

BUILDING REGULATIONS

Title 6 BUILDING REGULATIONS

DIVISION 1. DELETED

DIVISION 2. DELETED

DIVISION 3.

BUILDING REGULATIONS

Chapters:

1. Uniform Building Code and Appendix, Thereof, Uniform Building Code Standards and Uniform Administrative Code.
2. National Electrical Code.
3. Uniform Plumbing Code.
4. Uniform Mechanical Code.
5. Uniform Code for Solar Energy Installations.
6. Building and Property Rehabilitation.
7. Posting of Street Numbers.
8. General Provisions for Uniform Codes.
9. Mountain Fire Zone.
10. Projects On or Adjacent to Landslide Areas.
11. Disaster Reconstruction.

Chapter 1

UNIFORM BUILDING CODE AND APPENDIX, THEREOF, UNIFORM BUILDING CODE STANDARDS AND UNIFORM ADMINISTRATIVE CODE

Sections:

- 63.011 Adoption of the 1991 Edition of the Uniform Building Code, and Appendix Thereof; the 1991 Edition of Uniform Building Code Standards; the 1991 Edition of Uniform Administrative Code; and the 1991 Edition of the Uniform Code for Building Conservation and Appendix Chapter I Thereof.
- 63.012 Changes in the Codes.
- 63.013 Relocation Permits.
- 63.014 Deadline for On-Site and/or Off-Site Improvements.
- 63.011 Adoption of the 1991 Edition of the Uniform Building Code, and Appendix Thereof; the 1991 Edition of Uniform Building Code Standards; the 1991 Edition of Uniform Administrative Code; and the 1991 Edition of the Uniform Code for Building Conservation and Appendix Chapter 1 Thereof.**

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A copy of the Code of Rules and Regulations known as the 1991 Edition of Uniform Building Code, and the Appendix thereof; the 1991 Edition of Uniform Building Code Standards; the Uniform Administrative Code, 1991 Edition; and the Uniform Code for Building Conservation and Appendix Chapter I thereof, 1991 Edition, all prepared and published by the International Conference of Building Officials, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, are hereby designated and adopted by reference as the Building Code, the Building Code Standards, the Administrative Code and the Code for Building Conservation, for the unincorporated area of the County of San Bernardino, State of California.

Amended Ordinance #1234 (1965); Amended Ordinance #1644 (1971); Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992); Amended Ordinance #3627 (1995);

63.012 Changes in the Codes.

(a) The following changes are hereby made to the Uniform Building Code, 1991 Edition, as published by the International Conference of Building Officials.

(1) CHAPTERS 1, 2 AND 3 ARE DELETED.

(b) The following changes are hereby made to the Appendix of the Uniform Building Code, 1991 Edition, as published by the international Conference of Building Officials.

(1) APPENDIX CHAPTER 11 IS DELETED.

(2) APPENDIX CHAPTER 12 IS DELETED.

(3) APPENDIX CHAPTER 51 IS DELETED.

(4) APPENDIX CHAPTER 53 IS DELETED.

(c) The following changes are hereby made to the Uniform Administrative Code, 1991 Edition, as published by the International Conference of Building Officials.

(1) BOARD OF APPEAL. Section 204 of the Uniform Administrative Code is hereby superseded and replaced as follows:

(A) BOARD OF APPEAL ESTABLISHED. In order to determine the suitability of alternate materials and methods of construction, to provide for reasonable interpretations of this article and to conduct hearings pursuant to the technical codes of this article, there is hereby established the County of San Bernardino Board of Appeal. The Board of Appeal shall be appointed by the Board of Supervisors. The members shall be appointed for terms of four (4) years ending January 31. All members of the Board of Appeal may be removed at the pleasure of the Board of Supervisors. The members shall be reimbursed as provided by County Code § 13.0618.

(I) MEMBERSHIP. The Board of Appeal shall consist of members who are qualified by experience and training to review and reach decisions on matters pertaining to building construction and building service equipment. The board shall include seven (7) regular members, consisting of one (1) public member and the following individuals, licensed, registered or certified, as applicable by the State of California: one (1) architect, one (1) building contractor, one (1) mechanical contractor, one (I) electrical

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contractor, one (I) plumbing contractor and one (1) structural engineer. The Director of Building and Safety shall be an ex officio member and shall act as secretary of the board.

(II) **RESPONSIBILITIES AND AUTHORITY.** The Board of Appeal shall function as the "local appeal board" and the "housing appeal board" specified in §§ 17920.5 and 17920.6, respectively, of Division 13, Part 1.5 of the California Health and Safety Code. The authority of the board shall consist of the ability to consider appeals filed pursuant to this title; make reasonable interpretations of this title and the technical codes, as well as the suitability of alternate materials and methods of construction; review proposed ordinances and report their effect on the construction industry to the San Bernardino County Board of Supervisors, and conduct hearings on unsafe buildings pursuant to Chapter 6 of Division 3 of Title 6 of the San Bernardino County Code, Building and Property Rehabilitation, beginning with § 63.061, and on unsafe land surface conditions pursuant to Chapter 2 of Division 8 of Title 6 of the San Bernardino County Code, Abatement of Unsafe Land Surface Conditions, beginning with §63.021. All decisions of the board shall be rendered in writing.

(B) **PHYSICALLY DISABLED ACCESS APPEAL BOARD ESTABLISHED.** For the purpose of considering appeals to the standards of Title 24 of the California Code of Regulations (known as the California Building Code) regarding accommodations for the physically disabled, there is hereby established the County of San Bernardino Physically Disabled Access Appeal Board. The Physically Disabled Access Appeal Board shall be appointed by the Board of Supervisors and shall hold office at the pleasure of the Board of Supervisors. The members shall be reimbursed as provided by San Bernardino County Code § 13.0618.

(I) **MEMBERSHIP.** The Physically Disabled Access Appeal Board shall consist of five (5) members, including two (2) members who shall be physically disabled as defined in Section 2-417, Title 24, Part 2 of the California Code of Regulations, as well as the public member, the architect and building contractor who have also been appointed as members of the Board of Appeal pursuant to subsection (A) of this section. The Director of Building and Safety shall be an ex officio member and shall act as secretary of the board.

(II) **RESPONSIBILITIES AND AUTHORITY.** The Physically Disabled Access Appeal Board shall serve as the "local appeal board" specified in § 19957.5 of the California Health and Safety Code in appeals relating to accommodations for the physically disabled. The board shall adopt reasonable rules and regulations for conducting its investigations and deliberations. The authority of the board shall consist of the ability to consider appeals filed pursuant to this title relating to requirements for physically disabled access and authorize reasonable alternatives to physically disabled access requirements imposed by Title 24 of the California Code of Regulations. All decisions of the board shall be rendered in writing.

(2) **APPEAL PROCEDURE.** Decisions of the Director of the Building and Safety Department pursuant to this title, may be appealed by any applicant to the County of San Bernardino Board of Appeal as provided by this section. Decisions and actions of the Director of Building and Safety regarding the enforcement of the requirements of Division 13, Part 5.5 beginning with § 19955 of the California Health and Safety Code may be appealed by any person to the Physically Disabled Access Appeal Board as provided by this section.

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(A) **TIMING AND FORM OF APPEAL.** An appeal shall be written and filed with the secretary of the Board of Appeal, or Physically Disabled Access Appeal Board (as applicable) within thirty (30) days of the decision that is the subject of the appeal. The appeal shall use the form provided by the Director of Building and Safety in addition to any other supporting materials the appellant may wish to furnish, setting forth the reasons for the appeal.

(B) **HEARING AND DECISION.** The secretary shall set the time and place for a hearing on the appeal by the board, and shall provide the applicant with notice of the time and place of the hearing by mailing such notice, postage prepaid, to the address provided by the applicant in the letter of appeal, at least ten (10) days before the hearing date. The decision of the Board of Appeal or Physically Disabled Access Appeal Board shall be final.

(c) The following changes are made to Appendix Chapter I of the Uniform Code for Building Conservation. Subsections (c), (d) and (e) are added to Section 111, to read as follows:

Section A111.

(c) **Compliance Requirements.**

(1) The owner of each building within the scope of this chapter shall, upon service of an order and within the time limits set forth in this chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this chapter, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

(2) The owner of a building within the scope of this chapter shall comply with the requirements set forth above by submitting to the Department of Building and Safety for review within the stated time limits:

(A) Within two hundred seventy (270) days after service of the order, a structural analysis, which is subject to approval by the Department of Building and Safety and which shall demonstrate that the building meets the minimum requirements of this chapter; or

(B) Within two hundred seventy (270) days after service of the order, the structural analysis and plans for structural alteration of the building to comply with this chapter; or

(C) Within one hundred twenty (120) days after service of the order, plans for the installation of wall anchors in accordance with the requirements specified in Section A110; or

(D) Within two hundred seventy (270) days after service of the order, plans for the demolition of the building.

(3) After plans are submitted and approved by the Department of Building and Safety, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A-I-G. These time limits shall begin to run from the date the order is served in accordance with Section 11 I(c)(2), except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

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(4) Owners who elect to comply with item (2)(C) of this subsection are also required to comply with item (2)(B) or (2)(D) of this subsection provided, however, that the 270-day period provided for in item (2)(B) or (2)(D) and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table No. A-1-G shall be extended in accordance with Table No. A-1-H. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A111(c)(2), except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

(d) Historical Buildings. Alterations or repairs to qualified historical buildings, as defined by § 18955 of the Health and Safety Code of the State of California and as regulated by §§ 18950 to 18961 of that code, as designated on official national, state or local historical registers or inventories, shall comply with the State Historical Building Code (California Code of Regulations, Title 24, Building Standards, Part 8), in addition to this chapter.

(e) Administration.

(1) Order -- service.

(A) The San Bernardino County Department of Building and Safety shall, in accordance with the priorities set forth in Table No. A-1-H, issue an order as provided in this section to the owner of each building within the scope of this chapter.

(B) Prior to the service of an order as set forth in Table No. A-1-H, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge. The bulletin may contain information the Department of Building and Safety deems appropriate. The bulletin may be issued by mail or in person.

(2) Order -- priority of service. Priorities for the service of the order for buildings within the scope of this chapter shall be in accordance with the rating classification as shown on Table No. A-1-H. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the owner as shown on Table No. A-1-H shall be measured from the effective date of this chapter. The Department of Building and Safety may, upon receipt of a written request from the owner, order such owner to bring this building into compliance with this chapter prior to the normal service date for such building set forth in this chapter.

(3) Order -- contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Department of Building and Safety to be within the scope of this chapter and therefore, is required to meet the minimum seismic standards of this chapter. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section A111(c), which sets forth the owner's alternatives and time limits for compliance.

(4) Appeal from order. The owner of the building may appeal the Department of Building and Safety's initial determination that the building is within the scope of this chapter to the Board of Appeal established by § 63.012 of the County Code. Such appeal shall be filed with the Board within sixty (60) days from the service date of the order described in Section A1 1 I(e)(3). Any such appeal shall be decided by the Board no later than ninety (90) days after writing and the grounds thereof shall be stated clearly and

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concisely. Appeals or requests for modifications from any other determinations, orders or actions by the Department of Building and Safety pursuant to this chapter shall be made in accordance with the procedures established in §§ 105 and 106 of the Building Code.

(5) Recordation. At the time that the Department of Building and Safety serves the aforementioned order, the Department of Building and Safety shall also file with the Office of the County Recorder a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this chapter has not been demonstrated.

If the building is either demolished, found not to be within the scope of this chapter or is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the Department of Building and Safety shall file with the Office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this chapter.

