



City of Needles, California Request for City Council Action

☒ CITY COUNCIL ☐ NPUA

☒ Regular ☐ Special

Meeting Date: August 8, 2023

Title: City Council Ordinance No. 662-AC
An Ordinance of the City Council of the City of Needles, California,
(1) Amending Chapter 9 Article I, Section 9-1 of the Needles
Municipal Code to Adopt San Bernardino County Ordinance FPD
23-01 Referencing its Version of the 2022 Edition of the California
Fire Code Subject to Modifications Referenced Herein and
Resending Prior Ordinance No. 630-AC

Background: On February 28, 2023 the Board of Directors of the San Bernardino
County Fire Protection District has adopted the 2022 Edition of the
California Fire Code along with certain changes, modifications,
amendments, additions, deletions, and exceptions, relating to fire
regulations as shown in Exhibit A.

The City of Needles has been annexed as part of the San Bernardino
County Fire Protection District which provides fire protection services.
California Health and Safety Code Section 13869.7 requires the fire
protection district to transmit the adopted ordinance to the city where
the ordinance will apply. The City must ratify ordinance FPD 23-01
for it to be effective within the City.

9-1 Adoption of San Bernardino County Ordinance FPD 23-01
referencing the 2022 Edition of the California Fire Code Subject to
Modifications

Except as otherwise provided herein, the City Council hereby adopts
San Bernardino County Ordinance FPD 23-01 ("FPD 23-01") a copy
of which is attached hereto and incorporated herein by this reference
as Exhibit "A" as amended by the County Board of Supervisors from
time to time, subject to the modifications provided below in
subsections (a)-(c).

(a) Section 903.2 of FPD 23-01 concerning automatic fire sprinkler
systems, including any and all amendments or successors thereto
that may hereafter be made and adopted, shall not apply within the
boundaries of the City and it is deemed stricken in its entirety.

3

(b) Exception number 2 of Section 503.2.3, "Surface" of FPD 23-01 including any and all amendments and successors thereto that may hereafter be made and adopted, shall not apply within the boundaries of the City and is deemed stricken and in place thereof Fire Apparatus Access Roads Surface Alternative Amendment dated June 12, 2020 attached hereto as Exhibit "B" is hereby re-adopted and shall continue in full force and affect.

(c) Section 505.1, "Address Identification" of the San Bernardino County Fire Protection District Ordinance FPD 23-01 including any and all amendments thereto that may hereafter be made and adopted, shall not apply to existing buildings within the boundaries of the City and to evidence the same the word "existing" is deemed stricken.

Fiscal Impact: The recommended actions will result in no financial impact to the City's General Fund.

Environmental Impact: California Environmental Quality Act (CEQA) Guidelines section 15060(c)(2) states that a project is not subject to CEQA review where the activity will not result in a direct or reasonably foreseeable indirect physical change to the environment. CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." The approval of the code amendments set forth in the proposed ordinance does not approve any physical development project, and it would not result in a direct or indirect physical change in the environment.

Recommended Action: Approve City Council Ordinance No. 662-AC (1) Amending Chapter 9 Article I, Section 9-1 of the Needles Municipal Code to Adopt San Bernardino County Ordinance FPD 23-01 Referencing its Version of the 2022 Edition of the California Fire Code Subject to Modifications Referenced Herein and Resending Prior Ordinance No. 630-AC

Submitted By: Patrick Martinez, Assistant City Manager/Development Services

City Management Review: _____

Date: _____

Approved: ☐	Not Approved: ☐	Tabled: ☐	Other: ☐
			Agenda Item: <u>3</u>

ORDINANCE NO. 662-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES CALIFORNIA, (1) AMENDING CHAPTER 9 ARTICLE I, SECTION 9-1 OF THE NEEDLES MUNICIPAL CODE TO ADOPT SAN BERNARDINO COUNTY ORDINANCE FPD 23-01 REFERENCING ITS VERSION OF THE 2022 EDITION OF THE CALIFORNIA FIRE CODE SUBJECT TO MODIFICATIONS REFERENCED HEREIN AND RESCINDING PRIOR ORDINANCE NO. 630-AC

WHEREAS, the City of Needles has been annexed as part of the San Bernardino County Fire Protection District, providing fire protection and services; and

WHEREAS, the San Bernardino County Fire Protection District has adopted the San Bernardino County Fire Protection District Fire Code referencing the 2022 Edition of the California Fire Code; and

WHEREAS, the Board of Directors of the San Bernardino County Fire Protection District has adopted the 2022 Edition of the California Fire Code along with certain changes, modifications, amendments, additions, deletions, and exceptions, relating to fire regulations as shown in Exhibit A;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEEDLES AS FOLLOWS:

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

SECTION 2. The City Council HEREBY FINDS AND DETERMINES that it is in the interests of the health, safety and general welfare of the City and its residents to amend CHAPTER 9 ARTICLE I, SECTION 9-1 OF THE NEEDLES MUNICIPAL CODE TO READ AS FOLLOWS::

9-1 Adoption of San Bernardino County Ordinance FPD 23-01 referencing the 2022 Edition of the California Fire Code Subject to Modifications

Except as otherwise provided herein, the City Council hereby adopts San Bernardino County Ordinance FPD 23-01 ("FPD 23-01") a copy of which is attached hereto and incorporated herein by this reference as Exhibit "A" as amended by the County Board of Supervisors from time to time, subject to the modifications provided below in subsections (a)-(c).

- (a) Section 903.2 of FPD 23-01 concerning automatic fire sprinkler systems, including any and all amendments or successors thereto that may hereafter be made and adopted, shall not apply within the boundaries of the City and it is deemed stricken in its entirety.
- (b) Exception number 2 of Section 503.2.3, "Surface" of FPD 23-01 including any and all amendments and successors thereto that may hereafter be made and adopted, shall not apply within the boundaries of the City and is deemed stricken and in place thereof Fire Apparatus Access Roads Surface Alternative Amendment dated June 12, 2020 attached hereto as Exhibit "B" is hereby re-adopted and shall continue in full force and affect.
- (c) Section 505.1, "Address Identification" of the San Bernardino County Fire Protection District Ordinance FPD 23-01 including any and all amendments thereto that may hereafter

be made and adopted, shall not apply to existing buildings within the boundaries of the City and to evidence the same the word "existing" is deemed stricken.

SECTION 3. The City Council HEREBY FINDS AND DETERMINES that it is in the interests of the health, safety and general welfare of the City and its residents to approve rescinding Ordinance No. 630-AC and approve the attached Exhibit A thereby adopting the San Bernardino County Ordinance FPD 23-01 referencing the 2022 Edition of the California Fire Code, along with certain changes, modifications, amendments, additions, deletions, and exceptions, relating to fire regulations as provided herein.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 5. The action shall become final and effective after thirty (30) days from its adoption by the City Council as provided for by the Code.

SECTION 6. Publication and Certification. The City Clerk shall cause this ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this ordinance, and shall cause this ordinance and certification, together with proof of publication, to be entered in the book of ordinances of the Council of this City.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 8th day of August, 2023, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED, APPROVED AND ADOPTED, at a regular meeting of the City Council of the City of Needles, California, held on the 12th of September, 2023 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

(Seal)

Attest:

Mayor

City Clerk

Approved as to form:

City Attorney

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9
10
11

12

13

14
15
16

17
18

19

- 20
21
22
23
24
25
26
27
28

- 1 10. Authority to Inspect, Issue Notices and Administrative Citations or
- 2 Abate a Hazardous Condition.
- 3 11. Closure of Public and Private Lands.
- 4 12. Interference Unlawful.
- 5 13. Official Records.
- 6 14. Permits Required.
- 7 15. Fees.
- 8 16. Applications and Permits – Abandonment, Period of Validity,
- 9 Expiration and Extensions.
- 10 17. Permits not Transferable.
- 11 18. Permit Revocation.
- 12 19. Operation or Construction Without a Permit or With an Expired or
- 13 Revoked Permit.
- 14 20. Issuance of Stop Work Orders.
- 15 21. Failure to Comply with a Stop Work Order.
- 16 22. Service of Notices and Orders.
- 17 23. Tampering with Notices, Orders or Seals Unlawful.
- 18 24. Overcrowding Unlawful.
- 19 25. Obstructed Egress Unlawful.
- 20 26. Open Fires and Other Outdoor Fires.
- 21 27. Explosives, Fireworks, Pyrotechnics, Rockets and Rocket Motors.
- 22 28. Prohibited Storage of Flammable and Combustible Liquids.
- 23 29. Prohibited Bulk Storage of Liquefied Petroleum Gases.
- 24 30. Prohibited Storage of Flammable Cryogenic Fluids.
- 25 31. Transport Vehicles and Trailers Storing Hazardous Materials.
- 26 32. Shared Emergency and Fire Apparatus Access Roads.
- 27 33. Violations - General.
- 28 34. Continuing Violations.

