# ORDINANCE NO. FPD 20-01

**An ordinance of the Board of Directors of the San Bernardino County Fire Protection District, State of California, repealing San Bernardino County Fire Protection District Ordinance No. FPD 17-01 and adopting the San Bernardino County Fire Protection District Fire Code (referencing the 2019 edition of the California Fire Code) along with certain changes, modifications, amendments, additions, deletions, and exceptions, relating to fire regulations.**

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

SECTION 1. Ordinance No. FPD 17-01 is repealed.

SECTION 2. This ordinance is hereby enacted as the San Bernardino County Fire Protection District Fire Code, to read:

## SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT

## FIRE CODE

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**1. Findings, Adoption, and Applicability.**

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

(1) That the California Fire Code, 2019 Edition, and the 2018 International Fire Code are nationally recognized compilations of proposed rules, regulations, and standards of the International Code Council, Inc.

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

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

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

(5) That the additional requirements and standards established herein are needed to properly protect the health, safety, and welfare of the existing and future residents, workers and visitors of the San Bernardino County Fire Protection District. Said additional requirements and standards are reasonably necessary because of local climatic, geological, and topographical conditions described herein. The finding in this subsection (a)(5) is based upon the express findings and determinations on the proposed amendments to the Code identified herein and on file with the Building Standards Commission.

(6) Local Climatic Conditions.

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

(B) During the summer months, the Santa Ana Winds produce

periods of extremely low humidity, thereby reducing the fuels moisture and increasing the possibility and severity of fire from dry vegetation and other common combustibles.

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

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

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

(7) Local Geological Conditions.

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

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

(C) Some desert areas of the District have limited aquifers, exceptionally deep aquifers or aquifers providing only brackish or contaminated water supplies. This limits, or in some cases eliminates, water supplies available for firefighting purposes.

(D) The District has many areas with rich deposits of minerals

resulting in the presence of many subsurface and strip mining operations. These operations pose special problems due to confined access and large quantities of fuels and explosive materials.

(8) Local Topographical Conditions.

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

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

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

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

(E) The District is traversed by two major active railroad main rail systems. These rail systems are used for both commuter and large freight trains, including the transportation of large quantities of hazardous materials. These rails provide for limited under or over crossing access points for emergency vehicles to cross to adjacent areas. Emergency vehicles experience frequent delays at grade crossings until passenger and/or lengthy freight trains clear the grade crossings.

(F) Due to the size and topography of the District, it is traversed

by several high voltage electrical transmission lines which cross over inaccessible desert and foothill brush-covered areas, as well as and heavily forested steep mountain areas. High winds have caused damage to these lines, resulting in vegetation fires. Access to many of these areas is unavailable to vehicles, making response to these fires unusually difficult.

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

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

(9) These local climatic, geological and topographical conditions found herein together present increased hazard potentials that create a reasonable necessity for the San Bernardino County Fire Protection District to establish more restrictive building and fire protection standards, as well as to prevent and discourage egregious and other fire safety violations where the public is at higher risk.

(b) ADOPTION OF THE 2019 CALIFORNIA FIRE CODE. The Board of Directors of the San Bernardino County Fire Protection District hereby adopts the 2019 edition of the California Fire Code (CFC), also known as Part 9 of Title 24 of the California Code of Regulations (incorporating the 2018 International Fire Code), and Appendices as compiled and published by the International Code Council.

(c) APPLICABILITY. The provisions of the CFC, subsequent amendments, California Fire Code Appendices, and referenced standards shall be collectively known

as the San Bernardino County Fire Protection District Fire Code. The San Bernardino County Fire Protection District Fire Code shall be applicable in all areas of San Bernardino County within the San Bernardino County Fire Protection District, or in any political subdivision or district that contracts with the San Bernardino County Fire Protection District for fire protection and prevention services, and in those other cities, towns and districts that ratify this ordinance pursuant to California Health and Safety Code section 13869.7.

**2. Amendments to the 2019 California Fire Code.**

The 2019 California Fire Code, also known as Part 9 of Title 24 of the California Code of Regulations, is hereby amended as follows:

(a) The following sections of Chapter 1 of the San Bernardino County Fire Protection District Fire Code are added or amended, as follows:

(1) Section 105.6.3.A is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.3A Battery and other energy storage systems.** An operational permit is required for a battery system or electrical energy storage system as regulated by section 1206 of the California Fire Code.

**Exception:** This Section does not apply to systems in R-3 occupancies.

(2) Section 105.6.9 is added the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.9 Covered and open mall buildings.** An operational permit is required for covered and open mall buildings.

(3) Section 105.6.12 is added to the San Bernardino County Fire Protection District Fire Code, to read:

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

(4) Section 105.6.15B is added to the San Bernardino County Fire

Protection District Fire Code, to read:

**105.6.15A Fixed hood and duct extinguishing systems.** An operational permit is required to utilize commercial cooking appliances, as defined in Section 607, with a Type I hood and an automatic fire extinguishing system as required by section 904.12.

(5) Section 105.6.27 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.27 LP-gas.** An operational permit is required for:

1. Storage or use of LP-gas.

**Exception:** A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500-gallons (1893 L) serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP-gas.

(6) Section 105.6.28 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.28 Magnesium.** An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

(7) Section 105.6.29 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.29 Miscellaneous combustible storage.** An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (17 $m^3$) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

(8) Section 105.6.31 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.31 Motor fuel-dispensing facilities.** An operational permit is required for the operation of automotive, marine and fleet motor fuel-dispensing facilities.

(9) Section 105.6.32 is added to the San Bernardino County Fire

Protection District Fire Code, to read:

**105.6.32 Open fires.** An operational permit is required for the kindling or maintaining of an open fire as defined in Section 202 of the California Fire Code, on any public street, alley, road, or other public or private ground, in accordance with Section 26 of this Code.

**Exception:** Recreational fires and barbecues fueled solely by LP-gas or natural gas.

(10) Section 105.6.33 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.33 Open flames and torches.** An operational permit is required to use a torch or open-flame device in a wildfire risk area.

(11) Section 105.6.34 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.34. Open flames in assemblies.** An operational permit is required to use open flames in connection with assembly areas, dining areas of restaurants or drinking establishments.

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

(12) Section 105.6.35 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.35 Organic coatings.** An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

(13) Section 105.6.36 of the California Fire Code is amended, to read:

**105.6.36 Outdoor assemblies**. An operational permit is required to conduct an outdoor assembly, temporary use or other special event where planned attendance exceeds 200 persons per day.

(14) Section 105.6.36A is added to the San Bernardino County Fire

Protection District Fire Code, to read:

**105.6.36A Pallet Yards.** An operational permit is required to store combustible pallets at pallet manufacturing and/or recycling facilities.

(15) Section 105.6.37 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.37 Places of assembly**. An operational permit is required to operate a place of assembly.

(16) Section 105.6.41 is adopted into the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.41 Pyroxylin plastics.** An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics, and for the assembly or manufacture of articles involving pyroxylin plastics.

(17) Section 105.6.42 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.42 Refrigeration equipment.** An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

(18) Section 105.6.43 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.43 Repair garages.** An operational permit is required for operation of repair garages.

(19) Section 105.6.44 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.44 Rooftop heliports.** An operational permit is required for the operation of a rooftop heliport.

(20) Section 105.6.45 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.45 Spraying or dipping.** An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids, or the application

of combustible powders regulated by Chapter 24.

(21) Section 105.6.46 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.46 Storage of scrap tires and tire byproducts.** An operational permit is required to establish, conduct or maintain storage of scrap tires or tire byproducts that exceeds 2,500 cubic feet (71 $m^3$) of total volume outside of a building, and for indoor storage of tires or tire byproducts.

(22) Section 105.6.48 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.6.48 Tire-rebuilding plants.** An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

(23) Section 105.6.49 of the California Fire Code is amended, to read:

**105.6.49 Waste handling and wrecking yards.** An operational permit is required for the operation of automobile wrecking yards, junk yards, combustible waste material or combustible recycled material handling facilities.

(24) Section 105.6.50 of the California Fire Code is amended, to read:

**105.6.50 Wood, manure and organic product storage.** An operational permit is required to store or process wood chips, hogged material, lumber, plywood, manure, compost or other combustible organic products in excess of 200 cubic feet (6 $m^3$).

(25) Section 105.7.5A is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.7.5A Dust Collection Systems.** A construction permit is required for the installation or modification of Dust Collection System as regulated by Chapter 22.

(26) Section 105.7.19A is added to the San Bernardino County Fire Protection District Fire Code, to read:

**105.7.19A Refrigeration Systems.** A construction permit is required to install or modify a mechanical refrigeration unit or system regulated by Section 605.

(b) The following definitions in Chapter 2, Section 202 of the California Fire

Code are amended, by adding or amending the following definitions, as follows:

**AGRICULTURAL BURNING.** The open burning of waste vegetation produced by the growing or harvesting of crops in agricultural operation.

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

**BARBECUE GRILL.** (Also known as a barbeque or BBQ). A portable or fixed device, constructed of non-combustible material, for the primary purpose of cooking food over a liquefied petroleum-, natural gas-, wood- or charcoal-fueled fire.

**BARBECUE PIT.** A trench or depression in the ground in which wood or other clean solid fuel is burned to produce a bed of hot coals for the sole purpose of cooking.

**BONFIRE.** An outdoor open fire having a total fuel area greater than 3 feet in width, length or diameter or 2 feet in height, and is used for pleasure, religious, ceremonial, cooking, warmth or other similar purposes.

**DEPARTMENT.** Department includes the San Bernardino County Fire Protection District and any other recognized fire department or agency.

