this time period.

16 (9) The administrative citation shall identify all appeal rights and include
17 instructions on how to appeal the citation.

18 (10) The administrative citation shall contain the printed name and the
19 signature of the enforcement officer issuing the citation and, where reasonably possible
20 to obtain it, the signature of the responsible party (or managing employee if the
21 responsible party is a business entity), if he or she can be located, as set forth in
22 subsection (d) below.

23 (d) **Service of Citation.**

24 (1) If the responsible party is present at the scene of the violation, the
25 enforcement officer shall attempt to obtain his/her signature on the administrative
26 citation and shall deliver a copy of the administrative citation to him/her.

27 (2) If the responsible party is a business, and the business owner is on the
28 premises, the enforcement officer shall attempt to deliver the administrative citation to
the business owner. If the enforcement officer is unable to serve the business owner

1 on the premises and the enforcement officer can only locate the manager or on-site
2 supervisor, the administrative citation may be issued in the name of the business and a
3 copy given to the manager or on-site supervisor. A copy of the administrative citation
4 shall also be mailed to the business owner by certified mail, return receipt requested,
5 and by first class mail. If a copy of the administrative citation that is sent by certified
6 mail is returned by the United States Postal Service unsigned or marked "unclaimed"
7 and/or "refused", then service by first class mail shall be deemed effective provided it is
8 also not returned by the United States Postal Service.

9 (3) If a responsible party cannot be located at the property, then a copy of
10 the administrative citation shall be posted in a conspicuous place on or near that
11 property, if practicable, and a copy mailed by certified mail, return receipt requested,
12 and by first class mail, to all responsible parties at their last known addresses as they
13 appear on the last County equalized assessment role, or any other available public
14 records related to title or ownership of the property that is the subject of the
15 administrative citation. If the copy of the administrative citation sent by certified mail to
16 a responsible party is returned by the United States Postal Service with the mail receipt
17 unsigned, or marked "unclaimed" and/or "refused", then service by first class mail shall
18 be deemed effective provided it is also not returned by the United States Postal
19 Service.

20 (4) The failure of any responsible party to receive a copy of the
21 administrative citation shall not affect the validity of the proceedings.

22
23 **(e) Administrative Penalties - General.**

24 (1) Pursuant to California Government Code §§53069.4 and 25132(c) and
25 unless otherwise provided in this Code, the amount of penalty to be imposed for a
26 violation of this code and assessed by means of an administrative citation shall be one
27 hundred dollars (\$100.00) for the first occurrence of a violation; five hundred dollars
28 (\$500.00) for the second occurrence of the same violation; and one thousand dollars
(\$1,000.00) for the third and each subsequent occurrence of the same violation.

1 Notwithstanding this paragraph, the amount of penalty to be assessed by means of an
2 administrative citation may be established by resolution of the Board of Directors of the
3 San Bernardino County Fire Protection District.

4 **(2) Administrative Penalties – Multiple Violations.**

5 Notwithstanding the tables of administrative penalties for violations relating
6 to Dangerous Fireworks, Safe and Sane Fireworks, False and Negligent Alarms and
7 those violations defined as egregious violations, when multiple violations of this Code,
8 the California Fire Code, the California Residential Code and the San Bernardino
9 County Fire Department Fire Prevention Standards or any provision of a code or
10 standards adopted or incorporated by reference by this Code occur concurrently and
11 are addressed through the Administrative Citation process pursuant to this Section, the
12 fire code official may, at his discretion, assess administrative penalties in the following
13 manner:

14 (A) The administrative penalty for the first and second violation
15 occurring concurrently shall be the full penalty as defined by Section 3441(e)(1).

16 (B) The administrative penalties for the third and subsequent
17 violations occurring concurrently may be reduced to twenty-five (\$25.00) dollars per
18 violation.

19 (C) This alternative penalty system shall only apply to the first
20 occurrence within a 1-year period.

21 (3) If the violation is not corrected within the time limits established in this
22 section, then additional administrative citations may be issued for the same violation.
23 The amount of the penalty shall increase at the rate specified above.

24 (A) Payment of the penalty shall not excuse the failure to correct the
25 violation nor shall it bar further enforcement action by the San Bernardino County Fire
26 Protection District or any other enforcement agency authorized to issue administrative
27 citations pursuant to Section 35, subsection (3).