(6) Enforcement. If the owner or person, if any, in apparent charge or control of the subject building fails to comply with any order issued by the Department of Building and Safety pursuant to this chapter within any of the time limits set forth in Section A111(c), the Department of Building and Safety shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the Department of Building and Safety shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within ninety (90) days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeal, the Department of Building and Safety may order its demolition in accordance with the provisions of Section 203 of the Building Code obtaining a building permit and to complete structural alterations or building demolition set forth in Table No. A-1-G shall be extended in accordance with Table No. A-1-H. Each such extended time limit shall begin to run from the date the order is served in accordance with Section A111(c)(2), except that the time limit to commence structural alterations or demolition shall begin to run from the date the building permit is issued.

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TABLE NO. A-1-G -- TIME LIMITS FOR COMPLIANCE

Required Action By Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within	
Structural Alterations or Wall Anchors	1 year ² 180 days ²	180 days ¹ Building 270 days ²	3 years ² 1 year ²	Demolition

¹Measured from date of building permit issuance.

²Measured from date of service of order.

TABLE NO. A-1-H -- EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods For Service of Order
I (Highest Priority)	N/A	N/A	N/A
II	100 or more	1 year	180 days
III-A	100 or more	1 year	1 year
III-B	More than 50 but Less than 100	1 year	2 years
III-C	More than 19 but Less than 51	1 year	3 years
IV (Lowest Priority)	Less than 20	1 year	4 years

Amended Ordinance #1234 (1965); Amended Ordinance #1644 (1971); Amended Ordinance #1659 (1971); Amended Ordinance #1675 (1971); Amended Ordinance #1739 (1972); Amended Ordinance #1741 (1972); Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2674 (1982); Amended Ordinance #2815 (1983); Amended

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Ordinance #3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992); Amended Ordinance #3627 (1995);

63.013 Relocation Permits.

(a) **RELOCATION BUILDING PERMIT REQUIRED.** A person shall not move onto any premises, other than a commercial storage yard authorized for such use, any building or structure, except a contractor's tool house, construction building or similar structure which is moved as construction requires, until he or she first secures a relocation building permit as hereinafter provided.

(b) **APPLICATION.** Applicants for relocation permits shall submit photographs of at least two (2) separate elevations, one of which shall be the front, and a certificate from a pest control agency or operator licensed under the Structural Pest Control Act of California, showing freedom from termite infestation, for each building or structure to be moved, when application for a relocation permit is filed.

(c) **INSPECTION FEE.** The applicant shall pay an inspection fee upon application for a permit to move a building or structure in accordance with Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code. There shall be no inspection or inspection fee on a building or structure to be moved out of the County of San Bernardino.

(d) **BUILDING AND RELOCATION SITE INSPECTION REPORT.** Upon receipt of an application for a permit to relocate a building or structure and receipt of payment of the prescribed inspection fee, the Director of Building and Safety shall inspect the building or structure to be moved and the proposed relocation site, and prepare a written report which shall be forwarded to the applicant. This report shall contain the approval or disapproval of the Director of Building and Safety and, if approved for moving, shall contain the requirements necessary to make the building or structure conform to the requirements of the San Bernardino County Code for new buildings and any additional requirements necessary to assure that such relocation shall not have detrimental effect by size, design, or age on the living environment and property values in the area into which the building or structure is to be moved.

(e) **REPORT VALIDITY.** Additional corrections may be added to the report whenever the structure has been vandalized, damaged during transportation, or altered in any manner after the on-site inspection. Otherwise, the inspection report shall remain valid for a period of ninety (90) days after the building or structure has been inspected. At the end of such time, if the building or structure has not been relocated, a new report and inspection fee will be required.

(f) **CHANGES.** The applicant shall make all required changes within one hundred eighty (180) days and shall agree in writing to do so. This time limitation may be extended by the Director of Building and Safety upon receipt of evidence of just and proper cause; provided, however, that no such extension shall be granted when, in his or her judgment, such an extension would be detrimental to the public welfare for any cause or reason.

(g) **DECLARATION OF PUBLIC NUISANCE.** When any relocated building or structure or portion thereof remains unfinished or unfit for occupancy after expiration of the time limit herein specified, any and all permits pertaining thereto shall expire by limitation and such building or structure or portion thereof is hereby declared a public nuisance and shall be abated as provided for abatement of public nuisances in Chapter 6 of Division 3 of Title 6 of the San Bernardino County Code, beginning with § 63.061.

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Amended Ordinance #1234 (1965); Amended Ordinance #1403 (1968); Amended Ordinance #1644 (1971); Amended Ordinance #1708 (1972); Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992); Amended Ordinance #3627 (1995);

63.014 Deadline for On-Site and/or Off-Site Improvements.

On-site and/or off-site improvements required by the terms of Title 8 of the San Bernardino County Code or Community Plan must be completed and approved prior to occupancy or prior to connection of utilities. A cash deposit may be submitted in lieu of on-site improvements.

Amended Ordinance #1234 (1965); Amended Ordinance #1644 (1971); Amended Ordinance #1928 (1974); Amended Ordinance #1930 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992); Amended Ordinance #3627 (1995);

Chapter 2

NATIONAL ELECTRICAL CODE

Sections:

63.021

Adoption of the 1990 Edition of the National Electrical Code.

63.021 Adoption of the 1990 Edition of the National Electrical Code.

A copy of the National Electrical Code, 1990 Edition, prepared and published by the National Fire Protection Association having been filed in the Office of the Clerk of the Board of Supervisors of San Bernardino County, is hereby designated and adopted by reference as the Electrical Code for the unincorporated areas of the County of San Bernardino, State of California. In addition to those conditions set forth in this chapter, the provisions of the Uniform Administrative Code, as adopted in Chapter 1, Division 3, Title 6 of the San Bernardino County Code, are hereby made part of this chapter, to have the same effect as if fully set forth in this chapter.

Amended Ordinance #1644 (1971); Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance

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#2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3627 (1995);

Chapter 3

UNIFORM PLUMBING CODE

Sections:

- 63.031 Adoption of the 1991 Edition of the Uniform Plumbing Code.
- 63.032 Changes in Code.
- 63.033 Adoption of Code Appendix.
- 63.034 Changes in Appendix.
- 63.035 Adoption of Installation Standards.

63.031 Adoption of the 1991 Edition of the Uniform Plumbing Code.

A copy of the Code of Rules and Regulations known as the Uniform Plumbing Code 1991 Edition, prepared and published by the International Association of Plumbing and Mechanical Officials, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Plumbing Code for the unincorporated area of the County of San Bernardino, State of California. In addition to those conditions set forth in this chapter, the provisions of the Uniform Administrative Code as adopted in Chapter 1, Division 3, Title 6, are hereby made a part of this chapter, to have the same effect as if fully set forth in this chapter.

Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992); Amended Ordinance #3627 (1995);

63.032 Changes in Code.

(a) The following changes are hereby made to the 1991 Edition of the Uniform Plumbing Code as prepared and published by the International Association of Plumbing and Mechanical Officials.

(1) PART ONE IS DELETED.

(2) ADD A NEW DEFINITION TO SECTION 114 TO READ AS FOLLOWS:

"Mountain Areas" means those areas included within the boundaries of the San Bernardino National Forest and the Angeles National Forest.

(3) SECTION 1101(d) IS AMENDED TO READ:

"(d) The public sewer may be considered as not being available when such public sewer or any building or any exterior drainage facility connected thereto, is located more than two hundred (200) feet (60.8 m) from any proposed building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

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Any structure within the Chino Sphere Planning Area or within the Montclair Sphere Planning Area required to have a building sewer pursuant to the Uniform Plumbing Code shall connect to an available public sanitary sewerage system, owned and operated by a public sewage collection treatment facility, prior to receiving final building inspection or occupancy approval. The public sewer shall be considered as available when such public sewer is located one (1) mile or less from any lot on which the structure is located. This subsection shall not apply to single family residences on lots one (1) acre (net) or more in area."

Amended Ordinance #1644 (1971); Amended Ordinance #1659 (1972); Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3456 (1991); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992); Amended Ordinance #3627 (1995);

63.033 Adoption of Code Appendix,

Appendices A, B, C, G, H and I of the Uniform Plumbing Code, 1991 Edition, are hereby adopted as an effective and working part of this Code.

Amended Ordinance #1644 (1971); Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992); Amended Ordinance #3627 (1995);

63.034 Changes in Appendix.

(a) APPENDIX G IS AMENDED TO READ:

"Appendix G -- Swimming Pools.

G-1. When it is not possible or practical to dispose of waste water, *i.e.*, periodic emptying, as set forth by methods specified in this section, the contents of such pool shall be tank-trucked to a disposal site approved by the Health Officer or his authorized representative.

The discharging of swimming pool waste water onto a public street or right-of-way shall be prohibited.

G-2. Except as provided in G-3, when a public sewer or storm drain of adequate capacity is available for use, swimming pool waste water shall be discharged therein and permission shall be obtained in writing from the proper authority to do so. A copy of such permission stating the maximum size of the waste line between the receptor and the sewer, and other specific requirements, shall accompany any applications for a permit made to the Director of Building and Safety.

G-3. Where space and conditions are such that no hazard, nuisance or unsanitary condition is evidenced, swimming pool waste water may be used for irrigation by surface or subsurface spreading.

G-4. When no other means of waste water disposal is available, a drywell may be installed. Each such drywell shall be constructed in the manner prescribed for cesspools in Appendix I of this Plumbing Code, and drywells receiving only filter backwash shall have a capacity of at least twice the amount of effluent discharged during one (1) normal

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backwash operation, but shall in no case have less than a five (5) foot (1.5 m) vertical sidewall. When pool emptying or other drains are proposed, the size and leaching capacity of such drywell shall be proportionately increased to the satisfaction of the Director of Building and Safety. No waste water other than that from the swimming pool shall discharge into any such drywell and no waste water from any swimming pool shall discharge into a private sewage disposal system.

G-5. No direct connection shall be made between any storm drain, sewer, drainage system, drywell or subsoil irrigation line and any line connected to a swimming pool.

G-6. Waste water from any filter, scum gutter overflow, pool emptying line or similar apparatus or appurtenance shall discharge into an approved type receptor. The flood level rim of each such receptor shall be at least six (6) inches (152.4 mm) above the flood level of the adjacent ground. Each such receptor, when permitted to be connected to any part of a drainage system, shall be provided with a three (3) inch (76.2 mm) trap.

G-7. Except as provided in G-8, the discharge outlet terminal from any pool or filter shall be protected from backflow by an air gap at least six (6) inches (152.4 mm) above the flood rim of the receptor.

G-8. No scum gutter drain, overflow drain, backwash discharge drain, or pool emptying line shall enter any receptor below the rim unless the pool piping at its deepest point, the bottom of the filters, and the bottom of the scum gutter drain trough or overflow inlets are at least six (6) inches (152.4 mm) above the overflow rim of the receptor.

G-9. A positive point of potable water supply to each swimming pool shall be established and shall be installed as required by Chapter 10 of the Uniform Plumbing Code.

G-10. Plans for other than private swimming pools shall be approved by the Health Officer before any supply or waste discharge permit is issued.

Note: The foregoing applies only to outdoor swimming, bathing, or wading pools. Plans and specifications for all indoor installations shall be submitted to the Director of Building and Safety for approval prior to the commencement of any work, and all piping, equipment and construction shall be equal to the types prescribed in the Installation Requirements of this Code for indoor work.

(b) APPENDIX 1 IS AMENDED BY ADDING A NEW SUBSECTION 17(J) TO READ AS FOLLOWS:

"(j) installation of seepage pits in mountain areas as defined in this code is prohibited."

Table I-1 of Appendix I is amended by changing the distance between water supply wells and septic tanks to "100 feet."

Table I-1 of Appendix I is amended by changing the distance between streams and disposal fields to "100 feet."

Table I-1 of Appendix I is amended by adding a footnote 8 to read as follows:

"8. The minimum horizontal distance from the disposal field of a sewage disposal system discharging 5,000 gallons per day or more to a water supply well is 200 feet."