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

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

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

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

**OPEN BURNING.** Opening burning shall have the same meaning as Open Fire as defined in this Section.

**OPEN FIRE.** Any outdoor fire including the open burning of a solid fuel, such as

a barbecue grill, barbecue pit, bonfire, recreational fire, agricultural burning or residential burning, wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber, as regulated by Section 26 of this Code. Open burning does not include road flares, smudge pots, and other similar devices associated with safety or occupational uses typically considered open flames or the use of portable outdoor fireplaces or outdoor ovens.

**Exception:** The following open fires by law enforcement or fire department personnel do not fall within the definition of open fires: fires for training, abatement of fire hazards, or destruction of explosion hazards or contraband.

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

**PORTABLE OUTDOOR FIREPLACE.** A portable, outdoor, solid-, liquid-, or gas fuel burning fireplace constructed of steel, concrete, clay or other non-combustible materials and specifically designed for the containment of fire. A portable outdoor fireplace may have an open design or may have a small hearth opening with a short chimney or opening in the top.

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

**RESIDENTIAL BURNING**. The open burning of waste vegetation, tree and yard trimmings or similar for disposal on residential privately-owned property. For the purposes of this Code, Residential Burning shall also include the burning of similar items

at commercial properties and on vacant properties.

**SELF-CONTAINED RESIDENTIAL AUTOMATIC SPRINKLER SYSTEM.** An approved fire sprinkler system, that conforms to Section 903.3.1.1. 903.3.1.2, or 903.3.1.3 of this Code, National Fire Protection Association standards 13 R or 13 D, and San Bernardino County Fire Protection District Fire Prevention Standards, and is supplied by a water source independent from a municipal water distribution system. If the system is mechanically assisted by booster pumps, it shall be independent from the dwelling's power supply.

**WILDFIRE RISK AREA.** Land that is covered with flammable vegetation, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon it would present an abnormally difficult job of suppression or would result in great or unusual damage through fire. For the purposes of this Code, the following areas shall be a Wildfire Risk Area: (1) any land located within a Fire Safety Overlay or Fire Hazard Overlay as identified in the San Bernardino County Development Code or in the ordinances or municipal code of an incorporated City within the District; (2) a Very High Fire Hazard Severity Zone as designated by the California Department of Forestry and Fire Protection (Cal FIRE,) ; or (3) a No Fireworks Zone.

(c) The following sections of Chapter 3 of the San Bernardino County Fire Protection District Fire Code are added or amended, as follows:

(1) Section 305.3 is added to the San Bernardino County Fire Protection District Fire Code, to read:

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

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

(2) Section 305.6 is added to the San Bernardino County Fire Protection

District Fire Code, to read:

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

(3) Section 308.1 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**SECTION 308**

**OPEN FLAMES**

**308.1 General.** Notwithstanding any other provision of this Code, open flames, fire and burning on all premises shall be in accordance with Section 26 of this Code and Title 19 CCR Sections 3.25(a) and (b).

(4) Section 308.1.3 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**308.1.3 Use of torches.** Torches and other flame-producing devices shall not be used to remove paint from any structure or weeds from any premises. Notwithstanding any other provision of this Code, persons utilizing a torch or other flame-producing device for melting asphalt or for welding or cutting shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum of a 4-A rating, or two portable fire extinguishers, each with a minimum of a 2-A rating, or a water hose connected to a working water source. The person conducting the burning or asphalt melting shall remain at the location for a minimum of one hour after the torch or flame-

producing device is utilized.

(5) Section 308.1.4 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**308.1.4 Open-Flame Cooking Devices.** Charcoal burners, barbecues, and other open-flame cooking devices shall be in accordance with Section 26 of this Code.

(6) Section 308.1.6 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**308.1.6 Open-flame devices**. Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon Wildfire Risk Areas, except by a permit in accordance with Section 105.6 secured from the fire code official.

**Exception**: Use within inhabited premises or designated campsites that are not less than 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

(7) Section 308.1.6.1 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**308.1.6.1 Signals and markers**. Flame-employing signaling devices, such flare guns, lanterns, or road flares shall not be operated or used as a signal or marker in or upon Wildfire Risk Areas.

**Exception**: The proper use of fusees at the scene of emergencies or as required by standard railroad operating procedures.

(8) Section 308.1.6.3 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**308.1.6.3 Sky lanterns Prohibited.** The release or the failure to prevent the release of sky lanterns into the air without an effective means of control is prohibited within the jurisdiction of the San Bernardino County Fire Protection District.

**Exception**: Sky lanterns used for scientific or research purposes when reasonable precautions are made to prevent loss of control or the ignition of surrounding combustibles. Persons releasing Sky Lanterns used for scientific or research

purposes shall first submit a plan outlining the scientific or research purpose and shall obtain a permit and specific conditions from the fire code official.

(9) Section 308.2 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**308.2 Permits required.** Permits shall be obtained from the fire code official in accordance with Section 105.6 prior to engaging in the following activities involving open flames:

1. Use of open flames in connection with assembly occupancies.

**Exception**: The use of candles.

2. Use or operation of open flames, torches or other devices, machines or processes liable to cause fire in or upon Wildfire Risk Areas.

(10) Sections 309, 309.1-309.7 are added to the San Bernardino County Fire Protection District Fire Code, to read:

**SECTION 309**

**POWERED INDUSTRIAL TRUCKS AND EQUIPMENT**

**309.1 General.** Powered industrial trucks and similar equipment including, but not limited to, floor scrubbers and floor buffers, shall be operated and maintained in accordance with Section 309.2 through 309.6.

**309.2 Use in hazardous (classified) locations.** Powered industrial trucks used in areas designated as hazardous (classified) in accordance with the California Electrical Code shall be listed and labeled for use in the environment intended in accordance with National Fire Protection Association Standard 505.

**309.3 Battery chargers.** Battery chargers shall be of an approved type. Combustible storage shall be kept not less than 3 feet (915 mm) from battery chargers. Battery charging shall not be conducted in areas accessible to the public.

**309.4 Ventilation.** Ventilation shall be provided in an approved manner in battery-charging areas to prevent a dangerous accumulation of flammable gases.

**309.5 Fire extinguishers**. Battery-charging areas shall be provided with a fire

extinguisher complying with Section 906 having a minimum 4-A:20-B:C rating within 20 feet (6096 mm) of the battery charger.

**309.6 Refueling.** Powered industrial trucks using liquid fuel, LP-gas or hydrogen shall be refueled outside of buildings or in areas specifically approved for that purpose. Fixed fuel dispensing equipment and associated fueling operations shall be in accordance with Chapter 23. Other fuel-dispensing equipment and operations, including cylinder exchange for LP-gas-fueled vehicles, shall be in accordance with Chapter 57 for flammable and combustible liquids or Chapter 61 for LP-gas.

**309.7 Repairs.** Repairs to fuel systems, electrical systems and repairs utilizing open flame or welding shall be done in approved locations outside of buildings or in areas specifically approved for that purpose.

(11) Sections 311.1- 311.4 are added to the San Bernardino County Fire Protection District Fire Code, to read:

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

**311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the California Building Code and the International Property Maintenance Code as adopted by the local Building Department.

**311.1.2 Tenant spaces**. Storage and lease plans required by this Code shall be revised and updated to reflect temporary or partial vacancies.

**311.2 Safeguarding vacant premises.** Temporarily unoccupied buildings,

structures, premises or portions thereof shall be secured and protected in accordance with Sections 311.2.1 through 311.2.3.

**311.2.1 Security.** Exterior and interior openings accessible to other tenants or unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The fire code official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

**311.2.2 Fire protection.** Fire alarm, sprinkler and standpipe systems shall be maintained in an operable condition at all times.

**Exceptions**:

1. Where the premises have been cleared of all combustible materials and debris and, in the opinion of the fire code official, the type of construction, fire separation distance and security of the premises do not create a fire hazard.

2. Where approved by the fire code official, buildings that will not be heated and where fire protection systems will be exposed to freezing temperatures, fire alarm and sprinkler systems are permitted to be placed out of service and standpipes are permitted to be maintained as dry systems (without an automatic water supply), provided the building has no contents or storage, and windows, doors and other openings are secured to prohibit entry by unauthorized persons.

3. Where approved by the fire code official, fire alarm and sprinkler systems are permitted to be placed out of service in seasonally occupied buildings that will not be heated and where fire protection systems will be exposed to freezing temperatures; and where fire areas do not exceed 12,000 square feet (1115 $m^2$); and that do not store motor vehicles or hazardous materials.

**311.2.3 Fire separation.** Fire-resistance-rated partitions, fire barriers and fire walls separating vacant tenant spaces from the remainder of the building shall be maintained. Openings, joints and penetrations in fire-resistance-rated assemblies shall be protected in accordance with Chapter 7.

**311.3 Removal of combustibles.** Persons owning, or in charge or control of, a

vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.

**Exceptions**:

1. Buildings or portions of buildings undergoing additions, alterations, repairs or change of occupancy in accordance with the California Building Code, where waste is controlled and removed as required by Section 304.

2. Seasonally occupied buildings.

**311.4 Removal of hazardous materials.** Persons owning or having charge or control of a vacant building containing hazardous materials regulated by Chapter 50 shall comply with the facility closure requirements of Section 5001.6.

(12) Section 315.7 of the California Fire Code is amended, to read:

**315.7 Outdoor pallet storage.** The outside storage of combustible pallets shall comply with sections 315.7 – 315.7.7 and San Bernardino County Fire Protection District Fire Prevention Standards. Pallets stored within a building shall be protected in accordance with Chapter 32. Outdoor storage of pallets at pallet manufacturing and/or recycling facilities shall be in accordance with Section 2810.