28 (B) The penalties assessed shall be payable to the District (or to the
District's designated collection/processing agent), or to any enforcement agency

1 authorized to issue administrative citations (or to such agency's designated
2 collection/processing agent) within 30 calendar days from the date the administrative
3 citation is issued.

4 (C) Except as provided below, any person who fails to pay to the
5 District (or the District's designated collection/processing agent), or to any enforcement
6 agency authorized to issue administrative citations (or such agency's designated
7 collection/processing agent) any penalty imposed pursuant to the provisions of this
8 Code on or before the date that the penalty is due shall also be liable for the payment
9 of any applicable late payment charges as established by the Board of Directors.

10 (D) The District may collect any past due administrative citation
11 penalty or late payment charge by use of any available means, including without
12 limitation, the recording of a notice of lien, describing the real property affected and the
13 amount of the costs and administrative citation penalties claimed by the District with
14 the Office of the County Recorder. The District may transmit notice of the award of
15 abatement costs and administrative citation penalties, or notice of the judgment
16 thereon arising from a collection or other legal action, to the Treasurer/Tax Collector
17 who shall place the amount thereof on the assessment role as a special assessment to
18 be paid with County taxes, unless sooner paid. The District may also recover its
19 collection costs. A judgment or award of such costs, penalties or damages may also be
20 enforced in any other manner provided by law.

21 (E) The District may also recover its administrative costs incurred in
22 defending the citation at the appeal hearing.

23 (F) All administrative citation penalties collected pursuant to these
24 provisions shall be deposited into specific funds maintained by or on behalf of the
25 District exclusively for the purpose of funding the enforcement of this Code.

26 **42. Administrative Citations and Penalties – Dangerous Fireworks, and Unlawful
27 Use of Safe & Sane Fireworks.**

28 (a) This Section governs, and applies only to, the imposition and
enforcement of administrative penalties related to the storage, possession, handling,

1 sale, use, transportation, or public display of those fireworks classified as "Dangerous
2 Fireworks", and the unlawful use of Safe and Sane Fireworks.

3 (b) For the purposes of this Section, the term, "Dangerous Fireworks" shall
4 be defined pursuant to California Health and Safety Code Section 12500, et seq. and
5 shall also include "Safe and Sane" fireworks as defined in California Health and Safety
6 Code Section 12529, which have been modified to act in the same manner as
7 Dangerous Fireworks.

8 (c) This penalties enumerated in this section shall not apply to Law
9 Enforcement or Department personnel acting within the scope of their official duties or
10 to a pyrotechnic licensee when operating pursuant to that license.

11 (d) The imposition of administrative penalties related to "dangerous
12 fireworks" under this Section shall be limited to persons who store, possess, handle,
13 sell, use, transport, or publicly display 25 pounds or less (gross weight including
14 packaging) of such dangerous fireworks. Any persons who store, possess, handle,
15 sell, use, transport, or publicly display over 25 pounds (gross weight including
16 packaging) of such dangerous fireworks may be subject to criminal action.

17 (e) Administrative penalties collected pursuant to this section related to
18 "dangerous fireworks" shall not be subject to California Health and Safety Code
19 Section 12706, which section provides that certain fines collected by a court of the
20 state be deposited with, and disbursed by, the County Treasurer. However, the District
21 shall provide cost reimbursement to the State Fire Marshal pursuant to regulations to
22 be adopted by the State Fire Marshal addressing the State Fire Marshal's cost for the
23 transportation and disposal of "dangerous fireworks" seized by the District, which costs
24 will be part of any administrative penalty imposed. Unless and until said regulations
25 have been adopted by the state of California, the District shall hold in trust two hundred
26 fifty dollars (\$250) of any penalty collected to cover the cost reimbursement to the
27 State Fire Marshal for said cost of transportation and disposal of the "dangerous
28 fireworks."

1 (f) Notwithstanding the penalties defined in this Section, administrative
2 citations issued pursuant to this section shall comply with all the requirements of
3 Section 34-41 of this Code.