- 1 35. Acts Including Causing, Aiding and Abetting.
- 2 36. Enforcement – Purpose and Remedies.
- 3 37. Enforcement Remedies and Penalties are Cumulative and
- 4 Discretionary; Not Exclusive.
- 5 38. Criminal Actions.
- 6 39. Authority to Investigate, Detain, Issue Criminal Citations and Arrest.
- 7 40. Civil Actions.
- 8 41. Administrative Citations and Penalties - General.
- 9 42. Administrative Citations and Penalties – Dangerous Fireworks and
- 10 Unlawful Use of Safe & Sane Fireworks.
- 11 43. Administrative Penalties – Egregious Violations.
- 12 44. Administrative Remedies and Penalties For Nuisance Fire Alarms.
- 13 45. Appeal of Administrative Citations.
- 14 46. Recording of a Notice of Pendency.
- 15 47. Filing Notice of Action.
- 16 48. Public Nuisance Abatement of Fire Hazards.
- 17 49. Board of Appeals – Code Application and Interpretations.
- 18 50. Cost Recovery.
- 19 51. Treble Damages.

20

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

22 (a) FINDINGS. The Board of Directors of the San Bernardino County Fire

23 Protection District hereby finds as follows:

24 (1) The California Fire Code, 2022 Edition, adopts and amends

25 portions of the 2021 International Fire Code, which International Code is nationally

26 recognized compilations of proposed rules, regulations, and standards of the

27 International Code Council, Inc.

28

1 (2) That said California Fire Code, which includes the portions of the
2 International Fire Code that have been adopted and amended by the State of
3 California, has been printed and published as a code in book form within the meaning of
4 Section 50022.2 et seq. of the California Government Code. That said California Fire
5 Code and the International Fire Code have been printed and published as a code in book
6 form within the meaning of Section 50022.2 et seq. of the California Government Code.

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

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

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

26 (6) Local Climatic Conditions.

27 (A) The District is subject to extremely strong winds, commonly
28 known as "Santa Ana Winds" which can reach speeds in excess of 90 miles per hour.

1 Extensive damage frequently accompanies these winds, such as blowing sand and
2 debris, downed power lines, fallen trees, overturned vehicles and structural damage to
3 buildings. These conditions result in increased demand for fire services, blocked or
4 delayed emergency vehicle access and impaired water supplies and building emergency
5 systems.

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

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

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

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

19 (7) Local Geological Conditions.

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

27 (B) Unstable slopes in several areas throughout the District have
28 experienced soil movement as a result of heavy or soaking rains, resulting in damage to

1 roadways, structures and utilities.

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

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

10 (8) Local Topographical Conditions.

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

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

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

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

28 (E) The District is traversed by two major active railroad main rail

1 systems. These rail systems are used for both commuter and large freight trains, including
2 the transportation of large quantities of hazardous materials. These rails provide for
3 limited under or over crossing access points for emergency vehicles to cross to adjacent
4 areas. Emergency vehicles experience frequent delays at grade crossings until
5 passenger and/or lengthy freight trains clear the grade crossings.

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

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

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

23 (9) These local climatic, geological and topographical conditions found
24 herein together present increased hazard potentials that create a reasonable necessity
25 for the San Bernardino County Fire Protection District to establish more restrictive building
26 and fire protection standards, as well as to prevent and discourage egregious and other
27 fire safety violations where the public is at higher risk.
28

1 (b) ADOPTION OF THE 2022 CALIFORNIA FIRE CODE. The Board of
2 Directors of the San Bernardino County Fire Protection District hereby adopts the 2022
3 Edition of the California Fire Code (sometimes referred to herein as 2022 California Fire
4 Code, California Fire Code, or CFC), also known as Part 9 of Title 24 of the California Code
5 of Regulations (which California Fire Code adopts and amends portions of the 2021
6 International Fire Code), and Appendices as compiled and published by the International
7 Code Council. The 2022 Edition of the California Fire Code is on file with the Secretary of
8 the Board.

9 (c) APPLICABILITY. The provisions of the CFC, subsequent amendments,
10 California Fire Code Appendices, and referenced standards shall be collectively known
11 as the San Bernardino County Fire Protection District Fire Code. The San Bernardino
12 County Fire Protection District Fire Code shall be applicable in all areas of San Bernardino
13 County within the San Bernardino County Fire Protection District, or in any political
14 subdivision or district that contracts with the San Bernardino County Fire Protection
15 District for fire protection and prevention services, and in those other cities, towns and
16 districts that ratify this ordinance pursuant to California Health and Safety Code section
17 13869.7.

18 19 **2. Amendments to the 2022 California Fire Code**

20 The 2022 California Fire Code, also known as Part 9 of Title 24 of the California
21 Code of Regulations, is hereby amended as follows:

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

24 (1) Section 105.5.4A is added to the San Bernardino County Fire
25 Protection District Fire Code, to read:

26 **105.5.4A Battery and other energy storage systems.** An operational permit is
27 required for a battery system or electrical energy storage system as regulated by section
28 1207 of the California Fire Code.

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

3 (2) Section 105.5.17A is added to the San Bernardino County Fire
4 Protection District Fire Code, to read:

5 **105.5.17A Fixed hood and duct extinguishing systems.** An operational permit
6 is required to utilize commercial cooking appliances, as defined in Section 606, with a
7 Type I hood and an automatic fire extinguishing system as required by section 904.13.

8 (3) Section 105.5.34 of the California Fire Code is amended, to read:

9 **105.5.34 Open Fires.** An operational permit is required for the kindling or
10 maintaining of an open fire as defined in Section 202, on any public street, alley, road, or
11 other public or private ground, in accordance with Section 26.

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

14 (4) Section 105.5.36 of the California Fire Code is amended, to read:

15 **105.5.36. Open flames in assemblies.** An operational permit is required to use
16 open flames in connection with assembly areas, dining areas of restaurants or drinking
17 establishments.

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

20 (5) Section 105.5.38 of the California Fire Code is amended, to read:

21 **105.5.38 Outdoor assemblies.** An operational permit is required to conduct an
22 outdoor assembly, temporary use or other special event where planned attendance
23 exceeds 200 persons per day.

24 (6) Section 105.5.38A is added to the San Bernardino County Fire
25 Protection District Fire Code, to read:

26 **105.5.38A Pallet Yards.** An operational permit is required to store combustible
27 pallets at pallet manufacturing and/or recycling facilities.
28

1 (7) Section 105.5.51 of the California Fire Code is amended, to read:

2 **105.5.51 Waste handling and wrecking yards.** An operational permit is required
3 for the operation of automobile wrecking yards, junk yards, combustible waste material or
4 combustible recycled material handling facilities.

5 (8) Section 105.5.52 of the California Fire Code is amended, to read:

6 **105.5.52 Wood, manure and organic product storage.** An operational permit is
7 required to store or process wood chips, hogged material, lumber, plywood, manure,
8 compost or other combustible organic products in excess of 200 cubic feet (6 m³).

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

11 **105.6.3A Dust Collection Systems.** A construction permit is required for the
12 installation or modification of Dust Collection System as regulated by Chapter 22.

13 (10) Section 105.6.3B is added to the San Bernardino County Fire
14 Protection District Fire Code, to read:

15 **105.6.3B Electrified Security Fence.** A construction permit is required for
16 installation of or modification to an electrified security fence. Maintenance performed in
17 accordance with this code is not considered to be a modification and does not require a
18 permit.

19 (11) Section 105.6.17 is added to the San Bernardino County Fire
20 Protection District Fire Code, to read:

21 **105.6.17 Plant Extraction Systems.** A construction permit is required for
22 installation of or modification to plant extraction systems. Maintenance performed in
23 accordance with this Code is not considered to be a modification and does not require a
24 permit.

25 (12) Section 105.6.18 is added to the San Bernardino County Fire
26 Protection District Fire Code, to read:

1 **105.6.18 Private Fire Hydrants.** A construction permit is required for installation
2 of or modification to private fire hydrants. Maintenance performed in accordance with this
3 Code is not considered to be a modification and does not require a permit.

4 (13) Section 105.6.18A is added to the San Bernardino County Fire
5 Protection District Fire Code, to read:

6 **105.6.18A Refrigeration Unit or System.** A construction permit is required to
7 install or modify a mechanical refrigeration unit or system regulated by Section 605.