Table I-1 of Appendix I is amended by adding a footnote 9 to read as follows:

"9. The minimum horizontal distance from the disposal field of a sewage disposal system to the Colorado and Mojave rivers is 200 feet."

Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance

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#3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992); Amended Ordinance #3627 (1995);

63.035 Adoption of Installation Standards.

The Installation Standards of the Uniform Plumbing Code, 1991 Edition, are hereby adopted as a part of said Uniform Plumbing Code.

Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992); Amended Ordinance #3627 (1995);

Chapter 4

UNIFORM MECHANICAL CODE

Sections:

- 63.041 Adoption of the 1991 Edition of the Uniform Mechanical Code.
- 63.042 Changes in Code.
- 63.043 Adoption of Code Appendix.

63.041 Adoption of the 1991 Edition of the Uniform Mechanical Code.

A copy of the Code of Rules and Regulations known as the Uniform Mechanical Code, 1991 Edition, prepared and published by the International Conference of Building Officials, and the International Association of Plumbing and Mechanical Officials, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Mechanical Code for the unincorporated areas of the County of San Bernardino, State of California. In addition to those conditions set forth in this chapter, the provisions of the Uniform Administrative Code, as adopted in Chapter 1, Division 3, Title 6, are hereby made a part of this Chapter, to have the same effect as if fully set forth in this Chapter.

Amended Ordinance #1644 (1971); Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance 2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992);

63.042 Changes in Code.

(a) The following changes are hereby made to the 1991 Edition of the Uniform Mechanical Code as prepared and published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

UNIFORM MECHANICAL CODE

(1) CHAPTERS I, 2 AND 3 ARE DELETED.

(2) SECTION 301(b) IS AMENDED BY ADDING ITEM 6 TO READ AS FOLLOWS:

"6. Installation, repair or replacement of controls to each heating appliance, heating, ventilation, air conditioning, or refrigeration system installed by a recognized incorporated public utility for use of such corporation in the distribution, generation, transmission, or metering of gas or for temporary testing equipment."

Amended Ordinance #1644 (1971); Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance 2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992);

63.043 Adoption of Code Appendix.

Appendices A and C of the Uniform Mechanical Code, 1991 Edition, are hereby adopted as an effective and working part of this code.

Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance 2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3462 (1991); Amended Ordinance #3517 (1992);

Chapter 5

UNIFORM SOLAR ENERGY CODE

Sections:

63.051 Adoption of the 1991 Edition of the Uniform Solar Energy Code.

63.051 Adoption of the 1991 Edition of the Uniform Solar Energy Code.

A copy of the Code of Rules and Regulations known as the Uniform Solar Energy Code, 1991 Edition, prepared and published by the Association of Plumbing and Mechanical Officials, having been filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino, is hereby designated and adopted by reference as the Code for the Design and Installation of Solar Energy Systems for the unincorporated area of the County of San Bernardino, State of California. In addition to those conditions set forth in this chapter, the provisions of the Uniform Administrative Code, as adopted in Chapter I, Division 3, Title 6 of the San Bernardino County Code, are hereby made a part of this chapter, to have the same effect as if fully set forth in this chapter.

Amended Ordinance #1644 (1971); Amended Ordinance #1928 (1974); Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3627 (1995);

UNIFORM SOLAR ENERGY CODE

Chapter 6

BUILDING AND PROPERTY REHABILITATION

Sections:

- 63.061 Scope.
- 63.062 Definitions.
- 63.063 Substandard Conditions.
- 63.064 Substandard Property.
- 63.065 Unsafe Conditions.
- 63.066 Determination by Department of Building and Safety.
- 63.067 Notice of Defects.
- 63.068 Service of Notice of Defects.
- 63.069 Proof of Service.
- 63.0610 Posting of Signs.
- 63.0611 Notice of Pendency.
- 63.0612 Public Hearing and Board of Appeal.
- 63.0613 Determination and Finding.
- 63.0614 Work by County.
- 63.0615 Emergency Procedure.
- 63.0616 Notification to Board of Supervisors.
- 63.0617 Costs.
- 63.0618 Collection.
- 63.0619 Salvage.
- 63.0620 Interference Prohibited.
- 63.0621 Penalty.
- 63.0622 Other Abatement Procedures.

63.061 Scope.

(a) General. The provisions of this chapter shall apply to all substandard or unsafe buildings and substandard property.

(b) Existing Buildings. Occupancies in existing buildings may be continued as provided in Section 104 of the Uniform Administrative Code and the Uniform Code for Building Conservation except in such structures as are found to be substandard or unsafe as defined in this chapter and ordered vacated.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.062 Definitions.

(a) CODE shall mean the San Bernardino County Code and those provisions of the Uniform Building Code, the Uniform Administrative Code, the Uniform Code for Building Conservation, the Uniform Plumbing Code, the Uniform Mechanical Code and the National Electrical Code adopted by reference in this Code.

BUILDING AND PROPERTY REHABILITATION

(b) DIRECTOR shall mean, unless otherwise stated, the Director of the Department of Building and Safety of the County of San Bernardino.

(c) SUBSTANDARD BUILDING or SUBSTANDARD STRUCTURE shall mean any building or structure which is unfit for human use or occupancy or which constitutes a hazard to persons or property due to any one or number of conditions described in § 63.063 of this chapter.

(d) SUBSTANDARD PROPERTY shall mean any building, grounds or premises which is detrimental to the public welfare due to any one or number of conditions described in § 63.064 of this chapter.

(e) UNSAFE BUILDING or UNSAFE STRUCTURE shall mean any building or structure as defined in Section 203 of the Uniform Administrative Code or in § 63.065 of this chapter.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.063 Substandard Conditions.

Substandard building conditions shall include, but are not limited to, the following:

(a) INADEQUATE SANITATION:

- (1) Lack of hot and cold running water to plumbing fixtures in a hotel or dwelling unit;
- (2) Lack of the minimum amounts of natural light and ventilation required by this code;
- (3) Room and space dimensions less than required by this code;
- (4) Dampness of habitable rooms;
- (5) Violation of any applicable provision of this code as determined and reported to the Director by the San Bernardino County Department of Environmental Health Services.

(b) STRUCTURAL HAZARDS:

- (1) Deteriorated or inadequate foundations
- (2) Defective, deteriorated or inadequate size flooring and/or floor supports;
- (3) Defective, deteriorated or inadequate size members of walls, partitions or other vertical supports;
- (4) Defective, deteriorated or inadequate size ceiling, roof, or other horizontal supports;
- (5) Defective, damaged or inadequately constructed fireplace or chimney.

(c) INADEQUATE OR HAZARDOUS WIRING:

- (1) Lack of required electrical lighting or convenience outlets. In existing residential occupancies, every habitable room is required to contain at least two (2) supplied electric convenience outlets or one (1) such convenience outlet and one (1) supplied electric fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway in such occupancies are required to contain at least one (1) supplied electric fixture;
- (2) All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

(d) INADEQUATE OR FAULTY PLUMBING:

- (1) Lack of plumbing fixtures required elsewhere in this code;

BUILDING AND PROPERTY REHABILITATION

(2) All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connection.

(e) **INADEQUATE OR FAULTY MECHANICAL EQUIPMENT;**

(1) Lack of safe, adequate heating facilities in a dwelling, apartment house or hotel;

(2) Lack of, or improper operation of, required ventilating equipment;

(3) All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

(f) **FAULTY WEATHER PROTECTION;**

(1) Lack of a sound and effective roof covering;

(2) Lack of a sound and effective exterior wall covering;

(3) Broken windows and doors;

(4) Deteriorated or ineffective waterproofing of foundation walls or floor.

(g) **FAULTY MATERIALS OF CONSTRUCTION.** Any material of construction except those which are allowed or approved by this code and which have been adequately maintained in good and safe condition.

(h) **UNSAFE BUILDING.** Any building or portion thereof which is determined to be an unsafe building as defined in this chapter.

(i) **ABANDONED BUILDINGS.** Buildings which are abandoned, boarded up, partially destroyed, or left in a state of partial construction for an unreasonable length of time.

(j) **INADEQUATE EXITS.** All building or portions thereof not provided with exit facilities as required by this code except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and provide adequate safe exits for the building occupants.

(k) **FIRE HAZARD.** Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.

(l) **INADEQUATE FIRE PROTECTION OR FIRE-FIGHTING EQUIPMENT.** All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing system or equipment required by this code, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems and equipment provide adequate fire safety.

(m) **IMPROPER OCCUPANCY.** All buildings or portions thereof occupied or used for any purpose for which they were not designed or intended to be used.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.064 Substandard Property.

Buildings, grounds, or premises maintained in such a manner that any one or more of the following conditions are found to exist, shall constitute substandard property:

(a) Substandard buildings or structures;

(b) Unpainted buildings causing dry rot, warping, splitting, or termite infestation;

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(c) Broken windows and doors constituting hazardous conditions and inviting trespassers and malicious mischief;

(d) Overgrown trees and other vegetation.

(1) Dangerous to public safety and welfare; or

(2) Causing detriment to neighboring properties and property values.

(e) Dead trees, weeds and debris:

(1) Dangerous to public safety and welfare; or

(2) Detrimental to nearby property or property values.

(f) Attractive nuisances dangerous to children in the form of, but not limited

(1) Abandoned and broken equipment; or

(2) Hazardous pools, ponds and excavations; or

(3) Neglected machinery, broken or discarded furniture and household equipment, stoves, refrigerators, freezers, cans, packing boxes and similar debris.

(g) Neglect of premises causing detrimental effect upon nearby property or property values.

(h) Maintenance of premises in such condition as to be detrimental to the public health, safety or general welfare, and in such a manner as to constitute a public nuisance.

(i) Property including, but not limited to, building exteriors which are maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes appreciable diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements. This includes, but is not limited to, the keeping or disposing of or the scattering over the property or premises of any of the following:

(1) Lumber, junk, trash or debris;

(2) Abandoned, discarded or unused objects or equipment such as automobiles, trailers, campers, boats, bus bodies, and similar objects or equipment.

(j) Any wall, fence or hedge in such condition as to constitute a hazard to persons or property or to cause depreciation in the value of any adjacent or nearby property.

(k) Any premises upon which there exists or is conducted, maintained, or permitted any public nuisance known at common law or in equity jurisprudence, including, but not being limited to, abandoned or unused wells, shafts, basements, excavations or foundations.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.065 Unsafe Conditions.

For the purpose of this chapter, any building or structure which has any or all of the following defects shall be deemed an unsafe building or structure:

(a) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1 1/2) times the working stress or stresses allowed in this code, for new buildings of similar structure, purpose or location;

(b) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of this code, for new buildings of similar structure, purpose, or location;

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(c) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;

(d) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in this code for new buildings of similar structure, purpose or location, without exceeding the working stresses permitted in this code, for such buildings;

(e) Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;

(f) Whenever the building or structure, or any portion thereof, because of

(1) dilapidation, deterioration, or decay,

(2) faulty construction,

(3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building,

(4) the deterioration, decay or inadequacy of its foundation, or

(5) any other cause is likely to partially or completely collapse;

(g) Whenever, for any reason, the building or structure or any portion thereof, is manifestly unsafe for the purpose for which it is being used;

(h) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base;

(i) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;

(j) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty percent (50%), or in any supporting part, member, or portion less than sixty-six percent (66%) of the

(1) strength,

(2) fire-resisting qualities or characteristics, or

(3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.066 Determination by Department of Building and Safety.

Whenever the Director determines by inspection that any existing building or structure or portion thereof is unsafe, dilapidated, deteriorated, unmaintained and substandard as defined in this chapter, or any lot or other premises is unsafe, or is dilapidated, deteriorated, unmaintained and substandard as defined in this chapter, such structure or premises or both are hereby declared to be a public nuisance and the Director shall order the abatement of the nuisance by demolition, repair, or rehabilitation.