4 (g) Each person who violates any provision of this code relating to the
5 storage, possession, handling, sale, use, transportation, or public display of Dangerous
6 Fireworks shall be subject to the imposition and payment of an increased
7 administrative penalty as provided, below:

Administrative Penalties for Dangerous Fireworks			
Number of Occurrences in a 1-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
First	\$1,250.00	\$125.00	\$1,375.00
Second	\$2,250.00	\$225.00	\$2,475.00
Three or More	\$3,250.00	\$325.00	\$3,575.00

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14 (h) Each person who violates any provision of this code relating to the
15 unlawful storage, possession, handling, sale, use, transportation, or public display of
16 unmodified Safe and Sane fireworks shall be subject to the imposition and payment of
17 an increased administrative penalty as provided in the table below:

Administrative Penalties for Safe and Sane Fireworks			
Number of Occurrences in a 1-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
First	\$150.00	\$15.00	\$165.00
Second	\$250.00	\$25.00	\$275.00
Three or More	\$350.00	\$35.00	\$385.00

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24 (i) The issuance of an administrative citation pursuant to this section shall
25 not preclude the fire code official or any other person authorized to issue an
26 administrative citation pursuant to this Section from seizing any Dangerous Fireworks
27 or unlawfully used Safe and Sane fireworks pursuant to this Code and California Health
28 and Safety Code Section 12721.

43. Administrative Penalties – Egregious Violations.

1 (a) Any person who violates Section 21 relating to Stop Work Orders,
 2 Section 23 relating to tampering with notices, Section 24 relating to overcrowding,
 3 Section 25 relating to obstructed egress, Section 26 relating to unlawful open fires, and
 4 Section 27 relating to explosives and pyrotechnics or any other violation of this Code,
 5 the California Fire Code, the San Bernardino County Fire Department Fire Prevention
 6 Standards or of the provisions of any code adopted or incorporated by reference by
 7 this Code that is reasonably determined by the fire code official to present an
 8 immediate or potentially immediate threat to public safety, shall be subject to the
 9 imposition and payment of an increased administrative penalty as provided in the table
 10 below:

11 **Administrative Penalties for Egregious Violations**

12 Number	13 of	14 Amount	15 of	16 Total Amount of
17 Occurrences	18 Administrative	19 Penalty	20 Late	21 Penalty
22 <u>in a 1-Year Period</u>	23 <u>Penalty</u>	24 <u>Charge</u>	25 <u>Plus Late Charge</u>	26 <u>Plus Late Charge</u>
27 First	28 \$250.00	\$25.00	\$275.00	
Second	\$750.00	\$75.00	\$825.00	
Three or More	\$1,250.00	\$125.00	\$1,375.00	

17 (b) For the purposes of this section, each instance of a violation may be
 18 considered a separate violation subject to a separate penalty. However, multiple
 19 violations cited during a single occurrence or inspection shall not each be considered a
 20 separate occurrence incurring a higher penalty amount. EXAMPLE: During an
 21 inspection two required exit doors are found to be chained and the dance hall is
 22 overcrowded. An administration citation may be issued for three (3) counts of
 23 egregious violations at \$250.00 each. An administrative citation for three (3) counts at
 24 \$750.00 each shall not be issued.

25 **44. Administrative Remedies and Penalties - False and Negligent Fire Alarm**
 26 **Program.**

27 (a) Any person who violates the San Bernardino County Fire Department
 28 Fire Prevention Standards pertaining to the False and Nuisance Fire Alarm Program
 may be subject to the following remedies:

1 (1) An administrative penalty may be imposed against the owner of a
2 premises on or in which a Fire Alarm System is installed or permitted for the following
3 reasons:

4 (A) Upon the fourth or additional False or Nuisance Fire Alarm at a
5 single premises.

6 (B) If the owner fails to return a satisfactory Report of Service/Repair
7 within fifteen (15) days after receiving the Fire Alarm Activation Report due to a
8 Nuisance Fire Alarm.

9 (C) If the person identified in the Registration as a responder and
10 requested pursuant to the False and Nuisance Fire Alarms Program Standard fails to
11 appear within one (1) hour after being notified to respond.

12 (2) An administrative penalty may be imposed against the Fire Alarm
13 Business installing, repairing or providing monitoring or runner service for a Fire Alarm
14 System for the following reasons:

15 (A) If the fire code official determines that the fourth or additional False
16 or Nuisance Fire Alarm was directly caused by an onsite employee or representative of
17 the Fire Alarm Business. In this event, no False Fire Alarm shall be counted against
18 the Owner.