**315.7.1 Storage beneath overhead projections from buildings.** The outdoor storage of pallets is prohibited under eaves, canopies or other projections or overhangs of buildings except where buildings are equipped throughout with an automatic sprinkler system and where automatic sprinklers are installed under such eaves, canopies or other projections or overhangs.

**315.7.2 Distance to the lot line.** Pallet storage shall not be located within 20 feet (6096 mm) of a lot line.

**315.7.3 Storage Height.** Pallet storage shall not exceed 16 feet (4877 mm) in height.

**315.7.4 Pallet pile stability and size.** Pallet stacks shall be arranged to form

stable piles. Individual pallet piles shall not exceed 20 feet (6096 mm) in width and 25 feet (7620 mm) in length. Piles shall not exceed 6,400 cubic feet (227 $m^3$) in volume and shall cover an area not greater than 400 square feet (37 $m^2$).

**315.7.5 Pallet types.** Pallets shall be all wood, with slatted or solid top or bottom, with metal fasteners, or shall be plastic or composite pallets, listed and labeled in accordance with the UL 2335 or FM 4996. Plastic pallets shall be both solid and gridded deck, independent of the pallet manufacturing process, type of resin used in fabrication or geometry of the pallet.

**315.7.6 Pile separation distances.** In addition to the other requirements of this section, pallet stacks and piles shall be separated in accordance with sections 315.7.6.1 and 315.7.6.2.

**315.7.6.1 Building separation.** Pallet stacks and piles shall be separated from buildings in accordance with Table 315.7.6(1) for wood pallets and Tables 315.7.6(2) for plastic pallets.

**315.7.6.2 Separation from the other pallets and on-site storage.** Pallets shall be separated from other pallet piles and other storage in accordance with Table 315.7.6(3) for wood pallets and Table 315.7.6(4) for plastic pallets.

**315.7.7 Prohibited locations.** Pallets shall not be stored within 100 feet (30480 mm) of welding or cutting equipment, underneath high-voltage transmission lines, public roadways or railways.

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

**315.8 Outside storage of firewood.** The outside storage of firewood shall comply with the provisions of Section 315 of this Code, and San Bernardino County Fire Protection District Fire Prevention Standards.

(14) Section 315.9 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**315.9 Storage of motor vehicles and trailers**. Outside storage of automobiles,

trucks, recreational vehicles, truck trailers and other similar vehicles on a temporary basis shall meet the requirements of the San Bernardino County Fire Protection District Fire Prevention Standards.

**Exceptions**:

1. Parking of vehicles at wholesale or retail sales lots.

2. Parking lots for public or private use where vehicles are parked or stored on the premises for a period not exceeding 30 days

(15) Section 316.7 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**316.7 Electrified fences**. Electrified fences or other barriers intended to secure a premise shall have provided a means of disconnecting all electrical power and de-energizing any and all barriers with a single main switch. The main electrical disconnect switch shall be clearly labeled and be accessible for firefighter use by means of a key switch, locked cabinet, or other means approved by the fire code official. Such electrified fences or barriers shall be clearly labeled with warning signs that read "DANGER – ELECTRIC FENCING" at a minimum of every 100 feet (30.5 m) apart around the perimeter.

(d) The following sections of Chapter 4 of the San Bernardino County Fire Protection District Fire Code are added or amended, as follows:

(1) Sections 403.12 - 403.12.3.3 are added to the San Bernardino County Fire Protection District Fire Code, to read:

**403.12 Special requirements for public safety.** Special requirements for public safety shall be in accordance with Sections 403.12.1 through 403.12.3.3.

**403.12.1 Fire watch personnel.** Where, in the opinion of the fire code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall provide one or more fire watch personnel, as required and approved. Fire watch personnel shall comply with Sections 403.12.1.1 and

403.12.1.2 and San Bernardino County Fire Protection District Fire Prevention Standards.

**403.12.1.1 Duty times.** Fire watch personnel shall remain on duty while places requiring a fire watch are open to the public, or when an activity requiring a fire watch is being conducted.

**403.12.1.2 Duties.** On-duty fire watch personnel shall have the following responsibilities:

1. Keep diligent watch for fires, obstructions to means of egress and other hazards.
2. Take prompt measures for remediation of hazards and extinguishment of fires that occur.
3. Take prompt measures to assist in the evacuation of the public from the structures.

**403.12.2 Public safety plan for gatherings.** Where the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants or fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of or prescribe a public safety plan that provides an approved level of public safety and addresses the following items:

1. Emergency vehicle ingress and egress.
2. Provisions for maintaining fire protection equipment.
3. Emergency egress or escape routes.
4. Emergency medical services facilities and personnel.
5. Public assembly areas.
6. The directing of both attendees and vehicles, including the parking of vehicles.
7. Vendor and food concession distribution.
8. The need for the presence of law enforcement.

9. The need for fire department apparatus or personnel available on the site, provided owner, agent, or lessee's expense, as required by the fire code official.

10. The need for a weather monitoring person.

11. The need for qualified crowd managers meeting the requirements of section 403.12.3 through 403.12.3.3.

**403.12.3 Crowd managers.** Where required by the fire code official, crowd managers shall be provided in accordance with sections 403.12.3.1 through 403.12.3.3.

**403.12.3.1 Number of crowd managers.** Not fewer than two trained crowd managers, and not fewer than one trained crowd manager for each 250 persons or portion thereof, shall be provided for the gathering.

**Exception:**

1. The number of crowd managers shall be reduced where, in the opinion of the fire code official, the fire protection provided by the facility and the nature of the event warrant a reduction.

**403.12.3.2 Training.** Training for crowd managers shall be a certification from the National Association of State Fire Marshals (NASFM) or an equivalent training and certification program as approved by the fire code official.

**403.12.3.3 Duties.** The duties of crowd managers shall include, but not be limited to:

1. Conduct an inspection of the area of responsibility and identify and address any egress barriers.

2. Conduct and inspection of the area of responsibility to identify and mitigate any fire hazards.

3. Verify compliance with all permit conditions

4. Direct and assist the event attendees in evacuation during an emergency.

5. Direct emergency response personnel to a location when

requested.

6. Other duties required by the fire code official.

7. Other duties as specified in the fire safety plan.

(e) The following sections of Chapter 5 of the San Bernardino County Fire Protection District Fire Code are added or amended, as follows:

(1) Sections 503.1-503.5.1 are added to the San Bernardino County Fire Protection District Fire Code, to read:

**SECTION 503**

**FIRE APPARATUS ACCESS ROADS**

**503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

**503.1.1 Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

**Exceptions**:

1. The fire code official is authorized to increase the dimension of 150 feet (45720 mm) where any of the following conditions occur:

1.1. Unless required by another section of this Code, the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

1.3. There are not more than two Group R-3 or Group U occupancies.

2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

**503.1.2 Additional access.** The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

**503.1.3 High Piled Storage.** Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32.

**503.2 Specifications**. Fire apparatus access roads shall be designed, constructed and maintained in accordance with Sections 503.2.1 through 503.2.8. and San Bernardino Fire Protection District Fire Prevention Standards.

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 26 feet (7925 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet, 6 inches (4420 mm.) Roadways that provide fire apparatus access to buildings that have exterior walls 30 feet or higher from the lowest level of fire department access to the top of the highest roof or parapet, or having occupied floors that are three or more stories above such adjacent roadways shall have an unobstructed width of 30 feet (9144 mm.)

**Exceptions:**

1. Emergency vehicle access roads designed and provided exclusively for fire department use may have an unobstructed width of not less than 20 feet (6096 mm) when approved by the fire code official.

2. Driveways and private roadways providing fire department access to not more than two Group R-3 and accessory Group U occupancies shall be a minimum of 12 feet in width.

3. Required access road dimensions may be modified according

to the San Bernardino County Fire Protection District Fire Prevention Standards when, due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the fire code official determines that the conditions cannot be met. In no case shall fire department access roads within State Responsibility areas (SRA) be less than 20 feet (6096 mm) in unobstructed width.

**503.2.2 Authority.** The fire code official shall have the authority to require or permit modifications to the required access widths and heights where they are inadequate for fire or rescue operations or where necessary to meet public safety objectives.

**503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus weighing at least 75,000 pounds and shall be surfaced so as to provide all-weather driving capabilities.

**Exceptions:**

1. Where road grades do not exceed eight percent (8%), and where serving only one- or two-family dwellings or accessory Group U occupancies, the fire code official may approve existing roads constructed with approved native materials or other earthen materials compacted to eighty-five percent (85%) compaction.

2. The fire code official is authorized to allow alternate fire apparatus roadway surfaces designed or evaluated by a qualified professional engineer and demonstrating an equivalent reliability and safety.

**503.2.4 Turning Radius.** The required turning radius of a fire apparatus access road shall comply with San Bernardino Fire Protection District Fire Prevention Standards as determined by the fire code official.

**503.2.5 Dead Ends.** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus that complies with San Bernardino Fire Protection District Fire Prevention Standards.

**503.2.6 Bridges and elevated surfaces.** Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for

a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the fire code official.

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

**Exceptions:**

1. The grade of a fire apparatus access road or driveway may be increased to fourteen percent (14%) for a distance not to exceed 500 feet with the approval of the fire code official.

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

3. Where more restrictive local city requirements apply.

**503.2.8 Angles of approach and departure.** The angles of approach and departure for fire apparatus access roads shall comply with the San Bernardino County Fire Protection District Fire Prevention Standards.

**503.3 Marking.** Where required by the fire code official, approved signs and markings that include the words "NO PARKING—FIRE LANE" and that comply with San Bernardino County Fire Protection District Fire Prevention Standards shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

**503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads

shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and 503.2.2 shall be maintained at all times. Any condition that serves as an impediment to fire access, or any vehicle or other obstruction to fire access may be removed at the orders of the fire code official or other governing agency in cooperation with the fire code official, with the expense of such removal to be paid by the owner of the roadway, or of said vehicle or obstruction.

