

BUILDING STANDARDS COMMISSION

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January 24, 2014

Carmencita Benitez, Sr. Administrative Assistant
Fire Department
City of San Bernardino
200 E. 3rd Street
San Bernardino, CA 92410

RE: Ordinance #MC-1392

Dear Ms. Benitez:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 17, 2013.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in blue ink, appearing to read "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

O'Brien, Laurie@DGS

From: Carmencita Benitez <Benitez_Ca@sbcity.org>
Sent: Tuesday, December 17, 2013 4:21 PM
To: OrdinanceFilings@DGS
Cc: Sarah Pearson
Subject: San Bernardino City Ordinance No. MC-1392
Attachments: MC-1392.pdf

2013 DEC 18 FRI 1:24
SAN BERNARDINO COUNTY
CLERK OF SUPERIOR COURT

Good afternoon,

Attached please find San Bernardino City Ordinance No. **MC-1392** full, true and correct copy.

Respectfully,
Carmencita Benitez
Senior Administrative Assistant, Fire Department
City of San Bernardino
200 E. 3rd Street
San Bernardino, CA 92410
Office (909) 384-5388
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1
2 d. There are portions of the City in the Hazardous Fire Area, where water
3 supply is very limited. Private tanks located on the homeowner's property often
4 provide the only available water supply for firefighting purposes. Public fire
5 hydrants, with appropriate fire-flow, are located several thousand feet from
6 these structures.

7 e. The City has within its boundary potentially active seismic hazards.
8 Seismic activity occurs within the City and a fire potential exists with these
9 active faults. Existing structures and planned new developments are at serious
10 risk from these faults.

11 f. Due to these local climatic, geological and topographical conditions,
12 there is an express need for changes and modifications in the 2013 Edition of
13 the California Fire Code.

14 **Section 2. San Bernardino Municipal Code, Chapter 15.16 is amended to**
15 **read as follows:**

16 **15.16.010 Citation.**

17 The Ordinance codified in this chapter and the code and standards adopted by
18 reference in Section 15.16.020 shall be known as the California Fire Code.

19 **15.16.020 Code Adopted.**

20 The 2013 Edition of the "California Fire Code" together with the California
21 Code of Regulations, Title 24, and Appendix Chapter 4, and Appendices B, C,
22 E, F, G and H, and the International Fire Code, 2012 Edition published by the
23 International Code Council are adopted by reference into this Chapter, and are
24 hereby collectively declared to be the Fire Code of the City of San Bernardino
25 and are incorporated in the Municipal Code of the City of San Bernardino. The
26 provisions of the California Fire Code—shall apply to all areas within the
27 jurisdiction of the City of San Bernardino. One copy of the 2013 Edition of the
28 California Fire Code, including California Amendments and Appendices is on
file in the Office of the City Clerk.

15.16.030 Definitions.

- 1
- 2 A. Whenever "jurisdiction" is used in the California Fire Code, it shall mean
- 3 the City of San Bernardino.
- 4 B. Whenever "chief" is used in the California Fire Code it shall mean the
- 5 Chief of the Fire Department of the City of San Bernardino, hereinafter
- 6 called "Fire Chief", or the Chief's authorized representative.
- 7 C. Whenever "corporation counsel" is used in the California Fire Code, it shall
- 8 mean the City Attorney of the City of San Bernardino.
- 9 D. Whenever "Fire Code Official" is used in the California Fire Code, it shall
- 10 mean "Fire Marshal" or the Chief's authorized representative.

11 **15.16.040 Amendments.**

12 The following sections and provisions of the California Fire Code, (2013
13 Edition) are amended to read as set forth in Sections 15.16.044 through
14 15.16.400.

15 **15.16.044 Appointments.**

16
17 Section 103.2 Chapter 1 of the California Fire Code is deleted, and shall not be
18 adopted by the City of San Bernardino.

19 **15.16.045 Liability.**

20 Section 103.4 Chapter 1 of the California Fire Code is amended by adding the
21 following:

22 **103.4.2 Cost Recovery.**

23
24 1. Fire suppression, investigation, rescue, hazardous materials, or emergency
25 medical costs are recoverable in accordance with California Health and Safety
Code, Sections 13009 and 13009.1.

26 2. Any person who negligently or intentionally, or in violation of the law
27 causes an emergency response is liable for the costs of securing such
28 emergency. This shall include but not be limited to situations such as false
alarms, traffic accidents, fire watch, or spills of toxic or flammable fluid or
chemicals, and the costs related to the investigation of the incident. Expenses

1 incurred by the Fire Department for securing such emergency situation shall
2 constitute a debt of such persons and is collectable by the Fire Chief in the same
3 manner as in the case of any obligation under contract, expressed or implied.

FINDINGS: A,B,C,D,E,F APPLY

4 **15.16.055 Applicant Appeals.**

5 Section 108.1 Chapter 1 of the California Fire Code is amended to read as
6 follows:

7
8 108.1 Appeals. The applicant may appeal the Fire Chief's denial, suspension or
9 revocation of a permit or his/her interpretation of this code to the Fire
10 Commission within ten days from the date of notice of the decision. The Fire
11 Commission shall render its decision and findings in writing to the Fire Chief
12 with a duplicate copy to the applicant.

13 Appeal Fees. When appeals are filed a processing fee in an amount established
14 by resolution of the Mayor and Common Council shall be paid by the applicant
15 to research and process the appeal. The fee shall be paid to the Fire
16 Department.

17 108.3 Delete entire section.

FINDINGS: A,B,C,D,E,F APPLY

18 **15.16.060 Fire Prevention Bureau Personnel and Police.**

19 Section 103.3 Chapter 1 of the California Fire Code is amended to read as
20 follows:

21 103.3 The Fire Chief, Fire Marshal and members of the fire prevention bureau
22 shall have the powers of a peace officer as defined in Section 830.37 of the
23 Penal Code, in performing their duties under this code.

24 The following persons have the duty, and are hereby authorized, to enforce the
25 provisions of this code and make arrests and issue citations as authorized by
26 law:

- 27 1. Fire Chief, Fire Marshal, Fire Prevention Supervisor, Arson Investigators,
28 Firefighters, Fire Plans Examiner/Systems Inspector, Fire Prevention
Officers and Fire Prevention Technicians.

2. When requested to do so by the Fire Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

FINDINGS: A,B,C,D,E,F APPLY

15.16.061 Commencement of Proceedings.

Section 110 Chapter 1 of the California Fire Code is amended by adding the following:

110.5 Abatement Proceedings. Whenever the Fire Chief or his/her designated representative reasonably believes a violation of the California Fire Code exists, he/she shall commence abatement proceedings in accordance with Chapter 8.30 of the San Bernardino Municipal Code. All hearings shall be conducted by the Fire Chief or his/her designee ("Hearing Officer"). The Hearing Officer may hear matters pertaining to both California Fire Code violations and/or public nuisance violations as enumerated in Section 8.30.010. (Ord. MC-1015, 1-26-98)

FINDINGS: A,B,C,D,E,F APPLY

15.16.065 Inspections & Inspection Fees.

Section 105.1.1 Chapter 1 of the California Fire Code is amended by adding the following:

105.1.1.1 Inspection Fees

These fees shall be set by Resolution of the Mayor and Common Council.

Inspection Fees - An inspection fee may be charged for Fire Department routine inspections and re-inspections of property to cover the costs of such inspections. The amount of the inspection fee shall be established by Resolution of the Mayor and Common Council.

1. The Fire Marshal may authorize refunding of any fee that was erroneously paid or collected. Requests for refunding of any fee paid shall be submitted by written application no later than 180 days after the date of fee payment.

2. The property owner/occupant charged the inspection fee may appeal the imposition or the amount of the fee. Appeals related to fees shall be pursuant to Section 2.64 of the San Bernardino Municipal Code.

FINDINGS: A,B,C,D,E,F APPLY

Section 105.6.15 Delete

Section 105.6.35 Delete Exception

Section 105.6.47 Chapter 1 of the California Fire Code is amended by adding the following:

- 4. Auto Wrecking Yards
- 5. Battery storage/Battery systems
- 6. Commercial Day Care Facilities
 - 1. Less than 50
 - 2. More than 50
- 7. Convalescent facilities
- 8. Fire works booths
- 9. General inspection/Certificate of Occupancy
- 10. High Rise
- 11. Hospitals
 - 1. Less than 100 beds
 - 2. More than 100 beds
- 12. Kitchen Hoods (fixed hood and duct systems)
- 13. Large Family Day Care
- 14. New business inspection
- 15. Pallet Yards > 200 ft³ of wood or plastic storage
- 16. Radioactive materials
- 17. Residential board and care
- 18. Schools, private and vocational

FINDINGS: A,B,C,D,E,F APPLY

15.16.070 New Construction and Alterations.

Section 105.7 Chapter 1 of the California Fire Code is amended to read as follows:

- 1. The fire code official is authorized to issue construction permits for work as set forth in Chapter 1, Sections 105.7.1 through 105.7.16.

1
2 2. Approval and Inspection Fees. A fee will be charged for permits, plan
3 checks and/or inspections for construction or work which requires Fire
4 Department approval. The amount of the fee shall be established by Resolution
5 of the Mayor and Common Council.

6 3. Investigation Fees: Work without a Permit. Whenever any work for which a
7 permit is required by this code has been commenced without first obtaining said
8 permit, a special investigation shall be made before a permit may be issued for
9 such work. An investigation fee, in addition to the permit fee, shall be collected
10 whether or not a permit is then or subsequently issued. The investigation fee
11 shall be equal to the permit fee required by this code. The payment of such
12 investigation fee shall not exempt any person from compliance with all other
13 provisions of this code nor from any penalty prescribed by law. The Fire
14 Marshal may authorize refunding of any fee paid hereunder which was
15 erroneously paid or collected. The Fire Marshal may authorize refunding of not
16 more than 80 percent of the permit fee paid when no work has been done under
17 a permit issued in accordance with this code. The Fire Marshal may authorize
18 refunding of not more than 80 percent of the plan review fee paid when an
19 application for a permit for which a plan review fee has been paid, is withdrawn
20 or canceled before any plan reviewing is done. The Fire Marshal shall not
21 authorize refunding of any fee paid except on written application filed by the
22 original permittee not later than 180 days after the date of fee payment.

23
24 FINDINGS: A,B,C,D,E,F APPLY

25
26 **15.16.075 Authorization to Issue Corrective Orders and Notices.**

27 Section 109.3 Chapter 1 of the California Fire Code is amended to read as
28 follows:

29
30 **General.** When the chief finds in any building or on any premises combustible,
31 hazardous or explosive materials or dangerous accumulations of rubbish; or
32 finds unnecessary accumulations of wastepaper, boxes, shavings or any highly
33 flammable materials which are so situated as to endanger life or property; or
34 finds obstructions to or on fire escapes, stairs, passageways, doors or windows
35 that reasonably tend to interfere with the operations of the fire department or the
36 egress of the occupants of such building or premises; or finds that the
37 effectiveness of any exit door, attic separation or any fire separation wall is

1 reduced; or finds that this code is being violated the chief is authorized to issue
2 orders as necessary, for the enforcement of the fire prevention laws and
3 ordinances governing the same, and for the safeguarding of life and property
4 from fire or any other situation which may affect the health safety of any person
5 occupying buildings or premises.

6 FINDINGS: A,B,C,D,E,F APPLY

7 **15.16.086 Citations.**

8 Section 109.4 Chapter 1 of the California Fire Code is amended to read as
9 follows:

10 Section 109.4 Violation penalties. Persons who shall violate a provision of this
11 code or shall fail to comply with any requirements thereof or who shall erect,
12 install, alter, repair or do work in violation of the approved construction
13 documents or directive of the Fire Marshal, or of a permit or certificate used
14 under the provisions of this code, shall be guilty of a misdemeanor, punishable
15 by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment
16 in the County jail not exceeding six months, or both such fine and
17 imprisonment. Each day that a violation continues after due notice has been
18 served shall be deemed a separate offense.