19 (B) If the fire code official determines that the person identified in the
20 Registration as a responder and requested pursuant to the False and Nuisance Fire
21 Alarms Program Standard is a runner provided for by the Fire Alarm Business and that
22 person fails to appear within one (1) hour after being notified to respond. In this event,
23 no False Fire Alarm shall be counted against the Owner.

24 (3) In lieu of or in addition to the Administrative Penalties listed above, the
25 Fire Code Official is authorized to order the owner of a premises to:

26 (A) Silence an activated Fire Alarm System, have corrective action
27 taken and thereafter reset it.

28 (B) Disconnect or deactivate the Fire Alarm System until corrective
actions can be taken.

1 (C) Institute a Fire Watch due to repetitive Nuisance or False Fire
2 Alarms or in the event a Fire Alarm System is silenced disconnected or deactivated,
3 until corrective action is taken.

4 (4) The Owner is responsible for paying all costs associated with establishing
5 a Fire Watch.

6 (5) The provisions of this Section shall not apply to any newly installed Fire
7 Alarm System for a period of forty-five days (45) from the date of installation.

8 (6) Notwithstanding the provisions of Sections ~~38(a)(1)(B), 38(a)(1)(e), and~~
9 ~~38(a)(2)(B),~~ 41 no administrative citation shall be imposed for the first three (3) False or
10 Nuisance Fire Alarms at the same premises during each calendar year, thereafter any
11 further False or Nuisance Fire Alarms may result in the imposition of an administrative
12 penalty pursuant to this Section against the owner or the Fire Alarm Business.

13 (7) The activation of a Fire Alarm System shall not result in the imposition of
14 an administrative penalty if the alarm is activated due to malicious causes beyond the
15 control of the owner unless the fire code official has given written notice to the owner to
16 provide reasonable safeguards against additional False Fire Alarms and the owner has
17 failed to comply with that notice.

18 (8) Administrative Penalties.

19 (A) Any person who violates any provision of this section shall be
20 subject to the imposition and payment of an administrative penalty as provided in the
21 table below:

22

Administrative Penalties for False or Nuisance Fire Alarms			
Number of Occurrences in a 1-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty Plus Late Charge
Four to Five ¹	\$100.00	\$10.00	\$110.00
Six to Seven	\$200.00	\$20.00	\$220.00
Eight or More	\$500.00	\$50.00	\$550.00

27 1. This penalty shall also apply to any occurrence of Sections 38(a)(1)(B), 38(a)(1)(c), and 38(a)(2)(B).

28 **45. Appeal of Administrative Citations**

1 (a) **Notice of Appeal.** Any person in whose name an administrative citation
2 has been issued may appeal the administrative citation by filing a written notice of
3 appeal with the District. If the District has designated a processing agent, then the
4 responsible party shall file his/her written notice of appeal with the designated
5 processing agent. The written notice of appeal must be filed within 20 calendar days of
6 the date the administrative citation was served in a manner set forth in subsection (d)
7 of this Section. The written notice of appeal shall be filed together with an advance
8 deposit, consisting of a cashier's check, for the full amount of the penalty stated on the
9 administrative citation; unless the District has issued an advance deposit hardship
10 waiver. Failure to file a written notice of appeal within this time period shall constitute a
11 waiver of the right to appeal the administrative citation.

12 (b) **Advance Deposit Hardship Waiver.** Any person intending to appeal an
13 administrative citation and who is financially unable to make the advance deposit as
14 required by this section may file a written request for an advance deposit hardship
15 waiver with the District. A District-approved form shall be made for this purpose. The
16 written request shall be filed with the District within 10 calendar days of the date the
17 administrative citation was served.

