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ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, STATE OF CALIFORNIA, ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA FIRE CODE AND 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, ALONG WITH CERTAIN CHANGES, MODIFICATIONS, AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, RELATING TO FIRE REGULATIONS.

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

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

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

Sections:

- 1. Findings and Adoption of the California Fire Code and California Residential Code.
- 2. Amendments to the California Fire Code.
- 3. Amendments to the California Residential Code.
- 4. Validity and Severability.
- 5. No Liability or Warranty.
- 6. Authority – General
- 7. Authority at Fires or Other Emergencies.
- 8. Interference Unlawful.
- 9. Permits Required.
- 10. Fees.
- 11. Applications and Permits – Abandonment, Period of Validity, Expiration and Extensions.
- 12. Permits Not Transferable.
- 13. Permit Revocation.
- 14. Operation or Construction Without a Permit or With an Expired or Revoked Permit.
- 15. Issuance of Stop Work Orders.
- 16. Failure to Comply with a Stop Work Order.
- 17. Service of Notices and Orders.
- 18. Tampering with Notices, Orders or Seals Unlawful.
- 19. Overcrowding Unlawful

- 1 20. Obstructed Egress Unlawful.
- 2 21. Unlawful Open Fires.
- 3 22. Explosives, Fireworks, Pyrotechnics and Rocket Motors –
- 4 Prohibitions.
- 5 23. Prohibited Storage of Flammable and Combustible Liquids.
- 6 24. Prohibited Bulk Storage of Liquefied Petroleum Gases.
- 7 25. Prohibited Storage of Flammable Cryogenic Fluids.
- 8 26. Violations – General.
- 9 27. Continuing Violations
- 10 28. Acts Including Causing, Aiding and Abetting.
- 11 29. Enforcement – Purpose and Remedies.
- 12 30. Enforcement Remedies and Penalties are Cumulative and
- 13 Discretionary; Not Exclusive.
- 14 31. Criminal Actions.
- 15 32. Authority to Investigate, Detain, Issue Criminal Citations and Arrest.
- 16 33. Civil Actions.
- 17 34. Administrative Citations and Penalties - General.
- 18 35. Authority to Inspect, Issue Notices and Administrative Citations, or
- 19 Abate a Public Nuisance.
- 20 36. Administrative Citations and Penalties – Dangerous Fireworks, and
- 21 Unlawful Use of Safe & Sane Fireworks.
- 22 37. Administrative Penalties – Egregious Violations.
- 23 38. Administrative Remedies and Penalties - False and Negligent Fire
- 24 Alarm Program.
- 25 39. Appeal of Administrative Citations.
- 26 40. Recording of a Notice of Pendency
- 27 41. Filing Notice of Action.
- 28 42. Public Nuisance Abatement for Fire Hazards.
- 43. Board of Appeals – Code Application and Interpretations.
- 44. Cost Recovery.
- 45. 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, 2010 Edition, and 2009 International Fire Code, the California Residential Code, 2010 Edition and the 2009 International Residential Code, are nationally recognized compilations of proposed rules, regulations, and standards of the International Code Council, Inc.

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

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

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

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

23 (6) Local Climatic Conditions.

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

1 delayed emergency vehicle access and impaired water supplies and building
2 emergency systems.

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

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

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

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

16 (7) Local Geological Conditions.

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

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

27 (C) Some desert areas of the District have limited aquifers,
28 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 2010 edition of
28 the California Fire Code, also known as Part 9 of Title 24 of the California Code of
Regulations (incorporating the 2009 International Fire Code), and Appendix Chapter 4,

1 and Appendices B, BB, C, CC, H and J, as compiled and published by the International
2 Code Council, and the San Bernardino County Fire Protection District Standards and
3 Interpretations as approved by the Fire Code Official. The provisions of this California
4 Fire Code, subsequent amendments, California Fire Code Appendices and the San
5 Bernardino County Fire Protection District Standards and Interpretations shall be
6 collectively known as the San Bernardino County Fire Protection District Fire Code and
7 shall be applicable in all areas of San Bernardino County within the San Bernardino
8 County Fire Protection District, any political subdivision or district that contracts with
9 the San Bernardino County Fire Protection District for fire protection and prevention
10 services, and in those other cities, towns and districts that ratify this ordinance.

11 (c) ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE. The Board of
12 Directors of the San Bernardino County Fire Protection District hereby adopts the 2010
13 edition of the California Residential Code, also known as Part 2.5 of Title 24 of the
14 California Code of Regulations (incorporating the 2009 International Residential Code),
15 as compiled and published by the International Code Council, and the San Bernardino
16 County Fire Protection District Standards and Interpretations as approved by the Fire
17 Code Official. The provisions of this California Residential Code, subsequent
18 amendments, California Residential Code Appendices and the San Bernardino County
19 Fire Protection District Standards and Interpretations shall be applicable in all areas of
20 San Bernardino County within the San Bernardino County Fire Protection District, any
21 political subdivision or district that contracts with the San Bernardino County Fire
22 Protection District for fire protection and prevention services, and in those other cities,
23 towns and districts that ratify this ordinance.

24 **2. Amendments to the California Fire Code.** The California Fire Code is
25 amended as follows:

26 (a) Chapter 1, Division II of the International Fire Code, in its entirety, is
27 added to Chapter 1, Division II of the California Fire Code with the following
28 amendments, additions and deletions:

(1) Section 101.1 is amended to, read:

1 **101.1 Title.** These regulations and adopted standards and
2 interpretations, as approved by the fire code official, shall be known as the "Fire Code
3 of the San Bernardino County Fire Protection District", hereinafter referred to as, "the
4 San Bernardino County Fire Code, and "this code."

5 (2) Section 101.4 of the International Fire Code is deleted.

6 (3) Section 101.5 of the International Fire Code is deleted.

7 (4) Section 102.7 is amended to, read:

8 **102.7 Referenced codes and standards.** The codes and standards
9 referenced in this code shall be those that are listed in Chapter 45, and the San
10 Bernardino County Fire Protection District Standards and Interpretations. Such codes,
11 standards and interpretations shall be considered part of the requirements of this code
12 to the prescribed extent of each such reference. Where differences occur between
13 this code and the referenced standards, the fire code official shall determine which
14 requirements meet the intent of this code.

15 (5) Section 102.10 is amended, to read:

16 **102.10 Conflicting Provisions.** Where there is a conflict between a
17 general requirement and a specific requirement, the fire code official shall determine
18 which requirement meets the intent of this code. Provisions of the California Code of
19 Regulations that are included in this code specifically or by reference shall prevail
20 except where this code contains a more restrictive requirement.

21 (6) Section 103 et seq., of the International Fire Code is deleted.

22 (7) Section 104.1 of the International Fire Code is deleted.

23 (8) Section 104.3 of the International Fire Code is deleted.

24 (9) Section 104.3.1 of the International Fire Code is deleted.

25 (10) Section 104.6 is added to the California Fire Code, to read:

26 **104.6 Official Records.** The fire code official shall keep official
27 records as required by Sections 104.6.1 through 104.6.4. Such official records shall be
28 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

1 Fire Protection District Operations Directive 1300 and the Special Districts Records
2 Retention Schedule, whichever is greater.

3 (11) Section 104.9 is amended, to read:

4 **104.9 Alternative materials, methods and means of protection.**

5 Requests for approval to use an alternative material, method of construction, or means
6 of protection shall be made in writing and shall be in accordance with Section 1.11.2.4
7 of the California Fire Code.

8 (12) Section 104.10 is amended, to read:

9 **104.10 Fire investigations.** The fire code official shall investigate the
10 cause, origin and circumstances of any fire, explosion or other hazardous condition
11 pursuant to Section 9 of this Code.

12 (13) Section 105.1.1 is amended, to read:

13 **105.1.1 Permits required.** Permits required by this code shall be
14 obtained from the fire code official. Permit fees shall be paid prior to issuance of the
15 permit.

16 (14) Section 105.2.3 of the International Fire Code is deleted.

17 (15) Section 105.3.1 of the International Fire Code is deleted.

18 (16) Section 105.3.2 of the International Fire Code is deleted.

19 (17) Section 105.3.7 is amended, to read:

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

27 (18) Section 105.4.6 is amended, to read:

28 **105.4.6 Retention of Operational and Construction Permit Documents.** One set of operational or construction permit application documents shall

1 be retained by the fire code official in accordance with Section 104.6. One set of
2 approved operational or construction permit documents shall be returned to the
3 applicant. Documents, including issued permits, conditions, applicable job cards and
4 approved plans, shall be kept on the site of the permitted activity, operation, building,
5 work or premises at all times during which the activity, operation or work authorized
6 thereby is in progress and shall be readily available for inspection.

7 (19) Section 105.6.2.1 is added to the California Fire Code, to read:

8 **105.6.2.1 Automatic or Manual Fire Alarm Systems.** A one-time
9 operational permit and registration is required for any automatic or manual fire alarm
10 system which transmits a signal causing the Department to respond.

11 (20) Section 105.6.2.2 is added to the California Fire Code, to read:

12 **105.6.2.2 Automatic Fire Sprinkler Systems.** An operational permit
13 is required for any automatic fire sprinkler system.

14 EXCEPTION: One- and two-family dwellings.

15 (21) Section 105.6.3.1 is added to the California Fire Code, to read:

16 **105.6.3.1 Battery Systems.** An operational permit is required for a
17 stationary storage battery system having an electrolyte capacity of more than 50
18 gallons as regulated by Chapter 6 of the California Fire Code.

19 (22) Section 105.6.4 is amended, to read:

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

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

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

28 (23) Section 105.6.12 is amended, to read:

1 **105.6.12 Dry Cleaning Plants.** An operational permit is required to
2 engage in the business of dry cleaning or to change to a more hazardous cleaning
3 solvent used in existing dry cleaning equipment.

4 **EXCEPTION:** Dry cleaning plants using only Class IV solvents.

5 (24) Section 105.6.12.1 is added to the California Fire Code, to read:

6 **105.6.12.1 Emergency Responder Radio Coverage Systems.** An
7 operational permit is required for any building in which an Emergency Responder
8 Radio Coverage System, regulated by Chapter 5 and Appendix J, is installed.

9 (25) Section 105.6.14 is amended, to read:

10 **105.6.14 Explosives, Fireworks and Pyrotechnics.** An operational
11 permit is required for the manufacture, storage, handling, sale, use or public display of
12 any quantity of explosives, explosive materials, fireworks or pyrotechnics including
13 pyrotechnic special effects.

14 **EXCEPTIONS**

- 15 1. small arms ammunition of .75 caliber or less
16 2. cartridges for propellant-actuated power devices
17 3. cartridges for industrial guns
18 4. 20 pounds or less of smokeless powder
19 5. 5 pounds or less of black sporting powder providing such
20 smokeless or black sporting powder is for the hand loading of small arms or small arms
21 ammunition of .75 caliber or less and that it is for personal use and not for resale.

22 (26) Section 105.6.15.1 is added to the California Fire Code, to read:

23 **105.6.15.1 Fixed Hood and Duct Extinguishing Systems.** An
24 operational permit is required to utilize commercial cooking appliances, as defined in
25 Section 602, with a Type I hood and an automatic fire extinguishing system as required
26 by section 904.11.

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(27) Section 105.6.1917 is amended, to read:

105.6.19 Fumigation and Thermal Insecticidal Fogging. An operational permit is required to maintain a structure, room, vault, chamber, vehicle or vessel in which a toxic or flammable fumigant or thermal fumigation process is used.

(28) Section 105.6.27 is 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.

(29) Section 105.6.30 is 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 307.

(30) Section 205.6.31 is 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.

(31) Section 105.6.33.1 is added to the California Fire Code, to read:

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

(32) Section 105.6.33.1 is added to the California Fire Code, to read:

105.6.33.1 Photovoltaic Systems. An operational permit is required for the operation of a structure-mounted photovoltaic system.

EXCEPTION:

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

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(33) Section 105.6.36 of the International Fire Code is deleted.

(34) Section 105.6.37.1 is added to the California Fire Code, to read:

105.6.37.1 Radioactive materials. An operational permit is required to sell, store or use at any location more than one microCurie (37,000 Becquerel) of radioactive material not contained in a sealed source or one milliCurie (37,000,000 Becquerel) or more of radioactive material in a sealed source or sources, or any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required.

(35) Section 105.6.39.1 is added to the California 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 powered rocket motors. Such sales and launching shall be in accordance with Chapter 33.

(36) Section 105.6.40.1 is added to the California Fire Code, to read:

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

(37) Section 105.6.40.2 is added to the California Fire Code, to read:

105.6.40.2 Solar Power Generating Stations. An operational permit is required to operate a solar power generation station or system.

(38) Section 105.6.46 is amended, to read:

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

(39) Section 105.6.47 is amended, to read:

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

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

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

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

12 (40) Section 105.7.4.1 is added to the California Fire Code, to read:

13 **105.7.4.1 Dust Collection Systems.** A construction permit is required
14 for the installation or modification of Dust Collection System required pursuant to
15 Chapter 13 and the standards listed in Table 1304.1.

16 (41) Section 105.7.4.2 is added to the California Fire Code, to read:

17 **105.7.4.2 Emergency Responder Radio Coverage Systems.** A
18 construction permit is required for the installation or modification of an Emergency
19 Responder Radio Coverage System, regulated by Chapter 5 and Appendix J.

20 (42) Section 105.7.7.1 is added to the California Fire Code, to read:

21 **105.7.7.1 Compressed Gas Piping Systems.** A construction permit
22 is required for the installation or modification of any system of piping used to convey
23 compressed gases in excess of the quantities listed in Tables 105.6.8 and 105.6.10.