19 FINDINGS: A,B,C,D,E,F APPLY

20 **15.16.087 Emergency Abatement/Closure Procedure**

21 Section 110.3 of the California Fire Code is amended to read as follows:

22 **110.3 Summary abatement**

23 A. Notwithstanding any other provision of this Chapter with reference to the
24 Abatement of California Fire Code violations, whenever the Fire Chief or
25 his/her duly authorized representative determines that property, a building
26 or structure is structurally unsafe, or constitutes a fire hazard, or endangers
27 the life, health, property or safety of the public or its occupants, and such
28 condition constitutes an immediate hazard or danger, he or she shall,
immediately and forthwith abate the existing immediate hazard or danger,
including but not limited to the closure of the property.

B. In lieu of the summary abatement hearing procedures for Dangerous
Buildings in Section 15.28, the Fire Chief or his/her duly authorized

1 representative shall mail, immediately after such emergency
 2 abatement/closure, a Notice of Hearing to the owners of the real property
 3 upon which the structure is located. Notice shall be mailed to the address
 4 as ascertained from title company records, the latest assessment roll of the
 5 County Assessor, or if no address is so shown, to the address of the
 6 property as such address may be known by the Fire Chief or duly authorize
 representative. Such notice shall contain the following information:

- 7 1) that a Hearing has been scheduled within twenty (20) days of such
 8 emergency abatement/closure action before the Fire Chief or his/her
 9 designee ("Hearing Officer") with the date, time and location of
 such Hearing;
- 10 2) that emergency action was taken with regards to the property;
- 11 3) the reason why he/she has taken the action.

12
 13 At the hearing, the Hearing Officer shall consider all relevant evidence,
 14 including, but not limited to, applicable staff reports. He or she shall give
 15 any interested person a reasonable opportunity to be heard in conjunction
 16 therewith. Based upon the evidence so presented, the Hearing Officer shall
 17 determine whether the emergency action was warranted. The hearing shall
 18 not be conducted according to formal rules of evidence or procedure, but
 shall be conducted in a manner generally complying with the
 19 Administrative Procedure Act at Government Code Section 11370, et seq.

- 20 C. The expense of the abatement shall be itemized and, after a hearing, notice
 21 of which is given in substantial compliance with Section 8.30.040, relating
 22 to the emergency nature of the abatement and the expenses incurred, shall
 constitute a special assessment and lien against the abated parcel as set
 23 forth in Sections 8.30.110, 8.30.120, 8.30.130, and 8.30.150.

24 FINDINGS: A,B,C,D,E,F APPLY

15.16.100 All Weather Driving Surface defined.

25 Section 202 of the California Fire Code is amended by adding the following
 26 definition:

27 **ALL WEATHER DRIVING SURFACE** is an approved concrete or asphalt
 28 covering of sufficient thickness to support the imposed loads of fire apparatus.

FINDINGS: A,B,C,D,E,F APPLY

1
2 **15.16.110 Fireworks defined.**

3 Section 202 of the California Fire Code is amended by amending the definition
4 of "Fireworks" to read as follows:

5 **FIREWORKS shall mean and include any combustible or explosive**
6 **composition, or any substance or combination of substances, or device prepared**
7 **for the purpose of a visible or audible effect by combustion, explosion,**
8 **deflagration, or detonation, and shall include blank cartridges, toy pistols, toy**
9 **cannons, toy canes, or toy guns in which explosives are used, firecrackers,**
10 **torpedoes, skyrockets, roman candles, daygo bombs, sparklers, or other devices**
11 **of like construction and any devices containing an explosive substance, except**
12 **that the term "Fireworks" shall not include auto flares, paper caps containing**
13 **not in excess of 0.25 grain of explosive content per cap or toy pistols, toy canes,**
14 **toy guns or other devices for use of such caps, the sale and use of which shall**
15 **be permitted at all times.**

16 FINDINGS: A,B,C,D,E,F APPLY

17
18 **15.16.112 Hazardous Fire Area defined.**

19 Section 202 of the California Fire Code HAZARDOUS FIRE AREA is
20 amended by adding the following definition:

21 **HAZARDOUS FIRE AREA is land which is covered with grass, grain brush**
22 **or forest, whether privately or publicly owned, which is so situated or is of such**
23 **inaccessible location that fire originating upon such land would present an**
24 **abnormally difficult job of suppression or would result in great and unusual**
25 **damage through fire or resulting erosion. Such areas are designated as follows:**

26 **That area within the City lying north of a line extending Easterly from the**
27 **West City limits to the East City limits and bounded on the South side by**
28 **streets and highways as follows:**

Barstow Freeway from West City limits to the intersection of Palm Avenue
and the Barstow Freeway; Northerly from the Barstow Freeway on Palm
Avenue to Kendall Drive; Easterly on Kendall Drive to 40th Street and
transition Easterly from the intersection of Kendall Drive and 40th Street;
on 40th Street; and continue Easterly to Mountain Avenue; from the
intersection of 40th Street and Mountain Avenue; Southerly on Mountain

1 Avenue to 39th Street; Easterly on 39th Street to Del Rosa Avenue;
 2 Southerly from the intersection of 39th Street to Marshall Boulevard;
 3 Easterly from the intersection of Del Rosa Avenue and Marshall Boulevard
 4 on Marshall Boulevard; Marshall Boulevard to Victoria Avenue; Victoria
 5 Avenue to Piedmont Drive; Piedmont Drive East to Diablo Drive; Diablo
 6 Drive East to El Toro Street; El Toro Street extending East to Highway
 7 330; Highway 330 South to Highland Avenue; thence East and South-
 8 easterly along the centerline of Highland Avenue to the centerline of
 9 Church Street.

10 Inclusive of area beginning at the intersection of Pacific Street and Del
 11 Rosa Avenue; Pacific Street West to Perris Hill Park Road; Perris Hill
 12 Park Road North in a line to intersect Highland Avenue; Highland Avenue
 13 East to Del Rosa Avenue; Del Rosa Avenue South to Pacific Street.

14 Inclusive of area beginning at the intersection of Little Mountain Drive and
 15 Kendall Drive; Kendall Drive East to 40th Street; 40th Street East to
 16 Electric Avenue; Electric Avenue South to Thompson Place; Thompson
 17 Place West to Mayfield Avenue; Mayfield Avenue South to 36th Street; 36th
 18 Street West to "F" Street; "F" Street South to 33rd Street; 33rd Street West
 19 to "H" Street; "H" Street South to Marshall Boulevard; Marshall
 20 Boulevard West in a line to intersect Cajon Boulevard; Cajon Boulevard
 21 West to University Parkway/State Street; University Parkway North to
 22 State Street; State Street North to Morgan Road; Morgan Road East to
 23 Little Mountain Drive; Little Mountain Drive North to Kendall Drive.

24 Hazardous Fire Areas shall be inclusive of any additional land area,
 25 whether publicly or privately owned, which the Fire Chief of the Fire
 26 Department determines to be so situated or so inaccessible that fire upon
 27 said land could present an abnormally difficult task of fire suppression.
 28 Such additional land areas shall be designated on a map available to the
 public and maintained by the Fire Department at the Central Fire Station,
 200 East Third Street, San Bernardino. The Fire Chief shall provide a
 written description of the boundaries of any additional land area to the
 City Clerk who shall provide for publication of notice thereof pursuant to
 the provisions of California Government Code 6061 (MC-1023, 5-18-98;
 Ord. MC-984, 11-4-96)

FINDINGS: A,B,C,D,E,F APPLY

15.16.114 Special Event defined.

1 A non-routine activity within a community that brings together a large number
2 of people. Emphasis is not placed on the total number of people attending but
3 rather the impact on the community's ability to respond to large-scale
4 emergency or disaster or the exceptional demands that the activity places on
5 response services. A community's special event requires additional planning,
6 preparedness, and mitigation efforts of local response and public safety
7 agencies.

7 **15.16.118 Suppression and control of Hazardous Fire Areas.**

8 Chapter 3 of the California Fire Code is amended by adding the following:

9
10 Section 319 Suppression and control of hazardous fire areas.

11 Section 319.1 Scope.

12 The unrestricted use of grass-, brush-, or forest-covered land in hazardous fire
13 areas is a potential menace to life and property from fire and resulting erosion.
14 Safeguards to prevent the occurrence of fires and to provide adequate fire-
15 protection facilities to control the spread of fire which might be caused by
16 recreational, residential, commercial, industrial or other activities conducted in
17 hazardous fire areas shall be in accordance with this section.

18 Section 319.2 Definitions. For the purpose of Section 319, certain terms are
19 defined as follows:

- 20 1. Tracer is any bullet or projectile incorporating a feature which marks
21 or traces the flight of said bullet or projectile by flame, smoke or other
22 means which results in fire or heat.
- 23 2. Tracer Charge is any bullet or projectile incorporating a feature
24 designed to create a visible or audible effect by means which result in
25 fire or heat and shall include any incendiary bullets and projectiles.

26 Section 319.3 Permits. The fire code official is authorized to stipulate conditions
27 for permits. Permits shall not be issued when public safety would be at risk, as
28 determined by the fire code official.

Section 319.4 Smoking. Lighting, igniting or otherwise setting fire to or smoking
tobacco, cigarettes, pipes or cigars in posted areas is prohibited.

Section 319.5 Spark Arrestors. All existing chimneys used in conjunction with
fireplaces, barbecues, incinerators or heating appliances in which solid, gas, or

1 liquid fuel is used shall be provided with a spark arrester constructed with heavy
2 wire mesh or other noncombustible material with openings not to exceed 1/2 inch.

3 Section 319.6 Tracer Bullets, Tracer Charges, Rockets, and model Aircraft.

4 1. Tracer bullets and tracer charges shall not be possessed, fired or caused to
5 be fired in the Special Protection Area.

6 2. Rockets, model planes, gliders and balloons powered with an engine,
7 propellant or other feature liable to start or cause fire shall not be fired or
8 projected in the Special Protection Area without a permit from the fire code
9 official.

10 Section 319.7 Apiaries. Lighted and smoldering material shall not be used in
11 connection with smoking bees in or upon the very high fire severity zones except
12 by permit from the fire code official.

13 Section 319.8 Outdoor Fires. Outdoor fires shall not be built, ignited or
14 maintained in the Hazardous Fire Area, except by permit from the fire code
15 official.

16 EXCEPTION: Outdoor fires within inhabited premises or designated
17 campsites where such fires are built in a permanent barbecue, portable
18 barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30
19 feet from a grass-, grain-, brush- or forest-covered area.

20 Permits shall incorporate such terms and conditions which will reasonably
21 safeguard public safety and property. Outdoor fires shall not be built, ignited or
22 maintained in the Special Protection Area under the following conditions:

- 23 1. When high winds are blowing,
- 24 2. When a person age 17 or over is not present at all times to watch and tend
25 such fire, or
- 26 3. When public announcement is made that open burning is prohibited.

27 Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be
28 used for the disposal of rubbish, trash or combustible waste material.

Section 319.9 Clearance of brush and vegetative growth from electrical
transmission lines.

General. Clearance of brush and vegetative growth from electrical transmission
and distribution lines shall be in accordance with Section 319.9.

1 **EXCEPTION:**

2 Section 319.9 does not authorize persons not having legal right of
3 entry to enter on or damage the property of others without consent of
4 the owner.

5 Section 319.9.1 Support Clearance. Persons owning, controlling, operating
6 or maintaining electrical transmission or distribution lines shall have an
7 approved program in place that identifies poles or towers with equipment
8 and hardware types that have a history of becoming an ignition source, and
9 provides a combustible free space consisting of a clearing of not less than 10
10 feet in each direction from the outer circumference of such pole or tower
11 during such periods of time as designated by the fire code official.

12 **EXCEPTION:**

13 Lines used exclusively as telephone, telegraph, messenger call, alarm
14 transmission or other lines classed as communication circuits by a
15 public utility.

16 Section 319.9.2 Electrical Distribution and Transmission Line Clearances
17 General. Clearances between vegetation and electrical lines shall be in
18 accordance with Section 319.9.2.

19 Section 319.9.2.1 Trimming clearance. At the time of trimming, clearances
20 not less than those established by Table 319.9.2 (1) should be provided. The
21 radial clearances shown below are minimum clearances that should be
22 established, at time of trimming, between the vegetation and the energized
23 conductors and associated live parts.

24 **EXCEPTION:** The fire code official is authorized to establish
25 minimum clearances different than those specified in Table 319.9.2
26 (1) when evidence substantiating such other clearances is submitted to
27 the chief and approved.