18 (c) **Advance Deposit Hardship Waiver Evaluation Procedures.** The
19 advance deposit requirement shall be stayed pending a determination by the Fire
20 Chief/~~Fire Warden~~~~Fire Chief~~/~~Fire Warden~~/~~Fire Warden~~, or the Fire Chief/~~Fire~~
21 ~~Warden~~~~Fire Chief~~/~~Fire Warden~~/~~Fire Warden's~~ designee, that a waiver shall not be
22 issued. The Fire Chief/~~Fire Warden~~, or the Fire Chief/~~Fire Warden's~~ designee, may
23 waive the advance deposit requirement and issue a waiver only if the person
24 requesting the waiver submits to the Fire Chief/~~Fire Warden~~~~Fire Chief~~/~~Fire Warden~~/~~Fire~~
25 ~~Warden's~~ attention a sworn affidavit, together with any supporting documents or
26 materials, reasonably demonstrating to the Fire Chief/~~Fire Warden~~~~Fire Chief~~/~~Fire~~
27 ~~Warden~~/~~Fire Warden~~ the person's actual financial ability to submit the deposit in
28 advance of the appeal hearing. The filing of a written request for an advance deposit
hardship waiver shall not extend the time limits for appealing an administrative citation.

1 The Fire Chief/~~Fire Warden~~~~Fire Chief~~~~Fire Warden~~/Fire Warden, or the Fire Chief/~~Fire~~
2 ~~Warden~~~~Fire Chief~~~~Fire Warden~~/Fire Warden's designee, shall issue a written decision
3 explaining the reason(s) for not issuing the waiver. The written decision of the Fire
4 Chief/~~Fire Warden~~~~Fire Chief~~~~Fire Warden~~/Fire Warden, or the Fire Chief/~~Fire~~
5 ~~Warden~~~~Fire Chief~~~~Fire Warden~~/Fire Warden's designee, shall be final. In the event a
6 waiver is not issued, the person intending to appeal must remit the advance deposit
7 with a written notice of appeal as herein provided.

8 (d) **Contents of Notice of Appeal.** The notice of appeal shall be submitted
9 on District-approved forms and shall contain the following information:

10 (1) A brief statement setting forth the appealing person's (hereinafter
11 "appellant") interest in the proceedings;

12 (2) A brief statement of the material facts which the appellant claims
13 supports his/her contention that they did not commit, cause, or otherwise allow a
14 violation of one or more provisions of this Code to occur, exist, or continue as alleged
15 in the administrative citation at issue; or he/she is not a responsible party as defined at
16 §3541(b)(9) of this Code.

17 (3) A mailing address at which the appellant agrees that notice of any
18 additional proceeding, or an order relating to the imposition of an administrative citation
19 penalty, shall be received and accepted by the appellant by First Class Mail.

20 (4) The notice of appeal must be signed and dated by the appellant.

21 (e) **Administrative Hearing.** The resolution of an appeal of an
22 administrative citation issued under the authority of this Code shall be by an
23 administrative hearing conducted according to the procedures set forth in this section.
24 Upon the District's designated processing agent's receipt of a timely, written notice of
25 appeal from the appellant, an administrative hearing shall be held as follows:

26 (1) **Hearing Date.** The date of the hearing shall be set for a date that is no
27 later than 60 days from the date the notice of appeal is received by the District's
28 processing agent.

1 (2) **Notice of Hearing.** Notice of the administrative hearing shall be given to
2 the appellant at least 10 calendar days prior to the hearing. The notice may be
3 delivered to the appellant or mailed by first class mail to the address listed in the notice
4 of appeal. Neither personal service nor service by certified mail shall be required.

5 (3) **Hearing Officer.** The administrative hearing shall be held before the Fire
6 Chief/Fire Warden, or the Fire Chief/Fire Warden's designee. The Hearing Officer shall
7 not be the enforcement officer who issued the administrative citation or his/her
8 immediate supervisor. The Fire Chief/Fire Warden, through the District's contracting
9 process, may contract with a qualified provider for administrative processing and
10 collection services to provide hearing officers to conduct administrative hearings and
11 process administrative citations, including the collection of payment of administrative
12 citation penalties.

13 (4) **Conduct of the Hearing.**

14 (A) The Hearing Officer shall not be limited by the technical or formal
15 rules of evidence. The District shall bear the burden of proof at the administrative
16 hearing to establish the existence of a violation of this Code by a preponderance of the
17 evidence. The Hearing Officer shall have the discretion to exclude evidence if its
18 probative value is substantially outweighed by the probability that its admission will
19 cause an undue consumption of time. The enforcement officer establishing or
20 confirming the occurrence or existence of a violation of this Code shall be deemed the
21 complaining or reporting party. Personal or other identifying information regarding any
22 other reporting party shall be deemed both irrelevant and subject to the federal and
23 state constitutional rights of privacy; and, therefore, shall not be subject to review or
24 disclosure.