24 EXCEPTION:

25 Compressed air from an air compressor.

26 (43) Section 105.7.8.1 is added to the California Fire Code, to read:

27 **105.7.8.1 High-Piled Storage.** A construction permit is required for
28 the installation or modification of a high-piled storage area in excess of 500 square
feet.

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(44) Section 105.7.10.1 is added to the California 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 45.

(45) Section 105.7.10.2 is added to the California Fire Code, to read:

105.7.10.2 Photovoltaic Systems. A construction permit is required for the installation or modification of a structure-mounted photovoltaic system.

EXCEPTION:

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

(46) Section 105.7.11.1 is added to the California Fire Code, to read:

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

(47) Section 105.7.11.2 is added to the California Fire Code, to read:

105.7.11.2 Smoke Control Systems. A construction permit is required to install or modify a Smoke Control System required by the California Fire Code or California Building Code.

(48) Section 105.7.11.3 is added to the California Fire Code, to read:

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

(49) Section 106.1 of the International Fire Code is deleted.

(50) Section 108 et seq. of the International Fire Code is deleted.

(51) Section 109 et seq. of the International Fire Code is deleted.

(52) Section 111 et seq. of the International Fire Code is deleted.

(53) Section 112 of the International Fire Code is deleted.

(54) Section 113 et seq. of the International Fire Code is deleted.

(b) Chapter 2, Section 202 of the California Fire Code is amended, by adding or amending the following definitions:

1 (1) **All Weather Driving Surface.** Unless otherwise defined within other
2 Codes, Rules, Standards or Regulations, the following are considered to be All
3 Weather Surfaces:

4 A. Three inch (3") Type II A.C. pavement on four inch (4") crushed
5 aggregate base.

6 B. Six inch (6") Type II A.C. pavement on native soil.

7 C. Six inch (6") Portland cement concrete pavement on native soil.

8 D. Four inch (4") crushed aggregate base (sand, gravel mix
9 compacted to 95% or greater) with the first layer of asphalt.

10 E. Any other surface as determined by the Fire Code Official to meet
11 the intent of this Code.

12 (2) **Approved.** As defined in the San Bernardino County Fire Protection
13 District Standards and Interpretations or as otherwise deemed acceptable by the Fire
14 Code Official.

15 (3) **Department.** The San Bernardino County Fire Protection District.

16 (4) **District.** The San Bernardino County Fire Protection District.

17 (5) **Fire Chief.** The chief officer of the San Bernardino County Fire
18 Protection District, or a duly authorized representative.

19 (6) **Fire Code Official.** The fire chief of the San Bernardino County Fire
20 Protection District or a duly authorized representative charged with the administration
21 and enforcement of this code.

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

27 (8) **Self-Contained Residential Automatic Sprinkler System.** An
28 approved fire sprinkler system, that conforms to Section 903.3.1.1, 903.3.1.2, or
903.3.1.3 of this code, NFPA standards 13, 13 R, or 13 D, or California Residential

1 Code Section R313 and San Bernardino County Fire Protection District Standards and
2 Interpretations, and is supplied by a water source independent from a municipal water
3 distribution system. If the system is mechanically assisted by booster pumps, it shall
4 be independent from the dwelling's power supply.

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

14 (c) Chapter 3 of the International Fire Code, in its entirety, is added to Chapter 3, of
15 the California Fire Code with the following amendments, additions and deletions:

16 (1) Section 302.1 is amended, to read:

17 **302.1 Definitions.** The following words and terms shall, for the purposes of
18 this Code and as used elsewhere in this code, have the meanings shown herein.

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

24 (B) **Barbecue Pit.** A trench or depression in the ground in which
25 wood or other clean solid fuel is burned to produce a bed of hot coals for the sole
26 purpose of cooking. A barbecue pit having a fuel area greater than 3 feet in width or 2
27 feet in height shall be considered a bonfire.

28 (C) **Bonfire.** An outdoor open fire burning clean materials other than
rubbish, where the fuel being burned is not contained in an incinerator, outdoor,

1 fireplace, portable outdoor fireplace or barbecue grill, has a total fuel area greater than
2 3 feet in width, length or diameter or 2 feet in height, and is used for pleasure, religious,
3 ceremonial, cooking, warmth or other, similar purposes.

4 (D) **Hi-Boy.** A cart used to transport hot roofing materials on a roof.

5 (E) **High-Voltage Transmission Line.** An electric power
6 transmission line operating at or above 66 kilovolts.

7 (F) **Open Burning Project.** The burning of waste vegetative
8 materials, tree trimmings and yard waste, agricultural burning, burning of tumbleweeds
9 and other burning classified as an Open Burning, Open Outdoor Fire, Agricultural
10 Burning or Disposal of Russian Thistle pursuant to the Mojave, and South Coast Air
11 Quality Management Districts' Rule 444. Open burning projects do not include the use
12 of recreational fires or bonfires, outdoor fireplaces, barbecues or barbecue pits for
13 pleasure, religious, ceremonial, cooking, warmth or other, similar purposes.

14 (G) **Open Fires.** Any outdoor fire, including open burning projects,
15 recreational fires and bonfires, portable outdoor fireplaces, barbecues and barbecue
16 pits, wherein products of combustion are emitted directly into the ambient air without
17 passing through a stack or chimney from an enclosed chamber.

18 (H) **Portable Outdoor Fireplace.** A portable, outdoor, solid-fuel
19 burning fireplace constructed of steel, concrete, clay or other non-combustible
20 materials and specifically designed for the containment of fire. A portable outdoor
21 fireplace may have an open design or may have a small hearth opening with a short
22 chimney or opening in the top. A portable outdoor fireplace having a fuel area greater
23 than 3 feet in width or 2 feet in height shall be considered a bonfire.

24 (I) **Powered Industrial Truck.** A forklift, tractor, platform lift truck or
25 motorized hand truck powered by an electrical motor or internal combustion engine.
26 Powered industrial trucks do not include farm vehicles or automotive vehicles for
27 highway use.

28 (J) **Recreational Fire.** An outdoor open fire burning clean materials
other than rubbish where the fuel being burned is not contained in an incinerator,

1 outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit, and has a
2 total fuel area equal to or less than 3 feet in width, length or diameter and 2 feet in
3 height for pleasure, religious, ceremonial, cooking, warmth or other, similar purposes.

4 Recreational fires also include any campfire or fire ring.

5 (2) Section 304.3 is added to the California Fire Code, to read:

6 **304.3 Containers.** Combustible rubbish and waste materials kept within
7 or near a structure shall be stored in accordance with sections 304.3.1 through 304.3.4
8 and 19 CCR. Sections 3.19(b) and (c).

9 (3) Section 305.1 is amended, to read:

10 **305.1 Clearance from Ignition Sources.** Clearance between ignition
11 sources such as luminaries, heaters, flame-producing devices and combustible
12 materials shall be a minimum of 18 inches or as required by other applicable codes.

13 (4) Section 305.3 is amended, to read:

14 **305.3 Open-flame Warning Devices.** Open-flame warning devices shall
15 not be used along an excavation, road or any other place where the dislodgment of
16 such device may permit the device to roll, fall or slide onto any area or land containing
17 combustible materials.

18 **EXCEPTION:** This section shall not apply to public safety personnel acting
19 in the performance of their duties.

20 (5) Section 305.5 is added to the California Fire Code, to read:

21 **305.5 Spark Arrestors.** Each chimney used in conjunction with a
22 fireplace, portable outdoor fireplace, or other heating appliance in which solid fuel is
23 burned, shall be maintained with an approved spark arrester. The spark arrester shall
24 have heat and corrosion resistance equivalent to .12-gauge wire, 19-gauge galvanized
25 wire or 24-gauge stainless steel. Openings shall not permit the passage of spheres
26 having a diameter larger than one-half inch (13 mm) maximum and shall not block the
27 passage of spheres having a diameter of less than three-eighths inch (10 mm). The
28 screen shall be mounted in or over all outside flue openings in a vertical and near

1 vertical position, adequately supported to prevent movement and shall be visible from
2 the ground. All spark arrestors shall be accessible and removable for cleaning.

3 (6) The title of Section 307 is amended to read:

4 **“Open and Ember-Producing Fires”**

5 (7) Section 307.1 is amended, to read:

6 **307.1 General.**

7 (1) No person shall kindle, or maintain any fire, or allow any fire to be
8 kindled or maintained on their property unless in accordance with this Code.

9 (2) Recreational Fires located within a Wildfire Risk Area shall only be
10 kindled within the property of an inhabited residence or a designated campsite.

11 (8) Section 307.1.1 is amended, to read:

12 **307.1.1 Prohibited Open Fires.** It shall be unlawful to kindle, or maintain
13 any fire, or allow any fire to be kindled or maintained on their property any of the
14 following open fires anywhere within the jurisdiction of the San Bernardino County Fire
15 Protection District:

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

19 (2) Any open fire in which any waste or manufactured material,
20 including but not limited to petroleum products and petroleum wastes; construction and
21 demolition debris; coated wire; putrescible wastes; tires; tar; tarpaper; non-natural
22 wood waste; processed or treated wood and wood products; metals; rubber;
23 synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam;
24 garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes;
25 manufactured products; equipment; instruments; utensils; appliances; furniture; cloth;
26 rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass
27 of a dead animal; manure; human or animal parts or wastes, including blood; and fecal-
28 and food-contaminated material, hazardous materials or wastes, paints, asbestos,

1 trees, or other similar combustible or flammable solid, liquid or gaseous waste are
2 burned.

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

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

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

8 (6) Any open fire conducted in violation of this Code or the San
9 Bernardino County Fire Protection District Standards and Interpretations.

10 (9) Section 307.1.1.1 is added to the California Fire Code, to read:

11 **307.1.1.1 Special Burn Prohibitions.** It shall be unlawful to kindle, or
12 maintain any fire, or allow any fire to be kindled or maintained on their property under
13 the following conditions:

14 (1) It shall be unlawful to kindle, maintain, or allow to be kindled on a
15 property, an Open Burning Project within the South Coast Air Quality Management
16 District (SCAQMD) boundaries.

17 **EXCEPTIONS:**

18 (1) Open Burning Projects permitted by the fire code official
19 where a fire hazard is declared by the Fire Code Official and such fire hazard cannot
20 be abated by any other means.

21 (2) Open Burning Projects within the SCAQMD boundaries
22 conducted solely for the disposal of Russian Thistle or agricultural burning and under
23 permit by the SCAQMD.

24 (3) Open Burning Projects conducted for fire prevention or
25 suppression training, prescribed burns conducted by fire protection agencies, fireworks
26 displays and pyrotechnic special effects under permit, and bomb and explosives
27 disposal or training by a law enforcement or fire protection agency.

28

1 (4) It shall be unlawful to kindle, maintain, or allow to be kindled
2 on a property, an Open Burning Project on any day other than a Permissive Burn Day
3 as declared by the Air Quality Management District in which the burning will occur.

4 (5) It shall be unlawful to kindle, maintain, or allow to be kindled
5 any Open Burning Project, Bonfire, or Barbecue Pit on a property within any Wildfire
6 Risk Area as defined in Section 202.

7 EXCEPTION:

8 (1) A Bonfire or Barbecue Pit may be kindled within a Wildfire
9 Risk Area if within an Organized Camp or other location with the specific written
10 approval of the appropriate fire code official as defined in Section 307.2.1 and all
11 requirements of this code are adhered to.

12 (2) 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) It shall be unlawful to kindle, maintain, or allow to be kindled
16 on a property, any open fire when local sustained winds exceed 10 miles per hour.

17 EXCEPTION:

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

21 (1) It shall be unlawful to kindle or maintain any open fire within
22 the boundaries of a State Responsibility Area, including private property, in violation of
23 any requirements or burn restriction imposed by the California Department of Forestry
24 & Fire Protection (CalFire) or the California Office of the State Fire Marshal.

25 (2) It shall be unlawful to kindle, maintain, or allow to be kindled
26 on a property, any open fire within the boundaries of the San Bernardino National
27 Forest, including private property, in violation of any requirements or burn restriction
28 imposed by the Forest.

1 (3) It shall be unlawful to kindle, maintain, or allow to be kindled
2 on a property, any open fire within the boundaries of the Bureau of Land Management
3 (BLM) land, including private property, in violation of any requirements or burn
4 restriction imposed by BLM.

5 (4) It shall be unlawful to kindle, maintain, or allow to be kindled
6 on a property, any open fire when a Red Flag Warning or Fire Weather Watch is in
7 effect for the location in which the fire is to be kindled.

8 EXCEPTION:

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

12 (6) It shall be unlawful to kindle, maintain, or allow to be kindled on a
13 property, any open fire when the fire code official has determined that local
14 atmospheric or other conditions present an increased risk of an escaping fire or other
15 hazardous situation.

16 (10) Section 307.2 is amended, to read:

17 **307.2 Permit Required.** When required pursuant to section 307.4, a
18 permit shall be obtained from the appropriate fire code official as defined in Section
19 307.2.1 prior to kindling any open fire.

20 EXCEPTION: Barbecues used at one- and two-family dwellings
21 unless otherwise regulated.

22 (11) Section 307.2.1 is amended, to read:

23 **307.2.1 Permit Issuance**

24 (1) Within the boundaries of a State Responsibility Area designated
25 pursuant to section 4125 of the California Public Resources Code, including private
26 property, a permit to kindle an open fire shall be obtained from the California
27 Department of Forestry & Fire Protection (CalFire), as required, or the San Bernardino
28 County Fire Protection District, when authorized by CalFire.