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Adopted Ordinance #1702 (1972); Amended Ordinance #2001 (1975); Amended Ordinance #3462 (1991);

63.067 Notice of Defects.

The director shall give written "Notice of Defects" to all owners of record and any tenants in event possession thereof, stating the defects thereof. This "Notice of Defects" may require the owner or person in charge of the building or premises, within ten (10) days to file a request for a hearing in the manner described herein, or to commence either the required repairs or improvements, or demolition and removal of the building or structure or portion thereof, and elimination of the conditions which cause the property to be unsafe, or substandard. If a hearing is requested and held and the decision of the Board of Appeal is that repair, improvement, removal, or demolition is required, such work shall commence within forty-eight (48) hours after a copy of the Board of Appeal's order has been delivered to the applicant requesting the hearing, or has reached the address given by the applicant for hearing, or if no hearing is requested, within ten (10) days from receipt of the original notice mentioned above, or if such notice is by posting, within ten (10) days following the date of posting. In either case, all required work shall be completed within thirty (30) days from receipt of said notice or copy of the Board of Appeal's order, whichever is later, unless otherwise ordered by the Board of Appeal or extended by the director. Such notice may also require the building or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the director.

The word "demolition" as used in this chapter shall include removal of the resulting debris from such demolition, the back-filling of the sewage disposal system, if any, and the protection of excavations such as basements, cellars, swimming pools, shafts, or wells, by filling or suitably fencing or capping.

Whenever a structure or portion thereof is determined to be in an unsafe condition or in an unoccupied, vandalized and damaged condition, the director may request that service of combustible fuel and electricity be disconnected by the respective serving utilities, and the serving utilities shall perform such disconnect within the time limit set forth in the request and shall not reestablish service until so authorized by the director.

Adopted Ordinance #1702 (1972); Amended Ordinance #2001 (1975); Amended Ordinance #3462 (1991);

63.068 Service of Notice of Defects.

The Notice and Order, and any amended or supplemental notice and order, shall be served upon the recorded owner, and one (1) copy thereof shall be served on each of the following if known to the director or disclosed from official public records:

- (a) the holder of any mortgage or deed of trust or other lien or encumbrance of record;
- (b) the owner or holder of any lease of record; and
- (c) the holder of any other estate or legal interest of record in or to the building or the land.

As used in this paragraph, all reference to "record" means matter of record in the Office of the Recorder of San Bernardino County which definitely and specifically describes the

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premises involved. The failure of the director to serve any person, required herein to be served, shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such duly served person from any duty or obligation imposed by the provisions of this section.

Service of the Notice and Order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his or her address as it appears on the last equalized assessment role of the County or as known to the director. If no address of any such person so appears or is known to the director, then a copy of the Notice and Order shall be so mailed, addressed to such person, at the address of the property involved in the proceedings, or posted on the building or premises involved.

A title search may be conducted by or for the director to determine the proper person or persons to whom the original Notice of Defects should be sent.

Adopted Ordinance #1702 (1972); Amended Ordinance #2001 (1975); Amended Ordinance #3462 (1991);

63.069 Proof of Service.

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the director.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0610 Posting of Signs.

The director may cause to be posted at each building, a notice to read:

DO NOT ENTER.
UNSAFE TO OCCUPY.
Building and Safety Department
County of San Bernardino

Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be moved without written permission of the director and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0611 Notice of Pendency.

Notice of Pendency of the Administrative Proceeding may be recorded in the Office of the Recorder of the County of San Bernardino as provided by law and shall constitute

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notice to any subsequent purchaser or encumbrancer of property involved in said proceeding, and he or she shall be bound by the proceeding herein described in the same manner as if he or she had been the owner at the time of commencement of the proceeding and had been properly served at that time.

After all required work has been completed and approved, the director shall record in the Office of the County Recorder a document terminating the above notice.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0612 Public Hearing and Board of Appeal.

(a) PUBLIC HEARING. Original notice as provided in §63.068 shall also state application may be made within thirty (30) days of notification, for a hearing before the Board of Appeal to determine whether the structure or property is a public nuisance and whether the action demanded in said notice is necessary to comply with the requirements of this chapter. The appeal shall use the form provided by the Director of Building and Safety in addition to any other supporting materials the applicant may wish to furnish setting forth the reasons for the appeal.

(b) BOARD OF APPEAL. The Board of Appeal shall be the Board established by §63.012(b) of the San Bernardino County Code.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0613 Determination and Finding.

The determination and finding required in §63.0612 shall be made in writing, and a copy of that determination shall be sent to all owners and tenants appearing at the hearing and giving addresses for this purpose. If no owner or tenant appears at the hearing, the Board of Appeal shall nevertheless make its determination and the director shall give notice of the decision to the applicant by mail, to the address or addresses given in the application for hearing.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.11614 Work by County.

In case the owner shall fail, neglect or refuse to comply with such notice to repair, rehabilitate, vacate, demolish or remove said building or structure or portion thereof, or if the owner refuses to comply with the determination of the Board of Appeal, the Board of Supervisors may order the owner of the structure prosecuted as a violator of the provisions of this code, and/or may order the Director of Building and Safety to proceed with any work specified in such notice.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0615 Emergency Procedure.

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Whenever any portion of a structure constitutes an immediate hazard to life or property, and in the opinion of the director the conditions are such that repairs or demolition must be undertaken within less than the designated period, he or she may make such alterations or repairs, or demolish such portions of the structure as are necessary to protect life or property, or both, after giving such notice to the parties concerned as the circumstances will permit or without any notice whatever when, in his or her opinion, immediate action is necessary.

Whenever, in the opinion of the director, extreme and imminent hazards exists, he or she shall order the occupants, if any, immediately to vacate and, in the event vacation is not voluntarily obtained, shall direct the law enforcement agency having jurisdiction to effect forthwith such vacation.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0616 Notification to Board of Supervisors.

Whenever emergency action in §63.0615 is taken, the director shall submit to the Board of Supervisors, a written report indicating the location and ownership of the violating building or structure or portions thereof and reasons requiring such emergency action. A copy of this report shall be attached to, or included as a part of, notice to the owner of record and tenants when notice is given as previously provided in this chapter.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0617 Costs.

The costs involved in the demolition or other work by the Director, including in addition to other costs the applicable processing costs as set forth in §16.024(f)(13) of this code, shall become a special assessment against the property.

If the total assessment determined as provided for in this section is not paid in full within ten (10) days after mailing of such notice to the record owner, the director shall record in the official records a statement of the total balance still due and a legal description of the property. From the date of such recording, such balance due shall be a special assessment against the property.

Adopted Ordinance #1702 (1972); Amended Ordinance #2001 (1975); Amended Ordinance #3462 (1991);

63.0618 Collection.

The assessment shall be collected at the same time and in the same manner as ordinary taxes within the County of San Bernardino are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

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63.0619 Salvage.

If a building is demolished or necessary work done by the County of San Bernardino pursuant to the provisions of this chapter, the value of any salvage resulting from such demolition or other work may be applied to the cost of such work as follows:

(a) If the County enters into a contract with a private contractor, the County may provide in such contract that, as a part of the consideration for the services rendered, the contractor shall take title to such salvage, unless the owner takes possession of the material and notifies the County of such possession at the time of demolition.

(b) If the contract does not so provide, or if the County does the work without such a contract, the County may take title to such salvage and credit the reasonable value thereof on the costs incurred by the County.

This section is permissive only and does not require that the value of such salvage be applied to the cost of the work.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0620 Interference Prohibited.

A person shall not obstruct, impede, or interfere with the Director or any representative of the director, or with any person who owns or holds any interest or estate in an unsafe or substandard building which has been ordered by the director to be barricaded, repaired, vacated and repaired, or vacated and demolished or removed, or in any substandard property whenever the director or such owner is engaged in barricading, repairing, vacating and repairing, or demolishing any such unsafe or substandard building or removing any substandard conditions, pursuant to this chapter, or in the performance of any necessary act preliminary to or incidental to such work, or authorized or directed pursuant hereto.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

63.0621 Penalty.

In case the owner shall fail, neglect or refuse to comply with the directions in the Notice of Defects (if neither he or she nor any other person requests a hearing) or with any order of the hearing officer, he or she shall be guilty of an infraction and each day or portion thereof such violation is in existence shall be a new and separate offense. Upon conviction, the penalty for such offense shall be a fine not exceeding fifty dollars (\$50) for a first violation, a fine not exceeding one hundred dollars (\$100) for a second violation within one (1) year, and a fine not exceeding two hundred and fifty dollars (\$250) for a third violation within one (1) year. The fourth and additional violations within one (1) year shall each constitute a misdemeanor and shall be punishable by a fine of five hundred dollars (\$500) or six (6) months in jail, or both. Payment of any penalty herein provided shall not relieve the defendant from the responsibility of correcting the condition of the violation.

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Adopted Ordinance #1702 (1972); Amended Ordinance #2771 (1983); Amended Ordinance #3462 (1991);

63.0622 Other Abatement Procedures.

The provisions of this chapter shall not in any manner limit or restrict the San Bernardino County Counsel or the San Bernardino County District Attorney from enforcing the San Bernardino County Code or abating public nuisances in any other manner provided by law.

Adopted Ordinance #1702 (1972); Amended Ordinance #3462 (1991);

Chapter 7

POSTING OF STREET NUMBERS

Sections:

- 63.071 Adoption of Uniform Numbering System.
- 63.072 Designation of Numbers.
- 63.073 Posting Requirement.
- 63.074 Size and Location of Numbers.
- 63.075 Exceptions to Posting Requirements.
- 63.076 Enforcement.

63.071 Adoption of Uniform Numbering System.

The Board of Supervisors has adopted a uniform system of house numbering for the unincorporated territories within the County of San Bernardino and such uniform numbering system has been made a part of the General Plan of the County upon recommendation of the Planning Department.

Adopted Ordinance #2108 (1976);

63.072 Designation of Numbers.

Street numbers shall be designated and assigned by the Planning Department or other agencies in cooperation with the Planning Department as approved by the Planning Director.

Adopted Ordinance #2108 (1976);

63.073 Posting Requirement.

Street numbers shall be conspicuously posted on each building located in the unincorporated area of the County of San Bernardino. If there is more than one building on

POSTING OF STREET NUMBERS

a lot and only one street number is assigned, the number shall be posted on the principal building or the building nearest the street.

Adopted Ordinance #2108 (1976);

63.074 Size and Location of Numbers.

All street numbers posted pursuant to this chapter shall meet the following requirements:

(a) Numbers shall be in accordance with the provisions of the Uniform Fire Code as adopted by the County..

(b) Numbers and background colors must be of contrasting shades.

(c) Numbers must be visible and identifiable from the street on which the building or buildings front.

(d) Where numbers on a building would not be visible from the street due to setback (distance from street) or would otherwise be obstructed, street numbers may be posted on an independent structure such as a post, but must otherwise meet the requirements of this section. Numbers posted on mail boxes are acceptable under the provisions of this subsection only when no more than one mail box is installed on a given lot.

(e) Numbers painted on curbs are not acceptable as a substitute for the requirements herein.

Adopted Ordinance #2108 (1976);

63.075 Exceptions to Posting Requirements.

Alternative methods of posting street numbers may be authorized by the enforcing agency provided the enforcing agency determines that the method used complies with the intent of this chapter, which is to insure that all street numbers are properly posted and can be readily ascertained by those agencies charged with protection of the public peace, health, safety and welfare.

Adopted Ordinance #2108 (1976);

63.076 Enforcement.

The Fire Chief, or his authorized representative, of the fire agency having jurisdiction shall be responsible for enforcing the provisions of this chapter.

