

**CITY OF TWENTYNINE PALMS
CITY COUNCIL
ORDINANCE NO. ____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, STATE OF CALIFORNIA, ADOPTING THE SAN BERNARDINO COUNTY FIRE CODE (REFERENCING THE 2019 EDITION OF THE CALIFORNIA FIRE CODE AND 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE) ALONG WITH CERTAIN CHANGES, MODIFICATIONS, AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, RELATING TO FIRE REGULATIONS.

WHEREAS, the San Bernardino County Fire Protection District provides fire protection services to the City of Twentynine Palms; and

WHEREAS, the City wishes to adopt various codes and amendments in order to ensure that the Fire Protection District is able to continue to adequately protect the residents of Twentynine from fire related issues; and

WHEREAS, the Fire Protection District has specifically adopted the San Bernardino County Fire Protection Code (FPO Ordinance No. ____) to govern its fire protection services.

NOW THEREFORE, The City Council of the City of Twentynine Palms, State of California, hereby ordains as follows:

SECTION 1. That the above recitations are true and correct and incorporated herein by reference.

SECTION 2: The San Bernardino County Fire Protection Code (FPO Ordinance No. ____), a copy of which is attached hereto as Exhibit A, is hereby adopted by reference and incorporated herein as if set forth in full.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Twentynine Palms, California, held on this ____ day of _____, 2020.

Joel A. Klink, Mayor

ATTEST:

Cindy Villescas CMC, City Clerk

APPROVED AS TO FORM:

A. Patrick Muñoz, City Attorney

I hereby certify that the foregoing is a true copy of Ordinance No. _____, introduced on the ____ of _____, 2020 and duly adopted by the City Council of the City of Twentynine Palms in a meeting held on _____ day of _____, 2020, in Twentynine Palms, California by the following vote, to wit.

AYES: COUNCILMEMBER:
NOES: COUNCILMEMBER:
ABSENT: COUNCILMEMBER:
ABSTAIN: COUNCILMEMBER:

Cindy Villescas CMC, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT,
STATE OF CALIFORNIA, REPEALING SAN BERNARDINO
COUNTY FIRE PROTECTION DISTRICT ORDINANCE NO.
FPD 17-01 AND ADOPTING THE SAN BERNARDINO
COUNTY FIRE PROTECTION DISTRICT FIRE CODE
(REFERENCING THE 2019 EDITION OF THE CALIFORNIA
FIRE CODE) ALONG WITH CERTAIN CHANGES,
MODIFICATIONS, AMENDMENTS, ADDITIONS, DELETIONS,
AND EXCEPTIONS, RELATING TO FIRE REGULATIONS.

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

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

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

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

Sections:

- 1. Findings, Adoption, and Applicability.**
- 2. Amendments to the 2019 California Fire Code.**
- 3. Reserved.**
- 4. Referenced Standards.**
- 5. Conflicting Provisions.**
- 6. Validity and Severability.**
- 7. No Liability or Warranty.**
- 8. Authority - General.**
- 9. Authority at Fires and Other Emergencies.**

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

34. Continuing Violations.
35. Acts Including Causing, Aiding and Abetting.
36. Enforcement – Purpose and Remedies.
37. Enforcement Remedies and Penalties are Cumulative and Discretionary; Not Exclusive.
38. Criminal Actions.
39. Authority to Investigate, Detain, Issue Criminal Citations and Arrest.
40. Civil Actions.
41. Administrative Citations and Penalties - General.
42. Administrative Citations and Penalties – Dangerous Fireworks and Unlawful Use of Safe & Sane Fireworks.
43. Administrative Penalties – Egregious Violations.
44. Administrative Remedies and Penalties For Nuisance Fire Alarms.
45. Appeal of Administrative Citations.
46. Recording of a Notice of Pendency.
47. Filing Notice of Action.
48. Public Nuisance Abatement of Fire Hazards.
49. Board of Appeals – Code Application and Interpretations.
50. Cost Recovery.
51. Treble Damages.

1. Findings, Adoption, and Applicability.

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

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

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

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

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

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

23 (6) Local Climatic Conditions.

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

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

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

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

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

17 (7) Local Geological Conditions.

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

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

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

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

9 (8) Local Topographical Conditions.

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

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

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

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

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

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

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

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

23 (9) These local climatic, geological and topographical conditions found
24 herein together present increased hazard potentials that create a reasonable necessity
25 for the San Bernardino County Fire Protection District to establish more restrictive building
26 and fire protection standards, as well as to prevent and discourage egregious and other
27 fire safety violations where the public is at higher risk.
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1 (b) ADOPTION OF THE 2019 CALIFORNIA FIRE CODE. The Board of
2 Directors of the San Bernardino County Fire Protection District hereby adopts the 2019
3 edition of the California Fire Code (CFC), also known as Part 9 of Title 24 of the California
4 Code of Regulations (incorporating the 2018 International Fire Code), and Appendices as
5 compiled and published by the International Code Council.

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

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

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

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

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

23 **105.6.3A Battery and other energy storage systems.** An operational permit is
24 required for a battery system or electrical energy storage system as regulated by section
25 1206 of the California Fire Code.

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

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

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

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

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

(4) Section 105.6.15B is added to the San Bernardino County Fire Protection District Fire Code, to read:

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

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

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

1. Storage or use of LP-gas.

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

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

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

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

(7) Section 105.6.29 is added to the San Bernardino County Fire

1 Protection District Fire Code, to read:

2 **105.6.29 Miscellaneous combustible storage.** An operational permit is required
3 to store in any building or upon any premises in excess of 2,500 cubic feet (17m3) gross
4 volume of combustible empty packing cases, boxes, barrels or similar containers, rubber
5 tires, rubber, cork or similar combustible material.

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

8 **105.6.31 Motor fuel-dispensing facilities.** An operational permit is required for
9 the operation of automotive, marine and fleet motor fuel-dispensing facilities.

10 (9) Section 105.6.32 is added to the San Bernardino County Fire
11 Protection District Fire Code, to read:

12 **105.6.32 Open fires.** An operational permit is required for the kindling or
13 maintaining of an open fire as defined in Section 202, on any public street, alley, road, or
14 other public or private ground, in accordance with Section 26.

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

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

19 **105.6.33 Open flames and torches.** An operational permit is required to use a
20 torch or open-flame device in a wildfire risk area.

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

23 **105.6.34. Open flames in assemblies.** An operational permit is required to use
24 open flames in connection with assembly areas, dining areas of restaurants or drinking
25 establishments.

26 **Exception:** Candles and small-open flame decorative devices in
27 accordance with Section 308.
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(12) Section 105.6.35 is added to the San Bernardino County Fire Protection District Fire Code, to read:

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

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

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

(14) Section 105.6.36A is added to the San Bernardino County Fire Protection District Fire Code, to read:

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

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

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

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

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

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

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

(18) Section 105.6.43 is added to the San Bernardino County Fire

1 Protection District Fire Code, to read:

2 **105.6.43 Repair garages.** An operational permit is required for operation of repair
3 garages.

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

6 **105.6.44 Rooftop heliports.** An operational permit is required for the operation
7 of a rooftop heliport.

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

10 **105.6.45 Spraying or dipping.** An operational permit is required to conduct a
11 spraying or dipping operation utilizing flammable or combustible liquids, or the application
12 of combustible powders regulated by Chapter 24.

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

15 **105.6.46 Storage of scrap tires and tire byproducts.** An operational permit is
16 required to establish, conduct or maintain storage of scrap tires or tire byproducts that
17 exceeds 2,500 cubic feet (71 m³) of total volume outside of a building, and for indoor
18 storage of tires or tire byproducts.

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

21 **105.6.48 Tire-rebuilding plants.** An operational permit is required for the
22 operation and maintenance of a tire-rebuilding plant.