8 (14) Section 105.6.19 is added to the San Bernardino County Fire
9 Protection District Fire Code, to read:

10 **105.6.19 Smoke Control or Smoke Exhaust Systems.** Construction permits are
11 required for installation of or alteration to smoke control or smoke exhaust systems.
12 Maintenance performed in accordance with this code is not considered to be an alteration
13 and does not require a permit.

14 (b) The following definitions in Chapter 2, Section 202 of the California Fire
15 Code are amended, by adding or amending the following definitions, as follows:

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

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

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

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

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

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

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

4 **DRIVEWAY.** A privately owned, vehicular access road having a minimum
5 unobstructed width of 12 feet (3658 mm) that serves no more than two Group R, Division
6 3 or accessory Group U occupancies.

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

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

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

14 **OPEN FIRE.** Any outdoor fire including the open burning of a solid fuel, such as
15 a barbecue grill, barbecue pit, bonfire, recreational fire, agricultural burning or residential
16 burning, wherein products of combustion are emitted directly into the ambient air without
17 passing through a stack or chimney from an enclosed chamber, as regulated by Section
18 26 of this Code. Open burning does not include road flares, smudge pots, and other
19 similar devices associated with safety or occupational uses or the use of portable
20 outdoor fireplaces or outdoor ovens.

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

26 **PORTABLE OUTDOOR FIREPLACE.** A portable, outdoor, solid-, liquid-, or gas
27 fuel burning fireplace constructed of steel, concrete, clay or other non-combustible
28 materials and specifically designed for the containment of fire. A portable outdoor

1 fireplace may have an open design or may have a small hearth opening with a short
2 chimney or opening in the top.

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

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

13 **STAND ALONE RESIDENTIAL AUTOMATIC SPRINKLER SYSTEM.** An
14 approved fire sprinkler system, that conforms to Section 903.3.1.1, 903.3.1.2, or 903.3.1.3
15 of this Code, NFPA standards 13 R or 13 D, and San Bernardino County Fire Protection
16 District Fire Prevention Standards, and is supplied by a water source independent from a
17 municipal water distribution system.

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

28 (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:

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:

1 **308.1.3 Use of torches.** Torches and other flame-producing devices shall not be
2 used to remove paint from any structure or weeds from any premises. Notwithstanding
3 any other provision of this Code, persons utilizing a torch or other flame-producing device
4 for melting asphalt or for welding or cutting shall provide a minimum of one portable fire
5 extinguisher complying with Section 906 and with a minimum of a 4-A rating, or two
6 portable fire extinguishers, each with a minimum of a 2-A rating, or a water hose
7 connected to a working water source. The person conducting the burning or asphalt
8 melting shall remain at the location for a minimum of one hour after the torch or flame-
9 producing device is utilized.

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

12 **308.1.4 Open-Flame Cooking Devices.** Charcoal burners, barbecues,
13 and other open-flame cooking devices shall be in accordance with Section 26 of this
14 Code.

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

17 **308.1.6 Open-flame devices.** Torches and other devices, machines or processes
18 liable to start or cause fire shall not be operated or used in or upon Wildfire Risk Areas,
19 except by a permit in accordance with Section 105 secured from the fire code official.

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

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

25 **308.1.6.1 Signals and markers.** Flame-employing signaling devices, such flare
26 guns, lanterns, or road flares shall not be operated or used as a signal or marker in or
27 upon Wildfire Risk Areas.

28 **Exception:** The proper use of fusees at the scene of emergencies

1 or as required by standard railroad operating procedures.

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

4 **308.1.6.3 Sky lanterns Prohibited.** The release or the failure to prevent the
5 release of sky lanterns into the air without an effective means of control is prohibited within
6 the jurisdiction of the San Bernardino County Fire Protection District.

7 **Exception:** Sky lanterns used for scientific or research purposes
8 when reasonable precautions are made to prevent loss of control or the ignition of
9 surrounding combustibles. Persons releasing Sky Lanterns used for scientific or research
10 purposes shall first submit a plan outlining the scientific or research purpose and shall
11 obtain a permit and specific conditions from the fire code official.

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

14 **308.2 Permits required.** Permits shall be obtained from the fire code official in
15 accordance with Section 105.6 prior to engaging in the following activities involving open
16 flames:

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

18 **Exception:** The use of candles.

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

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

23 **SECTION 309**

24 **POWERED INDUSTRIAL TRUCKS AND EQUIPMENT**

25 **309.1 General.** Powered industrial trucks and similar equipment including, but not
26 limited to, floor scrubbers and floor buffers, shall be operated and maintained in
27 accordance with Section 309.2 through 309.7.

28 **309.2 Use in hazardous (classified) locations.** Powered industrial trucks used

1 in areas designated as hazardous (classified) in accordance with the California Electrical
2 Code shall be listed and labeled for use in the environment intended in accordance with
3 National Fire Protection Association Standard 505.

4 **309.3 Battery chargers.** Battery chargers shall be of an approved type.
5 Combustible storage shall be kept not less than 3 feet (915 mm) from battery chargers.
6 Battery charging shall not be conducted in areas accessible to the public.

7 **309.4 Ventilation.** Ventilation shall be provided in an approved manner in battery-
8 charging areas to prevent a dangerous accumulation of flammable gases.

9 **309.5 Fire extinguishers.** Battery-charging areas shall be provided with a fire
10 extinguisher complying with Section 906 having a minimum 4-A:20-B:C rating within 20
11 feet (6096 mm) of the battery charger.

12 **309.6 Refueling.** Powered industrial trucks using liquid fuel, LP-gas or hydrogen
13 shall be refueled outside of buildings or in areas specifically approved for that purpose.
14 Fixed fuel dispensing equipment and associated fueling operations shall be in accordance
15 with Chapter 23. Other fuel-dispensing equipment and operations, including cylinder
16 exchange for LP-gas-fueled vehicles, shall be in accordance with Chapter 57 for
17 flammable and combustible liquids or Chapter 61 for LP-gas.

18 **309.7 Repairs.** Repairs to fuel systems, electrical systems and repairs utilizing
19 open flame or welding shall be done in approved locations outside of buildings or in areas
20 specifically approved for that purpose.

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

23 **311.1 General.** Temporarily unoccupied buildings, structures, premises, or
24 portions thereof, including tenant spaces, shall be safeguarded and maintained in
25 accordance with this section, the California Building Code and the San Bernardino County
26 Code.

27 **311.1.1 Abandoned premises.** Buildings, structures and premises for which an
28 owner cannot be identified or located by dispatch of a certificate of mailing to the last

1 known or registered address, which persistently or repeatedly become unprotected or
2 unsecured, which have been occupied by unauthorized persons or for illegal purposes,
3 or which present a danger of structural collapse or fire spread to adjacent properties shall
4 be considered abandoned, declared unsafe and abated by demolition or rehabilitation in
5 accordance with the California Building Code and the International Property Maintenance
6 Code as adopted by the local Building Department.

7 **311.1.2 Tenant spaces.** Storage and lease plans required by this Code shall be
8 revised and updated to reflect temporary or partial vacancies.

9 **311.2 Safeguarding vacant premises.** Temporarily unoccupied buildings,
10 structures, premises or portions thereof shall be secured and protected in accordance
11 with Sections 311.2.1 through 311.2.3.

12 **311.2.1 Security.** Exterior and interior openings accessible to other tenants or
13 unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent
14 entry by unauthorized individuals. The fire code official is authorized to placard, post
15 signs, erect barrier tape or take similar measures as necessary to secure public safety.

16 **311.2.2 Fire protection.** Fire alarm, sprinkler and standpipe systems shall be
17 maintained in an operable condition at all times.

18 **Exceptions:**

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

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

1 3. Where approved by the fire code official, fire alarm and
2 sprinkler systems are permitted to be placed out of service in seasonally occupied
3 buildings that will not be heated and where fire protection systems will be exposed to
4 freezing temperatures; and where fire areas do not exceed 5,000 square feet (464 m2);
5 and that do not store motor vehicles or hazardous materials.

6 **311.2.3 Fire separation.** Fire-resistance-rated partitions, fire barriers and fire
7 walls separating vacant tenant spaces from the remainder of the building shall be
8 maintained. Openings, joints and penetrations in fire-resistance-rated assemblies shall
9 be protected in accordance with Chapter 7.

