



- 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.
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- 20 37. Enforcement Remedies and Penalties are Cumulative and
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- 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.

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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.

~~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 m<sup>3</sup>).

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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 m<sup>2</sup>) 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 m<sup>2</sup>) 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

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

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

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

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

(1516) Section 507.3 of the San Bernardino County Fire Protection District Fire Code is amended, to read:

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

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

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

1 (4617) 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 (4718) 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 m<sup>2</sup>) 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 (4819) 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 (465m<sup>2</sup>), 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 (465m<sup>2</sup>) 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           (ij) 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 m<sup>2</sup>) 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 m<sup>2</sup>) 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 m<sup>2</sup>) 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.

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**12. Interference Unlawful.**

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

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

**13. Official Records.**

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

**14. Permits Required.**

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

**15. Fees.**

(a) Reasonable fees, not to exceed the actual costs, for any permit, license, inspection, plan or technical review, related work or services required pursuant to this Code, the California Fire Code or the San Bernardino County Fire Department Fire Prevention Standards shall be paid pursuant to a fee schedule established by action of 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.

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EXCEPTION: When a Portable Outdoor Fireplace is fueled solely by liquefied petroleum gas or natural gas, a permit is not required.

(B) Location.

1. A Portable Outdoor Fireplace used within a Wildfire Risk Area shall not be kindled or maintained within 15 feet of a structure or combustible materials.

EXCEPTION: At one- and two-family dwellings only, a Portable Outdoor Fireplace may be located on a combustible patio or balcony if provisions are made to prevent to Portable Outdoor Fireplace from contacting any combustible materials.

2. Portable Outdoor Fireplaces shall not be located on any patio or balcony which is part of a multi-family dwelling such as an apartment, or attached townhomes or condominiums.

(C) Spark Arrestors. All Outdoor Fireplaces, portable or fixed, shall have a spark arresting screen covering all openings and constructed in accordance with Section 305.5 of the California Fire Code, as amended.

(5) **Barbecues and Barbecue Pits.** A fire in a Barbecue Pit with total fuel area greater than 3 feet in width or 2 feet in height shall meet the requirements of a Bonfire pursuant to Section 26(G)(2).

(A) Permits.

- 1. A permit to kindle a fire in a barbecue is not required.
- 2. A permit to kindle a fire in a Barbecue Pit shall be obtained from the fire code official prior to kindling the fire. All conditions of the permit shall be adhered to.

(B) Location.

1. Barbecues shall not be operated on combustible balconies or decks, or within 10 feet of combustible construction.

Exceptions:

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.**

1           (a)       **Criminal penalties for violations.**

2           Any person violating 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, unless as otherwise specified for certain sections or for sections within a  
6 certain chapter, shall be deemed guilty of an infraction or misdemeanor as hereinafter  
7 specified.

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

15           (2) **Infraction violations.** Notwithstanding the foregoing, a misdemeanor  
16 violation may be cited, charged, and prosecuted as an infraction. Where so  
17 prosecuted, or where specified in a section or chapter of this Code that the violation of  
18 a certain section or sections shall be an infraction, then that shall be the type of offense  
19 and each such violation shall be punishable, except as otherwise provided herein,  
20 upon conviction or upon a plea of nolo contendere (commonly called "no contest"), by a  
21 base fine not exceeding \$100.00 for a first violation; (2) a base fine not exceeding  
22 \$500.00 for a second violation of the same Code section within one year; and (3) a  
23 base fine not exceeding \$1,000.00 for each additional violation of the same Code  
24 section within one year of the first violation. Any court costs that the court may  
25 otherwise be required to impose pursuant to applicable state law or local ordinance  
26 shall be imposed in addition to the base fine (Government Code § 25132).

27           (b) **Criminal citations.**

28           (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:

8

9 **Administrative Penalties for Dangerous Fireworks**

<b>Number of Occurrences in a 1-Year Period</b>	<b>Amount of Administrative Penalty</b>	<b>Late Charge</b>	<b>Total Amount of Penalty Plus Late Charge</b>
10 <b>First</b>	<b>\$1,250.00</b>	<b>\$125.00</b>	<b>\$1,375.00</b>
11 <b>Second</b>	<b>\$2,250.00</b>	<b>\$225.00</b>	<b>\$2,475.00</b>
12 <b>Three or More</b>	<b>\$3,250.00</b>	<b>\$325.00</b>	<b>\$3,575.00</b>

13

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:

18

19 **Administrative Penalties for Safe and Sane Fireworks**

<b>Number of Occurrences in a 1-Year Period</b>	<b>Amount of Administrative Penalty</b>	<b>Late Charge</b>	<b>Total Amount of Penalty Plus Late Charge</b>
20 <b>First</b>	<b>\$150.00</b>	<b>\$15.00</b>	<b>\$165.00</b>
21 <b>Second</b>	<b>\$250.00</b>	<b>\$25.00</b>	<b>\$275.00</b>
22 <b>Three or More</b>	<b>\$350.00</b>	<b>\$35.00</b>	<b>\$385.00</b>

23

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.**

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

<b>Administrative Penalties for Egregious Violations</b>			
<b>Number of Occurrences in a 1-Year Period</b>	<b>of Amount Administrative Penalty</b>	<b>of Late Charge</b>	<b>Total Amount of Penalty Plus Late Charge</b>
<b>First</b>	<b>\$250.00</b>	<b>\$25.00</b>	<b>\$275.00</b>
<b>Second</b>	<b>\$750.00</b>	<b>\$75.00</b>	<b>\$825.00</b>
<b>Three or More</b>	<b>\$1,250.00</b>	<b>\$125.00</b>	<b>\$1,375.00</b>

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

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

(a) Any person who violates the San Bernardino County Fire Department 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)(c), 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:

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

22  
23  
24  
25  
26  
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 1<sup>st</sup> 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.**

28



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