25 (B) If the appellant fails to appear at the administrative hearing, the
26 Hearing Officer shall make his/her determination based on the information contained in
27 the enforcement officer's case file and the appellant's notice of appeal.

28 (C) Provided that proper notice of the administrative hearing has been
served as required by this or other applicable chapters of this Code, an appellant who

1 fails to appear at the administrative hearing shall be deemed to have waived each of
2 the following: the right to such hearing, the adjudication of issues presented at the
3 hearing, and any and all rights afforded to the appellant under this Code. The
4 appellant shall also be deemed to have failed to exhaust his/her administrative
5 remedies.

6 (D) The only evidence that shall be permitted at the administrative
7 hearing and considered by the administrative Hearing Officer in reaching a decision, is
8 that evidence which is relevant to the proof or disproof of:

9 (i) Ownership of the subject property, when applicable;

10 (ii) Whether a person noticed by the District as a responsible
11 party is, in fact, a responsible party;

12 (iii) Whether a violation of this Code occurred and/or continues
13 to occur on the date or dates specified in the administrative citation;

14 (iv) Whether the responsible party has committed, caused,
15 maintained, or permitted a violation of this Code on the date or dates specified on the
16 administrative citation.

17 (f) **Hearing Officer's Decision.**

18 (1) After considering all the testimony and evidence submitted at the hearing,
19 the Hearing Officer shall promptly issue a written decision ("Administrative Citation
20 Appeal Ruling") to uphold or cancel the administrative citation and shall list in the
21 decision the reasons for that decision.

22 (2) If the Hearing Officer determines that the administrative citation should be
23 upheld, then the amount of the penalties set forth in the citation shall not be reduced or
24 waived for any reason. This subsection shall not apply to "warning only" administrative
25 citations or to any administrative citation that indicates on its face that the penalty will
26 be waived if the violation is corrected by the deadline compliance date and the violation
27 is so corrected.
28

1 (3) If the administrative citation has been upheld, the Hearing Officer may
2 allow payment of the administrative penalty in installments, if an advance deposit
3 hardship waiver has been issued to the appellant.

4 (4) If the Hearing Officer overturns the administrative citation, then no
5 penalty shall be assessed and any penalty otherwise deposited with the District or its
6 designated processing/collection agent, shall be promptly refunded to the appellant.

7 (5) The appellant shall be served with a copy of the hearing officer's written
8 decision either at the conclusion of the hearing or sent by First Class Mail within a
9 reasonable time. The Hearing Officer's written decision shall become final on the date
10 of the hearing unless mailed; otherwise it shall become final on the date of mailing.

11 (6) The Hearing Officer's written decision shall contain instructions for
12 obtaining judicial review of the decision pursuant to California Government Code
13 §53069.4, as that section may be from time to time amended, or the successor
14 provision thereto.

15 (7) If the administrative citation is upheld, the Hearing Officer shall also
16 award the District its enforcement costs and its costs in defense of the citation
17 (including the actual time spent conducting the hearing). An itemized summary of these
18 costs shall be presented to the Hearing Officer by the District within 10 days following
19 the Hearing and mailed to appellant by 1st Class Mail to the address listed on the
20 Notice of Appeal.

21 (g) **Judicial Review of Administrative Hearing Officer's Decision.**

22 (1) **Notice of Appeal.** Within 20 calendar days of the date of the delivery or
23 mailing of the Hearing Officer's decision to the appellant, the appellant (hereafter
24 "contestant") may contest that decision by filing an appeal to be heard by the Superior
25 Court, and paying to the court clerk the filing fee set forth at Government Code §
26 53069.4, or the successor provision thereto. The failure to file the written appeal and to
27 pay the filing fee within this period shall constitute a waiver of the right to an appeal
28 and the decision shall be deemed confirmed. The contestant shall serve a copy of the
notice of appeal in person or by first class mail upon the District.