Adopted Ordinance #2108 (1976);

GENERAL PROVISIONS FOR UNIFORM CODES

Chapter 8

GENERAL PROVISIONS FOR UNIFORM CODES

Sections:

- 63.081 General Provisions.
- 63.082 Substitutions of References.
- 63.083 Permit Fees.
- 63.084 Annual Permits.
- 63.085 Interpretation of Code.
- 63.086 Preliminary Soil Report.
- 63.087 Water Conservation.
- 63.088 Penalty for Violation.
- 63.089 Interpretation, Legal Procedure, and Penalties.
- 63.0810 Findings.
- 63.0811 Validity.

63.081 General Provisions.

The requirements of this chapter are general in nature and apply to all the provisions in Division 3 of Title 6 of the San Bernardino County Code.

Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987);

63.082 Substitutions of References.

Whenever in any of the Uniform Codes adopted in this division or on or in any other location there appears a reference to the following names or terms, those names or terms shall be deemed and construed as follows, to wit:

(a) CITY OF or any other similar reference to a political entity shall mean the unincorporated territory of the County of San Bernardino.

(b) CITY COUNCIL shall mean the Board of Supervisors of San Bernardino County.

(c) BUILDING OFFICIAL, DIRECTOR OF BUILDING AND SAFETY, ELECTRICAL SAFETY ENGINEER, ADMINISTRATIVE AUTHORITY or any other similar term which makes reference to the individual official, board, department, or agency created by law to administer and enforce the provisions of the codes adopted herein shall mean the San Bernardino County Director of Building and Safety and his or her authorized assistants.

Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3584 (1994); Amended Ordinance #3627 (1995);

63.083 Permit Fees.

Any and all references to the amount of fees in any of the Uniform Codes herein adopted are hereby deleted and referenced to in Division 6 of Title I of the San Bernardino County Code Schedule of Fees.

GENERAL PROVISIONS FOR UNIFORM CODES

Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987);

63.084 Annual Permits.

(a) Where any person, firm or corporation in the course of normal maintenance procedures proposes to install, alter or repair any electrical wiring, devices, appliances, plumbing, drainage systems, septic tanks, seepage pits, leaching lines, heating, ventilating, refrigeration or water conservation equipment in an existing facility located on property under the direct control of such person, firm or corporation and is able to, and does in fact, furnish inspection service which meets the requirements and rules and regulations of the San Bernardino County Code, and whose operations are under the continuous supervision of a professional engineer or engineers, duly registered with and licensed by the State of California, such person, firm or corporation shall not be required to obtain approval at each consecutive inspection step of the installation, alteration or repair but shall be required only to obtain an annual permit or annual permits and assure that the work in progress is accessible to the Building Official for such periodic inspections as he or she may deem necessary.

(b) The fee for each separate Annual Permit (Electrical, Plumbing, Mechanical) shall be based upon the number of employees doing work in the crafts covered in each Annual Permit in accordance with Division 6 of Title I of the San Bernardino County Code Schedule of Fees.

(c) The designated responsible supervising engineer shall file with the San Bernardino County Building Official a written report specifying the work done under the issued Annual Permit. Such written report shall be filed with the Building Official within thirty (30) days following the end of the fiscal year for which the permit was issued.

Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2662 (1982); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3627 (1995);

63.085 Interpretation of Code.

It shall be the duty of the Chief Inspectors, under the administration of the San Bernardino County Building Official, to enforce the provisions of the codes herein adopted and to determine the intent and meaning thereof. Any determination or decision, made by any of the Chief Inspectors and concurred in by the Building Official, which is in dispute is subject to review and final decision by the Board of Appeals as established by Section 204 of the Uniform Building Code 1988 Edition.

Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987); Amended Ordinance #3627 (1995);

63.086 Preliminary Soil Report.

GENERAL PROVISIONS FOR UNIFORM CODES

(a) APPROVAL OF FINAL SUBDIVISION MAP.

(1) Subdivision maps shall not be given a final approval until a preliminary soil report, prepared by a civil engineer, registered by the State of California, has been filed with and approved by the San Bernardino County Building Official.

(2) The preliminary soil report shall indicate the presence, if any, of expansive soils or any other soil problem which, if not corrected, would lead to structural defects. If defective soil conditions are indicated, the preliminary report shall include recommendations for corrective measures intended to prevent structural damage to buildings erected on the site. Acceptance and approval of these recommendations shall not preclude the consideration and approval of alternate methods of correction which may be submitted by any other California registered civil engineer when accompanying a permit application for construction of a specific building or buildings.

(3) The preliminary soil report shall be based upon test borings or excavations. The number of borings or excavations shall be adequate to determine fully the extent and degree of soil problems, if any, which exist in the proposed subdivision provided, however, that not less than three (3) such borings or excavations shall be required for each report. If critically defective soil conditions are disclosed by initial borings or excavations, additional borings or excavations shall be made at the probable building location on each lot or parcel within the subdivision. Appropriate notations shall be made upon the subdivision map so as to indicate the location and type of defective soil noted in the preliminary report.

(4) The Building Official shall approve the preliminary soil report.

(A) If no defective soils are present on the site, or

(B) If the corrective measures recommended in the report would be likely to prevent structural damage to any buildings constructed on the site.

(5) The preliminary soil report may be waived when the sole purpose of the subdivision map is to assemble small lots or parcels into large lots or parcels or to define, adjust or correct property lines of existing subdivisions.

(6) The issuance of a building permit for the construction of a building on a lot or parcel of land which has been found to have defective soils shall be conditioned on the incorporation of an approved corrective measure intended to prevent structural damage to the building.

Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987);

63.087 Water Conservation.

Stationary equipment or machinery, or water utilized for heating or cooling in an industrial process, shall not be wasted but shall be recirculated and reused. Every evaporative cooler shall be equipped with a circulating pump.

Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987);

63.088 Penalty for Violation.

GENERAL PROVISIONS FOR UNIFORM CODES

Where work for which a permit is required by the codes herein adopted is started or proceeded without first obtaining the required permit, a permit shall not be issued until all past due enforcement costs are paid. The enforcement costs are the actual costs, as specified in Division 6 of Title I of the San Bernardino County Code Schedule of Fees, and must be paid on demand. The San Bernardino County Building Official may use any legal means available to collect enforcement fees. The payment of such enforcement fees shall not relieve any persons from fully complying with the requirements of these codes in the execution of the work nor from any other penalties prescribed herein. Any section in any of the codes herein adopted which is in conflict with this section is hereby repealed.

Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987);

63.089 Interpretation, Legal Procedure, and Penalties.

(a) INTERPRETATION. In interpreting and applying the provisions of this division, said provisions shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.

(b) PENALTIES. Any building or structure erected or maintained, or any use of property contrary to the provisions of this division shall be and the same is hereby declared to be unlawful and a public nuisance and the San Bernardino County Counsel may, upon request of the San Bernardino County Building Official, immediately commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure, or use, and restrain and enjoin any person from erecting or maintaining such building or structure or using any property contrary to the provisions of this division.

(1) All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.

(2) All other provisions of the San Bernardino County Code notwithstanding, any person, firm or corporation, whether as principal, agent or employee, violating or causing or permitting the violation of any of the provisions of this division, or of any permit or exception granted hereunder, shall be guilty of an infraction or misdemeanor as hereinafter specified, and each day such violation is in existence shall constitute a new and separate offense. Any person so convicted shall be:

(A) Guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100) and not less than fifty dollars (\$50) for a first violation;

(B) Guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200) and not less than one hundred dollars (\$100) for a second violation.

(C) The third and any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000) and not less than five hundred dollars (\$500) or six (6) months in jail, or both.

GENERAL PROVISIONS FOR UNIFORM CODES

Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein provided shall not relieve a person, firm, corporation, or other entity from the responsibility of correcting the condition, resulting from the violation. In addition to the above penalties the court may order that the guilty party reimburse the County of San Bernardino for all of its costs of investigating, analysis and prosecuting the enforcement action against the guilty party; the court shall fix the amount of any such reimbursements upon submission of proof of such costs by the County.

(3) Each such person, firm or corporation shall be deemed guilty of a separate offense upon each day during any part of which any violation of any of the provisions of this division is committed, continued, permitted or maintained by such person, firm or corporation.

(4) A Notice of Pendency of Administrative Action or Proceeding may be filed in the Office of the San Bernardino County Recorder at the time of commencement of action or proceeding or at any time before final judgment or order. the County Recorder shall record and index the tendency of action in the name of each person specified in the action or proceedings. After all required work has been completed and approved, the San Bernardino County Building Official shall record in the Office of the County Recorder a document terminating the above Notice.

(5) In the event that any person, firm or corporation shall fail, neglect or refuse to demolish, remove, abate or correct a structure or condition existing in violation of this division, upon his or her or its property after a civil court order or criminal conviction obtained pursuant to this section, the Board of Supervisors may order the Building Official to demolish, remove, abate or correct the offending structure or condition. A statement of the cost of such work shall be transmitted to the San Bernardino County Board of Supervisors who shall cause the same to be paid and levied as a special assessment against the property.

Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987);

63.0810 Findings.

The Board of Supervisors of the County of San Bernardino, State of California, finds that these regulations and provisions and those of the codes adopted herein are in compliance with §17958 of the Health and Safety Code of the State of California and that the modification and changes herein made to the model codes herein adopted are reasonably necessary because of local climatic, geological or topographical conditions. A copy of Ordinance No. 3462 shall be forwarded to the Department of Housing and Community Development of the State of California by the Clerk of the Board of Supervisors of the County of San Bernardino, State of California, and said copy will serve to satisfy the requirement of filing of findings as stated in §17958.7 of the Health and Safety Code of the State of California.

Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987);

GENERAL PROVISIONS FOR UNIFORM CODES

63.0811 Validity.

If any chapter, section, subsection, sentence, clause or phrase of the division is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this division nor its application to other persons or circumstances. The San Bernardino County Board of Supervisors hereby declares that it would have passed this division and each chapter, section, subsection, clause, sentence or phrase thereof, irrespective of the fact that any one or more section, subsection, clause, sentence and phrase be declared unconstitutional.

Amended Ordinance #2159 (1977); Amended Ordinance #2473 (1980); Amended Ordinance #2815 (1983); Amended Ordinance #3130 (1987);

Chapter 9

MOUNTAIN FIRE ZONE

Sections:

- 63.091 Applicability of the Provisions.
- 63.092 Construction Requirements.
- 63.093 Mountain Fire Zone Boundaries.
- 63.094 Review by County Fire Warden.

63.091 Applicability of the Provisions.

The provisions of this chapter are minimal requirements, and apply to all construction, erection, enlargement, alterations, repair, moving, conversions, occupancy and maintenance of buildings and/or structures in the Mountain Fire Zone. When the provisions of the Uniform Building Code which is adopted in the County of San Bernardino are in conflict with these provisions, the more restrictive in terms of fire resistance and/or fire retardance shall apply.

Adopted Ordinance #2475 (1980);

63.092 Construction Requirements.

The following regulations apply in the Mountain Fire Zone.

- (a) Roof coverings shall be fire retardant as provided in the Uniform Building Code.
- (b) Louvers, ventilators, or openings in walls, roofs, attics, and underfloor areas having headroom less than four (4) feet in height which are not fitted with sash or doors, shall be covered with wire screen. The screen covering such openings shall be of galvanized metal or copper and shall have a maximum mesh of one-quarter (1/4) inch. Such underfloor areas four (4) feet or more in height shall comply with item (c) of this section. Eave-type attic ventilators are not permitted. The space between rafters at exterior walls shall be solidly filled with tight-fitting wood blocks one and one-half (1 1/2) inches thick.

MOUNTAIN FIRE ZONE

(c) Unenclosed underfloor areas of stilt-type or cantilevered-type construction, when constructed of wood, shall have structural members with a least dimension of six (6) inches nominal, or be protected with materials approved for one (1) hour fire resistant construction on all exposed surfaces. Floor decking, when of wood, shall be one and one-half (1 1/2) inches thick tongue and groove plywood, or be protected with materials approved for one (1) hour fire-resistant construction on the underside.