28 Section 319.9.2.2 Minimum clearance to be maintained. Clearances not less
29 than those established by Table 319.9.2 (2) shall be maintained during such
30 periods of time as designated by the chief. The site specific clearance
31 achieved, at time of pruning, shall vary based on species growth rates, the
32 utility company specific trim cycle, the potential line sway due to wind, line
33 sway due to electrical loading and ambient temperature, and the tree's
34 location in proximity to the high voltage lines.

EXCEPTION: The chief is authorized to establish minimum clearances different than those specified by Table 319.9.9(2) when evidence substantiating such other clearances is submitted to the chief and approved.

TABLE 319.9.2 (1) MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES AT TIME OF TRIMMING

LINE VOLTAGE	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
	× 304.8 mm
2,400-72,000	4
72,001-110,000	6
110,001-300,000	10
300,001 or more	15

TABLE 319.9.2 (2) MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE MAINTAINED

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
	× 25.4 MM
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30 1/2
230,001-500,000	115

1
2
3 Section 319.9.3 Electrical power line emergencies. During emergencies, the
4 utility company shall perform the required work to the extent necessary to
5 clear the hazard. An emergency can include situations such as trees falling
6 into power lines, or trees in violation of Table 319.9.2 (2)

7 Section 316.11.4 Correction of Condition. The fire code official is
8 authorized to give notice to the owner of the property on which conditions
9 regulated by Section 319.9 exist to correct such conditions.

10 Section 319.10 Dumping. Garbage, cans, bottles, papers, ashes, refuse, trash,
11 rubbish or combustible waste material shall not be placed, deposited or dumped in
12 or upon hazardous fire areas or in, upon or along trails, roadways or highways in
13 the Hazardous Fire Area.

14 EXCEPTION: Approved public and private dumping areas.

15 Section 319.11 Disposal of ashes. Ashes and coals shall not be placed, deposited
16 or dumped in or upon the Hazardous Fire Area.

17 EXCEPTIONS:

- 18 1. In the hearth of an established fire pit, camp stove or fireplace.
19 2. In a noncombustible container with a tight-fitting lid, which is kept or
20 maintained in a safe location not less than 10 feet from combustible
21 vegetation or structures.
22 3. Where such ashes or coals are buried and covered with 1 foot of mineral
23 earth not less than 25 feet from combustible vegetation or structures.

24 Section 319.12 Use of fire roads and firebreaks. Motorcycles, motor scooters and
25 motor vehicles shall not be driven or parked upon, and trespassing is prohibited
26 upon, fire roads or firebreaks beyond the point where travel is restricted by a cable,
27 gate or sign, without the permission of the property owners. Vehicles shall not be
28 parked in a manner which obstructs the entrance to a fire road or firebreak.

EXCEPTION: Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be
installed or maintained on fire roads or firebreaks unless located 16 feet or more
above such fire road or firebreak.

1 Section 319.13 Use of motorcycles, motor scooters and motor vehicles.
2 Motorcycles, motor scooters and motor vehicles shall not be operated within area
3 closed per section 319.19, without a permit by the fire code official, except upon
4 clearly established public or private roads. Permission from the property owner
shall be presented when requesting a permit.

5 Section 319.14 Tampering with fire department locks, barricades and signs.
6 Locks, barricades, seals, cables, signs and markers installed within special
7 protection area, by or under the control of the chief, shall not be tampered with,
8 mutilated, destroyed or removed. Gates, doors, barriers and locks installed by or
under the control of the fire code official shall not be unlocked.

9
10 Section 319.15 Liability for damage. The expenses of fighting fires which result
11 from a violation of Section 319 shall be a charge against the person whose
12 violation of Section 319 caused the fire. Damages caused by such fires shall
13 constitute a debt of such person and are collectable by the fire code official in the
same manner as in the case of an obligation under a contract, expressed or implied.

14 Section 319.16 Clearance of brush or vegetative growth from structures.

15 319.16.1 General. Persons owning, leasing, controlling, operating or maintaining
16 buildings or structures in the Hazardous Fire Area, and persons owning, leasing
or controlling land adjacent to such buildings or structures, shall at all times:

17 1. Maintain an effective firebreak by removing and clearing away flammable
18 vegetation and combustible growth from areas within 100 feet of such
19 buildings or structures;

20 Exception:

21 (a). Single specimens of trees, ornamental shrubbery or similar
22 plants used as ground covers, provided that they do not form a
23 means of rapidly transmitting fire from the native growth to any
structure.

24 2. Maintain additional fire protection or firebreak by removing brush,
25 flammable vegetation and combustible growth beyond the 100 feet from such
26 buildings or structures, when required by the fire code official because of
27 extra hazardous conditions causing a firebreak of only 100 feet to be
insufficient to provide reasonable fire safety.

28 Exception:

(b). Grass and other vegetation located more than 100 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

- 3. Remove portions of trees which extend within 10 feet of the outlet of a chimney.
- 4. Maintain trees adjacent to or overhanging a building free of deadwood.
- 5. Trees shall be trimmed to provide a minimum of 10-foot ground clearance.
- 6. Trees shall be cut/pruned at the angle of the slope in which they reside.
- 7. Irrigated surface fuels shall be maintained at a height not to exceed 18 inches.
- 8. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.
- 9. Debris and trimmings shall be removed from the site, or chipped and converted into mulch then evenly dispersed in the same area to a maximum depth of three (3) inches.
- 10. Deadwood and tree litter shall be regularly removed from trees.
- 11. Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a 10-foot clear horizontal distance.

Section 319.17 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The fire code official is authorized to enter upon private property to do so.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

Section 319.18 Use of Equipment

- 1. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated, in, upon or adjoining any Hazardous Fire Area, any internal combustion engine which uses hydrocarbon fuels, unless the engine is

- 1 equipped with a spark arrester and maintained in effective working order, or
2 the engine is constructed, equipped and maintained for the prevention of fire.
- 3 2. Spark arresters affixed to the exhaust system of engines or vehicles subject to
4 this section shall not be placed or mounted in such a manner as to allow
5 flames or heat from the exhaust system to ignite any flammable material.
- 6 3. A spark arrester is a device constructed of nonflammable material specifically
7 for the purpose of removing and retaining carbon and other flammable
8 particles over 0.0232 of an inch in size from the exhaust flow of an internal
9 combustion engine that uses hydrocarbon fuels or which is qualified and rated
10 by the United States Forest Service.
- 11 4. Engines used to provide motor power for trucks, truck tractors, buses, and
12 passenger vehicles, except motorcycles, are not subject to this section if the
13 exhaust system is equipped with a muffler as defined in the Vehicle Code of
14 the State of California.
- 15 5. Turbocharged engines are not subject to this section if all exhausted gases
16 pass through the rotating turbine wheel, there is no exhaust bypass to the
17 atmosphere, and the turbocharger is in effective mechanical condition.

18 Section 319.19 Restricted entry. The fire code official shall determine and
19 publicly announce when areas within the Hazardous Fire Area shall be closed to
20 entry and when such areas shall again be opened to entry. Entry on and occupation
21 of hazardous fire areas, except public roadways, inhabited areas or established
22 trails and camp sites which have not been closed during such time when the
23 hazardous fire area is closed to entry, is prohibited.

24 Exceptions:

- 25 1. Residents and owners of private property within hazardous fire areas and
26 their invitees and guests going to or being upon their lands.
- 27 2. Entry, in the course of duty, by peace or police officers, and other duly
28 authorized public officers, members of a fire department and members of the
United States Forest Service.
3. A permit has been issued by the San Bernardino Fire Department to enter
a fire-closure area.

Section 319.20 Trespassing on posted property.

1. General. When the fire code official determines that a specific area within the
special protection area presents an exceptional and continuing fire danger
because of the density of natural growth, difficulty of terrain, proximity to

1 structures or accessibility to the public, such areas shall be closed until changed
2 conditions warrant termination of closure. Such areas shall be posted as
3 hereinafter provided.

4 2. Signs. Approved signs prohibiting entry by unauthorized persons and referring
5 to applicable fire code chapters shall be placed on every closed area.

6 3. Trespassing. Entering and remaining within areas closed and posted is
7 prohibited.

8 Exception: Owners and occupiers of private or public property within
9 closed and posted areas, their guests or invitees, and local, state and federal
10 public officers and their authorized agents acting in the course of duty.

11 Section 319.21 Explosives and blasting. Explosives shall not be possessed, kept,
12 stored, sold, offered for sale, given away, used, discharged, transported or disposed
13 of within the Hazardous Fire Area except by permit from the fire code official.

14 Section 319.22 Fireworks. Fireworks shall not be used or possessed in the
15 Hazardous Fire Area.

16 The Chief is authorized to seize, take, remove or cause to be removed fireworks in
17 violations of Section 319.22.

18 Section 319.23 Unusual Circumstances. The fire code official may suspend
19 enforcement and require reasonable alternative measures designed to advance the
20 purposes of this section if he/she determines in any specific case that any of the
21 following conditions exist:

- 22 1. Difficult terrain.
- 23 2. Danger of erosion.
- 24 3. Presence of plants included in any state and federal resources agencies,
25 California Native Plant Society and county-approved list of wildlife,
26 plants, rare, endangered and/or threatened species.
- 27 4. Stands or groves of trees or heritage trees.
- 28 5. Other unusual circumstances that make strict compliance with the
clearance of vegetation provisions of Section 319 undesirable or
impractical.

1 Section 319.24 Storage of Firewood and Combustible Material. Firewood and
2 combustible material shall not be stored in unenclosed spaces beneath buildings or
3 structures, or on decks or under eaves, canopies or other projections or overhangs.
4 When required by the fire code official, storage of firewood and combustible
5 material stored in the defensible space shall be located a minimum of 20 feet from
6 structures and separated from the crown of trees by a minimum horizontal distance
7 of 15 feet.”

8
9 FINDINGS:A,B,C,D,E,F APPLY

10
11
12 **15.16.120 Spark Arrester defined.**

13 Section 202 of the California Fire Code is amended by adding the following
14 definition:

15 **SPARK ARRESTER** is a device constructed of stainless steel, aluminum,
16 copper, or brass, woven galvanized wire mesh, nineteen gauge minimum or
17 three-eighths inch minimum to one-half inch maximum openings, mounted in
18 or over all outside flue openings in a vertical or near vertical post, adequately
19 supported to prevent movement and to be visible from the ground.

20 FINDINGS: A,B,C,D,E,F APPLY

21
22 **15.16.121 Safe and Sane Fireworks defined.**

23 Section 202 of the California Fire Code is amended by adding the following
24 definition:

25 **Safe and Sane Fireworks** means any fireworks which do not come within the
26 definition of “dangerous fireworks” or “exempt fireworks” as defined in the
27 California Health and Safety Code.

28 FINDINGS: A,B,C,D,E,F APPLY

29 **15.16.126 Premises Identification.**

Section 505.1 of the California Fire Code is amended to read as follows:

Section 505.1 Address Identification. New and existing buildings shall have
approved address numbers, building numbers, or *approved* building

1 identification placed in a position that is plainly legible and visible from the
2 street or road fronting the property. These numbers shall contrast with their
3 background. Address numbers shall be Arabic numbers or alphabetical letters.
4 Numbers shall be a minimum of 6" high if the building is 100 lineal feet or less
5 on the street elevation. If greater than 100 lineal feet, numbers shall be a
6 minimum of 12" high. The minimum stroke width shall be 0.5 inch. Where
7 access is by means of a private road and the building cannot be viewed from the
8 *public way*, a monument, pole, or other sign or means shall be used to identify
9 the structure. In addition, all fire department PIV's, FDC's, OS&Y's, etc., shall
10 have a permanent address sign identifying the building or fire system that it
11 serves.

11 **15.16.135 Fire Department Access.**

12 Section 503.1.1 of the California Fire Code is amended to read as follows:

13
14 503.1.1 Required Access. Fire apparatus access roads shall be required for
15 every building hereafter constructed. The access roadway shall be extended to
16 within one hundred fifty (150) feet of, and shall give reasonable access to, all
17 portions of the exterior walls of the first story of any building. An access road
18 shall be provided within fifty (50) feet of all multiple story buildings or when
19 the natural grade between the access road and building is in excess of thirty
20 (30%).