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

24 **105.6.49 Waste handling and wrecking yards.** An operational permit is required
25 for the operation of automobile wrecking yards, junk yards, combustible waste material or
26 combustible recycled material handling facilities.

27 (24) Section 105.6.50 of the California Fire Code is amended, to read:
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1 **105.6.50 Wood, manure and organic product storage.** An operational permit is
2 required to store or process wood chips, hogged material, lumber, plywood, manure,
3 compost or other combustible organic products in excess of 200 cubic feet (6 m³).
4

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

7 **105.7.5A Dust Collection Systems.** A construction permit is required for the
8 installation or modification of Dust Collection System as regulated by Chapter 22.

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

11 **105.7.19A Refrigeration Systems.** A construction permit is required to install or
12 modify a mechanical refrigeration unit or system regulated by Section 605.

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

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

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

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

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

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

28 **DEPARTMENT.** Department includes the San Bernardino County Fire Protection

1 District and any other recognized fire department or agency.

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

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

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

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

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

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

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

23 **PERSON.** Individuals, businesses, general partnerships, limited partnerships,
24 joint ventures, corporations, trust, concern, organization, state and local government
25 entities, heirs, executors, administrators, receivers, or assigns, agents of the aforesaid,
26 and every other legal entity or association having legal obligations subject to the
27 provisions of this Code.
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1 **PORTABLE OUTDOOR FIREPLACE.** A portable, outdoor, solid-, liquid-, or gas
2 fuel burning fireplace constructed of steel, concrete, clay or other non-combustible
3 materials and specifically designed for the containment of fire. A portable outdoor
4 fireplace may have an open design or may have a small hearth opening with a short
5 chimney or opening in the top.

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

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

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

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

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

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

8 **305.3 Open-flame warning devices.** Open-flame warning devices shall not be
9 used along an excavation, road or any other place where the dislodgment of such device
10 may permit the device to roll, fall or slide onto any area or land containing combustible
11 materials.

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

14 (2) Section 305.6 is added to the San Bernardino County Fire Protection
15 District Fire Code, to read:

16 **305.6 Spark arrestors.** Each chimney used in conjunction with a fireplace,
17 portable outdoor fireplace, or other heating appliance in which solid fuel is burned, shall
18 be maintained with an approved spark arrester. The spark arrester shall have heat and
19 corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge
20 stainless steel. Openings shall not permit the passage of spheres having a diameter
21 larger than one-half inch (13 mm) maximum and shall not block the passage of spheres
22 having a diameter of less than three-eighths inch (10 mm). The screen shall be mounted
23 in or over all outside flue openings in a vertical or near vertical position, adequately
24 supported to prevent movement and shall be visible from the ground. All spark arrestors
25 shall be accessible and removable for cleaning.

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

28

1 **SECTION 308**

2 **OPEN FLAMES**

3 **308.1 General.** Notwithstanding any other provision of this Code, open flames,
4 fire and burning on all premises shall be in accordance with Section 26 of this ordinance
5 and Title 19 CCR Sections 3.25(a) and (b).

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

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

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

19 **308.1.4 Open-Flame Cooking Devices.** Charcoal burners, barbecues,
20 and other open-flame cooking devices shall be in accordance with Section 26 of this
21 Code.

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

24 **308.1.6 Open-flame devices.** Torches and other devices, machines or processes
25 liable to start or cause fire shall not be operated or used in or upon Wildfire Risk Areas,
26 except by a permit in accordance with Section 105.6 secured from the Fire code official.

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

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

4 **308.1.6.1 Signals and markers.** Flame-employing signaling devices, such flare
5 guns, lanterns, or road flares shall not be operated or used as a signal or marker in or
6 upon Wildfire Risk Areas.

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

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

11 **308.1.6.3 Sky Lanterns Prohibited.** The release or the failure to prevent the
12 release of Sky Lanterns into the air without an effective means of control is prohibited
13 within the jurisdiction of the San Bernardino County Fire Protection District.

14 **Exception:** Sky Lanterns used for scientific or research purposes
15 when reasonable precautions are made to prevent loss of control or the ignition of
16 surrounding combustibles. Persons releasing Sky Lanterns used for scientific or research
17 purposes shall first submit a plan outlining the scientific or research purpose and shall
18 obtain a permit and specific conditions from the Fire code official.

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

21 **308.2 Permits required.** Permits shall be obtained from the fire code official in
22 accordance with Section 105.6 prior to engaging in the following activities involving open
23 flames:

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

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

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

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

SECTION 309

POWERED INDUSTRIAL TRUCKS AND EQUIPMENT

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

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

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

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

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

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

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

1 specifically approved for that purpose.

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

4 **311.1 General.** Temporarily unoccupied buildings, structures, premises, or
5 portions thereof, including tenant spaces, shall be safeguarded and maintained in
6 accordance with this section, the California Building Code and the San Bernardino County
7 Code.

8 **311.1.1 Abandoned premises.** Buildings, structures and premises for which an
9 owner cannot be identified or located by dispatch of a certificate of mailing to the last
10 known or registered address, which persistently or repeatedly become unprotected or
11 unsecured, which have been occupied by unauthorized persons or for illegal purposes,
12 or which present a danger of structural collapse or fire spread to adjacent properties shall
13 be considered abandoned, declared unsafe and abated by demolition or rehabilitation in
14 accordance with the California Building Code and the International Property Maintenance
15 Code as adopted by the local Building Department.

16 **311.1.2 Tenant spaces.** Storage and lease plans required by this Code shall be
17 revised and updated to reflect temporary or partial vacancies.

18 **311.2 Safeguarding vacant premises.** Temporarily unoccupied buildings,
19 structures, premises or portions thereof shall be secured and protected in accordance
20 with Sections 311.2.1 through 311.2.3.

21 **311.2.1 Security.** Exterior and interior openings accessible to other tenants or
22 unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent
23 entry by unauthorized individuals. The fire code official is authorized to placard, post
24 signs, erect barrier tape or take similar measures as necessary to secure public safety.

25 **311.2.2 Fire protection.** Fire alarm, sprinkler and standpipe systems shall be
26 maintained in an operable condition at all times.

27 **Exceptions:**
28

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

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

10 3. Where approved by the fire code official, fire alarm and
11 sprinkler systems are permitted to be placed out of service in seasonally occupied
12 buildings that will not be heated and where fire protection systems will be exposed to
13 freezing temperatures; and where fire areas do not exceed 12,000 square feet (1115 m²);
14 and that do not store motor vehicles or hazardous materials.

15 **311.2.3 Fire separation.** Fire-resistance-rated partitions, fire barriers and fire
16 walls separating vacant tenant spaces from the remainder of the building shall be
17 maintained. Openings, joints and penetrations in fire-resistance-rated assemblies shall
18 be protected in accordance with Chapter 7.

19 **311.3 Removal of combustibles.** Persons owning, or in charge or control of, a
20 vacant building or portion thereof, shall remove therefrom all accumulations of
21 combustible materials, flammable or combustible waste or rubbish and shall securely lock
22 or otherwise secure doors, windows and other openings to prevent entry by unauthorized
23 persons. The premises shall be maintained clear of waste or hazardous materials.

24 **Exceptions:**

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

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2. Seasonally occupied buildings.

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

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

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

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

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

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

315.7.4 Pallet pile stability and size. Pallet stacks shall be arranged to form stable piles. Individual pallet piles shall not exceed 20 feet (6096 mm) in width and 25 feet (7620 mm) in length. Piles shall not exceed 6,400 cubic feet (227 m³) in volume and shall cover an area not greater than 400 square feet (37 m²).

315.7.5 Pallet types. Pallets shall be all wood, with slatted or solid top or bottom, with metal fasteners, or shall be plastic or composite pallets, listed and labeled in accordance with the UL 2335 or FM 4996. Plastic pallets shall be both solid and gridded

deck, independent of the pallet manufacturing process, type of resin used in fabrication or geometry of the pallet.