10 **311.3 Removal of combustibles.** Persons owning, or in charge or control of, a
11 vacant building or portion thereof, shall remove therefrom all accumulations of
12 combustible materials, flammable or combustible waste or rubbish and shall securely lock
13 or otherwise secure doors, windows and other openings to prevent entry by unauthorized
14 persons. The premises shall be maintained clear of waste or hazardous materials.

15 **Exceptions:**

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

19 2. Seasonally occupied buildings.

20 **311.4 Removal of hazardous materials.** Persons owning or having charge or
21 control of a vacant building containing hazardous materials regulated by Chapter 50 shall
22 comply with the facility closure requirements of Section 5001.6.

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

24 **315.7 Outdoor pallet storage.** The outside storage of combustible pallets shall
25 comply with sections 315.7 – 315.7.7 and San Bernardino County Fire Protection District
26 Fire Prevention Standards. Pallets stored within a building shall be protected in
27 accordance with Chapter 32. Outdoor storage of pallets at pallet manufacturing and/or
28 recycling facilities shall be in accordance with Section 2810.

1 **315.7.1 Storage beneath overhead projections from buildings.** Where
2 buildings are equipped throughout with an automatic sprinkler system, the outdoor storage
3 of pallets under eaves, canopies or other projections or overhangs are prohibited except
4 where automatic sprinklers are installed under such eaves, canopies or other projections
5 or overhangs.

6 **315.7.2 Distance to the lot line.** Pallet storage shall not be located within 20 feet
7 (6096 mm) of a lot line.

8 **315.7.3 Storage Height.** Pallet storage shall not exceed 16 feet (4877 mm) in
9 height.

10 **315.7.4 Pallet pile stability and size.** Pallet stacks shall be arranged to form
11 stable piles. Individual pallet piles shall not exceed 20 feet (6096 mm) in width and 20
12 feet (6096 mm) in length. Piles shall not exceed 6,400 cubic feet (227 m³) in volume and
13 shall cover an area not greater than 400 square feet (37 m²).

14 **315.7.5 Pallet types.** Pallets shall be all wood, with slatted or solid top or bottom,
15 with metal fasteners, or shall be plastic or composite pallets, listed and labeled in
16 accordance with the UL 2335 or FM 4996. Plastic pallets shall be both solid and gridded
17 deck, independent of the pallet manufacturing process, type of resin used in fabrication
18 or geometry of the pallet.

19 **315.7.6 Pile separation distances.** In addition to the other requirements of this
20 section, pallet stacks and piles shall be separated in accordance with sections 315.7.6.1
21 and 315.7.6.2.

22 **315.7.6.1 Building separation.** Pallet stacks and piles shall be separated from
23 buildings in accordance with Table 315.7.6(1) for wood pallets and Tables 315.7.6(2) for
24 plastic pallets.

25 **315.7.6.2 Separation from the other pallets and on-site storage.** Pallets shall
26 be separated from other pallet piles and other storage in accordance with Table
27 315.7.6(3) for wood pallets and Table 315.7.6(4) for plastic pallets.

28 **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.

(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 (30,480 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 403.11 - 403.11.3.3 are added to the San Bernardino County Fire Protection District Fire Code, to read:

1 **403.11 Special requirements for public safety.** Special requirements for public
2 safety shall be in accordance with Sections 403.11.1 through 403.11.3.3.

3 **403.11.1 Fire watch personnel.** Where, in the opinion of the fire code official, it
4 is essential for public safety in a place of assembly or any other place where people
5 congregate, because of the nature of the performance, exhibition, display, contest or
6 activity, the owner, agent or lessee shall provide one or more fire watch personnel, as
7 required and approved. Fire watch personnel shall comply with Sections 403.11.1.1 and
8 403.11.1.2 and San Bernardino County Fire Protection District Fire Prevention Standards.

9 **403.11.1.1 Duty times.** Fire watch personnel shall remain on duty while places
10 requiring a fire watch are open to the public, or when an activity requiring a fire watch is
11 being conducted.

12 **403.11.1.2 Duties.** On-duty fire watch personnel shall have the following
13 responsibilities:

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

20 **403.11.2 Public safety plan for gatherings.** Where the fire code official
21 determines that an indoor or outdoor gathering of persons has an adverse impact on
22 public safety through diminished access to buildings, structures, fire hydrants or fire
23 apparatus access roads or where such gatherings adversely affect public safety services
24 of any kind, the fire code official shall have the authority to order the development of or
25 prescribe a public safety plan that provides an approved level of public safety and
26 addresses the following items:

- 27 1. Emergency vehicle ingress and egress.
- 28 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 403.11.3 through 403.11.3.3.

403.11.3 Crowd managers. Where required by the fire code official, crowd managers shall be provided in accordance with sections 403.11.3.1 through 403.11.3.3.

403.11.3.1 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: 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.

403.11.3.2 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.

403.11.3.3 Duties.

The duties of crowd managers shall include, but not be limited to:

1. Conduct an inspection of the area of responsibility and identify

- 1 and address any egress barriers.
- 2 2. Conduct and inspection of the area of responsibility to identify
- 3 and mitigate any fire hazards.
- 4 3. Verify compliance with all permit conditions
- 5 4. Direct and assist the event attendees in evacuation during an
- 6 emergency.
- 7 5. Direct emergency response personnel to a location when
- 8 requested.
- 9 6. Other duties required by the fire code official.
- 10 7. Other duties as specified in the fire safety plan.

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

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

15 **SECTION 503**
16 **FIRE APPARATUS ACCESS ROADS**

17 **503.1 Where required.** Fire apparatus access roads shall be provided and
18 maintained in accordance with Sections 503.1.1 through 503.1.3.

19 **503.1.1 Buildings and facilities.** Approved fire apparatus access roads shall be
20 provided for every facility, building or portion of a building hereafter constructed or moved
21 into or within the jurisdiction. The fire apparatus access road shall comply with the
22 requirements of this section and shall extend to within 150 feet (45720 mm) of all portions
23 of the facility and all portions of the exterior walls of the first story of the building as
24 measured by an approved route around the exterior of the building or facility.

25 **Exceptions:**

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

28 1.1. Unless required by another section of this Code, the

1 building is equipped throughout with an approved automatic sprinkler system installed in
2 accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

3 1.2. Fire apparatus access roads cannot be installed
4 because of location on property, topography, waterways, nonnegotiable grades or other
5 similar conditions, and an approved alternative means of fire protection is provided.

6 1.3. There are not more than two Group R-3 or Group U
7 occupancies.

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

11 **503.1.2 Additional access.** The fire code official is authorized to require more
12 than one fire apparatus access road based on the potential for impairment of a single
13 road by vehicle congestion, condition of terrain, climatic conditions or other factors that
14 could limit access.

15 **503.1.3 High Piled Storage.** Fire department vehicle access to buildings used for
16 high-piled combustible storage shall comply with the applicable provisions of Chapter 32.

17 **503.2 Specifications.** Fire apparatus access roads shall be designed,
18 constructed and maintained in accordance with Sections 503.2.1 through 503.2.8. and
19 San Bernardino Fire Protection District Fire Prevention Standards.

20 **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed
21 width of not less than 26 feet (7925 mm), except for approved security gates in
22 accordance with Section 503.6, and an unobstructed vertical clearance of not less than
23 14 feet, 6 inches (4420 mm.) Roadways that provide fire apparatus access to buildings
24 that have exterior walls 30 feet or higher from the lowest level of fire department access
25 to the top of the highest roof or parapet, or having occupied floors that are three or more
26 stories above such adjacent roadways shall have an unobstructed width of 30 feet (9144
27 mm.)

28 **Exceptions:**

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

4 2. Driveways and private roadways providing fire department
5 access to not more than two Group R-3 and accessory Group U occupancies shall be a
6 minimum of 12 feet (3657 mm) in width.

7 3. Required access road dimensions may be modified according
8 to the San Bernardino County Fire Protection District Fire Prevention Standards when,
9 due to location on property, topography, waterways, nonnegotiable grades or other similar
10 conditions, the fire code official determines that the conditions cannot be met. In no case
11 shall fire department access roads within State Responsibility areas (SRA) be less than
12 20 feet (6096 mm) in unobstructed width.

13 **503.2.2 Authority.** The fire code official shall have the authority to require or
14 permit modifications to the required access widths and heights where they are inadequate
15 for fire or rescue operations or where necessary to meet public safety objectives.

16 **503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained
17 to support the imposed loads of fire apparatus weighing at least 75,000 pounds and shall
18 be surfaced so as to provide all-weather driving capabilities.