21 FINDINGS: A,C,D,E,F APPLY

22 **15.16.140 Maintenance of Access Roadways.**

23 Section 503.3 of the California Fire Code is amended to read as follows:

24 503.3 Marking of fire apparatus access roads. As directed by the Fire Marshal,
25 the owner or the individual in control of emergency access roadways and streets
26 in private developments shall paint curbs red and label in six inch by one-half
27 inch white letters "NO PARKING- FIRE LANE" every twenty feet where
28 parking is not allowed.

and/or

1 Conspicuously post legible, permanent all-weather signs with lettering having a
2 minimum height of two inches and a minimum width of one-half inch every
3 fifty feet. Signs are to read "NO PARKING- FIRE LANE".

4 FINDINGS: A,B,C,D,E,F APPLY

5 Section 503.4 of the California Fire Code is amended by adding the following:

6
7 503.4.2 Entrances to roads, trails or other access ways, which have been closed
8 with gates and barriers in accordance with Section 503.5 shall not be obstructed
9 by parked vehicles.

10 Any obstruction or impedance with reasonable access may be removed or
11 repaired forthwith by any public safety agency. The expense of removal or
12 repair is to be borne by the owner of the roadway. In the case of an obstructing
13 vehicle or object, the expense is to be borne by the owner of said vehicle or
14 object.

15 Section 503.2 of the California Fire Code is amended by adding the following:

16 503.2.9 Prior to combustible construction, the owner or contractor shall
17 provide and maintain concrete or asphalt roadways that will support the
18 imposed loads of emergency apparatus in all weather conditions.

19 FINDINGS: A,B,C,D,E,F APPLY

20 **15.16.155 Automatic Fire Extinguishing Systems.**

21 Section 903.2 of the California Fire Code is amended
22 by adding the following:

23 903.2 Where required. An automatic fire extinguishing system shall be installed
24 in all newly constructed buildings where the square footage is 5,000 square feet
25 or more, and throughout all occupancies as set forth in this section. All portions
26 of the building shall comply. No partial systems allowed. This section shall
27 apply to the following:

- 28 1. The existing building square footage is increased to 5000 square feet or
more, or the existing square footage is 5,000 or more and any additional
square footage or appendage is added.

- 1 2. The existing building is, or exceeds 5000 square feet and the cumulative
2 amount of remodeling, rehabilitation or repairs exceed 50% or more of the
3 total floor area of the building, as determined by the Chief and Building
4 Official.
- 5 3. In buildings that are, or exceed 5000 square feet which have been vacant, or
6 lack a verifiable legal occupancy for a period of 365 days. (San Bernardino
7 Municipal Code Title 5 and Title 15)
- 8 4. Buildings which are, or exceed 5000 square feet and have a change in use or
9 occupancy classification, which increases the fire hazard of the structure or
10 the life safety of the occupants as determined by the Chief.
- 11 5. Buildings which have had an occupancy change and exceed the maximum
12 allowable square footage per occupancy type as set forth in the California
13 Fire Code, Chapter 9.

14 For purposes of this section, fire walls and fire partitions shall not define
15 separate buildings. A clear unattached space of not less than (10) feet shall
16 define separate buildings.

17 FINDINGS: A,B,C,D,E,F APPLY

18 Section 903.3.5.1 Delete entire section

19 **15.16.170 Power Source.**

20 Section 907.2.11.4 of the California Fire Code is amended by adding the
21 following:

22 907.2.11.4.1 Power Source. When required by the Fire Marshal in existing
23 Group R Occupancies smoke alarms shall receive their primary power from the
24 building wiring where such wiring is served from a commercial source and
25 shall be equipped with a battery backup. Smoke alarms shall emit a signal when
26 batteries are low. The wiring shall be permanent and without a disconnecting
27 switch other than those required for overcurrent protection. Locations of the
28 smoke detectors shall be determined by the California Building Code.

FINDINGS: A,B,C,D,E,F APPLY

15.16.180 Storage of Combustible Pallets

1 Chapter 28 of the California Fire Code is amended by adding the following:
2

3 Section 2810 Storage of Combustible Idle Pallets.
4

5 2810.1 General. Storage of combustible idle pallets shall be in accordance with
6 this section. A permit shall be obtained in accordance with Chapter 1, Section
7 105.6.
8

9 2810.2 Storage location. Pallets shall be stored outside or in a separate building
10 designed for pallet storage unless stored indoors in accordance with Section
11 2810.3.
12

13 2810.3 Indoor storage. Pallet storage in a building used for other storage or other
14 purpose shall be in accordance with the provisions for high-hazard commodity
15 high-piled combustible storage contained in Chapter 32.
16

17 Exception: When indoor storage does not exceed 6 feet (1.8 m) in height and the
18 aggregate volume of all stored pallets does not exceed 2,500 cubic feet (70.8 m³).
19

20 2810.4 Outdoor storage. Pallets stored outside shall be stored in accordance with
21 Table 2810.4.1 and Table 2810.4.2 and Sections 2810.5 and 2810.6.
22

23 2810.5 Outdoor pile dimensions. Pallet stacks shall not exceed 15 feet (4.6 m) in
24 height nor shall cover an area greater than 500 square feet (46.5 m²). Pallet stacks
25 shall be arranged to form stable piles. Piles shall be separated by a minimum of 8
26 feet (2.5 m). Piles shall be a minimum of 10 feet (3.1 m) from property lines.
27

28 2810.6 Fire department access. Fire Department access roadways, meeting the
requirements of the City of San Bernardino Fire Department, shall be maintained
within 150 feet of all pallet storage and structures.

Table 2810.4.1

Required Clearance Between Outside Idle Pallet Storage and Other Yard Storage

Pile Size	Minimum Distance, in feet (m)
Under 50 pallets	20 (6.1 m)
50-200 pallets	30 (9.2 m)
Over 200 pallets	50 (15.2 m)

Table 2810.4.2

Required Clearance Between Outside Idle Pallet Storage and Structures

Wall Construction	Minimum distance of Wall from Storage, in feet (m)		
	Under 50 Pallets	50 to 200 Pallets	Over 200 Pallets
Masonry or concrete with no openings	0	0	15 (4.6 m)
Masonry with wired glass in openings, outside sprinklers and 1-hour doors	0	10 (3.1 m)	20 (6.1 m)
Masonry with wired or plain glass, outside sprinklers, and 3/4-hour doors	10 (3.1 m)	20 (6.1 m)	30 (9.2 m)
Wood or metal with outside sprinklers	10 (3.1 m)	20 (6.1 m)	30 (9.2 m)
Wood, metal, other	20 (6.1 m)	30 (9.2 m)	50 (15.2 m)

15.16.200 Individual Piles.

Section 3405.1 of the California Fire Code is amended to read as follows:

1 3405.1 Individual piles. Tires shall be restricted to individual piles not
2 exceeding 2,500 square feet of continuous area. Piles shall not exceed 25,000
3 cubic feet in volume or 10 feet in height
4 FINDINGS: A,B,C,D,E,F APPLY

5 **15.16.205 Sparks from Chimneys.**

6 Section 603.2 of the California Fire Code is amended by adding the following:

7
8 603.2.1 Sparks from Chimneys. Each chimney used in conjunction with any
9 fireplace or any heating appliance in which solid or liquid fuels are used shall
10 be maintained with an approved spark arrester. An approved spark arrester
11 shall mean a device constructed of stainless steel, aluminum, copper, or brass,
12 woven galvanized wire mesh, nineteen gauge minimum or three-eighths inch
13 minimum to one-half inch maximum openings, mounted in or over all outside
14 flue openings in a vertical or near vertical position, adequately supported to
15 prevent movement and to be visible from the ground.

16 FINDINGS: A,B,C,D,E,F APPLY

17 **15.16.215 Fire Damage.**

18 Section 110 Chapter 1 of the California Fire Code is amended by adding the
19 following:

20 110.5 Fire Damage. The owner, occupant or other persons under his control,
21 having any property, or materials on a property damaged by fire, when access
22 by the public is possible, shall secure the property by boarding up all openings,
23 fencing, barricading or other appropriate measures as determined by the Chief.

24 All debris and/or damaged materials shall be removed from the property and
25 proof furnished that contractual arrangements have been made for demolition,
26 replacement or repair of all fire damaged structures remaining on property
27 involved in the fire, as determined by the Chief.

28 FINDINGS: A,B,C,D,E,F APPLY

15.16.220 False Alarm.

Section 401.5 of the California Fire Code is amended by adding the following:

1 401.5.1 False Alarms. False alarms shall not be given, signaled or transmitted
2 or caused or permitted to be given, signaled or transmitted in any manner.
3 Failure to comply with this Section will result in penalties charged as prescribed
4 in Section 103.4.2 Cost Recovery of the California Fire Code.

5 FINDINGS: A,B,C,D,E,F APPLY

6 **15.16.235 Standby Personnel for Public Gatherings.**

7 Section 403.1 of the California Fire Code is amended to read as follows:

8
9 Section 403.1 Standby Personnel. Whenever, in the opinion of the Fire Chief, it
10 is essential for public safety in any place of public assembly or any other place
11 where people congregate, due to the number of persons, or the nature of the
12 performance, exhibition, display, contest or activity, the owner, agent or lessee
13 shall reimburse the Fire Department for one or more qualified persons as
14 required and approved by the Fire Chief to be on duty at such place. Such
15 individuals shall be subject to the Fire Chief's orders at all times when so
16 employed and shall remain on duty during the time such places are open to the
17 public, or when such activity is being conducted.

18
19 Section 403.1.1 Fire Prevention Personnel. Before each performance or the start
20 of such activity, said personnel shall inspect the required fire appliances
21 provided to determine that such devices are in proper place and in good
22 working order and inspect exits and aisles to ensure such passageways are clear
23 and adequate, and shall keep diligent watch for any safety violations during the
24 time such place is open to the public or such activity is being conducted and
25 take prompt measures for correcting problems that may occur. Such individuals
26 shall not be required or permitted, while on duty, to perform any other duties
27 than those herein specified.

28
29 Section 403.1.2 Special Event Medical Plan Required. Whenever, in the
30 opinion of the Fire Chief, it is essential for public safety in any place of public
31 assembly or any other place where people congregate, due to the number of
32 persons, or the nature of the performance, exhibition, display, contest or
33 activity, the owner, agent or lessee shall submit a Special Event Medical Plan
34 for approval by the Fire Department. This plan shall be submitted at least 30
35 days prior to the special event. The owner, agent, or lessee shall provide
36 additional emergency medical services, ambulance service, equipment, supplies
37 and personnel, as the Fire Department may require because of special

1 circumstances, including but not limited to the location and nature of the event,
2 accessibility to existing emergency medical services systems, access, and
3 weather conditions. In the event that the actual attendance at a special event
4 exceeds the estimate used for determining the required equipment, supplies and
5 personnel by more than 20 percent, it shall be the responsibility of the owner,
6 agent, or lessee to immediately provide the additional medical equipment,
7 supplies, and personnel required.

8
9 FINDINGS: A,C,D,E,F APPLY

10
11 **15.16.255 Seizure of Fireworks.**

12 Chapter 56 of the California Fire Code is amended by adding the following:

13 Section 5609 Seizure of Fireworks. The Chief or Law Enforcement agency is
14 authorized to seize, take, remove or cause to be removed, at the expense of the
15 owner, all stocks of fireworks offered or exposed for sale, stored or held in
16 violation of Section 8.60.

17 FINDINGS: A,B,C,D,E,F APPLY

18
19 **15.16.270 LP-Gas permits, Plans and Records.**

20 Section 6101.3 of the California Fire Code is amended to read as follows:

21 6101.3 Permits and Plans. When a commercial installation is 125-gallon
22 aggregate water capacity or greater, the installer shall submit plans for such
23 installation.

24 FINDINGS: A,B,C,D,E,F APPLY

25
26 **15.16.400 Authorized Fire Chief Representative.**

27 Section 1.11.2.1.1 1. (1.1.) is amended by adding the following:
28 Pursuant to California Fire Code Section 1.11.2.1.1 1. (1.1.) and California
Building Code Section 1.11.2.1.1 1.(1.2.) the Building Official is hereby
authorized to act as a representative of the Fire Chief to enforce building
standards adopted by the California State Fire marshal related to new
construction or alterations.

SECTION 3. This ordinance is effective January 1, 2014.