1 (2) **Conduct of the Superior Court Appeal Hearing.** The conduct of the
2 appeal before the Superior Court is a subordinate judicial duty and may be performed
3 by traffic trial commissioners and other subordinate judicial officers at the direction of
4 the presiding judge of the superior court. The appeal shall be heard de novo, except
5 that the contents of the District's file in the case shall be received in evidence. A copy
6 of the document or instrument of the District providing notice of the violation and
7 imposition of the administrative penalty (i.e., the administrative citation) shall be
8 admitted into evidence as prima facie evidence of the facts stated therein. The court
9 shall request that the District's file in the case be forwarded to the court, to be received
10 within 15 calendar days of the request.

11 (3) **Judgment.** The court shall retain the filing fee regardless of the outcome
12 of the appeal. If the court finds in favor of the contestant, the amount of the fee shall be
13 reimbursed to the contestant by the District. Any deposit of the administrative penalty
14 shall be refunded by the issuing department in accordance with the judgment of the
15 court. If the administrative penalty has not been deposited and the decision of the court
16 is against the contestant and in favor of the District, the District may proceed to collect
17 the penalty pursuant to the procedures set forth in this Code, or in any other manner
18 provided by law.

19 **46. Recording of a Notice of Pendency**

20 (a) Whenever the District institutes a judicial action or proceeding to enforce
21 this Code, a Notice of Pendency of the action or proceeding may be filed with the
22 County Recorder's Office. The notice may be filed at the time of the commencement of
23 the action or proceeding, and upon recordation of the notice as provided in this section,
24 shall have the same effect as a notice recorded in compliance with §409 of the
25 California Code of Civil Procedure.

26 (b) The County Recorder shall record and index the Notice of Pendency of
27 action or proceeding in the Grantor/Grantee Index.

28 (c) Any Notice of Pendency of action or proceeding filed in compliance with
this section may, upon motion of a party to the action or proceeding, be vacated upon

1 an appropriate showing of need therefore by an order of a judge of the court in which
2 the action or proceeding is pending.

3 (d) A certified copy of the "Order to Vacate Notice of Pendency" may be
4 recorded with the County Recorder's Office, and upon the recordation, the Notice of
5 Pendency of the action or proceeding shall not constitute constructive notice of any of
6 the matters contained therein nor create any duty of inquiry in any person thereafter
7 dealing with the property described therein.

8 (e) An "Order to Vacate Notice of Pendency" shall not be appealable, but the
9 party aggrieved by the order may, within 20 days after service of written notice of the
10 order, or within additional time not exceeding 20 days as the court may, within the
11 original 20 days allow, but in no event later than 60 days after entry of the order,
12 petition the proper reviewing court to review the order by Writ of Mandate.

13 (f) No "Order to Vacate Notice of Pendency" shall be effective, nor shall it be
14 recorded with the County Recorder's Office, until the time within which a petition for the
15 filing of a Writ of Mandate has expired in compliance with this section.

16 **47. Filing Notice of Action.**

17 Whenever an enforcement action is initiated and prior to filing a Notice of
18 Pendency, the District may, pursuant to Government Code § 27280, file with the
19 County Recorder's Office a Notice of Action identifying the enforcement action taken
20 for violation of this Code or other applicable law.

21 **48. Public Nuisance Abatement for Fire Hazards.**

22 Any violation of this Code, the California Fire Code, the San Bernardino County
23 Fire Department Fire Prevention Standards or of the provisions of any code adopted
24 and incorporated by reference by this Code may be deemed a fire hazard by the fire
25 code official and acted upon pursuant to the public nuisance abatement provisions of
26 Chapter 5 of Division 3 of Title 2 of the San Bernardino County Code beginning with
27 Section 23.0503.

28 **49. Board of Appeals – Code Application and Interpretations.**

1 (a) In order to hear and decide appeals of orders, decisions or
2 determinations made by the fire code official relative to the application and
3 interpretation of this code (except for administrative citations issued pursuant to
4 Sections 34, 35, 36, 37 and 38), there shall be two appeals boards, namely the
5 Planning Commission and the Building and Safety Board of Appeal.

6 (b) **Limitations on Authority.** An application for appeal shall be based on a
7 claim that the intent of this code or the rules, standards and interpretations adopted
8 hereunder have been incorrectly interpreted, the provisions of this code do not fully
9 apply, or an equivalent method of protection or safety is proposed. The board shall
10 have no authority to waive requirements of this code.

11 (c) **Qualifications.** The board of appeals shall consist of members who are
12 qualified by experience and training to pass judgment on matters pertaining to hazards
13 of fire, explosion, hazardous conditions or fire protection systems and are not
14 employees of the fire code official.