**503.4.1 Traffic calming devices.** Traffic calming devices shall be prohibited unless approved by the fire code official in accordance with the San Bernardino County Fire Protection District Fire Prevention Standards.

**503.5 Required gates or barricades.** The fire code official is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and the San Bernardino County Fire Protection District Fire Prevention Standards.

**503.5.1 Secured gates and barricades.** Where required, gates and barricades shall be secured in an approved manner. Roads, trails and other access ways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the owner and the fire code official.

**Exception:** The restriction on use shall not apply to public officers acting within the scope of duty.

(2) Section 503.6 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**503.6 Security gates.** The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators,

where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and the San Bernardino County Fire Protection District Fire Prevention Standards.

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

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

(4) Sections 505.1-505.2 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**SECTION 505**

**PREMISES IDENTIFICATION**

**505.1 Address identification.** New and existing buildings shall be provided with approved address identification in accordance with this section and San Bernardino County Fire Protection District Standards. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address identification shall be Arabic numerals or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where required by sections 505.1.1 – 505.1.6, address identification shall be provided in additional approved locations to facilitate emergency response. Address identification shall be maintained.

**505.1.1 One and two family dwelling units.** All one and two family dwelling units shall, in addition to the requirements of section 505.1, be provided with address identification in accordance with all of the following:

1. Electrically illuminated by an internal low-voltage light source during the hours of darkness.

2. Where building setbacks exceed 100 feet (30.5 m) from the street, or where addresses on dwelling units would not be visible or would otherwise be obstructed, additional non-illuminated address identification shall be displayed on a monument, sign or other approved means used to identify structures.

**505.1.2 Buildings less than 100,000 square feet, other than one- and two-family dwelling units.** All buildings less than 100,000 square feet (9290 $m^2$) in area, other than one- and two-family dwelling units, shall, in addition to the requirements of Section 505.1, be provided with address identification in accordance with all of the following:

1. Electrically illuminated by an internal or external source during the hours of darkness.

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

3. Where building setbacks exceed 200 feet (61 m) from the street, or where address identification would not be visible or would otherwise be obstructed, additional non-illuminated address identification shall be displayed on a monument, sign or other approved means used to identify structures. Address identification characters shall not be less than six inches (153 mm) in height, with a minimum stroke width of 0.75 inches (19 mm).

**505.1.3 Buildings 100,000 square feet or larger, other than one- and two-family dwelling units.** All buildings 100,000 square feet (9290 $m^2$) or larger in area, other than one- and two-family dwelling units, shall, in addition to the requirements of Section 505.1, be provided with address identification in accordance with all of the following:

1. Electrically illuminated by an internal or external source during the hours of darkness.

2. Not less than twelve inches (306 mm) in height, with a minimum stroke width of 1.5 inch (38 mm).

3. Where building setbacks exceed 200 feet (61 m) from the street, or where address identification would not be visible or would otherwise be obstructed, additional non-illuminated address identification shall be displayed on a monument, sign or other approved means used to identify structures. Address identification characters shall not be less than six inches (153 mm) in height, with a minimum stroke width of 0.75 inches (19 mm).

**505.1.4 Illuminated directory**. When required by the fire code official, new multiple dwelling unit complexes of 20 or more units shall be provided with an illuminated directory at each entry, clearly visible to emergency responders entering the property. The directory shall comply with San Bernardino County Fire Protection District Fire Prevention Standards and shall consist of a diagrammatic representation of the complex which shows the location of the viewer and the unit designations within the complex.

**505.1.5 Individual units.** Individual dwelling units other one- and two-family dwelling units, and tenant lease spaces within buildings shall be posted with address identification on each unit. Addresses shall comply with Section 505.1 and shall be easily visible to approaching vehicular or pedestrian traffic.

**505.1.6 Rear addressing.** Buildings which have vehicular access to the rear side by means of a drive aisle, alley, or parking lot shall also display address identification on the rear of the building.

**505.2 Street or road name signs.** The names of streets or roads shall be identified with approved signs. Temporary street or road name signs meeting the San Bernardino County Fire Protection District Fire Prevention Standards shall be installed at each street intersection when construction of new roadways allows passage by vehicles and shall be maintained until replaced by permanent signs.

(5) Sections 506.1-506.2 are added to the San Bernardino County Fire Protection District Fire Code, to read:

**SECTION 506**

**KEY BOXES**

**506.1 Where required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require one or more key boxes to be installed in an approved location(s). The key box(es) shall be of an approved type in accordance with San Bernardino County Fire Protection District Fire Prevention Standards and shall contain keys to gain necessary access as required by the fire code official.

**506.1.1 Locks.** An approved lock or entry device meeting San Bernardino County Fire Protection District Fire Prevention Standards shall be installed on gates or similar barriers across fire department access roads where required by the fire code official.

**506.2 Key box maintenance.** The operator of the building shall immediately notify the fire code official and provide the new key where a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

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

**SECTION 507**

**FIRE PROTECTION WATER SUPPLIES**

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

**Exception:**

1. When approved by the fire code official, the following shall be permitted in lieu of an adequate water supply when serving not more than two Group R-3 occupancies and accessory Group U occupancies:

a) Structures shall be a minimum of 50 feet (15 240 mm) from all adjacent dwellings and property lines, or

b) Provide other approved alternate means and methods as approved by the fire code official.

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

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

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

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

1. When approved by the fire code official, the following shall be considered in lieu of adequate fire flow when serving not more than two Group R-3 occupancies and accessory Group U occupancies:

a) Structures shall be a minimum 50 feet (15 240 mm) from all adjacent dwellings and property lines; or

b) Provide other approved alternate means and methods as approved by the fire code official.

(9) Section 507.5 of the California Fire Code is amended, to read:

**507.5. Fire hydrant systems.** Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and San Bernardino County Fire Protection District Fire Prevention Standards.

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

**507.5.1 Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91.5 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the

exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

**Exception:**

1. For Group R-3 and attached Group U occupancies, the distance requirement shall not be more than 600 feet (183 m).

(11) Section 507.5.1.2 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**507.5.1.2 Water supply connections**. New on-site fire hydrant water systems that serve buildings having a single or aggregate floor area of greater than 100,000 square feet (9290 $m^2$) shall have a minimum of two separate remote connections to the public water system designed and constructed in accordance with the National Fire Protection Association and the San Bernardino County Fire Protection District Fire Prevention Standards and approved by the fire code official.

(12) Section 508.2 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**508.2 Fire Control Room**. A fire control room for fire department operations shall be provided in all newly constructed Group S-1 and S-2 distribution warehouses greater than 300,000 square feet (27870 $m^2$) in floor area. The location and accessibility of the fire control room shall be approved by the fire code official. The fire control room shall be separated from the remainder of the building by walls and ceilings not less than one-hour fire partitions and shall have at least one exterior access door of not less than 3'-0" (918 mm) in width by 6'-8" (2040 mm) in height. The room shall be a minimum of 96 square feet (9 $m^2$) with a minimum dimension of 8 feet (2438 mm.) The room shall contain the following as a minimum:

1. The fire alarm control unit and associated equipment, including an annunciator panel displaying status of sprinkler control valves and water flow detectors.

2. Main controls and indicators for mechanical smoke exhaust

systems.

3. A printed graphic exhibit(s) showing the building floor plan, automatic sprinkler systems, fire alarm systems, smoke exhaust systems, fire department access doors, and any other equipment as required by the fire code official.

4. Other firefighting equipment and system controls as required by the fire code official.

(13) Section 509.3 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**509.3 Access to equipment in multi-unit buildings.** When automatic fire sprinkler systems or fire alarm systems are installed in buildings constructed for multiple tenants and these systems protect multiple tenant spaces, the main risers, fire alarm control panels, and any other main control valves or equipment for such systems; shall be located in an attached or included room separate from any tenant space. Such rooms shall have at least one exterior access door of not less than 3'-0" (918 mm) in width by 6'-8" (2040 mm) in height and meet the requirements of Sections 901.4.6-901.4.6.4.

(f) The following sections of Chapter 9 of the San Bernardino County Fire Protection District Fire Code are added or amended, as follows:

(1) Section 901.8.3 is added to the San Bernardino County Fire Protection District Fire Code, to read:

**901.8.3 Theft deterrents.** The fire code official is authorized to require installation methods, mechanisms, or other technology that will serve to deter theft or tampering with fire protection appliances. Such methods shall be in accordance with the San Bernardino County Fire Protection District Fire Prevention Standards.

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

**903.2 Where required.** Approved automatic fire sprinkler systems in new buildings and structures shall be provided in the locations described in this section and Sections 903.2.1 through 903.2.19. Notwithstanding any other provision of Sections 903.2.1 through 903.2.19, an approved automatic fire sprinkler system shall be provided

throughout all newly constructed buildings of any occupancy group, when the gross floor area is equal to or exceeds 5,000 square feet (465 $m^2$), regardless of fire resistive separation walls.

**Exceptions:**

1. Group U occupancies.

2. In existing buildings, other than Group R, Division 3 and Group U occupancies, not equipped with an automatic fire sprinkler system, the following requirements shall apply:

a) When an addition causes the building to exceed 5,000 square feet (465 $m^2$) in gross floor area and such addition is equal to or greater than 50% of the existing square footage, the entire building shall be provided with an automatic sprinkler system.

b) For existing buildings larger than 5,000 square feet (465 $m^2$) in gross floor area, when a change of use occurs that, in the opinion of the fire code official, increases the risk of fire, or increases the danger to occupants in a fire, the entire building shall be provided with an automatic sprinkler system.