ORDINANCE OF THE CITY OF SAN BERNARDINO AMENDING CHAPTER 15.16 OF THE SAN BERNARDINO MUNICIPAL CODE AND ADOPTING THE 2013 CALIFORNIA FIRE CODE, WITH APPENDICES, AND INCORPORATING BY REFERENCE THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE AND NECESSARY CALIFORNIA AMENDMENTS, TOGETHER WITH CALIFORNIA CODE OF REGULATIONS, TITLE 24.

I HEREBY CERTIFY that the foregoing Ordinance was duly adopted by the Mayor and Common Council of the City of San Bernardino at a ^{joint regular} meeting thereof, held on the 18th day of November, 2013 by the following vote, to wit:

COUNCIL MEMBERS:	AYES	NAYS	ABSTAIN	ABSENT
MARQUEZ	<u>X</u>	_____	_____	_____
JENKINS	_____	_____	_____	<u>X</u>
VALDIVIA	<u>X</u>	_____	_____	_____
SHORETT	<u>X</u>	_____	_____	_____
VACANT	_____	_____	_____	_____
JOHNSON	<u>X</u>	_____	_____	_____
MULVIHILL	<u>X</u>	_____	_____	_____

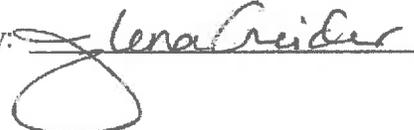

GEORGEANN HANNA, City Clerk

The foregoing Ordinance is hereby approved this 19th day of November, 2013.


PATRICK J. MORRIS, Mayor
City of San Bernardino

Approved as to form:

GARY D. SAENZ, City Attorney

By: 

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



September 26, 2014

Laura H. Welch
Clerk of the Board of Supervisors
County of San Bernardino
385 North Arrowhead Avenue, Second Floor
San Bernardino, CA 92415

RE: Ordinance # BBFA2014-001

Dear Ms. Welch:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on September 22, 2014.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



**COUNTY OF
SAN BERNARDINO**
Clerk of the Board of Supervisors

County Government Center
385 North Arrowhead Avenue, Second Floor
San Bernardino, CA 92415-0130
www.sbcounty.gov/cob

(909) 387-3841 Fax (909) 387-4554

BOARD OF SUPERVISORS

Robert A. Lovingood *First District*
Janice Rutherford *Second District*
James Ramos *Third District*
Gary C. Ovitt *Fourth District*
Josie Gonzales *Fifth District*

GREGORY C. DEVEREAUX
Chief Executive Officer

LAURA H. WELCH
Clerk of the Board of Supervisors

September 8, 2014

CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DRIVE, SUITE 130
SACRAMENTO, CA 95833-2936

To Whom It May Concern:

Pursuant to the rules in filing local amendments, attached is Ordinance No. BBFA2014-001 of the Big Bear Fire Authority Fire Code that was ratified by the San Bernardino County Board of Supervisors on August 19, 2014, Item #21. This local amendment is also being filed with the Department of Housing and Community Development as required.

Sincerely,

LAURA H. WELCH, Clerk of the Board of Supervisors

cc: California Department of Housing and Community Development
2020 W. El Camino Ave #200
Sacramento, CA 95833-1829

RECEIVED
2014 SEP 15 P 1:01
CALIFORNIA BUILDING
STANDARDS COMMISSION

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

August 19, 2014

**FROM: GREGORY C. DEVEREAUX, Chief Executive Officer
County Administrative Office**

SUBJECT: RATIFICATION OF THE BIG BEAR FIRE AUTHORITY LOCAL FIRE CODE

RECOMMENDATION(S)

1. Ratify Big Bear Fire Authority Ordinance No. BBFA2014-001 which includes adoption of the 2013 California Fire Code, the 2013 California Residential Code, and local amendments collectively to be the Big Bear Fire Authority Local Fire Code.
2. Direct the Clerk of the Board of Supervisors to file Ordinance No. BBFA2014-001 of the Big Bear Fire Authority Fire Code with the California Building Standards Commission and the California Department of Housing and Community Development.

(Presenter: Mike Horton, Fire Marshal, 386-8410)

BOARD OF SUPERVISORS COUNTY GOALS AND OBJECTIVES

Maintain Public Safety.

Pursue County Goals and Objectives by Working with Other Governmental Agencies.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost) since there is no direct cost to the County from ratifying and filing the ordinance.

BACKGROUND INFORMATION

Pursuant to Section 50020 of the California Government Code and Division 12 Part 2.7 of the California Health and Safety Code, a self-governed fire protection district shall submit its adopted and approved local Fire Code to the applicable County. The County may then ratify, modify or deny the ordinance and then file accordingly with the California Building and Standards Commission and the California Department of Housing and Community Development. The Big Bear Fire Authority (Fire Authority) has requested the County of San Bernardino to ratify their Fire Code, which was adopted by the Fire Authority's Board of Directors on June 3, 2014 as Ordinance No. BBFA2014-001.

Ordinance No. BBFA2014-001, which incorporates the 2013 California Fire Code and the 2013 California Residential Code, gives authority to the local fire protection district to regulate and govern "the safeguarding of life and property from fire and explosion hazards, hazardous materials and from conditions hazardous to life or property in the occupancy of buildings and premises."

Page 1 of 2

cc: w/ ordinance
CAO-Devereaux
Fire-Horton
LUSD-Leonard
CAO-Forster
CA Build. Standard Commission 9/8/14
CA Dept. of Housing & Comm.Dev.9/8/14
File - Admin w/attach
jr 9/3/14

ITEM 21

Record of Action of the Board of Supervisors

**APPROVED (CONSENT CALENDAR)
COUNTY OF SAN BERNARDINO
Board of Supervisors**

MOTION	MOVE	AYE	SECOND	AYE	AYE
	1	2	3	4	5

LAURA H. WELCH, CLERK OF THE BOARD

BY _____

DATED: August 19, 2014

**RATIFICATION OF THE BIG BEAR FIRE AUTHORITY LOCAL FIRE CODE
AUGUST 19, 2014
PAGE 2 OF 2**

The County Land Use Services Department and the San Bernardino County Fire Protection District have reviewed the ordinance and determined that there are no conflicts with the County Building Code.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Carol Greene, Deputy County Counsel, 387-5455) on July 10, 2014; Land Use Services (Jack Leonard, Building Official, 387-4111) on July 10, 2014; Finance (Tom Forster, Administrative Analyst, 387-4635) on July 17, 2014; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on July 21, 2014.

RECEIVED
2014 SEP 15 P 11:04
CALIFORNIA BUILDING STANDARDS COMMISSION

ORDINANCE NO. BBFA2014-001

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BIG BEAR FIRE AUTHORITY, A CALIFORNIA JOINT POWERS AUTHORITY, ADOPTING WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING PENALTIES, THE 2013 EDITION OF THE CALIFORNIA FIRE CODE AND THE 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, ALONG WITH CERTAIN CHANGES, MODIFICATIONS, AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS

WHEREAS, pursuant to Government Code Section 50022.1 *et seq.* and California Health and Safety Code Section 13869 *et seq.*, the Big Bear Fire Authority ("Authority") may adopt by reference the 2013 Edition of the California Fire Code and the 2013 Edition of the California Residential Code related to hazardous conditions and materials and fire prevention; and

WHEREAS, Health & Safety Code Section 17958.5 permits the Authority to make such changes or modifications to the Fire Code and Residential Code as are reasonably necessary because of local conditions; and

WHEREAS, Health & Safety Code Section 17958.7 requires that the Authority, before making any changes or modifications pursuant to Section 17958.5, make express findings that such changes or modifications are needed due to local climatic, geological, or topographical conditions; and

WHEREAS, the Authority Board does herewith find that the Authority service area has certain climatic, geological, and topographical features, identified below, that can have a deleterious effect on emergency services such as fire protection and emergency medical services and the modifications and changes herein are reasonably necessary because of such local climatic, geological, and topographical conditions; and

WHEREAS, the Authority desires to adopt various amendments to the California Fire Code and California Residential Code to mitigate, to the extent possible, said deleterious effects; and

WHEREAS, the Authority held a public hearing on June 3, 2014, at which time, all interested persons had the opportunity to appear and be heard on the matter of adopting the Fire Code as amended herein; and

WHEREAS, the Authority published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on May 14, 2014 and May 21, 2014; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

NOW, THEREFORE, be it ordained by the Board of Directors of the Authority as follows:

The following findings are adopted in reference to the amendments to the California Fire Code and the California Residential Code:

1. **Findings and Adoption of the California Fire Code and California Residential Code.**

The Board of Directors of the Authority hereby finds and determines:

(a) That the California Fire Code, 2013 Edition, the California Residential Code, 2013 Edition, are nationally recognized compilations of proposed rules, regulations, and standards of the International Code Council, Inc.

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

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

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

(e) That the additional requirements and standards established herein are needed to properly protect the health, safety, and welfare of the existing and future residents and workers of the Authority. Said requirements and standards are reasonably necessary because of local climatic, geological, and topographical conditions described herein. This finding is based upon the express findings and determinations of the proposed amendments to the codes on file with the California Housing and Community Development Department.

2. **Findings for Amendments.** The Board of Directors of the Authority finds that the requirements set forth here are reasonable and necessary modifications because of the following climatic, geological or topographical conditions within the County of San Bernardino and the City of Big Bear Lake.

(a) **Climate:**

The climate weather patterns within the County and City are a factor making the amendments reasonably necessary. Frequent periods of drought and low humidity add to the fire danger.

(b) **High Temperature and Winds:**

During the summer months, the dry winds and existing vegetation mix to create a hazardous fuel condition, which has resulted in large loss vegetation and structure fires. Summer temperatures exceeding 100 degrees and severe "Santa Ana" winds frequently occur and can move a fire quickly throughout areas of the County and City.

(c) **Limited Water Supply:**

Because of weather patterns, the County and City (like other Southern California regions) has experienced a need for water conservation. Due to storage capacities and consumption and a limited amount of rainfall, future water allocation is not fully dependable. While sound management of the water resources is possible, demands and possible critical depletion on an already stressed water supply can most assuredly be predicted. Many communities within San Bernardino County and City of Big Bear Lake lack water supply by any public entity.

(d) **Topographical:**

Natural slopes of eight percent or greater generally occur throughout the foothills of San Bernardino County. In many cases, slopes in the San Bernardino Mountains exceed forty percent. The elevation change caused by the mountains and foothills creates the geological foundation on which communities within San Bernardino County are built and will continue to be built. With much of the populated flatlands already built upon, future growth will occur on steeper slopes and greater contrasts in terrain. All of these topographical conditions have created slower response times of emergency vehicles into the high growth areas, due to the extraordinary terrain changes.

(e) **Geological Concerns with Flooding and Access Routes:**

Road circulation features located throughout the County and City also make the amendments reasonably necessary. Located through the County and City are major roadways, highways, and flood control channels that create barriers and slow response times. Another unique factor, which creates barriers and slow response times, are the multiple canyons located in the County and City. Hills, slopes, street, and storm drain design, accompanied with heavy rainfall causes roadway flooding and landslides and at times, may make an access route impassable. There exists areas in San Bernardino County and City of Big Bear Lake that naturally have extended emergency response time that exceeds ten minutes. This time extension is due to remote sparse development.

(f) **Seismic Hazards:**

The County and City has within its boundary potentially active seismic hazards. Seismic activity within the County and City occurs yearly, and a fire potential exists with these active faults. Existing structures and planned new development are at serious risk from these faults.

(g) Dense Development:

Highly populated communities exist throughout areas of the County and City. Structures in close proximity to each other pose an exposure problem, which may cause a fire to spread from one structure to another.

(h) Combustible Construction:

For practicality and cost reasons, many new structures are built of wood (Type V) construction. Many existing structures also have wood shake roofs. The potential for a conflagration exists due to the design and density of current structures.

(i) Administrative:

The amendment is necessary for non-substantive, administrative purposes.