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

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

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

315.7.7 Prohibited locations. Pallets shall not be stored within 100 feet (30 480 mm) of welding or cutting equipment, underneath high-voltage transmission lines, public roadways or railways.

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

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

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

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

Exceptions:

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

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

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

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

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

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

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

403.12.1 Fire watch personnel. Where, in the opinion of the fire code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall provide one or more fire watch personnel, as required and approved. Fire watch personnel shall comply with Sections 403.12.1.1 and 403.12.1.2 and San Bernardino County Fire Protection District Fire Prevention Standards.

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

1 **403.12.1.2 Duties.** On-duty fire watch personnel shall have the following
2 responsibilities:

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

9 **403.12.2 Public safety plan for gatherings.** Where the fire code official
10 determines that an indoor or outdoor gathering of persons has an adverse impact on
11 public safety through diminished access to buildings, structures, fire hydrants or fire
12 apparatus access roads or where such gatherings adversely affect public safety services
13 of any kind, the fire code official shall have the authority to order the development of or
14 prescribe a public safety plan that provides an approved level of public safety and
15 addresses the following items:

- 16 1. Emergency vehicle ingress and egress.
- 17 2. Provisions for maintaining fire protection equipment.
- 18 3. Emergency egress or escape routes.
- 19 4. Emergency medical services facilities and personnel.
- 20 5. Public assembly areas.
- 21 6. The directing of both attendees and vehicles, including the parking
22 of vehicles.
- 23 7. Vendor and food concession distribution.
- 24 8. The need for the presence of law enforcement.
- 25 9. The need for fire department apparatus or personnel available on
26 the site, provided owner, agent, or lessee's expense, as required by the fire code official.
- 27 10. The need for a weather monitoring person.
- 28

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

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

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

Exception:

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

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

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

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

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

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

5 **SECTION 503**

6 **FIRE APPARATUS ACCESS ROADS**

7 **503.1 Where required.** Fire apparatus access roads shall be provided and
8 maintained in accordance with Sections 503.1.1 through 503.1.3.

9 **503.1.1 Buildings and facilities.** Approved fire apparatus access roads shall be
10 provided for every facility, building or portion of a building hereafter constructed or moved
11 into or within the jurisdiction. The fire apparatus access road shall comply with the
12 requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions
13 of the facility and all portions of the exterior walls of the first story of the building as
14 measured by an approved route around the exterior of the building or facility.

15 **Exceptions:**

16 1. The fire code official is authorized to increase the dimension
17 of 150 feet (45 720 mm) where any of the following conditions occur:

18 1.1. Unless required by another section of this Code, the
19 building is equipped throughout with an approved automatic sprinkler system installed in
20 accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

21 1.2. Fire apparatus access roads cannot be installed
22 because of location on property, topography, waterways, nonnegotiable grades or other
23 similar conditions, and an approved alternative means of fire protection is provided.

24 1.3. There are not more than two Group R-3 or Group U
25 occupancies.

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

2 **503.1.2 Additional access.** The fire code official is authorized to require more
3 than one fire apparatus access road based on the potential for impairment of a single
4 road by vehicle congestion, condition of terrain, climatic conditions or other factors that
5 could limit access.

6 **503.1.3 High Piled Storage.** Fire department vehicle access to buildings used for
7 high-piled combustible storage shall comply with the applicable provisions of Chapter 32.

8 **503.2 Specifications.** Fire apparatus access roads shall be designed,
9 constructed and maintained in accordance with Sections 503.2.1 through 503.2.8. and
10 San Bernardino Fire Protection District Fire Prevention Standards.

11 **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed
12 width of not less than 26 feet (7925 mm), except for approved security gates in
13 accordance with Section 503.6, and an unobstructed vertical clearance of not less than
14 14 feet, 6 inches (4420 mm.) Roadways that provide fire apparatus access to buildings
15 that have exterior walls 30 feet or higher from the lowest level of fire department access
16 to the top of the highest roof or parapet, or having occupied floors that are three or more
17 stories above such adjacent roadways shall have an unobstructed width of 30 feet (9144
18 mm.)

19 **Exceptions:**

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

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

26 3. Required access road dimensions may be modified according
27 to the San Bernardino County Fire Protection District Fire Prevention Standards when,
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1 due to location on property, topography, waterways, nonnegotiable grades or other similar
2 conditions, the fire code official determines that the conditions cannot be met. In no case
3 shall fire department access roads within State Responsibility areas (SRA) be less than
4 20 feet (6096 mm) in unobstructed width.

5 **503.2.2 Authority.** The fire code official shall have the authority to require or
6 permit modifications to the required access widths and heights where they are inadequate
7 for fire or rescue operations or where necessary to meet public safety objectives.

8 **503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained
9 to support the imposed loads of fire apparatus weighing at least 75,000 pounds and shall
10 be surfaced so as to provide all-weather driving capabilities.

11 **Exceptions:**

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

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

19 **503.2.4 Turning Radius.** The required turning radius of a fire apparatus access
20 road shall comply with San Bernardino Fire Protection District Fire Prevention Standards
21 as determined by the fire code official.

22 **503.2.5 Dead Ends.** Dead-end fire apparatus access roads in excess of 150 feet
23 in length shall be provided with an approved area for turning around fire apparatus that
24 complies with San Bernardino Fire Protection District Fire Prevention Standards.

25 **503.2.6 Bridges and elevated surfaces.** Where a bridge or an elevated surface
26 is part of a fire apparatus access road, the bridge shall be constructed and maintained in
27 accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for
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1 a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall
2 be posted at both entrances to bridges where required by the fire code official. Where
3 elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are
4 not designed for such use, approved barriers, approved signs or both shall be installed
5 and maintained where required by the fire code official.

6 **503.2.7 Grade.** The grade of a fire apparatus access road or driveway shall be a
7 maximum of twelve percent (12%).

8 **Exceptions:**

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

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

17 3. Where more restrictive local city requirements apply.

18 **503.2.8 Angles of approach and departure.** The angles of approach and
19 departure for fire apparatus access roads shall comply with the San Bernardino County
20 Fire Protection District Fire Prevention Standards.

21 **503.3 Marking.** Where required by the fire code official, approved signs and
22 markings that include the words "NO PARKING—FIRE LANE" and that comply with San
23 Bernardino County Fire Protection District Fire Prevention Standards shall be provided
24 for fire apparatus access roads to identify such roads or prohibit the obstruction thereof.
25 The means by which fire lanes are designated shall be maintained in a clean and legible
26 condition at all times and be replaced or repaired when necessary to provide adequate
27 visibility.
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1 **503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads
2 shall not be obstructed in any manner, including the parking of vehicles. The minimum
3 widths and clearances established in Section 503.2.1 and 503.2.2 shall be maintained at
4 all times. Any condition that serves as an impediment to fire access, or any vehicle or
5 other obstruction to fire access may be removed at the orders of the fire code official or
6 other governing agency in cooperation with the fire code official, with the expense of such
7 removal to be paid by the owner of the roadway, or of said vehicle or obstruction.

8 **503.4.1 Traffic calming devices.** Traffic calming devices shall be prohibited
9 unless approved by the fire code official in accordance with the San Bernardino County
10 Fire Protection District Fire Prevention Standards.

11 **503.5 Required gates or barricades.** The fire code official is authorized to require
12 the installation and maintenance of gates or other approved barricades across fire
13 apparatus access roads, trails or other access ways, not including public streets, alleys
14 or highways. Electric gate operators, where provided, shall be listed in accordance with
15 UL 325. Gates intended for automatic operation shall be designed, constructed and
16 installed to comply with the requirements of ASTM F 2200 and the San Bernardino County
17 Fire Protection District Fire Prevention Standards.