1 (2) Within the boundaries of the San Bernardino National Forest a
2 permit to kindle an open fire shall be obtained, as required, from the local ranger
3 station or the San Bernardino County Fire Protection District, when authorized by the
4 United States Forest Service.

5 EXCEPTION: Permits to kindle a fire on privately owned property
6 within the San Bernardino National Forest shall be obtained from the San Bernardino
7 County Fire Protection District.

8 (3) Within lands administered by the United States Department of the
9 Interior, Bureau of Land Management (BLM), a permit to kindle an open fire shall be
10 obtained, as required, from the local BLM Field Office or the San Bernardino County
11 Fire Protection District, when authorized by the BLM.

12 (4) In all other unincorporated areas, and those cities and towns under
13 contract with the San Bernardino County Fire Protection District, a permit to kindle an
14 open fire shall first be obtained from the San Bernardino County Fire Protection
15 District.

16 (12) Section 307.2.2 is added to the California Fire Code, to read:

17 **307.2.2 Authorization.**

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

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

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

26 (13) Section 307.3 is amended, to read:

27 **307.3 Extinguishment Authority.** The fire code official is authorized to
28 order or cause the extinguishment of any fire that creates or adds to a hazardous
condition, creates smoke emissions offensive to occupants of surrounding properties,

1 is conducted without a permit when such a permit is required, or is conducted outside
2 of the parameters set forth in this section or a permit, when required. This authority
3 includes ordering the extinguishment of a fire within the fireplace of a private residence
4 when such a fire meets the criteria above.

5 (14) Sections 307.4 is amended to read:

6 **307.4 Specific Open Fire Requirements.** All outdoor open fires shall
7 also meet the following requirements:

8 (15) Section 307.4.1 is amended, to read:

9 **307.4.1 Open Burning Projects.** All Open Burning Projects shall meet
10 the requirements of Sections 307.4.1 through 307.4.1.3 and the requirements of Rule
11 444 of the AQMD in which the Open Burning Project will occur.

12 (16) Section 307.4.1.1 is added to the California Fire Code, to read:

13 **307.4.1.1 Permits.** A permit to kindle or maintain an Open Burning
14 Project shall be obtained from the AQMD and the appropriate fire code official pursuant
15 to Section 307.2.1 prior to kindling the fire. All conditions of the permit and the
16 AQMD's Rule 444 shall be adhered to.

17 (17) Section 307.4.1.2 is added to the California Fire Code, to read:

18 **307.4.1.2 Burn Periods.** Open Burning Projects shall only be
19 commenced and shall be completed within the periods specified in Rule 444 of the
20 AQMD in which the burn will occur, the periods specified in the municipal code of the
21 city or town in which the burn will occur, or the periods specified in the San Bernardino
22 County Fire Protection District Standards and Interpretations, whichever is most
23 restrictive.

24 (18) Section 307.4.1.2 is added to the California Fire Code, to read:

25 **307.4.1.2 Location.**

26 (1) Open Burning Projects shall not be located less than 50 feet from
27 any structure or combustible materials.
28

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

4 (2) An Open Burning Project may only take place at the location for
5 which the permit is issued.

6 (19) Section 307.4.1.3 is added to the California Fire Code, to read:

7 **307.4.1.3 Open Burning Project Piles.**

8 (1) Piles to be burned shall not exceed 6 feet in width or 4 feet in
9 height.

10 (2) Piles to be burned shall be separated by a minimum of 10 feet.

11 (3) Piles to be burned shall not be placed in a pit or depression.

12 (20) Section 307.4.2 is amended, to read:

13 **307.4.2 Bonfires.** All Bonfires shall meet the requirements of Sections
14 307.4.2 through 307.4.2.2.

15 (21) Section 307.4.2.1 is added to the California Fire Code, to read:

16 **307.4.2.1 Permits.** A permit to kindle or maintain a Bonfire shall be
17 obtained from the fire code official pursuant to Section 307.2.1 prior to kindling the fire.
18 All conditions of the permit shall be adhered to.

19 (22) Section 307.4.2.2 is added to the California Fire Code, to read:

20 **307.4.2.2 Location.** A bonfire shall not be kindled or maintained within 50
21 feet from any structure or combustible materials.

22 EXCEPTION: When a bonfire is confined to a barbecue pit and is
23 used solely to produce coals for cooking, the minimum distance from a structure or
24 other combustible materials may be reduced to 25 feet.

25 (23) Section 307.4.3 is amended, to read:

26 **307.4.3 Recreational Fires.** All Recreational Fires shall meet the
27 requirements of Sections 307.4.3 through 307.4.3.2

28 (24) Section 307.4.3.1 is added to the California Fire Code, to read:

1 **307.4.3.1 Permits.** A permit to kindle a Recreational Fire shall be
2 obtained from the appropriate fire code official pursuant to Section 307.2.1 prior to
3 kindling the fire. All conditions of the permit shall be adhered to.

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

7 (25) Section 307.4.3.2 is added to the California Fire Code, to read:

8 **307.4.3.2 Location.** A Recreational Fire shall not be kindled or
9 maintained within 25 feet of a structure or combustible materials.

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

13 (26) Section 307.4.4 is amended, to read:

14 **307.4.4 Portable Outdoor Fireplaces.** All open fires in Portable Outdoor
15 Fireplaces used within a Wildfire Risk Area shall meet the requirements of Sections
16 307.4.4 through 307.4.4.3

17 (27) Section 307.4.4.1 is added to the California Fire Code, to read:

18 **307.4.4.1 Permits.** A permit to kindle a fire in a Portable Outdoor
19 Fireplace used within a Wildfire Risk Area shall be obtained from the appropriate fire
20 code official pursuant to Section 307.2.1 prior to kindling the fire. All conditions of the
21 permit shall be adhered to.

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

24 (28) Section 307.4.4.2 is added to the California Fire Code, to read:

25 **307.4.4.2 Location.**

26 (1) A fire in a Portable Outdoor Fireplace used within a Wildfire
27 Risk Area shall not be kindled or maintained within 15 feet of a structure or combustible
28 materials.

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

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

7 (29) Section 307.4.4.3 is added to the California Fire Code, to read:

8 **307.4.4.3 Spark Arrestors.** All Outdoor Fireplaces, portable or fixed,
9 shall have a spark arresting screen covering all openings and constructed in
10 accordance with Section 305.5.

11 (30) Section 307.4.5 is amended, to read:

12 **307.4.5 Barbecues and Barbecue Pits.**

13 (1) All open fires in a Barbecue shall meet the requirements of
14 Section 308.1.4.

15 (2) All open fires in a Barbecue Pit shall meet the requirements
16 of Sections 307.4.5 through 307.4.5.2.

17 (31) Section 307.4.5.1 is added to the California Fire Code, to read:

18 **307.4.5.1 Permits.**

19 (1) A permit to kindle a fire in a barbecue is not required.

20 (2) A permit to kindle a fire in a Barbecue Pit shall be obtained
21 from the fire code official pursuant to Section 307.2.1 prior to kindling the fire. All
22 conditions of the permit shall be adhered to.

23 (32) Section 307.4.5.2 is added to the California Fire Code, to read:

24 **307.4.5.2 Location.**

25 (1) A fire in a Barbecue Pit shall not be kindled or maintained
26 within 20 feet of a structure or combustible materials.

27 (2) A fire in a Barbecue Pit with total fuel area greater than 3
28 feet in width or 2 feet in height shall meet the requirements of a Bonfire pursuant to
Section 307.4.2.2.

1 (33) Section 307.5 is amended, to read

2 **307.5 Attendance.** Open Burning Projects, Bonfires, Recreational Fires,
3 Barbecue Pits, and the use of Outdoor Fireplaces shall be constantly attended by a
4 responsible adult, 18 years of age or older, until the fire is completely extinguished. A
5 minimum of one portable fire extinguisher complying with Section 906 with a minimum
6 4-A rating or other approved on-site fire-extinguishing equipment such as dirt or sand
7 with a shovel, water barrel, hose attached to a working water source, or water truck,
8 shall be available for immediate utilization.

9 (34) Section 307.6 is added to the California Fire Code, to read:

10 **307.6 Ash and Ember Disposal.** Ashes and embers from any open fire,
11 barbecue or fireplace shall be placed only in a covered metal or other non-combustible
12 container after being thoroughly cooled with water. At no time shall ashes or embers
13 be deposited in the trash or on the ground, or placed on a combustible surface until it is
14 confirmed that the ashes or embers are no longer hot to the touch.

15 (35) Section 308.1 is amended, to read:

16 **308.1 Open Flames - General.** Notwithstanding any other provision of
17 this code, open flames, fire and burning on all premises shall be in accordance with
18 Sections 308.1.1 through 308.4.1 and 19 CCR Sections 325(a) and (b).

19 (36) Section 308.1.3 is amended, to read:

20 **308.1.3 Torches for Removing Paint or Weeds, for Melting Asphalt or**
21 **for Welding or Cutting.**

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

24 (2) Notwithstanding any other provision of this code, persons
25 utilizing a torch or other flame-producing device for melting asphalt or for welding or
26 cutting shall provide a minimum of one portable fire extinguisher complying with
27 Section 906 and with a minimum of a 4-A rating, or two portable fire extinguishers,
28 each with a minimum of a 2-A rating, or a water hose connected to a working water

1 source. The person conducting the burning or asphalt melting shall remain at the
2 location for a minimum of one hour after the torch or flame-producing device is utilized.

3 (37) Section 308.1.4 is amended, to read:

4 **308.1.4 Open-Flame Cooking Devices.** Charcoal burners and other
5 open-flame cooking devices shall not be operated on combustible balconies or decks,
6 or within 10 feet of combustible construction.

7 **EXCEPTIONS:**

8 (1) One- and two-family dwellings where provisions are made
9 to prevent the fire from spreading to any combustible materials.

10 (2) Where buildings, balconies and decks are protected by an
11 automatic sprinkler system.

12 (3) LP-gas cooking devices having an LP-gas container with a
13 water capacity not greater than 2 ½ pounds. Containers shall not be manifolded
14 together to increase capacity.

15 (4) Cooking devices heated solely using a catalytic heating
16 element with no flame production.

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

19 (38) Section 308.1.5 is amended, to read:

20 **308.1.5 Locations Near Combustibles.** Notwithstanding Sections 305.1
21 and 308.3 et seq., open flames such as candles, lanterns, kerosene heaters, and gas-
22 fired shall not be located on or near decorative materials or similar combustible
23 materials.

24 (39) Section 311.1 is amended, to read:

25 **311.1 General.** Temporarily unoccupied buildings, structures, premises,
26 or portions thereof, including tenant spaces, shall be safeguarded and maintained in
27 accordance with this section, the California Building Code and the San Bernardino
28 County Code.

(40) Section 311.5 of the International Fire Code is deleted.

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(41) Section 313.1 is amended, to read:

313.1 General. Fueled equipment including, but not limited to, motorcycles, mopeds, lawn-care equipment, portable generators and portable cooking equipment shall not be stored, operated, or repaired within a building.

EXCEPTIONS:

(1) Buildings or rooms constructed for such use in accordance with the California Building Code.

(2) Where allowed by Section 314.

(3) Storage of equipment utilized for maintenance purposes is allowed in approved locations when the aggregate fuel capacity of the stored equipment does not exceed 10 gallons, and the building is equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1.

(42) Section 315.5 is added to the California Fire Code, to read:

315.5 Incidental Outside Storage of Pallets. The incidental outside storage of 200 or fewer pallets shall comply with the provisions of Section 315 and the San Bernardino County Fire Protection District Standards and Interpretations. Storage of more than 200 pallets shall comply with requirements of Section 1910 of this Code.

(43) Section 315.6 is added to the California Fire Code, to read:

315.6 Outside Storage of Firewood. The outside storage of firewood shall comply with the provisions of Chapter 3 of this Code, the San Bernardino County Fire Protection District Standards and Interpretations, and the San Bernardino Count Development Code.

(44) Section 316.4 is amended, to read:

316.4 Security Devices. No security device or system shall be installed in a building or portion of a building, structure or premises which as a part of its operation, discharges any gas, vapor, liquid, or other product when the primary intent of the discharge is to obscure the vision of any person, cause disorientation, or incapacitate any person within the building, structure or premises or portion thereof.

1 Nothing in this section is intended to preclude the connection of an alarm system to
2 any fire suppression system.

3 (d) Chapter 4 of the International Fire Code, in its entirety, is added to
4 Chapter 4 of the California Fire Code with the following amendments, additions and
5 deletions:

6 (1) Table 405.2 of the California Fire Code is amended, to read:

7
8 **TABLE 405.2**
9 **FIRE AND EVACUATION DRILL**
10 **FREQUENCY AND PARTICIPATION**

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B ^c	Annually	Employees
Group E	Monthly ^a	All occupants
Group F	Annually	Employees
Group 1	Quarterly on each shift	Employees ^b
Group R-1	Quarterly on each shift	Employees
Group R-2 ^d	Four annually	All occupants
Group R-4	Quarterly on each shift	Employees
High-rise buildings	Annually	Employees

16
17 a. The frequency shall be allowed to be modified in accordance with Section 408.3.2 of the
California Fire Code, Title 19 of the California Code of Regulations, or the Education
Code.

18
19 b. Fire and evacuation drills in residential care assisted living facilities shall include
complete evacuation of the premises in accordance with Section 408.10.5. Where
20 occupants receive habilitation or rehabilitation training, fire prevention and fire safety
practices shall be included as part of the training program.

21 c. Group B buildings having an occupant load of 500 or more persons or more than 100
persons above or below the lowest level of exit discharge.