The findings above are applicable to the amendments set forth in this ordinance as follows:

Code Section	Description	Finding
FIRE CODE		
101.1	Title	i
103.2	Fire Code Official	i
104.10	Fire Investigations	i
104.12	Cost Recovery	i
104.13	Expenses for Securing an Emergency	i
105.6.4	Carnivals, Fairs, Block Parties, and other Outdoor Assemblage	a, b, c, d, e, f, g
105.6.30	Open Fires	a, b, c, d, e, f, g
105.6.33.1	Pallet Yards	a, b, c, d,

		e, f, g, h
108.1	Appeals Board Established	i
108.4 – 108.7	Regarding Hearings	i
202	Definitions	i
304.3.5	Abatement	i
305.3	Open-Flame Warning Device	a, b, c, d, e, f, g, h
305.5	Spark Arrestors	a, b, c, d, e, f, g, h
307.1	General	a, b, c, d, e, f, g, h
307.2	Permit Required	a, b, c, d, e, f, g, h
307.3	Extinguishment Authority	i
315.3	Outside Storage of Firewood	a, b, c, d, e, f, g, h
403.1	Fire Watch Personnel	a, b, c, d, e, f, g, h
503.2.1	Dimensions	c, d, e, g
503.2.3	Surface	c, d, e, g
503.4	Obstruction to Fire Apparatus Access Roads	c, d, e, g
507.1	Required Water Supply	a, b, c, d, e, f, g, h
507.3	Fire Flow	a, b, c, d, e, f, g, h
507.3.1	Inadequate Fire Flow	a, b, c, d, e, f, g, h

507.5.1	Where Required	a, b, c, d, e, f, g, h
903.2	Where Required	a, b, c, d, e, f, g, h
903.2.11.7	Buildings 5,000 Square Feet or More in Size	a, b, c, d, e, f, g, h
903.2.11.8	Additions to Existing Buildings	a, b, c, d, e, f, g, h
903.7	Freeze Protection	a
1903.8	Water Supply	a, b, c, d, e, f, g, h
3405.1	Individual Piles	a, b, c, d, e, f, g, h
5601.2	Permit Required	a, b, c, d, e, f, g, h
5601.2.2	Seizure	a, b, c, d, e, f, g, h
5601.2.3	Storage and Transportation of Explosives and Blasting Agents	a, b, c, d, e, f, g, h
5601.2.4	Magazine Site	a, b, c, d, e, f, g, h
5601.2.5	Black Powder	a, b, c, d, e, f, g, h
5601.2.6	Notification	a, b, c, d, e, f, g, h
4901.3	Fire Protection Plan	i
4906	Hazardous Vegetation And Fuel Management	a, b, c, d, e, f, g, h
5704.2	Tank Storage	a, b, c, d, e, f, g, h

B105.2	Buildings Other than One and Two Family Dwellings	a, b, c, d, e, f, g, h
C103.1	Fire Hydrant Available	a, b, c, d, e, f, g, h
C105.1	Hydrant Spacing	a, b, c, d, e, f, g, h
NFPA 13D	Amendments to Standard	a, b, c, d, e, f, g, h
Appendix L	Wood Shake Shingle Roof	a, b, c, d, e, f, g, h
RESIDENTIAL CODE		
R313.3.1.1	Required Sprinkler Locations	a, b, c, d, e, f, g, h
R315.3.5.2	Required Capacity	a, b, c, d, e, f, g, h

3. **Adoption of the California Fire Code.** The Board of Directors of the Authority hereby adopts with certain amendments, additions, deletions, and exceptions, including penalties in the 2013 Edition of the California Fire Code, also known as Part 9 of Title 24 of the California Code of Regulations (incorporating the 2012 International Fire Code), and Chapter 1, Appendix Chapter 4, and Appendices B, BB, C, CC, D, H, I & J and Errata, as compiled and published by the International Code Council, and the Authority Standards and Interpretations as approved by the fire code official. The provisions of this California Fire Code, subsequent amendments, California Fire Code Appendices, and the Authority Standards and Interpretations shall be collectively known as the Authority Fire Code and shall be applicable in all areas of the Authority within San Bernardino County and the City of Big Bear Lake. One (1) copy of the California Fire Code has been deposited in the office of the Secretary of the Board of Directors of the Authority and shall be at all times maintained by the Secretary for use and examination by the public. From the date on which this ordinance shall take effect, the provisions hereof shall be controlling within the limits of the Authority.
4. **Adoption of the California Residential Code.** The Board of Directors of the Authority hereby adopts the 2013 Edition of the California Residential Code, also known as Part 2.5 of Title 24 of the California Code of Regulations (incorporating the 2012 International Residential Code), as compiled and published by the International Code Council, and the Authority Standards and Interpretations as approved by the fire code official. The provisions

of this California Residential Code, subsequent amendments, California Residential Code Appendices, and the Authority Standards and Interpretations shall be applicable in all areas of the Authority.

5. Amendments to the California Fire Code. The California Fire Code is amended as follows:

(a) Chapter 1

Section 101.1 is amended to read:

101.1 Title. These regulations and adopted standards and interpretations, as approved by the fire code official, shall be known as the "Fire Code of the Big Bear Fire Authority," hereinafter referred to as, "Big Bear Fire Authority Fire Code, or "this code."

Section 103.2 is deleted.

Section 104.10 is amended to read:

104.10 Fire Investigations. The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause, origin, and circumstances of any fire, explosion or other hazardous condition. Department investigators, designated by the Fire Chief, shall have the powers of a peace officer in performing their duties and are authorized to conduct investigative detentions, issue criminal citations, and make arrests pursuant to California Penal Code Section 830.37 and this code. The fire code official shall pursue any investigation to its conclusion. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

Section 104.12 is added to read:

104.12 Cost Recovery. Fire suppression, investigation, plan review, administrative costs, and rescue or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1 and by Department resolution.

Section 104.13 is added to read:

104.13 Expenses for Securing an Emergency. Any person who negligently or intentionally, or in violation of law, causes an emergency response, including, but not limited to, a traffic accident or spill of toxic or flammable or combustible liquids or chemicals, is liable for the costs of securing such emergency, including those costs set out in Health and Safety Code Section 13009 et seq. and Government Code Section 53150 et seq. Any expense incurred by the fire department for securing such an emergency situation shall constitute a debt of such person and shall be collectible by the Authority in the same manner as in the case of an obligation under contract, express or implied.

Section 105.6.4 is amended to read:

105.6.4 Carnivals, Fairs, Block Parties, and Other Outdoor Assemblage. An operational permit is required to conduct a carnival, fair, block party, race, concert, parade or other similar outdoor assemblage whether, public or private, when in the opinion of the fire code official, a permit and specific conditions are required due to the nature or location of the activity.

Section 105.6.30 is amended to read:

105.6.30 Open Burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Delete Exception: Recreational fires.

Section 105.6.33.1 is added to read:

105.7.17 Pallet Yards. An operational permit is required to store, manufacture, refurbish or otherwise handle wood or plastic pallets in excess of 50 pallets.

Section 108.1 is amended to read:

108.1 Appeals Board Established. In order to determine the suitability of alternative materials and types of construction and to provide reasonable interpretations of the provisions of this code, a committee of the Big Bear Fire Authority Board of Directors shall serve as an Appeals Board. The Appeals Board shall be comprised of the Chairman of the Authority Board of Directors and four other members of the Board of Directors selected by the Chairman.

Section 108.3 is deleted.

Section 108.4 to 108.7 is added to read:

108.4 Requests for Hearing. Any person, including the Big Bear Fire Department ("fire department"), desiring a review or interpretation of the Fire Code may file a request with the Secretary of the Board of Directors for a hearing before the Appeals Board of the Big Bear Fire Authority within 15 days after the date such interpretation is rendered or enforcement began. The enforcement to be reviewed is suspended until the determination of the hearing, unless a hazardous condition exists.

108.5 Hearing Procedures. Upon receipt of a request for a hearing before the Appeals Board, the Secretary of the Board of Directors shall fix the time and place of the hearing which shall be held not less than 10 days nor more than 30 days after the date of the filing of the request for hearing. The Appeals Board shall give written notice of the time and place of the hearing to the initiating party and the fire code official involved. Witnesses may be sworn and evidence produced, and parties may be represented by counsel. The Appeals Board shall keep a record of the proceedings of each hearing and shall issue written findings and a decision within 15 days after the conclusion of the hearing. All such decisions shall be final and shall be mailed to the parties by first class mail, postage prepaid, at such addresses as they have provided.

108.7 Fees and Costs. The fire department involved (whether appellee or appellant) shall act as staff to the Appeals Board or to the Fire Authority Board of Directors, and for that purpose, may determine and set fees to charge an appellant to cover the cost of preparation of the record for appeal. A summary of costs shall be compiled and sent to the appellant after all appeals have been exhausted. Any refund due the appellant shall be returned within 60 days after the summary is sent.

(b) Chapter 2

Section 202 is amended by adding the following definitions:

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

- A. Three inch (3") Type II A.C. pavement on four inch (4") crushed aggregate base.
- B. Six inch (6") Type II A.C. pavement on native soil.
- C. Six inch (6") Portland cement concrete pavement on native soil.
- D. Any other surface as determined by the fire code official to meet the intent of this Code.

Barbecue Grill (also known as a barbeque or BBQ). A portable or fixed device, constructed of steel, concrete, clay, or other non-combustible material, for the primary purpose of cooking food over a liquefied petroleum-, natural gas-, or charcoal-fueled fire.

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

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

(c) Chapter 3

Section 304.3.5 is added to read:

304.3.5 Abatement. In the event that a hazardous condition exists, as determined by the fire code official and in accordance with this chapter, the fire code official may give notice to the owner of the property upon which a hazardous condition exists to abate such condition. In the event that abatement is not performed within the time frames granted by such notices or other written documentation, the fire code official may cause abatement to be done in accordance with

public nuisance abatement procedures and make the expense of such abatement a lien upon the property at which such condition exists.

Section 305.3 is amended 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.

Section 305.5 is added to read:

305.5 Spark Arrestors. Each chimney used in conjunction with a fireplace, 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 wire. 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 and 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.

Section 307.1 is amended to read:

307.1 General. No person shall kindle, or maintain any fire, or allow any fire to be kindled or maintained on their property unless in accordance with this Code.

Section 307.2 is amended to read:

307.2 Permit Required. When required pursuant to Section 105.6.30, a permit shall be obtained prior to kindling any open fire.

EXCEPTION: Barbecues using propane, natural gas or charcoal briquettes, used at one- and two-family dwellings unless otherwise regulated.

Section 307.3 is amended to read:

307.3 Extinguishment Authority. The fire code official is authorized to order or cause the extinguishment of any fire that creates or adds to a hazardous condition, creates smoke emissions offensive to occupants of surrounding properties, is conducted without a permit when such a permit is required, or is conducted outside of the parameters set forth in this section or a permit, when required.

Section 315.6 is added to read:

315.6 Outside Storage of Firewood. Firewood and combustible material for consumption on the premises shall be neatly stacked free from accumulations of pine needles and other debris. Firewood that is used for private consumption is limited to five (5) cords.

(d) Chapter 4

Section 403.1 is amended to read:

403.1 Fire Watch Personnel. When, in the opinion of the fire code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the fire code official may require, at the expense of the owner, agent or lessee, one or more fire department personnel to perform fire watch duties, as required and to remain on duty during the times such places are open to the public or when such activity is being conducted.

EXCEPTION: The fire code official may require the owner, agent or lessee to provide one or more fire watch personnel.

(e) Chapter 5

Section 503.2.1 is amended to read:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 24 feet (7315.2 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet 6 inches (4450.08 mm).

EXCEPTIONS:

1. Driveways of one- and two-family dwellings shall be a minimum of 12 feet in width.
2. Driveways of one- and two-family dwellings exceeding 150' in length shall be a minimum of 14 feet in width.
3. Required access road dimensions may be modified when, due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the fire code official determines that the conditions cannot be met.

Section 503.2.3 is amended to read:

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities. Where road grades do not exceed eight percent (8%), and where serving only one- or two-family dwellings or accessory Group U occupancies, the fire code official may approve roads constructed with approved native materials or gravel compacted to eighty five percent (85%) compaction.

Section 503.4 is amended to read:

503.4 Obstruction of Fire Apparatus Access Roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Any condition that serves as an impediment to fire access, or any vehicle or other obstruction to fire access may be removed at the order of the fire code official, with the expense of such removal to be paid by the owner of the roadway, or of said vehicle or obstruction.

Section 507.1 is amended to read:

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

EXCEPTION: For single one- and two-family dwellings and detached garages, not part of a parcel map, tentative tract or other similar planned development, an approved automatic residential fire sprinkler system or an approved self-contained residential automatic sprinkler system may be considered as an adequate water supply with no additional on-site water source required.