19 **Exceptions:**

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

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

27 **503.2.4 Turning Radius.** The required turning radius of a fire apparatus access
28 road shall comply with San Bernardino Fire Protection District Fire Prevention Standards

1 as determined by the fire code official.

2 **503.2.5 Dead Ends.** Dead-end fire apparatus access roads in excess of 150 feet
3 in length (45,720 mm) shall be provided with an approved area for turning around fire
4 apparatus that complies with San Bernardino Fire Protection District Fire Prevention
5 Standards.

6 **503.2.6 Bridges and elevated surfaces.** Where a bridge or an elevated surface
7 is part of a fire apparatus access road, the bridge shall be constructed and maintained in
8 accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for
9 a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall
10 be posted at both entrances to bridges where required by the fire code official. Where
11 elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are
12 not designed for such use, approved barriers, approved signs or both shall be installed
13 and maintained where required by the fire code official.

14 **503.2.7 Grade.** The grade of a fire apparatus access road or driveway shall be a
15 maximum of twelve percent (12%).

16 **Exceptions:**

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

20 2. The grade of a driveway providing fire access to no more than
21 two (2) one- or two-family dwelling may be increased to a maximum of sixteen percent
22 (16%) for a distance not to exceed 500 feet in areas in which the Hillside Grading
23 Standards pursuant to Chapter 83.08 of the San Bernardino County Development Code
24 apply and with the approval of the fire code official.

25 3. Where more restrictive local city requirements apply.

26 **503.2.8 Angles of approach and departure.** The angles of approach and
27 departure for fire apparatus access roads shall comply with the San Bernardino County
28 Fire Protection District Fire Prevention Standards.

1 **503.3 Marking.** Where required by the fire code official, approved signs and
2 markings that include the words "NO PARKING—FIRE LANE" and that comply with San
3 Bernardino County Fire Protection District Fire Prevention Standards shall be provided
4 for fire apparatus access roads to identify such roads or prohibit the obstruction thereof.
5 The means by which fire lanes are designated shall be maintained in a clean and legible
6 condition at all times and be replaced or repaired when necessary to provide adequate
7 visibility.

8 **503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads
9 shall not be obstructed in any manner, including the parking of vehicles. The minimum
10 widths and clearances established in Section 503.2.1 and 503.2.2 shall be maintained at
11 all times. Any condition that serves as an impediment to fire access, or any vehicle or
12 other obstruction to fire access may be removed at the orders of the fire code official or
13 other governing agency in cooperation with the fire code official, with the expense of such
14 removal to be paid by the owner of the roadway, or of said vehicle or obstruction.

15 **503.4.1 Traffic calming devices.** Traffic calming devices shall be prohibited
16 unless approved by the fire code official in accordance with the San Bernardino County
17 Fire Protection District Fire Prevention Standards.

18 **503.5 Required gates or barricades.** The fire code official is authorized to require
19 the installation and maintenance of gates or other approved barricades across fire
20 apparatus access roads, trails or other access ways, not including public streets, alleys
21 or highways. Electric gate operators, where provided, shall be listed in accordance with
22 UL 325. Gates intended for automatic operation shall be designed, constructed and
23 installed to comply with the requirements of ASTM F 2200 and the San Bernardino County
24 Fire Protection District Fire Prevention Standards.

25 **503.5.1 Secured gates and barricades.** Where required, gates and barricades
26 shall be secured in an approved manner. Roads, trails and other access ways that have
27 been closed and obstructed in the manner prescribed by Section 503.5 shall not be
28 trespassed on or used unless authorized by the owner and the fire code official.

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

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

5 **503.6 Security gates.** The installation of security gates across a fire apparatus
6 access road shall be approved by the fire code official. Where security gates are installed,
7 they shall have an approved means of emergency operation. The security gates and the
8 emergency operation shall be maintained operational at all times. Electric gate operators,
9 where provided, shall be listed in accordance with UL 325. Gates intended for automatic
10 operation shall be designed, constructed and installed to comply with the requirements of
11 ASTM F 2200 and the San Bernardino County Fire Protection District Fire Prevention
12 Standards.

13 (3) Section 504.5 is added to the San Bernardino County Fire Protection
14 District Fire Code, to read:

15 **504.5 Foam cornices.** Buildings with cornices or other trim at the edge of a roof or
16 parapet wall made of expanded foam plastic or other similar materials shall be installed in
17 accordance with San Bernardino County Fire Protection District Fire Prevention
18 Standards in order to allow a stable, rigid surface or edge on which a ladder can be used
19 to access the roof.

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

22 **SECTION 505**

23 **PREMISES IDENTIFICATION**

24 **505.1 Address identification.** New and existing buildings shall be provided with
25 approved address identification in accordance with this section and San Bernardino
26 County Fire Protection District Standards. The address identification shall be legible and
27 placed in a position that is visible from the street or road fronting the property. Address
28 identification characters shall contrast with their background. Address identification shall

1 be Arabic numerals or alphabetical letters. Numbers shall not be spelled out. Each
2 character shall be not less than 4 inches (102 mm) high with a minimum stroke width of
3 ½ inch (12.7 mm). Where required by sections 505.1.1 – 505.1.6, address identification
4 shall be provided in additional approved locations to facilitate emergency response.
5 Address identification shall be maintained.

6 **505.1.1 One and two family dwelling units.** All one and two family dwelling units
7 shall, in addition to the requirements of section 505.1, be provided with address
8 identification in accordance with all of the following:

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

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

15 **505.1.2 Buildings less than 100,000 square feet, other than one- and two-**
16 **family dwelling units.** All buildings less than 100,000 square feet (9290 m²) in area,
17 other than one- and two-family dwelling units, shall, in addition to the requirements of
18 Section 505.1, be provided with address identification in accordance with all of the
19 following:

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

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

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

1 minimum stroke width of 0.75 inches (19 mm).

2 **505.1.3 Buildings 100,000 square feet or larger, other than one- and two-**
3 **family dwelling units.** All buildings 100,000 square feet (9290 m²) or larger in area,
4 other than one- and two-family dwelling units, shall, in addition to the requirements of
5 Section 505.1, be provided with address identification in accordance with all of the
6 following:

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

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

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

17 **505.1.4 Illuminated directory.** When required by the fire code official, new
18 multiple dwelling unit complexes of 20 or more units shall be provided with an illuminated
19 directory at each entry, clearly visible to emergency responders entering the property.
20 The directory shall comply with San Bernardino County Fire Protection District Fire
21 Prevention Standards and shall consist of a diagrammatic representation of the complex
22 which shows the location of the viewer and the unit designations within the complex.

23 **505.1.5 Individual units.** Individual dwelling units other than one- and two-family
24 dwellings, and tenant lease spaces within buildings shall be posted with address
25 identification on each unit. Addresses shall be easily visible to approaching vehicular or
26 pedestrian traffic and shall comply with section 505.1 and the San Bernardino County Fire
27 Protection District Fire Prevention Standards.

28 **505.1.6 Rear addressing.** Buildings which have vehicular access to the rear side

1 by means of a drive aisle alley, or parking lot shall also display address identification on
2 the rear of the building and the San Bernardino County Fire Protection District Standards.

3 **505.2 Street or road name signs.** The names of streets or roads shall be
4 identified with approved signs. Temporary street or road name signs meeting the San
5 Bernardino County Fire Protection District Fire Prevention Standards shall be installed at
6 each street intersection when construction of new roadways allows passage by vehicles
7 and shall be maintained until replaced by permanent signs.

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

10 **SECTION 506**

11 **KEY BOXES**

12 **506.1 Where required.** Where access to or within a structure or an area is
13 restricted because of secured openings or where immediate access is necessary for life-
14 saving or fire-fighting purposes, the fire code official is authorized to require one or more
15 key boxes to be installed in an approved location(s). The key box(es) shall be of an
16 approved type in accordance with San Bernardino County Fire Protection District Fire
17 Prevention Standards and shall contain keys to gain necessary access as required by the
18 fire code official.

19 **506.1.1 Locks.** An approved lock or entry device meeting San Bernardino County
20 Fire Protection District Fire Prevention Standards shall be installed on gates or similar
21 barriers across fire department access roads where required by the fire code official.

22 **506.2 Key box maintenance.** The operator of the building shall immediately notify
23 the fire code official and provide the new key where a lock is changed or rekeyed. The
24 key to such lock shall be secured in the key box.

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

26 **SECTION 507**

27 **FIRE PROTECTION WATER SUPPLIES**

28 **507.1 Required water supply.** An approved water supply capable of supplying

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

6 **Exception:**

7 1. When approved by the fire code official, the following shall be
8 permitted in lieu of an adequate water supply when serving not more than two Group R-
9 3 occupancies and accessory Group U occupancies:

10 a) Accessory Group U occupancies shall be a minimum of
11 50 feet (15,240 mm) from all adjacent dwellings and property lines.