(d) Cantilevered or standard type decks shall be constructed with minimum one and one-half (1/2) inch thick wood decking or be of incombustible or one (1) hour fire-resistive construction on the underside.

(e) Every chimney used in conjunction with any fireplace, incinerator, or heat-producing appliance in which solid or liquid fuel is used, shall be maintained with a spark arrester constructed with heavy wire mesh or other noncombustible materials with openings not to exceed one-half (1/2) inch mounted in or over all outside openings, in a vertical or near vertical position visible from the ground.

(f) The Director of Building and Safety may waive the requirements of this section on those properties where it is determined by the Chief of the Fire Department having jurisdiction that none of the following conditions exist:

- (1) Insufficient water supply or pressure.
- (2) Inadequate accessibility for fire suppression equipment.
- (3) Located in or within four hundred (400) feet of a hazardous fire area as determined by the Chief of the Fire Department having jurisdiction.

Adopted Ordinance #2475 (1980); Amended Ordinance #2528 (1981);

63.093 Mountain Fire Zone Boundaries.

The Mountain Fire Zone shall be all that area defined by this Section.

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All that territory included within the exterior boundaries described as follows:

Beginning at the intersection of the San Bernardino and Los Angeles County line with the center line of State Highway 138;

Thence southeasterly along said center line of State Highway 138 to the north line of Section 27, Township 4 North, Range 7 West, S.B.M.;

Thence east along section lines to the southwest corner of Section 19, Township 4 North, Range 5 West, S.B.M.;

Thence north along the west line of said Section 19 to the west quarter corner thereof;

Thence east along quarter section lines to the East line of Section 24, same Township and Range;

Thence south along section lines to the northwest corner of Section 31, Township 4 North, Range 4 West, S.B.M.;

Thence east along section lines to the southwest corner of Section 30, Township 4 North, Range 3 West, S.B.M.;

Thence north along the west line of said Section 30 to the northwest corner thereof;

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Thence east along section lines to the northeast corner of Section 28, Township 4 North, Range 1 East, S.B.M.;

Thence south along the east line of said Section 28 to the northwest corner of Section 34;

Thence east along the north line of Sections 34 and 35 to the Northeast corner of said Section 35;

Thence south along the east line of said Section 35 to the north line of Section 2, Township 3 North, Range 1 East, S.B.M.;

Thence east along section lines to the northeast corner of Section 4, Township 3 North, Range 2 East, S.B.M.;

Thence south along the east line of said Section 4 to the northwest corner of Section 10;

Thence east along the north line of Sections 10, 11 and 12 to the northeast corner of said Section 12;

Thence south along the east line of said Section 12 to the Northwest corner of Section 18, Township 3 North, Range 3 East, S.B.M.;

Thence east along the north line of Sections 18 and 17 to the northeast corner of said Section 17;

Thence south along the east line of said Section 17 to the northwest corner of Section 21;

Thence east along section lines to the northeast corner of Section 24, same Township and Range;

Thence south along the east line of said Section 24 to the northwest corner of Section 30, Township 3 North, Range 4 East, S.B.M.;

Thence east along section lines to the northeast corner of Section 28, same Township and Range;

Thence south along the east line of said Section 28 to the northwest corner of Section 3,;

Thence east along section lines to the northeast corner of Section 31, Township 3 North, Range 5 East, S.B.M.;

Thence south along section lines to the northwest corner of Section 20, Township 2 North, Range 5 East, S.B.M.;

Thence east along the north line of said Section 20 to the northeast corner thereof;

Thence south along section lines to the southeast corner of Section 17, Township 1 North, Range 5 East, S.B.M.;

Thence west along section lines to the range line between Ranges 4 and 5 East;

Thence south along said range line to the southeast corner of Section 1, Township 1 South, Range 4 East, S.B.M.;

Thence west along the south line of Sections 1 and 2 to the northeast corner of Section 10;

Thence south along the east line of said Section 10 to the southeast corner thereof;

Thence west along the south line of Sections 10 and 9 to the northeast corner of Section 17;

Thence south along the east line of said Section 17 to the southeast corner thereof;

Thence west along the south line of said Section 17 to the northeast corner of Section 19;

Thence south along the east line of said Section 19 to the southeast corner thereof;

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Thence west along the south line to the northeast corner of Section 25, Township 1 South, Range 3 East, S.B.M.;

Thence south along section lines to the San Bernardino and Riverside County line;

Thence west along said County line to the southwest corner of Section 33, Township I South, Range 1 East, S.B.M.;

Thence north along the west line of Sections 33 and 28 to the southeast corner of Section 20;

Thence west along the south line of Sections 20 and 19 to the southwest corner of said Section 19;

Thence north along the west line of said Section 19 to the southeast corner of Section 13, Township I South, Range 1 West, S.B.M.;

Thence west along the south line of said Section 13 to the southwest corner thereof;

Thence north along the west line of said Section 13 to the southeast corner of Section 11;

Thence west along section lines to the southwest corner of Section 8, same Township and Range;

Thence north along section lines to the southeast corner of Section 31, Township I North, Range 1 West, S.B.M.;

Thence West along the south line of said Section 31 to the southwest corner thereof;

Thence north along section lines to the southeast corner of Section 1, Township 1 North, Range 2 West;

Thence west along section lines to the northeast corner of Section 10, same Township and Range;

Thence south along the east line of said Section 10 to the southeast corner thereof;

Thence west along section lines to the southwest corner of Section 11, Township I North, Range 3 West, S.B.M.;

Thence north along section lines to the southeast corner of Section 27, Township 2 North, Range 3 West, S.B.M.;

Thence west along section lines to the west line of the east half of the east half of Section 30, Township 2 North, Range 4 West, S.B.M.;

Thence north along said west line to the south line of the north half of said Section 30;

Thence west along said south line to the east line of the west half of the west half of said Section 30;

Thence south along said east line to the south line of the north half of the south half of said Section 30;

Thence west along said south line to the west line of said Section 30;

Thence north along section lines to the southeast corner of Section 12, Township 2 North, Range 5 West, S.B.M.;

Thence west along section lines to the southwest corner of Section 8, same Township and Range;

Thence north along section lines to the Township line between Townships 2 and 3 North;

Thence west along said Township line to the northeast corner of Section 2, Township 2 North, Range 6 West;

Thence south along the east line of Sections 2 and 11 to the southeast corner of said Section 11;

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Thence west along the south line of said Section 11 to the northeast corner of Section 15;

Thence south along the east line of Sections 15 and 22 to the northwest corner of Section 26;

Thence east along the north line of Sections 26 and 25 to the northeast corner of said Section 25;

Thence south along the east line of said Section 25 to the southeast corner thereof;

Thence west along section lines to the San Bernardino and Los Angeles County line;

Thence northerly along said County line to the POINT OF BEGINNING.

And starting in Carbon Canyon at the junction of Los Angeles, Orange and San Bernardino County lines;

Thence going northerly along the Los Angeles-San Bernardino County line to the east line of Section 6, Township 2 South, Range 8 West;

Thence south to the northeast corner of the southeast 1/4 of the southeast 1/4 of Section 18, Township 2 South, Range 8 West;

Thence due east to the east line of Section 17, Township 2 South, Range 8 West;

Thence south to the northeast corner of the southeast 1/4 of the southeast 1/4 of Section 29, Township 2 South, Range 8 West;

Thence due east to the east line of Section 26, Township 2 South, Range 8 West;

Thence south to the southeast corner of Section 35, Township 2 South, Range 8 West;

Thence due east to Highway 71;

Thence south along said highway to the county line between San Bernardino and Riverside Counties;

Thence westerly along said county line, to the junction of Orange and Los Angeles and San Bernardino Counties, the Point of Beginning.

And beginning at the south 1/4 corner of Section 34, Township 1 South, Range 4 West;

Thence easterly along the south line of said Section 34 to the southeast corner of said Section 34;

Thence northerly to Prado Lane;

Thence westerly along Prado Lane to Reche Canyon Road; Thence westerly to the city limit line of the City of Colton;

Thence southerly along said city limit line to the south 1/4 corner of Section 34, Township 1 South, Range 4 West, the Point of Beginning.

And beginning at the southeast corner of Section 4, Township 2 South, Range 4 West;

Thence northerly along the city limit line of the City of Colton to the west 1/4 corner of Section 34, Township 1 South, Range 4 West;

Thence westerly along the center section line of Section 33, Township 1 South, Range 4 West, to Barton Road;

Thence southwestwardly along Barton Road to the California Aqueduct;

Thence southerly along the California Aqueduct to the San Bernardino-Riverside County line;

Thence easterly along said county line to the southeast corner of Section 4, Township 2 South, Range 4 West, to the Point of Beginning.

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And starting at the intersection of Fifth Avenue and Crafton Avenue; Thence westerly along Fifth Avenue, to the intersection with Walnut Street; Thence southerly along Walnut Street, to an intersection with Seventh Street; Thence southwesterly along Seventh Street, to the city limit line of the City of Redlands;

Thence southerly, westerly and northerly along the various courses of said city limit line to San Timoteo Canyon Road;

Thence northwesterly along San Timoteo Canyon Road to Beaumont Avenue;

Thence westerly along Beaumont Avenue to the city limit line of the City of Loma Linda;

Thence westerly along the southerly city limit line of the City of Loma Linda to the city limit line of the City of Colton;

Thence southerly along said city limit to the San Bernardino-Riverside County line;

Thence easterly along said County line to State Highway 10;

Thence northwesterly along State Highway 10 to the intersection of Yucaipa Boulevard and Overcrest Drive;

Thence northerly on Overcrest Drive to Tennessee;

Thence east on Tennessee to the southeast corner of Section 32, Township 1 South, Range 2 West;

Thence easterly along the south line of Section 33, Township 1 South, Range 22 West to its intersection with Sand Canyon Road;

Thence northwesterly along Sand Canyon Road to the intersection of Fifth Street to the said POINT OF BEGINNING.

Adopted Ordinance #2475 (1980); Amended Ordinance #3111 (1987);

63.094 Review by the County Fire Warden.

The County of San Bernardino may be reviewed periodically by the County Fire Warden to determine areas for addition to or deletion from the Mountain Fire Zone.

Adopted Ordinance #2475 (1980);

Chapter 10

PROJECTS ON OR ADJACENT TO LANDSLIDE AREAS

Section:

- 63.101 Purpose.
- 63.102 Definitions.
- 63.103 Application.
- 63.104 Procedure.
- 63.105 Fees.

63.101 Purpose.

PROJECTS ON OR ADJACENT TO LANDSLIDE AREAS

The purpose of this chapter is to set forth a procedure by which structures and developments may be located on, or adjacent to, landslides or within areas that have a history of landslide activity. The Board of Supervisors finds that there is a need for different levels of protection dependent upon the size of the project. This Board also finds that in the case of certain projects, because of their nature, the structures to be constructed on or immediately adjacent to landslides may be made exempt from some of the requirements of this chapter.

Adopted Ordinance #3070 (1986);

63.102 Definitions.

For the purpose of this chapter the following definitions shall apply:

(a) **Landslide.** Any mass movement process and resulting landform, involving the downslope transport by means of gravitational body stresses of soil and rock material. The term landslide shall include, but not be limited to, rockfalls, talus, rockslide, block glide, debris slide, avalanche, earthflow, mudflow, liquefaction slide, slump, rotational slide, translational slide, creep and subsidence. Evidence of landslide may be physical evidence from the site or surrounding area, or it may be taken from such sources as maps, air photos or reports.

(b) **Project.**

(1) Any subdivision of land which is subject to the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7 of the California Government Code, and which contemplates the eventual construction of structures for human occupancy.

(2) Any development of four or more dwellings.