(3) Section 910.2.2 of the California Fire Code is amended, to read:

**910.2.2 High-piled combustible storage.** Smoke and heat removal required by Table 3206.2 for buildings and portions thereof containing high-piled combustible storage shall be installed in accordance with Section 910.3 in unsprinklered buildings. In buildings and portions thereof containing high-piled combustible storage equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, a mechanical smoke and heat removal system shall be installed in accordance with Section 910.4. In occupied portions of a building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 where the upper surface of the story is not a roof assembly, a mechanical smoke removal system in accordance with Section 910.4 shall be installed.

(g) The following sections of Chapter 28 of the San Bernardino County Fire

Protection District Fire Code are added or amended, as follows:

(1) Sections 2810, 2810.1 – 2810.11 of the California Fire Code, are amended, to read:

**SECTION 2810**

**OUTDOOR STORAGE OF PALLETS AT PALLET MANUFACTURING AND/OR RECYCLING FACILITIES**

**2810.1 General.** The outside storage of wood pallets and wood composite pallets on the same site as a pallet manufacturing and/or recycling facility shall comply with Sections 2810.2 through 2810.11 and San Bernardino County Fire Protection District Fire Prevention Standards.

**2810.2 Site plan.** Each site shall maintain an approved site plan that includes a general description of the property, the boundaries of the lot, the size and location of buildings, and all of the following:

1. Utilities.
2. Type of construction and presence of sprinkler protection for all buildings on the site.
3. Locations of all fire hydrants and any other water supply sources for fire-fighting purposes.
4. Locations of any hazards (e.g., flammable liquids, welding, LP gas tanks, and hazardous material storage areas).
5. Location of pallet storage and any other combustibles on the site.
6. Equipment protected with a dust collection system.
7. Fire apparatus access roads.
8. Designated smoking areas.
9. Location of fire alarm control panels.

**2810.3 Fire prevention plan**. The owner or owner's authorized representative shall prepare an approved fire prevention plan that includes all of the following:

1. Frequency of walk-through inspections to verify compliance with the plan

2. Hot work permit program in accordance with Chapter 35.

3. Preventative maintenance program for equipment associated with pallet activities

4. Inspection, testing and maintenance of fire protection systems in accordance with Chapter 9.

**2810.4 Fire safety emergency evacuation plan.** The owner or owner's authorized representative shall prepare and train employees in an approved fire safety and emergency evacuation plan in accordance with Chapter 4.

**2810.5 Security management plan.** The owner or owner's authorized representative shall prepare a security management plan based on a security risk assessment and shall make the plan and assessment available to the fire code official upon request.

**2810.6 Clearance to property line.** Stacks of pallets shall not be stored less than 20 feet (6096 mm) of the property line or shall comply with Section 2810.11.

**2810.7. Clearance to buildings and storage.** Stacks of pallets shall not be stored less than 20 feet (6096 mm) from any building or combustible structure on site, or shall comply with Section 2810.11. Pallets shall not be stored under eaves, canopies or other projections or overhangs of buildings except where protected by an automatic sprinkler system.

**2810.8 Size and Height.** Pallet stacks shall be arranged to form stable piles. Individual pallet piles shall cover an area not greater than 400 square feet (37 $m^2$). Pallet stacks and piles shall not exceed 16 feet (4876 mm) in height.

**2810.9 Fire hydrant spacing and flow.** Fire hydrants shall be located within 300 feet (91440 mm) of entrances to facilities and at locations onsite as determined by the fire code official. Fire flow requirements for the site shall be based on a risk analysis and assessment and approved by the fire code official. All water supply sources for fire-fighting shall be reliable and for a sufficient duration.

**2810.10 Portable fire extinguishers.** Portable fire extinguishers shall be provided

within 75 feet (22 860 mm) of any pallet stack.

**2810.11 Alternative approach.** Where approved by the fire code official, pallet stacks located closer to a property line or structure than as required by Sections 2810.6 and 2810.7 shall be provided with additional fire protection including, but not limited to, the following:

1. The storage yard areas and material handling equipment selection, design and arrangement are based on an approved risk assessment.

2. Automatic fire detection that transmits an alarm to a supervising station in accordance with National Fire Protection Association Standard 72.

3. Fire apparatus access roads around all storage areas.

(h) The following sections of Appendix B of the San Bernardino County Fire Protection District Fire Code are added or amended as follows:

(1) Table B105.2 of the California Fire Code is amended, to read:

**TABLE B105.2**

**REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES**

| **AUTOMATIC SPRINKLER SYSTEM (Design Standard)** | **MINIMUM FIRE-FLOW (gallons per minute)** | **FLOW DURATION (hours)** |
|---|---|---|
| No automatic sprinkler system | Value in Table B105.1(2) | Duration in Table B105.1(2) |
| Section 903.3.1.1 of the California Fire Code | 50% of the value in Table B105.1(2)[a] | Duration in Table B105.1(2) at the reduced flow rate |
| Section 903.3.1.2 of the | 50% of the value in Table | Duration in Table B105.1(2) at |

| | | |
|---|---|---|
| California Fire Code | B105.1(2)[b] | the reduced flow rate |

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,000 gallons per minute.

b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

(i) The following sections of Appendix C of the San Bernardino County Fire Protection District Fire Code are added or amended as follows:

(1) Section C102.1 of the California Fire Code is amended, to read:

**C102.1 Minimum number of fire hydrants for a building.** The number of fire hydrants available to provide fire protection to a building shall be determined according to the spacing requirements in Section C103.

(2) Section C103.2 of the California Fire Code is amended, to read:

**C103.2 Average Spacing**. The average spacing between fire hydrants shall be 300 feet (91 m) apart in industrial, commercial and multifamily development, and 600 feet (183 m) apart in all single family development. Fire hydrants shall comply with the San Bernardino County Fire Protection District Fire Prevention Standards.

**Exception**: The average spacing shall be permitted to be increased by 10 percent where existing fire hydrants provide all or a portion of the required fire hydrants.

(3) Section C103.3 of the California Fire Code is adopted into the San Bernardino County Fire Protection District Fire Code and amended, to read:

**C103.3 Maximum Spacing**. The maximum spacing between fire hydrants shall be allowed to be up to 1000 feet (305 m) with the approval of the fire code official where protecting only incidental hazards and not structures.

**3. Reserved.**

**4. Referenced Standards.**

The standards referenced in this Code shall be those that are listed in Chapter 80. Such standards shall be considered part of the requirements of this Code to the

prescribed extent of such reference. Where conflicts occur between provisions of this Code and referenced standards, the provisions of this Code shall apply. The fire code official may issue San Bernardino County Fire Protection District Fire Prevention Standards for informational purposes in clarifying and interpreting provisions of the California Fire Code, its amendments, and referenced standards.

**5. Conflicting Provisions.**

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

**6. Validity and Severability.**

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

**7. No Liability or Warranty.**

The County of San Bernardino, the San Bernardino County Fire Protection District, any city, town or district that ratifies this ordinance, and their employees or agents shall not be held liable for any act or omission to act done in good faith and reliance upon state law, or the ordinance, codes, standards, interpretations, policies or procedures of the San Bernardino County Fire Protection District. Neither the County of San Bernardino, the San Bernardino County Fire Protection District, nor any city, town or district that ratifies this ordinance, nor their employees or agents shall be held liable for the negligence of, nor as the guarantor of proper performance by, any person or entity holding any license, permit, certificate, registration, privilege or other entitlement from the District.

**8. Authority – General.**

The fire code official shall implement, administer, and enforce the provisions of this Code and shall have the authority to render interpretations of this Code. The fire code official shall also have the authority to adopt policies, procedures, rules and regulations in order to clarify the application of this Code. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent of this Code.

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

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

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

(c) The Fire Chief/Fire Warden, fire code official or officer of the San Bernardino County Fire Protection District in charge at the scene of a fire or other emergency is authorized to disconnect or authorize disconnection of utility service to any building,

structure, vehicle or system in order to safely execute emergency operations or to eliminate an immediate hazard.

**10. Authority to Inspect, Issue Notices and Administrative Citations or Abate a Hazardous Condition.**

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

(b) The fire code official and those persons designated by the fire code official are authorized to take of photographs, samples, or other physical evidence, and make video and/or audio recordings. All such entries and inspections shall be done in a reasonable manner. If an owner, lawful occupant, or the respective agent, employee, or representative thereof, refuses permission to enter and/or to inspect, the District may seek an administrative inspection warrant pursuant to the procedures provided by California Code of Civil Procedure sections 1822.50 through 1822.59, as may be amended from time to time, or the successor provisions thereto.

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

incorporated by reference by this Code.

(d) Any violation of this Code or of the provisions of any code adopted and incorporated by reference by this Code may be deemed a fire hazard by the fire code official and acted upon pursuant to the fire hazard abatement provisions of Chapter 3 of Division 3 of Title 2 of the San Bernardino County Code beginning with Section 23.0301. When a fire hazard or hazardous condition constitutes an immediate threat of harm to public health and safety, the fire code official may take or cause emergency abatement of such hazard with notice to parties concerned, or without notice, as the particular circumstances reasonably allow.

**11. Closure of Public and Private Lands.**

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

**12. Interference Unlawful.**

(a) It shall be unlawful for any person or entity to deny access to, interfere with, prevent, restrict, obstruct, or hinder employees or agents of the San Bernardino County

Fire Protection District acting within the scope of their duty.

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

**13. Official Records**.

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

**14. Permits Required.**

A permit is required to conduct any operation or business, or to install or modify systems or equipment regulated under Section 105 of the California Fire Code. Application shall be made to the fire code official prior to obtaining permits. Permit fees shall be paid prior to the issuance of the permit.