12 b) Group R-3 Occupancies shall be equipped with an
13 approved residential fire sprinkler system in accordance with NFPA 13D/CRC313.

14 c) Provide other approved alternate means and
15 methods as approved by the fire code official.

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

18 **507.2.3 Temporary water supply.** When required by the fire code official, a
19 temporary water supply shall be provided for buildings under construction, prior to such
20 buildings being occupied. Temporary water supplies shall be in accordance with San
21 Bernardino County Fire Protection District Fire Prevention Standards.

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

23 **507.3 Fire Flow.** Fire flow requirements for buildings or portions of buildings and
24 facilities shall be determined by an approved method below or by Appendix B.

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

28 a) Accessory Group U occupancies shall be a minimum

1 50 feet (15,240 mm) from all adjacent dwellings and property lines.

2 b) Group R-3 Occupancies shall be equipped with an
3 approved residential fire sprinkler system in accordance with NFPA 13D/CRC313.

4 c) Provide other approved alternate means and
5 methods as approved by the fire code official.

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

7 **507.5. Fire hydrant systems.** Fire hydrant systems shall comply with Sections
8 507.5.1 through 507.5.6 and San Bernardino County Fire Protection District Fire
9 Prevention Standards.

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

11 **507.5.1 Where required.** Where a portion of the facility or building hereafter
12 constructed or moved into or within the jurisdiction is more than 300 feet (91.5 m) from a
13 hydrant on a fire apparatus access road, as measured by an approved route around the
14 exterior of the facility or building, on-site fire hydrants and mains shall be provided where
15 required by the fire code official.

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

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

20 **507.5.1.2 Water supply connections.** New on-site fire hydrant water systems
21 that serve buildings having a single or aggregate floor area of greater than 100,000
22 square feet (9290 m²) shall have a minimum of two separate remote connections to the
23 public water system designed and constructed in accordance with the National Fire
24 Protection Association and the San Bernardino County Fire Protection District Fire
25 Prevention Standards and approved by the fire code official.

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

1 **508.2 Fire Control Room.** A fire control room for fire department operations shall
2 be provided in all newly constructed Group F-1, S-1 and S-2 distribution warehouses
3 greater than 300,000 square feet (27870 m²) in floor area. The location and accessibility
4 of the fire control room shall be approved by the fire code official. The fire control room
5 shall be separated from the remainder of the building by walls and ceilings not less than
6 one-hour fire partitions and shall have at least one exterior access door of not less than
7 3'-0" (918 mm) in width by 6'-8" (2040 mm) in height. The room shall be a minimum of
8 96 square feet (9 m²) with a minimum dimension of 8 feet (2438 mm.) The room shall
9 contain the following as a minimum:

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

13 2. Main controls and indicators for mechanical smoke exhaust
14 systems.

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

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

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

22 **509.3 Access to equipment in multi-unit buildings.** When automatic fire
23 sprinkler systems or fire alarm systems are installed in buildings constructed for multiple
24 tenants and these systems protect multiple tenant spaces, the main risers, fire alarm
25 control panels, and any other main control valves or equipment for such systems; shall
26 be located in an attached or included room separate from any tenant space. Such rooms
27 shall have at least one exterior access door of not less than 3'-0" (918 mm) in width by
28 6'-8" (2040 mm) in height and meet the requirements of Sections 901.4.6-901.4.6.4.

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

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

5 **901.8.3 Theft deterrents.** The fire code official is authorized to require installation
6 methods, mechanisms, or other technology that will serve to deter theft or tampering with
7 fire protection appliances. Such methods shall be in accordance with the San Bernardino
8 County Fire Protection District Fire Prevention Standards.

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

10 **903.2 Where required.** Approved automatic fire sprinkler systems in new
11 buildings and structures shall be provided in the locations described in this section and
12 Sections 903.2.1 through 903.2.21. Notwithstanding any other provision of Sections
13 903.2.1 through 903.2.21, an approved automatic fire sprinkler system shall be provided
14 throughout all newly constructed buildings of any occupancy group, when the gross floor
15 area is equal to or exceeds 5,000 square feet (465 m²), regardless of fire resistive
16 separation walls.

17 **Exceptions:**

18 1. Group U occupancies, accessory to a Group R-3 one- or two-
19 family dwelling.

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

23 a) When an addition causes the building to exceed 5,000
24 square feet (465 m²) in gross floor area and such addition is equal to or greater than 50%
25 of the existing square footage, the entire building shall be provided with an automatic
26 sprinkler system.

27 b) For existing buildings larger than 5,000 square feet
28 (465 m²) 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 910.2.1 of the California Fire Code is amended, to read:

910.2.1 Group F-1, S-1 and S-2. A mechanical smoke removal system installed in accordance with section 910.4 shall be installed in buildings and portions thereof used as group F-1, S-1 and S-2 occupancy having more than 50,000 square feet (4645m²) of undivided area.

(4) 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 section of Chapter 11 of the San Bernardino County Fire Protection District Fire Code is added, as follows:

(1) Section 1103.2 is added to the San Bernardino County Fire Protection District Fire Code, to read:

1103.2 Emergency responder communication coverage in existing buildings.

Existing buildings other than Group R-3, that do not have approved in-building, two-way emergency response communication coverage for emergency responders in the building based on existing coverage levels of the public safety communication system, shall be equipped with such coverage according to Section 510.1.

1 **Exception:** Where it is determined by the fire code official that the
2 in-building, two-way emergency responder communication coverage system is not
3 needed.

4 (h) The following sections of Chapter 28 of the San Bernardino County Fire
5 Protection District Fire Code are added or amended, as follows:

6 (1) Section 2808.3 of the California Fire Code is amended, to read:

7 **2808.3 Size of piles.** Piles shall not exceed 12 feet (3657 mm) in height, 150 feet
8 (45 270mm) in width and 250 feet (76 200 mm) in length. Stackable products shall not
9 be stacked in excess of 12 feet (3657 mm) in height, 80 feet (24 384 mm) in width and
10 250 feet (76 200 mm) in length.

11 (2) Section 2808.7.1 is added to the San Bernardino County Fire
12 Protection District Fire Code, to read:

13 **2808.7.1 Pile fire protection, public water supply.** The operator shall provide
14 and maintain approved fire hydrants and waterline mains as required by the fire code
15 official. Water lines may be approved aboveground lines supplied from a reliable water
16 supply with adequate protection against impact and fire flow reaction. Hydrant spacing
17 shall be at 400-foot intervals along primary fire access roadways. Fire flow at each hydrant
18 shall be least 1,000 gallons per minute at 20 psi. Duration of the required fire flow shall
19 be not less than two hours.

20 (3) Section 2808.7.2 is added to the San Bernardino County Fire
21 Protection District Fire Code, to read:

22 **2808.7.2 Pile fire protection, private water supply.** Above-ground water storage
23 tanks may be installed when authorized by the fire code official where public water supply
24 is not adequate to meet fire flow requirements. Volume and duration of the required fire
25 flow shall be as determined by the current edition of NFPA 1142.

26 (4) Sections 2810.1 through 2810.11 of the California Fire Code, is
27 amended, to read:
28

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

- 1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

3
4
5
6
7
8

- 5
6
7
8

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

3 **2810.4 Fire safety emergency evacuation plan.** The owner or owner's
4 authorized representative shall prepare and train employees in an approved fire safety
5 and emergency evacuation plan in accordance with Chapter 4.

6 **2810.5 Security management plan.** The owner or owner's authorized
7 representative shall prepare a security management plan based on a security risk
8 assessment and shall make the plan and assessment available to the fire code official
9 upon request.

10 **2810.6 Clearance to property line.** Stacks of pallets shall not be stored less than
11 20 feet (6096 mm) of the property line or shall comply with Section 2810.11.

12 **2810.7. Clearance to buildings and storage.** Stacks of pallets shall not be stored
13 less than 20 feet (6096 mm) from any building or combustible structure on site, or shall
14 comply with Section 2810.11. Pallets shall not be stored under eaves, canopies or other
15 projections or overhangs of buildings except where protected by an automatic sprinkler
16 system.

17 **2810.8 Size and Height.** Pallet stacks shall be arranged to form stable piles.
18 Individual pallet piles shall cover an area not greater than 400 square feet (37 m²). Pallet
19 stacks and piles shall not exceed 16 feet (4876 mm) in height.