22
23 d. Applicable to Group R-2 college and university buildings in accordance with Section
408.3.

24 (e) Chapter 5 of the California Fire Code is amended, as follows:

25 (1) Section 503.2.1 of the California Fire Code is amended, to read:

26 **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed
27 width of not less than 26 feet (7925 mm), except for approved security gates in
accordance with Section 503.6, and an unobstructed vertical clearance of not less than
28 14 feet, 6 inches (4420 mm) and shall also meet the requirement of the San

1 Bernardino County Fire Protection District Standards and Interpretations as well as the
2 San Bernardino County Development Code.

3 EXCEPTIONS:

4 (1) One-way access roads may have an unobstructed width of
5 not less than 20 feet.

6 (2) Driveways of one- and two-family dwellings shall be a
7 minimum of 12 feet in width.

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

11 (2) Section 503.2.3 of the California Fire Code is amended, to read:

12 **503.2.3 Surface.** Fire apparatus access roads shall be designed and
13 maintained to support the imposed loads of fire apparatus and shall be surfaced in
14 order to provide an all weather driving surface capable of supporting an imposed load
15 of at least 75,000 pounds. Where road grades do not exceed eight percent (8%), and
16 where serving only one- or two-family dwellings or accessory Group U occupancies,
17 the fire code official may approve roads constructed with approved native materials or
18 gravel compacted to eighty five percent (85%) compaction.

19 (3) Section 503.2.7 of the California Fire Code is amended, to read:

20 **503.2.7 Grade.** The grade of a fire apparatus access road or driveway shall be
21 a maximum of twelve percent (12%).

22 EXCEPTIONS

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

26 (2) The grade of a one- or two-family dwelling driveway may be
27 increased to a maximum of sixteen percent (16%) for a distance not to exceed 500 feet
28 in areas in which the Hillside Grading Standards pursuant to Chapter 83.08 of the San

1 Bernardino County Development Code apply and with the approval of the Fire Code
2 Official.

3 (4) Section 503.4 of the California Fire Code is amended, to read:

4 **503.4 Obstruction of fire apparatus access roads.** Fire apparatus access
5 roads shall not be obstructed in any manner, including the parking of vehicles. The
6 minimum widths and clearances established in Section 503.2.1 shall be maintained at
7 all times. Any condition that serves as an impediment to fire access, or any vehicle or
8 other obstruction to fire access may be removed at the orders of the Department or
9 other governing agency in cooperation with the Department, with the expense of such
10 removal to be paid by the owner of the roadway, or of said vehicle or obstruction.

11 (5) Section 503.4.1 is added to the California Fire Code, to read:

12 **503.4.1 Joint emergency and fire apparatus access roads.** Emergency and
13 fire apparatus access roads passing through multiple parcels shall comply with the
14 following requirements:

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

19 (2) Each owner of property upon which the easement shall pass shall
20 provide a notarized covenant agreeing to provide an emergency access road through
21 each property and to maintain that access road in accordance with the statutes,
22 regulations and standards applicable at the time the easement was recorded for full
23 term of ownership of the property.

24 (3) Each owner of property through which the easement shall pass shall
25 provide a notarized waiver with the deed releasing the San Bernardino County Fire
26 Protection District, its successors and the County of San Bernardino of any liability for
27 any inability to provide fire suppression or emergency medical aid due to lack of access
28 and shall further stipulate that the San Bernardino County Fire Protection District, its
successors and the County of San Bernardino shall not be party to any criminal, civil or

1 administrative action relating to the maintenance of the easement unless the action is
2 brought forth by the Department, its successors, or the County.

3 (6) Section 505.1 of the California Fire Code is amended, to read:

4 **505.1 Address numbers.** New and existing buildings shall have approved
5 address numbers, building numbers or approved building identification placed in a
6 position that is plainly legible and visible from the street or road fronting the property.
7 These numbers shall contrast with their background. Address numbers shall be Arabic
8 numerals or alphabet letters. New residential dwelling unit addresses shall have
9 minimum 4 inch (102 mm) numbers, with a minimum stroke width of 0.5 inch (12.7
10 mm), and shall be internally illuminated by means of a low voltage power source during
11 the hours of darkness. Where building setbacks exceed 100 feet (30.5 m) from the
12 named roadway, additional non-illuminated numbers 4 inches (102 mm) high shall be
13 displayed at the property entrance. Multi-family, commercial and industrial use
14 buildings less than 100,000 square feet (9280 m²) shall have numbers a minimum of 8
15 inches (204 mm) high and with a minimum stroke of 1 inch (25.5 mm). Multi-family,
16 commercial and industrial use buildings 100,000 square feet (9280 m²) or larger shall
17 have numbers a minimum of 12 inches (306 mm) high with a minimum stroke of 1.5
18 inches (38.2 mm). Such address numbers shall be electrically illuminated by an
19 internal or external source during the hours of darkness. Where building setbacks
20 exceed 200 feet (61 m) from the named roadway, additional non-illuminated 6 inch
21 (153 mm) high numbers shall be displayed at the property entrance. In addition,
22 minimum 4 inch (102 mm) high contrasting suite address numbers or letters shall be
23 placed on the front and rear doors of tenant areas in buildings where applicable.

24 (7) Section 507.1 of the California Fire Code is amended, to read:

25 **507.1 Required water supply.** An approved water supply capable of supplying
26 the required fire flow for fire protection shall be provided to premises upon which
27 facilities, buildings or portions of buildings are hereafter constructed or moved into or
28 within the jurisdiction. In areas without a water purveyor capable of supplying the
required fire flow, National Fire Protection Association standard 1142 (current edition)

1 shall be used to establish on-site water storage capacities, when allowed by the fire
2 code official.

3 EXCEPTION:

4 For single one- and two-family dwellings and attached garages, not
5 part of a parcel map, tentative tract or other similar planned development, an
6 approved automatic residential fire sprinkler system or an approved self-contained
7 residential automatic sprinkler system may be considered an adequate water supply.

8 (8) Section 507.3 of the California Fire Code is amended, to read:

9 **507.3 Fire Flow.** Fire flow requirements for buildings or portions of buildings
10 and facilities shall be determined by an approved method or Appendix B.

11 EXCEPTION: For single one- and two-family dwellings and attached garages,
12 not part of a parcel map, tentative tract or other similar planned development, the
13 installation of an approved automatic residential fire sprinkler system or an approved
14 self-contained residential automatic sprinkler system may be considered an approved
15 fire flow.

16 (9) Section 507.5.1 of the California Fire Code is amended, to read:

17 **507.5.1 Where required.** Where a portion of the facility or building hereafter
18 constructed or moved into or within the jurisdiction is more than 300 feet (91.5 m) from
19 a hydrant on a fire apparatus access road, as measured by an approved route around
20 the exterior of the facility or building, on-site fire hydrants and mains shall be provided
21 where required by the fire code official.

22 EXCEPTION:

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

27 (2) Single one- and two-family dwellings and attached garages,
28 not part of a parcel map, tentative tract or other similar planned development, equipped
with an approved automatic residential fire sprinkler system or an approved self-

1 contained residential automatic sprinkler system, shall not be required to provide an
2 on-site hydrant when allowed by the Fire Code Official.

3 (10) Section 509.3 is added to read the California Fire Code, to read:

4 **509.3 Access to equipment in multi-unit buildings.** When automatic fire
5 sprinkler systems or fire alarm systems are installed in buildings constructed for
6 multiple tenants and these systems protect multiple tenant spaces, the main controls
7 and control appurtenances, such as risers, fire alarm control panels, and valves for
8 such systems, shall be located in an attached or included room or an approved
9 weather resistant enclosure with at least one exterior access door of not less than 3'-0"
10 (918 mm) in width by 6'-8" (2040 mm) in height.

11 (e) Chapter 6 of the California Fire Code is amended, as follows:

12 (1) Section 603.1.4 of the California Fire Code is amended, to read:

13 **603.1.4 Fuel Oil.** The grade of fuel oil used in a burner shall be that for
14 which the burner is approved as stipulated by the burner manufacturer. Oil containing
15 gasoline or other materials, and used or crankcase oil shall not be used.

16 (2) Section 608.1 of the California Fire Code is amended, to read:

17 **608.1 Scope.** Stationary storage battery systems having an electrolyte
18 capacity of more than 50 gallons (189 L) for flooded lead-acid, nickel cadmium (Ni-Cd),
19 and valve-regulated lead-acid (VRLA), or 1,000 pounds (454 kg) for lithium-ion and
20 lithium metal polymer, used for facility standby power, emergency power, uninterrupted
21 power supplies, and powering industrial trucks and equipment shall comply with this
22 section and Table 608.1.

23 (f) Chapter 9 of the California Fire Code is amended, as follows:

24 (1) Section 901.4.2 of the California Fire Code is amended, to read:

25 **901.4.2 Non-required fire protection systems.** Any fire protection not
26 required by this code or the California Building Code shall be allowed to be furnished
27 provided such installed system meets the requirements of this Code, the California
28 Building Code, and the San Bernardino County Fire Protection District Standards and
Interpretations.

1 (2) Section 901.4.2.1 of the California Fire Code is added, to read:

2 **901.4.2.1 Partially Protected Structures.** Notwithstanding any other
3 provisions of this code or specific exemptions, no building or structure shall be partially
4 furnished with a new fire protection system.

5 EXCEPTIONS:

6 (1) Existing structures or buildings currently not protected when the only fire
7 protection system being installed is part of Type I commercial cooking hood and duct
8 system, other than an automatic sprinkler system, or any other system required by
9 Table 903.2.11.6.

10 (2) Section 901.8.2 is added to the California Fire Code, to read:

11 **901.8.2 Theft deterrents.** The fire code official is authorized to require
12 installation methods, mechanisms, or other technology that will serve to deter theft or
13 tampering with fire protection appliances.

14 (3) Section 903.2 of the California Fire Code is amended, to read:

15 **903.2 Where required.** Approved automatic fire sprinkler systems in new
16 building and structures shall be provided in the locations described in this section and
17 Sections 903.2.1 through 903.2.12.

18 (a) Regardless of any other provision of Sections 903.2.1 through
19 903.2.11, excluding any specific exception, an approved automatic fire sprinkler
20 system shall be provided throughout all newly constructed buildings of any occupancy
21 group, when the gross floor area is equal to or exceeds 5,000 square feet (465m²),
22 regardless of fire resistive separation walls.

23 EXCEPTION: Group U occupancies accessory to a one- or two-family
24 dwelling that are not used for commercial or industrial purposes.

25 (b) In existing structures, other than Group R, Division 3 (one and two
26 family dwellings and Group U occupancies), not equipped with an automatic fire
27 sprinkler system, the following requirements shall apply:

28 (1) For existing buildings smaller than 5,000 square feet (465m²) in
gross floor area, when an addition causes the structure to exceed 5,000 square feet

1 (465m²) and such addition is equal to or greater than 50% of the square footage
2 existing as of January 1, 2011, the entire structure shall be provided with an automatic
3 sprinkler system.

4 (2) For existing buildings larger than 5,000 square feet (465m²) in
5 gross floor area, when an addition is equal to or greater than 10% of the square
6 footage existing as of January 1, 2011, the entire structure shall be provided with an
7 automatic sprinkler system.

8 (3) For existing buildings larger than 5,000 square feet (465m²) in
9 gross floor area, when a change of use occurs that, in the opinion of the fire code
10 official using the guidance of the California Building Code, increases the likelihood of,
11 or increases the danger to occupants in a fire incident, the entire fire area shall be
12 provided with an automatic sprinkler system.

13 **EXCEPTIONS:**

14 (1) Spaces or areas in telecommunications buildings used
15 exclusively for telecommunications equipment, associated electrical power distribution
16 equipment, batteries and standby engines, provided those spaces or areas are
17 equipped throughout with an automatic fire alarm system and are separated from the
18 remainder of the building by fire barriers consisting of not less than 1-hour fire-
19 resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

20 (2) Automatic fire sprinkler protection for Fixed Guideway
21 Transit Systems shall be as per Section 903.2.17.

22 (5) Section 905.4 of the California Fire Code is amended, to read:

23 **905.4 Location of Class I standpipe hose connections.** Class I standpipe
24 hose connections shall be provided in all of the following locations:

25 (1) In every required stairway, a hose connection shall be provided for each
26 floor level above or below grade. Hose connections shall be located at an intermediate
27 floor level landing between floors, unless otherwise approved by the fire code official.
28 See Section 909.20.2.3 of the California Building Code for additional provisions in
smokeproof enclosures.

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(2) On each side of the wall adjacent to the exit opening of horizontal exit.

Exception: Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a nozzle attached to 100 feet (30 480mm) of hose as measured along the path of travel, a hose connection shall not be required at the horizontal exit.

(3) In every exit passageway, at the entrance from the exit passageway to other areas of a building.

EXCEPTION: Where floor areas adjacent to an exit passageway are reachable from exit stairway hose connections by a 30-foot (9144mm) hose stream from a nozzle attached to 100 feet (30 480mm) of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

(4) In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall.

(5) Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a hose connection located either on the roof or at the highest landing of a stairway with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

(6) Where the most remote portion of a non-sprinklered floor or story is more than 150 feet (45 720 mm) from a hose connection or the most remote portion of a sprinklered floor or story is more than 150 feet (60 960 mm) from a hose connection, the fire code official is authorized to require that additional hose connections be provided in approved locations. The distances from a hose connection shall be measured along the path of travel.

(7) When required by other provisions of this code, 2.5 inch (64 mm) hose connections, meeting the requirements of this section and Department Standards and Interpretations, shall be located at every other exterior fire department access door as

1 defined by Section 2306.6.1 of this code, and arranged so that every portion of the
2 building and its contents can be reached with 150 feet (45.7 m) of hose and stream.