**15. Fees.**

(a) Fees shall be required and paid pursuant to a fee schedule established by action of the Board of Directors for any permit, license, inspection, plan or technical review, related work or services required pursuant to this Code. Any fees charged shall not exceed the actual costs of providing said work or services.

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

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

(a) An application for a permit for any proposed work or operation and its

associated fee shall be deemed to have been abandoned if: (i) the applicant fails to submit any required documentation within 180 days after the date application or plans have been returned by the District for correction; or (ii) the applicant fails to obtain a permit within 180 days after the date the District has approved the application and has sent such notification of approval to the applicant. The fire code official is authorized to grant one or more extensions for a period not to exceed 90 days to submit such documentation or corrections, or to obtain a permit from the District. All requests for extension shall be made, in writing, by the applicant prior to abandonment and shall provide justifiable cause to extend the application review period.

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

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

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

(3) After a construction permit becomes invalid or expired and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits which have been expired for one year or more shall be deemed invalid and will require a new application, payment of fees and submittal of plans and review.

(4) Notwithstanding any other provision of law, construction permits that

have expired and are renewed are subject to any new applicable codes as would be required for a new project.

(c) A permittee holding an unexpired construction permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire code official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 180 days each. Such extensions shall be requested by the permittee in writing and justifiable cause shall be demonstrated.

**17. Permits Not Transferable.**

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

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

**Exceptions:**

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

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

**18. Permit Revocation.**

The fire code official is authorized to revoke a permit issued pursuant to Section 105 of the San Bernardino County Fire Protection District Fire Code when it is found by

inspection or otherwise that conditions including, but not limited to, any one of the following occurred:

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

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

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

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

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

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

(g) The permit was issued in error or in violation of any state or federal law, local ordinance, regulation, this Code.

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

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

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

(a) The fire code official is authorized to issue an order requiring any activity, business, construction, work or use of equipment to immediately cease whenever it is found that such activity, business, construction, work or use of equipment is being performed in a manner in violation of this Code or in a dangerous or unsafe manner.

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

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

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

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

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

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

It shall be unlawful for any person to continue any activity, business, construction, work or use of equipment after being issued a stop work order, except such work as that person is directed to perform by the fire code official to remove a violation or unsafe condition.

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

Notices and Orders issued pursuant to this Code shall be served in the following manner:

(a) If a permittee or his agent, or the person conducting the activity, business,

construction, work or use of equipment or other responsible party is present at the scene of the violation, the notice or order shall be issued by personal service.

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

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

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

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

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

**24. Overcrowding Unlawful.**

It shall be unlawful for any person to allow overcrowding or admittance of any person beyond the approved capacity of a building or portion thereof. The fire code official, upon finding any overcrowding conditions, shall be authorized to the event to be stopped and to cause the removal of excess occupants from the building until such condition is corrected.

**25. Obstructed Egress Unlawful.**

It shall be unlawful for any person to obstruct any aisle, passageway or other means of egress, or to lock, chain, bar or otherwise block any required means of egress. The fire code official, upon finding any obstructions in aisles, passageways or other means of egress, shall be authorized to cause the removal of occupants from the building and the subsequent securing of the building from entry of any authorized person until such obstruction is corrected.

**26. Open Fires and Other Outdoor Fires.**

(a) General. It shall be unlawful for any person to kindle, or maintain an open fire, or for a person to allow an open fire to be kindled or maintained on their property, except in accordance with the provisions of this Code.

(b) Permit Required. When required by this section, a permit shall be obtained from the fire code official in accordance with Section 105.6 of this Code prior to kindling any open fire. Permits shall be issued to the owner of the land on which the fire is to be kindled or with written permission from the owner.

(c) Prohibited Open Fires. It shall be unlawful to kindle, or maintain, or to allow to be kindled or maintained the following open fires within the jurisdiction of the San Bernardino County Fire Protection District:

**Exception**: The following activities conducted by a law enforcement or fire department: open fires for training, control or prevention of fire hazards, or disposal of explosives or contraband.

(1) Any open fire that is offensive or objectionable because of smoke

emission, ember production, or when local atmospheric conditions or circumstances make such fires hazardous.

(2) Any open fire in which any hazardous waste, biological or infectious wastes, construction debris, trash, coated or treated wood, plastic, rubber, or any other manufactured materials or combustible waste materials are burned.

(3) Any open fire using a portable incinerator or "burn barrel" as prohibited pursuant to Title 17 of the California Code of Regulations, section 93113(c)(2), metal drums, salvaged appliance parts, or similar devices not intended for use with an open fire.

(4) Open fires on a No Burn Day as declared by the Air Quality Management District (AQMD) in which the burning will occur.

(5) Open fires when a Red Flag Warning or Fire Weather Watch is in effect for the location in which the fire is to be kindled.

(6) Open fires on any property within a Wildfire Risk Area as defined in Section 202 of this Code.

Exceptions:

(A) Agricultural burning or burning of Russian Thistle (tumbleweeds) in accordance with Rule 444 of the AQMD.

(B) Recreational fires, barbecues, and barbecue pits fueled solely by liquified petroleum gas or natural gas.

(C) Bonfires, barbecues, barbecue pits, and recreational fires within an organized camp or in non-residential areas with the approval of the fire code official.

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

(8) Within the boundaries of a State Responsibility Area, including private property, in violation of any requirements or burn restriction imposed by the California Department of Forestry & Fire Protection (Cal Fire).

(9) Within the boundaries of the San Bernardino National Forest,

including private property, in violation of any requirement or burn restriction imposed by the U.S. Forest Service.

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

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

(d) Extinguishment Authority. The fire code official is authorized to order or cause the extinguishment of any fire that creates or adds to a hazardous condition, creates smoke emissions offensive to occupants of surrounding properties, is conducted without a permit when such a permit is required, or is conducted in violation of such permit or in violation of this Code.

(e) Specific open fire requirements. Open fires as defined in this Code shall meet the following requirements.

(1) Agricultural burning, residential burning, and open burning of Russian Thistle (tumbleweeds).

(A) Prior to applying for a permit to conduct the open fire, any written authorization or permit required by Rule 444 of the Air Quality Management District (AQMD) for the area in which the burning will occur must be provided to the fire code official.

(B) A permit shall be obtained from the fire code official prior to kindling the fire.

(C) Burning shall only be commenced and shall be completed within the periods specified in Rule 444 of the AQMD in which the burn will occur.

(D) Fires shall be located according to the following:

1. Not less than 50 feet from any structure or combustible materials.

2. At the property for which the permit is issued.

(E) Burn Piles shall be in accordance with the following:

1. Piles shall not exceed 4 feet in width or 4 feet in height.

2. Piles shall be separated by a minimum of 10 feet.

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

(2) Bonfires.

(A) A permit for a bonfire shall be obtained from the fire code official prior to kindling the fire.

(B) A bonfire shall not be kindled or maintained less than 50 feet from any structure or combustible materials.

(3) Recreational fires.

(A) Recreational fires shall be maintained a minimum of 25 feet from a structure or combustible materials.

Exception: Recreational fires fueled solely by liquefied petroleum gas or natural gas.

(4) Portable outdoor fireplaces.

(A) Portable outdoor fireplaces shall not be kindled or maintained within 15 feet of a structure or combustible materials.

(B) Portable outdoor fireplaces used within a Wildfire Risk Area shall have an approved, listed spark arresting screen covering.

(C) Portable outdoor fireplaces shall not be used on any combustible patio, deck or balcony which is part of a multi-family dwelling such as apartments, townhomes, or condominiums, unless buildings or overhangs are protected by an automatic fire sprinkler system.

(5) Barbecues and Barbecue Pits.

(A) Barbecues shall not be operated on combustible decks or balconies of a multi-family dwelling such as apartments, townhomes, or condominiums unless buildings and overhangs are protected by an automatic fire sprinkler system.

**Exception:** Liquefied petroleum gas fueled cooking devices when fuel containers have a water capacity not greater than 2 ½ pounds

(B) Barbecue pits shall not be kindled or maintained within 25 feet of a structure or combustible materials.

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

(g) Hot ash and ember disposal. Hot ashes and embers from any open fire, barbecue or fireplace shall be placed only in a covered metal or other non-combustible receptacle after being thoroughly cooled with water. At no time shall ashes or embers be deposited in the trash or on the ground, or placed on a combustible surface until it is confirmed that the ashes or embers are no longer hot to the touch. Receptacles containing hot ashes and ember shall have a minimum required separation distance of 2 feet (610 mm) to buildings or other combustible materials.

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

(a) It shall be unlawful for any person to manufacture, store, possess, handle, sell, use, launch or create a public display of any Explosive, Firework, Pyrotechnic, Rocket or Rocket Motors except in accordance with this Code.

(b) The storage of explosives and blasting agents is prohibited in residential areas, principal business districts, closely-built commercial areas and heavily-populated areas, except pursuant to California Fire Code Chapter 56 and as permitted by the San Bernardino County Sheriff's Department under Title 4, Division 5 of the San Bernardino County Code.

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

District.

**Exception:** The possession, storage, sale, handling and use of fireworks complying with California Code of Regulations, Title 19, and labeled "Safe and Sane" by the California State Fire Marshal, as permitted by local ordinances or Municipal Codes within incorporated cities or towns.

(d) The fire code official and his designees are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks, including but not limited to, Division 1.4G consumer fireworks, as classified pursuant to Title 49 Code of Federal Regulations, possessed, offered or exposed for sale, stored or held in violation of any state or local laws and ordinances.