20 **2810.9 Fire hydrant spacing and flow.** Fire hydrants shall be located at each
21 entrance to the facility and at locations onsite as determined by the fire code official. Fire
22 flow requirements for the site shall be based on a risk analysis and assessment
23 performed by a California licensed fire protection engineer and
24 approved by the fire code official. All water supply sources for fire- fighting shall be
25 reliable and for a sufficient duration.

26 **2810.10 Portable fire extinguishers.** A 4A40BC portable fire extinguishers shall
27 be provided within 75 feet (22 860 mm) of any pallet stack or manufacturing area(s).

28 **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.

(i) 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 California Fire Code	50% of the value in Table B105.1(2) ^b	Duration in Table B105.1(2) at the reduced flow rate

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

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

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

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

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

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

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

13 **C103.2 Average Spacing.** The average spacing between fire hydrants shall be
14 300 feet (91 m) apart in industrial, commercial and multifamily development, and 600 feet
15 (183 m) apart in all single family development. Fire hydrants shall comply with the San
16 Bernardino County Fire Protection District Fire Prevention Standards.

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

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

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

25 **3. Reserved.**

26 **4. Referenced Standards.**

27 The standards referenced in this Code shall be those that are listed in Chapter 80.

28 Such standards shall be considered part of the requirements of this Code to the

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

6 **5. Conflicting Provisions.**

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

12 **6. Validity and Severability.**

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

18 **7. No Liability or Warranty.**

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

28 **8. Authority – General.**

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

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

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

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

25 (c) The Fire Chief/Fire Warden, fire code official or officer of the San Bernardino
26 County Fire Protection District in charge at the scene of a fire or other emergency is
27 authorized to disconnect or authorize disconnection of utility service to any building,
28 structure, vehicle or system in order to safely execute emergency operations or to

1 eliminate an immediate hazard.

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

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

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

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

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

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

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

25 **12. Interference Unlawful.**

26 (a) It shall be unlawful for any person or entity to deny access to, interfere with,
27 prevent, restrict, obstruct, or hinder employees or agents of the San Bernardino County
28 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

1 any required documentation within 180 days after the date application or plans have been
2 returned by the District for correction; or (ii) the applicant fails to obtain a permit within
3 180 days after the date the District has approved the application and has sent such
4 notification of approval to the applicant. The fire code official is authorized to grant one
5 or more extensions for a period not to exceed 90 days to submit such documentation or
6 corrections, or to obtain a permit from the District. All requests for extension shall be
7 made, in writing, by the applicant prior to abandonment and shall provide justifiable cause
8 to extend the application review period.

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

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

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

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

27 (4) Notwithstanding any other provision of law, construction permits that
28 have expired and are renewed are subject to any new applicable codes as would be

1 required for a new project.

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

9 **17. Permits Not Transferable.**

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

12 (b) Pursuant to Business and Professions Code section 7031.5, only a
13 contractor, licensed by the State of California to perform the type of work proposed in the
14 permit application, may apply for and be issued a construction permit required pursuant
15 to Section 105.6 et seq. of the San Bernardino County Fire Protection District Fire Code.
16 Any change of contractor named to conduct the permitted work shall require that a new
17 permit be issued.

18 **Exceptions:**

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

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

25 **18. Permit Revocation.**

26 The fire code official is authorized to revoke a permit issued pursuant to Section
27 105 of the San Bernardino County Fire Protection District Fire Code when it is found by
28 inspection or otherwise that conditions including, but not limited to, any one of the

1 following occurred:

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

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

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

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

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

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

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

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

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

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

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

28 (b) A stop work order shall be issued in writing and shall be given to the

1 permittee or his agent, or to the person conducting the activity, business, construction,
2 work or use of equipment if no permit has been issued. The stop work order shall state
3 the reason for the order and the conditions under which the stopped activity, business,
4 construction, work or use of equipment may resume.

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

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

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

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

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

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

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

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

27 (a) If a permittee or his agent, or the person conducting the activity, business,
28 construction, work or use of equipment or other responsible party is present at the scene

1 of the violation, the notice or order shall be issued by personal service.

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

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

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

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

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

28 **24. Overcrowding Unlawful.**

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

6 **25. Obstructed Egress Unlawful.**

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

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

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

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

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

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

27 (1) Any open fire that is offensive or objectionable because of smoke
28 emission, ember production, or when local atmospheric conditions or circumstances

1 make such fires hazardous.

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

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

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

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

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

15 **Exceptions:**

16 (A) (Agricultural burning or burning of Russian Thistle
17 (tumbleweeds) in accordance with Rule 444 of the AQMD and when permitted by the fire
18 code official

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

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

24 (D) Portable outdoor fire places that have an approved, listed
25 spark arresting screen covering.

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

27 (8) Within the boundaries of a State Responsibility Area, including
28 private property, in violation of any requirements or burn restriction imposed by the

1 California Department of Forestry & Fire Protection (Cal Fire).

2 (9) Within the boundaries of the San Bernardino National Forest,
3 including private property, in violation of any requirement or burn restriction imposed by
4 the U.S. Forest Service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (2) Bonfires.

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

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

13 (3) Recreational fires.

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

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

18 (4) Portable outdoor fireplaces.

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

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

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

27 (5) Barbecues and Barbecue Pits.

28 (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.

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

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

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

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

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

- 21 1. Manufacture, possess, store, sell, display or otherwise dispose of
22 explosive materials at any location;
- 23 2. Transport explosive materials;
- 24 3. Use explosive materials;
- 25 4. Operate a terminal for handling explosive materials; or
- 26 5. Transport blasting caps or electric blasting caps on the same vehicle
27 with explosives.

28 (g) Whenever a new explosive material storage or manufacturing site is

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

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

9 (i) Prior to conducting a public fireworks display, a permit shall be applied for
10 as specified in Section 105.5.42 from the San Bernardino County Fire Protection District,
11 permit fees shall be paid, and plans for the display, inspections of the display site and
12 demonstrations of the display operations shall be approved. A plan establishing
13 procedures to follow and actions to be taken in the event that materials fail to ignite,
14 discharge, or otherwise fail to function over the fallout area shall be provided to the fire
15 code official.

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

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

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

25 The aggregate capacity of any one installation for the bulk storage of liquefied
26 petroleum gases shall not exceed 2,000 water gallons in residential areas. In non-
27 residential areas, when, in the opinion of the fire code official, the location of bulk storage
28 of liquefied petroleum gases would create a threat to the occupants and property owners,

1 the aggregate storage capacity of liquefied petroleum gas shall also be limited to 2,000
2 water gallons. The fire code official shall be guided by the appropriate City or County
3 Development Code when permitting the storage of liquefied petroleum gas in excess of
4 2,000 water gallons at any one installation.

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

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

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

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

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

1 approved in writing by the fire code official.

2 (c) **Submittals.** Transport vehicles and associated trailers shall comply with
3 the requirements of Section 5001.5.1 for Hazardous Materials Management Plan (HMMP)
4 and Section 5001.5.2 for Hazardous Materials Inventory Statement (HMIS) as part of a
5 regulated facility. These documents shall be submitted to the Office of the Fire Marshal
6 of the San Bernardino County Fire Protection District.

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

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

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

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

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

24 (c) Each owner of property through which the easement shall pass shall
25 provide a notarized waiver with the deed releasing the San Bernardino County Fire
26 Protection District, its successors and the County of San Bernardino of any liability for
27 any inability to provide fire suppression or emergency medical aid due to lack of access
28 and shall further stipulate that the San Bernardino County Fire Protection District, its

1 successors and the County of San Bernardino shall not be party to any criminal, civil or
2 administrative action relating to the maintenance of the easement unless the action is
3 brought forth by the District, its successors, or the County.

4 **33. Violations – General.**

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

8 **34. Continuing Violations.**

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

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

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

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

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

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

28 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

1 the County jail for a period of not more than six months, or by both such base fine and
2 imprisonment. Any court costs that the court may otherwise be required to impose
3 pursuant to applicable state law or local ordinance shall be imposed in addition to the
4 base fine.

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

17 **(b) Criminal citations.**

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

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

1 by such Court to receive a deposit of bail.

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

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

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

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

25 (7) When a person signs a written promise to appear at the time and
26 place specified in the written promise to appear, and has not posted bail as provided in
27 Penal Code section 853.6, the magistrate shall issue and have delivered for execution a
28 warrant for his or her arrest within 20 days after his failure to appear as promised; or if

1 such person promises to appear before an officer authorized to accept bail, other than
2 the magistrate, and fails to do so on or before the date on which he or she promised to
3 appear, then, within 20 days after the delivery of such written promise to appear by the
4 officer to the magistrate having jurisdiction over the offense.