3 (6) Section 907.4.1 of the California Fire Code is amended, to read:

4 **907.4.1 Duct Smoke Detectors.** Smoke detectors installed in ducts shall be
5 listed for the air velocity, temperature and humidity present in the duct. Duct smoke
6 detectors shall be connected to the building's fire alarm control unit when a fire alarm
7 system is installed. Activation of a duct smoke detector shall *only* initiate a visible and
8 audible supervisory signal at a constantly attended location and *shall not* activate the
9 building's alarm notification appliances. Duct smoke detectors shall perform the
10 intended fire safety function in accordance with this code and the California Mechanical
11 Code. Duct smoke detectors shall not be used as a substitute for required open area
12 detection.

13 EXCEPTION: In occupancies not required to be equipped with a fire
14 alarm system, actuation of a duct smoke detector shall activate a visible and an audible
15 signal in an approved location. Smoke detector trouble conditions shall activate a
16 visible or audible signal in an approved location and shall be identified as air duct
17 detector trouble.

18 Section 910.3.2.2 of the California Fire Code is amended, to read:

19 (7) **910.3.2.2 Sprinklered buildings.** Where installed in buildings equipped with an
20 approved automatic sprinkler system, smoke and heat vents shall be designed to
21 operate automatically by the actuation of a heat responsive device rated at least 100
22 degrees F (56° C) above the operating temperature of the sprinkler heads, or manually
23 with independent controls for the fire department per Section 914.12.

24 (8) Sections 914.12 through 914.12.6 are added to the California Fire Code, to
25 read:

26 **914.12 Special requirements for Group F, M, S-1 or S-2 occupancies**
27 **greater than 100,000 square feet in floor area.** Buildings classified primarily as
28 Group F, M, S-1 or S-2 shall include the following fire service features:

1 **914.12.1 Fire Control Room.** A fire control room for fire department operations
2 shall be provided. The location and accessibility of the fire control room shall be
3 approved by the fire code official. The fire control room shall be separated from the
4 remainder of the building by walls and ceilings not less than one-hour fire partitions.
5 The room shall be a minimum of 96 square feet (9m²) with a minimum dimension of 8
6 feet (2438 mm.) The room shall contain the following as a minimum:

- 7 1. The fire alarm control unit and associated equipment.
- 8 2. Annunciator panel displaying status of sprinkler control valves and
9 waterflow detectors.
- 10 3. Main controls and indicators for mechanical smoke exhaust systems.
- 11 4. Graphic indicating building floor plans, means of egress, fire protection
12 systems, firefighting equipment and access.
- 13 5. Other firefighting equipment and system controls as required by the fire
14 code official.
- 15 6. Emergency lighting powered by the standby power system.

16 **914.12.2 Mechanical smoke exhaust.** A mechanical smoke exhaust system
17 conforming to the requirements of Section 910.4 of this code shall be provided. The
18 system may be combined with environmental or other ventilation air systems when
19 approved by the fire code official.

20 **914.12.3 Standpipe systems.** A class I standpipe system shall be provided
21 with 2 ½" hose connections located at fire department access doors as required by
22 Section 905.4 of this code. The system may be interconnected with the building
23 automatic sprinkler systems, and shall be supplied by adjacent systems or by a
24 separate riser. Standpipe systems shall conform to the requirements of NFPA 14.

25 **914.12.4 Fire department graphic.** A printed graphic with schematic diagrams
26 of the building automatic sprinkler systems, fire alarm systems, means of egress,
27 standpipe systems, smoke exhaust systems, access doors, and any other equipment
28 as required by the fire code official shall be superimposed over a building floor plan or

1 site plan and mounted on the wall in a highly visible location in the fire control room.
2 The graphic shall be durable and waterproofed.

3 **914.12.5 Standby power.** A standby power generator set conforming to the
4 California Electrical Code and NFPA 110 shall be provided on the premises in a
5 protected locations. The set shall have a rated capacity necessary to supply the load
6 of all fire protection features listed below at the same time:

- 7 (1) Emergency lighting and exit signs necessary for egress.
- 8 (2) Lighting for the fire control room.
- 9 (3) Signal and communication systems as applicable.
- 10 (4) Electrically powered fire pumps (such as jockey pumps) required to maintain
11 pressure to the fire sprinkler system.
- 12 (5) Mechanical smoke exhaust systems as required by Section 914.11.2.

13 In addition, a fuel supply sufficient for not less than two hours of operation shall
14 be required on the premises. All electrically connected systems shall be transferred
15 within 60 seconds after losing primary power.

16 **914.12.6 Other requirements.** All fire protection systems shall comply with
17 San Bernardino County Fire Protection District Standards and Interpretations for
18 installation, signage and labeling, maintenance, and other requirements.

19 (g) Chapter 19 of the California Fire Code is amended, as follows:

20 (1) Sections 1910 through 1910.6 are added to the California Fire Code, to
21 read:

22 **Section 1910**

23 **Storage of Combustible Idle Pallets**

24 (A) **1910.1 General.** Storage of more than 200 combustible idle
25 pallets shall be in accordance with this section and the San Bernardino County Fire
26 Protection District Standards and Interpretations. A permit shall be obtained in
27 accordance with Section 105.6.33.1.
28

1 (B) **1910.2 Storage location.** Pallets shall be stored outside or in a
2 separate building designed for pallet storage unless stored indoors in accordance with
3 Section 1910.3.

4 (C) **1910.3 Indoor storage.** Pallet storage in a building used for
5 other storage or other purpose shall be in accordance with the provisions for high-
6 hazard commodity high-piled combustible storage contained in Chapter 23.

7 **Exception:** When indoor storage does not exceed 6 feet in height
8 and the aggregate volume of all stored pallets does not exceed 2,500 cubic feet.

9 (D) **1910.4 Outdoor storage.** Pallets stored outside shall be stored
10 in accordance with this section, the San Bernardino County Fire Protection District
11 Standards and Interpretations and the Development Code of San Bernardino County or
12 other political subdivision or district which contracts with San Bernardino County Fire
13 Protection District.

14 (E) **1910.5 Outdoor pile dimensions.** Pallet stacks shall not exceed
15 15 feet in height nor shall cover an area greater than 500 square feet. Pallet stacks
16 shall be arranged to form stable piles. Piles shall be separated by a minimum of 8 feet.
17 Piles shall be a minimum of 10 feet from property lines.

18 (F) **1910.6 Fire department access.** Fire Department access
19 roadways, meeting the requirements of Section 503.2 of this code, shall be maintained
20 within 150 feet of all pallet storage and structures.

21 (h) Chapter 27 of the California Fire Code is amended, as follows:

22 (1) Sections 2701.7 through 2701.7.3 are added to the California Fire Code,
23 to read:

24 (A) **2701.7 Transport vehicles and trailers storing hazardous**
25 **materials.** Any transport vehicle with a trailer, such as a tank, vessel, or other
26 container, attached and used for the purposes of storing and transporting hazardous
27 materials or hazardous waste as defined by this code, upon being at a facility or
28 property for more than 30 days, or when such trailer has been detached from its mode
of transportation, or when the driver of such a vehicle is not carrying active shipping

1 papers as regulated by the California Department of Transportation (DOT) enroute to
2 another destination, shall comply with the provisions of this section.

3 (B) **2701.7.1 General.** Transport vehicles and trailers that contain
4 less than or equal to the maximum allowable quantities as set forth in Section 2703.1
5 for each specific material shall comply with the requirements of Section 2701 and 2703
6 of this Code, as well as any other applicable regulations as part of a facility. Transport
7 vehicles and trailers that contain more than the maximum allowable quantities as set
8 forth in Section 2703.1 for each specific material shall comply with the requirements of
9 Section 2701, 2703 and 2704 of this Code, as well as any other applicable regulations
10 as part of a facility. The use, dispensing and handling of any hazardous materials from
11 transport vehicle trailers shall be prohibited unless approved in writing by the Fire Code
12 Official.

13 (C) **2701.7.2 Submittals.** Transport vehicles and associated trailers
14 shall comply with the requirements of Section 2701.5.1 for Hazardous Materials
15 Management Plan (HMMP) and Section 2705.2 for Hazardous Materials Inventory
16 Statement (HMIS) as part of a regulated facility. These documents shall be submitted
17 to the Office of the Fire Marshal of the San Bernardino County Fire Protection District.

18 (D) **2701.7.3 Prohibited Areas.** Transport vehicles or detached
19 trailers storing hazardous materials shall not be left stationary at any time within 500
20 feet (152m) of a residential area, apartment or hotel complex, educational facility,
21 hospital or care facility. Transport vehicles and trailers shall not be left unattended at
22 any other place that would, in the opinion of the Fire Code Official, pose an extreme life
23 safety hazard.

24 (i) Chapter 33 of the California Fire Code is amended, as follows:

25 (1) Section 3301.1 of the California Fire Code is amended, to read:

26 **3301.1 Scope.** The possession, manufacture, storage, handling, sale
27 and use of explosives, explosive materials, fireworks, and small arms
28 ammunition within the County of San Bernardino shall be in accordance with
this chapter and Title 19 California Code of Regulations Chapter 10. For fireworks

1 requirements see Title 19 California Code of Regulations Chapter 6.

2 EXCEPTIONS:

3 (1) The Armed Forces of the United States, Coast Guard or
4 National Guard.

5 (2) Explosives in forms prescribed by the official United States
6 Pharmacopoeia.

7 (3) The possession, storage and use of small arms ammunition
8 when packaged in accordance with DOTn packaging requirements.

9 (4) The use of explosive materials by federal, state and local
10 regulatory, law enforcement and fire agencies acting in their official capacities.

11 (5) Items preempted by federal regulations.

12 (2) Sections 3301.2 through 3301.2.3 are added to the California Fire Code,
13 to read:

14 (A) **3301.2 Restrictions.** The possession, manufacture, storage,
15 sale, handling and use of explosives, blasting agents, fireworks, pyrotechnics,
16 ammunition, and model and high-power or experimental rocket motors are restricted
17 within the County of San Bernardino and the District according to the limits established
18 within this section.

19 (B) **3301.2.1 Storage of Explosives and Blasting Agents.** The
20 storage of explosives and blasting agents is prohibited in residential areas, principal
21 business districts, closely-built commercial areas and heavily-populated areas, except
22 as permitted by the San Bernardino County Sheriff's Department and the San
23 Bernardino County Fire Protection District in accordance with California Code of
24 Regulations, Title 19, and Title 4, Division 5 of the San Bernardino County Code.

25 (C) **3301.2.2 Private Use of Fireworks.** The private storage, use,
26 sale and handling of any fireworks is prohibited within the County of San Bernardino
27 and the District.

28 EXCEPTION: The possession, storage, sale, handling and use of specific
types of approved fireworks where allowed by applicable local laws, ordinances and

1 regulations, provided such fireworks comply with California Code of Regulations, Title
2 19, and labeled "Safe and Sane" by the California State Fire Marshal.

3 (D) **3301.2.2.1 Seizure of Fireworks.** The District, the California
4 Department of Forestry and Fire Protection, the San Bernardino County Sheriff's
5 Department and the Police Departments of any political subdivision or district that
6 contracts with the San Bernardino County Fire Protection District are authorized to
7 seize, take, remove or cause to be removed, at the expense of the owner, all stocks of
8 fireworks, including but not limited to, Division 1.4G consumer fireworks, as classified
9 pursuant to Title 49 Code of Federal Regulations, offered or exposed for sale, stored or
10 held in violation of any state or local laws and ordinances.

11 (E) **3301.2.3 Model Rocketry.** The use of model and high-power
12 rockets is prohibited within Wildfire Risk Areas as defined in Section 202 except as
13 permitted by the San Bernardino County Fire Protection District.

14 (3) Sections 3301.3 through 3301.3.5 are added to the California Fire Code, to read
15 as follows:

16 (A) **3301.3 Permit required.** Permits shall be required as set forth in
17 Section 105.6.14 and regulated in accordance with this section. Permits shall be
18 obtained from the San Bernardino County Fire Protection District and the San
19 Bernardino County Sheriff's Department in accordance with Title 4, Division 5, Chapter
20 2, Section 45.021 of the San Bernardino County Code to:

21 (1) manufacture, possess, store, sell, display or otherwise dispose of
22 explosive materials at any location;
23 (2) transport explosive materials;
24 (3) use explosive materials;
25 (4) operate a terminal for handling explosive materials; or
26 (5) transport blasting caps or electric blasting caps on the same vehicle with
27 explosives.

28 (B) **3301.3.1 Sheriff's Department.** In addition to the requirements
set forth in this chapter, the Sheriff's Department or the Fire Protection District may, for

1 the safety and security of the public, set additional requirements for a permit
2 application. The Sheriff's Department generally shall notify the Fire Protection District,
3 as soon as practicable, when any application has been made for an explosives permit
4 for a specific location and purpose.

5 (C) **3301.3.2 Permit restrictions.** The fire code official is authorized
6 to limit the quantity of explosives, explosive materials, or fireworks permitted at a given
7 location. No person, possessing a permit for storage of explosives at any place, shall
8 keep or store an amount greater than authorized in such permit. Only the kind of
9 explosive specified in such a permit shall be kept or stored.

10 (D) **3301.3.3 Supervision.** The fire code official is authorized to
11 require operations permitted under the provisions of Section 3301.3 to be supervised at
12 any time by the fire code official in order to determine compliance with all safety and
13 fire regulations.