18 **503.5.1 Secured gates and barricades.** Where required, gates and barricades
19 shall be secured in an approved manner. Roads, trails and other access ways that have
20 been closed and obstructed in the manner prescribed by Section 503.5 shall not be
21 trespassed on or used unless authorized by the owner and the fire code official.

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

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

26 **503.6 Security gates.** The installation of security gates across a fire apparatus
27 access road shall be approved by the fire code official. Where security gates are installed,
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1 they shall have an approved means of emergency operation. The security gates and the
2 emergency operation shall be maintained operational at all times. Electric gate operators,
3 where provided, shall be listed in accordance with UL 325. Gates intended for automatic
4 operation shall be designed, constructed and installed to comply with the requirements of
5 ASTM F 2200 and the San Bernardino County Fire Protection District Fire Prevention
6 Standards.

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

9 **504.4.1 Foam cornices.** Buildings with cornices or other trim at the edge of a roof
10 or parapet wall made of expanded foam plastic or other similar materials shall be installed
11 in accordance with San Bernardino County Fire Protection District Fire Prevention
12 Standards in order to allow a stable, rigid surface or edge on which a ladder can be used
13 to access the roof.

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

16 **SECTION 505**

17 **PREMISES IDENTIFICATION**

18 **505.1 Address numbers.** Newly constructed and existing buildings shall have
19 approved address numbers, building numbers or approved building identification placed
20 in a prominent position that is plainly legible and visible from the street or road fronting
21 the property. If there is more than one building on a lot and only one number is assigned,
22 the number shall be posted on the principal building or the building nearest the street.
23 These numbers shall contrast with the background to which they are attached. Address
24 numbers shall be Arabic numerals or alphabet letters. Such address numbers shall be
25 electrically illuminated by an internal or external source during the hours of darkness.

26 **505.1.1 Single family residential dwelling units.** All new single family residential
27 dwelling units shall, in addition to the requirements of Sec. 505.1 of the San Bernardino
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County Fire Protection District Fire Code, be posted with address numbers in accordance with the following:

1. Internally electrically illuminated so as to be visible during the hours of darkness, or
2. Where building setbacks exceed 100 feet (30.5 m) from the street or would otherwise be obstructed, numbers shall be displayed on an independent structure, such as a post, at the property entrance. These additional numbers are not required to be illuminated, but shall be reflective and meet the requirements of this section.

505.1.2 Multifamily residential, commercial, and industrial buildings less than 100,000 square feet. All new multifamily residential, commercial, and industrial use buildings less than 100,000 square feet (9290 m²) in area shall, in addition to the requirements of Sec. 505.1 of the San Bernardino County Fire Protection District Fire Code, be posted with address numbers in accordance with the following:

1. Not less than eight inches (204 mm) in height, with a minimum stroke width of 1 inch (25.5 mm); and
2. Where building setbacks exceed 200 feet (61 m) from the street, or the numbers on the building would not be visible or would otherwise be obstructed, additional numbers shall be displayed on an independent structure, at the property entrance. These additional numbers shall not be less than six inches (153 mm) in height, with a minimum stroke width of 0.75 inches (19 mm) and shall otherwise meet the requirements of this section.

505.1.3 Multifamily residential, commercial, and industrial buildings 100,000 square feet or larger. All new multifamily residential, commercial, and industrial use buildings 100,000 square feet (9290 m²) or larger in area shall, in addition to the requirements of section 505 and all other local requirements, be posted with address numbers in accordance with the following:

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

3 2. Where building setbacks exceed 200 feet (61 m) from the
4 street, or the numbers on the building would not be visible or would otherwise be
5 obstructed, additional numbers shall be displayed on an independent structure, at the
6 property entrance. These additional numbers shall not be less than six inches (153 mm)
7 in height, with a minimum stroke width of 0.75 inches (19 mm) and shall otherwise meet
8 the requirements of this section.

9 **505.1.4 Illuminated directory.** When required by the fire code official, new
10 multiple dwelling unit complexes of 20 or more units shall be provided with an illuminated
11 directory at each entry, clearly visible to emergency responders entering the property.
12 The directory shall comply with San Bernardino County Fire Protection District Fire
13 Prevention Standards and shall consist of a diagrammatic representation of the complex
14 which shows the location of the viewer and the unit designations within the complex.

15 **505.1.5 Individual units.** All individual residential units or tenant lease spaces in
16 a new multifamily, commercial, or industrial building shall be posted with identification
17 numbers, not less than 3 inches (76 mm) in height, that are electrically illuminated and
18 easily visible to approaching vehicular and/or pedestrian traffic

19 **505.1.6 Rear addressing.** Any business which affords vehicular access to the
20 rear through any driveway, alleyway, or parking lot shall also display the same numbers
21 on the rear of the building.

22 **505.2 Street or road name signs.** The names of streets or roads shall be
23 identified with approved signs. Temporary street or road name signs meeting the San
24 Bernardino County Fire Protection District Fire Prevention Standards shall be installed at
25 each street intersection when construction of new roadways allows passage by vehicles
26 and shall be maintained until replaced by permanent signs.

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

SECTION 506

KEY BOXES

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

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

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

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

SECTION 507

FIRE PROTECTION WATER SUPPLIES

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

Exception:

1. When approved by the fire code official, the following shall be

permitted in lieu of an adequate water supply when serving not more than two Group R-3 occupancies and accessory Group U occupancies:

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

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

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

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

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

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

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

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

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

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

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

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

1 **507.5.1 Where required.** Where a portion of the facility or building hereafter
2 constructed or moved into or within the jurisdiction is more than 300 feet (91.5 m) from a
3 hydrant on a fire apparatus access road, as measured by an approved route around the
4 exterior of the facility or building, on-site fire hydrants and mains shall be provided where
5 required by the fire code official.

6 **Exception:**

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

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

11 **507.5.1.2 Water supply connections.** New on-site fire hydrant water systems
12 that serve buildings having a single or aggregate floor area of greater than 100,000
13 square feet (9,290 m²) shall have a minimum of two separate remote connections to the
14 public water system designed and constructed in accordance with NFPA and the San
15 Bernardino County Fire Protection District Fire Prevention Standards and approved by
16 the fire code official.

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

19 **508.2 Fire Control Room.** A fire control room for fire department operations shall
20 be provided in all newly constructed Group S-1 and S-2 distribution warehouses greater
21 than 300,000 square feet (27,870 m²) in floor area. The location and accessibility of the
22 fire control room shall be approved by the fire code official. The fire control room shall be
23 separated from the remainder of the building by walls and ceilings not less than one-hour
24 fire partitions and shall have at least one exterior access door of not less than 3'-0" (918
25 mm) in width by 6'-8" (2040 mm) in height. The room shall be a minimum of 96 square
26 feet (9 m²) with a minimum dimension of 8 feet (2438 mm.) The room shall contain the
27 following as a minimum:
28

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

4 2. Main controls and indicators for mechanical smoke exhaust
5 systems.

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

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

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

13 **509.3 Access to equipment in multi-unit buildings.** When automatic fire
14 sprinkler systems or fire alarm systems are installed in buildings constructed for multiple
15 tenants and these systems protect multiple tenant spaces, the main risers, fire alarm
16 control panels, and any other main control valves or equipment for such systems; shall
17 be located in an attached or included room separate from any tenant space. Such rooms
18 shall have at least one exterior access door of not less than 3'-0" (918 mm) in width by
19 6'-8" (2040 mm) in height and meet the requirements of Section 901.4.6-901.4.6.4.