(3) The construction of any structure intended for human occupancy which is expected to have a human occupancy rate of more than 2,000 hours per year, but single-family woodframe dwellings two stories or less in height and not a part of a subdivision or part of a development of four or more dwellings shall not be a project.

(c) **Adjacent to a parcel of land** within 1,000 feet of the land that has shifted and which parcel is subject to being physically affected by the landslide according to geotechnical principles.

(d) **Single-Family Dwelling.** Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one (1) family.

Adopted Ordinance #3070 (1986);

63.103 Application.

This chapter applies to projects as defined herein and to the construction of single-family dwellings, but does not apply to:

1. The conversion of an existing apartment complex into a condominium.
2. Alterations or additions to any structure, the value of which does not exceed fifty percent (50%) of the value of the structure.

PROJECTS ON OR ADJACENT TO LANDSLIDE AREAS

Adopted Ordinance #3070 (1986);

63.104 Procedure.

A geotechnical investigation shall be made for any project as defined herein when such project is located on, or adjacent to, a landslide. The report shall show, among other things, whether or not the landslide is stable during anticipated seismic accelerations with a safety factor of 1.1. This investigation and report may be a part of the report used to satisfy the requirements of the Alquist-Priolo Special Study Zones Act.

In addition, a geotechnical investigation shall also be required for the type of single-family dwellings mentioned in Section 63.102(b)(3) above as not a project. This shall be required when such a type of building is located on or adjacent to a landslide. The report for such building(s) shall conclude whether or not the landslide is satirically stable with a safety factor of 1.5. If, during the course of the geotechnical investigation, an active fault is discovered on the site, the dwelling(s) shall be located only in accordance with and after having met the requirements of all the provisions of the Alquist-Priolo Special Study Zones Act, California Public Resources Code Sections 2621-2630, California Administrative Code Title 14, Sections 3600-3603, which State law is hereby made applicable in such cases. A copy of the approved report shall be forwarded to the State Geologist.

The above reports shall include the effects on the landslide of additional ground water which may result from the development, from both sewage disposal and/or irrigation, and consider the cumulative effect of the additional ground water if the existing lots affected by the landslide are fully developed. The reports will be reviewed in accordance with the guidelines published by the California Division of Mines and Geology, and approved by the County Building Official. Permits for construction and/or grading may only be issued if the approved report concludes that the landslide is sufficiently stable based upon the safety factors set forth above. The reports shall be accompanied by geotechnical data, including field data, laboratory test results and analyses sufficient to show the factor of safety and the validity of the conclusions. Such a report shall be prepared and signed by a certified engineering geologist. References shall be submitted to substantiate the calculation methods to the satisfaction of the building official.

Adopted Ordinance #3070 (1986);

63.105 Fees.

A deposit sufficient to cover the cost of the review shall be submitted, along with the service charge provided for in Section 16.024(f), at the same time that the report is submitted. If the costs of the review exceed the deposit, an additional deposit shall be submitted. Unused portions of the deposit will be returned to the payer upon completion of the review.

Adopted Ordinance #3070 (1986);

PROJECTS ON OR ADJACENT TO LANDSLIDE AREAS

Chapter 11

DISASTER RECONSTRUCTION

Sections

- 63.111 Intent.
- 63.115 Invocation of Provisions.
- 63.1110 Definitions.
- 63.1115 Repair Criteria.
- 63.1120 Historic Buildings.
- 63.1125 Chimneys.
- 63.1130 Unreinforced Masonry.
- 63.1135 Essential Service Facilities.
- 63.1140 Board of Appeals.

63.111 Intent.

This chapter establishes regulations for adequate and expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board of Supervisors. The chapter does not allow exemptions from the Building, Fire or other codes.

Adopted Ordinance #3501 (1992);

63.115 Invocation of Provisions.

The provisions of this chapter are applicable following each disaster for which a local emergency has been declared by the Board of Supervisors. The Board may extend the provisions as necessary.

Adopted Ordinance #3501 (1992);

63.1110 Definitions.

For the purposes of this chapter the following definitions apply:

(a) "Current code" shall mean the edition of the Uniform Building Code, published by the International Conference of Building Officials, as adopted by the County of San Bernardino in accordance with operation of law pursuant Health and Safety Code §18941.5.

(b) "Essential Service Facilities" shall mean those structures which are necessary for emergency operations subsequent to a disaster.

Adopted Ordinance #3501 (1992);

DISASTER RECONSTRUCTION

63.1115 Repair Criteria.

Damaged structures of all occupancies regulated by the County of San Bernardino which have been damaged as a result of a disaster shall be repaired in accordance with the following criteria:

(a) When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion(s) shall be restored to their predisaster condition.

(b) When the estimated value of repair is greater than ten percent (10%), but less than fifty percent (50%), of the replacement value of the structure, the damaged elements, as well as all critical ties associated with those elements, shall be repaired and/or brought into conformance with the structural requirements of the current code.

(c) When the estimated value of repair exceeds fifty percent (50%) of the replacement value of the structure, the entire structure shall be brought into conformance with the structural requirements of the current code.

(d) EXCEPTION: The repair of damaged chimneys in Group R, Division 3 occupancies shall be excluded from the computation of percentage of replacement value and chimneys shall be repaired pursuant to §63.1125.

Adopted Ordinance #3501 (1992);

63.1120 Historic Buildings.

All damaged buildings or structures currently considered as historic places, or qualifying structures within established historic districts, shall be repaired in accordance with the standards in §63.1115, above, with due consideration given to the historical ratings. Additional standards and criteria, as noted in the State of California Historic Building Code, shall apply. Where conflicts occur between these standards and the State of California Historic Building Code, the standards in §63.1115 still govern.

Adopted Ordinance #3501 (1992);

63.1125 Chimneys.

All damaged chimneys must be evaluated by a State of California registered civil or structural engineer or licensed architect prior to reconstruction and shall be constructed in accordance with Chapter 37 of the current code. Unconventional masonry fireplace and chimney systems may be constructed pursuant to the alternate materials and methods of construction provisions of the current code. Further, all new or reconstructed chimneys shall be anchored to the structure in accordance with the current code. Where the portion or the chimney extending above the roof line exceeds two times the least dimension of the chimney, the portion extending above the roof line shall be braced to the roof structure.

Adopted Ordinance #3501 (1992);

63.1130 Unreinforced Masonry.

DISASTER RECONSTRUCTION

All damaged buildings determined to be constructed of unreinforced masonry shall be repaired and strengthened to comply with the currently adopted edition of the Uniform Code for Building Conservation, Appendix Chapter I.

Adopted Ordinance #3501 (1992);

63.1135 Essential Service Facilities.

Damaged structures of all occupancies regulated by the County of San Bernardino which have been damaged as a result of a disaster which are Essential Service Facilities shall be repaired in accordance with the following criteria:

(a) When the estimated value of repair does not exceed fifty percent (50%) of the replacement value of the structure, the damaged elements, as well as all critical ties associated with those elements, shall be repaired and/or brought into conformance with the structural requirements of the current code.

(b) When the estimated value of repair exceeds fifty percent (50%) of the replacement value of the structure, the entire structure shall be brought into conformance with the structural requirements of the current code.

Adopted Ordinance #3501 (1992);

63.1140 Board of Appeals.

In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of this Chapter, all technical decisions allowed by this Chapter may be appealed to the San Bernardino County Board of Appeal pursuant to San Bernardino County Code §63.012.

Adopted Ordinance #3501 (1992);

Chapter 12

Swimming Pools, Spas and Hot Tubs

Sections:

63.121	Findings.
63.122	Definitions.
63.123	Barrier Requirements.
63.124	Application of Chapter
63.125	Additional Barrier Requirements.
63.127	Penalties.
63.128	Enforcement

63.121 Findings.

SWIMMING POOLS, SPAS AND HOT TUBS.

It is found, declared and determined that the maintenance of swimming pools, spas, hot tubs and other bodies of water without appropriate precautionary measures constitutes a severe hazard to the safety of the inhabitants of the County of San Bernardino, particularly children.

Adopted Ordinance #3560 (1993); Amended Ordinance #3678 (1996);

63.122 Definitions.

(a) Person Defined. For the purposes of this chapter, the term "person" shall include, but not be limited to, any individual, firm, association, partnership, trust, corporation, political subdivision within the County of San Bernardino, or other form of organization whether operating for profit or otherwise.

(b) Barrier Defined. For the purposes of this chapter, the term "barrier" is a fence, wall, building wall or combination thereof, which completely surrounds the swimming pool, spa, hot tub or other body of water.

(c) Body of Water Defined. For the purposes of this chapter, "body of water" is any out-of-doors body of water having a depth in excess of eighteen inches (18"), designed, constructed and used primarily for swimming, dipping or immersion purposes by men, women or children.

Adopted Ordinance #3501 (1992);

63.123 Barrier Requirements.

(a) Barriers Required. No person in possession of land within the unincorporated territory of the County of San Bernardino, either as an owner, purchaser under contract, lessee, tenant, licensee or otherwise, upon which is situated a swimming pool, spa, hot tub or other body of water having a depth in excess of eighteen inches (18"), designed, constructed and used primarily for swimming, dipping or immersion purposes by men, women or children, shall fail to maintain on the lot or premises upon which such swimming pool, spa, hot tub, or other body of water is located and completely surrounding such swimming pool, spa, hot tub, or other body of water, a barrier not less than four feet (4') in height, which shall comply with the following:

(1) Openings, holes or gaps therein shall not allow passage of a four inch (4") sphere.

(2) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches (45"), the horizontal members shall be located on the swimming pool, spa, hot tub, or other body of water side of the fence or wall. Spacing between vertical members shall not exceed one and three-quarters inches (1-3/4") in width. Spacing within the decorative cutouts shall not exceed one and three quarter inches (1-3/4") in width.

(3) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches (45") or more, spacing between vertical members shall not allow passage of a four inch (4") sphere.

SWIMMING POOLS, SPAS AND HOT TUBS.

Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters inches (1¾") in width.

(4) Maximum mesh size for chain link fences shall be a one and three-quarters inches (1¾") diagonal measurement unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-quarters inches (1¾").

(5) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters inches (1¾") in width.

(b) Self-closing and Self-latching Devices and Alarms. All gates or doors through such barriers not opening into habitable area of a dwelling shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use.

Where the release mechanism of the self-latching device is located less than fifty-four inches (54") from the bottom of the gate, the release mechanism shall be located on the pool, spa, hot tub or other body of water side of the gate at least three inches (3") below the top of the gate, and the gate and barrier shall have no openings greater than one-half inch (½") within eighteen (18") of the release mechanism.

Where a wall of a dwelling serves as part of the barrier, doors from habitable areas with direct access to the pool, spa, hot tub or body of water through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of thirty (30) seconds immediately after the door is opened, and be capable of being heard throughout the dwelling during normal activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation switch shall be located at least fifty-four inches (54") above the threshold of the door. Other means of protection shall be acceptable when approved by the Building Official so long as the degree of protection afforded is not less than the protection afforded by the alarm system described above.

Adopted Ordinance #3501 (1992);

63.124 Application of Chapter.

Except as provided in section 63.125, this chapter shall apply to the following:

(a) all pools, spas, hot tubs and bodies of water for which permits are issued on or after November 18, 1993; or,

(b) all pools, spas, hot tubs and bodies of water constructed or installed on or after November 18, 1993.

All other pools, spas and hot tubs and bodies of water need only comply with section 63.125. All plans hereafter submitted to the San Bernardino County Building Official for all swimming pools, spas, hot tubs, and bodies of water to be constructed or installed shall show compliance with the requirements of this chapter and final approval of all swimming

SWIMMING POOLS, SPAS AND HOT TUBS.

pools, spas, hot tubs, and bodies of water hereafter constructed shall be withheld until all requirements of this chapter have been complied with.