Section 507.3 is amended to read:

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

EXCEPTION:

1. For single one- and two-family dwellings and detached garages, not part of a parcel map, tentative tract or other similar planned development, the installation of an approved automatic residential fire sprinkler system or an approved self-contained residential automatic sprinkler system may be considered an approved fire flow.
2. No water supply or fire sprinkler system is required for detached Group U occupancies not used for industrial or commercial properties when structures are located 50 feet or further from the property lines and any dwelling.

Section 507.3.1 is added to read:

507.3.1 Inadequate Fire Flow. In areas which are unable to be provided with required fire flow, buildings shall be provided with an approved NFPA sprinkler system. On-site water storage requirements for occupancies other than Group R, Division 3 may be reduced to a 30 minute minimum sprinkler demand.

(f) **Chapter 9**

Section 903.2 is amended to read:

903.2 Where Required. Approved automatic sprinkler systems in new buildings and structures, including pre-manufactured structures, shall be provided in the locations described in sections 903.2.1 through 903.2.12.

Section 903.2.11.7 is added to read:

903.2.11.7 Building Fire Area 5,000 Square Feet or More in Size. An approved automatic fire sprinkler system shall be provided throughout in all newly constructed buildings and structures of any occupancy group when the gross fire area, as defined in the California Building Code, is equal to or exceeds 5,000 square feet.

1. **EXCEPTIONS:** Detached Group U occupancies accessory to a one- or two-family dwelling that are not used for commercial or industrial purposes.

903.2.11.8 Additions to Existing Buildings. When an addition to an existing residential structure results in a structure greater than 5,000 square feet and such addition is 50% or more of the original square footage, the entire structure shall be provided with an automatic sprinkler system.

Section 903.7 is added to read:

903.7 Freeze Protection. All sprinkler systems shall be suitably freeze-protected for climatic conditions as prescribed by the fire code official.

(g) **Chapter 34**

Section 3405.1 is amended to read:

3405.1 Individual Piles. Tires shall be restricted to individual piles not exceeding 2,500 square feet of continuous area. Pile width shall not exceed 50 feet. Piles shall not exceed 25,000 cubic feet in volume or 10 feet in height.

(h) **Chapter 56**

Sections 5601.2 through 5601.2.6 are added to read:

5601.2 Permit Required. Permits shall be obtained from the San Bernardino County Sheriff's Department ("sheriff's department"):

1. To manufacture, possess, store, sell, display or otherwise dispose of explosives, blasting agent or phosphoric compounds.
2. To transport explosives or blasting agents.

3. To use explosives or blasting agents.
4. To operate a terminal for handling explosives or blasting agents.
5. To deliver or receive explosives or blasting agents from a carrier at a terminal between the hours of sunset and sunrise.
6. To transport blasting caps or electric blasting caps on the same vehicle with explosives.

5601.2.1 In addition to the requirements set forth in this article, the sheriff's department or the fire department may, for the safety and security of the public, set additional requirements for a permit application.

The sheriff's department shall notify the fire department when any application has been made for an explosives permit for a specific location and purpose. No permit shall be issued without the approval of the fire department.

5601.2.2 Seizure. The fire code official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials or fireworks offered or exposed for sale, stored, possessed or used in violation of this chapter.

5601.2.3 Storage and Transportation of Explosives and Blasting Agents. The storage and transportation of explosives and blasting agents is prohibited in residential areas, principal business districts, closely-built commercial areas, and heavily-populated areas, except as permitted by the sheriff's department and the fire department in accordance with California Code of Regulations, Title 19, and Title 4, Division 5 of the San Bernardino County Code.

5601.2.4 Magazine Size. Indoor magazines shall not be of a size greater than the exit door or contain more than 50 pounds of explosive materials.

5601.2.5 Black Powder. The amount of black powder stored in an indoor magazine shall not exceed 50 pounds.

5601.2.6 Notification. When blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph or stream utilities, the blaster shall notify the appropriate representative of such utilities at least 24 hours in advance of blasting specifying the location and intended time of such blasting.

EXCEPTION: In an emergency, advance notification may be waived by the fire code official.

(i) **Chapter 57**

Section 5704.2 is amended to read:

5704.2 Tank Storage Pursuant to Section 5704 of the California Fire Code, the storage of flammable and combustible liquids in outside aboveground unprotected tanks and below grade vaulted tanks are prohibited in all commercial occupancy areas, developed residential areas, and other areas where the Chief having jurisdiction determines that the installation of flammable and combustible aboveground storage tanks or below grade vaulted tanks will create a hazard to occupants and property owners in the area. Deviation from these requirements may be allowed only upon specific written findings by the fire code official.

(j) **Chapter 80**

NFPA 13D is amended as follows:

Section 6.1.2 is amended to read:

6.1.2 Where stored water is used as the sole source of supply for the sprinkler system, the minimum quantity shall equal the water demand rate times 10 minutes.

Section 6.1.3 is deleted.

(k) **Chapter 49**

Section 4901.3 is added to read:

4901.3 Fire Protection Plan. A Fire Protection Plan (FPP), approved by the fire code official, shall be required for all new developments within declared fire overlay districts. The FPP shall include mitigation measures consistent with the unique problems resulting from the location, topography, geology, flammable vegetation; County fire safety overlay districts (FS1 and FS2) and climate of the proposed site. The FPP shall address water supply, access, building ignition and fire resistance, fire protection systems and equipment, defensible space and vegetation management. The FPP shall be consistent with the San Bernardino Development Code or, at the option of the fire code official, with other nationally recognized standards and good practice.

Section 4906 is amended to read:

4906.1 General. Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings in accordance with Section 4906.3.

4906.2 Application. Those areas protected by the Big Bear Fire Authority shall be classified as a *Very High Fire Hazard Severity Zone*.

4906.3 Requirements. It shall be the responsibility of every property owner, occupant, and person in control of any land interest to abate the accumulation of forest fuels around their property, through implementation of the following measures within ten (10) feet of roads and driveways, and within an area surrounding a structure from zero to one hundred (100) feet in the

front and rear yards, or to the property lines (whichever is less); and between the structures and side property lines:

- a) Remove all dead, burnable fuels, including but not limited to all pine needles, leaves and branches on roofs, noxious weeds or vegetation, dry grass, logs and snags, grass four inches and higher, pine needles on the ground down to a two-inch depth, and dead branches in bushes and trees. Living or dead trees, and all combustible rubbish, debris, or noxious material that constitutes a fire, health, or safety hazard, or which may endanger or injure neighboring property, or the health, safety, or well-being of persons or property.
- b) Thin dense groups of young trees (less than six inches in diameter) to six to eight foot spacing, measured trunk to trunk. Removal of any live tree with a diameter of more than six inches measured at four and one-half feet above the ground requires approval by the city.
- c) In areas with a continuous canopy, any tree taller than forty-five (45) feet should have its branches trimmed back to the trunk if those branches have any portion lower than twelve (12) to fifteen (15) feet from the ground. A tree shorter than forty-five (45) feet should be trimmed to remove any live or dead branches up one-third of its total height. For non-continuous canopy areas, tree branches shall be pruned to remove limbs located less than 6 feet above the ground surface.

Exception: Deciduous, non-native trees and Spruce trees that have all forest litter removed from underneath the base of the tree, the height of pruning can be reduced by 50%.

A minimum vertical separation between the top of a shrub and the bottom lower branches shall be three (3) times the height of the shrub.

- d) Any branches that have any portions less than ten (10) feet from chimney openings shall be completely trimmed. Branches located within ten (10) feet vertical distance from the roof line that overhang a structure shall be removed.
- e) All litter generated from clearing and trimming shall be properly disposed of within ten (10) days, except that any logs infested with bark beetles shall be treated prior to removal as recommended by the California Department of Forestry or a qualified tree expert.
- f) Stack cut logs or firewood greater than one cord of wood or 128 cubic feet shall be located ten (10) feet away from any structure or shall be covered with a fire resistive structure or fabric. Firewood should be stacked away from the drip line of trees.

- g) All pine needles and leaves shall be removed when within five (5) feet of a structure.

Exception: Up to two (2) inches of non-combustible duff layer (dark layer of decomposing needles and leaves) may remain to prevent soil erosion.

4906.4 Native Brush and Shrubs.

4906.4.1 Requirements for Shrubs on Properties. Juniper shrubs, Spanish Broom, and native brush shall not be planted or maintained within fifteen (15) feet of any building or structure, including, without limitation, any deck or patio. All owners of any real property shall be required to fully comply with this provision by modifying the offending native brush and shrub, which shall be considered a nuisance, from within fifteen (15) feet of any building or structure.

- a) All native brush and shrubs shall be installed and maintained in a manner that minimizes fire risk, including, without limitation, by removing dead branches and twigs at all heights, modifying the lower foliage of branches, and selectively pruning to reduce the density of the plant.
- b) Native brush shall be installed and maintained with horizontal spacing such that the space between two shrubs (horizontally) shall be a minimum of two times the height of the tallest shrub. Individual shrubs or groups of shrubs clumped together shall be modified so that their diameter does not exceed fifteen (15) feet. Groups of shrubs clumped together with a diameter of fifteen (15) feet or less shall be treated as a single plant.
- c) Subsections B, C, and D of this Section shall not apply to an isolated shrub or shrubs that have been heavily modified by thinning and limbing up, nor to activities within the boundaries of a plant conservation easement area that do not, in the opinion of the fire chief, or his or her designee, constitute a fire hazard. In deciding whether such shrub or shrubs constitute a fire hazard, the fire chief, or his or her designee, shall consider: (i) the proximity of the shrub(s) to other buildings or structures; (ii) the types of shrub(s) involved; (iii) the potential threat of the shrub(s) to the public health, welfare and safety; and (iv) any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare, including, without limitation, whether such shrub(s) is endangered, rare or threatened.
- d) Cut and/or thinned vegetation shall be disposed of no later than ten (10) days after cutting.

4906.4.2 Definitions / Administration and Enforcement.

- A. For the purposes of this appendix, these following terms shall be defined as follows:

1. **Modify or abate** shall mean any action that physically affects a plant, ranging from pruning or thinning to complete removal (other than the removal of the root ball);
 2. **Native brush** shall be defined as Manzanita (*arctostaphylos patula*), Service Berry, Mountain Whitethorn, Sage and Mountain Mahogany (*cercocarpus ledifolius*) (brush form) (commonly known in Big Bear Valley as Ironwood), as well as such other species as the fire chief, or his or her designee, may, from time to time, determine constitutes a fire hazard. In making such a determination, the fire chief shall consider, without limitation, the following: (i) the type of native brush and/or shrub species the fire chief, or his or her designee, is considering adding to the definition of "native brush" and whether such species is threatened or endangered; (ii) the fire, health or safety hazard of such native brush and/or shrub species to the territory of the Authority and the surrounding community; (iii) the ability of the native brush and/or shrub species to damage neighboring property; (iv) the ability of the native brush and/or shrub species to adversely impact the health, safety or welfare of persons and/or property; and (v) any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare;
 3. **"Owner"** means any person, firm, corporation or entity, including without limitation, any homeowner's association that has any legal or equitable interest in real property, as shown on public records. In the event real property is leased or rented, the lessee or tenant shall be responsible for all obligations imposed on any owner under this chapter;
 4. **"Shrubs"** means a woody plant smaller than a tree, usually having multiple permanent stems branching from or near the ground. Shrubs include, without limitation, native brush;
 5. **"Vacant lot(s)"** means a parcel(s) of property currently undeveloped or unimproved by any building or structure.
- B. The fire chief, or his or her designee, shall enforce the provisions of this chapter with respect to any and all properties as he or she deems necessary for the public health, safety and welfare. In making such a determination, the fire chief, or his or her designee, shall consider: (i) the proximity of the brush and/or shrubs to other buildings or structures; (ii) the types of brush and/or shrubs involved; (iii) the potential threat of the brush and/or shrubs to the public health, welfare and safety; (iv) the determination of any other public agencies as to the fire danger of the area; and (v) any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare.

Any public official or person designated to administer or enforce this chapter shall be authorized to enter upon private property in order to conduct an inspection, post notices, perform abatement/modification, or any other action necessary or convenient to the administration and enforcement of this chapter. In the event a judicial warrant is required, such person or designee shall obtain a warrant pursuant to the California Code of Civil Procedure, Sections 1822.50 et seq.