14 (E) **3301.3.4 Notification.** Whenever a new explosive material
15 storage or manufacturing site is established, including a temporary job site, the local
16 law enforcement agency, fire department, and local emergency planning committee
17 shall be notified by the person establishing the site 48 hours in advance, not including
18 Saturdays, Sundays and holidays, of the type, quantity and location of explosive
19 materials at the site.

20 (F) **3301.3.5 Seizure.** The fire code official is authorized to cause to
21 be removed or disposed of by trained explosives personnel, at the expense of the
22 owner, explosives or explosive materials offered or exposed for sale, stored,
23 possessed or used in violation of this chapter.

24 (4) Section 3301.3.6 is added to the California Fire Code, to read:

25 **3301.3.6 Requirements.** Notwithstanding any other provisions of Federal
26 and State law, the manufacture, storage, handling, sale, use or public display of any
27 quantity of explosives, explosive materials, fireworks or pyrotechnics including
28 pyrotechnic special effects, model rockets, high-power rockets and experimental
rockets shall meet the requirements of this code and the San Bernardino County Fire

1 Protection District Standards and Interpretations as well as the following requirements,
2 whichever are most restrictive:

3 (1) Explosives:

- 4 a) California Health and Safety Code Division 11, Part 1
- 5 b) 19 CCR, Division 1, Chapter 10,
- 6 c) San Bernardino County Code Title 4, Division 5,
- 7 d) NFPA 495.

8 (2) Fireworks Manufacture, Transportation, Storage, and Sales:

- 9 a) California Health and Safety Code Division 11, Part 2
- 10 b) 19 CCR, Division 1, Chapter 6,
- 11 c) NFPA 1124.

12 (3) Fireworks Display:

- 13 a) California Health and Safety Code Division 11, Part 2
- 14 b) 19 CCR, Division 1, Chapter 6, Article 5,
- 15 c) NFPA 1123

16 (4) Pyrotechnics:

- 17 a) California Health and Safety Code Division 11, Part 2
- 18 b) 19 CCR, Division 1, Chapter 6, Article 15,
- 19 c) NFPA 1126.

20 (5) Model Rockets:

- 21 a) 19 CCR, Division 1, Chapter 6, Article 17,
- 22 b) NFPA 1122.

23 (6) Experimental Rockets/Unlimited:

- 24 a) 19 CCR, Division 1, Chapter 6, Article 16,
- 25 b) NFPA 1127

26 (7) Experimental High-Power Rockets:

- 27 a) 19 CCR, Division 1, Chapter 6, Article 18,
- 28 b) NFPA 1127

1 (8) Manufacture of Rocket Motors:

- 2 a) 19 CCR, Division 1, Chapter 6,
3 b) NFPA 1125

4 (5) Section 3308.2 is added to the California Fire Code, to read:

5 **3308.2 Permit application.** Prior to conducting a fireworks display, a
6 permit shall be applied for as specified in section 105.6.14 from the San Bernardino
7 County Fire Protection District, permit fees shall be paid, and plans for the display,
8 inspections of the display site and demonstrations of the display operations shall be
9 approved. A plan establishing procedures to follow and actions to be taken in the
10 event that a shell fails to ignite in, or discharge from, a mortar or fails to function over
11 the fallout area or other malfunctions shall be provided to the fire code official.

12 (j) Chapter 50 Automobile Wrecking Yards is added to the California Fire Code to
13 read:

14 **Chapter 50**

15 **AUTOMOBILE WRECKING YARDS**

16 (A) **5001 Scope.** Automobile wrecking yards shall be in accordance
17 with this chapter.

18 (B) **5002 Permits.** For permits to operate automobile wrecking yards,
19 see Section 105.6.45.

20 (C) **5003 Definitions.** The following words and terms shall, for the
21 purposes of this chapter and as used elsewhere in this code, have the meanings
22 shown herein.

23 **MOTOR VEHICLE FLUIDS** are liquids that are flammable, combustible or
24 hazardous materials, such as crankcase fluids, fuel, brake fluids, transmission fluids,
25 radiator fluids and gear oil. This definition does not include liquids that are
26 permanently sealed, such as hydraulic fluid within shock absorbers.

27 (D) **5004 Fire Apparatus Access Roads.** Fire apparatus access
28 roads shall be constructed and maintained throughout the site in accordance with
Section 503.

1 (E) **5005 Welding and Cutting.** Welding and cutting operations shall
2 be in accordance with Chapters 26 and 30.

3 (F) **5006 Housekeeping.** Combustible rubbish accumulated on the
4 site shall be collected and stored in approved containers, rooms or vaults of
5 noncombustible materials. Combustible vegetation, cut or uncut, shall be removed
6 when determined by the chief to be a fire hazard.

7 (G) **5007 Fire Protection.** Offices, storage buildings and vehicles
8 used for site operations shall each be provided with at least one portable fire
9 extinguisher with a rating of not less than 4-A:40-BC. When required by the fire code
10 official, additional portable fire extinguishers shall be provided in specific use areas in
11 accordance with NFPA10.

12 (H) **5008 Tires.** Tires shall be stored in an approved manner in
13 accordance with Chapter 25.

14 (I) **5009 Storage. Use and Handling of Motor Vehicle Fluids and**
15 **Hazardous Materials.** The storage, use and handling of motor vehicle fluids and
16 hazardous materials, such as those used to operate air bags and electrical systems,
17 shall be in accordance with Section 2510 and Chapters 22, 27 and 34.

18 (J) **5009.1 Motor Vehicle Fluids.** Motor vehicle fluids shall be
19 drained from salvage vehicles when such fluids are leaking. Storage and handling of
20 motor vehicle fluids shall be done in an approved manner. Flammable and
21 combustible liquids shall be stored and handled in accordance with Chapters 27 and
22 34.

23 (K) **5009.2 Mitigation for Vehicle Fluid Leaks.** Supplies or
24 equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems and
25 transmissions shall be kept available on site. Single-use plugging, diking and
26 absorbent materials shall be disposed of as hazardous waste and removed from the
27 site in a manner approved by federal, state or local requirements.

28 (L) **5009.3 Air Bag Systems.** Removed air bag systems shall be
handled and stored in accordance with Chapter 27.

1 (M) **5009.4 Lead-acid Batteries.** Lead-acid batteries shall be
2 removed from salvage vehicles when such batteries are leaking. Lead-acid batteries
3 that have been removed from vehicles shall be stored in an approved manner.

4 (k) Section B105.2 of Appendix B of the California Fire Code is amended, to read:

5 **B105.2 Buildings other than one and two family dwellings.** The minimum
6 fireflow and flow duration for buildings other than one- and two- family dwellings shall
7 be as specified in table B105.1.

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

15 (l) Section C103.1 of Appendix C of the California Fire Code is amended, to read:

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

20 (m) Section C105.1 of Appendix C of the California Fire Code is amended, to read:

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

27 **Exception:** The fire chief is authorized to accept a deficiency of up to 10
28 percent where existing fire hydrants provide all or a portion of the required fire hydrant
service.

1 (n) Table C105.1 of Appendix C of the California Fire Code is deleted in its
2 entirety.

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

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

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

11 **EXCEPTIONS:** An automatic residential fire sprinkler system shall not be
12 required for additions or alterations to existing buildings that are not already provided
13 with an automatic residential sprinkler system.

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

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

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

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

24 **EXCEPTIONS:**

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

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

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

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

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

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

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

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

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

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

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4. Validity and Severability.

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

5. No Liability or Warranty.

The County of San Bernardino, the San Bernardino County Fire Protection District, any political subdivision or district that contracts with the San Bernardino County Fire Protection District, and their employees or agents shall not be held liable for any act or omission to act done in good faith reliance upon state law, or the ordinance, codes, standards, interpretations, policies or procedures of the San Bernardino County Fire Protection District. The County of San Bernardino, the San Bernardino County Fire Protection District, any political subdivision or district that contracts with the San Bernardino County Fire Protection District, and their employees or agents shall not be held liable for the negligence of, nor as the guarantor of proper performance by, any person or entity holding any license, permit, certificate, registration, privilege or other entitlement from the District.

6. Authority - General

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

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1 **7. Authority at Fires or Other Emergencies.**

2 (a) The Fire Chief, Fire Code Official or any officer of the San Bernardino
3 County Fire Protection District in charge at the scene of a fire or other emergency
4 involving the protection of life or property shall have the authority to direct operations
5 as necessary to extinguish or control any fire, perform any rescue operation,
6 investigate the existence of suspected or reported fires, gas leaks, or other hazardous
7 conditions or situations, or take any other action necessary in the reasonable
8 performance of duty. In the exercise of such authority, the Fire Chief, Fire Code
9 Official or officer is authorized to prohibit any person, vehicle, vessel or thing from
10 approaching the scene and is authorized to remove or cause to be removed, or kept
11 away from the scene any person, vehicle, vessel or thing which could impede or
12 interfere with the operations of the fire department.

13 (b) The Fire Chief, Fire Code Official or officer of the San Bernardino County
14 Fire Protection District in charge at the scene of a fire or other emergency is authorized
15 to place ropes, tape, flagging, barricades, guards or other obstructions across any
16 street, alley, place, driveway or private property in the vicinity of such operation so as
17 to prevent accidents or interference with the lawful operations of the fire department to
18 manage and control the situation and to allow the safe operation of fire, rescue and
19 investigation apparatus.

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

25 **8. Interference Unlawful.**

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

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

5 **9. Permits Required.**

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

10 **10. Fees.**

11 (a) Reasonable fees, not to exceed the actual costs, for any permit, license,
12 inspection, plan or technical review, related work or services required pursuant to this
13 Code, the California Fire Code or the San Bernardino County Fire Protection District
14 Standards and Interpretations shall be paid pursuant to a fee schedule established by
15 action of the Board of Directors, as may be amended from time to time.

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

20 (c) Whenever multiple operational permits are required pursuant to Section
21 11 of this code the fire code official may, at his discretion, charge the full permit fee for
22 the first two operational permits having the greatest permit fee and thereafter \$25.00
23 for each additionally required operational permit. This provision shall not apply to
24 those operational permits which are charged based on a "per-unit" or "per-hour" basis.

25 **11. Applications and Permits – Abandonment, Period of Validity, Expiration and
26 Extensions.**

27 (a) An application for a permit for any proposed work or operation and its
28 associated fee shall be deemed to have been abandoned if the applicant fails to submit
any required documentation within 180 days after the date of filing or the date an

1 application or plans have been returned by the Department for correction, or the date
2 the Department has requested additional information or documentation. The Fire Code
3 Official is authorized to grant one or more extensions of time to submit such
4 documentation or corrections for a period not to exceed 90 days. All requests for
5 extension shall be made, in writing, by the applicant prior to abandonment and shall
6 provide justifiable cause to extend the application review period.

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

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

11 (2) Construction permits shall automatically expire and become invalid
12 unless the work authorized by such permit is commenced within 180 days after its
13 issuance, or if the work authorized by such permit is suspended or abandoned for a
14 period of 180 days after the time the work is commenced. Suspension or
15 abandonment shall mean that no inspection by the Department has occurred within
16 180 days of any previous inspection.

17 (3) After a construction permit becomes invalid and before such previously
18 approved work recommences, a new permit shall be first obtained and the fee to
19 recommence work shall be one-half the fee for a new permit for such work, provided no
20 changes have been made or will be made in the original construction documents for
21 such work, and provided further that such suspension or abandonment has not
22 exceeded one year.

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

26 (c) A permittee holding an unexpired permit shall have the right to apply for
27 an extension of the time within which the permittee will commence work under that
28 permit when work is unable to be commenced within the time required by this section
for good and satisfactory reasons. The fire code official is authorized to grant, in

1 writing, one or more extensions of the time period of a permit for periods of not more
2 than 180 days each. Such extensions shall be requested by the permittee in writing
3 and justifiable cause shall be demonstrated. The fire code official shall have the right
4 to refuse a permit extension if it is determined that the permittee has no justifiable
5 cause. If a permit extension is refused, the provisions of this section shall apply upon
6 expiration.

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

16 **12. Permits not Transferable.**

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

19 (b) Pursuant to Business and Professions Code 7031.5, only a contractor,
20 licensed by the State of California to perform the type of work proposed in the permit
21 application, may apply for and be issued, a construction permit required pursuant to
22 Section 105.7 et seq. of the California Fire Code. Any change of contractor named to
23 conduct the permitted work shall require that a new permit be issued.

24 **EXCEPTIONS:**

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

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

3 **13. Permit Revocation.**

4 The fire code official is authorized to revoke a permit issued pursuant to Section
5 105 of the California Fire Code when it is found by inspection or otherwise that
6 conditions including, but not limited to, any one of the following occurred:

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

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

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

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

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

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

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

22 (h) If the permit was issued in error or in violation of any state or federal law,
23 local ordinance, regulation, this code or the San Bernardino County Fire Standards or
24 Interpretations the permit may be revoked. However, if any permit is revoked for this
25 reason the permit fee shall be returned to the applicant.

26 **14. Operation or Construction Without a Permit or With an Expired or Revoked
27 Permit.**

28 It shall be unlawful for any person to operate or allow the operation of any activity,
business, construction, work or use of equipment or to install or modify systems or

1 equipment requiring a permit pursuant to Section 105 of the California Fire Code when
2 said permits have not been obtained or said permits have expired or have been
3 revoked.