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

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

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

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

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

20 **40. Civil Actions.**

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

1 penalties and/or abatement costs.

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

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

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

22 (a) Any violation of this Code or of the provisions of any code adopted and
23 incorporated by reference by this Code is subject to enforcement through the issuance of
24 an administrative citation and penalties in accordance with Government Code section
25 53069.4 and this section. Administrative citations may be issued for any violation of this
26 Code not occurring in the presence of the District Investigator or Enforcement Officer
27 issuing the citation where the issuing officer determines through investigation that the
28 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (7) The administrative citation shall contain a notation box for the
28 enforcement officer to indicate whether or not the citation is issued as a "warning only"

1 and without penalty. The administrative citation shall also include a notation box that may
2 be used by the enforcement officer to indicate that the penalty will be waived if the
3 violation is corrected by the compliance deadline date indicated on the citation form.

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

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

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

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

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

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

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

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

13 (e) **Administrative Penalties**

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

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

1 or her discretion, assess administrative penalties in the following manner:

2 (A) The administrative penalty for the first and second violation
3 occurring concurrently shall be the full penalty as defined by Section 41(e)(1).

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

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

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

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

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

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

28 (D) The District may collect any past due administrative citation

1 penalty or late payment charge by use of any available means, including without
2 limitation, the recording of a notice of lien, describing the real property affected and the
3 amount of the costs and administrative citation penalties claimed by the District with the
4 Office of the County Recorder. The District may transmit notice of the award of abatement
5 costs and administrative citation penalties, or notice of the judgment thereon arising from
6 a collection or other legal action, to the Treasurer/Tax Collector who shall place the
7 amount thereof on the assessment role as a special assessment to be paid with County
8 taxes, unless sooner paid. The District may also recover its collection costs. A judgment
9 or award of such costs, penalties or damages may also be enforced in any other manner
10 provided by law.

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

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

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

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

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

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

4 (d) The imposition of administrative penalties related to "Dangerous Fireworks"
5 under this section shall be limited to persons who store, possess, handle, sell, use,
6 transport, or publicly display 25 pounds or less (gross weight including packaging) of such
7 Dangerous Fireworks. Any persons who store, possess, handle, sell, use, transport, or
8 publicly display over 25 pounds (gross weight including packaging) of such Dangerous
9 Fireworks may be subject to criminal action.

10 (e) Administrative penalties collected pursuant to this section related to
11 "Dangerous Fireworks" shall not be subject to California Health and Safety Code section
12 12706, which section provides that certain fines collected by a court of the state be
13 deposited with, and disbursed by, the County Treasurer. However, the District shall
14 provide cost reimbursement to the State Fire Marshal pursuant to regulations to be
15 adopted by the State Fire Marshal addressing the State Fire Marshal's cost for the
16 transportation and disposal of "Dangerous Fireworks" seized by the District, which costs
17 will be part of any administrative penalty imposed. Unless and until said regulations have
18 been adopted by the state of California, the District shall hold in trust two hundred fifty
19 dollars (\$250) of any penalty collected to cover the cost reimbursement to the State Fire
20 Marshal for said cost of transportation and disposal of the "Dangerous Fireworks."

21 (f) Notwithstanding the penalties defined in this Section, administrative
22 citations issued pursuant to this section shall comply with all the requirements of Section
23 41 of this Code.

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

28 **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 20 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

1 immediate threat to public safety, shall be subject to the imposition and payment of an
2 increased administrative penalty as provided in the table below:

Administrative Penalties for Egregious Violations			
Number of Occurrences in a 1-Year Period	Amount of Administrative Penalty	Late Charge	Total Amount of Penalty 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

9 (b) For the purposes of this section, each instance of a violation may be
10 considered a separate violation subject to a separate penalty. However, multiple
11 violations cited during a single occurrence or inspection shall not each be considered a
12 separate occurrence incurring a higher penalty amount. EXAMPLE: During a first
13 inspection, two required exit doors are found to be chained and the dance hall is
14 overcrowded. An administrative citation may be issued for three (3) counts of egregious
15 violations at \$250.00 each, rather than three (3) counts each at \$250.00, \$750.00, and
16 \$1,250.00 respectively.

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

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

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

25 (c) An administrative penalty may be imposed against the owner of a premises
26 if the owner fails to return proof of service/repair of the equipment within fifteen (15) days
27 after receiving written notice from the fire code official ordering the correction of a
28 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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).

1 **45. Appeal of Administrative Citations.**

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

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

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

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

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

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

10 (2) A brief statement of the material facts which the appellant claims
11 supports his/her contention that they did not commit, cause, or otherwise allow a violation
12 of one or more provisions of this Code to occur, exist, or continue as alleged in the
13 administrative citation at issue; or he/she is not a responsible party as defined at Section
14 41(b)(9) of this Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (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

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

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

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

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

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

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

27 (d) A certified copy of the "Order to Vacate Notice of Pendency" may be
28 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

1 Safety Board of Appeal.

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

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

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

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

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

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

6 **50. Cost Recovery.**

7 Pursuant to California Health and Safety Code sections 11374.5(b)(1), 13009 et
8 seq., 13916(a), 25259.4, 25514, 25515(a), 25540(a), 25541(a), California Government
9 Code sections 53150, 53151, 53152, 53159(a) & (b), California Vehicle Code section
10 23112.7, and all other provisions of law, all costs incurred by the San Bernardino County
11 Fire Protection District for the inspection and enforcement of any provision of this Code,
12 the investigation of any fire, explosion or other hazardous condition, the suppression of
13 fire, the response to a traffic collision or accident, the containment and/or mitigation of a
14 hazardous materials release, and any rescue or rendering of medical or physical aid or
15 assistance, may be charged to any responsible party, any person who violates this Code
16 or any person who, due to a negligent or unlawful act or omission, is responsible for or
17 requires or causes the emergency response of this District pursuant to a schedule of fees
18 adopted by the District. Any expense incurred by this District for such an emergency
19 response shall constitute a debt of such person and shall be collectible by the District in
20 the same manner as in the case of an obligation under contract, express or implied.

21 **51. Treble Damages.**

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

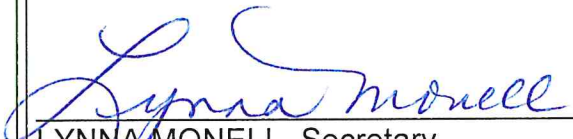
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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



DAWN ROWE, Chair
Board of Directors

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



LYNNA MONELL, Secretary
to the Board of Directors

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

4 I, LYNNA MONELL, Secretary of the Board of Directors of the San Bernardino
5 County Fire Protection District, State of California, hereby certify that at a regular meeting
6 of the Board of Directors of the San Bernardino County Fire Protection District, held on
7 the 28th day of February, 2023, at which meeting were present Directors: Col. Paul Cook
(Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr., and the Secretary,
the foregoing ordinance was passed and adopted by the following vote, to wit:

8 AYES: DIRECTORS: Col. Paul Cook (Ret.), Jesse Armendarez,
Dawn Rowe, Curt Hagman, Joe Baca, Jr.,

9 NOES: DIRECTORS: None

10 ABSENT: DIRECTORS: None

11
12 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
13 of the Board of Directors this 28th day of February, 2023.

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

16 
17 Deputy


18 Approved as to Form:

19 TOM BUNTON
20 County Counsel

21
22 By: 
23 JOLENA E. GRIDER
24 Deputy County Counsel

25 Date: 3/1/23
26
27
28



CITY OF NEEDLES

Development Services Department

817 Third Street • Needles, California 92363
(760) 326-5740 • FAX (760) 326-6765
www.cityofneedles.com

Exhibit “B” Ordinance 662-AC

August 8, 2023

Fire Apparatus Access Roads Surface Alternative

Proposed “Exception Number 2 of Section 503.2.3” alternative:

PURPOSE: The requirement for the fire code official being authorized to allow alternate roadway surfaces designed or evaluated by a qualified professional engineer is over burdensome for developers in the City of Needles and creates challenges for development in the City as it is so isolated from the rest of San Bernardino County. The fire access roadway appropriate thickness of surface materials and base materials will be an administrative action determined by the City Manager or designee subject to applicable provisions of the Needles Municipal Code.

1. The City Manager or designee is authorized to evaluate and designate fire apparatus roadway surfaces and after consultation with the San Bernardino County Fire Protection District to determine the reliability and safety of the road and subject to applicable provisions of the Needles Municipal Code.