15 (d) **Appeals Hearings.** Appeals concerning standards of building
16 construction, electrical work, and all fire protection and detection systems shall be
17 heard by the Building and Safety Board of Appeal. All other appeals shall be heard by
18 the Planning Commission. Hearings shall be in accordance with this section.

19 (e) **Request for Hearing.** Any person may appeal the Department's
20 interpretation regarding the provisions of the San Bernardino County Fire Protection
21 District Fire Code within 15 days after the date such interpretation is rendered, or after
22 enforcement begins. Unless an imminent hazard to life or property exists, enforcement
23 involving an appealed interpretation may be suspended until a decision regarding the
24 appeal has been reached.

25 (f) **Hearing Procedures.** Within 30 days of the acceptance of an application
26 for an appeal, the County or City having jurisdiction shall set the matter for hearing and
27 shall give notice to the appellant, the applicant and to any other party who has
28 requested in writing to be so notified. During the hearing, witnesses may be sworn in
and examined and evidence produced, and parties may be represented by counsel.

1 The appropriate appeals board shall keep a record of the proceedings of each hearing
2 and shall issue written findings and a decision within 15 days of the conclusion of the
3 hearing. A written copy of the decision shall be mailed to the parties by first class mail,
4 at such addresses as they have provided.

5 (g) **Fees and Costs.** The Department shall act as staff to the Appeals
6 Board, and for that purpose may determine and set fees to charge an appellant to
7 cover the cost of preparation of the record for appeal. A summary of costs shall be
8 compiled and sent to the appellant after all the appeals proceedings have been
9 completed. Any refund due the appellant shall be returned within 60 days after the
10 summary is sent.

11 **50. Cost Recovery.**

12 Pursuant to California Health & Safety Code sections 11374.5(b)(1), 13009 et
13 seq., 13916(a), 25259.4, 25514, 25515(a), 25540(a), 25541(a), California Government
14 Code sections 53150, 53151, 53152, 53159(a) & (b), California Vehicle Code section
15 23112.7, and all other provisions of law, all costs incurred by the San Bernardino
16 County Fire Protection District for the inspection and enforcement of any provision of
17 this code, the investigation of any fire, explosion or other hazardous condition, the
18 suppression of fire, the response to a traffic collision or accident, the containment
19 and/or mitigation of a hazardous materials release, and any rescue or rendering of
20 medical or physical aid or assistance, may be charged to any responsible party, any
21 person who violates this code or any person who, due to a negligent or unlawful act or
22 omission, is responsible for or requires or causes the emergency response of this
23 Department pursuant to a schedule of fees adopted by the District. Any expense
24 incurred by this District for such an emergency response shall constitute a debt of
25 such person and shall be collectible by the District in the same manner as in the case
26 of an obligation under contract, express or implied.

27 **51. Treble Damages.**

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Upon a second or subsequent civil or criminal judgment for a violation of this Code within a two-year period the violator shall be liable to the District for treble the abatement costs.

SECTION 2. This ordinance shall take effect 30 days from the date of adoption.

JANICE RUTHERFORD, Chairman
Board of Directors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD OF DIRECTORS

LAURA H. WELCH, Secretary
to the Board of Directors

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss.
3)

4 I, LAURA H. WELCH, Secretary of the Board of Directors of the San Bernardino
5 County Fire Protection District, State of California, hereby certify that at a regular
6 meeting of the Board of Directors of the San Bernardino County Fire Protection District,
7 held on the ____ day of _____, 2013, at which meeting were present
8 Supervisors: _____

9 _____, and the Secretary, the
10 foregoing ordinance was passed and adopted by the following vote, to wit:

11 AYES: DIRECTORS:
12 NOES: DIRECTORS:
13 ABSENT: DIRECTORS:

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
15 seal of the Board of Directors this ____ day of _____, 2013.

16 LAURA H. WELCH, Secretary to the Board of
17 Directors of the San Bernardino County Fire
18 Protection District

19 _____
20 Deputy

21 Approved as to Form:
22 RUTH E. STRINGER
23 County Counsel

24 By: _____
25 DAWN M. MESSER
26 Deputy County Counsel

27 Date: _____
28