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

(f) Permits shall be required as set forth in San Bernardino County Fire Protection District Fire Code section 105.6.15 (as amended) and regulated in accordance with this section. Permits shall be obtained from the San Bernardino County Fire Protection District and the San Bernardino County Sheriff's Department in accordance with Title 4, Division 5, Chapter 2, Section 45.021 of the San Bernardino County Code to:

1. Manufacture, possess, store, sell, display or otherwise dispose of explosive materials at any location;

2. Transport explosive materials;

3. Use explosive materials;

4. Operate a terminal for handling explosive materials; or

5. Transport blasting caps or electric blasting caps on the same vehicle with explosives.

(g) Whenever a new explosive material storage or manufacturing site is established, including a temporary job site, the local law enforcement agency, fire department, and local emergency planning committee shall be notified by the person

establishing the site 48 hours in advance, not including Saturdays, Sundays and holidays, of the type, quantity and location of explosive materials at the site.

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

(i) Prior to conducting a public fireworks display, a permit shall be applied for as specified in Section 105.6.15 from the San Bernardino County Fire Protection District, permit fees shall be paid, and plans for the display, inspections of the display site and demonstrations of the display operations shall be approved. A plan establishing procedures to follow and actions to be taken in the event that materials fail to ignite, discharge, or otherwise fail to function over the fallout area shall be provided to the fire code official.

**28. Prohibited Storage of Flammable and Combustible Liquids.**

The storage of flammable and combustible liquids in outside above-ground unprotected tanks and below-grade vaulted tanks is prohibited in all commercial occupancy areas, developed residential areas, and other areas where the fire code official determines that the installation of flammable and combustible liquid above-ground storage tanks or below-grade vaulted tanks will create a hazard to occupants and property owners in the area. Deviation from these requirements may be allowed only upon specific documented findings by the fire code official.

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

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

Development Code when permitting the storage of liquefied petroleum gas in excess of 2,000 water gallons at any one installation.

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

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

**31. Transport Vehicles and Trailers Storing Hazardous Materials.**

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

(b) **General.** Transport vehicles and trailers that contain less than or equal to the maximum allowable quantities as set forth in Section 5003 of the San Bernardino County Fire Protection District Fire Code for each specific material shall comply with the requirements of Chapter 50 of the San Bernardino County Fire Protection District Fire Code, as well as any other applicable regulations as part of a facility. Transport vehicles and trailers that contain more than the maximum allowable quantities as set forth in Section 5003 for each specific material shall comply with the requirements of Chapter 50 of the San Bernardino County Fire Protection District Fire Code of this Code, as well as any other applicable regulations relevant to a facility. The use, dispensing and handling of any hazardous materials from transport vehicle trailers shall be prohibited unless approved in writing by the fire code official.

(c) **Submittals.** Transport vehicles and associated trailers shall comply with

the requirements of Section 5000.5.1 for Hazardous Materials Management Plan (HMMP) and Section 5001.5.2 for Hazardous Materials Inventory Statement (HMIS) as part of a regulated facility. These documents shall be submitted to the Office of the Fire Marshal of the San Bernardino County Fire Protection District.

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

**32. Shared Emergency and Fire Apparatus Access Roads.**

Emergency and fire apparatus access roads passing through multiple parcels shall comply with the following requirements:

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

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

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

brought forth by the District, its successors, or the County.

**33. Violations – General.**

It shall be unlawful for any person, firm, partnership, or corporation to violate any provision or fail to comply with any requirement of this Code or of the provisions of any code adopted and incorporated by reference by this Code.

**34. Continuing Violations.**

Each and every day, and any portion of which, any violation of this Code or of the provisions of any code adopted and incorporated by reference by this Code is committed, continued, or permitted shall be deemed a new and separate offense and shall be punishable or actionable as set forth in this Code.

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

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

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

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

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

All remedies and penalties provided for in this Code shall be cumulative and discretionary and not exclusive of other applicable provisions of this Code or other applicable State law. The conviction and punishment (whether by fine, imprisonment, or

both) of any person hereunder pursuant to a criminal action, or the imposition of a monetary administrative penalty pursuant to an administrative citation, shall not relieve such person from the responsibility of correcting, removing, or abating the violation; nor prevent the enforced correction, removal, or abatement thereof by the District, its employees, agents, or representatives. The correction, removal, or abatement of a violation begun after the issuance of a criminal citation or the filing of a criminal complaint shall not be a defense to the infraction or misdemeanor so charged and, following a conviction or plea of nolo contendere, shall not be grounds for the dismissal of the action or the waiver, stay, or reduction of any fine established in this Code. Further, the procedures established in this Code for the use of administrative citations, and the procedures established in other titles and chapters of this Code for administrative abatement and summary abatement as means for addressing violations of this Code shall be in addition to criminal and civil or other legal or equitable remedies established by law which may be pursued to address violations of this Code. The use of this chapter shall be at the sole discretion of the District. In the exercise of such discretion in selecting an appropriate code enforcement remedy, the District shall not be required to institute available code enforcement remedies in any particular order, or to prefer the application of one remedy to another.

**38. Criminal Actions.**

(a) **Criminal penalties for violations.** Any person violating this Code or of the provisions of any code adopted and incorporated by reference by this Code, unless as otherwise specified for certain sections or for sections within a certain chapter, shall be deemed guilty of an infraction or misdemeanor as hereinafter specified.

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

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

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

(b) **Criminal citations**.

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

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

(3) The officer shall deliver one copy of the notice to appear to the

arrested person, and the arrested person, in order to secure release, must give his or her written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

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

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

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

(7) When a person signs a written promise to appear at the time and place specified in the written promise to appear, and has not posted bail as provided in Penal Code section 853.6, the magistrate shall issue and have delivered for execution a warrant for his or her arrest within 20 days after his failure to appear as promised; or if such person promises to appear before an officer authorized to accept bail, other than the magistrate, and fails to do so on or before the date on which he or she promised to

appear, then, within 20 days after the delivery of such written promise to appear by the officer to the magistrate having jurisdiction over the offense.

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

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

(a) District Investigators designated by the Fire Chief/Fire Warden are peace officers pursuant to California Penal Code section 830.37(a):

(1) District Investigators shall have full peace officer powers pursuant to that Section and shall investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition.

(2) District Investigators are authorized to wear and carry authorized firearms, conduct investigative detentions, issue criminal citations and to make arrests pursuant to California Penal Code section 836 for any violation of state law, or violations of this Code or any other referenced code or regulation and to obtain and execute warrants, and to seize and take charge of all physical evidence relating to the fire cause or other crime or circumstance being investigated.

**40. Civil Actions.**

(a) **Injunctive relief and abatement.** At the request of any person authorized to enforce this Code, the County Counsel or District Attorney may commence proceedings for the abatement, removal, correction and enjoinment of any act or omission that constitutes or will constitute a violation of this Code or of the provisions of any code adopted and incorporated by reference by this Code or any permit issued pursuant to this Code, or any condition(s) of approval for such permit granted pursuant thereto, and an order requiring the violator(s) to pay civil penalties and/or abatement costs. Where multiple violators are involved, they shall be jointly and severally liable for the civil penalties and/or abatement costs.

(b) **Civil Remedies and Penalties.** Any person, whether acting as principal,

agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or otherwise, who violates any provision of this Code, or any permit issued pursuant to this Code or any condition(s) of approval for such permit granted pursuant thereto, shall be liable for a civil penalty not to exceed one thousand dollars ($1,000.00) per violation for each day or any portion thereof, that the violation continues to exist. In determining the amount of civil penalty to be imposed, both as to the daily rate and the subsequent total amount for any given violation, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation; the nature and persistence of such conduct; the length of time over which the conduct occurred or was repeated; the assets, liabilities, and net worth of the violator; whether the violator is a corporate entity or an individual; and any corrective action taken by the violator.

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

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

(a) Any violation of this Code or of the provisions of any code adopted and incorporated by reference by this Code is subject to enforcement through the issuance of an administrative citation and penalties in accordance with Government Code section 53069.4 and this section. Administrative citations may be issued for any violation of this Code not occurring in the presence of the District Investigator or Enforcement Officer issuing the citation where the issuing officer determines through investigation that the responsible party committed, caused, allowed, or is otherwise responsible for the violation. The following procedures shall govern the imposition, enforcement, collection, administrative review, and judicial review of administrative citations and penalties.

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

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

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

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

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

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

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

(7) "Enforcement Officer" shall mean any San Bernardino County Fire Protection District employee, or agent of the County or District with the authority to enforce any provision of this Code.

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

(9) "Responsible party," for the purpose of this Code, shall mean:

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

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

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

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

(E) In addition to the business entity itself, each person who is an

owner of that business entity in those cases in which the commission, occurrence, existence, or continuation of the violation of any provision of this Code is most reasonably attributable to that business entity and not to an employee of that business entity.

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

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

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

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

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

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

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

(7) The administrative citation shall contain a notation box for the enforcement officer to indicate whether or not the citation is issued as a "warning only" and without penalty. The administrative citation shall also include a notation box that may be used by the enforcement officer to indicate that the penalty will be waived if the

violation is corrected by the compliance deadline date indicated on the citation form.

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

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

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

(d) **Service of Citation.**

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

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

(3) If a responsible party cannot be located at the property, then a copy of the administrative citation shall be posted in a conspicuous place on or near that

property, if practicable, and a copy mailed by certified mail, return receipt requested, and by first class mail, to all responsible parties at their last known addresses as they appear on the last County equalized assessment role, or any other available public records related to title or ownership of the property that is the subject of the administrative citation. If the copy of the administrative citation sent by certified mail to a responsible party is returned by the United States Postal Service with the mail receipt unsigned, or marked "unclaimed" and/or "refused", then service by first class mail shall be deemed effective provided it is also not returned by the United States Postal Service.