4 **15. Issuance of Stop Work Orders.**

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

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

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

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

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

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

1 **16. Failure to Comply with a Stop Work Order.**

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

6 **17. Service of Notices and Orders.**

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

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

12 (b) If the responsible party is a business, and the business owner is on the
13 premises, the notice or order shall be personally served to the business owner. If the
14 business owner is not on the premises and the only responsible party that can be
15 located is the manager or on-site supervisor, the notice or order may be issued in the
16 name of the business and a copy given to the manager or on-site supervisor. A copy of
17 the notice or order shall also be mailed to the business owner by certified mail, return
18 receipt requested, and by first class mail. If a copy of the notice or order that is sent by
19 certified mail is returned by the United States Postal Service unsigned or marked
20 "unclaimed" and/or "refused", then service by first class mail shall be deemed effective
21 provided it is also not returned by the United States Postal Service.

22 (c) If a responsible party cannot be located at the premises or the activity,
23 business, construction, work or use of equipment is located at an unattended or
24 abandoned site, then a copy of the notice or order shall be posted in a conspicuous
25 place on or near the site or equipment, if practicable, and a copy mailed by certified
26 mail, return receipt requested, and by first class mail, to each responsible party at their
27 last known addresses as they appear on the last County equalized assessment role, or
28 any other available public records related to title or ownership of the property or
equipment that is the subject of the notice or order. If the copy of the notice or order

1 sent by certified mail to a responsible party is returned by the United States Postal
2 Service with the mail receipt unsigned, or marked "unclaimed" and/or "refused", then
3 service by first class mail shall be deemed effective provided it is also not returned by
4 the United States Postal Service.

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

7 **18. Tampering with Notices, Orders or Seals Unlawful.**

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

11 **19. Overcrowding Unlawful.**

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

14 **20. Obstructed Egress Unlawful.**

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

18 **21. Unlawful Open Fires.**

19 It shall be unlawful for any person to kindle or maintain an open fire except in
20 accordance with the provisions of Section 307 of the California Fire Code, this code
21 and the San Bernardino County Fire Protection District Standards and Interpretations.

22 **22. Explosives, Fireworks, Pyrotechnics and Rocket Motors – Prohibitions.**

23 It shall be unlawful for any person to manufacture, store, handle, sell, use, launch
24 or create a public display of any Explosive, Firework, Pyrotechnic or Rocket Motor
25 except in accordance with this Code, California Fire Code Chapter 33, the San
26 Bernardino County Fire Protection District Standards and Interpretations and any
27 provision of any code or standard adopted or incorporated by reference by this code.

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1 **23. Prohibited Storage of Flammable and Combustible Liquids.**

2 Pursuant to sections 3404.2.9.5.1 and 3406.2.4.4 of the California Fire Code, the
3 storage of flammable and combustible liquids in outside above-ground unprotected
4 tanks and below-grade vaulted tanks is prohibited in all commercial occupancy areas,
5 developed residential areas, and other areas where the fire code official determines
6 that the installation of flammable and combustible liquid above-ground storage tanks or
7 below-grade vaulted tanks will create a hazard to occupants and property owners in
8 the area. Deviation from these requirements may be allowed only upon specific
9 documented findings by the fire code official.

10 **24. Prohibited Bulk Storage of Liquefied Petroleum Gases.**

11 Pursuant to Section 3804.2 of the California Fire Code, the aggregate capacity of
12 any one installation for the bulk storage of liquefied petroleum gases shall not exceed
13 2,000 water gallons in residential areas. In non-residential areas, when, in the opinion
14 of the fire code official, the location of bulk storage of liquefied petroleum gases would
15 create a threat to the occupants and property owners, the aggregate storage capacity
16 of liquefied petroleum gas shall also be limited to 2,000 water gallons. The fire code
17 official shall be guided by the appropriate City or County Development Code when
18 permitting the storage of liquefied petroleum gas in excess of 2,000 water gallons at
19 any one installation.

20 **25. Prohibited Storage of Flammable Cryogenic Fluids.**

21 The limits referred to in section 3204.3.1.1 of the California Fire Code, in which
22 the storage of flammable cryogenic fluids in stationary containers is prohibited, are
23 hereby established as follows: flammable cryogenic fluids shall not be stored,
24 dispensed or used unless in the opinion of the fire code official, such storage will not
25 create an unacceptable threat to the occupants and property owners.

26 **26. Violations – General.**

27 It shall be unlawful for any person, firm, partnership, or corporation to violate any
28 provision or fail to comply with any requirement of this Code, the California Fire Code,
the California Residential Code, the San Bernardino County Fire Protection District

1 Standards and Interpretations, or of the provisions of any code adopted and
2 incorporated by reference by this Code.

3 **27. Continuing Violations.**

4 Each and every day, and any portion of which, any violation of this Code, the
5 California Fire Code, the San Bernardino County Fire Protection District Standards and
6 Interpretations or of the provisions of any code adopted and incorporated by reference
7 by this Code is committed, continued, or permitted shall be deemed a new and
8 separate offense and shall be punishable or actionable as set forth in this Code.

9 **28. Acts Including Causing, Aiding and Abetting.**

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

12 **29. Enforcement – Purpose and Remedies.**

13 The Board of Directors of the San Bernardino County Fire Protection District has
14 determined that the enforcement of the Ordinances of the San Bernardino County Fire
15 Protection District (also known as the San Bernardino County Fire Code) throughout
16 the County is an important public service and is vital to the protection of the public's
17 health, safety, and quality of life. The Board of Directors has determined a need for
18 alternative methods of code enforcement and that a comprehensive system is
19 necessary. At the discretion of the Department, violations of this Code may be
20 addressed through the institution of a criminal action, a civil action, or an administrative
21 action (administrative citations and penalties) as set forth in this Code.

22 **30. Enforcement Remedies and Penalties are Cumulative and Discretionary; Not
23 Exclusive.**

24 All remedies and penalties provided for in this Code shall be cumulative and
25 discretionary and not exclusive of other applicable provisions of this Code or other
26 applicable State law. The conviction and punishment (whether by fine, imprisonment,
27 or both) of any person hereunder pursuant to a criminal action, or the imposition of a
28 monetary administrative penalty pursuant to an administrative citation, shall not relieve
such person from the responsibility of correcting, removing, or abating the violation; nor

1 prevent the enforced correction, removal, or abatement thereof by the District, its
2 employees, agents, or representatives. The correction, removal, or abatement of a
3 violation begun after the issuance of a criminal citation or the filing of a criminal
4 complaint shall not be a defense to the infraction or misdemeanor so charged and,
5 following a conviction or plea of nolo contendere, shall not be grounds for the dismissal
6 of the action or the waiver, stay, or reduction of any fine established in this Code.
7 Further, the procedures established in this Code for the use of administrative citations,
8 and the procedures established in other titles and chapters of this Code for
9 administrative abatement and summary abatement as means for addressing violations
10 of this Code shall be in addition to criminal and civil or other legal or equitable
11 remedies established by law which may be pursued to address violations of this Code.
12 The use of this chapter shall be at the sole discretion of the District. In the exercise of
13 such discretion in selecting an appropriate code enforcement remedy, the District shall
14 not be required to institute available code enforcement remedies in any particular
15 order, or to prefer the application of one remedy to another.

16 **31. Criminal Actions.**

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

18 Any person violating this Code, the California Fire Code, the California
19 Residential Code, the San Bernardino County Fire Protection District Standards and
20 Interpretations or of the provisions of any code adopted and incorporated by reference
21 by this Code, unless as otherwise specified for certain sections or for sections within a
22 certain chapter, shall be deemed guilty of an infraction or misdemeanor as hereinafter
23 specified.

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

1 pursuant to applicable state law or local ordinance shall be imposed in addition to the
2 base fine.

3 **(2) Infraction violations.** Notwithstanding the foregoing, a misdemeanor
4 violation may be cited, charged, and prosecuted as an infraction. Where so
5 prosecuted, or where specified in a section or chapter of this Code that the violation of
6 a certain section or sections shall be an infraction, then that shall be the type of offense
7 and each such violation shall be punishable, except as otherwise provided herein,
8 upon conviction or upon a plea of nolo contendere (commonly called "no contest"), by a
9 base fine not exceeding \$100.00 for a first violation; (2) a base fine not exceeding
10 \$500.00 for a second violation of the same Code section within one year; and (3) a
11 base fine not exceeding \$1,000.00 for each additional violation of the same Code
12 section within one year of the first violation. Any court costs that the court may
13 otherwise be required to impose pursuant to applicable state law or local ordinance
14 shall be imposed in addition to the base fine (Government Code § 25132).

15 **(b) Criminal citations.**

16 (1) If any person is arrested by a Department Investigator or any other peace
17 officer authorized to enforce this Code for a violation of any provision of this Code,
18 whether punishable as misdemeanor or as an infraction, and such person is not
19 immediately taken before a magistrate, when authorized by and as more fully set forth
20 in the Penal Code of California, the arresting officer shall prepare in duplicate a written
21 notice to appear in Court, containing the name and address of such person, the
22 offense charged, and the time and place where and when such person shall appear in
23 Court.

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

28 (3) The officer shall deliver one copy of the notice to appear to the arrested
person, and the arrested person, in order to secure release, must give his or her

1 written promise so to appear in court by signing the duplicate notice which shall be
2 retained by the officer. Thereupon the arresting officer shall forthwith release the
3 person arrested from custody.

4 (4) The officer shall, as soon as practicable, file the duplicate notice with the
5 magistrate specified therein. Thereupon, the magistrate shall fix the amount of bail
6 which in his or her judgment, in accordance with the provisions of Penal Code § 1275,
7 will be reasonable and sufficient for the appearance of the defendant and shall endorse
8 upon the notice a statement signed by him or her in the form set forth in Penal Code §
9 815a. The defendant may, prior to the date upon which he or she promised to appear
10 in Court, deposit with the magistrate the amount of bail thus set. Thereafter, at the
11 time when the case is called for arraignment before the magistrate, if the defendant
12 shall not appear, either in person or by counsel, the magistrate may declare the bail
13 forfeited, and may in his or her discretion order that no further proceeding shall be had
14 in such case.

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

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

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

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

4 **32. Authority to Investigate, Detain, Issue Criminal Citations and Arrest.**

5 (a) Department Investigators designated by the Fire Chief are peace officers
6 pursuant to California Penal Code Section 830.37(a), shall have full peace officer
7 powers pursuant to that Section and shall investigate the cause, origin and
8 circumstances of any fire, explosion or other hazardous condition. Department
9 Investigators are authorized to conduct investigative detentions, issue criminal
10 citations, to make arrests pursuant to California Penal Code Section 836 for any
11 violation of this Code, the San Bernardino County Fire Protection Standards and
12 Interpretations, any referenced or state law, obtain and execute warrants and to seize
13 and take charge of all physical evidence relating to the fire cause or other crime or
14 circumstance being investigated. The fire code official shall pursue any investigation to
15 its conclusion.

16 **33. Civil Actions.**

17 (a) **Injunctive relief and abatement.** At the request of any person
18 authorized to enforce this Code, the County Counsel or District Attorney may
19 commence proceedings for the abatement, removal, correction and enjoinder of any
20 act or omission that constitutes or will constitute a violation of this Code, the California
21 Fire Code, the California Residential Code, the San Bernardino County Fire Protection
22 District Standards and Interpretations or of the provisions of any code adopted and
23 incorporated by reference by this Code or any permit issued pursuant to this Code, or
24 any condition(s) of approval for such permit granted pursuant thereto, and an order
25 requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple
26 violators are involved, they shall be jointly and severally liable for the civil penalties
27 and/or abatement costs.

28 (b) **Civil Remedies and Penalties.** Any person, whether acting as principal,
agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or

1 otherwise, who violates any provision of this Code, or any permit issued pursuant to
2 this Code, the California Fire Code, the San Bernardino County Fire Protection District
3 Standards and Interpretations or any condition(s) of approval for such permit granted
4 pursuant thereto, shall be liable for a civil penalty not to exceed one thousand dollars
5 (\$1,000.00) per violation for each day or any portion thereof, that the violation
6 continues to exist. In determining the amount of civil penalty to be imposed, both as to
7 the daily rate and the subsequent total amount for any given violation, the court shall
8 consider all relevant circumstances, including, but not limited to, the extent of the harm
9 caused by the conduct constituting the violation; the nature and persistence of such
10 conduct; the length of time over which the conduct occurred or was repeated; the
11 assets, liabilities, and net worth of the violator; whether the violator is a corporate entity
12 or an individual; and any corrective action taken by the violator.

13 (c) **Attorney's fees.** In any civil action, administrative proceeding (excluding
14 administrative citations issued pursuant to §§ 35, 36, 37 and 38), or special proceeding
15 to abate a public nuisance, whether by seeking injunctive relief and/or an abatement
16 order, or other order, attorney's fees may be recovered by the prevailing party and
17 shall not exceed the amount of reasonable attorney's fees incurred by the District in
18 that action or proceeding.

19 **34. Administrative Citations and Penalties - General.**

20 (a) Any violation of this Code, the California Fire Code, the California
21 Residential Code, the San Bernardino County Fire Protection District Standards and
22 Interpretations or of the provisions of any code adopted and incorporated by reference
23 by this Code is subject to enforcement through the issuance of an administrative
24 citation and penalties in accordance with Government Code § 53069.4 and this
25 section. Administrative citations may be issued for any violation of this Code not
26 occurring in the presence of the officer issuing the citation where the issuing officer
27 determines through investigation that the responsible party committed, caused,
28 allowed, or is otherwise responsible for the violation. The following procedures shall

1 govern the imposition, enforcement, collection, administrative review, and judicial
2 review of administrative citations and penalties.