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

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

24 **901.8.3 Theft deterrents.** The fire code official is authorized to require installation
25 methods, mechanisms, or other technology that will serve to deter theft or tampering with
26 fire protection appliances. Such methods shall be in accordance with the San Bernardino
27 County Fire Protection District Fire Prevention Standards.
28

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

2 **903.2 Where required.** Approved automatic fire sprinkler systems in new
3 buildings and structures shall be provided in the locations described in this section and
4 Sections 903.2.1 through 903.2.19. Notwithstanding any other provision of Sections
5 903.2.1 through 903.2.19, an approved automatic fire sprinkler system shall be provided
6 throughout all newly constructed buildings of any occupancy group, when the gross floor
7 area is equal to or exceeds 5,000 square feet (465m²), regardless of fire resistive
8 separation walls.

9 **Exceptions:**

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

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

18 b) For existing buildings larger than 5,000 square feet
19 (465m²) in gross floor area, when a change of use occurs that, in the opinion of the fire
20 code official, increases the risk of fire, or increases the danger to occupants in a fire, the
21 entire building shall be provided with an automatic sprinkler system.

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

23 **910.2.2 High-piled combustible storage.** Smoke and heat removal required by
24 Table 3206.2 for buildings and portions thereof containing high-piled combustible storage
25 shall be installed in accordance with Section 910.3 in unsprinklered buildings. In buildings
26 and portions thereof containing high-piled combustible storage equipped throughout with
27 an automatic sprinkler system in accordance with Section 903.3.1.1, a mechanical smoke
28

1 and heat removal system shall be installed in accordance with Section 910.4. In occupied
2 portions of a building equipped throughout with an automatic sprinkler system in
3 accordance with Section 903.3.1.1 where the upper surface of the story is not a roof
4 assembly, a mechanical smoke removal system in accordance with Section 910.4 shall
5 be installed.

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

8 (1) Section 2810, 2810.1 – 2810.11 of the California Fire Code, is
9 amended, to read:

10 **SECTION 2810**

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

13 **2810.1 General.** The outside storage of wood pallets and wood composite pallets
14 on the same site as a pallet manufacturing and/or recycling facility shall comply with
15 Sections 2810.2 through 2810.11 and San Bernardino County Fire Protection District Fire
16 Prevention Standards.

17 **2810.2 Site plan.** Each site shall maintain an approved site plan that includes a
18 general description of the property, the boundaries of the lot, the size and location of
19 buildings, and all of the following:

- 20 1. Utilities.
- 21 2. Type of construction and presence of sprinkler protection for all buildings on the
22 site.
- 23 3. Locations of all fire hydrants and any other water supply sources for fire-fighting
24 purposes.
- 25 4. Locations of any hazards (e.g., flammable liquids, welding, LP gas tanks, and
26 hazardous material storage areas).
- 27 5. Location of pallet storage and any other combustibles on the site.
- 28

1 6. Equipment protected with a dust collection system.

2 7. Fire apparatus access roads.

3 8. Designated smoking areas.

4 9. Location of fire alarm control panels.

5 **2810.3 Fire prevention plan.** The owner or owner's authorized representative
6 shall prepare an approved fire prevention plan that includes all of the following:

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

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

9 3. Preventative maintenance program for equipment associated with pallet
10 activities

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

13 **2810.4 Fire safety emergency evacuation plan.** The owner or owner's
14 authorized representative shall prepare and train employees in an approved fire safety
15 and emergency evacuation plan in accordance with Chapter 4.

16 **2810.5 Security management plan.** The owner or owner's authorized
17 representative shall prepare a security management plan based on a security risk
18 assessment and shall make the plan and assessment available to the fire code official
19 upon request.

20 **2810.6 Clearance to property line.** Stacks of pallets shall not be stored less than
21 20 feet (6096 mm) of the property line or shall comply with section 2810.11.

22 **2810.7. Clearance to buildings and storage.** Stacks of pallets shall not be stored
23 less than 20 feet (6096 mm) from any building or combustible structure on site, or shall
24 comply with section 2810.11. Pallets shall not be stored under eaves, canopies or other
25 projections or overhangs of buildings except where protected by an automatic sprinkler
26 system.

27 **2810.8 Size and Height.** Pallet stacks shall be arranged to form stable piles.
28

Individual pallet piles shall cover an area not greater than 400 square feet (37 m²). Pallet stacks and piles shall not exceed 16 feet (4876 mm) in height.

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

2810.10 Portable fire extinguishers. Portable fire extinguishers shall be provided within 75 feet (22 860 mm) of any pallet stack.

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

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

2. Automatic fire detection that transmits an alarm to a supervising station in accordance with NFPA 72.

3. Fire apparatus access roads around all storage areas.

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

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

TABLE B105.2

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

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

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

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

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

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

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

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

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

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

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

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

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

9
10 **3. Reserved.**

11
12 **4. Referenced Standards.**

13 The standards referenced in this Code shall be those that are listed in Chapter 80.
14 Such standards shall be considered part of the requirements of this Code to the
15 prescribed extent of such reference. Where conflicts occur between provisions of this
16 Code and referenced standards, the provisions of this Code shall apply. The fire code
17 official may issue San Bernardino County Fire Protection District Fire Prevention
18 Standards for informational purposes in clarifying and interpreting provisions of the
19 California Fire Code, its amendments, and referenced Standards.

20
21 **5. Conflicting Provisions.**

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

27
28

1 **6. Validity and Severability.**

2 This Code shall not be in conflict with state or federal law. If any section,
3 subsection, sentence, clause or phrase of this Code or the application thereof is held
4 invalid, such invalidity shall not affect other provisions or applications which can be given
5 effect without the invalid provision or application, and to this end the provisions of this
6 Code are severable.
7

8 **7. No Liability or Warranty.**

9 The County of San Bernardino, the San Bernardino County Fire Protection District,
10 any city, town or district that ratifies this ordinance, and their employees or agents shall
11 not be held liable for any act or omission to act done in good faith and reliance upon state
12 law, or the ordinance, codes, standards, interpretations, policies or procedures of the San
13 Bernardino County Fire Protection District. Neither the County of San Bernardino, the
14 San Bernardino County Fire Protection District, nor any city, town or district that ratifies
15 this ordinance, nor their employees or agents shall be held liable for the negligence of,
16 nor as the guarantor of proper performance by, any person or entity holding any license,
17 permit, certificate, registration, privilege or other entitlement from the District.
18

19 **8. Authority – General.**

20 The fire code official shall implement, administer, and enforce the provisions of this
21 Code and shall have the authority to render interpretations of this Code. The fire code
22 official shall also have the authority to adopt policies, procedures, rules and regulations
23 in order to clarify the application of this Code. Such interpretations, policies, procedures,
24 rules and regulations shall be in compliance with the intent of this Code.
25

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

27 (a) The Fire Chief/Fire Warden, fire code official or any officer of the San
28

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

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

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

23
24 **10. Authority to Inspect, Issue Notices and Administrative Citations or Abate a**
25 **Hazardous Condition.**

26 (a) Whenever it is necessary to make an inspection to enforce the provisions
27 of this Code, or whenever the fire code official has reasonable cause to believe that there
28

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

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

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

24 (d) Any violation of this Code or of the provisions of any code adopted and
25 incorporated by reference by this Code may be deemed a fire hazard by the fire code
26 official and acted upon pursuant to the fire hazard abatement provisions of Chapter 3 of
27 Division 3 of Title 2 of the San Bernardino County Code beginning with Section 23.0301.
28

1 When a fire hazard or hazardous condition constitutes an immediate threat of harm to
2 public health and safety, the fire code official may take or cause emergency abatement
3 of such hazard with notice to parties concerned, or without notice, as the particular
4 circumstances reasonably allow.
5

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

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

23 **12. Interference Unlawful.**

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

27 (b) It shall be unlawful for any person to render a system or device inoperative
28

1 during an emergency unless by direction of the Fire Chief/Fire Warden, fire code official
2 or officer of the San Bernardino County Fire Protection District in charge at the scene of
3 a fire or other emergency.
4