Adopted Ordinance #3501 (1992);

63.125 Additional Barrier Requirements.

This section shall apply to the following:

(a) all pools, spas, hot tubs and bodies of water for which permits were issued prior to November 18, 1993; or,

(b) all pools, spas, hot tubs and bodies of water which were constructed or installed prior to November 18, 1993, and for which permits were not required.

No person in possession of land within the County of San Bernardino subject to this section, either as owner, purchaser under contract, lessee, tenant, licensee or otherwise, upon which is situated a swimming pool, spa, hot tub or other body of water having a depth in excess of eighteen inches (18"), designed, constructed and used primarily for swimming, dipping or immersion purposes by men, women or children, shall fail to maintain on the lot or premises upon which such pool, spa, hot tub or body of water is located and completely surrounding such pool, spa, hot tub, or body of water, a fence or wall not less than four feet (4') in height, with openings, holes or gaps therein no larger than four inches (4") in any dimension except for doors or gates; provided further, that a dwelling house or accessory building may be used as part of such enclosure.

All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided however, that the door of any dwelling occupied by human beings and forming any part of the enclosure herein above required, need not be so equipped.

Adopted Ordinance #3501 (1992);

63.126 Appeals.

Any applicant may appeal the requirements of this chapter to the Board of Appeal pursuant to the procedures established by section 63.012 of this Code. The Board of Appeal shall have the authority to consider reasonable interpretations of and alternatives to the requirements specified in this chapter which have been approved by the Building Official. Such interpretations or alternatives must be found to be equal to this chapter in protective ability.

Adopted Ordinance #3501 (1992);

63.127 Penalties.

SWIMMING POOLS, SPAS AND HOT TUBS.

Any person violating any provision of this chapter shall be guilty of an infraction or misdemeanor as hereinafter specified, and each day or portion thereof such violation is in existence shall be a new and separate offense.

Any person so convicted shall be:

(a) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and not less than fifty dollars (\$50.00) for a first violation;

(b) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second violation;

(c) the third and any additional violations shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00) or six (6) months in jail, or both. Notwithstanding the above, the first or second offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein provided shall not relieve a person from the responsibility of correcting the condition resulting from the violation. In addition to the above penalties, the Court may order that the guilty party reimburse the County of San Bernardino for all costs incurred in investigating, analyzing, and prosecuting the enforcement action against the guilty party; the Court shall fix the amount of any such reimbursements upon submission of proof of such costs by the County of San Bernardino.

Adopted Ordinance #3501 (1992);

63.128 Enforcement.

The provisions of this chapter shall be enforced by the San Bernardino County Building Official.

Adopted Ordinance #3501 (1992);

DIVISION 4.

VALIDITY OF TITLE 6

This Title and the various parts, divisions, chapters, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, the remainder of this Title shall not be affected thereby. The County Board of Supervisors hereby declares that it would have passed this Title and each part thereof, regardless of the fact that one or more parts thereof be declared unconstitutional or invalid.

DIVISION 5. DELETED

DIVISION 6. DELETED

DIVISION 7.

**PROCEDURE - PUBLIC HEARING BY
BOARD OF SUPERVISORS**

UNDERGROUNDING PROCEDURAL REGULATIONS

Chapters:

1. Definitions.
2. Procedure - Public Hearing by Board of Supervisors.

Chapter 1

DEFINITIONS

Sections:

- 67.011 Generally.
- 67.012 Commission.
- 67.013 Director.
- 67.014 Underground Utility District or District.
- 67.015 Person.
- 67.016 Poles, Overhead Wires and Associated Overhead Structures.
- 67.017 Utility.

67.011 Generally.

Whenever in this division the words or phrases hereinafter in this chapter defined are used, they shall have the respective meanings assigned to them in the following definitions.

Adopted Ordinance #1429 (1968); Amended Ordinance #1647 (1971); Amended Ordinance #2346 (1979);

67.012 Commission.

"Commission" means the Public Utilities Commission of the State of California.

Adopted Ordinance #1429 (1968); Amended Ordinance #1647 (1971); Amended Ordinance #2346 (1979);

67.013 Director.

"Director" refers to the Director of the San Bernardino County Special Districts Department or his designated representative.

Adopted Ordinance #1429 (1968); Amended Ordinance #1647 (1971); Amended Ordinance #2346 (1979);

67.014 Underground Utility District or District.

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"Underground Utility District" or "District" means that area in the County within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 67.025 of this Code.

Adopted Ordinance #1429 (1968); Amended Ordinance #1647 (1971); Amended Ordinance #2346 (1979);

67.015 Person.

"Person" means and includes individuals, partnerships, and their agents and employees. firms, corporations,

Adopted Ordinance #1429 (1968); Amended Ordinance #1647 (1971); Amended Ordinance #2346 (1979);

67.016 Poles, Overhead Wires and Associated Overhead Structures.

"Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a District and used or useful in supplying electric, communication or similar service.

Adopted Ordinance #1429 (1968); Amended Ordinance #1647 (1971); Amended Ordinance #2346 (1979);

67.017 Utility.

"Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

Adopted Ordinance #1429 (1968); Amended Ordinance #1647 (1971); Amended Ordinance #2346 (1979);

Chapter 2

PROCEDURE - PUBLIC HEARING BY BOARD OF SUPERVISORS

Sections:

67.021 Called When.

67.022 Notification of Hearing.

67.023 Open to Public.

67.024 Report by Director of the Special Districts Department.

67.025 Board of Supervisors May Designate Underground Utility District by Resolution.

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- 67.026 Unlawful Acts.
- 67.027 Exception, Emergency or Unusual Circumstances.
- 67.028 Granting Special Permission.
- 67.029 Other Exception.
- 67.0210 Notice to Utility Companies.
- 67.0211 Responsibility of Utility Companies.
- 67.0212 Notice to Property Owners.
- 67.0213 Responsibility of Property Owners.
- 67.0214 Responsibility of County.
- 67.0215 Extension of Time.
- 67.0216 Official Records of Underground Utility Districts.

67.021 Called When.

The Board of Supervisors may from time to time call public hearings to ascertain whether the public interest, necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the County and the underground installation of wires and facilities for supplying electric, communication or similar or associated service.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.022 Notification of Hearing.

The Clerk of the Board of Supervisors shall notify all affected property owners shown on the last equalized assessment roll, and all utilities concerned, by mail of the time and place of such hearings at least ten (10) days prior to the hearing. Included in the notice shall be a copy of Ordinance 2346, together with a copy of the resolution of the Board of Supervisors calling for a public hearing to determine whether public interest, necessity, health, safety, or welfare requires the formation of an underground utility district.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.023 Open to Public.

Each such hearing shall be open to the public and may be continued from time to time. At the hearing, all persons interested shall be given an opportunity to be heard. The decision of the Board of Supervisors shall be final and conclusive.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.024 Report by Director of the Special Districts Department.

PROCEDURE - PUBLIC HEARING BY BOARD OF SUPERVISORS

Prior to public hearing, the Director of Special Districts Department shall consult all affected utilities and prepare a report to present at the hearing containing the extent of such utilities' participation and estimates of the total costs to the County and affected property owners. The report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.025 Board of Supervisors May Designate Underground Utility District by Resolution.

If, after the public hearing the Board of Supervisors finds that the public interest, necessity, health, safety or welfare is benefited by such removal and underground installation within a designated area, the Board of Supervisors shall, by resolution, declare the designated area an Underground Utility District and order removal and underground installation. The resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for removal and underground installation.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.026 Unlawful Acts.

Whenever the Board of Supervisors, creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures per Section 67.025, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the overhead facilities are removed.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.027 Exception, Emergency or Unusual Circumstances.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period not to exceed thirty (30) days, without authority of the Director of the Special Districts Department in order to provide emergency service.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.028 Granting Special Permission.

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The Director of the Special Districts Department may grant special permission in cases of unusual circumstances, without discrimination as to any person or utility to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.029 Other Exception.

This chapter and any resolution adopted pursuant to Section 67.025 hereof shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

(a) Poles or electroller used exclusively for street lighting being served by an underground electric system, except that lines and wires shall be underground.

(b) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building or to the supplying utility located outside of tile District boundary without crossing any public street.

(c) Antennae, associated equipment and supporting structures used by a utility for furnishing communication services.

(d) Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.

(e) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.0210 Notice to Utility Companies.

Within ten (10) days after the effective date of a resolution adopted pursuant to Section 67.025, the Clerk of the Board of Supervisors shall mail a copy of the resolution to all affected utilities.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.0211 Responsibility of Utility Companies.

If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to Section 67.025, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required under its applicable rules, regulations and tariffs on file with the Commission.

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Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.0212 Notice to Property Owners.

Within thirty (30) days after the effective date of a resolution adopted pursuant to Section 67.025, the Clerk of the Board of Supervisors shall mail a notice of the Board's action to all property owners within the District.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.0213 Responsibility of Property Owners.

(a) Every person owning, operating, leasing, occupying, or renting a building within a District shall construct and provide that portion of the service connection on his property between the facilities referred to in Section 67.0211 and the termination facility on or within said building being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 67.025 hereof, the Director of the Special Districts Department shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner on the last equalized assessment roll, to provide the required underground facilities within ten (10) days after receipt of such notice.

(b) The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be addressed to the person in possession of such premises and also to the owner thereof. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the Director of the Special Districts Department shall, within forty-eight (48) hours after the mailing thereof, cause a copy to be posted in a conspicuous place on said premises.

(c) The notice given by the Director of the Special Districts Department to provide the required underground facilities shall specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of notice, the Director will authorize such required underground facilities to be provided in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

(d) If upon the expiration of the thirty (30) day period the said required underground facilities have not been provided, the Director shall proceed to have the work completed provided, however, if the premises are unoccupied and no electric or communications services are being furnished, the Director may in lieu of providing the required underground facilities, authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service. Upon completion, the Director shall file a written report with the Board of Supervisors setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Board of

PROCEDURE - PUBLIC HEARING BY BOARD OF SUPERVISORS

Supervisors shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten (10) days thereafter.

(e) The Director shall, upon the time for hearing of protest, give a notice in writing to the owner in the manner hereinabove provided for of the time and place that the Board of Supervisors will pass upon such report and will hear protests against the assessment. The notice shall also set forth the amount of the proposed assessment.

(f) Upon the date and hour set for the hearing of protests, the Board of Supervisors shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

(g) If any assessment is not paid within five (5) days after its confirmation by the Board of Supervisors, the amount of the assessment shall become a lien upon the property against which the assessment is made and the Director is directed to turn over to the Auditor-Controller a list of properties on which the assessment has not been paid, and the Auditor-Controller shall add the amount of assessment to the next regular bill for taxes levied against the premises upon which assessment was not paid. The assessment shall be due and payable at the same time as property taxes are due and payable. If not paid when due and payable, the assessment shall bear interest at the current rate charged by the County Treasurer's Office for delinquent property tax levies.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.0214 Responsibility of County.

County shall remove at its own expense all County-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or use of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 67.025 hereof.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

67.0215 Extension of Time.

In the event that any act required by this chapter or by a resolution adopted pursuant to Section 67.025 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time or such limitation.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

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67.0216 Official Records of Underground Utility Districts.

After the effective date of a resolution adopted pursuant to Section 67.025 hereof, the Clerk of the Board of Supervisors shall send a certified copy of such resolution and all appended documents, charts, or maps, to the County Surveyor. All such resolutions and documents so received shall be filed by the County Surveyor and kept for public reference, and shall constitute the Official County Records of all Underground Utility Districts.

Amended Ordinance #1507 (1969); Amended Ordinance #1647 (1969);
Renumbered and Amended Ordinance #2346 (1979);

DIVISION 8. DELETED BY ORDINANCE 2815 (1983);

DIVISION 9. DELETED BY ORDINANCE 2540 (1981);