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

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

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

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

18 (4) "Ordinances of the San Bernardino County Fire Protection District," and
19 "San Bernardino County Fire Code," and "this Code" shall mean the Ordinances of the
20 San Bernardino County Fire District, including all pertinent provisions of state codes as
21 from time to time adopted and incorporated therein, enacted by the Board of Directors
22 of the San Bernardino County Fire Protection District, acting pursuant to authority
23 granted under California Health and Safety Code §§ 13861, 13869, and 13869.7; or
24 other applicable law.

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

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

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

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

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

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

11 (B) each person who is the parent or legal guardian of the minor
12 person who commits or causes a violation of any provision of this Code to occur, exist,
13 or continue;

14 (C) each person who has a legal or equitable ownership interest in any
15 parcel of real property located within the unincorporated area of the County of San
16 Bernardino, within any political subdivision or district that contracts with the San
17 Bernardino County Fire Protection District for fire protection and prevention services, or
18 within those other cities and towns that ratify this ordinance, and who commits, causes,
19 or otherwise allows the violation of any provision of this Code to occur, exist, or
20 continue on such parcel; and

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

28 (E) in addition to the business entity itself, each person who is an
owner of that business entity in those cases in which the commission, occurrence,

1 existence, or continuation of the violation of any provision of this Code is most
2 reasonably attributable to that business entity and not to an employee of that business
3 entity.

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

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

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

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

15 (4) The administrative citation shall describe the action(s) required to correct
16 the violations.

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

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

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

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

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

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

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

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

15 (2) If the responsible party is a business, and the business owner is on the
16 premises, the enforcement officer shall attempt to deliver the administrative citation to
17 the business owner. If the enforcement officer is unable to serve the business owner
18 on the premises and the enforcement officer can only locate the manager or on-site
19 supervisor, the administrative citation may be issued in the name of the business and a
20 copy given to the manager or on-site supervisor. A copy of the administrative citation
21 shall also be mailed to the business owner by certified mail, return receipt requested,
22 and by first class mail. If a copy of the administrative citation that is sent by certified
23 mail is returned by the United States Postal Service unsigned or marked "unclaimed"
24 and/or "refused", then service by first class mail shall be deemed effective provided it is
25 also not returned by the United States Postal Service.

26 (3) If a responsible party cannot be located at the property, then a copy of
27 the administrative citation shall be posted in a conspicuous place on or near that
28 property, if practicable, and a copy mailed by certified mail, return receipt requested,
and by first class mail, to all responsible parties at their last known addresses as they

1 appear on the last County equalized assessment role, or any other available public
2 records related to title or ownership of the property that is the subject of the
3 administrative citation. If the copy of the administrative citation sent by certified mail to
4 a responsible party is returned by the United States Postal Service with the mail receipt
5 unsigned, or marked "unclaimed" and/or "refused", then service by first class mail shall
6 be deemed effective provided it is also not returned by the United States Postal
7 Service.

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

10
11 (e) **Administrative Penalties - General.**

12 (1) Pursuant to California Government Code §53069.4 and unless otherwise
13 provided in this Code, the amount of penalty to be imposed for a violation of this code
14 and assessed by means of an administrative citation shall be one hundred dollars
15 (\$100.00) for the first occurrence of a violation; five hundred dollars (\$500.00) for the
16 second occurrence of the same violation; and one thousand dollars (\$1,000.00) for the
17 third and each subsequent occurrence of the same violation. Notwithstanding this
18 paragraph, the amount of penalty to be assessed by means of an administrative
19 citation may be established by resolution of the Board of Directors of the San
20 Bernardino County Fire Protection District.

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

22 Notwithstanding the tables of administrative penalties for violations relating
23 to Dangerous Fireworks, Safe and Sane Fireworks, False and Negligent Alarms and
24 those violations defined as egregious violations, when multiple violations of this Code,
25 the California Fire Code, the California Residential Code and the San Bernardino
26 County Fire Protection District Standards and Interpretations or any provision of a code
27 or standards adopted or incorporated by reference by this Code occur concurrently and
28 are addressed through the Administrative Citation process pursuant to this Section, the

1 fire code official may, at his discretion, assess administrative penalties in the following
2 manner:

3 (A) The administrative penalty for the first and second violation
4 occurring concurrently shall be the full penalty as defined by Section 34(e)(1).

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

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

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

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

17 (B) The penalties assessed shall be payable to the District (or to the
18 District's designated collection/processing agent), or to any enforcement agency
19 authorized to issue administrative citations (or to such agency's designated
20 collection/processing agent) within 30 calendar days from the date the administrative
21 citation is issued.

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

28 (D) The District may collect any past due administrative citation
penalty or late payment charge by use of any available means, including without

1 limitation, the recording of a notice of lien, describing the real property affected and the
2 amount of the costs and administrative citation penalties claimed by the District with
3 the Office of the County Recorder. The District may transmit notice of the award of
4 abatement costs and administrative citation penalties, or notice of the judgment
5 thereon arising from a collection or other legal action, to the Treasurer/Tax Collector
6 who shall place the amount thereof on the assessment role as a special assessment to
7 be paid with County taxes, unless sooner paid. The District may also recover its
8 collection costs. A judgment or award of such costs, penalties or damages may also be
9 enforced in any other manner provided by law.

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

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

15 (G) All administrative citation penalties collected by the Sheriff-
16 Coroner based upon and pursuant to the authorization of this Code, shall be deposited
17 into specific funds maintained by or on behalf of the Sheriff-Coroner exclusively for the
18 purpose of funding the enforcement of Dangerous Fireworks laws.

19 **35. Authority to Inspect, Issue Notices and Administrative Citations or Abate a**
20 **Public Nuisance.**

21 (1) The fire code official and those personnel designated by the fire code
22 official are authorized to enter, at all reasonable times, upon any property, premises,
23 enclosure, structure, vehicle or vessel within the unincorporated areas of the County
24 of San Bernardino or within any political subdivision or district that contracts with the
25 San Bernardino County Fire Protection District to determine whether the property,
26 premises, enclosure, structure, vehicle or vessel is in compliance with this Code, or
27 whether a violation of this Code has occurred or is occurring, to make any inspection
28 as may be necessary in the performance of their enforcement duties, to issue a Notice
of Correction or Notice of Violation and to issue a Stop Work Order.

1 (2) Notwithstanding the provisions of Section 36(j), pertaining to Dangerous
2 Fireworks, and the unlawful use of Safe & Sane fireworks, those personnel described
3 in this section are authorized to issue an administrative citation in conformance with
4 this code. Inspections may include the taking of photographs, samples, or other
5 physical evidence, and the making of video and/or audio recordings. All such entries
6 and inspections shall be done in a reasonable manner. If an owner, lawful occupant,
7 or the respective agent, employee, or representative thereof, refuses permission to
8 enter and/or to inspect, the District may seek an administrative inspection warrant
9 pursuant to the procedures provided by California Code of Civil Procedure Sections
10 1822.50 through 1822.59, as may be amended from time to time, or the successor
11 provisions thereto.

12 (3) In addition to the personnel described in subsection (1) of this section,
13 the following additional personnel are authorized to investigate, detain, and issue
14 administrative citations for any violation of this Code or of the provisions of any code or
15 standard adopted and incorporated by reference by this Code:

16 (A) The San Bernardino County Sheriff-Coroner and each Deputy
17 Sheriff (all ranks),

18 (B) The Director of Forestry and Fire Protection and any employee
19 designated as a peace officer by the Director pursuant the Section 4156 of the Public
20 Resources Code,

21 (C) The Chief of Police and each Police Officer of any political
22 subdivision or district that contracts with the San Bernardino County Fire Protection
23 District for fire suppression and prevention.

24 **36. Administrative Citations and Penalties – Dangerous Fireworks, and Unlawful**
25 **Use of Safe & Sane Fireworks.**

26 (a) This Section governs, and applies only to, the imposition and
27 enforcement of administrative penalties related to the storage, possession, handling,
28 sale, use, transportation, or public display of those fireworks classified as “Dangerous
Fireworks”, and the unlawful use of Safe and Sane Fireworks.

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

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

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

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

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 of this Code.

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

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

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

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

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.

(j) Only the Fire Chief, the Fire Marshal, the Deputy Fire Marshal – Community Safety Division, those personnel designated by the Fire Chief as Department Investigators, the Director of Forestry and Fire Protection and any employee designated as a peace officer by the Director pursuant the Section 4156 of the Public Resources Code, and the Sheriff-Coroner, and each Deputy Sheriff (all ranks), shall have the authority to issue Administrative Citations for violations of this section pertaining to the storage, possession, handling, sale, use, transportation, or public display of those fireworks classified as “Dangerous Fireworks” or the unlawful use of Safe and Sane fireworks.

37. Administrative Penalties – Egregious Violations.

(a) Any person who violates Section 16 relating to Stop Work Orders, Section 18 relating to tampering with notices, Section 19 relating to overcrowding, 20 relating to obstructed egress, 21 relating to unlawful open fires, and Section 22 relating to explosives and pyrotechnics or any other violation of this Code, the California Fire Code, the San Bernardino County Fire Protection District Standards and Interpretations 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:

Administrative Penalties for Egregious Violations				
Number of Occurrences in a 1-Year Period	of	Amount of Administrative Penalty	of Late Charge	Total Amount of Penalty Plus Late Charge
First		\$250.00	\$25.00	\$275.00
Second		\$350.00	\$35.00	\$385.00
Three or More		\$750.00	\$75.00	\$825.00

(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

1 overcrowded. An administration citation may be issued for three (3) counts of
2 egregious violations at \$250.00 each. An administrative citation for three (3) counts at
3 \$750.00 each shall not be issued.

4 **38. Administrative Remedies and Penalties - False and Negligent Fire Alarm**
5 **Program.**

6 (a) Any person who violates the San Bernardino County Fire Protection
7 District Standards pertaining to the False and Nuisance Fire Alarm Program may be
8 subject to the following remedies:

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

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

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

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

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

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

27 (B) If the fire code official determines that the person identified in the
28 Registration as a responder and requested pursuant to the False and Nuisance Fire
Alarms Program Standard is a runner provided for by the Fire Alarm Business and that

1 person fails to appear within one (1) hour after being notified to respond. In this event,
2 no False Fire Alarm shall be counted against the Owner.

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

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

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

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

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

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

16 (6) Notwithstanding the provisions of Sections 38(a)(1)(B), 38(a)(1)(c), and
17 38(a)(2)(B), no administrative citation shall be imposed for the first three (3) False or
18 Nuisance Fire Alarms at the same premises during each calendar year, thereafter any
19 further False or Nuisance Fire Alarms may result in the imposition of an administrative
20 penalty pursuant to this Section against the owner or the Fire Alarm Business.

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

26 (8) Administrative Penalties.

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

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

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

39. Appeal of Administrative Citations

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

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

(c) **Advance Deposit Hardship Waiver Evaluation Procedures.** The advance deposit requirement shall be stayed pending a determination by the Fire Chief, or the Fire Chief's designee, that a waiver shall not be issued. The Fire Chief, or the Fire Chief's designee, may waive the advance deposit requirement and issue a

1 waiver only if the person requesting the waiver submits to the Fire Chief's attention a
2 sworn affidavit, together with any supporting documents or materials, reasonably
3 demonstrating to the Fire Chief the person's actual financial ability to submit the
4 deposit in advance of the appeal hearing. The filing of a written request for an advance
5 deposit hardship waiver shall not extend the time limits for appealing an administrative
6 citation. The Fire Chief, or the Fire Chief's designee, shall issue a written decision
7 explaining the reason(s) for not issuing the waiver. The written decision of the Fire
8 Chief, or the Fire Chief's designee, shall be final. In the event a waiver is not issued,
9 the person intending to appeal must remit the advance deposit with a written notice of
10 appeal as herein provided.

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

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

15 (2) A brief statement of the material facts which the appellant claims
16 supports his/her contention that they did not commit, cause, or otherwise allow a
17 violation of one or more provisions of this Code to occur, exist, or continue as alleged
18 in the administrative citation at issue; or he/she is not a responsible party as defined at
19 §35(b)(9) of this Code.

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

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

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

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

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

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

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

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

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

1 (C) Provided that proper notice of the administrative hearing has been
2 served as required by this or other applicable chapters of this Code, an appellant who
3 fails to appear at the administrative hearing shall be deemed to have waived each of
4 the following: the right to such hearing, the adjudication of issues presented at the
5 hearing, and any and all rights afforded to the appellant under this Code. The
6 appellant shall also be deemed to have failed to exhaust his/her administrative
7 remedies.

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

- 11 (i) Ownership of the subject property, when applicable;
- 12 (ii) Whether a person noticed by the District as a responsible
13 party is, in fact, a responsible party;
- 14 (iii) Whether a violation of this Code occurred and/or continues
15 to occur on the date or dates specified in the administrative citation;
- 16 (iv) Whether the responsible party has committed, caused,
17 maintained, or permitted a violation of this Code on the date or dates specified on the
18 administrative citation.

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

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

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

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

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

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

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

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

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

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

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

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

19 **40. 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 **41. 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 **42. Public Nuisance Abatement for Fire Hazards.**

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

28 **43. 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 California Fire Code within 15 days after
21 the date such interpretation is rendered, or after enforcement begins. Unless an
22 imminent hazard to life or property exists, enforcement involving an appealed
23 interpretation may be suspended until a decision regarding the appeal has been
24 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 **44. 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 Department. Any expense
24 incurred by this Department for such an emergency response shall constitute a debt of
25 such person and shall be collectible by the Department in the same manner as in the
26 case of an obligation under contract, express or implied.

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45. Treble Damages.

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

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

GARY OVITT, Chairman
Board of Directors

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

LAURA H. WELCH, Secretary
to the Board of Directors

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

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 _____, 2010, 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 _____, 2010.

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: 12/3/10