5 **13. Official Records.**

6 The fire code official shall keep official records as required by Sections 104.6.1
7 through 104.6.4. Such official records shall be retained for not less than five years or for
8 as long as the structure or activity to which such records relate remains in existence, or
9 in accordance with San Bernardino County Fire Protection District Operations Directive
10 1300 and the Special Districts Records Retention Schedule, whichever is greater.
11

12 **14. Permits Required.**

13 A permit is required to conduct any operation or business, or to install or modify
14 systems or equipment regulated under Section 105 of the California Fire Code.
15 Application shall be made to the fire code official prior to obtaining permits. Permit fees
16 shall be paid prior to the issuance of the permit.
17

18 **15. Fees.**

19 (a) Fees shall be required and paid pursuant to a fee schedule established by
20 action of the Board of Directors for any permit, license, inspection, plan or technical
21 review, related work or services required pursuant to this Code. Any fees charged shall
22 not exceed the actual costs of providing said work or services.
23

24 (b) Any person who conducts any activity, business, construction, work or use
25 of equipment or to install or modify systems or equipment requiring a permit pursuant to
26 Section 105 prior to obtaining said permits shall be subject to an additional fee, which
27 shall be in addition to the required permit.
28

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

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

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

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

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

23 (3) After a construction permit becomes invalid or expired and before
24 such previously approved work recommences, a new permit shall be first obtained and
25 the fee to recommence work shall be one half the amount required for a new permit for
26 such work, provided no changes have been made or will be made in the original
27 construction documents for such work, and provided further that such suspension or
28

1 abandonment has not exceeded one year. Permits which have been expired for one year
2 or more shall be deemed invalid and will require a new application, payment of fees and
3 submittal of plans and review.

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

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

15 **17. Permits Not Transferable.**

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

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

24 **Exceptions:**

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

1 Code Section 7062.12.

2 (2) Public agencies and those public utilities exempted pursuant to
3 Business and Professions Code Section 7040 et seq.
4

5 **18. Permit Revocation.**

6 The fire code official is authorized to revoke a permit issued pursuant to Section
7 105 of the San Bernardino County Fire Protection District Fire Code when it is found by
8 inspection or otherwise that conditions including, but not limited to, any one of the
9 following occurred:

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

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

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

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

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

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

22 (g) The permit was issued in error or in violation of any state or federal law,
23 local ordinance, regulation, or this Code.
24

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

27 It shall be unlawful for any person to operate or allow the operation of any activity,
28

1 business, construction, work or use of equipment or to install or modify systems or
2 equipment requiring a permit pursuant to Section 105 of the San Bernardino County Fire
3 Protection District Fire Code when said permits have not been obtained or said permits
4 have expired or have been revoked.

5
6 **20. Issuance of Stop Work Orders.**

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

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

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

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

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

27 (f) Upon issuance of a stop work order, the non-compliant, dangerous or
28

1 unsafe activity, business, construction, work or use of equipment, overcrowding situation,
2 or egress obstruction shall immediately cease or be abated.

3
4 **21. Failure to Comply with a Stop Work Order.**

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

9
10 **22. Service of Notices and Orders.**

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

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

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

26 (c) If a responsible party cannot be located at the premises or the activity,
27 business, construction, work or use of equipment is located at an unattended or
28

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

10 (d) The failure of any responsible party to receive a copy of the notice or order
11 shall not affect the validity of the notice or order.
12

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

14 It shall be unlawful to mutilate, destroy or tamper with or remove without
15 authorization any notice, order, tag, sign, or seal posted or affixed by the fire code official.
16

17 **24. Overcrowding Unlawful.**

18 It shall be unlawful for any person to allow overcrowding or admittance of any
19 person beyond the approved capacity of a building or portion thereof. The fire code
20 official, upon finding any overcrowding conditions, shall be authorized to the event to be
21 stopped and to cause the removal of excess occupants from the building until such
22 condition is corrected.
23

24 **25. Obstructed Egress Unlawful.**

25 It shall be unlawful for any person to obstruct any aisle, passageway or other
26 means of egress, or to lock, chain, bar or otherwise block any required means of egress.
27 The fire code official, upon finding any obstructions in aisles, passageways or other
28

1 means of egress, shall be authorized to cause the removal of occupants from the building
2 and the subsequent securing of the building from entry of any authorized person until
3 such obstruction is corrected.
4

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

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

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

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

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

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

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

25 (3) Any open fire using a portable incinerator or "burn barrel" as
26 prohibited pursuant to Title 17 of the California Code of Regulations, section 93113(c)(2),
27 metal drums, salvaged appliance parts, or similar devices not intended for use with an
28

1 open fire.

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

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

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

8 Exceptions:

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

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

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

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

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

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

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

26 (11) When the fire code official has determined that local atmospheric or
27 other conditions present an increased risk of an escaping fire or other hazardous
28

1 situation.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (2) Bonfires.
28

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

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

5 (3) Recreational fires.

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

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

10 (4) Portable outdoor fireplaces.

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

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

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

19 (5) Barbecues and Barbecue Pits.

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

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

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

27 (f) Attendance. All open fires shall be constantly attended by a responsible
28

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

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

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

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

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

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

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

1 within incorporated cities or towns.

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

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

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

15 1. Manufacture, possess, store, sell, display or otherwise dispose of
16 explosive materials at any location;
17 2. Transport explosive materials;
18 3. Use explosive materials;
19 4. Operate a terminal for handling explosive materials; or
20 5. Transport blasting caps or electric blasting caps on the same vehicle
21 with explosives.

22 (g) Whenever a new explosive material storage or manufacturing site is
23 established, including a temporary job site, the local law enforcement agency, fire
24 department, and local emergency planning committee shall be notified by the person
25 establishing the site 48 hours in advance, not including Saturdays, Sundays and holidays,
26 of the type, quantity and location of explosive materials at the site.

27 (h) The fire code official is authorized to cause to be removed or disposed of
28

1 by trained explosives personnel, at the expense of the owner, explosives or explosive
2 materials offered or exposed for sale, stored, possessed or used in violation of this
3 chapter.

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

11 12 **28. Prohibited Storage of Flammable and Combustible Liquids.**

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

20 21 **29. Prohibited Bulk Storage of Liquefied Petroleum Gases.**

22 The aggregate capacity of any one installation for the bulk storage of liquefied
23 petroleum gases shall not exceed 2,000 water gallons in residential areas. In non-
24 residential areas, when, in the opinion of the fire code official, the location of bulk storage
25 of liquefied petroleum gases would create a threat to the occupants and property owners,
26 the aggregate storage capacity of liquefied petroleum gas shall also be limited to 2,000
27 water gallons. The fire code official shall be guided by the appropriate City or County
28

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

30. Prohibited Storage of Flammable Cryogenic Fluids.

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

31. Transport Vehicles and Trailers Storing Hazardous Materials.

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

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

1 of any hazardous materials from transport vehicle trailers shall be prohibited unless
2 approved in writing by the fire code official.

3 (c) **Submittals.** Transport vehicles and associated trailers shall comply with
4 the requirements of Section 5000.5.1 for Hazardous Materials Management Plan (HMMP)
5 and Section 5001.5.2 for Hazardous Materials Inventory Statement (HMIS) as part of a
6 regulated facility. These documents shall be submitted to the Office of the Fire Marshal
7 of the San Bernardino County Fire Protection District.