4906.4.3 Environmental Exemptions. The modification of brush or shrubs, as described in this appendix, shall be exempt from the provisions of this chapter if any or all of the following would occur:

- a) The activities would result in the taking of endangered, rare, or threatened plant or animal species. By way of example, and not by way of limitation, the following species of plant are, as of the date of the ordinance adopting this chapter, not threatened or endangered and are subject to the provisions of this chapter:
 1. The arctostaphylos patula species of Manzanita;
 2. The cercocarpus ledifolius species of Mountain Mahogany (brush form) (commonly known in Big Bear Valley as Ironwood);
 3. Sage species that occur in the Big Bear Valley.
- b) The activities would result in significant erosion and sedimentation of surface waters. The owner of each piece of real property shall, when performing modifications required by this chapter, keep soil disturbance to a minimum, especially on steep slopes. Erosion control techniques such as leaving root balls intact, minimizing use of motorized equipment, and covering exposed disturbed soil areas with mulch or similar materials shall be employed in order to help reduce soil erosion and plant re-growth.

4906.4.4 Exceptions.

- a) Nurseries and other similar agricultural and/or horticultural uses shall be exempt from this chapter, provided the fire chief, or his or her designee, shall have the discretion to enforce the provisions of this chapter with respect to such businesses as he or she deems necessary to promote the public health, safety and welfare as it relates to fire safety and/or the health of the forest. In using his or her discretion, the fire chief, or his or her designee, shall consider: (i) the health of the brush and/or shrubs involved; (ii) whether the brush and/or shrubs pose a risk to the public health, safety or welfare of the community; (iii) the type of brush and/or shrubs involved; (iv) the owner's maintenance activities involving the brush and/or shrubs; and (v) any other factors that the fire chief, or his or her designee, deem relevant when considering the public

health, safety and welfare, including, without limitation, whether such shrub(s) is endangered, rare or threatened.

- b) Up to two inches of dead pine needles, leaves and other soils amendments for soil replenishment and forest safety may be permitted, when in the opinion of the fire chief, or his or her designee, they do not constitute a fire hazard. In deciding whether they present a fire hazard, the fire chief, or his or her designee, shall consider:
1. The proximity of the pine needles and leaves to buildings or structures;
 2. The height of the lower branches of shrubbery from the ground;
 3. The condition of the shrubbery, (e.g., free from dead and dying limbs and leaves);
 4. The sectioning of the shrubbery; and
 5. Any other factors that the fire chief, or his or her designee, deem relevant when considering the public health, safety and welfare.

4906.4.5 Protection of Sensitive Biological Resources

- A. Should any owner receive a NOTICE TO ABATE form that mandates the modification of native brush or shrubs other than the following shrub species: Juniper, Spanish Broom or native brush species: Manzanita, Service Berry, Mountain Whitethorn, Sage, or Mountain Mahogany and the property falls within the potential sensitive shrub resource area (as set forth in the Authority's official records, and which may be amended from time to time), a sensitive plant survey will be required for the property prior to any abatement activities. If it is unclear whether a particular property falls within the potential sensitive shrub resource area or whether or not sensitive plant surveys are required, the owner must contact the Authority or the City of Big Bear Lake Planning Department. The City's Planning Department or Authority shall provide requesting owners with a list of qualified surveyors, which list may be updated or revised at the discretion of the City or Authority. Ideally, sensitive plant surveys should be conducted between June and August to encompass the blooming periods of those sensitive plants that are the most difficult to detect outside the blooming period; however, the sensitive plant survey can be conducted during other parts of the year (aside from periods when snowfall is covering the ground) if necessary. Upon completion of the survey, the surveyor shall advise the owner as to any known or potential sensitive plants that should be avoided during abatement activities. A form shall be completed at the end of the survey that will provide details as to the results of the survey. The surveyor shall provide a copy of the form to the owner and the Planning or Fire Departments. The owner shall not conduct any modification without prior written approval of the City or Authority. All surveys required by this subsection shall be conducted within a reasonable time as determined by the fire chief, or his or her designee.
- B. If any native brush modification is required for more than twenty (20) shrubs and vegetation modification activities cannot be performed outside the nesting season (typical

nesting season is March 15 through August 15), a nesting bird survey shall be performed less than one week prior to vegetation modification activities. Should the owner be required to conduct a nesting bird survey, he or she shall contact the Authority or the City of Big Bear Lake Planning Department for a list of qualified nesting bird surveyors, which list may be updated or revised at the discretion of the Fire Authority or the City. Upon completion of the survey, the surveyor shall advise the owner as to any shrub(s) containing nesting birds that should not be modified until the completion of the nesting cycle. A form shall be completed at the end of the survey that will provide details as to the results of the survey. The surveyor shall provide a copy of the form to the owner and the Planning and/or Fire Departments. The owner shall not conduct any modification without prior written approval of the City or Authority. All surveys required by this subsection shall be conducted within a reasonable time as determined by the fire chief, or his or her designee.

- C. Any owner receiving a NOTICE TO ABATE form (for any number of shrubs) will also receive a pamphlet pertaining to providing protection for nesting birds. The pamphlet will describe the Migratory Bird Treaty Act, and suggest that if vegetation modification will occur during the nesting season (March 15 through August 15), owners need to check for the presence of active bird nests and avoid modification of any vegetation containing an active bird nest (or vegetation within twenty-five (25) feet of the active bird nest) until the young have fledged.

4906.5 County of San Bernardino Ordinance Relating to Fire Hazards and Hazardous Trees and Fire Access Road Obstructions. Notwithstanding anything to the contrary, owners of property located in the unincorporated portion of the Authority territory that were previously in compliance, shall be excepted from compliance with this Chapter provided that such property is in compliance with the County of San Bernardino ordinance relating to the abatement of fire hazards and hazardous trees and fire access road obstructions as it may be amended from time to time.

4906.6 Hazardous Trees. The provisions of this chapter shall apply to any live or dead tree which constitutes a fire, health or safety hazard or which may endanger or injure neighboring property, or the health, safety or well-being of persons or property; and it shall be the duty of every owner, occupant and person in control of any land or interest therein to abate.

4906.7 Outdoor Storage and Uses.

1. The outdoor storage of any materials or equipment not accessory to the primary use of the property, including lumber, construction materials, inoperable vehicles, auto parts, household appliances, pipe, drums, machinery, furniture, or trash, which is readily visible from off-site, is prohibited; provided, however, that this paragraph shall not preclude the storage of firewood on the property.
2. No open storage shall be permitted in any required front or side yards adjacent to a street or highway in residential zones.

(l) Appendix B

Section B105.2 of Appendix B is amended to read:

B105.2 Buildings Other than One- and Two-Family Dwellings. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

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

(m) Appendix C

Section C103.1 is amended to read:

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

Section C105.1 is amended to read:

C105.1 Hydrant Spacing. The average spacing between fire hydrants shall not exceed 300 feet (91m) in industrial, commercial, and multifamily development, and 600 feet (183m) in all single family developments. Spacing of fire hydrants along public streets shall also be guided by other County or Authority public works standards.

EXCEPTION: The fire code official is authorized to accept a deficiency of up to ten (10) percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

Table C105.1 is deleted.

(n) Appendix L

Appendix L is added to read:

L101 Findings.

- A. The Authority Board finds and declares that wood shake shingle roofs are a severe fire hazard and danger to the lives, health, property and safety of the residents residing in the territory of the Authority and the surrounding communities.

- B. The Authority Board finds and declares that wood shake shingle roofs are comprised of materials that create a unique and significant fire hazard and danger to an extent that they constitute a public nuisance, as set forth by Section 3480 of the California Civil Code, because they are injurious to the health and safety of and substantially endanger the entire community.
- C. The Authority Board finds and declares that five years is a reasonable amount of time for all existing buildings or structures within the territory of the Authority located within the City of Big Bear Lake with wood shake shingle roofs to install roofs comprised of fire retardant materials.
- D. The Authority Board finds and declares that July 1, 2014 is a reasonable amount of time for all existing buildings or structures within the territory of the Authority located within the County of San Bernardino with wood shake shingle roofs to install roofs comprised of fire retardant materials.

L102 Wood Shake Shingle Roofs—Public Nuisance.

- A. Beginning on September 1, 2012, all wood shake shingle roofs on properties or structures within the territory of the Authority located within the City of Big Bear Lake shall be abated as a public nuisance and a dangerous building by the fire chief, or his or her designee.
 - B. Beginning on July 1, 2014, all wood shake shingle roofs on properties or structures located within the territory of the Authority located within the County of San Bernardino shall be abated as a public nuisance and a dangerous building by the fire chief, or his or her designee.
6. Amendments to the California Residential Code. The California Residential Code is amended as follows:

Section R313.3.1.1 is amended to read:

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

EXCEPTIONS:

- 1. Attics, crawl spaces, built-up areas less than five (5) feet in height and normally unoccupied concealed spaces that do not contain fuel-fired appliances, do not require sprinklers. In those areas containing fuel-fired appliances, a sprinkler shall be installed above the appliance.
- 2. Clothes closets, linen closets, and pantries not exceeding 24 square feet (2.2 m²) in area, with the smallest dimension not greater than 3 feet (915 mm) and having wall and ceiling surfaces of gypsum board.

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

Section R313.3.5.2 is amended to read:

R313.3.5.2 Required Capacity.

1. The water supply shall have the capacity to provide the required design flow rate for sprinklers for a minimum of ten (10) minutes regardless of the square footage or number of stories.

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

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

7. Penalty

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment, system or part thereof or cause or permit the same to be done in violation of this ordinance or any order or notice issued pursuant to this ordinance. Every person, firm or corporation who violates any of the provisions of this ordinance is guilty of a misdemeanor. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted. Upon conviction such person is punishable by a fine not exceeding one thousand dollars, (\$1,000) or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment for each offense.

8. Ordinance Repeals

That any and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

9. Severability

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

10. Publication and Certification

The Secretary of the Board of Directors shall certify to the adoption of this ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the Secretary of the Board and within fifteen (15) days of its adoption shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the Secretary of the Board, in accordance with California Government Code Section 36933.

11. CEQA

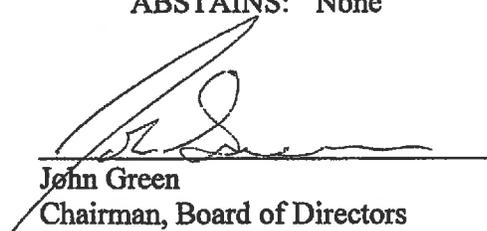
The Board of Directors finds that it can be seen with certainty that the adoption of this ordinance will not have a significant effect on the environment and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Authority staff is directed to file a Notice of Exemption within five (5) days of adopting this ordinance.

12. Effective Date

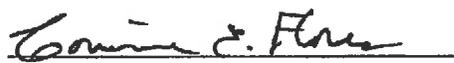
This ordinance shall take effect and be in force 30 days from and after the date of its final passage and adoption.

PASSED, APPROVED, and ADOPTED by the Big Bear Fire Authority Board of Directors at its regular meeting held the 3rd day of June, 2014 by the following vote:

AYES: Newsome, Obernolte, Oxandaboure, Terry, Walsh, Caretto, Herrick,
Green
NOES: None
ABSENT: Jackowski, Jahn
ABSTAINS: None


John Green
Chairman, Board of Directors
Big Bear Fire Authority

ATTEST:


Corinne E. Flores
Secretary
Big Bear Fire Authority

REVIEWED AND APPROVED:


Jeffrey F. Ferre
Authority Counsel
Best Best & Krieger, LLP

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Corinne E. Flores, Secretary of the Big Bear Fire Authority Board, do hereby certify that the whole number of members of the said Board is ten; that the foregoing ordinance, being Ordinance No. BBFA2014-001 was duly passed and adopted by the said Board, approved and signed by the Chair of said Board, and attested by the Secretary of said Board, all at a meeting of the said Board held on the 3rd day of June, 2014, and that the same was so passed and adopted by the following vote:

AYES: Newsome, Obernolte, Oxandaboure, Terry, Walsh, Caretto, Herrick,
 Green
NOES: None
ABSENT: Jackowski, Jahn
ABSTAIN: None

Witness my hand and the official seal of said Authority this 3rd day of June, 2014.



Corinne E. Flores
Secretary
Big Bear Fire Authority

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CALIFORNIA BUILDING
STANDARDS COMMISSION