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

(e) **Administrative Penalties**

(1) **General.** Pursuant to California Government Code sections 53069.4 and 25132(c) and unless otherwise provided in this Code, the amount of penalty to be imposed for a violation of this Code and assessed by means of an administrative citation shall be one hundred dollars ($100.00) for the first occurrence of a violation; five hundred dollars ($500.00) for the second occurrence of the same violation; and one thousand dollars ($1,000.00) for the third and each subsequent occurrence of the same violation. Notwithstanding this paragraph, the amount of penalty to be assessed by means of an administrative citation may be established by resolution of the Board of Directors of the San Bernardino County Fire Protection District.

(2) **Multiple Violations.** Notwithstanding the tables of administrative penalties for violations relating to Dangerous Fireworks, Safe and Sane Fireworks, False and Negligent Alarms and those violations defined as egregious violations, when multiple violations of this Code or any provision of a code or standards adopted or incorporated by reference by this Code occur concurrently and are addressed through the Administrative Citation process pursuant to this section, the fire code official may, at his or her discretion, assess administrative penalties in the following manner:

(A) The administrative penalty for the first and second violation

occurring concurrently shall be the full penalty as defined by Section 41(e)(1).

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

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

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

(A) Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the San Bernardino County Fire Protection District or any other enforcement agency authorized to issue administrative citations.

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

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

(D) The District may collect any past due administrative citation penalty or late payment charge by use of any available means, including without limitation, the recording of a notice of lien, describing the real property affected and the

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

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

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

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

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

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

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

(d) The imposition of administrative penalties related to "Dangerous Fireworks"

under this section shall be limited to persons who store, possess, handle, sell, use, transport, or publicly display 25 pounds or less (gross weight including packaging) of such Dangerous Fireworks. Any persons who store, possess, handle, sell, use, transport, or publicly display over 25 pounds (gross weight including packaging) of such Dangerous Fireworks may be subject to criminal action.

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

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

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

| **Administrative Penalties for Dangerous Fireworks** | | | |
|---|---|---|---|
| **Number of Occurrences in a 1-Year Period** | **Amount of Administrative Penalty** | **Late Charge** | **Total Amount of Penalty Plus Late Charge** |
| **First** | **$1,250.00** | **$125.00** | **$1,375.00** |
| **Second** | **$2,250.00** | **$225.00** | **$2,475.00** |

| | | | |
|---|---|---|---|
| **Three or More** | **$3,250.00** | **$325.00** | **$3,575.00** |

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

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

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

**43. Administrative Penalties – Egregious Violations.**

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

| **Administrative Penalties for Egregious Violations** | | | |
|---|---|---|---|
| **Number of Occurrences** | **Amount of Administrative** | **Late** | **Total Amount of Penalty** |

| in a 1-Year Period | Penalty | Charge | Plus Late Charge |
|---|---|---|---|
| First | $250.00 | $25.00 | $275.00 |
| Second | $750.00 | $75.00 | $825.00 |
| Three or More | $1,250.00 | $125.00 | $1,375.00 |

(b) For the purposes of this section, each instance of a violation may be considered a separate violation subject to a separate penalty. However, multiple violations cited during a single occurrence or inspection shall not each be considered a separate occurrence incurring a higher penalty amount. EXAMPLE: During a first inspection, two required exit doors are found to be chained and the dance hall is overcrowded. An administrative citation may be issued for three (3) counts of egregious violations at $250.00 each, rather than three (3) counts each at $250.00, $750.00, and $1,250.00 respectively.

**44. Administrative Remedies and Penalties For Nuisance Fire Alarms.**

(a) Any person identified in this section who causes or allows to be caused a nuisance fire alarm shall be subject to the remedies identified in this Section. For purposes of this section, a "nuisance fire alarm" is any fire alarm signal that has resulted in an emergency response where there is no evidence of an actual emergency.

(b) An administrative penalty may be imposed against the owner of a premises on or in which a nuisance fire alarm has originated, on each occurrence after the third occurrence at a single premises.

(c) An administrative penalty may be imposed against the owner of a premises if the owner fails to return proof of service/repair of the equipment within fifteen (15) days after receiving written notice from the fire code official ordering the correction of a nuisance fire alarm.

(d) If the fire code official determines that the nuisance fire alarm was directly caused by an onsite employee or representative of the fire alarm contractor during the course of testing, maintenance or repair, the nuisance fire alarm shall be counted against the owner of the premises.

(e) In lieu of or in addition to the administrative penalties listed above, the fire code official is authorized to order the owner of a premises to:

(A) Silence an activated fire alarm system, have corrective action taken and thereafter reset it.

(B) Disconnect or deactivate the fire alarm system until corrective actions can be taken.

(C) Institute a fire watch pursuant to Section 901.7 of this Code in the event a fire alarm system is disconnected or deactivated, until corrective action is taken. The owner is responsible for paying all costs associated with establishing a fire watch.

(f) Notwithstanding the provisions of Section 41 no administrative citation shall be imposed for the first three (3) nuisance fire alarms at the same premises during each calendar year.

(g) An occurrence of a nuisance fire alarm shall not result in the imposition of an administrative penalty if the nuisance fire alarm was caused by the malicious causes beyond the control of the owner unless the fire code official has given prior written notice to the owner to provide reasonable safeguards against additional nuisance fire alarms and the owner has failed to comply with that notice.

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

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

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

**45. Appeal of Administrative Citations.**

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

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

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

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

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

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

(2) A brief statement of the material facts which the appellant claims supports his/her contention that they did not commit, cause, or otherwise allow a violation of one or more provisions of this Code to occur, exist, or continue as alleged in the administrative citation at issue; or he/she is not a responsible party as defined at Section 41(b)(9) of this Code.

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

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

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

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

(2) **Notice of Hearing.** Notice of the administrative hearing shall be given to the appellant at least 10 calendar days prior to the hearing. The notice may be

delivered to the appellant or mailed by first class mail to the address listed in the notice of appeal. Neither personal service nor service by certified mail shall be required.

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

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

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

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

(C) Provided that proper notice of the administrative hearing has been served as required by this or other applicable chapters of this Code, an appellant who fails to appear at the administrative hearing shall be deemed to have waived each of the following: the right to such hearing, the adjudication of issues presented at the

hearing, and any and all rights afforded to the appellant under this Code. The appellant shall also be deemed to have failed to exhaust his/her administrative remedies.

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

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

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

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

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

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

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

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

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

(4) If the Hearing Officer overturns the administrative citation, then no

penalty shall be assessed and any penalty otherwise deposited with the District or its designated processing/collection agent, shall be promptly refunded to the appellant.

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

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

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

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

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

(2) **Conduct of the Superior Court Appeal Hearing.** The conduct of the appeal before the Superior Court is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officers at the direction of the presiding judge of the superior court. The appeal shall be heard de novo, except that the

contents of the District's file in the case shall be received in evidence. A copy of the document or instrument of the District providing notice of the violation and imposition of the administrative penalty (i.e., the administrative citation) shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the District's file in the case be forwarded to the court, to be received within 15 calendar days of the request.

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

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

(a) Whenever the District institutes a judicial action or proceeding to enforce this Code, a Notice of Pendency of the action or proceeding may be filed with the County Recorder's Office. The notice may be filed at the time of the commencement of the action or proceeding, and upon recordation of the notice as provided in this section, shall have the same effect as a notice recorded in compliance with Section 405.7 of the California Code of Civil Procedure.

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

(c) Any Notice of Pendency of action or proceeding filed in compliance with this section may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefore by an order of a judge of the court in which the action or proceeding is pending.

(d) A certified copy of the "Order to Vacate Notice of Pendency" may be recorded with the County Recorder's Office, and upon the recordation, the Notice of

Pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein.

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

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

**47. Filing Notice of Action.**

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

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

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

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

(a) In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this Code (except for administrative citations issued pursuant to Sections 41, 42, 43 and 44), there shall be two appeals boards, namely the Planning Commission and the Building and

Safety Board of Appeal.

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

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

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

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

(f) **Hearing Procedures.** Within 30 days of the acceptance of an application for an appeal, the County or City having jurisdiction shall set the matter for hearing and shall give notice to the appellant, the applicant and to any other party who has requested in writing to be so notified. During the hearing, witnesses may be sworn in and examined and evidence produced, and parties may be represented by counsel. The appropriate appeals board shall keep a record of the proceedings of each hearing and shall issue written findings and a decision within 15 days of the conclusion of the hearing. A written copy of the decision shall be mailed to the parties by first class mail, at such addresses as they have provided.

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

**50. Cost Recovery.**

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

**51. Treble Damages.**

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

SECTION 3. This ordinance shall take effect 30 days from the date of adoption.

CURT HAGMAN, Chairman
Board of Directors

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

LYNNA MONELL, Secretary
to the Board of Directors

STATE OF CALIFORNIA )
) ss.
COUNTY OF SAN BERNARDINO )

I, LYNNA MONELL, Secretary of the Board of Directors of the San Bernardino County Fire Protection District, State of California, hereby certify that at a regular meeting of the Board of Directors of the San Bernardino County Fire Protection District, held on the 28th day of January, 2020, at which meeting were present Directors: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales, and the Secretary, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: DIRECTORS: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

NOES: DIRECTORS: None

ABSENT: DIRECTORS: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Directors this 28th day of January, 2020.

LYNNA MONELL, Secretary to the Board of Directors of the San Bernardino County Fire Protection District

Jessica Mellin
Deputy

SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT

Approved as to Form:

MICHELLE D. BLAKEMORE
County Counsel

By: _____
KENNETH C. HARDY
Supervising Deputy County Counsel

Date: 1/30/20

2K19744