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

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

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

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

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

26 (c) Each owner of property through which the easement shall pass shall
27 provide a notarized waiver with the deed releasing the San Bernardino County Fire
28

1 Protection District, its successors and the County of San Bernardino of any liability for
2 any inability to provide fire suppression or emergency medical aid due to lack of access
3 and shall further stipulate that the San Bernardino County Fire Protection District, its
4 successors and the County of San Bernardino shall not be party to any criminal, civil or
5 administrative action relating to the maintenance of the easement unless the action is
6 brought forth by the District, its successors, or the County.
7

8 **33. Violations – General.**

9 It shall be unlawful for any person, firm, partnership, or corporation to violate any
10 provision or fail to comply with any requirement of this Code or of the provisions of any
11 code adopted and incorporated by reference by this Code.
12

13 **34. Continuing Violations.**

14 Each and every day, and any portion of which, any violation of this Code or of the
15 provisions of any code adopted and incorporated by reference by this Code is committed,
16 continued, or permitted shall be deemed a new and separate offense and shall be
17 punishable or actionable as set forth in this Code.
18

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

20 Whenever in this Code any act or omission is made unlawful, it shall include
21 causing, permitting, aiding or abetting such act or omission.
22

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

24 The Board of Directors of the San Bernardino County Fire Protection District has
25 determined that the enforcement of the Ordinances of the San Bernardino County Fire
26 Protection District (also known as the San Bernardino County Fire Protection District
27 Code) throughout the County is an important public service and is vital to the protection
28

1 of the public's health, safety, and quality of life. The Board of Directors has determined
2 a need for alternative methods of code enforcement and that a comprehensive system is
3 necessary. At the discretion of the District, violations of this Code may be addressed
4 through the institution of a criminal action, a civil action, or an administrative action
5 (administrative citations and penalties) as set forth in this Code.
6

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

9 All remedies and penalties provided for in this Code shall be cumulative and
10 discretionary and not exclusive of other applicable provisions of this Code or other
11 applicable State law. The conviction and punishment (whether by fine, imprisonment, or
12 both) of any person hereunder pursuant to a criminal action, or the imposition of a
13 monetary administrative penalty pursuant to an administrative citation, shall not relieve
14 such person from the responsibility of correcting, removing, or abating the violation; nor
15 prevent the enforced correction, removal, or abatement thereof by the District, its
16 employees, agents, or representatives. The correction, removal, or abatement of a
17 violation begun after the issuance of a criminal citation or the filing of a criminal complaint
18 shall not be a defense to the infraction or misdemeanor so charged and, following a
19 conviction or plea of nolo contendere, shall not be grounds for the dismissal of the action
20 or the waiver, stay, or reduction of any fine established in this Code. Further, the
21 procedures established in this Code for the use of administrative citations, and the
22 procedures established in other titles and chapters of this Code for administrative
23 abatement and summary abatement as means for addressing violations of this Code shall
24 be in addition to criminal and civil or other legal or equitable remedies established by law
25 which may be pursued to address violations of this Code. The use of this chapter shall
26 be at the sole discretion of the District. In the exercise of such discretion in selecting an
27 appropriate code enforcement remedy, the District shall not be required to institute
28

1 available code enforcement remedies in any particular order, or to prefer the application
2 of one remedy to another.

3
4 **38. Criminal Actions.**

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

9 (1) Misdemeanor violations. Upon conviction of a misdemeanor, or
10 upon a plea of nolo contendere (commonly called "no contest"), the penalty shall be a
11 base fine of not less than \$500.00 and not more than \$1,000.00, or by imprisonment in
12 the County jail for a period of not more than six months, or by both such base fine and
13 imprisonment. Any court costs that the court may otherwise be required to impose
14 pursuant to applicable state law or local ordinance shall be imposed in addition to the
15 base fine.

16 (2) Infraction violations. Notwithstanding the foregoing, a misdemeanor
17 violation may be cited, charged, and prosecuted as an infraction. Where so prosecuted,
18 or where specified in a section or chapter of this Code that the violation of a certain section
19 or sections shall be an infraction, then that shall be the type of offense and each such
20 violation shall be punishable, except as otherwise provided herein, upon conviction or
21 upon a plea of nolo contendere (commonly called "no contest"), by: (1) a base fine not
22 exceeding \$100.00 for a first violation; (2) a base fine not exceeding \$500.00 for a second
23 violation of the same Code section within one year; and (3) a base fine not exceeding
24 \$1,000.00 for each additional violation of the same Code section within one year of the
25 first violation. Any court costs that the court may otherwise be required to impose
26 pursuant to applicable state law or local ordinance shall be imposed in addition to the
27 base fine (Government Code section 25132).
28

1 (b) Criminal citations.

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

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

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

19 (4) The officer shall, as soon as practicable, file the duplicate notice with
20 the magistrate specified therein. Thereupon, the magistrate shall fix the amount of bail
21 which in his or her judgment, in accordance with the provisions of Penal Code section
22 1275, will be reasonable and sufficient for the appearance of the defendant and shall
23 endorse upon the notice a statement signed by him or her in the form set forth in Penal
24 Code section 815a. The defendant may, prior to the date upon which he or she promised
25 to appear in Court, deposit with the magistrate the amount of bail thus set. Thereafter, at
26 the time when the case is called for arraignment before the magistrate, if the defendant
27 shall not appear, either in person or by counsel, the magistrate may declare the bail
28

1 forfeited, and may in his or her discretion order that no further proceeding shall be had in
2 such case.

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

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

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

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

21
22 **39. Authority to Investigate, Detain, Issue Criminal Citations and Arrest.**

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

25 (1) District Investigators shall have full peace officer powers pursuant to
26 that Section and shall investigate the cause, origin and circumstances of any fire,
27 explosion or other hazardous condition.
28

1 (2) District Investigators are authorized to wear and carry authorized
2 firearms, conduct investigative detentions, issue criminal citations and to make arrests
3 pursuant to California Penal Code section 836 for any violation of state law, or violations
4 of this Code or any other referenced code or regulation and to obtain and execute
5 warrants, and to seize and take charge of all physical evidence relating to the fire cause
6 or other crime or circumstance being investigated.
7

8 **40. Civil Actions.**

9 (a) Injunctive relief and abatement. At the request of any person authorized to
10 enforce this Code, the County Counsel or District Attorney may commence proceedings
11 for the abatement, removal, correction and enjoinder of any act or omission that
12 constitutes or will constitute a violation of this Code or of the provisions of any code
13 adopted and incorporated by reference by this Code or any permit issued pursuant to this
14 Code, or any condition(s) of approval for such permit granted pursuant thereto, and an
15 order requiring the violator(s) to pay civil penalties and/or abatement costs. Where
16 multiple violators are involved, they shall be jointly and severally liable for the civil
17 penalties and/or abatement costs.
18

19 (b) Civil Remedies and Penalties. Any person, whether acting as principal,
20 agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor, or
21 otherwise, who violates any provision of this Code, or any permit issued pursuant to this
22 Code or any condition(s) of approval for such permit granted pursuant thereto, shall be
23 liable for a civil penalty not to exceed one thousand dollars (\$1,000.00) per violation for
24 each day or any portion thereof, that the violation continues to exist. In determining the
25 amount of civil penalty to be imposed, both as to the daily rate and the subsequent total
26 amount for any given violation, the court shall consider all relevant circumstances,
27 including, but not limited to, the extent of the harm caused by the conduct constituting the
28 violation; the nature and persistence of such conduct; the length of time over which the

1 conduct occurred or was repeated; the assets, liabilities, and net worth of the violator;
2 whether the violator is a corporate entity or an individual; and any corrective action taken
3 by the violator.

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

10 11 **41. Administrative Citations and Penalties - General.**

12 (a) Any violation of this Code or of the provisions of any code adopted and
13 incorporated by reference by this Code is subject to enforcement through the issuance of
14 an administrative citation and penalties in accordance with Government Code section
15 53069.4 and this section. Administrative citations may be issued for any violation of this
16 Code not occurring in the presence of the District Investigator or Enforcement Officer
17 issuing the citation where the issuing officer determines through investigation that the
18 responsible party committed, caused, allowed, or is otherwise responsible for the
19 violation. The following procedures shall govern the imposition, enforcement, collection,
20 administrative review, and judicial review of administrative citations and penalties.

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

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

27 (2) "Administrative costs" shall mean all costs incurred by or on behalf
28

1 of the District from the first discovery of the violation of this Code through the appeal
2 process and until compliance is achieved, including but not limited to, staff time in
3 investigating the violation, inspecting the property where the violation occurred, preparing
4 investigation reports, sending notices, preparing for and attending any appeal hearing,
5 telephone contacts, and correspondence.

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

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

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

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

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

25 (8) "Person" shall mean, without limitation, any government entity,
26 natural person, firm, association, club, organization, corporation, partnership, business,
27 business trust, company or other entity, which is recognized by law as the subject of rights
28

1 or duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (8) The administrative citation shall explain how the penalty shall be paid
26 and the time period by which it shall be paid, and the consequences of failure to pay the
27 penalty within this time period.
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1 (9) The administrative citation shall identify all appeal rights and include
2 instructions on how to appeal the citation.

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

8 (d) Service of Citation.

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

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

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

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

8 (e) Administrative Penalties

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

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

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

27 (B) The administrative penalties for the third and subsequent
28

1 violations occurring concurrently may be reduced to twenty-five (\$25.00) dollars per
2 violation.

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

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

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

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

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

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

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

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

13
14 **42. Administrative Citations and Penalties – Dangerous Fireworks, and Unlawful**
15 **Use of Safe & Sane Fireworks.**

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

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

25 (c) The penalties enumerated in this section shall not apply to Law
26 Enforcement or District personnel acting within the scope of their official duties or to a
27 pyrotechnic licensee when operating pursuant to that license.
28

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

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

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

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

| Administrative Penalties for Dangerous Fireworks | | | |
|--|----------------------------------|-------------|--|
| Number of Occurrences in a 1-Year Period | Amount of Administrative Penalty | Late Charge | Total Amount of Penalty Plus Late Charge |

| | | | |
|----------------------|-------------------|-----------------|-------------------|
| First | \$1,250.00 | \$125.00 | \$1,375.00 |
| Second | \$2,250.00 | \$225.00 | \$2,475.00 |
| Three or More | \$3,250.00 | \$325.00 | \$3,575.00 |

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

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

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

43. Administrative Penalties – Egregious Violations.

(a) Any person who violates Section 21 relating to Stop Work Orders, Section 23 relating to tampering with notices, Section 24 relating to overcrowding, Section 25 relating to obstructed egress, Section 26 relating to unlawful open fires, and Section 27 relating to explosives and pyrotechnics or any other violation of this Code or of the provisions of any code adopted or incorporated by reference by this Code that is reasonably determined by the fire code official to present an immediate or potentially

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

| Administrative Penalties for Egregious Violations | | | |
|---|----------------------------------|-------------|--|
| Number of Occurrences in a 1-Year Period | Amount of Administrative Penalty | Late Charge | Total Amount of Penalty Plus Late Charge |
| First | \$250.00 | \$25.00 | \$275.00 |
| Second | \$750.00 | \$75.00 | \$825.00 |
| Three or More | \$1,250.00 | \$125.00 | \$1,375.00 |

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

44. Administrative Remedies and Penalties For Nuisance Fire Alarms.

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

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

(c) An administrative penalty may be imposed against the owner of a premises if the owner fails to return proof of service/repair of the equipment within fifteen (15) days

1 after receiving written notice from the fire code official ordering the correction of a
2 nuisance fire alarm.

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

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

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

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

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

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

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

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

27
28

| |
|---|
| Administrative Penalties for False or Nuisance Fire Alarms |
|---|

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

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

45. Appeal of Administrative Citations.

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

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

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

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

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

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

16 (2) A brief statement of the material facts which the appellant claims
17 supports his/her contention that they did not commit, cause, or otherwise allow a violation
18 of one or more provisions of this Code to occur, exist, or continue as alleged in the
19 administrative citation at issue; or he/she is not a responsible party as defined at Section
20 41(b)(9) of this Code.

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

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

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

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

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

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

18 (4) Conduct of the Hearing.

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

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

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

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

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

22 (f) Hearing Officer's Decision.

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

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

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

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

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

16 (6) The Hearing Officer's written decision shall contain instructions for
17 obtaining judicial review of the decision pursuant to California Government Code section
18 53069.4, as that section may be from time to time amended, or the successor provision
19 thereto.

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

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

26 (1) Notice of Appeal. Within 20 calendar days of the date of the delivery
27 or mailing of the Hearing Officer's decision to the appellant, the appellant (hereafter
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1 “contestant”) may contest that decision by filing an appeal to be heard by the Superior
2 Court, and paying to the court clerk the filing fee set forth at Government Code section
3 53069.4, or the successor provision thereto. The failure to file the written appeal and to
4 pay the filing fee within this period shall constitute a waiver of the right to an appeal and
5 the decision shall be deemed confirmed. The contestant shall serve a copy of the notice
6 of appeal in person or by first class mail upon the District.

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

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

24 25 **46. Recording of a Notice of Pendency.**

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

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

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

(d) A certified copy of the "Order to Vacate Notice of Pendency" may be recorded with the County Recorder's Office, and upon the recordation, the Notice of Pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein.

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

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

47. Filing Notice of Action.

Whenever an enforcement action is initiated and prior to filing a Notice of Pendency, the District may, pursuant to Government Code section 27280, file with the

County Recorder's Office a Notice of Action identifying the enforcement action taken for violation of this Code or other applicable law.

48. Public Nuisance Abatement for Fire Hazards.

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

49. Board of Appeals – Code Application and Interpretations.

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

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

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

(d) Appeals Hearings. Appeals concerning standards of building construction,

1 electrical work, and all fire protection and detection systems shall be heard by the Building
2 and Safety Board of Appeals. All other appeals shall be heard by the Planning
3 Commission. Hearings shall be in accordance with this section.

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

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

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

23 **50. Cost Recovery.**

24 Pursuant to California Health and Safety Code sections 11374.5(b)(1), 13009 et
25 seq., 13916(a), 25259.4, 25514, 25515(a), 25540(a), 25541(a), California Government
26 Code sections 53150, 53151, 53152, 53159(a) & (b), California Vehicle Code section
27
28

23112.7, and all other provisions of law, all costs incurred by the San Bernardino County Fire Protection District for the inspection and enforcement of any provision of this Code, the investigation of any fire, explosion or other hazardous condition, the suppression of fire, the response to a traffic collision or accident, the containment and/or mitigation of a hazardous materials release, and any rescue or rendering of medical or physical aid or assistance, may be charged to any responsible party, any person who violates this Code or any person who, due to a negligent or unlawful act or omission, is responsible for or requires or causes the emergency response of this District pursuant to a schedule of fees adopted by the District. Any expense incurred by this District for such an emergency response shall constitute a debt of such person and shall be collectible by the District in the same manner as in the case of an obligation under contract, express or implied.

51. Treble Damages.

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

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

CURT HAGMAN, Chairman
Board of Directors

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

LYNNA MONELL, Secretary
to the Board of Directors

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

4 I, LYNNA MONELL, Secretary of the Board of Directors of the San Bernardino
5 County Fire Protection District, State of California, hereby certify that at a regular meeting
6 of the Board of Directors of the San Bernardino County Fire Protection District, held on
7 the ____ day of _____, 2020, at which meeting were present Directors:____

8 _____,
9 and the Secretary, the foregoing ordinance was passed and adopted by the following
10 vote, to wit:

11 AYES: DIRECTORS:

12 NOES: DIRECTORS:

13 ABSENT: DIRECTORS:

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
15 of the Board of Directors this ____ day of _____, 2020.

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

18 _____
19 Deputy

20 Approved as to Form:

21 MICHELLE D. BLAKEMORE
22 County Counsel

23 By: _____
24 KENNETH C. HARDY
25 Deputy County Counsel

26 Date: _____
27
28